

## Scheme of Delegation 2014/2015





## **G. The Council's Scheme of Delegation**

### **Guidance Notes**

#### **1. Decision Making**

- 1.1 It should be noted that any decisions made under this Scheme are open to challenge and review. It is, therefore, important to be able to show that a decision has been made in a lawful way.
- 1.2 It is important to remember that decisions which are overturned will frequently have been successfully challenged because they have been reached following a flawed or improper process.
- 1.3 There are a number of areas of action and decision making by local authorities which typically give rise to challenge. They include:-
- failure to take into account relevant considerations;
  - taking into account irrelevant considerations;
  - acting so unreasonably such that no reasonable body of persons could have so acted;
  - failure of the Council to direct itself properly in law;
  - exercising a power for a purpose for which it was not conferred;
  - acting in bad faith or for an improper motive, fettering or failing to exercise discretion, or through improper delegation;
  - failure to consult properly;
  - failure to have proper regard to individual or collective rights in accordance with the statutory requirements e.g. Human Rights Act, Freedom of Information Act, Data Protection Act;
  - failure to act fairly or observe procedural requirements;
  - failure to comply with the requirement that local government finance must be conducted on an annual basis; and
  - failure properly to have regard to the extent to which their own resources can be taken into account in deciding whether to make any provision.

#### **2. Decision Making - Executive and Key Decisions**

Regulation 8 of The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 defines key decisions as:

“an executive decision, which is likely—

- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.”

Key decisions can normally only be made by the Cabinet/Executive Cabinet Member if they have been included on the Council's Forward Plan and the report on which the decision is based has been available for public inspection for five clear days (cases of urgency and emergency powers have different procedures). When such decisions are made by the Cabinet/Executive Cabinet Member, a representative of the Monitoring Officer and Chief Finance Officer must be present and decisions must be recorded.

Key decisions taken by officers have to be included in the Council's Forward Plan, the report has to be available for five clear days and decisions have to be recorded (see 3.4 below) as do any executive decisions made by the Cabinet or Executive Cabinet Members. Decisions taken by officers (in the main operational decisions) do not have to be recorded, but officers' attention is drawn to paragraph 3.7.

### **3. Decision Making – The Process**

3.1 Before a Director or other designated officer takes a key decision under the Scheme, the Director/designated officer must satisfy him/herself where relevant as to the following matters:-

- (a) the facts upon which the decision must be based;
- (b) any legislative requirements, including the need to secure Best Value (in accordance with the Local Government Act 1999);
- (c) the strategies and policies contained in the Budget and Policy Framework and any plans policies, strategies, objectives, initiatives or procedures relating to their services or the Council;
- (d) any relevant national or regional guidance;
- (e) the available options;
- (f) the financial, staffing and legal implications, following consultations with the Chief Finance Officer and the Monitoring Officer;
- (g) the views/advice of any appropriate statutory officer;
- (h) the views of any Ward member(s) where the report relates to a particular ward of the Borough;
- (i) any consultation undertaken, the views of any consultees and any other representations received;
- (j) any implications for any other areas of the Council's activities including the views of any Director whose services may be affected and whether any consultation has taken place; and
- (k) the Council's Constitution, including Standing Orders relating to contracts and Financial Regulations.

3.2 Officers are responsible for determining when further consultation and public participation would be appropriate.

3.3 Where a Director is taking a key decision, he/she should undertake consultation with the relevant Executive Cabinet Member/Cabinet Member before taking the decision.

3.4 Where an officer is empowered to make a key decision under the Scheme of Delegation, that officer shall produce a written statement in respect of that decision which must include:-

- (a) a record of the decision;

- (b) the reasons for the decision;
- (c) details of any alternative options considered and rejected by the Officer;
- (d) a record of any conflict of interest declared, in relation to the decision, by any Executive Cabinet Member/Cabinet Member consulted by the officer who made the decision; and
- (e) in respect of any declared conflict of interest a note of any dispensation granted by the Local Authority's Standards Committee.

- 3.5 Any report considered in the making of the key decision and the record of the key decision have to be available for inspection by members of the public as soon as reasonably practicable. Consequently, a report detailing the action taken will need to be submitted to the next Cabinet or relevant Executive Cabinet Member/Cabinet Member meeting and the record of decisions will also be made available for perusal by all members of the Council.
- 3.6 Departments should maintain a central record of all delegated decisions with copies of the relevant documentation, for a four year period.
- 3.7 Officers are also responsible for ensuring that consultation is undertaken, where appropriate, and especially where they are aware that the decision is likely to be controversial.

#### **4. Referral**

Whilst this Scheme is designed to encourage officers to take responsibility for decisions, an officer should always consider the advisability of consulting the Chief Executive or the appropriate Director and/or the Executive Cabinet Member/Cabinet Member especially on matters involving the reputation of the Council to decide on the appropriate decision maker.

#### **5. Member Consultation**

Before an officer exercises delegated power to make a key decision, s/he must consult with the relevant Executive Cabinet Member/Cabinet Member and also with the appropriate Opposition Spokespersons. The appropriate Executive Cabinet Member/Cabinet Member may direct that an officer's delegated authority should not be exercised and that the matter should be referred to the Executive Cabinet Member/Cabinet Member for consideration.

#### **6. Decision Making - Giving Reasons**

There is a duty to provide adequate reasons for a decision. Adequate reasons should:

- deal with all the substantial points made;
- be sufficient so that it is clear whether an error in law has been made, and,
- set out, and explain where appropriate, the key aspects of the rationale behind the reasons.

#### **7. Accountability**

Officers are accountable to the Council for any decision they make, and may be

required to report to, and to answer questions from, a Scrutiny Committee in respect of a decision which they make. Officers may also be required to account to or answer questions from the Local Ombudsman, Auditor, Inspector(s) or in court or other proceedings.

The delegations contained in this Scheme are subject to the provisions contained in Standing Orders Relating to Proceedings of the Council (And Other Formal Meetings) Orders 34(a), 34(b), 34(c) and 34(d).

## **Powers To Chief Officers/Deputies**

### **A. To All Chief Officers**

- 1.1 Power to authorise expenditure in accordance with agreed budgets, Standing Orders relating to Proceedings, Standing Orders relating to Contracts and Financial Procedure Rules.
- 1.2 Authority to act as the proper officer of the Council for the purpose of Sections 100D(1)(a) and 100D(5)(a) of the Local Government Act 1972 in respect of reports to The Cabinet/Executive Cabinet Members/Committees and Area Fora prepared in their names and, in the case of a joint report, the proper officer shall be the first mentioned Chief Officer for both these functions.
- 1.3 Authority to sign Statements of Truth for the purposes of commencing, conducting and defending proceedings in court.
- 1.4 For the purposes of the Town and Country Planning General Regulations 1976, or like regulation replacing or re-enacting the same, authority to make any necessary application for planning permission (subject to prior consultation with the Borough Solicitor) for any purpose to progress any project or scheme approved by the Council.
- 1.5 Authority to appoint staff below second tier level subject to arrangements being made to ensure member consultation in appointments considered by the Chief Officer, in consultation with the appropriate Executive Cabinet Member responsible for Human Resources and Cohesion and the Executive Cabinet Member/Cabinet Member responsible for the relevant service such member consultation to include a member of the major opposition party.
- 1.6 Authority, in consultation with the Chief Property Officer, to declare land and premises surplus to operational requirements or to accept an appropriation of any land and premises which are required for future use, with any terms and conditions or planning brief to be reported to the relevant Executive Cabinet Member/Cabinet Member and to the action being reported to the Executive Cabinet Member for Strategy and External Relationships.
- 1.7 Authority to apply for external funding and, where applicable, legal advice has been sought, to formally accept the funding and enter into a grant agreement.
- 1.8 Authority to award grant funding up to a maximum of £2,000.
- 1.9 Authority, in consultation with the Borough Solicitor, to work in partnership with other public bodies to jointly commission / procure works, supplies and services, subject always to A.1.1 above.

### **B. Chief Officers in Consultation With Members**

- 1.1 In consultation with the Chair, Vice Chair and opposition spokesperson of the Planning Committee or the Licensing and Environmental Regulation Committee authorisation to take any action on behalf of the Council in cases of urgency within the remit of the Committees, subject to a report to the next convenient meeting.
- 1.2 In consultation with the Chair of an Area Forum, authority to take any action on behalf of the Council in cases of urgency within the remit of the Forum subject to a report being

submitted to the next meeting of the Forum (see also C1.1 below).

## **C. Executive Cabinet Members - The Emergency Powers Procedure**

### **1.1 Authority to take any action on behalf of the Council in any cases of urgency in accordance with the following procedure:-**

#### **(a) Key Decisions**

consultation to be undertaken by the officer seeking to use emergency powers with the relevant Scrutiny Committee Chair (or Vice-Chair in the Chair's absence) with an explanation given as to why the emergency powers procedure is being used. The Executive Cabinet Member is authorised to take the decision and the relevant opposition members should be informed of the action proposed. A report then needs to be submitted to the next meeting of the Executive Cabinet Member for information detailing the actions taken and the reasons why; and

#### **(b) Other Executive Decisions**

The Executive Cabinet Member has authority to take the decision with a report being submitted to the Executive Cabinet Member's next meeting for information; relevant opposition members should be informed accordingly.

## **D. Deputies to Chief Officers and the Chief Executive**

Chief Officers may delegate their powers to other officers as required by the department's service needs.

## **E. Local Government (Contracts) Act 1997) Certificates**

### **1. The Council will, subject to the exception set out below, indemnify the Chief Executive, the Deputy Chief Executive and the Borough Solicitor (and any other Officers who are authorised to give certificates under the Local Government (Contracts) Act 1997(as amended or re-enacted) against any claims made against them (including costs incurred by and awarded against them) and will not itself make claims against them for any loss or damage (other than claims following within the cover provided to their Officers under any policy of insurance taken out by the Officer) occasioned by neglect, act, error or omission committed by such Officer in the course of or in connection with signing a certificate within the meaning of the 1997 Act.**

The exceptions are:-

1.1 Any amount which results directly or indirectly from the commission of criminal offence of which the Officer is convicted, except where the Council, upon consideration of all the circumstances, determines that the Officer should nonetheless benefit from this indemnity; and

1.2 Any amount directly or indirectly resulting from the fraud or dishonesty of the Officer.

### **2. This indemnity will not apply where:**



- 2.1 an Officer, without prior written approval of the Council, admits liability or compromises any claim falling within the scope of the indemnity
- 2.2 the Officer signs the certificate and the Council has resolved that it will not apply.

