

PART 3

SCHEDULE 4 A PART 1 (As agreed by Council)

SCHEME OF NON EXECUTIVE DELEGATION OF FUNCTIONS TO OFFICERS

1. This part of the scheme of delegation authorises the Head of Paid Service and Directors, Assistant Directors (and other duly authorised officers under this scheme) to exercise and discharge non-executive functions, powers and responsibilities of the Council as set out in this scheme.
2.
 - a. All delegations conferred under this scheme must be recorded in writing by the Directors (including for the avoidance of doubt any delegation under paragraph 5(e) below). Any decision taken under such authority shall remain their responsibility.
 - b. The Monitoring Officer will maintain a central record of all delegations under this scheme and make this available for public inspection. The Directors are responsible for recording all delegations under paragraph 8 below in such form as the Monitoring Officer may prescribe.
3. This scheme is without prejudice to the exercise of the Council's functions by Full Council, the Council's committees, sub-committees and panels.
4. The delegation of the Council's Executive functions to officers are set out in Part 3 Schedule 4 Part B and are determined by the Leader of the Council.
5. For the purposes of this scheme "Director" and "Directors" means the Council's Chief Executive, all Directors and Assistant Directors (or any equivalent post(s) within the Council's officer senior management structure).
6. For the purposes of this scheme "Chief Officers" are those Council officers employed on JNC Chief Officer terms and conditions.
7. For the purposes of this scheme "committee" and "committees" means all council committees, sub-committees and panels constituted under the Council's Constitution.

The Directors are empowered to make exercise and/or discharge all non-executive decisions, functions, powers and responsibilities within their areas of responsibility on behalf of the Council in accordance with the following general principles:

- a. If a function, power or responsibility has not been specifically reserved to the Full Council or Council committees the Director within whose remit the matter falls is authorised to act.
- b. Full Council or its committees will make decisions on matters of policy. The Directors have express authority to take all necessary actions to implement decisions council or committees that commit resources,

within agreed budgets in the case of financial resources, as necessary and appropriate.

- c. The Directors are empowered to take all strategic and operational decisions, within agreed policies, in relation to the services for which they are responsible.
 - d. The Directors are empowered to take all necessary decisions in cases of emergency.
 - e. In relation to all delegated authority conferred on the Directors by this scheme, the Head of Paid Service may allocate or re-allocate responsibility for exercising particular functions and powers to any officer of the Council in the interests of effective corporate management as he or she thinks fit. He will notify the Assistant Director: Law and Governance of any such change. The Assistant Director: Law and Governance will amend the Constitution as necessary.
 - f. Where a Director is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Head of Paid Service. This nomination should be formally recorded in writing.
 - g. Where there is doubt over the responsibility for the exercise of a delegated power, the Head of Paid Service or his/her nominee is authorised to act or to determine who is to act.
 - h. These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the Council's goals.
8. For the purposes of this scheme, emergency shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the Council may be compromised.
9. In deciding whether or not to exercise such delegated powers, the Directors should consider whether to consult the appropriate committee Chairperson and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body or Full Council where they consider it expedient to do so.
10. The Directors may authorise officers in their service areas and/or management to exercise, on their behalf all functions, powers and responsibilities delegated to them under this scheme.
11. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's

constitution, including its Financial Regulations and Contract Procedure Rules, and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.

12. Without prejudice to the generality of the foregoing the Directors shall have the power:
 - a. To take all lawful action consistent with overall Council policy to deliver agreed strategy plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:
 - commissioning
 - undertake procurement exercises
 - invitation and acceptance of tenders
 - submission of bids for funding
 - write-off of irrecoverable debts
 - virement (within the budget framework)
 - disposal and acquisition of assets
 - service and placing of any necessary statutory or other notice (other than those expressly reserved to Full Council, committee or the Cabinet/Cabinet Member)
 - after consultation with the Assistant Director: Law and Governance to the Council, authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council.
 - b. To put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility.
 - c. In the case of any overspend to notify the Council's Chief Finance Officer in the role of Section 151 officer in accordance with the Financial Regulations and Contract Procedure Rules.
 - d. To determine staffing arrangements within approved budgets, subject to agreement on grading with the Head of Paid Service (or his/her nominee) and conformance with Council policies.
 - e. To take all action to recruit, appoint, develop, manage and reward employees within approved Council policies (including operation of

policies for discipline and dismissal, grievance, capability, attendance management, voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.

