

A. Council Functions Delegated to Officers

Introduction

1. This Scheme delegates to the Chief Executive and Executive Directors all the powers and duties of the Council necessary for the discharge of the specific functions set out below.
2. Officers may only exercise delegated powers in accordance with:
 - (a) the budget approved by the Council;
 - (b) the Contract Procedure Rules, Land and Property Disposal Procedure Rules and Financial Procedure Rules of the Council; and
 - (c) any statutory restrictions, statutory guidance or statutory Code of Practice.
3. This Scheme includes the power for officers further to delegate any function which has been delegated by them under this Scheme to another officer or to other officers. Every such sub-delegation shall be in writing, setting out the terms and conditions upon which that function is to be performed and accountability for the performance of the sub-delegated function. The officer making such sub-delegation shall record the sub-delegation in a register maintained for the purpose by the Chief Executive.

A. Chief Executive

1. To exercise the delegations of any Executive Director in her/his absence.
2. To maintain the list of politically restricted posts required by Section 2(2) of the Local Government and Housing Act 1989 and to deal with applications for a certificate of opinion under Section 3(3) of that Act.
3. To appoint, discipline and dismiss staff and to determine the terms and conditions on which they hold office.
4. To authorise the filling of all Executive Director posts as defined in the Officer Employment Procedure Rules.
5. To shortlist candidates for the posts of all Executive Director as defined in the Officer Employment Procedure Rules.
6. To make agreements with other local authorities for the placing of staff at the disposal of those other authorities.

7. To make payments or provide other benefits in cases of maladministration.
8. To authorise the use of the Council's crest in appropriate circumstances.

B. Executive Director of Corporate Services

General

1. To appoint, discipline and dismiss staff and to determine the terms and conditions on which they hold office.
2. To appoint 10 members to constitute an Appointments Committee in accordance with the wishes of the political groups. The 10 members to be drawn as far as is possible from the Panel of members appointed by the Council.
3. To appoint 3 members to constitute a Personnel Appeals Committee in accordance with the wishes of the political groups. The 3 members to be drawn as far as is possible from the Panel of members appointed by the Council.
4. To make arrangements for Admissions Appeals and Appeals by Governing Bodies pursuant to Sections 94(1) and (4) and 95(2) respectively of the School Standards and Framework Act 1998.
5. To make arrangements for Reviews of Permanent Exclusion of Pupils pursuant to Regulation 7 of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.
6. To approve and include, for the purposes of 4 and 5 above, suitable applicants on the Council's List of Education Appeal Panel Members and the List of Review Panel Members.
7. To appoint Education Appeal Panels, for the purposes of 4 above, from the Council's List of Education Appeal Panel Members.
8. To appoint Review Panels, for the purposes of 5 above, from the Council's List of Review Panel Members
9. To deal with any request for permanent changes to the membership of Council Committees by Political Groups in accordance with their allocation of Committee places.
10. To make arrangements under Section 20 of the Police Act 1996 to enable questions to be put at Council meetings on the discharge of the functions of a Police Authority.
11. To serve the following notices:
 - (a) Planning Contravention Notice S.171 C & D Town and Country Planning Act 1990
 - (b) Requisition for Information S.330 Town and Country Planning Act 1990
 - (c) Requisition for Information S.16 Local Government (Miscellaneous Provisions) Act 1976

12. To authorise members of staff to represent the Council in Magistrates' Court, County Court and Tribunal proceedings in cases where it is appropriate to do so.
13. To award contracts with an aggregate value up to
£50,000

Elections

To determine fees and conditions for the supply of copies of, or extracts from, election documents.

Finance

To authorise, on behalf of the Council, the entry into binding financial agreements which will commit the Council to meet the terms and conditions of grants to local authorities, under Section 31 of the Local Government Act 2003, and also to repay the grants if they are not met.

C. Executive Director of ~~People's Services Integrated Health & Social Care~~ (Accountable Officer CCG)

1. To appoint, discipline and dismiss staff and to determine the terms and conditions on which they hold office.
2. ~~To license the employment of children.~~
3. ~~To have responsibility for the Council's Children's Services function in accordance with relevant statutory guidance.~~
4. To ~~have responsibility for the delivery~~ ensure that the functions of the Director of Adult Social Services ~~functions are carried out~~ in accordance with relevant statutory guidance.
5. To ensure that functions of the Director of Public Health are carried out in accordance with relevant statutory guidance.
6. ~~To have responsibility for the delivery of relevant Council housing, community safety services and associated services in accordance with relevant legislation and statutory guidance.~~
7. To award contracts with an aggregate value up to £50,000
8. To award a contract without competition where:
 - i) A placement is sought for an individual with a registered care provider of their choice;
 - ii) The particular needs of an individual ~~(either adult or child)~~ require a particular social care package ~~or SEN~~.