**F. Regulation of Investigatory Powers Act 2000 (RIPA)**

That the undermentioned postholders (and any others specifically authorised by the Cabinet) be authorised to apply for permission to carry out surveillance for activities within that field of operation under Sections 21, 28 and 29 of the Regulation of Investigatory Powers Act 2000

Environmental, Education and Enforcement Manager  
Counter Fraud, Support Services and Recovery Manager  
Head of Regulatory Services,  
Head of Community Safety and Neighbourhoods  
Principal Officer, Trading Standards, Licensing and Consumer Protection  
Principal Environmental Health Officer  
Development Manager (Enforcement)

## **The Chief Executive**

### **A. To the Chief Executive**

1. Authority in consultation with the Borough Solicitor to action decisions made by the Be Safe Bolton Strategic Partnership provided details of any action taken are reported to the next meeting of the relevant Executive Cabinet Member/Cabinet Member.
2. Power to authorise the payment of subscriptions and fees to professional bodies of which it is in the interests of the Council that Chief Officers should be in membership.
3. Authority to consider urgent grant requests not exceeding £5,000 and minor amendments to schemes previously approved under the Council's "Grants to Voluntary Groups" and "Area Forums' Voluntary Groups" budget subject to a report to the next Executive Cabinet Member/Cabinet Member/Area Forum meeting as appropriate.
4. Authority to award grants from the main grants scheme in cases of emergency and in accordance with the established criteria.
5. Authority to approve grants from the "Grants to Voluntary Organisations concerned with the Arts" and the "Grants related to Community Arts Activities" funds up to a maximum of £1,000 or 75% of eligible costs, whichever is the greater.
6. Authority to participate and/or be represented by any of the Chief Executives of any of the other Greater Manchester district councils, in Emergency Planning Major Incident arrangements involving toxic chemical or biological substances.
7. Authority to take any action which is required as a matter of urgency in the interests of the Council, in consultation with the Leader of the Council, if time permits, to deal with emergencies and disasters and the carrying out any of the functions under the Civil Contingencies Act.
8. Power to authorise the attendance of any member at any relevant conference or seminar, subject to a report being submitted to the relevant Executive Cabinet Member/Cabinet Member meeting.

### **Crime And Disorder**

9. Authority to take and authorise the taking of any action necessary to obtain an Anti-Social Behaviour Order under the Crime and Disorder Act 1998 (as amended or replaced) or any other actions under the Police Reform Act 2002, together with any other actions by or on behalf of the Council or the Be Safe Bolton Strategic Partnership under the Anti-Social Behaviour Act 2003 (as amended or re-enacted).

### **B. To The Chief Executive (Or Nominee) in Consultation With Members**

1. In consultation with the Leader of the Council, authorisation to take any action on behalf of the Council in cases of urgency.
2. In consultation with relevant ward members, authority to take any urgent decisions relating to the ward area, within a Forum's terms of reference, with respect to grants and issues emanating from the approved area action plan, subject to a report being submitted to the next formal meeting of the Forum and that in the event of any ward member(s) failing to agree the proposed course of action the matter be dealt with at a

formal meeting of the Forum to be arranged by the Chief Executive's Department as soon as is practicable.

3. In consultation with the appropriate Executive Cabinet Member/Cabinet Member, power to approve establishments of Departments including terms and conditions of services and the grading and re-grading of individual posts.

**C. To the Chief Executive in consultation with the Chief Officers Appointments Panel**

Authority to appoint Chief Officers and second tier Officers in accordance with the Council's appointments process.

**D. To The Chief Executive and the Deputy Chief Executive (Exercisable Individually or Jointly)**

Authority, in consultation with the Borough Solicitor, to action decisions made by the following partnerships provided details of any action taken are reported to the next meeting of the relevant Executive Cabinet Member/Cabinet Member:-

- Bolton Vision partnership and its 'themed' partnerships and supporting arrangements:
- Bolton Children's Trust
- Bolton Community Homes
- Bolton Innovation Zone Partnership
- Bolton Strategic Economic Partnership
- Bolton Skills Board
- Be Safe Bolton Strategic Partnership
- Cleaner and Greener Partnership
- Health and Wellbeing Partnership
- Stronger Communities Partnership
- Sustainable Development Forum
- Vision Steering Group
- LAA Agencies Group
- Great Lever Neighbourhood Management Partnership
- Farnworth Neighbourhood Management Partnership

## **The Chief Executive's Department – People and Transformation**

### **A. Voluntary Sector**

#### **To the Assistant Director People and Transformation**

1. Authority to approve the acceptance of the lowest tender submitted, in respect of items grant aided under the Council's "Grants to Voluntary Groups" where the grant aid is above £10,000.

### **B. Human Resources and Cohesion**

#### **To the Assistant Director People and Transformation**

1. Authority to monitor the application of the employment policy framework of the Council and departmental establishments through the medium of information supplied by Departments.
2. Authority to monitor the application of the valuing diversity policy framework of the Council through the medium of information supplied by Departments.
3. Authority to interpret and operate the various national and locally agreed conditions of service, together with supplemental local schemes approved by the Council, including involvement in appointment and promotion of staff, payment of removal expenses and lodging allowance, car allowances, long service retirement gifts, leave of absence and all aspects of staff remuneration and reward.
4. Power to implement the organisational development policy of the Authority and to monitor its application through the medium of information provided by Departments, including the granting of day release, study leave and financial assistance where necessary, together with the organisation and provision of courses to meet training needs.
5. Authority to represent the Authority in negotiations or disputes with trade union representatives and to maintain established procedures for consultation, grievance and disciplinary matters.
6. Responsibility for the health, safety and welfare of all employees and to provide as far as possible good working conditions.
7. Authority to determine applications for early retirement under the Council's scheme.
8. Authority to negotiate the terms of employee liability agreements with contractors to whom staff will transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (or any replacement legislation, rules or regulations).
9. Authority to sign Compromise Agreements on the termination of employment contracts, in consultation with the Borough Solicitor.

## **The Chief Executive's Department: The Borough Treasurer**

### **A. Finance**

#### **To The Borough Treasurer**

1. Power to decide on the eligibility of a charitable or other organisation for mandatory relief under Section 43 of the Local Government Finance Act 1988, and to grant discretionary relief under Section 47 of the Local Government Finance Act 1988 within the policy laid down by the Council.
2. Power to take all necessary action for the collection and recovery of the Council Tax, Community Charge and all rates, including the National Non-Domestic Rates, and to take all necessary action in connection with valuation proceedings for Council Tax and Non-Domestic Rating purposes.
3. Authority to undertake functions as Council Tax Collecting Authority under legislation relating to the same, except for the making and levying of the Council Tax.
4. Authority to design (to the extent permitted by legislation) and administer; the Local Council Tax Support Scheme, and the disablement rebate scheme for all dwellings, including authority to use discretionary powers in special circumstances.
5. Authority to design (to the extent permitted by legislation) and implement the Local welfare Provision Scheme.
6. Authority to locally approve and implement the National Pension Scheme.
7. Authority to pay accounts.
8. Authority to write off bad debts except where precluded from doing so by law up to a maximum of £5,000 in each case .
9. Authority to carry out Treasury Management activities consisting of borrowing, leasing and investment transactions.
10. Authority to process hardship claims in connection with the National Non-Domestic Rates and grant relief, where claims are in accordance with the Local Government and Finance Act 1988.
11. Power to determine applications for refund of rates under section 9 of the General Rate Act 1967, as amended by Section 120 of the Local Government Finance Act 1988.
12. Power to determine applications made under section 44a of the Local Government Finance Act 1988, in respect of hereditaments which are partly occupied.
13. Power to issue Revenue Bills, in accordance with the Local Government and Housing Act 1989 and the Local Government Act 1972, up to the Council's legal limit in such denominations and to such bodies as he deems to be in the interest of the Council.
14. Power to impose and revoke penalties in relation to Council Tax.

15. Authority to authorise individuals for the purposes of Section 110A of the Social Security Administration Act 1922.
16. Power to give written authority to officers including the authority to take decisions in cases of Housing and/or Council tax Benefit Fraud, including any decisions as to sanctions/prosecutions and decisions/certification in accordance with Sections 116(2)(b) and 116(3)(b) of the Social Security Administration Act 1992 and Regulations 4, 5, 10 and 11 of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) Regulations 2013.
17. Authority to procure gas and electricity for the relevant financial year in compliance with the Standing Orders relating to Contracts and authority to agree variations to any contracts in place for the supply of gas and electricity.
18. Authority to negotiate the terms of admission body agreements and all other associated agreements with the Greater Manchester Pensions Fund.
19. Authority to administer the Housing Benefit Scheme including the assessment and granting of Housing Benefit in relation to private accommodation in accordance with the Council's approved scheme, together with authority to use discretionary powers in special circumstances and to institute and conduct legal action for the recovery of housing benefit over-payments until such time as judgment by default is entered by the Council or a defence or a counter-claim is entered by the Defendant.
20. Authority to fix the rate of interest to be charged in accordance with the terms of the approved local scheme in respect of both private sector and sale of Council house mortgages.
21. Authority to sign Compromise Agreements on the termination of employment contracts in consultation with the Borough Solicitor.

**B. Health and Adult Social Care and Children's Services**

**To The Borough Treasurer**

1. Authority to invest Criminal Injuries Compensation awards received on of up to £10,000 with an appropriate banker and to make alternative arrangements for the investment of awards greater than this amount, subject to having due regard to the need to strike a balance between security and a high rate of return.
2. Authority to invest up to £10,000 of any monies inherited by a child in care with an appropriate banker and to make alternative arrangements for the investment of awards greater than this amount, subject to having due regard to the need to strike a balance between security and a high rate of return.

**C. Environmental Services**

Authority to The Borough Treasurer to carry out financial accounting in relation to the Greater Manchester Road Authority Permit Scheme for the purpose of issuing the certificate required prior to prosecution for a permit offence confirming that a fixed penalty has not been received.

**D. To the Borough Treasurer in consultation with the Borough Solicitor**

Authority to indemnify officers and members in accordance with the Local Government

(Indemnities for Members and Officers) Order 2004.

**E. To Officers of the Chief Executive's Department**

Authority to the Corporate Procurement Manager to sign Confidentiality Agreements and Access Agreements with other public bodies to assist the Council in the joint commissioning / procurement of works, supplies and services.

## **The Chief Executive's Department: The Borough Solicitor**

### **A. Legal**

#### **(A) To The Borough Solicitor**

1. Authority to complete all necessary legal formalities in order to give effect to any actions approved by the appropriate Executive Cabinet Member or the Cabinet or any actions taken in this scheme of delegation.
2. Authority to remove legal charges, restrictions and notices registered against property as a result of any action approved by the appropriate Executive Cabinet Member or the Cabinet or any action taken in this scheme of delegation.
3. Authority to obtain Counsel's advice in relation to any legal matters or proceedings.
4. Authority to take or defend any legal action to protect the Council's interests, to incur reasonable costs in relation to the action and to bring it to the most satisfactory conclusion available.
5. Authority to act as the proper officer of the Council for the purposes of the Local Government Act 1972 Part VA (as amended) and the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000.
6. Authority to authorise (or discontinue authorisation for) any member of staff to appear as an advocate on behalf of the Council before the Magistrates and County Courts.
7. Authority to institute proceedings for Housing and/or Council Tax Benefit fraud and/or any other relevant Social Security benefit under the Social Security Administration Act 1992.
8. Authority to approve applications for, attach conditions to, renew or revoke grants of approval of premises for the solemnisation of marriages in accordance with the Marriage Act 1994.
9. Authority to commence and conduct proceedings in the Magistrates' Court for common assault, under the provisions of Section 222 of the Local Government Act 1972, where s/he is satisfied that an employee has been assaulted in the course of his or her employment by the Council, and that it is appropriate for the Council to commence proceedings.
10. Authority to take any necessary action to ensure compliance by and on behalf of the Council within the Data Protection Act 1998 (including approving information sharing agreements and completing necessary legal formalities for such agreements), Freedom of Information Act 2000 and Regulation of Investigatory Powers Act 2000 and any regulation or order made thereunder.
11. Authority to complete all legal facilities with respect to schools converting to academy schools in accordance with the provisions of the Academies Act 2010.
12. Authority to hear and determine an appeal from a trader of a stall, a pitch or premises at any of the markets against a decision of the Director of Environmental Services relating to the day to day management control; there being no further right of appeal to any other body of the Council.