- (f) To authorise following consultation with and the approval of the Assistant Director: Law and Governance suitably qualified and/or experienced Council officers within their relevant area of management to conduct, prosecute, defend and appear in legal proceedings on behalf of the Council before the Magistrates Court in accordance with Section 223 of the Local Government Act 1972 as amended.
13. In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage.
- a. A key decision should be taken in accordance with the relevant requirements;
 - b. the views of the relevant committee Chairperson, area board(s) following the application of the consultation criteria set out in paragraph (c) below;
 - c. consideration of the views of the Constituency Committees and the local councillors in decisions about local services;
 - d. the implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases consultation with officers, relevant Cabinet Member(s) or committee Chairperson and local members, where the issue relates to a specific area, should take place;
 - e. consultation in accordance with the Council's consultation strategy and the views emanating from that process;
 - f. the range of available options;
 - g. the staffing, finance and legal implications;
 - h. the assessment of any associated risks in accordance with the Council's risk and management strategy;
 - i. the involvement of appropriate statutory officers and/or other Directors;
 - j. the Council's constitution, including the forward work plan, its contract and Financial Regulations and Contract Procedure Rules, all relevant guidance, legislation, codes of practice and protocols.
14. Any councillor may request that decisions taken by officers under delegated powers are scrutinised by the appropriate Overview and Scrutiny Committee.*

15. **Statutory Officers**

- 15a. The Council is required to appoint certain officers to undertake the “Statutory Officer” roles which require them to discharge specific legal duties to ensure that the Council acts within the law and uses its resources wisely. Those roles are the Head of Paid Service, the Chief Finance Officer (also known as the Section 151 Officer or S151 Officer), and the Monitoring Officer.
- 15b. The Council is responsible for ensuring that the Statutory Officers have the resources they require to discharge their roles effectively.

16. **The Head of Paid Service**

- 16a. The Chief Executive is the Council’s Head of Paid Service. The Head of Paid Service reports to Council on the manner in which the discharge of the Council’s functions is coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers. For the purposes of the Council’s Schemes of Delegation to Officers, references to Chief Executive includes Head of Paid Service (and vice versa).

The Council’s Assistant Chief Executive is authorised to act on behalf of the Chief Executive in respect of all powers, duties and functions in his/her absence/unavailability unless otherwise determined by the Chief Executive.

Chief Finance (Section 151/S.151) Officer

- 16b. **The Assistant Director: Finance** is the Council’s Chief Finance Officer and S.151 Officer and is responsible for the proper administration of the financial affairs of the Council.
- 16c. The Chief Finance Officer will contribute to the corporate management of the Council by providing professional advice and assistance to officers and Members in respect of matters of financial propriety, compliance, and due process in the formation and implementation of the budget and policy framework.
- 16d. The Chief Finance Officer shall, where necessary, and in consultation with the Head of Paid Service and Monitoring Officer, report any compliance issues to the Council, the Leader of the Council, Cabinet or the external auditor.

The Council’s Deputy Section 151 Officer is authorised to act on behalf of the Chief Finance Officer in respect of all powers, duties and functions in his/her absence/unavailability unless otherwise determined by the Chief Executive.

Monitoring Officer

- 16e. The Assistant Director: Law and Governance is the Council's Monitoring Officer and is responsible for ensuring lawfulness and fairness in decision making and matters relating to the conduct of elected Members.
- 16f. The Monitoring Officer will provide advice to ensure that decisions are taken on proper authority, by due process, and in accordance with the budget and policy framework.
- 16g. The Monitoring Officer shall, where necessary, and in consultation with the Head of Paid Service and the Chief Finance Officer, report any proposal, decision or omission considered to be unlawful or to amount to maladministration to the Council, Leader of the Council or the Cabinet. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 16h. The Monitoring Officer will contribute to the promotion and maintenance of high standards of Member conduct and will discharge functions in respect of breaches of the Member Code of Conduct.
- 16i. The Monitoring Officer shall determine matters relating to the interpretation of the Constitution and will be responsible for ensuring that it is kept up to date.
- 16j. The Monitoring Officer is authorised to make minor and/or consequential amendments to the Constitution for the purpose of keeping it up to date, clarifying its content or interpretation, correcting any errors or omissions or otherwise giving effect to the intentions of the Council.

