

## **PART 3**

# **RESPONSIBILITY FOR FUNCTIONS**



## INDEX TO PART 3

Page  
No.

45	Table 1	Responsibility for Local Choice Functions
49	Table 2	Responsibility for Council Functions
55	Table 3	Responsibility for Executive Functions
56	Table 4	Statutory Advisory Bodies
60	Schedule 1	Cabinet Portfolios
73	Schedule 2	Scheme of Delegation of Non-Executive Functions to Committees
90	Schedule 3	Delegation to Advisory and Statutory Bodies
91	Schedule 4	Scheme of Delegation of Functions to Officers
121	Schedule 5	Delegation of functions to individual Cabinet members



# Responsibility for Functions

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended specify which functions are not to be the responsibility of the Executive, which may (but need not) be the responsibility of the Executive (the ‘local choice functions’) and which are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive. The executive arrangements in the Constitution indicate how the responsibility for all these functions is allocated so that it is clear whether:

- they are the responsibility of the Council and/or its Committees; or
- they are the responsibility of the Executive; or
- they are, or are not, the responsibility of the Executive to a specified extent.

The tables below provide a means of meeting this requirement. Table 1 covers local choice functions. Table 2 covers functions which are not the responsibility of the Executive. Table 3 covers Executive responsibilities.

**Table 1.**

## RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

The detailed functions in Table 1 and those which are delegated on to a committee of the Executive, a committee of the Council or any officer are set out in the Schedules to Part 3 of the Constitution.

<b>Function</b>	<b>Decision Making Body</b>	<b>Membership</b>	<b>Delegation of Functions</b>
1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Functions Regulations.	The Council		Functions which are delegated onwards are set out in the Schedules to Part 3.
2. The determination of an appeal against any decision made by, or on behalf, of the Authority.	The Council		Functions which are delegated onwards are set out in Table 4.
3. Making arrangements for school admission appeals.	Parental Appeals Panel	3 Independent Members	To promote parental choice and ensure that as many parents as possible are offered a school place which they will consider satisfactory for their child. Where

<b>Function</b>	<b>Decision Making Body</b>	<b>Membership</b>	<b>Delegation of Functions</b>
			parents are dissatisfied they have a right of appeal.
4. Making arrangements for appeals against exclusion of pupils.	Parental Appeals Panel	3 Independent Members	To hear appeals against the permanent exclusion of a pupil from any maintained school.
5. Questions on Police matters (Section 20 Police Act 1996).	The Council		
6. Arrangements for the appointment of members of Police Authorities.	The Council		
7. The conducting of Best Value reviews in accordance with the provisions of any order for the time being having effect under Section 5 (Best Value Reviews) of the Local Government Act, 1999	The Executive (Note: Overview and Scrutiny Committees will input into review prior to decisions being referred to the Cabinet)		
8. Any function relating to contaminated land.	The Executive		Details of onward delegation are shown in the Schedules to Part 3.
9. The discharge of any function relating to the control of pollution or management of air quality.	The Executive		Details of onward delegation are shown in the Schedules to Part 3.
10. The service of an abatement notice in respect of a statutory nuisance.	The Council		Details of onward delegation are shown in the Schedules to Part 3.
11. The passing of a resolution that Schedule 2 of the Noise and Statutory Nuisance	The Executive		Details of onward delegation are shown in the Schedules to Part

Function	Decision Making Body	Membership	Delegation of Functions
Act 1993 should apply to the authority's area.			3.
12. The inspection of the authority's area to detect any statutory nuisance.	The Council		Details of onward delegation are shown in the Schedules to Part 3.
13. The investigation of any complaint as to the existence of a statutory nuisance.	The Council		Details of onward delegation are shown in the Schedules to Part 3.
14. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Council		Details of onward delegation are shown in the Schedules to Part 3.
15. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Council		Details of onward delegation are shown in the Schedules to Part 3.
16. The making of agreements for the execution of highways works.	The Executive		Details of onward delegation are shown in the Schedules to Part 3.
<p>17. The appointment of any individual:-</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than:-  (i) the authority;  (ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body,</p>	The Council		Details of onward delegation are shown in Table 4 and the Schedules to Part 3.

Function	Decision Making Body	Membership	Delegation of Functions
and the revocation of any such appointment.			
18. The making of agreements with other local authorities for placing of staff at the disposal of other local authorities.	The Executive		Details of onward delegation are shown in the Schedules to Part 3.
<a href="#">19 To consider and determine statutory proposals relating to the establishment and discontinuance of schools, prescribed alterations and transitional arrangements in accordance with the Education and Inspections Act 2006</a>	<a href="#">The Executive</a>		



**Table 2**

**RESPONSIBILITY FOR COUNCIL FUNCTIONS**

It is a matter for local choice having regard to the statutory Guidance whether the Council has separate committees for the functions below.

The detailed functions in this table and those which are delegated on to an officer are set out in the Schedules to Part 3 of this Constitution.

<b>Committee</b>	<b>Membership</b>	<b>Functions</b>	<b>Onward Delegation of Functions</b>
Planning	12 Members of the Authority	<p><b>Planning and conservation</b>            Functions relating to town and country planning and development control as specified in <a href="#">Part A of Schedule 1</a> to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (the “Functions Regulations”).</p>	Functions which are delegated on to an officer and the limits of that delegation are set out in the Fourth Schedule to this Part.
Licensing, Health and Safety and General Purposes Committee	10 Members of the Authority	<p><b>Commons registration</b>            The registration of common land or town and village greens and to register the variation of rights of common as set out in paragraphs 37 and 38 of Part B of Schedule 1 to the Functions Regulations.</p> <p><b>Highways use and regulation</b>            The exercise of powers relating to Public Rights of Way as set out in paragraphs 1 to 34, 41 and 46 - 47 of Part I and paragraphs 47 to 55 of Part B of Schedule 1 to the Functions Regulations.</p> <p><b>Taxi, <del>gaming, entertainment,</del> food and miscellaneous licensing</b>            Functions relating to licensing and registration as set out in Part B (excluding paragraphs 37 and 38) and paragraph 42 of Part I of Schedule 1 to the Functions Regulations;</p>	Functions which are delegated on to an officer and the limits of that delegation are set out in the Schedules to this Part.

Committee	Membership	Functions	Onward Delegation of Functions
		<p><b>Health and Safety at Work</b> Functions relating to health and safety as set out in Part C of the Functions Regulations under any 'relevant statutory provision' within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.</p> <p><b>Electoral matters</b> Functions relating to Elections, making recommendations to Council or Cabinet relating to Bills and name and status of the Borough and individuals.</p>	
Licensing Act 2003 Committee	15 Members of the Authority	To discharge the functions set out in Section 7 of the Licensing Act 2003 and Section 154 of the Gambling Act 2005.	
Audit and Risk Management Committee	6 Members of the Authority	<p><b>Accounts</b> Approval of Council's Statement of Accounts and Section 151 responsibilities</p> <p>To consider and make recommendations to Council or Cabinet as appropriate on;</p> <ul style="list-style-type: none"> <li>(i) the annual Audit Report and the Management Letter of the external auditor;</li> <li>(ii) any other statutory report of the external auditor;</li> </ul> <p>and other financial and risk management matters (see Schedule 2 of Part 3 below).</p>	
Standards Committee	6 Members of the authority (other than the Mayor or Leader) and 3 voting co-optees.	<p>Promoting and maintaining high standards of conduct by Councillors and voting co-opted members (including church and parent governor representatives)</p> <p>Advising the Council on the</p>	

Committee	Membership	Functions	Onward Delegation of Functions
		<p>adoption or revision of the Members' Code of Conduct;</p> <p>Assisting Councillors and voting co-opted members (including church and parent governor representatives) to observe the Members' Code of Conduct;</p> <p>Monitoring the operation of the Members' Code of Conduct, in the light of best practice, changes in the law, guidance from the Standards Board for England and recommendations from Case Tribunals;</p> <p>Advising, training or arranging to train Councillors and voting co-opted members including church and parent governor representatives on matters relating to the Members' Code of Conduct;</p> <p>Granting dispensations to Councillors and voting co-opted members including church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;</p> <p>Dealing with any reports from a Case Tribunal or Interim Case Tribunal, or from the Standards Board and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;</p> <p>Other functions relating to standards of conduct of members assigned to Standards Committees under any Regulations under the Local Government Act 2000, including any Regulations made under</p>	

Committee	Membership	Functions	Onward Delegation of Functions
		<p>Section 66.</p> <ul style="list-style-type: none"> <li>• To consider Ombudsman's reports in cases of maladministration; (Section 92, Local Government Act 2000)</li> <li>• Whistle-blowing</li> <li>• Strategic overview of Employees' Code of Conduct;</li> <li>• Overview of reports from External Auditors;</li> <li>• Dealing with breaches of protocols.</li> </ul>	
Pensions Committee	10 Council members plus 5 employer representatives	The powers and duties of the Council in relation to its functions as administering authority of the County of Merseyside Pension Fund	Functions delegated to officers and the limits of that delegation are set out in the Fourth Schedule to this Part.
Employment and Appointments Committee	6 Members of the Authority	To undertake functions relating to employment matters including establishing the overall framework for remuneration and terms and conditions of employment, the review of the Council's training, recruitment and selection policies and other issues affecting employees including Health and Safety.	Functions delegated on to officers and the limits of that delegation are set out in the Fourth Schedule to this part

		Appointment of Chief Officers and Deputies.	
		To act as the Appeals Body in respect of misconduct of chief officers.	
		Functions relating to Pensions as an Employer.	
Appeals Sub-Committee	3 Members of the Authority	<p>To consider appeals against disciplinary action, dismissal, grading and grievances by employees of the Council</p> <p>To receive reports from a designated independent person investigating allegations of misconduct against the Head of Paid Service, the Monitoring Officer or Chief Finance Officer</p> <p>To investigate and take disciplinary action in respect of allegations of misconduct against Chief Officers.</p>	
Children's Services and Lifelong Learning Overview and Scrutiny Committee	7 Members of the Authority (plus 4 voting <a href="#">and 1 other</a> co-opted Members)	The statutory functions of an Overview and Scrutiny Committee with the terms of reference set out in Article 6.	School Standards Sub-Committee (for inspection reports)
Community and Customer Engagement Overview and Scrutiny Committee	7 Members of the Authority	The statutory functions of an Overview and Scrutiny Committee with the terms of reference set out in Article 6.	N/A
Corporate Services Overview and Scrutiny Committee	7 Members of the Authority	The statutory functions of an Overview and Scrutiny Committee with the terms of reference set out in Article 6.	N/A

Culture Tourism and Leisure Overview and Scrutiny Committee	7 Members of the Authority	The statutory functions of an Overview and Scrutiny Committee with the terms of reference set out in Article 6.	N/A
Environment Overview and Scrutiny Committee	7 Members of the Authority	The statutory functions of an Overview and Scrutiny Committee with the terms of reference set out in Article 6.	N/A
Finance and Best Value Overview and Scrutiny Committee	7 Members of the Authority	The statutory functions of an Overview and Scrutiny Committee with the terms of reference set out in Article 6.	N/A
Housing and Community Safety Overview and Scrutiny Committee	7 Members of the Authority (plus 2 co- opted members)	The statutory functions of an Overview and Scrutiny Committee with the terms of reference set out in Article 6.	N/A
Regeneration and Planning Strategy Overview and Scrutiny Committee	7 Members of the Authority	The statutory functions of an Overview and Scrutiny Committee with the terms of reference set out in Article 6.	N/A
Social Care, Health and Inclusion Overview and Scrutiny Committee	7 Members of the Authority	The statutory functions of an Overview and Scrutiny Committee with the terms of reference set out in Article 6.	N/A
Streetscene and Transport Services Overview and Scrutiny Committee	7 Members of the Authority	The statutory functions of an Overview and Scrutiny Committee with the terms of reference set out in Article 6.	N/A

**Table 3**

**RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

- 3.1 The Cabinet has all those functions not allocated above together with those local choice functions assigned to the Executive in Table 1.
- 3.2 The Cabinet must not make final decisions on the functions assigned to the Council by the Functions Regulations or any other statutory provision.
- 3.3 The scope of the individual portfolios for members of the Cabinet is set out in Schedule 1 to this Part, but no functions are assigned to individual members of the Cabinet [other than set out in 3.8 below](#).
- 3.4 In exercising the following functions, the Cabinet will make decisions in accordance with these arrangements. The Cabinet also has a key role in proposing the Budget and Policy Framework to the Council. The Cabinet and its members will lead the community planning process and the drive for Best Value, lead the preparation for the Council's policies and budget, take in-year decisions on resources and priorities, and be the focus for forming partnerships with other local public, private and voluntary and community sector organisations to address local needs. The Cabinet will also respond to any recommendations and reports from Overview and Scrutiny Committees, Regulatory and other Committees, and the Standards Committee.
- 3.5 All the functions of the Council not allocated above are the responsibility of the Executive provided those functions are not determined [to be](#) contrary to or not wholly in accordance with the Council's Budget and Policy Framework.
- 3.6 Schedule 2 of Part 3 (Delegation of Functions to Committees and Panels) sets out the non-Executive functions delegated to Committees by the Council.
- 3.7 Schedule 4 of Part 3 sets out the delegation of functions to officers both by the Council (non-Executive functions) and by the Cabinet (Executive functions).
- 3.8 Schedule 5 of Part 3 sets out those functions delegated to individual Cabinet members.
- 3.9 The details of the allocation of Executive functions to officers and joint arrangements, including details of any delegations within the Executive itself, shall be contained in this Constitution and kept up to date as delegations change so that an accurate record is always available in order for transparency to be maintained and accountability exercised.