13. Authority to hear and determine an appeal from a licensee against termination of market licence for breach of agreement, there being no such appeal in the event of a major breach of condition or term of the licence.
14. Authority to hear and determine an appeal from a close member of the family against the refusal by the Director of Environmental Services for the grant of a new miscellaneous licence.
15. Authority to serve the appropriate notices as required under leases, licences and tenancies of stalls/pitch or premises granted by the Council at any the markets to enable rent reviews to be implemented and agreements to be renewed.
16. Authority to serve the appropriate notices to terminate tenancies under the Landlord and Tenant Act 1954 where vacant possession of stalls, pitch or premises at any of the markets is required by the Council for a scheme previously approved by the Council and to take all the necessary action to recover possession of the stalls, pitch or premises and authority to pay the appropriate statutory compensation.
17. Authority in respect of all the markets to enforce automatic termination of licences and to take all necessary action to recover possession of the stall, pitch or premises.
18. Authority to take proceedings for unlawful occupation of any stalls at any of the markets.
19. Authority to serve Notice to Quit on Tenants of allotment plots in consultation with the Director of Environmental Services.
20. Authority to serve notices under Section 23 of the Local Government Miscellaneous Provisions Act 1976 in respect of dangerous trees and to take any necessary action in connection therewith.
21. Authority to institute legal proceedings under the Protection of Badgers Act 1992.
22. Authority to sign documents conferring Exclusive Rights of Burial.
23. Authority, in consultation with the Director of Environmental Services, to institute legal proceedings in respect of offences under any Byelaws or Orders now or hereafter to be in force relating to Parks, Recreation Grounds, Open Spaces, Cemeteries, Crematoria and Allotments.
24. Subject to a requirement to report exceptional or unusual circumstances to the next meeting of Planning Committee authority to enter or amend agreements and obligations regulating the development or use of land (Section 106 and 106A, Town and Country Planning Act 1990);
25. Authority to make Tree Preservation Orders;
26. Authority to confirm unopposed tree preservation orders;
27. Authority to recover compensation in pursuance of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;
28. Authority to make directions restricting permitted development in emergency cases (Article 4, Town and Country Planning General Permitted Development Order 1995);

29. Authority to take action in respect of the obstruction of rights of entry (Section 325, Town and Country Planning Act 1990);
30. Authority to require information as to interests in land;
31. Authority to seek injunctions restraining breaches of planning control, subject to reporting back to the next meeting of Planning Committee (Section 187B and Section 214A, Town and Country Planning Act 1990);
32. Authority to withdraw an enforcement notice or to waive or relax any requirement of such a notice (Section 173A, Town and Country Planning Act 1990);
33. Authority to serve and enforce statutory notices and apply for injunctions in connection with Section 23, 24 and 26AA of the Planning (Hazardous Substances) Act 1990.
34. Authority to serve, withdraw or relax Remedial Notices served pursuant to Sections 69 and 70 of the Anti-Social Behaviour Act 2003.
35. Authority to take the required legal action to implement decisions of or on behalf of the Council to create, stop up, extinguish, divert or modify public footpaths, bridleways and restricted byways.
36. Authority to initiate consultations prior to hazardous substances consent;
37. Authority to determine validity of claims for deemed consent (Section 11, Planning (Hazardous Substances) Act 1990);
38. Authority to maintain the register of hazardous substances consents (Section 28, Planning (Hazardous Substances) Act 1990);
39. Authority to determine applications and impose conditions on hazardous substances consent (Section 9, Planning (Hazardous Substances) Act 1990);
40. Authority to conduct proceedings and represent the Council in the Employment Tribunal.
41. Authority to take legal proceedings for the recovery of possession of premises in mortgage, when borrowers are in arrears and to instigate proceedings to re-vest in the Council dwellings previously sold to tenants.
42. Authority to make grants towards loss or disturbance of business and other allowances of persons affected as a result of action taken under the Housing Act 1985 within approved limits and to carry out all necessary formalities in respect of the same.
43. Authority to sign Compromise Agreements on the termination of employment contracts in consultation with the Assistant Director People and Transformation.

**(B) To Officers of Legal Services**

Authority to legal assistants to sign statements of truth and to certify documents.

**B. Civic**

Authority to The Borough Solicitor to determine applications for use of the Council's Heraldic Badge or part of the Council's Coat of Arms.



## **The Chief Executive's Department: Corporate Property**

### **A. To the Chief Property Officer**

- 1.1 Authority to grant leases, licences and tenancies of all Council land and premises having a rental value of no more than £15,000 per annum for a term not exceeding twenty five years.
- 1.2 In consultation with the appropriate Executive Cabinet Member authority to complete a surrender and re-grant of a lease.
- 1.3
  - (a) Authority to accept surrenders and agree renewals of leases and tenancies granted by the Council.
  - (b) Authority to consent to assignments or underlettings of leases and tenancies granted by the Council.
  - (c) Authority to give consent to change of use and to agree to the release or variation of covenants contained in leases and tenancies granted by the Council.
  - (d) Authority to agree rent reviews for all relevant leases granted by the Council.
  - (e) Authority to enter into Deeds of Rectification where necessary in respect of leases granted by the Council.
- 1.4 Authority to deal with the day to day management of all Council land and or premises let on leases licences and tenancies and where required by such agreements to give the Council's consent as landlord to matters contained therein.
- 1.5 Authority to grant leases and licences to statutory undertakers.
- 1.6 Authority to conduct preliminary negotiations for the acquisition or disposal of any interest in land and or premises without committing the Council at the request of a Chief Officer, subject to a report being presented to the appropriate Executive Cabinet Member.
- 1.7 Authority to purchase land and or premises required for a scheme previously approved by the Council or an Executive Cabinet Member at a price not exceeding £100,000 exclusive of costs per transaction.
- 1.8 Authority to grant and acquire easements and wayleaves and, where necessary, to enter into licences to enter onto third party land for the purpose of carrying out works.
- 1.9 Authority to deal with enfranchisement or extension of ground rents under the Leasehold Reform Act, 1967 subject to an appropriate consideration based on values current at the time.
- 1.10 Authority in respect of ground rents of up to £50 per annum that the Council offers to cease collection of the ground rent or convert it to a peppercorn if demanded upon payment of an open market premium, the lease to remain in existence and the Council to issue a "Certificate of Redemption".
- 1.11 Authority to purchase ground and chief rents considered beneficial to the Council up to a maximum of £10,000 total but exclusive of fees in any one financial year.

- 1.12 Authority to enter into leases (and renew such existing leases) of land and buildings where the Council is the tenant up to a lease term length of 5 years and a rent of £10,000 per annum and the authority to agree rent reviews on land and on premises where the Council is tenant.
- 1.13 In consultation with the appropriate Executive Cabinet Member, authority to renew leases of land and buildings where the Council is the tenant and the Council has the right to renew under the Landlord and Tenant Act 1954.
- 1.14 Authority to agree rent reviews in respect of leases where the Council is the tenant and a rent review is provided for in the lease.
- 1.15 Authority to instigate proceedings for unlawful occupation of any Council-owned property.
- 1.16 Authority to take appropriate action under Section 7 of the Animals Act 1971 where animals stray onto Council land.
- 1.17 Authority to dispose of minor holdings of land and/or premises surplus to the requirements of the Council up to a maximum of £100,000 total (in any one sale) but exclusive of fees.
- 1.18 Power to dedicate Council - owned land as highway to be maintained at public expense.
- 1.19 Authority to approve reports on the amounts of compensation for interests in land and premises included in Compulsory Purchase Orders.
- 1.20 Authority to terminate leases, licences and tenancies of business premises or land in Council ownership, and to take all necessary action to recover possession of the premises/land.
- 1.21 Authority to serve the appropriate notices as required under leases, licences and tenancies of all Council land and or premises to enable rent reviews to be implemented and agreements to be renewed.
- 1.22 Authority to serve the appropriate notices to terminate tenancies under Landlord and Tenant Act 1954 where vacant possession of premises and or land is required by the Council for a scheme previously approved by the Council or the appropriate Executive Cabinet Member and to take all necessary action to recover possession of the premises/land and authority to pay the appropriate statutory compensation.
- 1.23 Authority to order the demolition of properties purchased for a scheme requiring their demolition or where they are certified as being dangerous to the public.
- 1.24 Acting as landlord or tenant, authority, in consultation with the Borough Solicitor, to negotiate and settle any dilapidations claims.

**B. To the Chief Property Officer in consultation with the Borough Solicitor**

- 1. Authority to recover arrears of rent for stalls, pitch or premises at any of the markets, use and occupation charges and any professional fees due to the Council in respect of the aforementioned.



## **The Chief Executive's Department: Library and Museum Service**

### **To the Borough Treasurer and Assistant Director Customer Services (acting individually)**

1. Authority to institute legal proceedings against borrowers for non-return of library resources and in respect of alleged contraventions of the byelaws relating to libraries, museums and art galleries.
2. Authority to determine requests for library resources to be added to the stock of the libraries.
3. Authority to determine requests for the loan of books, audio-visual materials and paintings, etc., to outside bodies.
4. Authority to determine applications by artists and other outside bodies to hold exhibitions.
5. Authority to purchase books, audio-visual materials, equipment etc., for public library service, museum service and exhibitions service.
6. Authority to sign agreements in respect of articles worthy of display in the Museum, Art Gallery or Library which are offered by way of gift or loan, and negotiating the terms of each loan or gift.
7. Authority to approve grants of up to £1,000 for the development and promotion of cultural services activities and facilities.
8. Authority to approve special concessionary bookings and opening hours of cultural services facilities.

## **Children's and Adults Services Department**

### **A. To The Director of Children's and Adult Services**

1. In conjunction with the Borough Solicitor, authority to give all notices and institute legal proceedings in pursuance of the Public Health Act 1936 and to authorise in writing persons to enter onto land for the purposes permitted by the Act.
2. Authority to supply suitable equipment and fund the alteration of property occupied by people with a physical disability.
3. Authority to vary Conditions of Hire in exceptional circumstances, and the setting of catering charges for catering use.
4. Power to authorise arrangements for the installation and rental of telephones for people with a physical disability, subject to criteria laid down, from time to time, by the appropriate Executive Cabinet Member.
5. Authority to make loans to blind persons to purchase apparatus from the National League of the Blind - within the limits of the existing agreed scheme.
6. Authority to approve the admission to residential accommodation of persons coming within the scope of Section 21(1) of the National Assistance Act 1948.
7. Authority to approve approved mental health professionals to act in accordance with the requirements of section 114 of the Mental Health Act 1983 as amended in 2007.
8. Authority to agree the allocation of resources to meet the needs of individuals
9. Authority to waive charges on services and equipment issued under the Chronically Sick and Disabled Persons Act 1970.
10. Authority to negotiate bookings for individual events, shows etc. to be held at land/establishments under the control of his/her department.
11. Authority to waive or vary fees and charges of facilities his/her department.
12. Authority to grant assistance where there is reason to believe that such assistance would be constructively used in preventing the breakdown of or in the rehabilitation of a family.
13. Authority to approve and renew contracts with providers of social care services, after appropriate consultations, including discussions with the Executive Cabinet Member (Deputy Leader).
14. Authority to approve applications for Standards Fund activities which fall within the policies and financial limits determined annually by the appropriate Executive Cabinet Member/Cabinet Member.
15. Authority to identify and assess children with Special Educational Needs in accordance with the Regulations and Code of Practice made under the Education Act 1996 (as amended or re-enacted).
16. The discretion to agree to and make payment of, fees in respect of children with Special Educational Needs who are placed in schools not maintained by the Council.



