

## **G. Scheme of Delegation**

### **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 1998, Freedom of Information Act 2000, Data Protection Act 2018 and the General Data Protection Regulations 2016;
  - 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 to have proper 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**

- 2.1 Regulation 8 of The Local Authorities (Executive Arrangements) (Access to Meetings and 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.”

- 2.2 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.
- 2.3 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. For the avoidance of doubt, a decision to expend £100,000 or more will be a key decision”

### **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 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 before taking the decision.
- 3.4 Where an officer is empowered to make a key decision under the Scheme of Delegation, that officer shall complete a Record of Delegated Decision 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 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 meeting and the Record of Delegated Decision will also be made available for perusal by all members of the Council.
- 3.6 A copy of each Record of Delegated Decision shall be kept from the date of a decision for a four year period and an electronic copy of each Record of Delegated Decision shall be sent to Legal Services.
- 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 of Delegation 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 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 and also with the appropriate Opposition Spokespersons. The appropriate Executive 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 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 Government 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).

## Chief Officers

### A (1) Powers to All Chief Officers

- 1.1. Power to authorise expenditure in accordance with agreed budgets and, where there is an approved or delegated budget, to procure works, supplies and services subject to compliance with, 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 1992, 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 the Executive 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.
- 1.7. Authority to:
  - (a) apply for external funding and, where applicable, legal advice has been sought, to formally accept the funding and enter into a grant agreement on completion of a satisfactory subsidy control risk assessment; and
  - (b) create a grant scheme and distribute any external funding received in accordance with the terms of the scheme and the terms of the grant; and/or
  - (c) procure any required supplies, services or works using any external funding in accordance with Standing Orders relating to Contracts and the terms of the grant

provided any action taken under (b) and (c) is reported to the relevant Executive Cabinet Member for noting and a satisfactory subsidy control risk assessment has been completed.
- 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 1.1 above.
- 1.10. Authority to arrange for, subject to consultation with the Information Governance Team, the entering into of Information Sharing and Data Processing Agreements with a third party.
- 1.11. Authority to levy a reasonable charge for support provided by the Council where permitted by statute.

**A (2) Powers to the Chief Executive, the Director of Adults, Communities and Integration (DASS), the Director of Children's Services, the Director of Corporate Resources, the Director of Place, and the Director of Public Health**

- 2.1 Authority to award compensation under the Council's Complaints Procedures up to the value of £1,000 per person, in consultation with the Borough Solicitor.
- 2.2 Authority to make payments recommended by the Local Government Ombudsman, in consultation with the Borough Solicitor.

**A (3) Powers to Chief Officers in Consultation With Members**

- 3.1 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.
- 3.2 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.

**A (4) Executive Cabinet Members - The Emergency Powers Procedure**

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

(a) Key Decisions

With the consent of the Chief Executive (or in their absence the Borough Solicitor) 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 shall be informed in writing of the action proposed as soon as reasonably possible. 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

With the consent of the Chief Executive (or in their absence, the Borough Solicitor), a written request to be made to the Executive Cabinet Member who has authority to take the decision, which request shall include an explanation as to why the Emergency Powers Procedure is being used, with a report being submitted to the

Executive Cabinet Member's next meeting, for information, detailing the actions taken and the reasons why. Relevant opposition members should be informed in writing of any action taken using the Emergency Powers Procedure.

## **A (5) Powers to Deputies to Chief Officers and the Chief Executive**

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

## **A (6) Local Government (Contracts) Act 1997 Certificates**

- 6.1 The Council will, subject to the exceptions set out below, indemnify the 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 falling 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.

- 6.1.1 The exceptions are:-

- (a) Any amount which results directly or indirectly from the commission of a 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
- (b) Any amount directly or indirectly resulting from the fraud or dishonesty of the Officer.

- 6.2 This indemnity will not apply where:

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

## **A (7) Regulation of Investigatory Powers Act 2000 (RIPA)**

- 7.1 That the undermentioned post holders (and any others specifically authorised by the Cabinet) be authorised to act as Authorising Officers, as defined within the Regulation of Investigatory Powers Act 2000, for applications 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:

- Senior Head of Service Community Safety & Vulnerable People Head of Service, Regulatory Services
- Head of Service, Environmental Delivery
- Head of Service, Environmental Assets
- Head of Audit and Risk Management

- Head of Community Housing Services

## **A. Chief Executive**

### **B (1) Powers to the Chief Executive**

- 1.1 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.
- 1.2 Authority to agree grant requests made for funding allocated to Ward Members subject to a report to the next Member only meeting.
- 1.3 Authority to award grants from the main grants scheme in cases of emergency and in accordance with the established criteria.
- 1.4 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.
- 1.5 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.
- 1.6 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 2004.
- 1.7 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 meeting.
- 1.8 Authority to manage the membership of the Independent Remuneration Panel.
- 1.9 As Returning Officer and Electoral Registration Officer, to undertake all functions and responsibilities for all elections, save where otherwise provided including, but not limited to, the registration functions and duties (including varying the location of polling places where required) and the determination of fees and charges for local elections.

