

NON-EXECUTIVE FUNCTIONS

MATTERS OF URGENCY

TO THE CHIEF EXECUTIVE:

Where it is necessary for any function of the Council or one of its Committees to be discharged and it is impracticable or impossible by reason of urgency for the matter to be considered by the Council or such Committee, to take such action as he considers appropriate, in consultation, so far as practicable with the Mayor and Group Leaders in respect of a Council function or the relevant Committee Chairman in respect of a matter within the terms of reference of a Council Committee

Where action is taken under the above, the Chief Executive shall submit a report to the next Council or Committee meeting as appropriate recording the urgent circumstances which made the action necessary and detailing the action taken.

OTHER NON-EXECUTIVE FUNCTIONS

COUNCIL:

TO THE CHIEF OFFICER (HEALTH AND HOUSING)

To serve notices and to act on behalf of the Council under the following legislation, and to designate authorised officers who may then act on behalf of the Council under the following legislation in accordance with their designation as authorised officer:

Health Act 2006

PERSONNEL COMMITTEE

TO THE CHIEF EXECUTIVE IN RESPECT OF ALL POSTS EXCEPT JNC CHIEF OFFICER POSTS

To establish new posts and approve minor structural reorganisations, and to assimilate members of staff on fixed term or temporary contracts or in casual work situations into the permanent establishment

To determine the terms and conditions of service of Council employees within the policy set by the Personnel Committee

To determine applications for regrading

To apply the Council's Redeployment Policy including declaration of a redundancy situation and redeployment of staff

To approve the payment of acting up and honorarium payments

To approve extensions to full or half sick pay

To approve release of preserved pension benefits in accordance with relevant pension legislation, including Certificates of Material Change

To determine requests for late transfers into the Local Government Pension Scheme

TO CHIEF OFFICERS IN RESPECT OF EMPLOYEES WITHIN THEIR SERVICE

To extend the term of any fixed term or temporary contract

To change the designation of a post

To recruit to established permanent or temporary posts (below JNC Chief Officer level), and determine commencing salary and subsequent granting or withholding of incremental progression

To determine applications and approve arrangements in accordance with the provisions of the Council's Attendance Management policies and Family Leave Scheme, Parental Leave Scheme and Flexible Working Scheme.

To determine applications for car loans

To determine ex gratia payments

To terminate employment in accordance with Council policy, and on grounds of permanent ill health

To determine action in sickness absence cases lasting six months or more

To take disciplinary action in accordance with Council policy (except JNC Chief Officers)

To authorise attendance of staff at appropriate courses, and the granting of financial assistance in accordance with the National Scheme of Conditions of Service.

The award of a maximum of two merit increments for examination success and in other appropriate cases provided that the award is within the approved establishment grade of the postholder.

LICENSING REGULATORY COMMITTEE

TO THE CHIEF EXECUTIVE

To make appropriate arrangements for the institution or defence of any legal proceedings relating to matters within the terms of reference of the Licensing Regulatory Committee

TO THE CHIEF OFFICER (HEALTH AND HOUSING), LICENSING MANAGER AND ANY OTHER OFFICER THE LICENSING MANAGER DESIGNATES IN WRITING

To grant and issue any licence, registration or other permission under any legislation within the terms of reference of the Licensing Regulatory Committee, unless there are any adverse representations or other reasons why the officer considers it appropriate to refer the matter to the Committee. This does not include authority to refuse a licence, save that the Chief Officer (Environment) and the Licensing Manager are authorised to refuse new applications for hackney carriage or private hire driver licences, where satisfied that the applicant is not a fit and proper person to hold a licence.

To approve any matters within the conditions of licences, registrations or other permissions under any legislation within the terms of reference of the Licensing Regulatory Committee, which require the approval or consent of the Council.

TO THE CHIEF OFFICER (HEALTH AND HOUSING) AND LICENSING MANAGER

To designate authorised officers for the purposes of the Local Government (Miscellaneous Provisions) Act 1976, who may then act on behalf of the Council under the Act in accordance with their designation as authorised officer

To designate authorised officers for the purposes of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, who may then act on behalf of the Council under the Act in accordance with their designation as authorised officer.

To allocate permits for street collections unless there are more applications than permits available.