D. Director of Children & Young People Services

1. To appoint, discipline and dismiss staff and to determine the terms and conditions on which they hold office.
2. To license the employment of children.
3. To have responsibility for the Council's Children's Services function, including education, in accordance with relevant statutory guidance.
4. To award contracts with an aggregate value up to £50,000
5. To award a contract without competition where:

A placement is sought for an individual with a registered care provider of their choice;
The particular needs of an individual (~~either adult or child~~) require a particular social care package or SEN.

E. Executive Director of Place Services

General

1. To appoint, discipline and dismiss staff and to determine the terms and conditions on which they hold office.
2. To authorise officers to enforce the provisions of the relevant statutory enactments in relation to the functions of the Place Services Department.
3. To award contracts with an aggregate value up to

£50,000

Housing & Community Safety

To have responsibility for the delivery of relevant Council housing, community safety services and associated services in accordance with relevant legislation and statutory guidance.

Licensing – Environmental Health

To make determinations (including grant, grant with conditions, refuse, revoke or suspend) in respect of licences, permits, registrations, authorisations and approvals dealt with under the provisions of the relevant statutory enactments in relation to the following matters:-

1. The licensing of the use of land as a caravan site.
2. The licensing of the use of moveable dwellings and camping sites.
3. The maintenance of a list of persons entitled to sell non-medicinal poisons.

4. The registration and licensing of premises for the preparation of food.
5. The authorisation of the operation of a loudspeaker.
6. The licensing of agencies for the supply of nurses.
7. The licensing of the movement of pigs.
8. The licensing of the sale of pigs.
9. The licensing of collecting centres for the movement of pigs.
10. The licensing of the movement of cattle from a market.
11. The authorisation of use of parts of buildings for storage of celluloid.
12. Meat product premises.
13. Premises for the production of minced meat or meat preparations.
14. Dairy establishments.
15. Egg product establishments.
16. The licensing of retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.
17. Fish products premises.
18. Dispatch or purification centres.
19. The registration of auction and wholesale markets.
20. Maintaining a register of food business premises.
21. The registration of food business premises.
22. The appointment of inspectors under Part 1 of the Health and Safety at Work Act 1974.
23. Licensing of premises for acupuncture, tattooing, ear-piercing and electrolysis.
24. Licensing of premises for the breeding of dogs.
25. Licensing of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
26. Registration of animal trainers and exhibitors.
27. Licensing of zoos.
28. Licensing of dangerous wild animals.

29. Licensing of knackers yards.
30. To determine applications for licences for temporary markets.
31. To issue, cancel, amend or replace safety certificates for sports grounds and/or regulated stands at sports grounds.

Licensing – Taxi, Private Hire, Gambling, Entertainment, Miscellaneous

Licensing

Subject to the policy requirements of the Council with regard to the reference of an individual case to the Licensing and Environmental Protection Committee for determination, to make determinations (including to grant, grant with conditions, refuse, revoke or suspend) in respect of licences, permits, registrations, authorisations and approvals dealt with under the provisions of the relevant statutory enactments in relation to the following matters:-

1. Licensing of hackney carriages and private hire vehicles.
2. Licensing of drivers of hackney carriages and private hire vehicles.
3. Licensing of operators of hackney carriages and private hire vehicles.
4. Registration of pool promoters.
5. Licensing for track betting.
6. Licensing for inter-track betting schemes.
7. Permits in respect of premises with amusement machines.
8. Registration of societies wishing to promote lotteries.
9. Permits in respect of premises where amusements with prizes are provided.
10. Cinema and cinema club licences.
11. Theatre licences.
12. Entertainments licences.
13. Licensing of sex shops and sex cinemas.
14. Licensing of performances of hypnotism.
15. Licensing of pleasure boats and pleasure vessels.
16. Licensing of night cafés and take away food shops.
17. Licensing of dealers in game and the killing and selling of game.
18. Licensing of scrapyards.