**Table 4**

**STATUTORY AND ADVISORY BODIES**

Adoption Panel	1 member of the Authority plus up to 9 other qualified persons (with a quorum of 5) as set out in the Adoption Agencies Regulations 2005 ( <u>Note</u> : The member of the authority should either be a member of the Executive or of the Children’s Services and Lifelong Learning Overview and Scrutiny Committee)	To make recommendations to the Adoption Agency in respect of children and prospective adopters.
Fostering Panel	3 members of the Authority plus other representatives.	The Fostering Panel is an advisory body that makes recommendations to the Director of Children’s Services in respect of fostering.
<a href="#">Social Services Review Panel</a> (Complaints Procedure)	3 members – <del>Chair</del> from pool of independent <del>Chairs</del> , 2 members <del>from pool of Social Care, Health and Inclusion Overview and Scrutiny Committee members</del>	Under the NHS and Community Care Act, 1990 and the Children Act 1989, to consider <a href="#">the Investigating Officers’ reports into complaints</a> where the complainant is dissatisfied with the response of the Adult Social Services Department or Children’s and Young People’s Department.  Comments made by the Director of Adult Social Services or Director of Children’s Services in response to the Review Panel’s decisions shall be considered by the relevant Cabinet member, Overview and Scrutiny committee Chair and party spokespersons (unless any of them were members of the Review Panel in question).
Independent Remuneration Panel	At least 3 persons who are not members of the Council (and who are not disqualified from being a member) including a representative of the business community and the voluntary sector	To make recommendations to the Council on Members’ remuneration and allowances and any proposals for amendments to the Scheme of Members’ Allowances, including:-  <ul style="list-style-type: none"> <li>• The amount of basic allowances;</li> </ul>



		<ul style="list-style-type: none"> <li>The duties of Councillors that should be the subject to a special responsibility allowance;</li> </ul> <p>Whether child care and dependent care allowances should be available for Councillors.</p>
Schools Organisation Committee	<del>7 Members of the Council plus 1 representative from the Church of England, 3 from the RC Diocese, 1 from the Learning &amp; Skills Council and 7 from School Governing Bodies</del>	<del>To consider school organisation plans and make decisions on school organisation proposals.</del>
Standing Advisory Council on Religious Education	7 Members of the Council as local education authority and 6 teacher representatives, 6 Church of England representatives and 7 representatives of other religions	To advise the LEA on religious worship and education and to determine applications made by Headteachers under Section 394 of the Education Act 1996.
Housing Review Panel	3 members of the Council	<p>(a) To determine requests by Introductory Tenants for a review of decisions to seek an order for possession.</p> <p>(b) To determine requests for a review of decisions in relation to homelessness.</p>
Unified Waiting List Steering Group	2 representatives of the Council and representatives of each of the participating Housing Associations	<p>(a) To consider and determine appeals from persons on the Unified Waiting List against decisions made by the Agency Manager on the application of the Allocations Scheme to their particular case.</p> <p>(b) To consider and determine whether a person should be excluded or removed from the Unified Waiting List</p>
The Unified Waiting List Advisory Panel	5 members of the Council and a member of each of the participating Housing Associations	(a) To consider and determine appeals from persons on the Unified Waiting List against decisions made by the Steering Group on the application of the Allocations Scheme to their particular case.

		(b) To consider and determine appeals against decisions made by the Steering Group to exclude or remove persons from the Unified Waiting List.
Wirral Schools Forum: Funding Consultative Group	<p><u>Schools Group (2632):</u></p> <p>86 Primary school headteachers 67 Secondary school headteachers 68 Primary school governors 67 Secondary school governors 2 Special school representatives</p> <p><u>Non-Schools Group (58)</u></p> <p><del>3 Wirral Borough Council members</del></p> <p>1 Church of England representative 1 Roman Catholic representative 1 Teacher representative 1 Non-teacher representative 1 Early Years and Childcare Development Partnership representative</p>	To advise the Council on financial issues affecting schools and, in particular, the amount of funding made available to schools and the way it is shared among them.
School Admissions Forum	<p>Membership to be determined by the Cabinet, within the following limits:</p> <p>1 to 5 representatives of the LEA 1 to 3: community and voluntary controlled schools 1 to 3: foundation schools 1 to 3: voluntary aided schools 1 to 3: Church of England Diocese 1 to 3: Catholic Diocese 1 to 3: parent governors Up to 3 from local community The Forum can also ask for other representation</p>	To advise the Council on arrangements for the admission of pupils to the various categories of schools.
Children and Young People's Strategic Management Board	<p>Chair (Executive Member for Children's Services) Wirral Council (2 plus the Chair) Wirral PCT* (2) Wirral Hospital Trust (1) Cheshire &amp; Wirral Partnership Trust (1)</p>	To co-ordinate services for children and young people and to make recommendations to appropriate partner organisations with respect to the measures that are needed to

	Connexions (1) Police (1) Schools (Headteachers) (2) Learning and Skills Council (1) Voluntary and Community Sector (3) Director of Children's Services (ex officio)	improve children's well-being.
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## **PART 3**

### **SCHEDULE 1 - THE PORTFOLIOS**

The portfolios of the members of the Cabinet will be determined by the Council from time to time and will be listed here. The portfolios represent areas of the Council's activities on which the portfolio holder will take the lead (without having the functions delegated to him/her) and speak on related issues at Council meetings.

#### **TERMS OF REFERENCE OF PORTFOLIO HOLDERS**

##### **CHILDREN'S SERVICES AND LIFELONG LEARNING**

- (1) To have overall responsibility for all the powers and duties set out in
  - the Children Act, 1989
  - the Education Act, 1996
  - the School Standards and Framework Act, 1998
  - the Education Act, 2002,
  - the Children Act, 2004
  - the Education Act 2005
  - [the Education and Inspection Act 2006 and](#)
  - any other legislation relevant to the functions defined below.
- (2) To promote improvement in the outcomes for children and young people in terms of their health, their education and training, their ability to make a positive contribution, and their social and economic well-being.
- (3) To have overall responsibility for ensuring that children and young people in Wirral are safe from harm and neglect, and that their welfare is promoted.
- (4) To have overall responsibility for the provision of services for children and young people including services for children and young people in care to the Council, provision for early years childcare and education, primary and secondary education, adult education, and youth and play activities.
- (5) To promote effective partnership working between all the statutory and non-statutory agencies which provide services for children and young people and, where feasible, to promote the integration of services.
- (6) To ensure that systems are in place to manage and scrutinise the performance of all the services for children and young people.
- (7) To ensure that resources are efficiently and effectively targeted towards the improvement of outcomes.
- (8) To liaise with the Strategic Health Authority and health trusts serving Wirral on matters relating to children and young people.
- (9) To liaise with the Learning and Skills Council on matters relating to further education and training ensuring, in consultation with the Cabinet member for Regeneration and Planning Strategy, that the training needs of employers, employees and prospective employees are met.
- (10) To liaise with the Greater Merseyside Connexions Partnership on matters relating to young people's preparation for working life and specifically to have responsibility for the regulation of the employment of young people.

- (11)** To liaise with the Police Authority, the Probation Service and the Youth Offending Service on matters relating to youth crime and disorder.
- (12)** To have overall responsibility for those parts of the Corporate Plan within the remit of this portfolio, as identified in the annexe to this schedule.
- (13)** To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.
- (14)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.

## **COMMUNITY AND CUSTOMER ENGAGEMENT**

- (1)** To develop the Council's approach to Community engagement and to build community capacity.
- (2)** To have responsibility for the Council's Area Forum network.
- (3)** To develop initiatives in the wider community that will increase the understanding of the democratic process, and reduce alienation and apathy.
- (4)** To have responsibility for the Council's Customer Access Strategy and for ensuring that it takes full account of the needs of hard to reach people.
- (5)** To ensure the Council's compliance with the requirements of the Freedom of Information Act.
- (6)** To have overall responsibility for grants and loans to voluntary and community organisations.
- (7)** To have responsibility for contributing to the development and operation of Wirral's community Legal Service.
- (8)** To have overall responsibility for those parts of the Corporate Plan within the remit of this portfolio, as identified in the annexe to this schedule.
- (9)** To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.
- (10)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.

## **CORPORATE SERVICES**

- (1)** Subject to the responsibilities of the Employment and Appointments Committee, to have overall responsibility for personnel issues including employee development and training, equal opportunities in employment and service delivery, disciplinary and grievance policies (but not appeals) and recruitment (but not appointment of Chief and Deputy Chief Officers).
- (2)** To have overall responsibility for the provision of legal and administrative services to the Authority.
- (3)** To have overall responsibility for:
  - mayoralty and civic ceremonial
  - hospitality
  - town twinning
  - coroners service
  - registration of births, deaths and marriages
  - provision and maintenance of civic offices
  - maintenance of memorials
  - membership of outside bodies
- (4)** To have overall responsibility for the Emergency Plan and Resilience issues
- (5)** To have responsibility for the Council's Communication Strategy and Public Relations.
- (6)** To have overall responsibility for the preparation, maintenance and review of an overall strategy for the management, use and disposal of all Council owned land and property (including preparation of the Asset Management Plan).
- (7)** To have overall responsibility for land issues including:
  - acquisition, disposal and appropriation of all land and property
  - provision and management of administrative offices
  - commercial development and redevelopment of Council land and property
  - matters relating to the Council's freehold interest and shareholding in Birkenhead Market.
- (8)** To have overall responsibility for the organisation of a corporate planned maintenance policy.
- (9)** To have overall responsibility for restricted and selective tendering (other than civil engineering).
- (10)** To have overall responsibility for those parts of the Corporate Plan within the remit of this portfolio, as identified in the annexe to this schedule.
- (11)** To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.
- (12)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.

## **CULTURE, TOURISM AND LEISURE**

- (4)** To have overall responsibility for the provision of leisure and cultural services including:

  - library services
  - museums and galleries, promotion of the Arts
  - civic theatres, entertainment and cultural activities
  - swimming pools, sports halls and indoor recreation
  - parks, recreation grounds, and adventure playgrounds
  - public playing fields, outdoor sports facilities
- (2)** To have overall responsibility for community centres and public halls.
- (3)** To have overall responsibility for sports activities and development, the promotion of sporting activities and joint use of sporting facilities.
- (4)** To have overall responsibility for resort activities, including publicity.
- (5)** To have overall responsibility for beaches and the Beach Lifeguard Service
- (6)** To have overall responsibility for the provision of country parks and allotment gardens.
- (7)** To have overall responsibility for the provision and management of cemeteries and crematoria.
- (8)** To have overall responsibility for the development, management, implementation and review of all aspects of the Council's Tourism Strategy.
- (9)** To have responsibility for promoting Wirral as a location for tourism and in consultation with the Cabinet member for Regeneration and Planning Strategy, to encourage tourism initiatives designed to bring new jobs to the Borough.
- (10)** To have overall responsibility for the heritage of the Borough, including the preservation of buildings of architectural or historic interest in liaison with the Heritage Champion
- (11)** To have overall responsibility for those parts of the Corporate Plan within the remit of this portfolio, as identified in the annexe to this schedule.
- (12)** To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.
- (13)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.



## **ENVIRONMENT**

- (1)** To have responsibility for Trading standards and consumer protection.
- (2)** To have responsibility for Food safety and hygiene.
- (3)** To have responsibility for Home safety.
- (4)** To have responsibility for Health education.
- (5)** To have responsibility for Control of communicable diseases.
- (6)** To have responsibility for Port health.
- (7)** To have responsibility for Monitoring of waste disposal.
- (8)** To have responsibility for Recycling
- (9)** To have responsibility for Public conveniences.
- (10)** To have responsibility for the Preservation and improvement of amenities in residential areas.
- (11)** To have responsibility for Clean air and pollution control.
- (12)** To have responsibility for Abatement of nuisance (other than statutory nuisance in private dwellings).
- (13)** To have joint responsibility with the Cabinet Member for Regeneration and Planning for identification and action in relation to derelict land and building.
- (14)** To have responsibility for Sea Fisheries.
- (15)** To have overall responsibility for Local Agenda 21 issues.
- (16)** To have overall responsibility for those parts of the Corporate Plan within the remit of this portfolio, as identified in the annexe to this schedule.
- (17)** To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.
- (18)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.

## **LEADER (FINANCE AND BEST VALUE)**

- (1)** To Chair the Cabinet.
- (2)** To represent the Council in external dealings and relationships (other than civic duties the responsibility of the Mayor).
- (3)** To have overall responsibility for:
  - the formulation and submission of proposals relating to strategic policy
  - the development, implementation and review of the Council's arrangements for achieving best value and meeting the requirements of the Comprehensive Performance Assessment
  - revenue and capital budgets including preparations for the annual budget and Capital Plan
  - financial monitoring, including standing orders and financial regulations
  - the overall production of the Corporate Plan
  - financial propriety
  - schemes under the Private Finance Initiative
- (4)** To have overall responsibility for procurement and contract compliance within the Authority
- (5)** To have overall responsibility for information technology and to act as the Council's e-Government Champion.
- (6)** To act as the Council's Risk Management Champion
- (7)** To have overall responsibility for financial matters including insurance, rating, community charge, Council tax and housing and Council tax benefits.
- (8)** To have responsibility for co-ordinating performance management and performance indicators.
- (9)** To have responsibility for initiatives in relation to local democracy and the modernisation of local government, unless they specifically relate to any other portfolio.
- (10)** To take the lead on the Council's contribution to the LSP Sustainable Community Strategy.
- (11)** To have overall responsibility for those parts of the Corporate Plan within the remit of this portfolio, as identified in the annexe to this schedule.
- (12)** To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.
- (13)** To have residual responsibility for any relevant matter not referred to another Cabinet member or to a committee of the Council.
- (14)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.