17. Authority to approve admissions to nursery, primary and secondary schools (in consultation with Head Teachers concerned).
18. Authority to pay maintenance allowances to pupils and students over compulsory school age and remaining in attendance at school or college.
19. Authority to pay travelling expenses to school pupils.
20. Authority to make allowances for the provision of necessitous and distinctive clothing for schoolchildren.
21. Authority to make nominations to the Local Government Management Board of persons who apply for Training Awards.
22. Authority to make routine applications for the use of education premises within his/her department.
23. Authority to send statutory notices and to authenticate all documents required to be issued in connection with the provision of education within the borough.
24. Authority to determine a request for free transport to school in cases where s/he is of the opinion that there has been a dramatic change in a family's circumstances, subject to a report being submitted to the next available meeting of the Executive Cabinet Member/Cabinet Member and the Education Assistance Panel.
25. Authority to determine applications for discretionary awards.
26. Authority to determine applications for Junior Awards, where the applicant has not previously received an award, and the continuation for subsequent years of an approved award except where the applicant has previously received an award or where grounds might exist for refusal in which case applications are to be determined by the Education Assistance Panel.
27. Authority to institute proceedings under the extended provisions of Section 547 of the Education Act 1996 (causing a nuisance on school premises).
28. Authority to institute and conduct proceedings under Sections 437-444 of the Education Act 1996 as amended, Schedule 26 to the Education Act 1996 and Section 36 of the Children Act 1989.
29. Authority to institute and conduct proceedings under Part II of the Children and Young Persons Act 1933 as amended and regulations made thereunder.
30. Authority to purchase books, audio-visual materials, equipment etc. for schools and the Youth Service and the circulating book stock for primary schools.
31. Authority to approve grants to families in need and the making of loans to families in need under section 17 of the Children Act 1989.
32. Authority to make arrangements for the provision of accommodation of children under the provisions of Section 20 of the Children Act 1989.
33. Authority to arrange for the placement of children and young persons looked after by the Council, including the placement with parents etc. of children and young persons in

care.

34. Authority to conduct reviews of children in care, as required by Section 26 of the Children Act 1989.
35. Authority to make payments to foster parents looking after children, in accordance with the scale approved by the appropriate Executive Cabinet Member/Cabinet Member.
36. Authority to make payments to special guardians in accordance with the current Council policy relating to the same.
37. Authority to expend up to £7,500 in any one case in any one year on the provision of services or equipment, recreational or otherwise, to any child or young person looked after by the Council.
38. Authority to appoint visitors to certain children in care, as required by Schedule 2 of the Children Act 1989.
39. Authority to decide on cases where children might benefit from attendance in family support centres free of charge, irrespective of parents' income.
40. Authority to deal with applications for permission for children in care to go abroad on holiday with their foster parents.
41. Authority to reimburse the medical expenses incurred by applicants for the adoption of children in connection with the statutory medical examination.
42. Authority to carry out the various functions and requirements of the Adoption Agency and in particular to consent to the adoption of children or young persons where the consent of the Council is required and the payment of adoption allowances.
43. Authority to approve requests by foster parents for ex-gratia payments in respect of damage caused by foster children placed with them up to a value of £5,000 in any one case in any one year.
44. Following consideration of the recommendations of the Fostering and Adoption Panel, authority to assume the responsibility of the Adoption Agency (whose function is outlined in the Adoption Agencies Regulations 1983).
45. Following consideration of the recommendations of the Fostering and Adoption Panel, authority to determine all foster parent applications.
46. In cases deemed to be urgent, authority to approve foster parents.
47. Authority to provide financial support under Section 24 of the Children Act 1989 for furnishing and equipment and financial assistance under the Children (Leaving Care) Act.
48. Authority to make decisions concerning the underwriting of legal fees in adoption cases for which the Authority is responsible.
49. Authority to take any appropriate action under the Children Act 1989 and the Family Law Act 1996 designed to safeguard, protect or promote the welfare of children in Bolton.

50. Authority to grant financial assistance towards the adaptation of property for foster parents where it is deemed that such action would be in the best interests of the foster children, subject to a maximum of £7,500.
51. Authority to make appointments to the Adoption and Fostering Panels.
52. Authority to approve the rota for visits to establishments and registered homes.
53. Authority to consider exceptions to the Home to School Transport Policy and to issue a free bus pass to pupils following consideration of an appeal in cases where the faith of the school is not one to which the parent adheres, on the production of evidence as detailed.
54. Authority to procure, in accordance with the Standing Orders relating to Contracts, services under the Apprenticeships, Skills, Children and Learning Act 2009 and negotiate contractual terms and conditions in respect of such procurement.
55. Authority to take all necessary action to comply with the Safeguarding Vulnerable Groups Act 2006 and any other legislation relating to the health and wellbeing of children.
56. Authority to make an application to the Criminal Injuries Authority on behalf of a child in care for compensation under the Criminal Injuries Scheme.
57. Authority to consent to the marriage of young persons where the consent of the Council is required.
58. Authority, in consultation with the Borough Solicitor to action decisions made by Bolton Children's Trust and Associated Partnership Boards, and the Bolton Skills Board provided details of any action taken are reported to the next meeting of the relevant Executive Cabinet Member/Cabinet Member.
59. Authority in consultation with the Borough Solicitor to complete the necessary arrangements for schools converting to academies under the Academy Act 2010.
60. Authority to approve the change of name for any looked after child with the written consent of any other person who has parental responsibility for that child and delegate to the Borough Solicitor the completion of any legal documentation to affect the same.
61. Authority to take any decision on behalf of the Council as supervisory body with regard to the Deprivation of Liberty Safeguards within the Borough.
62. Authority to sign Compromise Agreements on the termination of employment contracts in consultation with the Borough Solicitor.
63. Authority to act as the authorised officer for property and affairs deputyships.

**B. To the Director of Children's and Adult Services in Consultation with the Borough Solicitor**

1. Authority to sign contracts, for the provision of personal care, services or facilities pursuant to the National Health Service and Community Care Act 1990, the National Assistance Act 1948, the Chronically Sick and Disabled Persons Act 1990 and the Children Act 1989, the Local Government Act 2000 and the Health and Social Care Act 2001 and the Health and Social Care Act 2012.

2. The power to create a charge on property in accordance with Section 22 of the Health and Social Security Adjudications Act 1983.
  3. The power to create a charge on property in respect of debts due to the Council relating to residential care or nursing home fees in cases where Section 22 of the Health and Social Security Adjudications Act 1983 does not apply.
  4. Authority to action decisions made by the Shadow Health and Wellbeing Board provided details of any action taken are reported to the next meeting of the relevant Executive Cabinet Member/Cabinet Member.
- C. To the Director of Children's and Adult Services and the Teacher in charge of the Pupil Referral Units and the Staffing Sub-Committee of the Management Committee**
1. Authority to appoint teachers on Standard National Scale plus two responsibility points to the Pupil Referral Units.
- D. To Officers of the Children's and Adult Services Department**
- (A) To Officers Designated by the Director of Children's and Adult Services**
1. Authority to institute or defend, on behalf of the Council, legal proceedings relating to the welfare of children and young persons and to sign all necessary documents.
  2. Authority to exercise the powers of the Council under the Adoption Act 1976 or the Adoption and Children Act 2002.
- (B) To the Principal Education Social Worker and the Education Social Worker (Team Managers)**
1. Authority, in accordance with Section 223 of the Local Government Act 1972, as amended, to prosecute on their behalf or appear on their behalf in proceedings concerning the attendance of children at school before a Magistrates Court under the Children Act 1989, the Education Act 1996 as amended or re-enacted.
- E. To the Director of Children's and Adult Services in consultation with the Borough Solicitor**
1. Authority to undertake such emergency procedures for the maintenance of premises as may be made necessary by unforeseen circumstances, subject to any action taken being subsequently reported to the appropriate Executive Cabinet Member/Cabinet Member and to any exception of Standing Orders being recorded.
  2. Authority to accept gifts for prize funds and to amend prize schemes consequent upon the reorganisation of education institutions.
  3. Authority to sign contracts for the provision of personal care, services or facilities pursuant to any relevant legislation.
  4. Authority to administer an estate on behalf of a child in care where the child is the sole or main beneficiary, to hold monies on trust for such a child and to advance money or make maintenance payments for the benefit of such a child.

5. In relation to the Building Schools for the Future project and to the Strategic Partnering Agreement and the Facilities Management Agreement entered into between the Council and the Blackburn with Darwen and Bolton Local Education Partnership ("Agreements"), authority to:
  - (a) initiate a request for the delivery of additional services and negotiate services specifications on behalf of any school or educational facility in the Bolton borough in accordance with the Agreements; and
  - (b) enter into a Governing Body Agreement with the relevant school or educational facility under which the Council will agree to carry out those actions detailed in (a) above and, subject to Executive Cabinet Member/Cabinet Member/Cabinet approval, place an order for the additional services and the school or educational facility will agree to provide all necessary information to the Council and meet all costs associated with the proposed order for additional services.

Prior to the Council placing an order for additional services on behalf of a school or educational facility, a report shall be delivered to the appropriate Executive Cabinet Member/Cabinet Member or the Cabinet, as appropriate, detailing all action taken under the above and requesting authority to place an order.

## **F. Public Health**

### **To the Director of Public Health**

1. Power to authorise in writing officers appointed whose functions include responsibility as proper officers or alternative proper officer be appointed 'Proper Officer' for the purpose of the following Acts and any Act or Acts extending or amending the same or incorporated therein and under any Orders or Regulations made under the Act or Acts: -

Public Health (Control of Disease) Act 1984;  
Public Health (Infectious Diseases) Regulations 1988;  
National Assistance Act 1948;  
Milk and Dairies (General) Regulations 1959;  
National Assistance (Amendment) Act 1951.

2. Power to discharge any functions of the Council arising from:

The Health and Social Care (Community Health and Standards) Act 2003;  
National Health Service Act 2006;  
Licensing Act 2003;  
Local Government and Public Involvement in Health Act 2007;  
Health and Social Care Act 2012;  
Human Medicine Regulations 2012

## **G. Library and Museum Service**

1. Authority to institute legal proceedings against borrowers for non-return of library resources and in respect of alleged contraventions of the byelaws relating to libraries, museums and art galleries.
2. Authority to determine requests for library resources to be added to the stock of the libraries.

3. Authority to determine requests for the loan of books, audio-visual materials and paintings, etc., to outside bodies.
4. Authority to determine applications by artists and other outside bodies to hold exhibitions.
5. Authority to purchase books, audio-visual materials, equipment etc., for public library service, museum service and exhibitions service.
6. Authority to sign agreements in respect of articles worthy of display in the Museum, Art Gallery or Library which are offered by way of gift or loan, and negotiating the terms of each loan or gift.
7. Authority to approve grants of up to £1,000 for the development and promotion of cultural services activities and facilities.
8. Authority to approve special concessionary bookings and opening hours of cultural services facilities.

## **Development and Regeneration Department**

### **A. Development**

#### **To the Director of Development and Regeneration**

Authority to approve grant applications of up to £25,000 in respect of the Townscape Heritage Initiative provided suitable grant terms and conditions are imposed on the recipient. Details of such action to be reported to the appropriate Executive Cabinet Member/Cabinet Member.