19. Licensing of premises for the solemnization of marriages and civil partnerships.
20. Registration of land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:-
 - (a) an exchange of lands effected by an order under Section 19(3) of, or paragraph 6(4) of Schedule 3 to the Acquisition of Land Act 1981;
or
 - (b) an order under Section 147 of the Inclosure Act 1845.
21. Registration of variation of rights of common
22. Licensing of persons to collect for charitable and other causes.
23. Licensing of motor salvage operators.
24. Application for personal licence if no objection made.
25. Application for premises licence/club premises certificate if no relevant representation made.
26. Application for provisional statement if no relevant representation made.
27. Application to vary premises licence/club premises certificate if no relevant representation made
28. Application to vary designated premises supervisor if no police objection.
29. Request to be removed as designated premises supervisor.
30. Application for transfer of premises licence if no police objection.
31. Applications for interim authorities if no police objection.
32. Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.
33. Suspension of Premises Licences and Club Premises Certificates for non- payment of annual fees.

Highways

1. To create footpath or bridleway by agreement.
2. To create footpaths and bridleways.
3. To keep register of information with respect to maps, statements and declarations.
4. To stop up footpaths and bridleways.

5. To determine an application for a public path extinguishment order.
6. To make a rail crossing extinguishment order.
7. To make a special extinguishment order.
8. To divert footpaths and bridleways.
9. To make a public path diversion order.
10. To make a rail crossing diversion order.
11. To make a special diversion order.
12. To require an applicant for order to enter into agreement under Section 119C(3) of the Highways Act 1980.
13. To make an SSSI diversion order.
14. To keep a register with respect to applications under Sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
15. To decline to determine certain applications under Section 121C of the Highways Act 1980.
16. To assert and protect the rights of the public to use and enjoyment of highways.
17. To serve notice of proposed action in relation to obstruction.
18. To apply for a variation of order under Section 130B of the Highways Act 1980.
19. To authorise a temporary disturbance of surface of footpath or bridleway.
20. Temporarily to divert a footpath or bridleway.
21. The making good of damage and the removal of obstructions.
22. The removal of things so deposited on highways as to be a nuisance.
23. To extinguish certain public rights of way.
24. To keep a definitive map and statement under review.
25. To include modifications in other orders.
26. To keep a register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.
27. To reclassify roads used as public paths.
28. To prepare a map and statement by way of consolidation of a

definitive map and statement.

29. To designate footpath as cycle track.
30. To enter into agreements with respect to means of access pursuant to Section 35 of the Countryside and Rights of Way Act 2000.
31. To provide access in absence of agreement pursuant to Section 37 of the Countryside and Rights of Way Act 2000.
32. To grant a street works licence.
33. To permit the deposit of a builder's skip on highway.
34. To license planting, retention and maintenance of trees, etc. in part of highway.
35. To authorise the erection of stiles, etc. on footpaths or bridleways.
36. To license works in relation to buildings, etc. which obstruct the highway.
37. To consent to temporary deposits or excavations in streets.
38. To dispense with obligation to erect hoarding or fence.
39. To restrict the placing of rails, beams, etc. over highways.
40. To consent to construction of cellars, etc. under street.
41. To consent to the making of openings into cellars, etc. under streets, and pavement lights and ventilators.
42. To license street trading.

Environmental Protection

1. To issue Abatement Notices to prohibit or restrict the occurrence or reoccurrence of statutory nuisances under Section 80 of the Environmental Protection Act 1980.
2. To carry out the functions of Part 1 of the Environmental Protection Act 1990 including the issue of authorisations.
3. To issue Enforcement Notices or Prohibition Notices under Sections 13 and 14 of the Environmental Protection Act 1990 for prescribed industrial premises.
4. To issue street litter control notices under Section 93 of the Environmental Protection Act 1990.
5. To enforce offences committed under the provisions of Part 1 of the Health Act 2006 as from 1 July 2007.
6. To deal with any functions relating to contaminated land under Part IIA of the Environmental Protection Act 1990.