### **B (2) To the Chief Executive in Consultation with Members**

- 2.1 In consultation with the Leader of the Council, authorisation to take any action on behalf of the Council in cases of urgency.
- 2.2 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 Directorate of Corporate Resources as soon as is practicable.



- 2.3 In consultation with the appropriate Executive Cabinet Member, power to approve establishments of Directorates including terms and conditions of services and the grading and re-grading of individual posts.
- 2.4 In consultation with the Leader, power to approve Special Severance payments below £100,000, with any payment of £100,000 or above to be approved by a vote of full council, in accordance with the Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England.

### **B (3) To the Chief Executive in consultation with the Chief Officers Appointments Panel**

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

### **B (4) To the Chief Executive**

- 4.1 Authority, in consultation with the Borough Solicitor and the Director of Place, 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/the Cabinet:-
  - Active Connected and Prosperous Board
  - Bolton's Housing Partnership
  - Be Safe Bolton Strategic Partnership
  - Bolton Safeguarding Adult Board
  - Bolton Safeguarding Children's Partnership
  - Bolton Health and Care Locality Board

## **B. Corporate Resources**

### **C (1) The Director of Corporate Resources**

- 1.1 Authority to negotiate and enter into contracts relating to filming activities, sponsorship, marketing and events up to a value of £20,000 for each individual contract.
- 1.2 For contracts of a value of £20,001 and above authority, in consultation with the relevant Executive Cabinet Member, to negotiate and enter into contracts relating to filming activities, sponsorship, marketing and events.
- 1.3 Authority to approve all lettings within the Albert Halls Complex.
- 1.4 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.

- 1.5 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 Directorate of Corporate Resources.

### **Assistant Director Finance/Borough Treasurer**

- 2.1 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.
- 2.2 Power to take all necessary action for the collection and recovery sundry debts and of the Council Tax, 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.
- 2.3 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.
- 2.4 Authority to design (to the extent permitted by legislation) and administer the Local Council Tax Support Scheme for all dwellings, including authority to use discretionary powers in special circumstances.
- 2.5 Authority to design (to the extent permitted by legislation) and implement the Local Welfare Provision Scheme.
- 2.6 Authority to locally approve and implement the National Pension Scheme.
- 2.7 Authority to pay accounts.
- 2.8 Authority to write off bad debts except where precluded from doing so by law up to a maximum of £15,000 in each case.
- 2.9 Authority to carry out Treasury Management activities consisting of borrowing, leasing and investment transactions.
- 2.10 Authority to process hardship claims in connection with the National Non- Domestic Rates and grant relief, where claims are in accordance with section 49 of the Local Government and Finance Act 1988.
- 2.11 Power to determine applications for refund of National Non-Domestic Rates under section 9 of the General Rate Act 1967, as amended by Section 120 of the Local Government Finance Act 1988.
- 2.12 Power to determine applications made under section 44a of the Local Government Finance Act 1988, in respect of hereditaments which are partly occupied.
- 2.13 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.
- 2.14 Power to impose and revoke penalties in relation to Council Tax.

- 2.15 Authority to authorise individuals for the purposes of Section 110A of the Social Security Administration Act 1992.
- 2.16 Power to give written authority to officers including the authority to take decisions in cases of Housing and/or Local Council Tax Support 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.
- 2.17 Authority to procure gas, electricity and water 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, electricity and water.
- 2.18 Authority to negotiate the terms of admission body agreements and all other associated agreements with the Greater Manchester Pensions Fund.
- 2.19 Authority to appoint specified persons for the Greater Manchester Pensions Fund.
- 2.20 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.
- 2.21 Authority to invest Criminal Injuries Compensation awards received 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.
- 2.22 Authority to invest up to £10,000 of any compensation recovered or monies inherited on behalf of any child for whom the Council exercises parental responsibility with an appropriate banker.
- 2.23 Authority to consider and make arrangements for the investment of awards of greater than £10,000 of any compensation recovered or monies inherited on behalf of any child for whom the Council exercises parental responsibility, subject to having due regard to the need to strike a balance between security and a high rate of return.
- 2.24 Authority 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.
- 2.25 Authority to opt to tax buildings and/or land.
- 2.26 Authority to consider and determine Reviews of the Listing of Assets of Community Value under the Assets of Community Value (England) Regulations 2012, following consultation with consultees as appropriate, or in the absence of the Assistant Director, the Head of Audit and Risk Management.