### **B. Planning Control and Related Matters**

#### **To the Director of Development and Regeneration**

1. Authority to determine all planning applications except the following (unless such applications are to be refused because of lack of information, in which case the authority will still apply):
  - (a) applications involving development of more than one hectare of land;
  - (b) applications for development pursuant to demolition of a Listed Building or a building in a Conservation Area;
  - (c) applications (except for advertisement, tree and householder applications where the delegated authority will still apply) where valid representations have been received which are contrary to the Director of Development and Regeneration's recommendation;
  - (d) applications which involve a novel policy issue, which is not addressed either through the Council's Development Plan, any adopted Supplementary Planning Documents, or government planning policy as set out in the National Planning Policy Framework or any successor document;
  - (e) applications for major development (as currently defined by Government) where the Council is either an applicant, a joint applicant, has a notifiable interest in the land or building(s) subject to the application, or is a formal development partner of the applicant; and
  - (f) applications where members of the Council have asked for the application to be placed before the Planning Committee because of identified significant material planning considerations raised by the proposal.

subject in each case to a requirement to report exceptional or unusual circumstances to the next meeting of the Planning Committee.
2. Authority to impose conditions on planning permissions and other consents;
3. Authority to determine applications for the retention of buildings or works or the continued use of land;
4. Authority to decline to determine applications in accordance with Section 70A, Town and Country Planning Act 1990, the Town and Country Planning (General Development Procedure) Order 1995 and Section 81 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

5. Authority to enforce breaches of planning control including those relating to Listed Buildings and Conservation Areas and to take enforcement action relating to the removal of protected trees;
6. Authority to determine requests for non-material amendments to existing planning consents in accordance with the provisions of Section 96A of the Town and Country Planning Act 1990.
7. Authority to enforce the control of advertisements by means of a discontinuance notice or otherwise (Section 220-225, Town and Country Planning Act 1990);
8. Authority to issue certificates of lawfulness in accordance with Section 191 - 194, Town and Country Planning Act 1990;
9. Authority to determine non Local Authority applications for express advertisement consent;
10. Authority to determine applications to prune trees and refuse applications to fell trees;
11. Authority to decide whether trees to be felled in Conservation areas should be the subject of Tree Preservation Orders;
12. Authority to dispense with the requirement to plant replacement trees for dead, dying or dangerous specimens (Section 206, Town and Country Planning Act 1990);
13. Authority to maintain the Register of Enforcement Notices and Stop Notices (Section 188, Town and Country Planning Act 1990);
14. Authority to remove or obliterate placards and posters as defined under Section 225, Town and Country Planning Act 1990;
15. Authority to maintain the registers of all Tree Preservation Order applications and all advertisement applications;
16. Authority to request that reserved matters be part of outline planning permission;
17. Authority to make consultations and carry out publicity prior to the determination of planning applications;
18. Authority to make representations in response to consultations by other authorities pursuant to the Town and Country Planning General Procedure Development Orders 1995;
19. Authority to administer the Hedgerows Regulations 1997;
20. Authority to administer the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2010 including the provisions of scoping and screening opinions;
21. Authority to determine whether the prior approval of the Local Planning Authority is required under the provisions of the General Development Order (as amended) as appropriate, subject to the Council's scheme on delegated planning applications;



22. Authority to execute works required by enforcement notice (Section 178, Town and Country Planning Act 1990);
23. Authority to determine applications for a certificate of lawfulness (Sections 191 and 192, Town and Country Planning Act 1990);
24. Authority to publicise applications affecting Conservation Areas and Listed Buildings;
25. Authority to take the appropriate action in accordance with the relevant regulations in respect of any planning application which is considered to involve a departure from the development plan;
26. Authority to make representations in response to consultations under the provisions of the Ecclesiastical Exemptions (Listed Buildings and Conservation Areas) Order 2010 and the Pastoral Measure 1983 and the Faculty Jurisdiction Measure 1964;
27. Authority to Control works for the alteration or extension of listed buildings (sections 7 - 19 Planning (Listed Buildings and Conservation Areas Act 1990).
28. Authority to object to a proposed felling licence in respect of trees to which a Tree Preservation Order relates (Section 15, Forestry Act 1967);
29. Authority to impose after-care conditions on mineral workings (Section 72(5) Schedule 5, Part I(2), Town and Country Planning Act 1990);
30. Authority to require the issue of Completion Notices (Sections 94 and 96 Town and Country Planning Act 1990);
31. Authority to define areas of special (advertisement) control;
32. Authority to respond to consultations by Government Departments formally indicating the kind of planning permission likely to be granted in respect of surplus land;
33. Authority to make observations on behalf of the Council in accordance with paragraph 6 of Department of the Environment Circular 18/84;
34. Authority to deal with all aspects relating to Interim Development Orders;
35. Authority to determine applications for deemed permission for development or express advertisement consent by a local authority in accordance with the criteria set out in paragraph B.1 above;
36. Authority to determine applications for deemed permission for development of land vested in a local authority which it does not itself propose to carry out in accordance with the criteria set out in paragraph B.1 above.
37. Authority to administer provisions and decide complaints submitted pursuant to Section 8 of the Anti-Social Behaviour Act 2003.

38. Authority, in consultation the Borough Solicitor to action decisions made by Bolton Strategic Economic Partnership, Bolton Skills Board, Sustainable Development Forum, Bolton Innovation Zone Partnership and Bolton Community Houses – Strategic Housing Partnership provided details of any action taken are reported to the next meeting of the relevant Executive Cabinet Member/Cabinet Member.
39. Authority to consider whether an application to amend the register of town and village greens to include a town or village green is duly made and to carry out the pre-determined procedures as set out in the Commons Registrations Act 1965

## **C. Building Control Matters**

### **(A) To the Director of Development and Regeneration**

1. Subject to a requirement to report exceptional or unusual circumstances to the next meeting of Planning Committee authority to deal with the following matters:-
  - (a) Plans deposited under the Building Regulations, 2010 (as amended) and Building Notices given under the Building Regulations 2010 (as amended).
  - (b) The approval or rejection of building plans under the following sections of the Building Act 1984 and the Building Regulations 2010 (as amended):-
 

Building Act 1984

Section 20	-	Special provisions as to buildings constructed of materials which are short-lived or otherwise unsuitable for use in permanent buildings.
Section 21	-	The provision of necessary drains to new buildings.
Section 24	-	Exits, entrances etc., to certain public and other buildings.
Section 25	-	The provision of sufficient water supply to new houses.
Section 72	-	Means of escape from fire.
  - (c) The charging of fees under the Building (Local Authority Charging) Regulations 2010.
  - (d) The taking of action relating to fire protection pursuant to Section 61-66 of Part IV of the Greater Manchester Act 1981.
  - (e) Notices given under Part II of the Building Act 1984 (Supervision of Building Works other than by a Local Authority) and Regulations made thereunder.
  - (f) Carrying out the functions of the Council under the Building Act 1984 regarding ruinous, dilapidated or dangerous buildings and structures or neglected sites. Taking action under the appropriate Acts including the Local Government (Miscellaneous Provisions) Act 1982 for making secure unoccupied or damaged buildings open to trespass.
  - (g) The imposition of conditions relating to demolition of buildings under the provisions of the Building Act 1984 and authority to take appropriate action in

cases where conditions imposed have not been complied with.

(h) Requiring the provision of entrances/exits etc. for buildings referred to in Section 24 of the Building Act 1984.

2. Authority to deal with all applications for the relaxation or dispensation of Building Regulations.
3. Authority to serve notices requiring the owner of a property either to pull down or remove work carried out in contravention of the Building Regulations and for the Council to do work in default under the provisions of Section 36(3) of the Building Act 1984.
4. Power in respect of naming and numbering of streets including renaming and renumbering.

**(B) To Officers of The Development And Regeneration Department**

1. To Officers appointed to service the Council currently or in the future capacity of:-

Head of Development Management  
Development Management (Building)  
Principal Development Officer (Building)  
Assistant Development Officer (Building)  
Principal Development Technician

in the Building Control Section be authorised to enter upon land, buildings and structures for enforcement purposes and that the Director of Development and Regeneration be authorised to issue to such officers due authority in writing.

**(C) To the Director of Development and Regeneration in consultation with the Borough Solicitor - (Subject to a requirement to report exceptional or unusual circumstances to the next meeting of Planning Committee)**

1. Authority to conduct Appeals against certificates of appropriate alternative development, planning decisions, failure to determine planning applications, enforcement notices, listed building consent and conservation areas, and refusal of advertisement consent;
2. Authority to appear at hearings in respect of Secretary of State decisions relating to the review of planning decisions where compensation is claimed;
3. Authority to appear at hearings in connection with the granting or refusal of Certificates of Established Use;
4. Authority to appear at a hearing in connection with the confirmation of any purchase notice by the Secretary of State.
5. Authority to make representations in response to applications for heavy goods vehicle operating centre licences (see also paragraph A(A) 44 of the Environmental Services Department section of this scheme).

6. Authority to serve planning contravention notices and to institute proceedings for non-compliance with planning contravention notices (Section 171C and 171D, Town and Country Planning Act 1990);
7. Authority to conduct appeals against decisions of the Hazardous Substances Authority (Section 21, Planning (Hazardous Substances) Act 1990);
8. Authority to issue certificates under Article 5 of Tree Preservation Orders and to determine the amount of compensation payable in cases where a certificate is not issued should such compensation be claimed.
9. Authority to conduct appeals against decisions and Remedial Notices served pursuant to Section 8 of the Anti-Social Behaviour Act 2003.
10. Authority to serve, withdraw or relax remedial notices served pursuant to Section 69 and 70 of the Anti-Social Behaviour Act 2003.
11. Power to authorise Officers in his Department to enter upon land to take any necessary action in connection with the following statutes as amended or re-enacted:-

Town and Country Planning Act 1990 - Section 324

Building Act 1984

Safety at Sports Grounds Act 1975

12. Authority to waive or vary non statutory and discretionary fees and charges for the services within the Department's remit in appropriate circumstances.
13. Authority to serve notices under Section 215 of the Town and Country Planning Act 1990.

## **D. Economic Development Matters**

### **(A) To The Director of Development And Regeneration**

1. Authority to approve Bolton Town Centre Business Support grants up to £20,000.
2. Authority to introduce charges in respect of the Business Liaison Service.
3. Authority to sign contracts with outside bodies of an economic nature in order to secure funding and deliver services for the benefit of local residents and businesses in accordance with the Council's Strategic economic development objectives, subject to the overall strategy being agreed by the appropriate Executive Cabinet Member/Cabinet Member.
4. Authority to award security grants up to 50% up to a maximum of £1,000 for retail applicants and £5,000 for industrial applicants within the terms and conditions of the grant provided suitable grant terms and conditions are imposed on the recipients.
5. Authority to award grants for environmental audits and subsequent environmental improvements up to 50% of the cost or not more than £5,000 provided suitable grant terms and conditions are imposed on the recipients.

6. Authority to approve grant assistance under the ERDF and ESF Schemes up to a maximum level of £1,000 (50% of the eligible cost) provided suitable grant terms and conditions are imposed on the recipients.
7. Authority to authorise grants up to £10,000 under the Business Expansion Grants Scheme provided suitable grant terms and conditions are imposed on the recipients.
8. Authority to approve applications of up to £1,000 in respect of Tourism Development. Details of such action to be reported to the appropriate Executive Cabinet Member/Cabinet Member provided suitable grant terms and conditions are imposed on the recipients .