TO THE CHIEF OFFICER (HEALTH AND HOUSING), LICENSING MANAGER AND ANY OTHER OFFICER THE CHIEF OFFICER (HEALTH AND HOUSING) DESIGNATES IN WRITING

To suspend a driver's licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, including authority to suspend a licence with immediate effect in the interests of public safety

To suspend an operator's licence under Section 62 of the Local Government (Miscellaneous Provisions) Act 1976

To suspend a hackney carriage or private hire vehicle licence under Section 60 or Section 68 of the Local Government (Miscellaneous Provisions) Act 1976

TO THE CHIEF OFFICER (HEALTH AND HOUSING) AND ANY OTHER OFFICER DESIGNATED BY HIM/HER IN WRITING

To issue licences, registrations and consents under the Food Safety Act 1990, the Noise and Statutory Nuisance Act 1993, Caravan Sites and Control of Development Act 1960, Meat Products (Hygiene) Regulations 1994, Minced Meat and Meat Preparations (Hygiene) Regulations 1995, Dairy Products (Hygiene) Regulations 1995, Egg Products regulations 1993, Food Safety (General Food Hygiene) Regulations 1995, Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 and the Food Premises (Registration) Regulations 1991, Animal Boarding Establishments Act 1963, Dangerous Wild Animals Acts 1976, Pet Animals Act 1951, Breeding of Dogs Act 1973, Riding Establishments Acts 1964 and 1970 and Zoo Licensing Act 1981, unless there are any adverse representations or other reasons why the officer considers it appropriate to refer the matter to the Committee

To designate authorised officers and to serve notices and apply for warrants on behalf of the Council under the following legislation:

Pet Animals Act 1951

Caravan Sites and Control of Development Act 1960

Animal Boarding Establishments Act 1963

Dangerous Wild Animals Act 1970 and 1991

Breeding of Dogs Act 1973 and 1991

Riding establishments Acts 1964 and 1970

Local Government (Miscellaneous Provisions) Act 1982

Health and Safety at Work etc Act 1974

Zoo Licensing Act 1981

County of Lancashire Act 1984

Noise and Statutory Nuisance Act 1993

Housing and Planning Act 2016

To appoint inspectors for the purposes of section 19 of the Health and Safety at Work (etc) Act 1974, who may then act as inspectors under the Act in accordance with their appointment.

TO THE CHIEF OFFICER (HEALTH AND HOUSING) AND ANY OTHER OFFICER DESIGNATED BY HIM/HER IN WRITING

To advertise, grant, issue and enforce street trading licences or consents under the Local Government (Miscellaneous Provisions) Act 1982, and to set the appropriate fee or charge.

LICENSING ACT COMMITTEE

TO THE CHIEF OFFICER (HEALTH AND HOUSING)

In consultation with the Chairman of the Licensing Act Committee to determine film classification restrictions where there has been no classification by the British Board of Film Classification; save that, where the Chief Officer (Environment) considers it appropriate in view of the nature of the particular film, the matter shall be referred to the Committee.

To act on behalf of the Licensing Authority as Responsible Authority when required under the Licensing Act 2003.

To suspend licences and club premises certificates for non-payment of annual fees in accordance with the Licensing Act 2003

TO THE DEMOCRATIC SERVICES MANAGER

To empanel ad hoc Sub-Committees from the pool of fifteen Licensing Act Committee Members

TO THE CHIEF EXECUTIVE

To make appropriate arrangements for the institution or defence of any legal proceedings relating to matters within the terms of reference of the Licensing Act Committee

TO THE CHIEF OFFICER (HEALTH AND HOUSING) AND LICENSING MANAGER

To designate authorised persons as defined in Section 13(2)(a) of the Licensing Act 2003.

To designate authorised persons as defined in Section 304(2) of the Gambling Act 2005

TO THE CHIEF OFFICER (HEALTH AND HOUSING) AND LICENSING MANAGER AND ANY OTHER OFFICER DESIGNATED BY ANY OF THEM IN WRITING

Licensing Act 2003

To determine applications for Personal Licences, including with relevant Unspent Convictions provided no Police representation has been made.

To determine applications for Premises Licences/Club Premises Certificates provided no representation has been made.

To determine applications for Provisional Statements provided no representation has been made.

To determine applications to vary Premises Licences/Club Premises Certificates provided no representation has been made.

To determine applications to vary Designated Premises Supervisors provided no police objection has been received.

To determine any request to be removed as a Designated Premises Supervisor.

To determine applications for transfer of Premises Licences provided no police objection has been received.

To determine applications for interim authorities provided no police objection has been received.

To determine whether any representation is irrelevant frivolous vexatious etc.

To agree the appropriate scale of plans required to be submitted by an applicant.
To dispense with a hearing in accordance with Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005.

To extend time limits in accordance with Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005.

To identify points on which clarification may be required at a hearing, in accordance with Regulation 7 (1) (d) of the Licensing Act 2003 (Hearings) Regulations 2005.

To acknowledge receipt of a Temporary Event Notice under Section 102 of the Licensing Act 2003 and, where appropriate, to serve counter-notice under Section 107 of the Act.

To determine applications for minor variations to Premises Licences/Club Premises Certificates.

In consultation with the Chairman of the Licensing Act Committee or in his/her absence the Vice-Chairman, authority to authorise applications for hypnotism subject to the standard conditions approved by the Committee.