- 2.27 Authority to obtain external advice as necessary in connection with their responsibilities as Chief Finance Officer.
- 2.28 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.
- 2.29 Authority to procure insurance policies.

**C (2) To the Assistant Director Finance/Borough Treasurer and Assistant Director Legal/Borough Solicitor**

- 2.1 Authority to procure due diligence checks.

**C (3) Assistant Director Human Resources and Organisational Development**

- 3.1 Authority to monitor the application of the employment policy framework of the Council and Directorate establishments through the medium of information supplied by Directorates.
- 3.2 Authority to monitor the application of the Equality Diversity and Inclusion policy framework of the Council through the medium of information supplied by Directorates.
- 3.3 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 relocation allowances, car allowances, long service retirement gifts, leave of absence and all aspects of staff remuneration and reward.
- 3.4 Power to implement the organisational development policy of the Authority and to monitor its application through the medium of information provided by Directorates, 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.
- 3.5 Authority to represent the Authority in negotiations or disputes with trade union representatives and to maintain established procedures for consultation, grievance and disciplinary matters.
- 3.6 Responsibility for the health, safety and welfare of all employees and to provide as far as possible good working conditions.
- 3.7 Authority to determine applications for early retirement under the Council's scheme.
- 3.8 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).
- 3.9 Power to approve Special Severance payments below £20,000 in accordance with the Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England.

- 3.10 Authority to commission and enter into contracts for the provision of translation and interpretation services.
- 3.11 Authority to engage recruitment consultants.

**C (4) To the Assistant Director Human Resources and Organisational Development in consultation with the Borough Solicitor**

- 4.1 Authority to indemnify officers and members in accordance with the Local Government (Indemnities for Members and Officers) Order 2004.
- 4.2 Authority to agree the terms of and sign Settlement Agreements, excluding those providing for Special Severance Payments as defined in the Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England, in consultation with the Borough Solicitor.

**C (5) To Officers of the Directorate of Corporate Resources**

- 5.1 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.

**C (6) Assistant Director - Legal/Borough Solicitor**

- 6.1 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, any actions taken in this scheme of delegation, any actions under the terms of a contract and any actions required to formalise a variation or novation of a contract.
- 6.2 Authority to remove and amend legal charges, deal with requisitions, consents, charging orders, 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.
- 6.3 Authority to enter into a Deed of Covenant with a purchaser of land where the Council has a benefit of a covenant under a Transfer of Conveyance.
- 6.4 Authority to obtain external advice and representation in relation to any legal matters or proceedings.
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 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.

- 6.9 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.
- 6.10 Authority to complete all legal facilities with respect to schools converting to academy schools in accordance with the provisions of the Academies Act 2010.
- 6.11 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.
- 6.12 Authority to hear and determine an appeal from a close member of the family against the refusal by the relevant Chief Officer with delegated authority for the grant of a new miscellaneous licence.
- 6.13 Authority to serve the appropriate notices as required under leases, licences and tenancies of stalls, pitches or premises granted by the Council at any of the markets to enable rent reviews to be implemented and agreements to be renewed.
- 6.14 Authority to serve the appropriate notices to terminate tenancies under the Landlord and Tenant Act 1954 where vacant possession of stalls, pitches 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, pitches or premises and authority to pay the appropriate statutory compensation.
- 6.15 Authority in respect of all of the markets, including any private markets, to enforce automatic termination of licences and to take all necessary action to recover possession of the stall, pitch or premises.
- 6.16 Authority to take proceedings for unlawful occupation of any stalls at any of the markets.
- 6.17 Authority to serve Notice to Quit on Tenants of allotment plots in consultation with the Director of Place.
- 6.18 Authority to serve notices under Section 23 of the Local Government Miscellaneous Provisions Act 1976 and Section 154 of the Highways Act 1980 in respect of dangerous trees and to take any necessary action in connection therewith.
- 6.19 Authority to institute legal proceedings under the Protection of Badgers Act 1992.
- 6.20 Authority to sign documents conferring Exclusive Rights of Burial.
- 6.21 Authority, in consultation with the Director of Place, 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.