## **HOUSING AND COMMUNITY SAFETY**

- (1)** To have overall responsibility for housing strategy.
- (2)** To have overall responsibility for the assessment of housing need including the needs of vulnerable people.
- (3)** To have overall responsibility for enabling vulnerable Clients to remain at home, through the provision of low level housing support services (the Supporting People programme).
- (4)** To have overall responsibility for the provision of homelessness and housing advice services, including rough sleepers.
- (5)** To have overall responsibility for the provision of services to enable access to accommodation.
- (6)** To have overall responsibility for the assessment of housing markets.
- (7)** To have overall responsibility for housing market restructuring and renewal.
- (8)** To have overall responsibility for:
  - Dealing with unfitness and poor condition
  - Acquisition and clearance
  - Financial policies for home improvement funding
  - Regulation and enforcement of statutory provisions relating to private sector housing
- (9)** To have overall responsibility for:
  - The promotion and monitoring of partnerships to achieve wider strategic housing objectives
  - Monitoring the performance of new Housing Stock Transfer organisations
  - The accreditation and licensing of private landlords
- (10)** To have overall responsibility for monitoring and responding to the needs of gypsies and travellers.
- (11)** To have overall responsibility for Community Safety including:
  - Co-ordinating neighbour nuisance policies in the private and public sector.
  - Co-ordinating anti-social behaviour policies.
  - Working with partners, the police & other Cabinet members on youth diversion schemes.
  - Working with the appropriate Cabinet member in liaison with the Drug & Alcohol Team.
  - Working with the Licensing Team on issues of under age sales of alcohol and with Trading Standards in liaison with the Cabinet Member for Environment.
  - The use of the Council's powers under the Crime and Disorder Act 1998, the Housing Act 1996 and the Anti-social Behaviour Act 2003;
  - The council's duty under section 17 of the Crime and Disorder Act 1998 to have regard to the effects on crime and disorder in the exercise of all of its powers and duties;
  - Liaison with other agencies such as the police, Primary Care Trusts, the voluntary sector and the Probation Service on community safety issues;

- To have overall responsibility for the development and implementation of the Crime and Disorder Reduction Strategy and the Anti-social behaviour Strategy
- (12) To have overall responsibility for the operation and development of Community Patrol
  - (13) To have overall responsibility for those parts of the Corporate Plan within the remit of this portfolio, as identified in the annexe to this schedule.
  - (14) To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.
  - (15) To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.

## **REGENERATION AND PLANNING STRATEGY**

- (1)** To have overall responsibility for the co-ordination and monitoring of all matters relating to the economic and urban regeneration of Wirral with the objective of improving the competitiveness, sustainability and strength of the Wirral economy, reducing the level of unemployment, safeguarding existing jobs, and the creation of new jobs of a high quality (including the power of 'well-being' under the Local Government Act 2000).
- (2)** To prepare, implement and monitor (in conjunction with partners) an economic regeneration strategy for Wirral.
- (3)** To have overall responsibility for the initiation, preparation, implementation and monitoring of all economic regeneration programmes including European programmes, Single Regeneration Budget and other Council programmes.
- (4)** To have overall responsibility for consultation and liaison with all organisations involved in regeneration in Wirral, including NWDA, English Partnerships, GoNW, Learning and Skills Council, Greater Merseyside Enterprise, Wirral Metropolitan College, trade unions, the private sector, the voluntary sector, etc.
- (5)** To have overall responsibility for co-ordination of all matters in relation to European issues.
- (6)** To have overall responsibility for the promotion of Wirral as a premier location for inward investment through the work of Wirral Direct and other organisations; in consultation with the Cabinet Member for Culture, Tourism and Leisure in the case of tourism initiatives.
- (7)** In conjunction with the relevant Cabinet members and outside organisations, to ensure that an adequate supply of sites and premises is provided in order to cater for the needs of local businesses and to help attract new businesses.
- (8)** To provide financial support, where appropriate, to businesses, co-operatives and other profit making and non-profit making ventures for the benefit of Wirral.
- (9)** To help provide a comprehensive business support service to local companies.
- (10)** To have overall responsibility for the development of community employment and training initiatives and other initiatives designed to strengthen the economy of local communities and combat disadvantage including the development of a comprehensive "pathways to Integration" strategy for Wirral.
- (11)** To have overall responsibility for monitoring economic trends in Wirral and identifying examples of good practice elsewhere in the field of urban policy and economic regeneration from which Wirral can benefit.
- (12)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.

- (13) Lobbying Government and other agencies nationally, regionally and internationally, to ensure that Wirral achieves its economic regeneration objectives.
- (14) To have overall responsibility for Welfare to Work.
- (15) To have overall responsibility for the preparation and maintenance of the Development Plan and related plans and policies.
- (16) To have overall responsibility for the consideration of national, regional and strategic issues, including green belt policy.
- (17) To have overall responsibility for the designation and preservation of conservation areas and liaison with conservation bodies.
- (18) To have overall responsibility for the application of the Planning Acts in relation to:
- preservation of general amenity
  - shopping improvement areas
  - derelict sites
  - building regulations
  - mineral planning issues
  - contributions to the Council's urban regeneration initiatives
  - compulsory purchase
- (19) To have overall responsibility for liaison on planning matters with other local authorities and external bodies.
- (20) To have responsibility for identification and action in relation to derelict land and building, in liaison with the Cabinet Member for the Environment.
- (21) To have overall responsibility for those parts of the Corporate Plan within the remit of this portfolio, as identified in the annexe to this schedule.
- (22) To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.

## **SOCIAL CARE AND INCLUSION**

- (1)** To have responsibility for the planning, commissioning and delivery of social care services for all adult client groups and to provide leadership to the wider vision of social care.
- (2)** To have lead responsibility for developing preventative services that will reduce the need for social care intervention.
- (3)** To work with a range of partners, including health and the voluntary and independent sector, to provide services which are well planned and integrated, make the most effective use of available resources and met the needs of our diverse community.
- (4)** To have overall responsibility, in liaison with other Cabinet members, for social inclusion and to promote the role of the local Authority, working with the NHS community on Wirral, to improve Public Health and well being and to address health inequalities.
- (5)** To ensure services are of a high quality and delivered by a well-trained workforce or by informal and family carers who are themselves supported.
- (6)** To ensure better use of technology to support people.
- (7)** To ensure services have an emphasis on preventing problems and that social care and health work on a shared agenda to help maintain the independence of individuals.
- (8)** To ensure that people with the highest needs receive the support and protection needed to ensure their own wellbeing and the safety of society.
- (9)** To ensure that risks of independence for individuals is openly shared and balanced against benefits with them.
- (10)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor and women.
- (11)** To have overall responsibility for matters relating to section 47 of the National Assistance Act 1948 (as amended).
- (12)** To have overall responsibility for those parts of the Corporate Plan within the remit of this portfolio, as identified in the annexe to this schedule.
- (13)** To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.

## **STREETSCENE AND TRANSPORT SERVICES**

- (1)** To have overall responsibility for highways, streets and footpaths, including street lighting and related enforcement activities.
- (2)** To have overall responsibility for traffic regulations and road safety.
- (3)** To have overall responsibility for the management of Council car parks.
- (4)** To liaise with the MPTA and other external organisations.
- (5)** To have overall responsibility for reservoirs, sewerage and land drainage.
- (6)** To have overall responsibility for the provision of civil engineering services to the Council.
- (7)** To have overall responsibility for the provision of architectural, quantity surveying and mechanical, electrical and structural engineering services.
- (8)** To have overall responsibility for coast protection and sea defences.
- (9)** To have responsibility for restricted and selective tendering for civil engineering services.
- (10)** To have responsibility for Grass cutting in residential areas
- (11)** To have overall responsibility for weed control.
- (12)** To have responsibility for Refuse Collection and Street Cleansing
- (13)** Advertisement Control
- (14)** To have overall responsibility for those parts of the Corporate Plan within the remit of this portfolio, as identified in the annexe to this schedule.
- (15)** To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.
- (16)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.



## **PART 3**

### **SCHEDULE 2**

#### **SCHEME OF DELEGATION OF (NON-EXECUTIVE) FUNCTIONS TO COMMITTEES**

1. The Council delegates under Section 101 of the Local Government Act 1972 to the Committees set out below all those non-Executive functions vested in it, identified in the terms of reference for each Committee.
2. This Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties including any statutory re-enactment or modification of the legislation referred to in this Scheme.
3. Any exercise of responsibility for functions or delegated powers shall comply with:
  - any statutory requirements;
  - the Council's Constitution;
  - the Council's Budget and Policy Framework and approved budget;
  - the Members Code of Conduct;
  - the Code of Recommended Practice on local authority publicity;
  - the agreed arrangements for recording decisions;
4. This scheme does not delegate any matters reserved by law to the full Council or assigned to the Executive.
5. **PLANNING COMMITTEE**

#### **Planning Functions**

Within approved Council policy and in accordance with the overall aims and objectives of the Council, this Committee shall exercise the following delegated functions and powers:

- (1) The powers and duties of the Council as Local Planning Authority as set out below:

<b>A. Functions relating to town and country planning and development control</b>	
<b>1.</b> Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).
<b>2.</b> Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
<b>3.</b> Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
<b>4.</b> Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990
<b>5.</b> Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
<b>6.</b> Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
<b>7.</b> Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
<b>8.</b> Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
<b>9.</b> Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
<b>10.</b> Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990.

<b>11.</b> Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
<b>12.</b> Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
<b>13.</b> Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
<b>14.</b> Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
<b>14A</b> Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990.
<b>15.</b> Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
<b>16.</b> Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
<b>17.</b> Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
<b>18.</b> Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act.
<b>19.</b> Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
<b>20.</b> Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
<b>21.</b> Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74(3) of that Act.

<b>22.</b> Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.
<b>23.</b> Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
<b>24.</b> Power to issue enforcement notices in relation to demolition of unlisted buildings in conservation area.	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
<b>25.</b> Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
<b>26.</b> Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
<b>27.</b> Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
<b>28.</b> Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160)
<b>29.</b> Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.
<b>30.</b> Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892)
<b>31.</b> Power to make limestone pavement order	Section 34(c) of the Wildlife and Countryside Act 1981.
<b>32.</b> Power to authorise stopping-up or diversion of highway	Section 247 of the Town and Country Planning Act 1990.
<b>33.</b> Power to authorise stopping-up or diversion of footpath or bridleway <a href="#">or restricted byway.</a>	Section 257 of the Town and Country Planning Act 1990.

<b>34. Power to extinguish public rights of way over land held for planning purposes.</b>	Section 258 of the Town and Country Planning Act 1990.
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- (2) The issuing of planning policy directions as may be considered appropriate.
- (3) In consultation with the relevant Overview and Scrutiny Committee to make appropriate recommendations to the Cabinet on the formulation of the Unitary Development Plan for the Borough.
- (4) To carry into effect Sections 222 and 223 of the Local Government Act 1972 so far as they affect this committee and to exercise the powers of the Council in relation thereto and in particular to authorise any appropriate officer to institute or defend on behalf of the Council proceedings before any court or tribunal or to appear on behalf of the Council before any such court or tribunal in any proceedings instituted by the Council or on its behalf or against it.
- (5) To obtain information as to interests in land under S.330 Town & Country Planning Act 1990
- (6) To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- (7) To appoint proper officers and deputies where required by an Act of Parliament for the discharge of the functions of the Council delegated to this Committee;
- (8) To carry into effect so much of any Act of Parliament relating to any of the functions set out above and any Orders, Regulations, Schemes or Bye-Laws made under or in pursuance thereof and to exercise non-executive powers of the Council in relation thereto;

## 6. LICENSING ACT 2003 COMMITTEE

- (1) Functions relating to Licensing matters in accordance with Sections 5 to 8 of the Licensing Act 2003; and
- (2) Functions relating to powers granted by the Gambling Act 2005, including:
  - (i) power to resolve not to issue a casino premises licence (section 166);
  - (ii) power to designate an officer of the authority as an authorised person for a purpose relating to premises (section 304 of the Act);
  - (iii) power to institute criminal proceedings for offences under section 342 of the Act;
  - (iv) power to exchange information (section 350);
  - (v) functions relating to the determination of fees for premises licences (Gambling, etc. Regulations 2007 – SI 2007/279).

7 **LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE**

(1) The Committee shall exercise the following functions:

**A Highways Functions**

1. Power to create footpath or bridleway <a href="#">or restricted byway</a> by agreement.	Section 25 of the Highways Act 1980.
2. Power to create footpaths and bridleways <a href="#">and restricted byways</a> .	Section 26 of the Highways Act 1980.
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
4. Power to stop up footpaths and bridleways <a href="#">and restricted byways</a> .	Section 118 of the Highways Act 1980.
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
8. Power to divert footpaths and bridleways <a href="#">and restricted byways</a> .	Section 119 of the Highways Act 1980.
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
15. Power to decline to determine	Section 121C of the Highways Act

certain applications.	1980.
<b>16.</b> Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
<b>17.</b> Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.

<b>18.</b> Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
<b>19.</b> Power to authorise temporary disturbance of surface of footpath or bridleway <a href="#">or restricted byway</a> .	Section 135 of the Highways Act 1980.
<b>20.</b> Power temporarily to divert footpath or bridleway <a href="#">or restricted byway</a> .	Section 135A of the Highways Act 1980.
<b>21.</b> Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.
<b>22.</b> Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
<b>23.</b> Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981
<b>24.</b> Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981
<b>25.</b> Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
<b>26.</b> Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
<del><b>27.</b> Duty to reclassify roads used as public paths.</del>	<del>Section 54 of the Wildlife and Countryside Act 1981.</del>
<b>278.</b> Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
<b>289.</b> Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984
<b>2930.</b> Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981
<b>301.</b> Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000.
<b>312.</b> Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.