7. To discharge any function relating to the control of pollution or the management of air quality.

Planning

1. To determine all applications for planning permission, listed building consent, conservation area consent, tree works consent, advertisement consent, prior notifications, lawful development certificates, variation/discharge of Section 106 agreements and all other matters submitted for the determination, formal approval or comment of the Council as Local Planning Authority under the relevant Town and Country Planning Act and associated legislation.
2. To decline to accept applications for development for which there has been an appeal dismissed within the preceding two years.
3. To decline to accept applications for development for which there has been a refusal where, in the view of the Council's Development Control Manager, there has been no material change in circumstances.
4. To instruct the Council's Chief Legal Officer to issue, and where necessary withdraw, Planning Contravention Notices, Enforcement Notices, Temporary Stop Notices, Discontinuation Notices, Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act and, where appropriate, take direct action in the event of non-compliance with any notice.
5. To grant planning permission in those cases where a matter is referred to the Secretary of State for him to decide whether or not he wants to call it in, and he decides not to do so, and the Planning Committee have been minded to grant planning permission.
6. To exercise the powers of Council relating to the protection of important hedgerows under the Hedgerows Regulations 1997.
7. To exercise the powers of Council relating to the preservation of trees.
8. To determine all complaints made under Part 8 of the Anti-Social Behaviour Act 2003, for "high hedges".
9. To make the formal determination of received complaints under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges other than where such a complaint relates to a hedge on Council-owned land or where there are considered to be wider neighbourhood issues and the matter is locally sensitive, in which case the matter be referred to the Planning Committee.
10. To determine those applications that are contrary to the Council's Development Plan/Framework, but which are recommended for approval, with the proviso that where an application is of a scale and nature that it needs to be subsequently referred onto a Government department or agency, it be referred to Committee.

11. To issue, and where necessary withdraw, Planning Contravention Notices, Enforcement Notices, Temporary Stop Notices and Discontinuance Notices, and Breach of Condition Notices under Section 187a of the Town and Country Planning Act (as amended).

Exceptions

- (a) Applications which are contrary to the provisions of the Council's Unitary Development Plan/Local Development Framework and which are recommended for approval, where the application is of a scale that it needs to be referred to Government.
- (b) Applications which are contrary to the Council's policies, standards and guidance and which are recommended for approval.
- (c) Applications which raise issues which are not covered by specific Council policies, standards or guidelines.
- (d) Applications which are potentially controversial or likely to be of significant public interest in the opinion of the Council's Chief Planning Officer.
- (e) Applications which would have a significant impact on the environment, in the opinion of the Chief Planning Officer.
- (f) To approve applications except for Prior Notifications for Telecommunications Development and Lawful Development Certificates on which six or more independent material planning objections have been received which cannot be resolved by negotiation or through this imposition of conditions.
- (g) Applications which have been submitted by or on behalf of a Councillor of the Authority (or their spouse/partner), by or on behalf of a Chief Officer of St Helens Council (or their spouse/partner), or by or on behalf of an employee within Development Services Section of St Helens Council (or their spouse/partner).
- (h) Applications submitted by, or on behalf of, the Council for major developments, irrespective of the number of objections, or minor developments if six or more independent material planning objections have been received.
- (i) Applications which the Chief Planning Officer considers should be presented to Committee for decision.

Provisos

- (a) In the case of formal applications, they are not determined until at least 12 days have elapsed since they appeared on the weekly list.
- (b) All representations are to be carefully considered and all proposals are to be dealt with in accordance with statutory requirements and

- having regard to the Council's relevant policies and guidelines.
- (c) All matters dealt with by the exercise of delegated powers are supported by file notes referring to all material considerations, comments and objections received and clearly stating the reason for the decision.
 - (d) All applications determined under delegated powers are reported for the information of Members by way of regular reports on the Planning Committee agenda.
 - (e) In some circumstances less than six objections may be significant. In such cases the application will be referred to the Planning Committee.

URGENT MATTERS

Where urgent Council matters arise which are not covered by a specific delegation to an officer, and time does not allow for the calling of Council or the appropriate Council Committee, there shall be delegated to the Chief Executive/Executive Director, whose responsibilities relate to the matter, all the powers of the Council to deal therewith, provided that:-

1. Where the matter falls within the remit of a Committee, the power is exercised in consultation with the Chairman of that Committee; or
2. Where the matter does not so fall, the power is exercised by the Chief Executive in consultation with the leaders of the five political groups on the Council;
3. No decision is made which is contrary to a resolution of the Council or involves expenditure which cannot be contained within an existing budget;
4. All decisions shall be recorded on the Urgent Council Decisions System and be reported to the relevant committee or Council as appropriate as soon as possible after they are taken.