Proper Officers

- 17a. There are various laws which require certain functions to be undertaken by the "Proper Officer" of the Council. The Council's designated proper officers are set out in the Proper Officer Schedule below (unless varied under paragraph 18 below). In the event that a proper officer is not listed then the proper officer shall be the Chief Officer with responsibility for the subject matter in question but in any event any Director.
- 17b. Proper Officer functions may be discharged by other officers duly authorised by Directors and/or Chief Officer(s) to act in the name of the Proper Officer concerned.
- 18. For the avoidance of doubt anything which is not covered by this scheme, including required changes to the designation of proper officers for the purpose of any statutory function for reasons of legality and/or business efficacy, will be determined by the Head of Paid Service in consultation with the Assistant Director: Law and Governance.

Proper Officer Schedule

Local Government Act 1972 Section	Subject Matter	Proper Officer
83(1)-(4)	Declaration of acceptance	Chief Executive or

	of office Civic Mayor, Deputy Civic Mayor or councillor	Assistant Director: Law and Governance
84	Receipt of notice of resignation of office by person elected or appointed.	Chief Executive/Returning Officer (or in his/her absence the Assistant Director: Law and Governance)
88(2)	Convening of meetings of Council to fill casual vacancy in office of Chair/Civic Mayor or Deputy Civic Mayor	Assistant Director: Law and Governance
89(1)(b)	Receipt of notice of casual vacancy in the office of councillor from two local government electors	Chief Executive/Returning Officer (or in his/her absence the Assistant Director: Law and Governance)
100B(7)(c)	Determination of documents to be supplied to the press	Head of Communications
100C(2)	Minutes of exempt information	All Directors
100D(1)(a) 100D(5)(a)	Compilation of background papers for inspection by members of the public Identification of background papers to be disclosed.	Director in whose name report is written
100F(2)	Exclusion of documents containing exempt information to Elected Members of the Council	Director in whose name the report is written
115(2)	Receipt of money due from Officers	Assistant Director: Finance
146(1)(a) and (b)	Declarations and certificates with regard to securities	Assistant Director: Finance
151	Arrangements for proper administration of Council's	Assistant Director: Finance

	financial affairs	
223(1)	Appearance of Council Officers in legal Proceedings [and to conduct proceedings]	All Directors with approval of the Assistant Director: Law and Governance
225(1)	Deposit of documents and receipt and retention of the same	Assistant Director: Law and Governance
228(3)	Accounts to be open to inspection of any Elected Member of the Council	Assistant Director: Finance
229(4)	Admissibility of photographic copies of documents in proceedings	Assistant Director: Law and Governance
229(5)	Certification of photographic copies of documents to be used in legal proceedings	
234(1) and (2)	To sign formal notices, orders or other documents which the Council is authorised or required to do by or under any enactment	All Directors
238	Certification of copies of byelaws made by the Council	Assistant Director: Law and Governance
248(2)	The keeping of Roll of Freemen post 1 st April 1974	Assistant Director: Law and Governance
Schedule 12 Part 1 para 4(2)(b)	Signature and service of summons to attend Council Meeting	Assistant Director: Law and Governance
Schedule 12 Part 1 para 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent	Assistant Director: Law and Governance
Schedule 14 Part II para 25(7)	Certification of resolutions for use in legal proceedings	All Directors

Local Government (Miscellaneous Provisions) Act 1976 Section	Subject Matter	Proper Officer
41	Certifying copies of resolutions, order, report and minutes for use in legal proceedings	Assistant Director: Law and Governance

Representation of the People Act 1983 Section	Subject Matter	Proper Officer
8(1) and (2) (a)	Electoral Registration Officer	Chief Executive
35(1)	Returning Officer Elections and Referenda	Chief Executive