<b>323.</b> Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
<b>33A.</b> Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980.
<b>34.</b> Power to license planting, retention and maintenance of trees, etc. in part of highway	Section 142 of the Highways Act 1980.
<b>35.</b> Power to authorise erection of stiles, etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.
<b>36.</b> Power to license works in relation to buildings, etc. which obstruct the highway.	Section 169 of the Highways Act 1980.
<b>37.</b> Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
<b>38.</b> Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
<b>39.</b> Power to restrict the placing of rails, beams, etc. over highways.	Section 178 of the Highways Act 1980.
<b>40.</b> Power to consent to construction of cellars, etc. under street.	Section 179 of the Highways Act 1980.
<b>41.</b> Power to consent to making of openings into cellars, etc. under streets and pavements lights and ventilators	Section 180 of the Highways Act 1980
<b>42.</b> Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:  (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to the Acquisition of Land Act 1981 or  (b) an order under section 147 of the Inclosure Act	Regulation 6 of the Commons Registration (New Land) Regulations 1969

<b>43.</b> Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)
<b>44.</b> Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980.

## **B. Licensing and registration functions**

<b>1.</b> Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960.
<b>2.</b> Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.
<b>3.</b> Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;  (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
<b>4.</b> Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
<b>5.</b> Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
<b>6.</b> Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963.
<b>7.</b> Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.
<b>8.</b> Power to license inter-track betting schemes.	Schedules 5A to the Betting, Gaming and Lotteries Act 1963.
<b>9.</b> Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968.

<b>10.</b> Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976.
<b>11.</b> Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.
<b>12.</b> Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985.
<b>13.</b> Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968
<b>14.</b> Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933, section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982.
<b>15.</b> Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
<b>16.</b> Power to license performances of hypnotism.	The Hypnotism Act 1952.
<b>17.</b> Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
<b>18.</b> Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
<b>19.</b> Power to register door staff.	Paragraph 11 of Schedule 1, Local Government (Miscellaneous Provisions) Act 1982
<b>20.</b> Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
<b>21.</b> Power to license late-night refreshment houses	Section 2 of the Late Night Refreshment Houses Act 1969.
<b>22.</b> Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.
<b>23.</b> Power to license dealers in game	Sections 5, 6, 17, 18 and 21 to 23 of

and the killing and selling of game.	the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.
<b>24.</b> Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
<b>25.</b> Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.
<b>26.</b> Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975
<b>27.</b> Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.
<b>28.</b> Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971.
<b>29.</b> Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
<b>30.</b> Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
<b>31.</b> Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
<b>32.</b> Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
<b>33.</b> Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
<b>34.</b> Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).

<b>35.</b> Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963.
<b>36.</b> Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995.
<b>37.</b> Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.
<b>38.</b> Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.
<b>39.</b> Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.
<b>40.</b> Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957.
<b>41.</b> Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
<b>42.</b> Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
<b>43.</b> Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
<b>44.</b> Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
<b>45.</b> Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922.
<b>46.</b> Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)
<b>47.</b> Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
<b>48.</b> Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)
<b>49.</b> Power to approve egg product	Regulation 5 of the Egg Products

establishments.	Regulations 1993 (S.I. 1993/1520).
<b>50.</b> Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)
<b>51.</b> Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
<b>52.</b> Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
<b>53.</b> Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
<b>54.</b> Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
<b>55.</b> Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
<b>56.</b> Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
<b>57.</b> Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
<b>58.</b> Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001.
<b>59.</b> Power to register motor salvage operators	Part 1 of the Vehicle (Crime) Act 2001

- (2) Service of an abatement Notice in respect of a statutory nuisance.
- (3) Inspection of the area to detect a statutory nuisance.
- (4) Obtaining particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976.
- (5) To hear appeals against decisions made by officers carrying out delegated licensing functions.

- (6) All the functions in relation to Health and Safety set out in Part C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (“the Functions Regulations”) namely relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than those that relate to the Council’s capacity as employer.
- (7) To designate unsocial drinking zones under the Local Authorities (Alcohol Consumption in public places) Regulations 2001.
- (8) Power to make closing orders for take-away food shops under (Section 4 of the Local Government (Miscellaneous Provisions) Act 1982
- (9) Functions relating to elections set out in Part D of Schedule 1 of the Functions Regulations as amended from time to time.
- (10) Power to consider and make recommendations to the Council on matters relating to the name and status of the Borough and individuals and bylaws and to promote or oppose Parliamentary Bills.
- (11) Enforcement of the provisions relating to smoke-free legislation under the Health Act 2006, including powers to:
  - enforce offences relating to the display of no-smoking signs (section 6(5));
  - enforce offences relating to smoking in smoke-free places (section 7(4));
  - enforce offence of failing to prevent smoking in smoke-free places(section 8(4));
  - transfer enforcement functions to another enforcement authority under the Smoke-free (Premises and Enforcement) Regulations 2006.

\_\_\_\_\_ (124) To deal with any other non-Executive functions not reserved to Council by law or this Constitution or delegated to any other committee, sub committee or officer.

## 8. **EMPLOYMENT AND APPOINTMENTS COMMITTEE**

- (1) To undertake functions relating to the appointment of staff, and to determine the overall framework for the terms and conditions of service on which they hold office, including remuneration.
- (2) To approve procedures for appointment and dismissal.
- (3) To keep under review and determine the Council’s recruitment and selection policies and other issues affecting employees including health and safety.
- (4) To recommend to Council on the designation of the Monitoring Officer and the Chief Finance Officer.
- (5) The appointment of Chief Officers and Deputies in accordance with the Employment Procedure Rules.

- (6) To act as the Committee which makes recommendations to Council on the appointment of the Head of Paid Service (Chief Executive).
- (7) To exercise any of the Council's functions as an Employer under the Local Government Pension Scheme.
- (8) To hear and determine appeals in connection with disciplinary action or dismissal of Chief and Deputy Chief Officers.



## 9. **EMPLOYMENT APPEALS SUB COMMITTEE**

The Council delegates to and confers upon the Sub-Committee the following duties, powers and authorities:-

- (1) To hear and determine appeals in connection with gradings, grievances or disciplinary action against or dismissal of employees.
- (2) To receive and consider reports from an independent person designated to investigate allegations of misconduct against the Council's Head of Paid Service, the Monitoring Officer or Chief Finance Officer and act as the dismissing committee.
- (3) To investigate and take disciplinary action in respect of the misconduct of Chief Officers and Deputies, (subject to their right of appeal to the Employment and Appointments Committee)

## 10. **STANDARDS COMMITTEE**

The Standards Committee's functions and delegated powers are set out in Article 9, Part 2.

## 11. **AUDIT AND RISK MANAGEMENT COMMITTEE**

- (1) To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.
- (2) The Committee has the following duties, powers and authorities:
  - (a) approval of the Council's statement of accounts;
  - (b) the responsibilities of the Council under section 151 of the Local Government Act 1972 to make proper provision for its financial affairs;
  - (c) to consider and make recommendations to Council or Cabinet as appropriate on;
    - (i) the annual Audit Report and the Management Letter of the external auditor;
    - (ii) any other statutory report of the external auditor;
    - (iii) any internal audit report that may be referred to the committee by the Chief Executive, the Director of Finance or the Head of Legal and Member Services (as Monitoring Officer);
    - (iv) summaries of specific internal audit reports as requested;
    - (v) the effectiveness and adequacy of the response by the Council, the Cabinet, any committee or sub-committee of the Council or of any officer to any internal or external audit report or management letter;
    - (vi) the systems of control and the arrangements for the prevention of fraud and corruption within the Council;
    - (vii) any other matter relevant to the audit of the Council's accounts and financial records or its systems for the control and safeguarding of all the Council's assets;
    - (viii) a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale; and

- (ix) the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements;
- (d) to approve (but not direct) the strategy, plan and performance of the Council's internal audit service;
- (e) to oversee the production of the Authority's statement or internal control and recommend its adoption;
- (f) to maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and to make recommendations to Council or Cabinet, as appropriate;
- (g) to monitor the Council's policies on "Raising Concerns at Work", to the anti-fraud and corruption strategy and the complaints procedure;
- (h) to liaise with the Audit Commission over the appointment of the Council's external auditors.

## 12. **OVERVIEW AND SCRUTINY COMMITTEES**

The Overview and Scrutiny Committees are listed in Table 2 and their terms of reference are set out in Article 6, Part 2.

## 13. **PENSIONS COMMITTEE**

- (1) To exercise on behalf of the Council all of the powers and duties of the Council in relation to its functions as Administering Authority of the County of Merseyside Pension Fund, and in particular the following.
- (2) To be responsible for the overall investment policy, strategy and principles of the Fund and its overall performance of the Fund.
- (3) To appoint and terminate the appointments of the professional advisers to, and external managers of, the Fund and agree the basis of their commission and remuneration.
- (4) To receive actuarial valuations of the Fund and determine the level of employers' contributions necessary to balance the Fund.
- (5) To monitor the Local Government Pension Scheme including the benefit regulations and payment of pensions and their day to day administration and to be responsible for any policy decisions relating to the administration of the scheme.
- (6) To consider any views expressed by employing organisations and staff representatives relating to the scheme.
- (7) To appoint members of the Investment Monitoring Working Party, which shall have responsibility for reviewing the performance of the Fund's investments and its asset allocation and regularly reporting their findings to the Pensions Committee.
- (8) To award contracts for goods and services relating to the Fund in accordance with the Contract Procedure Rules after taking into account the recommendations of officers and external professional advisers (where appropriate).

## PART 3

### SCHEDULE 3

#### ADVISORY AND STATUTORY COMMITTEES (See also Table 4 above)

1. **(a) Adoption Panel**

To make recommendations to the adoption agency in respect of children and prospective adopters

**(b) Fostering Panel**

A working party known as the Fostering Panel was set up to mirror the Adoption Panel in terms of its former composition. Its terms of reference are to make recommendations to the Director of Children's Services on fostering issues.

2. **Parental Appeals Panel**

To hear and determine parents' appeals against offers of school places.

To hear and determine appeals against the permanent exclusion of a pupil from any maintained school.

#### **STATUTORY BODIES**

3. ~~**Social Services Review Panel (Complaints Procedure)**~~

~~To consider the Investigating Officers' reports into complaints where the complainant is dissatisfied with the response of the Adult Social Services Department or Children's and Young People's Department.~~

~~Any two members from a pool of Social Care, Health and Inclusion Overview and Scrutiny Committee members to serve on the panel with an independent Chair.~~

4. **Wirral Independent Remuneration Panel**

~~At least 3 Independent members to~~ recommend a members allowances scheme to the Council.

~~5. **Schools Organisation Committee**~~

~~To consider schools organisation plans and proposals.~~

56. **Wirral School's Forum: Funding Consultative Group**

To advise the Council on financial issues affecting schools (and, in particular, the amount of funding made available to schools and the way it is shared among them).

67. **School Admission Forum**

To advise the Council on arrangements for the admission of pupils to the various categories of schools.

7. Children and Young People's Partnership Board

To co-ordinate strategies and the provision of services for children and young people, to monitor the effectiveness of the Children and Young People's Plan and to make appropriate recommendations to the Council and other partner agencies.

## PART 3

### SCHEDULE 4

#### **SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS**

1. The following functions are delegated to the officers described below by the Council, pursuant to Section 101 of the Local Government Act 1972 and by the Executive under Section 15 of the Local Government Act 2000.
2. The officers listed below or any successor subsequent to any re-organisation and any officers acting in their place under paragraphs 3 and 14 are authorised to exercise the powers of the Council (both Executive and non-Executive functions) relating to their areas of responsibility as set out in Part 7 of this Constitution including professional and managerial functions relating to his/her service subject to the limitations and reservations of this Scheme

#### Chief Executive

- Director of Corporate Services
- Director of Children's Services
- Director of Finance
- Director of Regeneration
- Director of Adult Social Services
- Director of Technical Services

3. (a) Every officer listed in paragraph 2, may authorise officers in his/her department/service area to exercise on his/her behalf, functions delegated to him/her. Any decisions taken under this authority shall remain the responsibility of the relevant officer named in paragraph 2 above and must be taken in the name of that officer, who shall remain accountable and responsible for such decisions. However, certain legal functions have to be exercised by and in the name of the Head of Legal and Member Services (see page 3-71 below).

(b) In addition, the Council is required to designate specific officers to posts recognised by statute, namely a Chief Inspector of Weights and Measures, who shall be the holder of the post of Trading Standards Manager (Department of Regeneration), and a Traffic Manager, who shall be the holder of the post of Head of Streetscene and Waste (Department of Technical Services).

4. The Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties including those relating to the employment of staff and incidental legislation.
5. The Constitution includes power for the Executive and committees to delegate their functions onwards to officers or to other local authorities and is in addition to any other general scheme made by the Council which does not conflict with it.

6. The Scheme operates under Sections 101, 151 and 270 of the Local Government Act 1972 and Section 15 of the Local Government Act 2000 and all other enabling powers.
7. Functions of the Council are divided between:
  - (a) Executive functions, which are all those functions of the Council which are not non-Executive functions, and
  - (b) non-Executive functions, which are those functions listed in the Scheme together with any other functions that are required by statute or regulations to be non-Executive functions or local choice functions that the Council decides will be non-Executive functions and in exercise with statutory discretion.
8. Any exercise of responsibility of functions or delegated powers shall comply with:
  - (a) any statutory restrictions;
  - (b) the Council's Constitution;
  - (c) the Council's Budget and Policy Framework;
  - (d) Members' Code of Conduct and the Code of Conduct for employees;
  - (e) the Code of Recommended Practice on local authority publicity;
  - (f) agreed arrangements for recording the decisions;
  - (g) the need to take legal or other appropriate professional advice when required;
  - (h) the need to have regard to the principles of Best Value and to use the most efficient and effective means available.
9. The Scheme does not delegate to officers any matter that:
  - (a) is reserved by law or by this Constitution to the full Council or
  - (b) may not by law be delegated to an officer.
10. The Scheme places an obligation on officers to keep members properly informed of action arising under these delegations and to record decisions.
11. It should always be open to the Cabinet or any committee of the Council, as appropriate, to take decisions on any matter falling within the delegated power of an officer, provided that the matter is within their terms of reference.
12. Any decision taken under delegated powers shall be within the Council's Budget and Policy Framework and be in accordance with the Council's Standing Orders. Where expenditure is involved, such action shall be conditional upon financial provision being included within the approved budget and compliance with financial regulations.
13. The Council and the Cabinet will review from time to time, as may be necessary, the general operation of the approved delegated arrangements, with any variations or amendments requiring the approval of the Council.