- 6.22 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).
- 6.23 Authority to make Tree Preservation Orders.
- 6.24 Authority to confirm unopposed Tree Preservation Orders.
- 6.25 Authority to pay compensation in pursuance of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 6.26 Authority to make directions restricting permitted development (Article 4, Town and Country Planning (General Permitted Development) (England) Order 2015).
- 6.27 Authority to take action in respect of the obstruction of rights of entry (Section 325, Town and Country Planning Act 1990).
- 6.28 Authority to require information as to interests in land.
- 6.29 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).
- 6.30 Authority to issue a letter in giving assurance as regards prosecution accordance with Section 172A of the Town and Country Planning Act 1990.
- 6.31 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).
- 6.32 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.
- 6.33 Authority to serve, withdraw or relax Remedial Notices served pursuant to Sections 69 and 70 of the Anti-Social Behaviour Act 2003.
- 6.34 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.
- 6.35 Authority to initiate consultations prior to hazardous substances consent.
- 6.36 Authority to determine validity of claims for deemed consent (Section 11, Planning (Hazardous Substances) Act 1990).
- 6.37 Authority to maintain the register of hazardous substances consents (Section 28, Planning (Hazardous Substances) Act 1990).
- 6.38 Authority to determine applications and impose conditions on hazardous substances consent (Section 9, Planning (Hazardous Substances) Act 1990).
- 6.39 Authority to conduct proceedings and represent the Council in the Employment Tribunal and Employment Appeal Tribunal.

- 6.40 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.
- 6.41 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.
- 6.42 Authority to agree the terms of and sign Settlement Agreements, excluding those providing for Special Severance Payments as defined in the Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England.
- 6.43 Authority to determine applications for use of the Council's Heraldic Badge or part of the Council's Coat of Arms.
- 6.44 Authority to apply for injunctions under Part 1 of the Anti-Social Behaviour Crime and Policing Act 2014, to apply for warrants of arrest or committal proceeding in the case of a breach of an injunction, and to apply for the variation or discharge of an injunction as appropriate.
- 6.45 Authority to apply for a Criminal Behaviour Order under Part 2 of the Anti- Social Behaviour Crime and Policing Act 2014, and to apply for the variation or discharge of a Criminal Behaviour Order as appropriate.
- 6.46 Authority to apply for a Closure Order under Part 4 of the Anti-Social Behaviour Crime and Policing Act 2014 and to apply for the discharge of an order as appropriate.
- 6.47 Authority to issue cautions where the Council is so empowered by legislation, institute and conduct legal proceedings or take any other relevant enforcement action in order to protect the Council's interests where there has been a breach of legislation or common law.
- 6.48 Authority to enter into confidentiality agreements and non-disclosure agreements.

#### **C (7) To the Borough Solicitor and the Data Protection Officer**

- 7.1 Authority to take any necessary action to ensure compliance by and on behalf of the Council in accordance with:
  - (a) UK General Data Protection Regulation;
  - (b) the Data Protection Act 2018;
  - (c) the Law Enforcement Directive (Directive (EU) 2016/680);
  - (d) the Regulation of Investigatory Powers Act 2000;
  - (e) the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000;



- (f) the Privacy and Electronic Communications (EC Directive) Regulations 2003, implementing the Electronic Communications Data Protection Directive 2002/58/EC;
- (g) Freedom of Information Act 2000;
- (h) Environmental Information Regulations 2004;
- (i) the Police, Crime, Sentencing and Courts Act 2022; and
- (j) all other applicable laws and regulations relating to the protection, processing and sharing of personal data and privacy including where applicable guidance and codes of practice issued by the Information Commissioner

### **C (8) To Officers of Legal Services**

- 8.1 Authority to officers within legal services to sign statements of truth and to certify documents.
- 8.2 Authority to the Head of Legal Services and Principal Lawyers to act as Authorised Sealing Officers and Authorised Signing Officers.
- 8.3 Authority, in accordance with Section 223 of the Local Government Act 1972, as amended, to prosecute or defend, or to appear and conduct proceedings on the Council's behalf before a Magistrates Court.

### **C (9) Assistant Director Revenue Benefits and Customer Services**

- 9.1 Authority to agree any scheme of grants in consultation with the relevant Executive Cabinet Member.
- 9.2 Authority to enter into contracts for services in connection with the administration of Revenues and Benefits up to a maximum of £20,000.