Building Act 1984 Section	Subject Matter	Proper Officer
78 (8)	Taking immediate action in relation to dangerous buildings. Taking immediate action in relation to dangerous structures.	Relevant Director and/or Chief Officer

Local Government Finance Act 1988 Section	Subject Matter	Proper Officer
114	Provision of financial reports to the Council.	Assistant Director: Finance

Local Government and Housing Act 1989 Section	Subject Matter	Proper Officer
2(4)	Deposit of list of politically restricted posts	Assistant Director: HR/OD
4	To be the Head of Paid	Chief Executive

	Service	
5	To be the Monitoring Officer	Assistant Director: Law and Governance
15-17	Receipt of various notices relating to political groups	Assistant Director: Law and Governance

Local Government (Committees and Political Groups) Regulations 1990 Section	Subject Matter	Proper Officer
8(1) and (5)	Officer to whom notice is delivered about the constitution of a political group, or the change of name of a political group	Assistant Director: Law and Governance
9 and 10	Officer to whom notice is delivered about a Councillor's membership of, or cessation of membership of, a political group	Assistant Director: Law and Governance
13	Officer to whom the wishes of a political group are expressed and receipt of those wishes	Assistant Director: Law and Governance
14	Officer responsible for notifying a political group about allocations and vacations of seats	Assistant Director: Law and Governance

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089 Section	Subject Matter	Proper Officer
7(2)	Exclusion of information in any report which relates only to matters during which, in the proper	All Directors

	officer's opinion, the meeting is likely to be a private meeting.	
7(7)(c)	Copy of any other document supplied to members of the executive in connection with the item considered at a meeting as the proper officer thinks fit.	All Directors
7(12)	To ensure that a written statement is produced for every executive decision as required .	Assistant Director: Law and Governance
20	Determining whether to disclose a document containing confidential, exempt information or advice provided by a political advisor or assistant.	All Directors

The Local Authorities (Standing Orders) (England) Regulations 2001 Sections	Subject Matter	Proper Officer
All	<p>Notice to Cabinet in respect of any proposed appointment or dismissal of the Chief Executive Officer (Head of Paid Service) or the Chief Officer.</p> <p>Notice in respect of dismissing the Monitoring Officer or Chief Finance</p>	Assistant Director: HR/OD and Assistant Director: Law and Governance

	Officer	
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SCHEDULE 4A PART 2

1. The Council's regulatory and enforcement functions in relation to planning, licensing and other regulatory and finance matters will be exercised in accordance with express delegations below.
2. Unless otherwise stated, the delegations below may be exercised by the relevant Chief Officer(s) reporting to the Directors listed below and any other suitably qualified and experienced Council officer duly authorised by:
 - Managing Director for Delivery
 - Director for Business Services (Assistant Chief Executive)
 - Director of Children's Services
 - Director for Health and Care
 - Chief Finance Officer and/or
 - Assistant Director: Law and Governance

or pursuant to Schedule 4A Part 1 above. .

- (1) Take any action under any relevant legislation (and related statutory instruments and case law) including, where relevant (but not limited to) the **issue and** service of notices **and orders**, 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 **being the exercise of the powers and duties listed including those contained in the legislation amending or superseding the same.**

Relevant legislation under this paragraph shall include but is not limited to:

Accommodation Agencies Act 1953
Administration of Justice Act 1970
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Produce (Grading and Marking) Act 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
Antisocial Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014
Breeding of Dogs Acts 1973 and 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984

Business Protection from Misleading Marketing Regulations 2008
Care Act 2014
Care Standards Act 2000
Caravan Sites Act, 1968
Caravan Sites and Control of Development Act 1960
Charities Act 1992
Children and Families Act 2014
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 2006
Company Directors Disqualification Act 1986
Competition Act 1980
Consumer Credit Act 1974 and 2006
Consumer Protection Act 1987
Consumer Protection from Unfair Trading Regulations 2008
Consumer Protection (distance selling) Regulations 2000
Consumer Rights Act 2015
Control of Horses Act 2015
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Copyright Designs and Patents Act 1988
Copyright etc and Trade Marks Offences and Enforcement Act 2002
Council Tax Reduction Schemes (Detection of Fraud and Enforcement)(England) Regulations 2013
County of Merseyside Act 1980
Courts and Legal Services Act 1990
Criminal Attempts Act 1981
Criminal Damage Act 1971
Criminal Justice Act 1988
Criminal Justice & Public Order Act 1994
Criminal Justice and Police Act 2001
Criminal Law Act 1977
Dangerous Dogs Acts 1989 and 1991
Dangerous Wild Animals Act 1976
Defective Premises Act 1972
Deregulation Act 2015
Development of Tourism Act 1969
Dogs Act 1871 and 1906
Dogs (Protection of Livestock) Act 1953