**(B) To Officers of The Development And Regeneration Department**

1. Officers appointed to the service of the Council currently or in the future capacity of: -

Chief Planning Officer

Head of Planning and Building Control

Development Manager (Planning/Enforcement)

Principal Development Officer (Planning)

Development Officer Planner (Planning)

Enforcement Officer

Assistant Development Officer (Planning)

in the Planning Control Section of the Development and Regeneration Department be authorised to enter any land for enforcement purposes; and that the Director of Development and Regeneration be authorised to issue to such officers due authority in writing (Section 196A, Town and Country Planning Act 1990).

2. Officers appointed to the service of the Council currently or in the future in the Planning Division of the Development and Regeneration Department (or any successor Department) be authorised to enter any land in accordance with the following legislation and that the Director of Development and Regeneration be authorised to issue to such officers due authority in writing (Sections 209, 214B and 324, Town and Country Planning Act 1990, Section 88 Listed Building Act 1990 and Section 36 Planning (Hazardous Substances) Act 1990) and Section 74 of the Anti-Social Behaviour Act 2003.

**D. Leisure Matters**

**To the Director of Development and Regeneration**

Authority to determine applications for free or concessionary use of leisure facilities, together with specific reductions and negotiated bookings and that the ward councillors affected by the proposals be consulted, where appropriate.

**F. Housing Strategy Matters**

**(A) To The Director of Development and Regeneration ~~or nominee~~**

1. Authority to determine applications under Part XVI Housing Act 1985 including the approval of grant aid in respect of a qualifying dwelling or the re-purchase of former Council houses where it would be unreasonable to expect the owners to secure or await the carrying out of the work required, subject to approved limits.
2. Authority to give financial assistance up to a maximum of £30,000~~4000~~ in matters relating to housing policy, including assistance granted in accordance with the Private Sector Housing Policy.
3. Authority, in consultation with the Chief Property Officer and subject to finance being available, to enter into negotiations for the acquisition of individual houses in Housing Renewal Areas.
4. Authority to waive individual renovation grant repayments not exceeding £15,000.
5. Authority to administer and approve applications from private sector landlords for membership to the Bolton Accredited and Residential Landlords Organisation (BARLO) accreditation scheme.
6. Authority to apply for external funding provided the appropriate Executive Cabinet Member/Cabinet Member approves any grant conditions imposed by the relevant funder prior to formal acceptance of the funding.
7. Authority to operate a National Mobility and/or Tenants Exchange scheme

**(B) To The Director of Development and Regeneration in Consultation with the Borough Solicitor**

1. Authority to provide services to Bolton at Home Limited under an agreement dated 28th March 2011 and entered into between the Council and Bolton at Home Limited ("Agreement") as varied from time to time.
2. Authority to negotiate and agree variations to the services which the Council has agreed to provide to Bolton at Home Limited under Schedule 12 of the Agreement and which Bolton at Home Limited have agreed to provide to the Council under Schedule 13 of the Agreement.
3. Authority to allow owner occupiers with an outstanding Council mortgage to rent out the mortgaged property.
4. Authority to negotiate a settlement in respect of claims by mortgagees for negligence and/or breach of statutory duty in respect of properties mortgaged by the Council.
5. Authority to waive individual grant repayments not exceeding £10,000.

**G. Housing Services**

**(A) To the Director of Development and Regeneration**

1. Authority to carry out the duties and responsibilities of the Council under the Housing Acts – Housing the Homeless.
2. Authority to manage caravan sites.

3. Authority for the allocation, termination and the management of tenancies or licences of dwellings, in accordance with the Council's policies.
4. Authority to initiate the removal of unauthorised traveller encampments.
5. Authority to carry out the duties and responsibilities of the Council as the proper officer in relation to the Housing Act, Housing Conditions, Licensing of Houses in Multiple Occupation, Selective licensing of Other Residential Accommodation and Additional Control Provisions in relation to Residential Accommodation.
6. Authority to serve Notice to Quit on occupants of Local Authority hostel or other temporary accommodation in cases where there is three weeks or more use and occupation charges in arrears.
7. Authority to serve Notice to Quit in cases, other than use and occupation charge arrears, where it is proposed to take action for the recovery of possession of Local Authority hostel or other temporary accommodation.
8. Authority to carry out enforced sales under the Town and Country Planning Act 1990, Housing Act 2004, Building Act 1984 and the Environmental Protection Act 1990 in conjunction with the Borough Solicitor.
9. Authority to take enforcement action and institute legal proceedings under the following Acts:-
  - (a) Protection from Eviction Act 1977; and
  - (b) Protection from Harassment Act 1997.
10. Authority to postpone or waive repayment of discount charges and other permissions required in relation to former Council houses.
11. Authority to serve notices and/or certificates under the Rent Act 1977 and the Local Government (Miscellaneous Provisions) Act 1976.
12. Authority to serve and enforce Closing Orders under the Housing Act 1985.

**(B) To Officers of the Development and Regeneration Department**

1. Authority to the following officers:  
 Accommodation Services Manager  
 Head of Community Housing Services  
 Advice & Options Services Manager  
 Strategic Housing Unit Manager  
 Principal Environmental Health Officer  
 Environmental Health Officer  
 Technical Officer

## Special Projects Officer

to act as an Officer/Inspector within the Bolton Borough in connection with the Acts listed below, as modified and re-enacted and to act as an Officer/Inspector for any offence under any legislation, or at common law, which is of a similar nature or related to the Acts listed below, including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts and, where appropriate to:

- (i) Serve notices;
- (ii) Institute legal proceedings;
- (iii) Exercise registration and licensing functions;
- (iv) Grant, refuse, renew, vary or revoke approvals permits or consents;
- (v) Issue certificates; and
- (vi) Make determinations

in relation to any offence or alleged offence under the following:

- (a) Building Act 1984
- (b) Caravan Sites and Control of Development Act 1960
- (c) Clean Air Act 1993
- (d) Clean Neighbourhoods and Environment Act 2005
- (e) Courts and Legal Services Act 1990
- (f) Criminal Justice and Police Act 2001
- (g) Criminal Justice Act 1967
- (h) Criminal Justices Act 1988
- (i) Environmental Protection Act 1990
- (j) Greater Manchester Act 1981
- (k) Housing Acts 1985, 1996 & 2004
- (l) Housing Grant and Construction and Regeneration Act 1996
- (m) Local Government (Miscellaneous Provisions) Act 1976 & 1982
- (n) Local Government and Housing Act 1989
- (o) Magistrates Court Act 1980
- (p) Noise and Statutory Nuisance Act 1993
- (q) Prevention of Damage by Pests Act 1949
- (r) Public Health (Control of Diseases) Act 1984
- (s) Public Health Acts 1936 and 1961
- (t) Public Health Amendment Act 1907
- (u) Town and Country Planning Act 1990
- (v) Water Act 1989 & 1999
- (w) Water Industry Act 1991



**H. To the Director of Development and Regeneration, or nominee In Consultation with Other Chief Officers or nominee**

1. Authority to agree variations with the Consortium and or the Home Office in relation to the Asylum Seeker and Refugee contracts and in relation to the provision of accommodation or services.
2. In consultation with the Director of Environmental Services, authority to carry out pruning, felling, removal and replacement of trees in Bolton town centre that have outgrown their location, cause security concerns or conflict with proposed development.

## **Environmental Services Department**

### **A. General**

#### **(A) To The Director of Environmental Services**

1. Authority to deal with all aspects of the day to day management control in all the markets.
2. Authority to waive the daily charge on open markets where severe weather conditions or other unforeseen circumstances render stall(s) unusable.
3. Authority to give consent to the assignment of all relevant legal agreements granted by the Council at all markets.
4. Authority, in consultation with the relevant Executive Cabinet Member/Cabinet Member, to grant a licence to family members of a market trader who no longer requires a licence.
5. Authority to clamp any vehicle and have the vehicle removed which obstructs the service roads and such other market areas which are designated for the free passage of pedestrians, vehicles or to provide for emergency services and other areas which are to be kept clear for the efficient operation of the markets.
6. Authority to terminate a licence granted by the Council in any of the markets for breach of a condition or term of the licence, the trader to be made aware of the internal appeals mechanism.
7. Authority in respect of all the markets to enforce automatic termination of licences and to take all necessary action to recover possession of the stall, pitch or premises.
8. Authority to take proceedings for unlawful occupation of any stalls at any of the markets.
9. Authority to deal with applications for private market licenses including under the Council's Rights of Franchise/Charter.
10. Authority to grant leases, licences and tenancies of stalls, pitches or premises at all markets for a period not exceeding twenty five years.
11. Authority to give consent to the surrender, underletting, renewal, assignment, changing or parting with possession, change of use and to agree rent reviews or leases, tenancies of stalls, pitch or premises granted by the Council at all markets of not more than twenty five years.
12. Authority to grant leases, licences and tenancies of basement storage areas in all markets and to manage the license/tenancy process.
13. Authority to terminate a lease or tenancy of a stall/pitch or premises granted by the Council in any of the markets for breach of a condition or clause of the lease or tenancy under which the trader occupies and to take all necessary action to recover possession of the stall/pitch or premises.
14. Authority to approve the level of fees for stalls, pitches or premises at all markets which are held by traders under a daily/weekly licence.

15. Authority to deal with applications to hold religious open air services in Parks and Cemeteries.
16. Authority to deal with routine applications for loan of floral decorations.
17. Authority to deal with applications from charitable organisations for free floral decorations.
18. Authority to approve and accept cemetery memorial designs/plans and inscriptions.
19. Authority to repurchase unused grave spaces.
20. Authority to issue tenancy agreements for allotments and to deal with cultivation procedures, financial control, promotion, horticultural advice and general site maintenance in connection with allotments.
21. Authority to work in partnership with associations and / or site secretaries in relation to the development of self-managed allotments.
22. Authority to negotiate bookings and approve the details of arrangements for individual events, fairs, markets, shows etc. to be held at land/establishments under the control of the Environmental Services Department.
23. Authority to deal with appropriations of land, subject to maintenance budget provisions being in place.
24. Authority to deal with applications for the use of outdoor recreational facilities and the provision of tuition.
25. Authority to determine minor applications (up to the limit of £2,000) for the provision of refreshment facilities in connection with the promotion and development of outdoor recreation in Bolton.
26. Authority to approve grants under appropriate funding schemes up to a maximum level of £5,000 for the development and promotion of schemes or works of environmental improvement provided suitable grant terms and conditions are imposed on the recipient.
27. Authority to approve special concessionary bookings and opening hours of outdoor recreation facilities.
28. Authority to waive or vary any fees and charges levied by his/her department.
29. Authority to issue instructions in pursuance of the provisions of the Highways Act 1980.
30. Authority to issue or refuse licences and consents in accordance with the provisions of the Highways Act 1980 subject to such conditions as appear to be appropriate.
31. Authority to authorise in writing persons to enter onto land for purposes permitted by the Highways Act 1980 and Public Health Act 1936 and Water Industry Act 1991, Land Drainage Act 1991 and Flood and Water Management Act 2010.
32. Authority to erect flagpoles for the display of decorations in pursuance of Section 144 of the Highways Act 1980.