14. In the event of a Chief Officer referred to in paragraph 2 not being available for whatever reason, his/her Deputy (or, where there is no officer designated as such, the next most appropriate senior officer of the department) shall be authorised to implement approved delegated arrangements.
15. Should the title of a Chief Officer be altered from that shown owing to a re-organisation of departmental arrangements or for any other reason, the approved delegated arrangements shall be exercisable by the appropriate Chief Officer, as the case may be, responsible for the function in question.
16. Any reference to a committee shall be deemed to include a reference to any other committee to which the Council may from time to time delegate the performance of the function referred to.
17. Any reference to a specific statute includes any statutory extension or modification or re-enactment of such statute and any regulation, orders or schemes made thereunder.

### **Consultation**

18. In exercising delegated powers, officers shall consult other officers as appropriate and shall have regard to any advice given.
19. Where an issue which falls within an officer's delegated powers has significant policy, service or operational implications, or is politically sensitive, that officer shall consult and liaise closely with the appropriate Cabinet member(s) or the committee chair and vice-chair before exercising the delegated powers.
20. It shall always be open to an officer to consult a Cabinet member, a committee, or its chair or vice-chair before exercising the delegated powers, or not to exercise delegated powers but to refer the matter to the Cabinet or a committee for decision.
21. The normal requirements for consultation with local members on matters affecting their wards, as set out in the Member/Officer Protocol, will also be adhered to.

### **Limits on Delegated Arrangements**

22. Officers may not exercise any of the functions reserved by this Scheme to the Council, the Cabinet or any committee of the Council. Nor may officers:
  - (a) change approved policies or strategies;
  - (b) create new policies or strategies;
  - (c) take decisions on the withdrawal or modification of public services;
  - (d) decide on significant new powers or duties arising from new legislation;
  - (e) provide formal responses to any White Paper, Green Paper or other consultations likely to lead to policy changes or have a significant impact upon services;
  - (f) declare land or property surplus to requirements.

## **Authorisation**

23. By this Scheme and subject to the limitations and reservations herein, the Council delegates and authorises the officers identified in paragraph 2 above and any officers acting in their place under paragraphs 3 and 14:

- (a) to exercise the powers specified;
- (b) to exercise any of the Council's functions in an emergency; and

authorises any other officers identified under arrangements made by the Council or Cabinet or any committee pursuant to section 101 (2) of the Local Government Act 1972 or section 15 the Local Government Act 2000 to exercise the powers specified in relation to the appropriate officers in those arrangements.

## **Financial Powers**

24. Any decision taken under this Scheme must be made within the approved revenue and capital budgets, subject to any discretion allowed by the Financial Procedure Rules.

25. Acceptance of quotations and tenders must be in accordance with the Contracts Procedure Rules.

26. Chief Officers may increase individual prices for Council services and facilities annually in line with RPI.

## **Legal Powers**

27. Subject to any limitations set out in other provisions of this Scheme, officers are authorised to institute, appear in, prosecute and defend on behalf of the Council proceedings before a magistrates Court or similar tribunal of first instance where the matters fall within the remit of their departments. Officers are not so authorised in relation to any other legal proceedings. Such powers are delegated to the Head of Legal Services, who has general authority to institute, appear in, prosecute or defend any legal proceedings whatsoever on behalf of the Council.

## **Personnel and Staffing Powers**

28. Without prejudice to the Officer Employment Procedure Rules, Chief Officers have the power to appoint, dismiss or transfer staff, or take any other action with regard to the employment of staff in accordance with the Employment Procedure Rules and the Scheme of Delegation to the Chief Executive



## Land and Property

29. Officers may give written notice of the proposed development of land for the purposes of their service in accordance with the Town and Country Planning General Regulations 1976, provided that the project for which development is required has been included in the approved capital budget.
30. Officers may authorise employees of the Council to enter any land for the purposes of any statutory power of the Council.
31. Officers have authority to grant easements, way-leaves and licences to statutory undertakers and other bodies providing public services.

## Contracts

32. Officers are authorised to accept tenders and enter contracts for goods and services including agreeing price variations subject to the Financial Procedure Rules and subject to any threshold set down in the Contract Procedure Rules.

## Procurement Rules

33. Officers may use the central purchasing facilities of other local authorities or government agencies when, in their opinion, it is in the interests of the Council to do so.

## General

34. Officers are authorised to:
  - (a) approve *ex gratia* payments to staff up to £750 per incident (subject to consultation with the Director of Corporate Services);
  - (b) approve *ex gratia* payments for replacement of stolen tools subject to the maximum provision in the conditions of service;
  - (c) write off debts or inventories up to £1,000 (in consultation with the Director of Finance);
  - (d) in cases of urgency, and after consultation with the relevant Cabinet member, approve and support Objective 1 schemes within the scope of their department subject to a subsequent report to Cabinet;
  - (e) settle complaints of maladministration, after consultation with the Director of Finance and the Director of Corporate Services, by making compensation payments up to a maximum of £800 in any one case, provided the amount of compensation to be offered has been approved informally by the Local Ombudsman. (Cases over £800 are dealt with by the Standards Committee - see Article 9 in Part 2).

### 35. **Specific Powers Delegated to Officers**

For the avoidance of doubt and without prejudice to the generality of paragraph 23, the following powers are delegated to the officers referred to below.

### 36. **Chief Executive**

*The Chief Executive is authorised to:*

- (1) Exercise the functions of the Council's Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 and in this role the general management of the Authority.
- (2) Exercise the powers of the Council under Section 138 of the Local Government Act 1972 in the event of an emergency disaster.
- (3) Make any necessary appointments to fill casual vacancies that may arise on committees, boards and outside bodies carrying out or relating to non-executive functions, in accordance with the wishes of political groups.
- (4) Implement decisions of negotiating bodies relating to conditions of service (in consultation with the Director of Finance in the case of wage awards) except where national awards have significant financial implications.
- (5) Exercise the powers delegated to any officer when that officer is unable or unwilling to act.
- (6) In the event of a conflict in the provision of the Constitution the Chief Executive will have power to act and determine the conflict.
- (7) Implement self-financing incentive bonus and productivity schemes cleared by the North West Provincial Council.
- (8) Approve subsistence payments above nationally agreed rates (after consulting the party Leaders) to elected members and Council officers travelling abroad on Council business.

*on the advice or recommendation of, or after consultation with the appropriate Chief Officers, and subject to the appropriate conditions of service -*

- (9) Approve amendments to ~~gradings of posts~~ [organisational structures](#) (except those covered by the JNC for Chief Executives and Chief Officers) in accordance with national grading criteria, provided resources are available within the workforce budget and the changes involve no overall increase in staffing costs.
- (10) Implement, after consultation with the recognised trade unions, measures designed to promote recruitment and retention of staff (to

be financed by way of virement within and between existing workforce budgets).

- (11) Authorise employees' attendance at courses leading to appropriate qualifications (including second attempts).
- (12) Withdraw post-entry training facilities in appropriate circumstances and require the refund of any financial assistance granted.
- (13) Authorise the attendance of employees at courses not exceeding three weeks' duration.
- (14) Authorise temporary variations in a department's establishment by the creation of posts to be held against unfilled vacant posts of a similar nature, provided the maximum salaries of the new posts are not more than those of the unfilled posts.
- (15) Authorise additional increments to officers on the grounds of special merit or ability.
- (16) Authorise the payment of honoraria to officers temporarily undertaking additional duties.
- (17) Approve requests by employees to undertake outside employment, provided the departmental Chief Officer is satisfied that no conflict of interest will arise.
- (18) Authorise the use of private cars and classify users as "casual" or "essential" in accordance with the Council's scheme.
- (19) Authorise loans (in consultation with the Director of Finance) in accordance with the Council's assisted car purchase scheme.
- (20) Authorise payment of private telephone charges in accordance with the Council's scheme.
- (21) Authorise (in consultation with the Director of Finance) payment of pensions, gratuities, grants, etc, in accordance with the Superannuation Acts and Regulations or the Council's policy.
- (22) Terminate the employment of junior entrants during or at the end of their probationary periods on the grounds of unsuitability.
- (23) Authorise, on independent advice, early retirement on grounds of ill-health.
- (24) Grant additional leave of absence with pay (with no limit on the number of days) after consulting the Chair or Vice-Chair of the Employment and Appointments Committee.
- (25) Approve special leave of absence without pay for a period not exceeding six months where, it is considered to be justified by the circumstances of the individual case.

- (26) Authorise, in respect of employees appointed to posts where accommodation is provided under the terms of the appointment, payment of any difference between present rent and travel costs (at public transport rates, and only if incurred) and the rent (if any) applicable to the "tied" property from the date upon which the employee commences duty until the employee is housed in the "tied" accommodation.
- (27) Authorise leave of absence with pay to Unison delegates attending national conferences.
- (28) Authorise additional paid leave (up to five working days) in special circumstances related to the illness or death of a near relative.
- (29) Award payments of up to £250 under the Council's suggestion scheme, subject to verification by the Director of Finance that the cost of the award will be covered by implementing the suggestion.
- (30) Select applicants for sail training.
- (31) Authorise (in consultation with the Director of Finance) expenditure on hospitality above the prescribed limit in exceptional cases.
- (32) Act as the Council's Electoral Registration Officer and Returning Officer for local, parliamentary and European elections.

### **37. Director of Corporate Services**

The Director of Corporate Services is authorised, *in respect of Personnel matters (and in consultation with the Director of Finance) to:*

- (1) Approve severance payments provided they can be contained within departmental budgets.
- (2) Authorise the early retirement of employees aged between 50 and 58 years without enhancement of pension or benefits, where they are satisfied this would be in the interest of the efficient exercise of the Council's functions.
- (3) Authorise the early retirement of employees aged between 58 and 65 years, with added years enhancement, where they are satisfied this would be in the efficient exercise of the Council's functions.
- (4) Authorise the voluntary early retirement of employees aged between 50 and 59 years on compassionate grounds with no actuarial reduction in pension or benefits, provided all such cases are reported annually to the relevant Overview and Scrutiny committee.
- (5) Approve severance payments in qualifying cases under the Local Government (Discretionary Payment) Regulations.
- (6) Set appropriate rates of interest for loans to employees in connection with Local Agenda 21 policies.

*In respect of Property Management functions to:*

- (7) Undertake the day-to-day management of the Council's land and premises including the authorisation of expenditure subject to budgetary control.
- (8) Negotiate and agree a price for the purchase of land or property provided that a detailed estimate of the cost has been approved by Cabinet and the agreed price is within the reported estimate.
- (9) Enter into discussions for the sale of Council owned land.
- (10) Authorise the purchase at market value of land or premises included in compulsory purchase orders made by the Council or its predecessor councils, together with blight/purchase notices accepted by the Council, including the payment of compensation in accordance with relevant legislation, subject to the availability of funding within the Council's capital programme, or from elsewhere.
- (11) Authorise the acquisition, by way of dedication or transfer, of land within development schemes which is required to be provided by the developer for open space or play area purposes subject to being satisfied as to the standard of the completed works and the availability of finance for future maintenance.
- (12) Authorise the grant and renewal of leases, tenancies and agreements of land and premises at current market rentals subject (where appropriate) to the receipt of satisfactory references and planning consent and (as appropriate) the termination thereof.
- (13) Approve the grant of licences of Council land and buildings where the licence is for a period not exceeding five years.
- (14) Approve the review of rents reserved by existing leases and tenancy agreements of Council land and property at current market rental levels.
- (15) Approve assignments of the residue of leases and tenancy agreements and underleases thereof subject to the receipt of satisfactory references.
- (16) Approve (where appropriate at the market value thereof) the modification or release of covenants contained in existing conveyances, leases, agreements and licences subject to compliance with the Council's planning or other policies and to approve the terms of any such modification or release.
- (17) Approve the acceptance of surrenders of leases where there is a financial benefit to the Council.
- (18) Approve the grant of easements, wayleaves, etc. over Council owned land where the annual acknowledgement to be paid does not exceed £1,000, or where a capital payment of up to £10,000 is involved.
- (19) Approve the purchase of or agreements for easements, wayleaves, etc. necessary to fulfil Council requirements where the annual acknowledgement to be paid does not exceed £1,000 or a capital payment of £10,000 and settle

- subsequent claims where the total in respect of capital payments and claims does not exceed £10,000.
- (20) Approve minor amendments to Executive decisions relating to purchases, leases, sales and contracts.
  - (21) Take any action and, through the Head of Legal Services, institute proceedings, to terminate unauthorised encroachment on land or property in the Council's ownership.
  - (22) Approve the appointment of professional advisers and/or agents, using any select list currently in force, and to settle any fees or other costs arising therefrom.
  - (23) Agree and authorise payments of statutory disturbance claims, home loss claims and payments for the depreciation in the value of land caused by work carried out under statutory powers.
  - (24) Agree terms, in consultation with the Director of Regeneration, and authorise the acquisition of former Council dwellings, provided this involves no financial gain to the owner and the property is required by the Council for letting in accordance with existing policies.
  - (25) Agree terms and complete the acquisition at market value of land and buildings located within strategic areas within the Housing Market Renewal Area Initiative area and, in connection with such transactions, pay the vendor's reasonable legal and surveyor's fees (and, where appropriate, home loss and disturbance payments) where the Council's interest would be prejudiced by any delay.
  - (26) In connection with the implementation of the strategy entitled 'Tackling & Preventing Dereliction in Wirral', once he is satisfied that the power of sale is available to the Council, and in consultation with the Director of Regeneration, to serve the necessary notices pursuant to the Law of Property Act 1925, draw up and seal deeds poll, register the charges, take possession of and market the properties in an appropriate manner and complete the sale of the properties.
  - (27) To obtain an individual valuation of properties identified for disposal under the HOUSED scheme, in consultation with the Director of Regeneration, and subject to any necessary consents, to complete the sales of the properties at market value and, where appropriate, to give a grant of up to 10% of the purchase price to assist persons displaced.
  - (28) In consultation with the Director of Regeneration, to enter into agreements with the owners of sites chosen to benefit from the UGLI scheme and to authorise the carrying out of the necessary works.

