

## **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 Adult Social Services
  - Director of Technical Services
  - Director of Law, HR and Asset Management
3. (a) Unless otherwise provided for within this scheme 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.  
  
(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), a Traffic Manager, who shall be the holder of the post of Head of Streetscene and Waste (Department of Technical Services) and Scrutiny Officer, who shall be the Head of Legal and Member Services. Also a named Proper Officer, who shall be the Director of Public Health, Deputy Proper Officers, namely a consultant in public health and the Deputy Director of Public Health.
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 obligations, duties and restrictions;
  - (b) the Council's Constitution, policies and protocols;
  - (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 and Emergency Powers**

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 Director of Law, HR and Asset Management, who has general authority to institute, appear in, prosecute, defend any legal proceedings whatsoever on behalf of the Council including the power, notwithstanding any limitations contained within this scheme, to authorise and require any Council employee agent or representative to undertake such tasks, duties and responsibilities in respect of any Council policy, procedure, litigation or legal matter as may be considered necessary and expedient to protect or otherwise further the interests and or position 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.

- 28(a) Chief Officers have the power to make any changes to the Council's staffing structure, including creation, amendment and deletion of posts involving employees up to and including Spinal Column Point (SCP) 49, following authorisation from all three of the following: Chief Officer (relevant department); Director of Finance and Head of Human Resources and Organisational Development.

### **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 Law, HR and Asset Management;
  - (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 Law, HR and Asset Management, by making compensation payments up to a maximum of £1,000 in any one case.
  - (f), settle complaints of maladministration, after consultation with the Chair of the Standards Committee, the Director of Finance and the Director of Law,

HR and Asset Management, by making compensation payments between £1001 and £5,000 in any one case. (Cases over £5,000 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.
- (9)
  - (a) Re-allocate on a temporary basis following any change to the Council's Chief Officer Structure, any function(s) and powers delegated to a Chief Officer under this scheme to another Chief Officer(s) providing it is lawful and necessary to ensure the effective and timely delivery and discharge of that function(s).
  - (b) Any re-allocation of functions under this paragraph shall continue until Council amends or varies this scheme or in default for a period not exceeding nine months in duration;
  - (c) All officers exercising, discharging and or undertaking powers,

responsibilities and duties falling within the remit and scope of any re-allocated function(s) under this paragraph shall, on a temporary basis and providing it is lawful and necessary to ensure the effective and timely delivery and discharge of that re-allocated function(s), fall temporarily within the management control of the relevant Chief Officer to whom the function(s) has been re-allocated.

*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 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.

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

#### *In respect of investment and development grants:*

- (1) 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.
- (2) Approve grants of up to £600 (within approved budgets) to individual credit unions.

(3) Accept offers of grant made directly by the European Commission (after consulting 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.

(4) 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.

(5) Approve business support grants up to £20,000 after consulting the Cabinet member for Regeneration and Planning Strategy.

*In respect of housing and related functions:*

(6) Undertake all duties and responsibilities, as necessary, in relation to the Council's strategic housing function.

(7) Continue to administer Wirralhomes allocation scheme on behalf of partner Registered Providers and the Wirral Housing Register.

(8) 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).

(9) Exercise the powers and duties of the Council under the Metropolitan Borough of Wirral (Registration of Houses in Multiple Occupation) Control Scheme 1999.

(10) To make HMO (Houses in Multiple Occupation) Management Orders

(11) 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.

(12) Approve any assistance under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and Part 1 of the Local Government Act 2000 provided through Wirral's Private Sector Housing and Regeneration Assistance Policy

(13) Instigate legal action and or proceedings in respect of the enforcement of any legislation (and related statutory instruments) relating to Housing Services, including, where relevant (but not limited to), the service of notices, the appointment of persons, the issue of licences and authorisations, prior consents and grants or loans acceptance of statutory notifications; application for warrants.

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

The Building Act 1984  
The Environment Act 1995  
The Environmental Protection Act 1990  
The Home Energy Conservation Act 1995

The Housing Act 1985  
The Housing Act 1988  
The Housing Act 1996  
The Housing Act 2004  
The Housing Grants Construction and Regeneration Act 1996  
The Land Compensation Act 1973  
The Landlord and Tenant Act 1985  
The Landlord and Tenant Act 1987  
The Landlord and Tenant Act 1988  
The Local Government Miscellaneous Provisions Act 1976  
The Local Government Miscellaneous Provisions Act 1982  
The Local Government and Housing Act 1989  
The Planning and Compulsory Purchase Act 2004  
The Prevention of Damage by Pests Act 1949  
The Protection from Eviction Act 1977  
The Public Health Act 1936  
The Public Health Act 1961  
The Rent Act, 1977  
The Town and Country Planning Act 1990  
Health Act 2006

In respect of grants and regeneration:

- (14) Allocate grants of up to £500 for minor projects or events within the “Pathways” initiative.
- (15) 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.