33. Authority to carry out works and to place objects and structures on any highway and to provide maintain and operate facilities for recreation or refreshment on any highway in pursuance of Section 115B and Section 115C of the Highways Act 1980.
34. Authority to erect street furniture and install refuse or storage bins.
35. Authority to remove obstructions from the highway in pursuance of Section 149 and 150 of the Highways Act 1980 and to remove a structure from the highway in pursuance of Section 143 of the Highways Act 1980.
36. Authority to remove unauthorised signs from the highway in pursuance of Section 132 of the Highways Act 1980.
37. Authority to remove or reposition skips in accordance with Section 140 of the Highways Act 1980.
38. Authority to enter agreements relating to the construction and adoption of new streets in pursuance of Section 38 of the Highways Act 1980 and to enter into agreements for the execution of highways works under S278 of the Highways Act 1980 and to enter into agreements under S25 of the Highways Act 1980 for the creation of public footpaths, bridleways and restricted byways.
39. Authority to adopt streets.
40. Authority, in conjunction with the Borough Solicitor, to institute legal proceedings in pursuance of Section 28 of the Town Police Clauses Act 1847.
41. Authority to deal with trade effluent agreements.
42. Authority to authorise applications to the Magistrates' Court for the stopping up of highways within Clearance Areas and where highways are considered to be unnecessary in pursuance of Section 116 of the Highways Act 1980.
43. Authority to make arrangements for Temporary Traffic Regulation Orders, Emergency Notices and Special Events Orders under the Road Traffic Regulations Act 1984.
44. Authority to lodge with the Traffic Commissioners objections to applications under the Transport Act 1968 for the grant or renewal of Goods Vehicle Operators Licences.
45. Authority to deal with matters concerning the width of pedestrian crossings.
46. Authority to institute legal proceedings under the Road Traffic Regulation Act 1984 or Transport Act 1992.
47. Authority to authorise a person or persons to promote or take part in a trial of any description between motor vehicles on a footpath or bridleway in accordance with the provisions of Section 35 of the Road Traffic Act 1972.
48. Authority to enter into temporary agreements for the use of land for Christmas car parking.
49. Arrangements in respect of the provision or amendment of taxi stands.
50. Authority to undertake the following with respect to the civil parking enforcement scheme and, where applicable, civil bus lane enforcement.:-

- (a) the issue of penalty charge notices;
  - (b) the review of representations received from motorists
  - (c) the cancellation of penalty charge notices;
  - (d) the authorisation of persons to appear before the Traffic Penalty Tribunal;
  - (e) the issue of all legal proceedings required for the scheme;
  - (f) the ability to enter in to agreements for the purpose of carrying out a scheme of civil parking enforcement;
  - (g) the payment or repayment of any sums of money including adjudication or court costs;
  - (h) the temporary suspension of parking bays and parking restrictions;
  - (i) the issue of dispensations from parking restrictions;
  - (i) the issuing of operational instructions to the Council's enforcement contractor;
- and
- (k) the agreement of contractual variations with the Council's enforcement contractor.
51. Subject to consultation with those ward members affected by the proposals, authority to promote and implement non- strategic traffic regulation orders, public rights of way diversions and closures and compulsory creation orders for public rights of way, subject to any objections being referred to the relevant Executive Cabinet Member/Cabinet Member for consideration.
52. Subject to the consultation with those ward members affected by the proposals, authority to promote and implement non-strategic street closures, it being noted that any determination of objection is within the legal process responsibility of either the Magistrates Court or the Secretary of State.
53. Authority to approve applications for the free use of car parking areas for charity events.
54. Authority to take urgent action to waive/suspend parking regulations necessary in his/her opinion to support the delivery of the Emergency Plan.
55. Authority to take all such steps as necessary to comply with the obligations imposed upon the Council by the Reservoirs Act 1975 as owners/undertakers of Doffcocker Lodge and Mortfield Lodge, including authority to appoint a Supervising Engineer and an Inspecting Engineer.
56. Authority to deal with applications for the placement of bus shelters on the highway and adjoining land.
57. Authority to deal with matters relating to new 'bus routes on highways'.
58. Authority to:-
- (a) submit to the Traffic Commissioner a request, under Section 7 of the Transport Act 1985, for a Traffic Regulation Order to be imposed upon a registered, or intended registered local service, where there is concern over matters of road safety or traffic congestion in relation to the local service;

- (b) approve, in consultation with those Ward councillors for the area affected by the proposal, the Greater Manchester Police and the Greater Manchester Passenger Transport Executive, applications for additional Bus Timing Points (BTPs) for inclusion in the schedule of Approved Timing Points in cases where the Traffic Regulation order has reference to an exemption for public service vehicles, provided that, if the Ward councillors consulted do not agree to the inclusion of the BTP in the Schedule, the matter be referred to the first convenient meeting of the Planning Committee which shall have delegated authority to determine the matter; and
  - (c) refuse any such application referred to in (b) above without consultation with the relevant ward councillors.
59. Authority to take such steps as are necessary to discharge the obligations of the statutory duty conferred by sections 149 -152 of the Environmental Protection Act 1990 dealing with stray dogs found in the area of the authority.
  60. Authority to enter into permanent and temporary arrangements in order to discharge all or part of the responsibility to deal with stray dogs and to sign agreements with a person or persons specifying service provision for which they are to be contracted.
  61. Authority (in consultation with the relevant Executive Cabinet Member/Cabinet Member) to identify areas for designation under Dog Control Orders within the Clean Neighbourhood and Environment Act 2005.
  62. Authority to take such steps as are necessary to discharge the following with respect to the enforcement of the Fixed Penalty Notice scheme for Environmental Crime :-
    - the maintenance of appropriate systems of delivery;
    - the payment or repayment of any sums of money;
    - the appointment and authorisation of persons to issue fixed penalty notices;
    - the issuing of operational instructions to the Council's enforcement officers and any contractor (including Police Community Support Officers) working on behalf of the Council;
    - the issue of all legal proceedings required for the scheme;
    - appropriate monitoring of the scheme as required by Government departments
  63. Authority to put into place arrangements for the appeal of contested fixed penalty notices prior to the commencement of court proceedings.
  64. Authority to approve all lettings within the Albert Halls Complex (excluding the Mayoral Suite, Banqueting Hall, Council Chamber and Members' facilities such facilities being the responsibility of the Deputy Chief Executive).
  65. Authority to provide free school meals.
  66. Authority to action decisions made by the Cleaner and Greener Partnership in accordance with the Council's role as accountable body provided details of any action

taken are reported to the next meeting of the relevant Executive Cabinet Member/Cabinet Member.

67. Authority to manage trees and woodlands in accordance with the relevant Council policy in force at the time.
68. Authority to negotiate bookings for individual events, shows etc. to be held at land/establishments under the control of the Environmental Services Department.
69. Authority to negotiate and enter contracts for performances by artistes within the Albert Halls Complex, including the letting and booking of accommodation for such performances.
70. Authority to vary Conditions of Hire in exceptional circumstances, and catering charges for catering use, and to waive or vary fees and charges of facilities under the control of the Environmental Services Department.

**(B) To the Director of Environmental Services and officers of the Environmental Services Department (acting individually), in consultation with the Borough Solicitor**

1. Authority to the Director of Environmental Services and the following officers (acting individually):

Assistant Directors  
Head of Regulatory Services  
Head of Neighbourhood Services  
Head of Community Safety  
Principal Officers  
Environmental Health Officers  
Trading Standard Officers  
Licensing Officers  
Enforcement Officers  
Team Leaders  
Inspectors  
Dog Wardens  
Technical Officers  
Technical Assistants

To serve notices, make designations, issue consents, take enforcement action and, in consultation with the Borough Solicitor, institute legal proceedings under the provisions of the following Acts (as amended or re-enacted) and any Orders or Regulations made under the same:

Environmental Protection Act 1990 (Part II Collection of Waste; Part IV Litter)

Environmental Protection Act 1990 (Part VIII miscellaneous – Control of Dogs s149 - 152)

Clean Neighbourhoods and Environment Act 2005  
 Public Health Acts 1936 and 1961  
 Control of Pollution Act 1974 (Part I Waste)  
 Control of Pollution (amendment) Act 1989  
 Refuse Disposal (Amenity) Act 1978  
 Dangerous Dogs Act 1991  
 Dogs Act 1871  
 The Control of Dogs Order 1992  
 Dogs Act 1906  
 Guard Dogs Act 1975  
 Litter Act 1983  
 Protection of Animals Act 1911  
 Animal Welfare Act 2006  
 Control of Pollution Act 1974 (Part I Waste)  
 Anti-Social Behaviour Act 2003 (Part 6 Graffiti and Fly-posting)  
 Criminal Damage Act 1971  
 Highways Act 1980  
 Town and Country Planning Act 1990  
 Traffic Management Act  
 Environmental Act 1995  
 Refuse Disposal (Amenity) Act 1978  
 Rights of Way Act 1932  
 Countryside and Rights of Way Act 2000  
 Flood and Water Management Act 2010

2. In conjunction with the Borough Solicitor, authority to give all notices in pursuance of the Highways Act 1980 and Public Health Act 1936 and Water Industry Act 1991 and Land Drainage Act 1991.
3. In conjunction with the Borough Solicitor, authority to institute legal proceedings in pursuance of the Highways Act 1980 and Public Health Act 1936 and Water Industry Act 1991.

**(C) To the Enforcement Manager, Enforcement Officers, Team Leaders, Chargehand Enforcement Officers and Police Community Support Officers (acting individually)**

Authority, in accordance with the Local Government Act 1972 to issue fixed penalty notices on behalf of the Council for the following offences:-



littering;  
failure to remove dog faeces;  
failure to keep a dog on a lead;  
allowing a dog to enter a designated area;  
failure to put a dog on a lead when directed by an authorised officer; and  
graffiti or fly posting.

## **B. Licensing Matters**

### **(A) To the Director of Environmental Services**

1. Authority to grant, transfer or renew:-
  - (a) Hackney Carriage and Hackney Carriage Driver Licences;
  - (b) Licences relating to Private Hire Vehicle Operators, Vehicles and Drivers

subject to the Council's standard conditions, together with any additional conditions recommended by the Borough Solicitor
2. Authority to refuse to grant Hackney Carriage or Private Hire Driver Licences where an applicant fails to meet the criteria set out in the relevant Council policy in force at the time.
3. In consultation with the Chair or Vice-Chair of the Licensing and Environmental Regulation Committee, authority to suspend or revoke a licence granted to a person:
  - 3.1 who has been convicted of offences relating to drugs, indecency, dishonesty or violence, or
  - 3.2 any other reasonable cause where the Director of Environmental Services is satisfied that the licence holder is not a fit and proper person to hold such a licence and such action is in the interests of public safety.

Any suspension referred to above shall continue until such time as the Licensing and Environmental Regulation Committee can consider the matter.
4. Authority to issue warning letters in relation to low level matters (as detailed in the relevant Council guidance) including but not restricted to motoring convictions.
5. Power to approve suitable advertisements for display in the approved places on Hackney Carriages with power to refuse advertisements which may be offensive, indecent or otherwise unsuitable.
6. Authority to consider requests for derogation from the vehicle identification requirements.
7. Authority to determine applications for all over full livery commercial advertising on licensed Hackney Carriages.
8. Power to determine the suitability of films shown in the Borough and the authority to refer films which he considers likely to be unsuitable for public viewing for further

consideration by the Licensing and Environmental Regulation Committee.

9. Power to approve the exhibition of "18" or "R18" films except where films are considered contentious or objectionable.
10. Power to approve applications for foyer and auditorium collections in cinemas.