*In respect of investment and development grants:*

- (26) Approve business development grants up to £5,000 under any of the Council's approved schemes, subject to budgetary provision being available and to a subsequent report to the relevant Overview and Scrutiny committee.

(27) Approve grants of up to £600 (within approved budgets) to individual credit unions.

(28) Accept offers of grant made directly by the European Commission (after consulting the Director of Corporate Services, the Director of Finance and the relevant Cabinet member), subject to a subsequent report to Cabinet and/or the relevant Overview and Scrutiny committee, as appropriate.

*In respect of Miscellaneous matters to:*

(29) Authorise urgent action in relation to trespass after notifying the leader of the Council and Ward Councillors.

(30) Authorise appropriate officers within his/her department to appear on behalf of the Council on proceedings before a magistrates' court.

(31) Authorise the use of rooms, including appropriate hire fees, within Wallasey Town Hall.

(32) Alter the advertised venue of a committee meeting in appropriate circumstances.

(33) Approve amendments to the Committee calendar after consultation with the leaders of political groups.

(34) Apply to magistrates' courts for anti-social behaviour orders, or any other orders under the Crime and Disorder Act 1998.

(35) Authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000.

### **38. Director of Children's Services**

*The Director of Children's Services is authorised to:*

(1) Set school budgets and monitor expenditure in accordance with the Scheme for Financing Schools.

(2) Co-ordinate Standards Fund arrangements, including the appointment of staff and project workers for specific projects.

(3) Exercise, in respect of schools outside delegation powers equivalent to those exercised by governors of schools within delegation.

(4) Ensure arrangements for home to school transport in accordance with the policy of the Council.

(5) Make provision of additional assistance to pupils with special educational needs.

(6) Determine the placement of pupils in special schools, or approve arrangements for education other than at school.

(7) Determine of the dates of school terms and holidays.

- (8) Accept Standards Fund and other grant allocations where these are cost neutral to the Authority's estimates.
- (9) Agree to meet the Authority's liability in relation to capital works at Voluntary Aided Schools, where these cannot be accommodated within the Authority's capital programme.
- (10) Produce and implement support packages for schools on a buy-back basis (i.e. business planning arrangements).
- (11) Determine the admission of pupils to community and voluntary controlled schools, provided that any appeal against such decisions is heard by the Parental Appeals Panel.
- (12) Secure the admission of a child who has been twice excluded to a particular school, having first obtained an indication of parental preference for at least three schools and having taken into account any representations made by the Headteachers of those schools.
- (13) Settle the initial staffing establishments of nursery schools, the pupil referral unit and the education support service, and approve subsequent variations.
- (14) Make or approve appointments of teaching and non teaching staff in accordance with arrangements made by the Council and the Local Management of Schools Scheme.
- (15) Determine all matters relating to employees' conditions of service (including applications for leave of absence) which are not delegated to the governing bodies of schools subject to the local Management of Schools Scheme.
- (16) Carry out the Council's responsibilities relating to the absence of teaching staff through sickness or other cause.
- (17) Arrange for the transfer of teachers between schools (with the approval of the governors of schools in delegation and after consultation with the teacher concerned).
- (18) Implement recommendations in connection with teachers' pay and conditions of service (as prescribed by the Secretary of State for Education and Skills).
- (19) Approve the use by appropriate organisations of land and premises occupied for education purposes, subject to the Council's regulations.
- (20) Grant permission for educational visits by pupils and young people.
- (21) Provide specialist residential and recreational courses for pupils and young people.
- (22) Provide information to parents relating to school admission arrangements and other related matters.
- (23) Administer procedures for the admission of children to voluntary aided and foundation schools if requested by their governing bodies and charge the cost thereof to the schools.
- (25) Determine the admission of pupils to maintained special schools, including Wirral Hospital School and Pupil Referral Units.



- (26) Arrange for the admission of pupils to non-maintained special schools.
- (27) Authorise, in consultation with the Director of Finance, the payment of fees for which the Council has accepted responsibility for pupils attending schools not maintained by the Council.
- (28) Make arrangements for the home tuition of pupils.
- (29) Administer the supply of milk and meals to pupils (including the supply of milk and meals by agreement at schools to whom the function has been delegated, as well as schools not maintained by the Council).
- (30) Determine applications for discretionary payments from the Learner Support Scheme to post-16 students in relation to costs not met through the educational maintenance allowance.
- (31) Approve the registration of youth clubs and organisations.
- (32) Authorise grant aid in respect of salaries of full-time youth leaders, repairs and alterations to premises, the purchase and repair of equipment, and youth activities.
- (33) Authorise the payment of grants and the refund of expenses in connection with the Duke of Edinburgh's Award Scheme.
- (34) Set fees for users of Oaklands Outdoor Education Centre, and authorise arrangements for the remission of fees in cases of hardship.
- (35) Approve repairs, improvements and extensions to educational establishments costing £10,000 or less for each project provided capital schemes are included in an approved building programme (and the views of the governing body concerned are obtained).
- (36) Appoint persons as LEA-nominated governors having regard to the political ratios determined by the Council.
- (37) Determine applications for student support from eligible students for a higher rate than that awarded to cover the cost of child care, examination fees not covered by the school budget or other exceptional costs.
- (38) Determine discretionary payments and applications under the Learning Support Fund.
- (39) Determine applications for assistance under Section 17 of the Children Act 1989.
- (40) Make arrangements for the day-to-day reception and placement in appropriate accommodation of any child brought to notice of Social Services as being in need of accommodation or committed to the care of the Local Authority by the courts.
- (41) Arrange admission and accept financial responsibility for the admission of unmarried mothers to Mother and Baby Homes.

- (42) Give financial assistance towards the expense of maintenance, training or education of persons over 16 years of age, under Section 24 of the Children Act 1989.
- (43) Approve and review Local Authority foster carers in accordance with the Foster Placement (Children) Regulations 1991 and take any necessary decisions on fostering issues.
- (44) Inspect, supervise and offer any necessary advice to foster homes in which children are placed privately in order to comply with the duty of the Local Authority under Section 67 of the Children Act 1989 to satisfy themselves that the welfare of children who are privately fostered within the Borough is being satisfactorily safeguarded and promoted.
- (45) Receive and find appropriate placements for children remanded to the accommodation of the Local Authority or committed to the care of the Local Authority on interim or full Care Orders.
- (46) Authorise the placement of children subject to care orders, with their parents or other persons with parental responsibility in accordance with the Placement of Children with Parents etc. Regulations 1991.
- (47) Appoint supervising officers to children and young persons placed under the supervision of the Local Authority as a result of either criminal or care proceedings.
- (48) Provide places for children and families in Family Centres.
- (49) Arrange regular visiting to ensure the welfare of any child accommodated in a voluntary home by Social Services is adequately safeguarded and promoted in accordance with the duty under Section 62 of the Children Act 1989.
- (50) Arrange for the supervision of children placed in the Metropolitan Borough of Wirral area by other authorities when so requested.
- (51) Consider and authorise the payment of approved Adoption Allowances in accordance with a scheme duly approved by the Department for Work and Pensions in cases where the Adoption Panel has recommended such allowances, and the Agency Decision Maker has confirmed the recommendation as an agency decision.
- (52) Consider and authorise applications to a court for an order freeing a child for adoption, if the Adoption Panel of the Council's Adoption Agency recommend that this is the best interest of the child, and the Agency Decision Maker has confirmed this as an agency decision.
- (53) In accordance with the requirements of the Adoption Act 1967 and accompanying Regulations, investigate the circumstances of children offered for adoption and families wishing to adopt, and present suitable adoptive placements for consideration by the Adoption Panel and, having taken a decision based on the Panel's recommendation, arrange such placements.
- (54) Attend Court of Adoption placements.

- (55) Refuse contact under Section 34 (6) of the Children Act 1989.
- (56) Institute proceedings (in consultation with the Director of Corporate Services) for contacts to be defined, and respond to such applications lodged by other parties.
- (57) Apply to the courts for placement in secure accommodation of juveniles accommodated by, or in the care of, the Local Authority in accordance with Section 25 of the Children Act 1989 and the accompanying Secure Accommodation Regulations 1991.
- (58) Apply for Child Assessment Orders under Section 43 of the Children Act 1989.
- (59) Apply for Emergency Protection Orders under Section 44 of the Children Act 1989.
- (60) Apply to the courts for Care/Supervision Orders in accordance with Section 31 of the Children Act 1989.
- (61) Apply for discharge and variation of Care Orders and Supervision Orders in accordance with Section 39 of the Children Act 1989.
- (62) Apply for a prohibited steps or specific steps issue order under Section 8 of the Children Act 1989 in respect of a child accommodated by the Local Authority.
- (63) Appoint and pay the reasonable expenses of Independent Visitors appointed under Paragraph 17 of Schedule 2 of the Children Act 1989, and as defined by the accompanying Definition of Independent Visitors (Children) Regulations 1991.
- (64) Authorise the payment of legal costs and fees in connection with an adoption application in respect of children in the care of the Local Authority, where the Adoption Panel has recommended that adoption is in the child's best interest, and the Agency Decision Maker has confirmed this.
- (65) Authorise the payment of a prospective adopter's legal costs of making an application for an Adoption Order in those cases where either the natural parents oppose the adoption, or there are other difficulties which make it advisable for the prospective adopter to be legally represented, where The Adoption Panel has recommended such payment and the Agency Decision Maker has confirmed this as an agency decision.
- (66) Authorise payment for any additional medical reports in connection with an adoption application with the exception of the normal medical reports of the child to be adopted (which are payable by the Council).
- (67) Authorise the use of adoption agencies to secure the appropriate placement for the adoption of individual children with special needs where a suitable prospective adopter is not currently on the Council's Adoption Agency list of approved adopters and approve the amount of the inter-agency fee that may be payable in an appropriate case, where the Agency Decision Maker has confirmed this as an agency decision.
- (68) Negotiate on the Authority's behalf inter-agency agreements, including inter-agency fees which fall within nationally and locally agreed guidelines.

- (69) Confirm Adoption Panel recommendations as decisions of the Adoption Agency as required by the Adoption Agencies and Children (Arrangements for Placement and Review) (Miscellaneous Amendments) Regulations 1997”
- (70) Assess the contributions to be made the parents of children and young people where appropriate in accordance with laid down scales or procedures.

### 39. Director of Finance

*The Director of Finance is authorised to:*

- (1) Exercise the functions of the Council's Chief Finance Officer, including proper administration of the Council's financial affairs under Sections 115 and 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2003.
- (2) Issue financial procedures within the principles of Financial Regulations.
- (3) Take all necessary action for the collection of amounts due to the Council using any powers available to the Council.
- (4) Write off irrecoverable amounts due to the Council up to and including £1,000 and without limit as regards personal local taxation on a single property and NNDR provided that the relevant Overview and Scrutiny committee is informed annually of the total amount involved.
- (5) Approve discretionary relief from National Non-Domestic Rates, in accordance with the Council's approved scheme,
- (6) Authorise, on behalf of the Council as Billing Authority, valuation agreements in respect of the Non-Domestic Rate Rating list, as required by the District Valuer of the Inland Revenue.
- (7) Arrange borrowing as may be necessary from time to time for the Council's purposes. Sources of funds will comprise temporary loans, loans from the Public Works Loan Board, other mortgages and bonds, money bills, bank overdrafts and internal funds of the Council, subject to any restriction which may be made by statute, by Council or the Executive.
- (8) Arrange finance and operating leases as required in accordance with the requirements of the Council's capital programme.
- (9) Invest Council funds temporarily not required in accordance with the statutory provisions regulating approved investments as defined in Section 66 of the Local Government and Housing Act, 1989, subject to any restrictions which may be made by statute, by Council or the Executive.
- (10) Approve payments of gratuities to retiring employees in accordance with discretionary powers available through the Local Government Act 1972, and the Pensions Regulations.
- (11) Fix incidental charges relating to local taxation.
- (12) Determine applications for rate relief under Section 44a of the Local Government Finance Act 1988.
- (13) Make minor variations in contracts for the collection of cash.
- (14) Authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000.
- (15) Nominate officers within the Finance Department to institute and conduct

proceedings on behalf of the Council in the Magistrates' Court for the recovery of unpaid council tax, community charge, non-domestic rate and general rate.

- (16) Exercise the powers and duties of the Council under the Housing Benefit (General) Regulations 1987 as subsequently amended, including the exercise of discretionary powers.
- (17) Revise, at six monthly intervals, the maximum loan available under the Council's assisted car purchase scheme, and effect annual adjustments, in line with the Retail Price Index, to disturbance and travelling allowances payable to appointees to permanent posts, and to the value of awards under the Long Service Award Scheme,
- (18) Undertake all day-to-day administration of, and investment decisions for, the Merseyside Pension Fund within the policy laid down by the Pensions Committee including the authorisation of admission agreements with transferee admission bodies pursuant to Best Value arrangements, as required by the Local Government Pensions Scheme Regulations.
- (19) Terminate a contract of an external investment manager and enter into any consequential arrangements for the transitional management of the Fund's investments pending the decision of the Pensions Committee on the award of a new contract.

#### 40. **Director of Regeneration**

*The Director of Regeneration is authorised to:*

*In respect of trading standards, environmental health and related functions and responsibilities:*

- (1) Subject to paragraph (2) below, take any action under the following legislation (and related statutory instruments) including, where relevant (but not limited to), the service of notices, the appointment of persons, the issue of licences and authorisations and the approval of registrations, prior consents and grants; acceptance of statutory notifications; to apply for warrants, to seize and detain goods and documents and carry out test purchases of goods and services.