### **38. Director of Law, HR and Asset Management**

The Director of Law, HR and Asset Management 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:*

- (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, 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 Corporate Services, 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 Corporate Services, 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 Corporate Services, 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 Corporate Services, 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 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.
- (36) Exercise the functions of the Council's chief legal officer.
- (37) 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 Head of Legal and Member Services is authorised to take all necessary action in connection with such proceedings, including the power to settle proceedings.
- (38) 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.
- (39) Act as the Council's Monitoring Officer and Proper Officer.
- (40) 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.
- (41) Act as Registrar in connection with all mortgages granted to the Council.
- (42) 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.
- (43) Apply to magistrates' courts for anti-social behaviour orders, or any other orders under the Crime and Disorder Act 1998.
- (44) Enter into any agreement, contract, admission agreement, order or other documentation necessary to effect the management and administration of the Merseyside Pension Fund.
- (45) In consultation with the Director of Finance, sign any certificate required under the Local Government Contracts Act 1999.

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

- (46) Subject to paragraph (2) below, take any action under any relevant 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 relating to trading standards, environmental health, environmental protection, food safety, licensing and health and safety matters.

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) 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  
Business Protection from Misleading Marketing Regulations 2008  
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  
Consumer Protection from Unfair Trading Regulations 2008  
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  
Fraud Act 2006  
Gambling Act 2005  
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  
Licensing Act 2003  
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

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

- (47) Institute legal action and or proceedings in respect of the enforcement of any legislation relating to trading standards, environmental health, environmental protection, food safety, licensing and health and safety including those functions 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 may (but need not necessarily, especially in cases of urgency) be sought 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.
- (48) Authorise individual trading standards officers to take particular actions in their own names and to charge people at police stations.
- (49) (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 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 Director of Law, HR and Asset Management, 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)
- and authorise other officers as considered necessary to present an appear in legal proceedings on behalf of the Council.
- (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);
- (50) 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.
- (51) Issue fixed penalty notices for leaving litter.
- (52) Take action under the Licensing Act 2003 relating to the sale of intoxicating liquor to, or for consumption by, persons under 18.
- (53) Enforce the Customs & Excise Management Act 1979 and the Tobacco Products Act 1979 relating to fiscal marking of tobacco products.

- (54) Operate Agency Services under the terms of Sections 135 and 169 of the Local Government and Housing Act 1989 and to charge fees accordingly.
- (55) Approve increases in charges not fixed by statute.
- (56) Waive charges for the provision of information under the Environmental Information Regulations in appropriate circumstances
- (57) 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.
- (58) Nominate an officer to deal with representations made to the Council by persons in receipt of a Notice.
- (59) 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.
- (60) 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

*In respect of licensing and registration functions:*

- (61) 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) Street Collection Licences and House to House collection permits;
  - (v) Club Premises Certificates;
  - (vi) Temporary Event Notices;
  - (vii) License premises for gambling activities;
  - (viii) Consider notices given for temporary use of premises for gambling;
  - (ix) Grant permits for gaming and gaming machines in clubs and miner's welfare institutions;
  - (x) Regulate gaming and gaming machines in alcohol licensed premises;
  - (xi) Grant permits to family entertainment centres;

- (xii) Grant permits for prize gaming;
  - (xiii) Consider occasional use notices for betting at tracks;
  - (xiv) Register small societies' lotteries;
  - (xv) The enforcement of the provisions of the Gambling Act 2005;
  - (xvi) Personal Licenses;
  - (xvii) Registration of second-hand dealers;
  - (xviii) Motor Salvage operators;
  - (xix) Certificates of Consent for all public exhibitions, demonstrations or performances of hypnotism;
  - (xx) Licences to hold civil marriage ceremonies on approved premises;
  - (xxi) 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;
  - (xxii) 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;
  - (xxiii) The enforcement of the provisions of the Licensing Act 2003
  - (xxiv) 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.
  - (xxv) Authorise members of staff in the Licensing Division to carry out enforcement functions as authorised officers under licensing legislation.
  - (xxvi) Personally, or through the Director of Law, HR and Asset Management Commence legal proceedings on behalf of the Council under licensing legislation.
- (62) 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 public health matters:*

- (63) 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.

- (64) Authority to exercise the powers and duties arising under the provisions of The Health Act 2006.

*In respect of Community Safety functions:*

- (65) To be responsible for the management of the Community Safety function and to exercise all the Council's statutory and regulatory powers relating to that function

### **39. 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 Fostering Services Regulations 2002 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 Law, HR and Asset Management) 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.
- (71) 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.
- (72) To be responsible for the management of the Anti-social Behaviour Service and to exercise all the Council's statutory and regulatory powers relating to that service, including the following:
  - 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, the Councillors for any wards that would be

affected by the designation and the Director of Law, HR and Asset Management;  
and

- To act (in consultation with the Director of Law, HR and Asset Management) 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