Gambling Act 2005

To determine applications for permits for 3 or 4 gaming machines in premises licensed under the Licensing Act 2003.

To determine applications for premises licences under the Gambling Act 2005 where no representations have been received or representations have been withdrawn.

To determine applications for a variation to a licence under the Gambling Act 2005 where no representations have been received or representations have been withdrawn.

To determine applications for a transfer of a licence under the Gambling Act 2005 where no representations have been received from the Gambling Commission.

To determine applications for a provisional statement under the Gambling Act 2005 where no representations have been received or representations have been withdrawn.

To determine applications for club gaming/club machine permits under the Gambling Act 2005 where no objections have been made or objections have been withdrawn.

To determine applications for other permits under the Gambling Act 2005 where no representations have been made.

To cancel licensed premises gaming machine permits.

To grant a temporary use notice under the Gambling Act 2005 where no representations have been made.

PLANNING AND HIGHWAYS REGULATORY COMMITTEE

TO THE CHIEF OFFICER (REGENERATION AND PLANNING)*

In consultation with the Chief Executive, to instruct Counsel to advise and/or represent the Council.

To designate authorised officers for the purposes of Sections 196A, 196B, 214B, 214C, 219, 324 and 325 of the Town and Country Planning Act 1990 and Sections 88 and 88A of the Planning (Listed Buildings and Conservation Areas) Act 1990, who may then act on behalf of the Council under the relevant legislation in accordance with their designation as authorised officer

To set fees and charges for planning applications and any other services provided under the terms of reference of the Committee

TO THE CHIEF OFFICER (REGENERATION AND PLANNING)* AND ANY OTHER STAFF DESIGNATED BY HIM/HER IN WRITING

To determine applications under the provisions of Part III and VIII of the Town and Country Planning Act 1990 and Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990, having regard to the approved Development Plan and any relevant approved statement of policy, including proposals affecting Listed Buildings or in Conservation Areas EXCEPT for the following categories of development:

- Applications in the major category as defined by the DCLG which are recommended for approval and are the subject of any objections
- Applications recommended for approval which are departures from the Development Plan
- Applications made by the City Council or major applications made by the County Council
- Applications by Members or officers of the Council and other parties where considerations of probity indicate that a Committee decision is required
- Any application which the Chief Officer (Regeneration and Planning) considers should be determined by the Committee
- Any application which a member of the Council asks to be referred to the Committee

To secure compliance with associated conditions or legal agreements in respect of

any planning permission granted, to vary such conditions or agreements and to discharge any requirements of such agreements

To respond to consultations under the provisions of sections 42 and 43 of the Planning Act 2008 with the exception of responding formally to the Infrastructure Planning Commission or its successors in title under Sections 55 and 60 with the council's view on Statements of Community Involvement and Local Impact Reports.

To decline to determine applications for planning permission pursuant to Section 70A of the Town and Country Planning Act 1990

To determine requests for amendments to submitted or determined planning applications or other development related consents

To advertise and consult on advertising of planning and other like applications

In conjunction with the Chief Executive to contest appeals regarding matters within the terms of reference of the Planning and Highways Regulatory Committee

To serve notices for the preservation/repair of Listed Buildings or buildings/structures worthy of listing under the provisions of sections 3, 48 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990

To make and enforce Tree Preservation Orders and related provisions

To determine applications for Certificates of Lawful Use or Lawful Development under the provisions of Section 191- 94 of the Town and Country Planning Act 1990

To issue a screening opinion or a scoping opinion under the Provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

To waive the charge for the making of Revocation and Modification Orders in appropriate cases

To serve statutory notices in respect of any highway matter within the terms of reference of the Planning and Highways Regulatory Committee

To make observations on development and development plans proposed by neighbouring authorities

TO THE CHIEF EXECUTIVE AND ANY OFFICERS DESIGNATED BY HIM/HER IN WRITING

To make appropriate arrangements for the institution or defence of any legal proceedings relating to matters within the terms of reference of the Planning and Highways Regulatory Committee

To prepare any documentation necessary to bring into effect a decision of the Planning and Highways Regulatory Committee

In consultation with the Chief Officer (Regeneration and Planning) to issue, serve and withdraw Enforcement Notices, Stop Notices and Temporary Stop Notices, Planning Contravention Notices, Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act 1990

To make arrangements for the service of notices under Section 330 of the Town and

Country Planning Act 1990

STANDARDS COMMITTEE

TO THE MONITORING OFFICER

To determine in accordance with the Standards Committee's arrangements under the Localism Act 2011 whether an allegation of breach of the code of conduct should be investigated or no action taken.

To appoint an investigating officer as appropriate

To make arrangements for a hearing as appropriate.

****NB** The Chief Officer (Regeneration and Planning) post is currently vacant and delegations to that role now sit with the Planning Manager, Regeneration Manager and the Economic Development Manager.*