### **C (10) Powers to the Assistant Director Revenue Benefits and Customer Services and other officers where specified, relating to the Library and Museum Service**

- 10.1 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.
- 10.2 Authority to determine requests for library resources to be added to the stock of the libraries.
- 10.3 Authority to determine requests for the loan of books, audio-visual materials and paintings, etc., to outside bodies.
- 10.4 Authority to determine applications by artists and other outside bodies to hold exhibitions.
- 10.5 Authority to purchase books, audio-visual materials, equipment etc., for public library service, museum service and exhibitions service.

- 10.6 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.
- 10.7 Authority to approve grants of up to £1,000 for the development and promotion of cultural services activities and facilities.
- 10.8 Authority to approve special concessionary bookings and opening hours of cultural services facilities.
- 10.9 Authority to introduce charges in respect of the Ask Bolton Libraries Service.

**C (11) Deputy Director, Corporate Resources and Assistant Director, Corporate Property**

- 11.1 Authority to grant leases, licences and tenancies of all Council land and premises having a rental value of no more than £40,000 per annum for a term not exceeding twenty-five years.
- 11.2 In consultation with the appropriate Executive Cabinet Member, authority to accept and complete a surrender of a lease where the Council is the landlord and to complete a surrender of a lease where the Council is the tenant.
  - (a) Authority to consent to assignments or underlettings of leases and tenancies granted by the Council and complete such contractual documentation as required to give effect to the same.
  - (b) 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.
  - (c) Authority to agree rent reviews for all relevant leases granted by the Council.
  - (d) Authority to enter into Deeds of Rectification where necessary in respect of leases granted by the Council.
  - (e) Authority to negotiate and enter into a Deed of Release or Deed of Variation with a beneficiary or beneficiaries of any restrictive covenants affecting Council land.
- 11.3 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.
  - a. Authority to advertise the intention to dispose of any land consisting or forming part of an open space in accordance with section 123(2A) of the Local Government Act 1972; and
  - b. Subject to paragraph 1 above and paragraph 18 below, authority to dispose of land consisting or forming part of an open space where there are no objections to the advertisement of the intention to dispose of such land.
- 11.4 Authority to grant and enter into leases, agreements and licences to statutory and other undertakers.

- 11.5 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.
- 11.6 Authority to purchase land and or premises required for a scheme previously approved by the Council or an Executive Cabinet Member up to a price of £100,000 exclusive of costs per transaction.
- 11.7 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.
- 11.8 Authority to deal with enfranchisement or extension of ground rents under the Leasehold Reform Act 1967 or an extension of ground rents to an existing leaseholder of any Council land or premises subject to an appropriate consideration based on values current at the time.
- 11.9 Authority in respect of ground rents of up to £50 per annum to enter into an agreement whereby 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".
- 11.10 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.
- 11.11 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 £40,000 per annum and the authority to agree rent reviews on land and on premises where the Council is tenant.
- 11.12 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.
- 11.13 Authority to carry out and agree rent reviews in respect of leases where the Council is the landlord or the tenant and a rent review is provided for in the lease.
- 11.14 Authority to instigate proceedings for unlawful occupation of any Council- owned property.
- 11.15 Authority to take appropriate action under Section 7 of the Animals Act 1971 where animals stray onto Council land.
- 11.16 Authority to dispose of reversionary or other minor interests of land and/or premises save for land held on trust, which is surplus to the requirements of the Council up to a maximum of £100,000 total (in any one sale) but exclusive of fees.
- 11.17 Power to dedicate Council - owned land as highway to be maintained at public expense.
- 11.18 Authority to approve reports on the amounts of compensation for interests in land and premises included in Compulsory Purchase Orders.

- 11.19 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.
- 11.20 Authority to serve the appropriate notices as required under leases, licences and tenancies of all Council land and or premises and take all necessary action:
  - (a) to enable rent reviews to be implemented;
  - (b) to enable leases, licences and tenancies to be renewed;
  - (c) in respect of dilapidations; and
  - (d) in respect of any other matters related to the lease, licence or tenancy.
- 11.21 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.
- 11.22 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.
- 11.23 Acting as landlord or tenant, authority, in consultation with the Borough Solicitor, to negotiate and settle any dilapidations claims.
- 11.24 Authority to serve a notice and take all appropriate action under sections 172 to s179 of the Housing and Planning Act 2016.
- 11.25 Authority to negotiate and enter into agreements to enable the delivery, installation, commissioning, operation, maintenance and removal of electric vehicle charging points on Council premises.
- 11.26 Authority to deal with all aspects of the day to day management and control in all markets (Council or private), including all conditions and provisions within the Trader Handbook.
- 11.27 Authority to waive the daily charge on open markets where severe weather conditions or other unforeseen circumstances render stall(s) unusable.
- 11.28 Authority to give consent to the assignment of all relevant legal agreements granted by the Council at all markets, including private markets.
- 11.29 Authority, in consultation with the relevant Executive Cabinet Member, to grant a licence to family members of a market trader who no longer requires a licence.
- 11.30 Authority to clamp, issue a penalty charge and arrange for the removal of any vehicle which obstructs the service roads, loading bay(s) and such other market areas which are designated for the free passage of pedestrians, vehicles or to provide free movement for emergency services and other areas which are to be kept clear for the efficient operation of the markets and to prohibit vehicles parking without paying the applicable parking fee.