Accommodation Agencies Act 1953  
Administration of Justice Act 1970  
Agriculture Act 1970  
Agriculture (Miscellaneous Provisions) Act 1968  
Agriculture Produce (Grading and Marking) Acts 1928 and 1931  
Animal Boarding Establishments Act 1963  
Animal Health Act 1981  
Animal Health Act 2002  
Animal Health (Amendment) Act 1998  
Animal Health and Welfare Act 1984  
[Animal Welfare Act 2006.](#)  
Animals Act 1971  
Breeding of Dogs Acts 1973 and 1991  
Breeding and Sale of Dogs (Welfare) Act 1999  
Building Act 1984

Business Names Act 1985  
Caravan Sites Act, 1968  
Caravan Sites and Control of Development Act 1960  
Charities Act 1992  
Children and Young Persons Act 1933  
Children and Young Persons (Protection from Tobacco) Act 1991  
Chronically Sick and Disabled Persons Act, 1970  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Act 1985  
Company Directors Disqualification Act 1986  
Competition Act 1980  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Control of Pollution Act 1974  
Copyright Designs and Patents Act 1988  
Copyright etc and Trade Marks Offences and Enforcement Act 2002  
County of Merseyside Act 1980  
Courts and Legal Services Act 1990  
Criminal Attempts Act 1981  
Criminal Damage Act 1971  
Criminal Justice Act 1988  
Criminal Law Act 1977  
Dangerous Dogs Acts 1989 and 1991  
Dangerous Wild Animals Act 1976  
Defective Premises Act 1972  
Development of Tourism Act 1969  
Dogs Act 1871 and 1906  
Dogs (Fouling of Land) Act 1996  
Education Reform Act 1988  
Employment Agencies Act 1973  
Energy Act 1976  
Energy Conservation Act 1981  
Enterprise Act 2002  
Environment Act 1995  
Environmental Protection Act 1990  
Estate Agents Act 1979  
European Communities Act 1972  
Explosives Act 1875  
Factories Act 1961  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Food Act 1984  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Forgery and Counterfeiting Act 1981  
Guard Dogs Act 1975  
Hallmarking Act 1973  
Health and Safety at Work etc. Act 1974  
[Health Act 2006](#)  
Home Energy Conservation Act 1995  
Housing Acts 1980, 1985, 1988, 1996 and 2004  
Housing and Building Control Act 1984  
Housing Grants, Construction and Regeneration Act 1996

Intoxicating Substances (Supply) Act 1985  
Land Compensation Act 1973  
Landlord and Tenant Acts 1954, 1985 and 1987  
Late Night Refreshment Houses Act 1976  
Litter Act 1983  
Local Government Act 1972  
Local Government Act 1988  
Local Government and Housing Act 1989  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
Medicines Act 1968  
Merchant Shipping Acts 1979/1995  
Mobile Homes Act, 1973 and 1983  
Mock Auctions Act 1961  
Motor Cycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children) Act 1991  
Noise and Statutory Nuisance Act 1993  
Noise Act 1996  
Nursing Agencies Act 1957  
Offensive Weapons Act 1996  
Offices, Shops and Railway Premises Act 1963  
Olympic Symbol Act 1995  
Opticians Act 1989  
Performing Animals (Regulation) Act, 1925  
Pet Animals Act 1951  
Poisons Act 1972  
Police and Criminal Evidence Act 1984  
Police Reform Act 2000  
Pollution Prevention and Control Act 1999  
Powers of Criminal Courts (Sentencing) Act 2000  
Prevention of Damage by Pests Act 1949  
Prices Acts 1974 and 1975  
Property Misdescriptions Act 1991  
Protection of Animals (Amendment) Acts 1988 and 2000  
Protection from Eviction Act, 1977  
Protection of Birds Acts 1954 to 1976  
Public Health Acts 1875, 1936, 1961 and 1969  
Public Health (Control of Diseases) Act 1984  
Radioactive Substances Act 1993  
Regulation of Investigatory Powers Act, 2000  
Refuse Disposal (Amenity) Act 1978  
Rent Act, 1977  
Riding Establishments Acts 1964 and 1970  
Road Traffic Acts 1988 and 1991  
Road Traffic (Consequential Provisions) Act 1988  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Offenders Act 1988  
Solicitors Act 1974  
Sunday Trading Act 1994  
Telecommunications Act 1984  
Theft Acts 1968 and 1978  
Timeshare Act 1992  
Town Police Clauses Acts 1847 and 1889  
Trade Descriptions Act 1968  
Trade Marks Act 1994



Trading Representations (Disabled Persons) Acts 1958 and 1972  
Trading Stamps Act 1964  
Unsolicited Goods and Services Acts 1971 and 1975  
Vehicles (Crime) Act 2001  
Video Recordings Act 1984/1993  
Water Act, 1989  
Water Industry Act 1991  
Weights and Measures Acts 1976 and 1985  
Zoo Licensing Act 1981

Any legislation amending or replacing the above (including Statutory Instruments)

- (2) Institute legal proceedings in respect of the enforcement of all legislation set out above or delegated to the Licensing, Health and Safety and General Purposes Committee, except the Health and Safety at Work etc. Act 1974, but in the following circumstances authority to prosecute will be sought either from the Head of Legal and Member Services or from the Licensing, Health and Safety and General Purposes Committee (or the Cabinet in the case of an Executive function):
- (i) where the prosecution relates to a contentious/complex area of legislation and/or is likely to be considered as a test case;
  - (ii) where significant costs are likely to be incurred in bringing the prosecution before the courts;
  - (iii) where the prosecution has serious national implications;
  - (iv) where the prosecution relates to a significant and/or sensitive local issue;
  - (v) any other matter which in the opinion of the Director is of such a serious or sensitive nature that it would be inappropriate for him to act under delegated powers.

Where the time limit for the commencement of proceedings requires that information must be laid before or on the date of the next meeting of the Licensing, Health and Safety and General Purposes Committee (or the Cabinet in the case of an executive function), then these matters, irrespective of whether they fall within any of the above categories, are delegated to the Director of Regeneration in consultation with the Director of Corporate Services.

- (3) Authorise individual trading standards officers to take particular actions in their own names and to charge people at police stations.
- (4) (a) Personally or, where legislation requires it, through the Trading Standards Manager authorise suitably qualified members of staff in the Trading Standards Division to carry out enforcement functions as authorised officers under trading standards, consumer and related legislation;
- (b) personally or through the Trading Standards Manager commence legal proceedings on behalf of the Council under trading standards, consumer

and related legislation, after consultation with the Director of Corporate Services;

- (c) authorise the post-holders listed below, in the Trading Standards Division, after consultation with the Director of Corporate Services, to present cases and appear in legal proceedings on behalf of the Council:

Trading Standards Manager  
Divisional Officer (Business Support)  
Divisional Officer (Community Support and Regulation);

- (d) authorise the post-holders listed below, in the Trading Standards Division, to charge alleged offenders in police stations:

Trading Standards Manager  
Divisional Officer (Business Support)  
Divisional Officer (Community Support and Regulation);

- (5) Authorise directed surveillance and covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000, and designate officers to carry out that function.
- (6) Issue fixed penalty notices for leaving litter.
- (7) Take action under the Licensing Act 2003 relating to the sale of intoxicating liquor to, or for consumption by, persons under 18.
- (8) Enforce the Customs & Excise Management Act 1979 and the Tobacco Products Act 1979 relating to fiscal marking of tobacco products.
- (9) Operate Agency Services under the terms of Sections 135 and 169 of the Local Government and Housing Act 1989 and to charge fees accordingly.
- (10) Approve increases in charges not fixed by statute.
- (11) Vary levels of charges in respect of depot sales of surplus materials and miscellaneous charges, such revisions having regard to the retail price index and prevailing market conditions.
- (12) Nominate an officer to deal with representations made to the Council by persons in receipt of a Notice.
- (13) Authority to implement the Food Safety Act 1999, as amended, the Food Hygiene (England) Regulations 2005 and 2006, the Official Feed and Food Controls (England) Regulations 2005 and 2006, and for any subsequent amendments, modifications or re-enactments to the parent legislation or any regulations or orders made thereunder.

*In respect of licensing and registration functions:*

- (14) Determine and otherwise deal with the following matters, provided that controversial matters must be submitted to the Licensing, Health and Safety and General Purposes Committee or Licensing Panel or Licensing Act 2003 Committee:
- (i) Premises Licenses;
  - (ii) Game Dealers Licences;
  - (iii) Scrap Metal Dealers Registration;
  - (iv) Lottery registration and Prize Bingo permits;
  - (v) Track Betting Licences;
  - (vi) Amusements with Prizes permits with and without machines; Street Collection Licences and House to House collection permits;
  - (vii) Club Premises Licenses;
  - (viii) Personal Licenses;
  - (ix) Registration of second-hand dealers;
  - (x) Motor Salvage operators;
  - (xi) Certificates of Consent for all public exhibitions, demonstrations or performances of hypnotism;
  - (xii) Licences to hold civil marriage ceremonies on approved premises;
  - (xiii) Application for new (and renewal applications) for hackney carriage and private hire driver's licences, vehicle licences and operator's licences in accordance with guidelines, approved by the Licensing, Health and Safety and General Purposes Committee;
  - (xiv) The enforcement of conditions relating to the licensing of hackney carriage and private hire drivers licences, vehicle licences and operator's licences, as allowed in the Local Government (Miscellaneous Provisions) Act, 1976, including the suspension of driving licences, vehicle licences and operator's licences. (Any actions to be reported to the next meeting of the Licensing, Health and Safety and General Purposes Committee;
  - (xv) The enforcement of the provisions of the Licensing Act 2003.
  - (xvi) The enforcement of all Hackney Carriage and Private Hire matters under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
  - (xvii) Authorise members of staff in the Licensing Division to carry out enforcement functions as authorised officers under licensing legislation.

- (xviii) Personally, or through the Head of Legal and Member Services, commence legal proceedings on behalf of the Council under licensing legislation.

(15) In consultation with the Director of Technical Services and the three party spokespersons, to consider and determine applications for street trading consents or renewals thereof (including the imposition of such conditions as is considered reasonably necessary)

*In respect of housing and related functions:*

- (16) Continue to administer Wirralhomes allocation scheme on behalf of partner Registered Social Landlords and administer the Unified Housing Waiting List.
- (17) Undertake all duties and responsibilities, as necessary, in relation to the Council's strategic housing function.
- (18) Issue notices in respect of slum clearance and generally exercise all of the Council's powers and duties relating to the condition, occupation and management of private sector housing (including houses in multiple occupation).
- (19) Exercise the powers and duties of the Council under the Metropolitan Borough of Wirral (Registration of Houses in Multiple Occupation) Control Scheme 1999.
- (20) Take all necessary action, in accordance with the Supporting People grant conditions, to ensure that the Council arranges the provision of housing support welfare services to vulnerable client groups within the policy framework contained in the "Supporting People" Strategy and Annual Plan produced by the Commissioning Body.

*In respect of public health matters:*

- (21) Amend the list of Proper Officers to undertake statutory medical or public health functions upon receipt of requests from the Health Protection Agency, subject to the Cabinet being provided with updated lists of Proper Officers on a regular basis.

[\(22\) Authority to exercise the powers and duties arising under the provisions of The Health Act 2006.](#)

*In respect of grants and regeneration:*

- (232) Allocate grants of up to £500 for minor projects or events within the "Pathways" initiative.
- (243) Authorise expenditure within the approved budget in respect of all Single Regeneration Budget initiatives for general administrative and office expenses, marketing, consultancy and advertising, subject to compliance with the Contract Procedure Rules.

*In respect of Cultural Services functions:*

- (254) Approve the setting and variation of charges and core admission prices to Leisure and Community Services facilities and events (including those held in parks or other open spaces).
- (265) Accept bids for concessions at events.
- (276) Approve routine lettings for events on Leisure and Community Services premises/land under control of Education and Cultural Services.
- (287) Approve free or concessionary use of Leisure and Community Services facilities/equipment.
- (298) Approve the closure of Leisure and Community Services facilities for essential maintenance.
- (3029) Determine opening hours during holiday periods for Leisure and Community Services facilities.
- (319) Accept bids for concessions at parks and open spaces.

*In respect of Community Safety functions:*

- (324) To give consent on behalf of the Council to any requests from the Police to seek a designation of an area under Part IV of the Anti-Social Behaviour Act 2003 for the dispersal of groups in consultation with the spokespersons for Housing and Community Safety and the Councillors for any wards that would be affected by the designation.
- (332) To act as the officer to be consulted, on behalf of the Council, by Merseyside Police when they wish to close a property owing to nuisance related to drug use, manufacture or sale, using Part 1 of the Anti-Social Behaviour Act 2003

**41. Director of Adult Social Services**

*The Director of Adult Social Services is authorised to:*

*In respect of Miscellaneous matters:*

- (1) Assess the contributions to be made by recipients of service where appropriate in accordance with laid down scales or procedures.
- (2) Exercise discretion to vary charges in cases where there are special circumstances, hardship, etc.
- (3) Consider and determine applications for loans or grants below £20,000 for aids and adaptations to the homes of people with disabilities.
- (4) Institute or defend legal proceedings in connection with the Social Services function in consultation with the Director of Corporate Services.