Education Act 1996
Education and Inspections Act 2004
Education Reform Act 1988
Employment Agencies Act 1973
Energy Act 2013

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

Flood and Water Management Act 2010
Food Act 1984
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Gambling Act 2005
Guard Dogs Act 1975
Hallmarking Act 1973
Health and Safety at Work etc. Act 1974
Health and Social Care Acts 2008 and 2012
Health Act 2006
Highways Act 1980
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
Housing and Planning Act 2016
Intellectual Property Act 2014

Land Compensation Act 1973
Land Drainage Act 1991
Landlord and Tenant Acts 1954, 1985, 1987 and 1988
Licensing Act 2003
Litter Act 1983
Local Government Act 1972
Local Government Act 1988
Local Government Finance Act 1992
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Local Land Charges Act 1975
Medicines Act 1968
Mental Health Acts 1983, 2007 and 2014
Merchant Shipping Acts 1979/1995
Mobile Homes Act, 2013

Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
Noise and Statutory Nuisance Act 1993
Noise Act 1996

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
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning and Compulsory Purchase Act 2004
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
Protection of Animals (Amendment) Acts 1988
Protection from Eviction Act, 1977
Protection of Birds Acts 1954 to 1976
Psychoactive Substances Act 2016
Public Health Acts 1875, 1936, 1961 and 1969

Radioactive Substances Act 1993
Registered Designs and Patents Act 1949
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
Slaughter Houses Act 1974
Slaughter of Poultry Act 1967
Scrap Metal Dealers Act 2013
Solicitors Act 1974
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Theft Acts 1968 and 1978
The Cancellation of Contracts made in a Consumer's Home or place of work etc, Regulations 2008

Town and Country Planning Act 1990
Town Police Clauses Acts 1847 and 1889
Trades Descriptions Act 1968
Traffic Management Act 2004
Trade Marks Act 1994
Trading Representations (Disabled Persons) Act 1972

Transport Acts 1980-1985
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

and any legislation amending or replacing the above (including Statutory Instruments)

- (2) Institute legal action and or proceedings in respect of the enforcement of any relevant legislation..
- (3) Authorise individual Council officers falling within their area of management and/or control to take particular actions in their own names and to charge people at police stations.
- (4) With regards to Trading Standards, the Managing Director for Delivery and Assistant Director (Environment Services) shall be authorised to-
 - (a) Personally or, where legislation requires it, through the Senior Manager Trading Standards or Trading Standards Operations Manager (or equivalent post holders) 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 Senior Manager Trading Standards or Trading Standards Operations Manager (or equivalent post holders) authorise the commencement of legal proceedings on behalf of the Council under trading standards, consumer and related legislation;
 - (c) authorise the post-holders listed below in the first instance, in the Trading Standards Division, after consultation with the Head of Law, to present cases and appear in legal proceedings on behalf of the Council:

Senior Manager (Trading Standards) and Trading Standards Operation Manager and authorise other officers as considered necessary to present and appear in legal proceedings on behalf of the Council.
 - (d) authorise the Trading Standards Operational Manager (or equivalent post holder) to charge alleged offenders in police stations.
- (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 or for breaching any notice or order.
- (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)
 - (a) Approve increases in charges not fixed by statute.
 - (b) Waive charges for the provision of information under the Environmental Information Regulations in appropriate circumstances
- (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.
- (14) To exercise the powers and duties available under the Business Protection from Misleading Marketing Regulations 2008 and the Consumer Protection from Unfair Trading Regulations 2008.
- (15) Authorise relevant officers throughout the Council to issue Community Protection Notices for leaving litter and other related matters affecting the quality of life of persons in Wirral.