- 11.31 Authority to terminate a licence granted by the Council in any of the markets for breach of a condition or term of the licence, provided the trader is made aware of the internal appeals mechanism as detailed within the Trader Handbook.
- 11.32 Authority in respect of all the Council markets to enforce automatic termination of licences and to take all necessary action to recover possession of the stall, pitch or premises.
- 11.33 Authority to take proceedings for unlawful occupation of any stalls at any of the Council markets.
- 11.34 Authority to deal with applications for private market licenses including under the Council's Rights of Franchise/Charter.
- 11.35 Authority to grant leases, licences and tenancies of stalls, pitches or premises at all Council markets for a period not exceeding twenty-five years.
- 11.36 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 Council markets of not more than twenty-five years.
- 11.37 Authority to grant leases, licences and tenancies of basement storage areas in all Council markets and to manage the license/tenancy process.
- 11.38 Authority to terminate a lease or tenancy of a stall, pitch or premises granted by the Council in any of the Council 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.
- 11.39 Authority to approve the level of fees for stalls, pitches or premises at all Council markets which are held by traders under a daily/weekly licence.
- 11.40 Authority to determine nominations for an asset, such as a building or land, to be listed as an Asset of Community Value in accordance with section 88 of the Localism Act 2011.
- 11.41 Authority to enter into agreement and leases under the Electronics Communications Code set out in Schedule 3 A to the Communications Act 2003 as amended by Schedule 1 to the Digital Economy Act 2017 ( and as further amended modified replaced or re-enacted) and including amendments further to the Product Security and Telecommunications Infrastructure Act 2022 (Commencement No 1) Regulations 2023 (SI 2023/109) (Commencement Regulations) and Product Security and Telecommunications Infrastructure Act 2022 (PSTIA 2022) or any other similar agreements.
- 11.42 Authority to apply for and enter into coal authority permits to carry out investigation and/or any other similar permit required by a statutory body.
- 11.43 Authority to enter into community use agreements or any other similar agreement in connection with the arrangement of wider community use of the facilities pursuant to a section 106 agreement or a planning permission or any other similar agreement in connection with the arrangement of wider community use for educational purposes.

- 11.44 Authority in consultation with the Assistant Director Highways and Planning to approve plans and enter into an agreement under Section 104 of the Water Industry Act 1991 with a developer and a water company, where the Council owns land neighbouring a developer's land and a sewer is to be built on Council land, which the water company will then adopt.

**C (12) To the Deputy Director, Corporate Resources in consultation with the Borough Solicitor**

- 12.1 Authority to recover rent, licence fees and/or use and occupation arrears in respect of any Council premises, including but not limited to rent for stalls, pitches or premises at any markets on Council land and use and occupation charges and any professional fees due to the Council in respect of the aforementioned.

**C. Children's Services**

**D (1) The Director and the Deputy Director of Children's Services and the Assistant Director Children's Social Care and Early Help**

- 1.1 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.
- 1.2 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.
- 1.3 Authority to make arrangements for the provision of accommodation to children under the provisions of Section 20 of the Children Act 1989.
- 1.4 Authority to arrange for the placement of children and young persons looked after by the Council, including the placement with family members.
- 1.5 Authority to conduct reviews of children in care, as required by Section 26 of the Children Act 1989.
- 1.6 Authority to make payments to foster parents looking after children, in accordance with the scale approved by the appropriate Executive Cabinet Member.
- 1.7 Authority to make payments to special guardians in accordance with the current Council policy relating to the same.
- 1.8 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.
- 1.9 Authority to appoint visitors to certain children in care, as required by Schedule 2 of the Children Act 1989.
- 1.10 Authority to decide on cases where children might benefit from attendance in family support centres free of charge, irrespective of parents' income.
- 1.11 Authority to deal with applications for permission for children in care to go abroad on holiday with their foster parents.