**(B) To the Director of Environmental Services and Officers of the Environmental Services Department (acting individually)**

1. Authority to the Director of Environmental Services and the following officers (acting individually):

Assistant Directors  
Head of Regulatory Services  
Head of Neighbourhood Services  
Head of Community Safety  
Principal Officers  
Environmental Health Officers  
Trading Standard Officers  
Licensing Officers  
Enforcement Officers  
Team Leaders  
Inspectors  
Dog Wardens  
Technical Officers  
Technical Assistants

To exercise powers under and, in consultation with the Borough Solicitor, to institute legal proceedings under:-

Town Police Clauses Act 1847  
Game Licences Act 1860  
Local Government (Miscellaneous Provisions) Act 1976  
Greater Manchester Act 1981  
Local Government (Miscellaneous Provisions) Act 1982  
Transport Act 1985  
Police, Factories, etc. (Miscellaneous Provisions) Act 1916  
House to House Collections Act 1939  
Betting, Gaming and Lotteries Act 1963  
Scrap Metal Dealers Act 2013  
Gaming Act 1968  
Lotteries and Amusements Act 1976  
Cinemas Act 1985  
Licensing Act 2003  
Gambling Act 2005  
Police Reform and Social Responsibility Act 2011  
Equality Act 2010

2. Authority to the Director of Environmental Services and to those posts detailed at the paragraph above, to grant, issue or renew (where appropriate) and collect any licence fees:-

Street Trading Consents and Licences

Street Collection Permits (subject to relevant Regulations)

Lottery Registration (subject to relevant Regulations)

Second Hand Goods Dealer Registrations

Site Licences and Collector's Licences under the Scrap Metal Dealers Act 2013

House to House Collection Licences

3. In relation to the Licensing Act 2003 (as amended), authority to the Director of Environmental Services and those posts detailed above, to grant, issue or make a decision with regard to:-

- Personal Licence (where no relevant representation is received)
- Premises Licence (where no relevant representation is received)
- Club Premises Certificate (where no relevant representation is received)
- Provisional Statement (where no relevant representation is received)
- Variation of Premises Licence (where no relevant representation is received)
- Variation of Club Premises Certificate (where no relevant representation is received)
- Variation of Designated Premises Supervisor (if no police representation made)
- Approval of request to be removed as Designated Premises Supervisor
- Transfer of a Premises Licence (if no police representation made)
- Interim Authority (if no police representation made)
- To decide whether a representation is irrelevant, frivolous, vexatious or repetitious
- To accept or reject an application for a minor variation and where an application is accepted, to determine it
- To decide whether to consult other Responsible Authorities on a minor variation application
- To make representations on behalf of the Licensing Authority in its capacity as a Responsible Authority
- To issue a counter notice in respect of a Temporary Events Notice

**(C) To officers of the Environmental Services Department**

1. Authority to the posts detailed at (B)1 above to enter upon land to take any necessary action in connection with the Licensing Act 2003 as amended or re-enacted, subject to the requirement to report exceptional or unusual circumstances to the next meeting of the Licensing and Environmental Regulations Committee.
2. Authority to the posts detailed at (B)1 above to act as Officers/Inspectors within the Borough for the purposes of carrying out the Acts, Orders and Regulations referred to in paragraphs above (Licensing Matters).

**C. Environmental Health and Trading Standards Matters**

**(A) To the Director of Environmental Services**

1. Authority under Section 20(2)(c)(i) of the Health and Safety at Work Etc. Act 1974 to grant authority to persons other than Inspectors to accompany Officers entering premises.
2. Authority to (for the purposes of enforcing Health and Safety legislation) transfer premises from the Local Authority to the Health and Safety Executive and to accept the transfer of control of premises from the Health and Safety Executive to the Local Authority where there is agreement between the two enforcing authorities that the transfer should take place.
3. Power to authorise in writing, as appropriate, those officers appointed to the service of the Council to act as Officers/Inspectors within the Borough for the purposes of carrying out powers and duties under the acts referred to above.
4. Power to give consent in writing to officers of another local authority to make enquiries with the borough under the provisions of the Video Recordings Act 1984.

**(B) To the Director of Environmental Services and officers of the Environmental Services Department (acting individually)**

1. Authority to the Director of Environmental Services and the following officers of the Environmental Services Department to act as an Officer/Inspector within the Bolton Borough in connection with the Acts listed below, as modified and re-enacted and to act as an Officer/Inspector for any offence under any legislation, or at common law, which is of a similar nature or related to the Acts listed below, including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts and, where appropriate to:

Serve notices;

Institute legal proceedings;

Exercise registration and licensing functions;

Grant, refuse, renew, vary or revoke approvals permits or consents;

Issue certificates; and

Make determinations

In connection with the following Acts and any Act or Acts as amended or re-enacted:

Accommodation Agencies Act 1953

Administration of Justices Act 1970 and 1985

Agricultural (Health, Safety and Welfare Provisions) Act 1956

Agricultural Produce (Grading and Marking) Acts 1928 and 1931

Agriculture (Miscellaneous Provisions) Acts 1963-1976

Agriculture Act 1970

Animal Boarding Establishments Act 1963

Animal Health Act 1981

Animal Health and Welfare Act 1984

Animal Welfare Act 2006

Anti-Social Behaviour Act 2003

Breeding of Dogs Acts 1973 and 1991

Breeding and Sale of Dogs (Welfare) Act 1999

Building Act 1984  
Business Names Act 1985  
Cancer Act 1939  
Caravan Sites and Control of Development Act 1960  
Children and Young Persons (Protection from Tobacco) Act 1991  
Children and Young Persons Act 1933  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Act 2006  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Control of Pollution Act 1974  
Copyright, Design and Patents Act 1988  
Courts and Legal Services Act 1990  
Criminal Justice and Police Act 2001  
Criminal Justices Act 1988  
Dangerous Wild Animals Act 1976  
Development of Tourism Act 1969  
Dogs Act 1906  
Education Reform Act 1988  
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 (Age of Purchase) Act 1976  
Explosives Acts 1875 and 1923  
Factories Act 1961  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Fireworks Act 2003  
Food Act 1984  
Food and Environment Protection Act 1985 (as amended)  
Food Safety Act 1990  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Gambling Act 2005  
Goods Vehicles (Licensing of Operators) Act 1995  
Greater Manchester Act 1981  
Hallmarking Act 1973  
Health Act 2006  
Health and Safety at Work etc. Act 1974  
Housing Acts 1985, 1996 and 2004  
Housing Grant and Construction and Regeneration Act 1996  
Hypnotism Act 1952  
Insurance Brokers (Registration) Act 1977  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1977  
Licensing (Young Persons ) Act 2000  
Licensing Act 1964 (as amended)  
Licensing Act 2003  
Litter Act 1983  
Local Government Act 1972 (Section 222)

Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Local Government and Housing Act 1989  
Malicious Communications Act 1988  
Medicines Act 1968  
Mock Auctions Act 1961  
Motor Cycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children) Act 1991  
National Assistance Act 1948  
National Lottery Act 1993  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Nurses Agencies Act 1957  
Offensive Weapons Act 1996  
Offices, Shops and Railway Premises Act 1963  
Performing Animals (Regulations) Act 1925  
Pet Animals Act 1951  
Poisons Act 1972  
Police Reform and Social Responsibility Act 2011  
Pollution Prevention and Control Act 1999  
Prevention of Damage by Pests Act 1949  
Prices Act 1974 and 1975  
Property Misdescriptions Act 1991  
Protection of Animals Act 1911 (as amended)  
Protection of Children (Tobacco) Act 1986  
Public Health Act Amendment Act 1907  
Public Health (Control of Disease) Act 1984  
Public Health Acts 1936 and 1961  
Refuse Disposal (Amenity) Act 1978  
Rent Act 1977  
Riding Establishments Acts 1964 and 1970  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Acts 1972, 1974, 1988 and 1991  
Shops Act 1950  
Slaughter of Poultry Act 1967  
Slaughterhouses Act 1974  
Solicitors Act 1974  
Sunbeds (Regulations) Act 2010  
Sunday Trading Act 1994  
Telecommunications Act 1984  
Theft Act 1968 and 1978  
Timeshare Act 1992  
Tobacco Advertising and Promotions Act 2002  
Trade Descriptions Act 1968  
Trademarks Act 1994  
Trading Representations (Disabled Persons) Act 1958 and 1972  
Unsolicited Goods and Services Acts 1971 and 1975  
Video Recordings Act 1984 and 1993  
Water Act 1989 and 1999  
Water Industry Act 1991  
Weights and Measures Act 1976 and 1985  
Welfare of Animals at Slaughter Act 1991  
Wildlife and Countryside Act 1981  
Zoo Licences Act 1981

2. Authority to exercise all powers conferred on Inspectors under the Health and Safety at Work Etc. Act 1974.
3. Authority to officers appointed to the service of the Council currently or in the future in the capacity of Inspectors for the purposes of the Health and Safety at Work Etc. Act 1974 to institute legal proceedings under the said Act.
4. Authority to the officer appointed to the post of Principal Officer (Trading Standards and Licensing) and holding the Diploma in Trading Standards or its equivalent qualification to act as its Chief Inspector of Weights and Measures for the purposes of the Weights and Measures Act 1976 and 1985.

**(C) To the Director of Environmental Services, in conjunction with the Executive Cabinet Member for Environmental Regulations and Skills**

Power to grant charity permits.

**D. Environmental Services Officer Authorisations**

1. To Officers appointed to the service of the Council currently or in future in the capacity of:-

Assistant Director (Highways and Business Support)

Assistant Director (Neighbourhood and Regulatory Services)

Head of Regulatory Services

Head of Highways

Enforcement Manager

Enforcement Officer

Team Leader

Inspector

Dog Warden

Authority to act as officers within the Borough for the purposes of carrying out the provisions of the below mentioned Acts and any Act or Acts extending or amending the same or incorporated therein and under any Orders or Regulations made under the said Act or Acts:

Environmental Protection Act 1990 (Part II Collection of Waste; Part IV Litter)

Environmental Protection Act 1990 (Part VIII miscellaneous – Control of Dogs s149 - 152)

Clean Neighbourhoods and Environment Act 2005

Public Health Acts 1936 and 1961

Control of Pollution Act 1974 (Part I Waste)

Control of Pollution (amendment) Act 1989

Refuse Disposal (Amenity) Act 1978

Dangerous Dogs Act 1991

Dogs Act 1871

The Control of Dogs Order 1992

Dogs Act 1906

Guard Dogs Act 1975

Litter Act 1983

Protection of Animals Act 1911

Animal Welfare Act 2006

Control of Pollution Act 1974 (Part I Waste)

Anti-Social Behaviour Act 2003 (Part 6 Graffiti and Fly-posting)

Criminal Damage Act 1971

Highways Act 1980

Town and Country Planning Act 1990

Traffic Management Act

2. To the Assistant Director (Highways and Business Support), authority to institute legal proceedings as set out in paragraphs 1.2, 1.9, 1.10 and 1.3 of Engineering matters: -
3. To officers appointed to the service of the Council currently or in the future in the capacity of:-

Assistant Director (Highways and Business Support)

Principal Engineer

Engineer (Career Grade)

Technician (Career Grade)

Senior Drainage Technical Officer

Clerk of Works

Land and Measured Building Surveyor

authority to act as officers within the Borough under Section 287 of the Public Health Act 1936; Section 84 and Schedule 6 of the Water Industries Act 1991 and Section 64 of the Land Drainage Act 1991 and Sections 289, 290, 291, 293 and 294 of the Highways Act 1980.

4. To the Assistant Director (Highways and Business Support) and the Chief Property Officer, authority to act as officers responsible within the Borough as client under the Construction (Design and Management) Regulations 2007.
5. To the Assistant Director (Highways and Business Support) and the Chief Property Officer, authority to act as officers responsible within the Borough as Client's Agent,



Planning Supervisor, Designer and Principal Contractor under the Construction (Design and Management Regulations) 2007.