In respect of licensing and registration functions:

- (16) 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) Scrap Metal Dealers Registration;
 - (iii) Street Collection Licences and House to House collection permits;

- (iv) Club Premises Certificates;
- (v) Temporary Event Notices;
- (vi) License premises for gambling activities;
- (vii) Notices given for temporary use of premises for gambling;
- (viii) Grant permits for gaming and gaming machines in clubs and miner's welfare institutions;
- (ix) Regulate gaming and gaming machines in alcohol licensed premises;
- (x) Grant permits to family entertainment centres;
- (xi) Grant permits for prize gaming;
- (xii) Consider occasional use notices for betting at tracks;
- (xiii) Register small societies' lotteries;
- (xiv) The enforcement of the provisions of the Gambling Act 2005;
- (xv) Personal Licenses;
- (xvi) Registration of second-hand dealers;
- (xvii) Certificates of Consent for all public exhibitions, demonstrations or performances of hypnotism;
- (xviii) Licences to hold civil marriage ceremonies on approved premises;
- (xix) 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;
- (xx) 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 or revocation 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);
- (xxi) The enforcement of the provisions of the Licensing Act 2003;
- (xxii) 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;
- (xxiii) Authorise members of staff in the Licensing Division to carry out

enforcement functions as authorised officers under licensing legislation;

- (xxiv) Personally, or through the Assistant Director: Law and Governance , commence legal proceedings on behalf of the Council under licensing legislation;
 - (xxv) Authorise relevant officers throughout the Council to issue and enforce Community Protection Notices and to enforce Public Spaces Protection Orders.
- (17) In consultation with the Managing Director for Delivery and/or Assistant Director (Environment 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 Planning and related matters:

- (18) *The Director for Delivery and Assistant Director (Environment Services) has authority:*
- (i) to determine all planning and related applications other than those listed under below;
 - (ii) to take appropriate enforcement action on **all** matters relating to the issue and service of Enforcement Notices, Breach of Condition Notices and Discontinuance Orders, including the following:
 - To take initial action to deal with breaches of planning control including the serving of Planning Contravention Notices to obtain relevant information in order to assess whether or not a breach of planning control has occurred.
 - To serve Breach of Condition Notices where planning conditions have not been complied with and to specify the steps which the Council consider ought to be taken or the activities which ought to cease.
 - To serve Enforcement Notices or to withdraw, modify and reissue any Enforcement Notice following a decision by the Planning Committee to grant permission for development or not to proceed with enforcement action.
 - In cases of urgency, in consultation with the Chair, Vice-Chair and Party Spokespersons of the Planning Committee, to issue and serve Stop Notices unless the serving of such a notice would result in the significant loss of jobs or the potential for substantial costs against the Council.

- In consultation with the Chair, Vice-Chair and Party Spokespersons of the Planning Committee to serve Temporary Stop Notices.

(For the avoidance of doubt) where it is proposed **not** to take appropriate enforcement action relating to **Priorities 1, 2 and 3** of the adopted Planning Enforcement Policy on the grounds of non-expediency, the Authority of Members of the Planning Committee **must** be sought.