#### 40. **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.
- (20) To authorise and nominate on behalf of the Finance Department designated officers to investigate and exercise all necessary powers available to them under all relevant primary and secondary legislation relating to welfare benefit fraud to include the power to issue Cautions, Administrative Penalties and where appropriate to authorise the Director of Law, HR and Asset Management or any appropriate outside agency to commence legal proceedings on their behalf where necessary.
- (21) To authorise the Director of Law, HR and Asset Management to institute legal proceedings on behalf of any relevant outside agency relating to a welfare benefit fraud and where that investigation also raises matters relating to housing/council tax benefit fraud.
- (22) To be responsible for the production and implementation of the ICT Strategy and ICT Development Programme.
- (23) To be responsible for the management of the Library Service and to exercise all the Council's statutory and regulatory powers relating to that service

## 42. 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 Law, HR and Asset Management.
- (5) 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.
- (6) In consultation with the Cabinet Portfolio holder for Social Care and Inclusion, be authorised to appoint, if considered necessary, alternative Appointed Officer(s) for the purposes of the National Assistance Act 1948 and National Assistance (Amendment) Act 1951;

*In respect of Service for Adults:*

- (7) 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.
- (8) Admit persons with mental ill health, physical disabilities or learning difficulties to Day Centres or Workshops provided for them.
- (9) 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.
- (10) Appoint officers to carry out the duties of approved Social Workers under the Mental Health Act 1983.
- (11) 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.
- (12) 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).
- (13) 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).

- (14) Waive the Contract Procedure Rules relating to procurement when seeking quotations and tenders for certain Community Care Services.
- (15) 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.
- (16) Provide services to support people in their own homes (e.g. domiciliary services) under the NHS & CC Act 1990 and National Assistance Act 1948.
- (17) Approve applications for concessionary travel passes from people with learning disabilities and those who are mentally ill.
- (18) Approve interest-free loans not exceeding £30,000 in accordance with approved guidelines.

*In respect of Complaints and Representations:*

- (19) 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.
- (20) Make arrangements for panel review of response to a registered complaint when requested to do so by the complainant.
- (21) 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.
- (22) Notify the complainant and any other involved persons of reconsideration.
- (23) Reimburse independent review panel members, complainants and authorised representatives for any out-of-pocket expenses incurred.
- (24) 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.

**43. 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 including the making of gating orders;
  - (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 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 Traffic Management Act 2004 including the civil enforcement of traffic contraventions.
  - (5) Exercise all the powers and duties of the Council under the provisions of the Clean Neighbourhoods and Environmental Health Act 2005
  - (6) 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.
  - (7) 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.
  - (8) Exercise all the powers and duties of the Council under the provisions of the Reservoirs Act 1975.

- (9) 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, bridleways and restricted byways.
- (10) 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, the Town and Police Clauses Act 1847 and the Clean Neighbourhoods and Environmental Health Act 2005.
- (11) Lodge objections to operators licence applications on highway safety and traffic management grounds under the provisions of the Transport Act 1968.
- (12) Approve the naming and numbering of streets in consultation with ward members.
- (13) Adopt highways to become maintainable at public expense in consultation with ward members.
- (14) Approve the siting of taxi ranks in consultation with ward members.
- (15) 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).
- (16) Consider and determine, in consultation with ward members and the police, all applications for the provision of on-street parking bays for the disabled.
- (17) Enter into agreements with developers for the execution of highway works under the provisions of Section 278 of the Highways Act 1980.
- (18) Exercise, in relation to sewage management contracts, the powers conferred upon United Utilities Plc by the provisions of the Water Industry Act 1991.
- (19) 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.

*In respect of Planning and related matters:*

The Director of Technical Services has authority:

(i) to determine all planning and related applications other than those listed under (a) 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, 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 (unless recommended for refusal and has not been supported on planning grounds by a Member as set out in (vi) below) – "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 1,000 square metres floorspace relating to B1(Light Industrial), B2(General Industrial) or B8(Storage and Distribution) Uses , 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 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 must make any request 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 Technical Services Department.

(viii) Decisions that would require a Section 106 obligation or action under other powers, with the exception of applications requiring the provision of additional litter bins or where an applicant is required to provide the Council with a sum of £10,000 or less towards any minor traffic/highway improvements.

(ix) 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 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.

(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.

(5) 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.

(6) 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.

(7) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Hazardous Substances) Act 1990.

(8) 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.

(9) To exercise all the powers and duties of the Council arising under the provisions of the Hedgerows Regulations 1997.

(10) 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.

(12) After consulting the Director of Finance, to vary the standard scale of charges of the Local Government Association model structure by plus or minus 10%.

(13) 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.

*In respect of Cultural Services functions:*

(29) Approve the setting and variation of charges and core admission prices to Cultural Services facilities and events (including those held in parks or other open spaces).

(30) Accept bids for concessions at events.

(31) Approve routine lettings for events on Cultural Services premises/land under control of Children and Young People's Department.

(32) Approve free or concessionary use of Cultural Services facilities/equipment.

(33) Approve the closure of Cultural Services facilities for essential maintenance.

(34) Determine opening hours during holiday periods for Cultural Services facilities.

(35) Accept bids for concessions at parks and open spaces.