- 1.12 Authority to reimburse the medical expenses incurred by applicants for the adoption of children in connection with the statutory medical examination.
- 1.13 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.
- 1.14 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.
- 1.15 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).
- 1.16 Following consideration of the recommendations of the Fostering and Adoption Panel, authority to determine all foster parent applications.
- 1.17 In cases deemed to be urgent, authority to approve foster parents.
- 1.18 Authority to grant foster carers residing within the Borough exemptions to the usual fostering limit in accordance with the Children Act 1989
- 1.19 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 2000.
- 1.20 Authority to make decisions concerning the underwriting of legal fees in adoption cases for which the Authority is responsible.
- 1.21 Authority to take any appropriate action under the Children Act 1989, the Family Law Act 1996, the Adoption and Children Act 2002 and the Children and Families Act 2014 designed to safeguard, protect or promote the welfare of children in Bolton.
- 1.22 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.
- 1.23 Authority to make appointments to the Adoption and Fostering Panels.
- 1.24 Authority to approve the rota for visits to establishments and registered homes.
- 1.25 Authority to make an application to the Criminal Injuries Authority on behalf of a child in care for compensation under the Criminal Injuries Scheme, to sign any contingency fee forms necessary and to approve any settlement figure offered, subject to receipt of legal advice.
- 1.26 Authority to consent to the marriage of young persons where the consent of the Council is required.

- 1.27 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.
- 1.28 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.

## **D (2) The Director, Deputy Director and all Assistant Directors of Children's Services**

- 2.1 Authority to identify and assess children with Special Educational Needs.
- 2.2 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.
- 2.3 Authority to approve admissions to nursery, primary and secondary schools (in consultation with the Head Teachers concerned).
- 2.4 Authority to pay travelling expenses to school pupils.
- 2.5 Authority to make allowances for the provision of school uniform and ancillary equipment for schoolchildren.
- 2.6 Authority to make routine applications for the use of education premises within his/her Directorate.
- 2.7 Authority to send statutory notices and to authenticate all documents required to be issued in connection with the provision of education within the borough.
- 2.8 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 and the Education Assistance Panel.
- 2.9 Authority to institute proceedings under the extended provisions of Section 547 of the Education Act 1996 (causing a nuisance on school premises).
- 2.10 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.
- 2.11 Authority to institute and conduct proceedings under Part II of the Children and Young Persons Act 1933 as amended and regulations made thereunder.
- 2.12 Authority to purchase books, audio-visual materials, equipment etc. for schools and the Youth Service and the circulating book stock for primary schools.



- 2.13 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.
- 2.14 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.
- 2.15 Authority in consultation with the Borough Solicitor to complete the necessary arrangements for schools converting to academies under the Academy Act 2010.

**D (3) To the Director, Deputy Director and all Assistant Directors of Children's Services, in Consultation with the Borough Solicitor**

- 3.1 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.

**D (4) To the Director and Deputy Director of Children's Services and the Assistant Director of Inclusive Education and Learning, the Early Intervention Service Manager and Child Employment and Enforcement Officer in consultation with the Borough Solicitor**

- 4.1 Authority, in accordance with Section 223 of the Local Government Act 1972, as amended, to prosecute on the Council's 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.

**D (5) To the Director and Deputy Director of Children's Services and the Assistant Director of Inclusive Education and Learning, the Teacher in charge of the Pupil Referral Units and the Staffing Sub-Committee of the Management Committee**

- 5.1 Authority to appoint teachers on Standard National Scale plus two responsibility points to the Pupil Referral Units.

**D (6) To the Director and Deputy Director of Children's Services and the Assistant Director of Inclusive Education and Learning**

- 6.1 Authority to accept gifts for prize funds and to amend prize schemes consequent upon the reorganisation of education institutions.

**D (7) To the Director, Deputy Director and all Assistant Directors of Children's Services**

- 7.1 Authority to exercise parental responsibility acquired through legal proceedings under the Children Act 1989 and/or the Adoption and Children Act 2002 in order to safeguard, protect or promote the welfare of children in Bolton.
- 7.2 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.

- 7.3 Authority to act as Litigation Friend for legal claims in respect of any child for whom the local authority exercises parental responsibility.
- 7.4 Authority to exercise the powers of the Council under the Adoption Act 1976 or the Adoption and Children Act 2002.