- (iii) to refuse applications in relation to telecommunications development.
 - (iv) where it is proposed to recommend approval of telecommunication development and other proposals requiring prior notification approval, 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.
 - (v) to determine all planning and related applications where decisions would require a Section 106 obligation or action under other powers (with the exception of applications where an applicant is required to provide the Council with a sum of £200,000 or more).
- (19) The Managing Director for Delivery and Assistant Director (Environment Services), assisted by the Development Management Manager to determine on behalf of the Council all minor and other applications, including those submitted by the authority, excluding those applications listed under (A) below;
- (A) Applications to be determined by Committee:
- (i) Any major applications as set out below (unless recommended for refusal and has not been supported on planning grounds by a Member as set out in (vi) below);
 - (a) residential development of 50 or more dwellings;
 - (b) other forms of development or change of use of 5,000 square metres floorspace or more;
 - (c) applications or development or change of use of 2 hectares or more of land;
 - (d) Proposals requiring Environmental Impact Assessment; and
 - (e) Minerals and waste 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 with the exception of applications for Planning Permission and/or Listed Building Consent to Grade I listed buildings, where there are no objections on conservation grounds.
 - (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 ***in writing and all requests must be made prior to the last date for comment as published on an application;***
 - (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, **unless** the application is being recommended for refusal, in which case, the application shall remain under delegated powers, (unless a Member registers support in writing for an application on planning grounds). The lead petitioner will be informed of the recommendation to refuse under delegated powers.
 - (vi) Any application recommended for refusal where a Member has registered support in writing for an application on planning grounds and has requested the application is determined by Planning Committee.
 - (vii) Any personal/private application made by any Member of the Council, or any member of staff employed in the Council's planning services section .
 - (viii) Any application where an Elected Member is involved in any capacity as an agent or consultant where at least one objection has been received (where no objections have been received, the Head of Regeneration & Planning, assisted by the Development Management Manager, may determine such applications following consultation with and the agreement of the Chair of Planning Committee, and the other party Spokesperson)
 - (ix) Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment.
- (B) The Managing Director for Delivery and Assistant Director (Environment Services)is are authorised to undertake the following functions and powers. **Being the exercise of the powers and duties listed below including those contained in the legislation amending or superseding the same:**

- (i) To exercise all the powers and duties of the Council in respect of the Planning and Compulsory Purchase Act 2004 and 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 and vary and revoke such orders.
 - (f) Determine 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 and 2011.
 - (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 and 1997.

- (ii) 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.

- (iii) Safety at Sports Ground(s) - responsibility transferred to Head of Corporate & Community Safety

- (iv) 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.

- (v) 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.
- (vi) 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.
- (vii) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Hazardous Substances) Act 1990.
- (viii) 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.
- (ix) To exercise all the powers and duties of the Council arising under the provisions of the Hedgerows Regulations 1997.
- (x) To respond to consultations from neighbouring local planning authorities on planning applications.
- (xi) To exercise all the powers and duties of the Council under the provisions of the Local Land Charges Act 1975.
- (xii) After consulting the Assistant Director: Finance, to vary the standard scale of charges of the Local Government Association model structure by plus or minus 10%.
- (xiii) 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.
- (xiv) 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.
- (xv) 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.
- (xvi) To exercise all the powers and duties under Parts 1-6 of the Anti-Social Behaviour, Crime and Policing Act 2014 including the issue or extension of a Closure Notice to 48 hours.

COMMENTARY ON PROPOSED CHANGES

Sch 4A Part 1 Relevant Section(s)	Nature of/reason for change
1 - 11	<p>Post titles updated pursuant to New Operating Model.</p> <p>Inclusion of or amendments to definitions</p> <p>Clarification of existing delegations.</p>
7b.	Deleted word 'significant' as irrelevant as all amendments to Council side policies require Council approval (unless delegated to a Committee).
12a	<p>Post titles updated pursuant to New Operating Model.</p> <p>Additional activity included for completeness/clarity (but change is still within existing delegations as the original list is not exhaustive).</p>
12b-f	<p>Post titles updated pursuant to New Operating Model.</p> <p>Clarification of existing delegations.</p>
13a-j	Clarification of existing delegations.
14	*The Standards and Constitutional Oversight Working Group will consider at its next meeting(s) which and how decisions taken by officers under this provision are reported so as to enable Members to decide which decision (if any) requires scrutiny through the relevant Overview and Scrutiny Committee.
15-16	Intended as an aide memoir with regards to the scope and remit of the roles of Head of Paid Service, Chief Finance/S.151 Officer and Monitoring Officer.
17-18	<p>Clarification of existing delegations with regards to proper officers.</p> <p>Post titles updated pursuant to New Operating Model.</p>

<p style="text-align: center;">Sch 4A Part 2</p> <p style="text-align: center;">Relevant Section(s)</p>	<p style="text-align: center;">Nature of/reason for change</p>
1-2	<p>Clarification of existing delegations.</p> <p>Post titles updated pursuant to New Operating Model.</p>
2(1)	<p>Clarification of existing delegations.</p> <p>Post titles updated pursuant to New Operating Model.</p> <p>Legislation update.</p>
2(2)-(19)	<p>Clarification of existing delegations.</p> <p>Post titles updated pursuant to New Operating Model.</p>