*In respect of Service for Adults:*

- (36) Admit to residential accommodation and temporary accommodation, either provided by the Council, by other authorities, voluntary organisations or privately registered homes, persons in need of care and attention.
- (37) Admit persons with mental ill health, physical disabilities or learning difficulties to Day Centres or Workshops provided for them.
- (38) Arrange the burial or cremation of persons to whom Section 50 of the National Assistance Act 1948 applies, and make whatever recoveries are possible towards the cost.
- (39) Appoint officers to carry out the duties of approved Social Workers under the Mental Health Act 1983.
- (40) Make applications in respect of individuals to whom the provisions of the Mental Health Act 1983 apply in accordance with the provisions of the Act.
- (41) Enter into contractual arrangements with registered residential and nursing homes for the provision of residential and nursing care within available resources (National Health Service Community Care Act 1990).
- (42) Negotiate and agree fee levels with independent sector providers, having regard to the assessed needs of clients, the services to be provided, and the availability of resources (National Health Service and Community Care Act 1990).
- (43) Waive the Contract Procedure Rules relating to procurement when seeking quotations and tenders for certain Community Care Services.
- (44) Enter into contractual arrangements with day care providers for the provision of day care within existing resources under the National Health Service and Community Care Act 1990 and the Health Act 1999.
- (45) Provide services to support people in their own homes (e.g. domiciliary services) under the NHS & CC Act 1990 and National Assistance Act 1948.
- (46) Approve applications for concessionary travel passes from people with learning disabilities and those who are mentally ill.
- (47) Approve interest-free loans not exceeding £30,000 in accordance with approved guidelines.

*In respect of Complaints and Representations:*

- (48) Co-ordinate all aspects of consideration of complaints in accordance with Section 50 of the National Health Service and Community Care Act 1990 and Section 26 of the Children Act 1989, including the response to all registered complaints.
- (49) Make arrangements for panel review of response to a registered complaint when requested to do so by the complainant.
- (50) Comment upon decisions of the Review Panel (Complaints Procedure) after consultation with the Cabinet member for Social Care and Inclusion and the

Chair and spokespersons of the Social Care, Health and Inclusion Overview and Scrutiny Committee.

- (51) Notify the complainant and any other involved persons of reconsideration.
- (52) Reimburse independent review panel members, complainants and authorised representatives for any out-of-pocket expenses incurred.
- (53) Appoint and pay the reasonable expenses of independent persons required to assist in the operation of the Authority's Representations Procedure established in accordance with the requirements of Section 26 (3) of the Children Act 1989 and the accompanying Representation Procedure (Children) Regulations 1991.

#### 42. **Director of Technical Services**

*The Director of Technical Services is authorised to exercise the following powers and functions:*

##### ***In respect of Highways and related matters:***

- (1) Exercise all the powers and duties of the Council arising under the provisions of the Highways Act 1980, the Wildlife and Countryside Act 1981, the Cycle Tracks Act 1984 and the Countryside and Rights of Way Act 2000 (including for those consents, licences and footpath matters specifically to be discharged as a non-executive function by the Licensing, Health and Safety and General Purposes Committee) as follows:-
  - (a) creation of highways under Part III of the Act;
  - (b) maintenance of highways under Part IV of the Act;
  - (c) improvement of highways under Part V of the Act;
  - (d) construction of bridges over and tunnels under navigable water and diversion etc. of watercourses under Part VI of the Act;
  - (e) provision of special facilities for highways under Part VII of the Act;
  - (f) provision of amenities on certain highways under Part VII(A) of the Act;
  - (g) stopping-up and diversion of highways under Part VIII of the Act;
  - (h) lawful and unlawful interference with highways and streets under Part IX of the Act;
  - (i) the making-up of private streets under Part XI of the Act.
- (2) Exercise all the powers and duties of the Council arising under the provisions of the New Roads and Street Works Act 1991 relating to the regulation of public utilities' powers to undertake street works, including the serving of notices and recovery of costs.
- (3) Exercise all the powers and duties of the Council under the provisions of the Road Traffic Regulation Act 1984 relating to the making of traffic regulation

orders, the establishment of pedestrian and school crossings, the provision of parking places and the placing of traffic signs, save for those orders where objections are raised, in which case, objections lodged to the making of a traffic regulation order will be considered by the [Environment—Streetscene and Transport Services](#) Overview and Scrutiny Committee, prior to a decision being made by Cabinet as to the confirmation of the order or otherwise.

- (4) Exercise all the powers and duties of the Council under the provisions of the Land Drainage Act 1991 to facilitate or secure the drainage of land.
- (5) Exercise all the powers and duties of the Council under the provisions of Section 18 of the Building Act 1984 relating to building over agreements and under Sections 84 and 85 of the Act to require works to be undertaken in relation to the paving and drainage of yards and passages.
- (6) Exercise all the powers and duties of the Council under the provisions of the Reservoirs Act 1975.
- (7) Exercise, in consultation with Ward members, the powers and duties of the Council under the provisions of Sections 247 and 257 of the Town and Country Planning Act 1990 relating to the stopping-up or diversion of highways, footpaths, ~~and~~ [bridleways and restricted byways.](#)
- (8) Take action to prosecute offences under the Highways Act 1980, the Road Traffic Regulation Act 1984, the New Roads and Street Works Act 1991, the Land Drainage Act 1991 and the Town and Police Clauses Act 1847.
- (9) Lodge objections to operators licence applications on highway safety and traffic management grounds under the provisions of the Transport Act 1968.
- (10) Approve the naming and numbering of streets in consultation with ward members.
- (11) Adopt highways to become maintainable at public expense in consultation with ward members.
- (12) Approve the siting of taxi ranks in consultation with ward members.
- (13) After consulting the local ward Councillors, approve or reject applications by Royal Mail for the installation of postal pouch boxes and agree the terms under which any approval is given (including the siting, design and specification of the installation works).
- (14) Consider and determine, in consultation with ward members and the police, all applications for the provision of on-street parking bays for the disabled.
- (15) Enter into agreements with developers for the execution of highway works under the provisions of Section 278 of the Highways Act 1980.
- (16) Exercise, in relation to sewage management contracts, the powers conferred upon United Utilities Plc by the provisions of the Water Industry Act 1991.

*In respect of Planning and related matters:*



The Director of Technical Services has authority ~~to determine~~:

- (i) to determine all planning and related applications other than those listed under (a) below and
- (ii) to take appropriate enforcement action on matters relating to the following (including the issue and service of Enforcement Notices, Breach of Condition Notices and Discontinuance Orders):
  - Advertisement control
  - Conditions monitoring
  - Fences and other means of enclosure to front
  - Substantiated complaints of changes of use (such as car repairs and maintenance)
  - Breaches of a minor nature raising minimal planning concerns and where unconditional planning permission would be likely to be granted (e.g. house extension built to acceptable standards).
  - Fences and other means of enclosure to rear.
  - Unsubstantiated or anonymous complaints concerning changes of uses or, car repairs and maintenance.

(For the avoidance of doubt) Authority to take enforcement action on matters, other than those in (ii) above will be granted by the Planning Committee.

- (iii) after consultation with the Chair of the Planning Committee and the appropriate ward Councillors, to determine applications in relation to telecommunications development which, following the receipt of a petition or referral by an elected member, cannot be dealt with by the Planning Committee within the statutory 56-day period, subject to his reporting the use of such delegated authority to the next available meeting of that Committee, for information.

The Assistant Director has authority to determine all minor and other applications submitted by or on behalf of the Borough Council other than those listed under (a) below;

(a) **Applications to be determined by Committee:**

- (i) "Major" applications – "Major" applications will be defined as any application for residential development or change of use involving 10 or more dwellings, and other forms of development or change of use of 5001,000 square metres floorspace relating to B1 (Light Industrial), B2 (General Industrial) or B8 (Storage and Distribution) Uses, or more, or applications for development or change of use of 0.5 hectare or more of land. Minerals and waste applications will be regarded as "major" applications (other than minor amendments to existing permissions, and ancillary or small scale works).
- (ii) Applications where it is proposed to make a decision that is contrary to the development plan with the exception of domestic extensions.
- (iii) Decisions that would need to be referred to the Secretary of State.
- (iv) Applications which any Member has asked to be referred to the Planning Committee. When a Member has requested an application be referred to the Planning Committee the Member must, however, state the reason(s) on planning grounds for that request.

- (v) Applications that attract one or more petitions of objection, within the specified consultation period which contains 25 or more signatories from individual households or 15 individual objections in writing.
  - (vi) ~~Applications submitted by or on behalf of the Council, or for the development of Council-owned land.~~
  - ~~(vii) Any personal/private application made by any member of the Council, or any member of staff employed in the Department of Technical Services.~~
  - (viii) Decisions that would require a Section 106 obligation or action under other powers.
  - ~~(ixviii) Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment.~~
- (b) **The Director of Technical Services is authorised to undertake the following functions and powers:**
- (1) To exercise all the powers and duties of the Council in respect of the Town and Country Planning Act 1990 as follows:-
    - (a) To take appropriate action to advertise planning applications and display site notices.
    - (b) Reject an outline application because of insufficient details.
    - (c) Require owners to carry out proper maintenance of land where its condition detracts from the amenity of the immediate surrounding area, including the service of appropriate statutory notices under Section 215 of the Act.
    - (d) Serve planning control contravention notices and to hold discussions as a result of the “time and place” procedure under Section 171(C) of the Act.
    - (e) Make and confirm emergency Tree Preservation Orders except where objections/representations have been received and confirm unopposed Tree Preservation Orders under Section 201 of the Act.
    - (f) Determine, in consultation with the Director of Regeneration applications for the lopping, felling or topping of trees covered by Tree Preservation Orders and require such replanting as is considered necessary.
    - (g) Issue screening opinions (Regulations 5, 7 and 25) and scoping opinions (Regulation 10) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
    - (h) Authorise entry on to land under Sections 196 and 324 of the Act and under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
  - (2) To exercise all the powers and duties of the Council arising under the provisions of the Building Act 1984 as follows:-
    - (a) Part I – Building Regulations.
    - (b) Part III – Drainage, provision of sanitary conveniences, buildings, defective premises and demolition.
    - (c) Part IV – Powers of entry, execution of works and enforcement.

- (3) To exercise all the powers and duties of the Council arising under the provisions of Safety of Sports Grounds Act 1975 in relation to the issuing of notices prohibiting the admission of spectators to sports grounds and make agreed amendments to safety certificates.
- (4) To exercise all the powers and duties of the Council arising under the provisions of the Building (Approved Inspectors) Regulations 1985.

Note: This power may also be exercised by the Building Control Manager and the Fire/Safety at Sports Grounds Officer.

- (54) To exercise all the powers and duties of the Council arising under the provisions of the Public Health Act 1936 in relation to sanitary conveniences for buildings and culverts, ditches and watercourses.
- (56) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and conservation areas.
- (67) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Hazardous Substances) Act 1990.
- (78) To exercise all the powers and duties of the Council arising under the Town and Country Planning (Control of Advertisements) Regulations 1992 or any amendments to those regulations.
- (98) To exercise all the powers and duties of the Council arising under the provisions of the Hedgerows Regulations 1997.
- (109) To respond to consultations from neighbouring local planning authorities on planning applications.
- (11) To exercise all the powers and duties of the Council under the provisions of the Local Land Charges Act 1975.
- ~~(10) Determine building control fees in accordance with current regulations.~~
- (124) After consulting the Director of Finance, vary the standard scale of charges of the Local Government Association model structure by plus or minus 10%.
- (123) ~~Authority to~~ To take action to prosecute offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Public Health Act 1936 and the Safety at Sports Grounds Act 1975.
- (14) To exercise all the powers and duties under Part 8 of the Anti-Social Behaviour Act 2003 to consider and determine complaints about high hedges.
- (15) To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000 and to designate officers to carry out that function.

#### 43. **Head of Legal and Member Services**

*The Head of Legal and Member Services is authorised to:*

- (1) Exercise the functions of the Council's chief legal officer.
- (2) Institute or defend on behalf of the Council any legal proceedings whatsoever, or to appear on behalf of the Council in proceedings before the appropriate Court or Tribunal. In doing so, the Borough

Solicitor and Secretary is authorised to take all necessary action in connection with such proceedings, including the power to settle proceedings.

- (3) Authorise the sealing or signature of any Order, Deed or any other document necessary to give effect to the substance of a decision of the Council, Executive, committee, or officer acting under delegated powers.
- (4) Act as the Council's Monitoring Officer, Returning Officer, Electoral Registration Officer and Proper Officer
- (5) Determine, in consultation with the Director of Technical Services, applications for Certificates of Lawfulness in relation to existing or proposed uses of developments, and serve breach of conditions notices.
- (6) Act as Registrar in connection with all mortgages granted to the Council.
- (7) Make ex-gratia payments of up to £750 in each case to Council employees or members who suffer loss, damage or injury in the course of their duties .
- (8) Apply to magistrates' courts for anti-social behaviour orders, or any other orders under the Crime and Disorder Act 1998.
- (9) Enter into any agreement, contract, admission agreement, order or other documentation necessary to effect the management and administration of the Merseyside Pension Fund
- (10) In consultation with the Director of Finance, sign any certificate required under the Local Government Contracts Act 1999.

## **PART 3**

### **SCHEDULE 5**

#### **DELEGATION OF FUNCTIONS TO INDIVIDUAL CABINET MEMBERS**

The following matters, excluding key decisions and any matters outside the budget and policy framework, shall be delegated to the appropriate Cabinet Member:

- a) Streetscene and Transport Services- To approve the recommendation of the Streetscene and Transport Services Overview and Scrutiny Committee in connection with proposed traffic regulation orders to which objections have been lodged where he/she agrees with the recommendation.
- b) Approval of those matters where the recommendation is simply to note the report;

- c) Acceptance of tenders below £250,000, where the tender is the lowest price, the tender complies with all the price, quality, safety, sustainability and any other criteria set out in the tender document; and the tender value is below the figure set out in the relevant budget;
- d) The disposal of surplus land, buildings and other assets up to value of £250,000;
- e) The purchase of land, buildings and other assets up to a value of £250,000;
- f) Approval of the appointment of consultants up to £50,000
- g) Power to write off debts up to £10,000, in consultation with the Director of Finance.