**D (8) The Director, Deputy Director, and all Assistant Directors of Children's Services**

- 8.1 Authority to negotiate bookings for individual events shows etc. to be held at land/establishments under the control of their directorate.
- 8.2 Authority to waive or vary fees and charges of facilities under the control of his/her directorate.
- 8.3 Authority to approve and renew contracts with providers of social care services, after appropriate consultations, including discussions with the Executive Cabinet Member and only where in accordance with the Council's Standing Orders.
- 8.4 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.

**D (9) To the Director, Deputy Director and all Assistant Directors of Children's Services and the Director of Public Health in consultation with the Borough Solicitor**

- 9.1 Authority to commission personal care, services or facilities and enter into contracts pursuant to the Care Act 2014, 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, the Health and Social Care Act 2012 and any other relevant legislation governing the Council's duties and powers to provider personal care services and facilities.
- 9.2 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 and to any exception of Standing Orders relating to Contracts being recorded.

**D (10) Powers to other Officers within the Directorate of Children's Services To the Senior Head of Service (Staying Safe)**

- 10.1 Authority to consent to the adoption of children where the consent of the Council as an Adoption Agency (under the Adoption and Children Act 2002) is required.

**D (11) To the Director, Deputy Director, all Assistant Directors, all Heads of Service within the Directorate of Children's Services and the DoL Co-Ordinator**

- 11.1 Authority to take any decision on behalf of the Council with regard to the Deprivation of Liberty Safeguards within the Bolton Borough and to provide any authorisations necessary to deprive a child of their liberty under relevant legislation and guidance.

**D. Adult Social Care, Communities and Integration****E (1) Director of Adults, Communities and Integration (DASS)**

- 1.1 Authority to act as the nominated individual for the Council for the purposes of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 and all associated legislation as amended and re-enacted.

**E (2) The Director of Adults, Communities and Integration (DASS) and all Assistant Directors relating to Adult Services**

- 2.1 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 and provide all support necessary to assist them in undertaking their role under that Act, including access to legal services for advice and representation.
- 2.2 Authority to act as Nearest Relative pursuant to the Mental Health Act 1983, as amended, when a suitable nearest relative cannot be identified
- 2.3 Authority to facilitate the move of an individual who lacks capacity to new supported accommodation, without a signed tenancy in place, pending an application to the Court of Protection and for the tenancy, upon receipt, to be signed on behalf of the Council further to receipt of the Order from the Court.
- 2.4 Authority to determine applications from eligible persons and their representatives for a Deferred Payment Agreement and to enter into contracts for the same, subject to compliance with the Care Act 2014, The Care and Support (Deferred Payment) Regulations 2014 and all statutory or relevant guidance and subject to consultation with Legal Service.
- 2.5 Authority to implement the terms of and carry out the duties contained in any Alliance Agreement and any agreement entered into under section 75 of the National Health Service Act 2006 for the integration of health and social care, and authority to enter into, implement the terms of and carry out the duties of any further related section 75 agreement for the purpose of the integration of health and social care within the Bolton Borough.
- 2.6 Authority to remove a charge secured against a property in respect of a Deferred Payment Agreement or debts owed to the local authority.
- 2.7 Authority to supply suitable equipment and fund the alteration of property occupied by people with a disability.
- 2.8 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.
- 2.9 Authority to make decisions under the Care Act to include care and support for adults, support for carers, provision about safeguarding adults from abuse or neglect, care standards, to establish and make provision about Health Education England and about the Health Research Authority; to make provision about integrating care and support with health services; and for connected purposes.

- 2.10 Authority to act as the authorised officer for property and affairs deputyships, subject to a written record that the relevant officer holds the requisite qualifications and experience as laid down in relevant legislation and guidance.
- 2.11 The power to create a charge on property in respect of all debts due to the Council.

**E (3) Director of Adults, Communities and Integration (DASS), and all Assistant Directors within Adult Services**

- 3.1 Authority to negotiate bookings for individual events shows etc. to be held at land/establishments under the control of their directorate.
- 3.2 Authority to waive or vary fees and charges of facilities under the control of their directorate.
- 3.3 Authority to approve and renew contracts with providers of social care services, after appropriate consultations, including discussions with the Executive Cabinet Member and only where in accordance with the Council's Standing Orders.
- 3.4 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 adults.

**E (4) To Director of Adults, Communities and Integration (DASS), and all Assistant Directors of Adult Services in consultation with the Borough Solicitor**

- 4.1 Authority to commission personal care, services or facilities and enter into contracts pursuant to the National Health Service and Community Care Act 1990, the National Assistance Act 1948, the Chronically Sick and Disabled Persons Act 1990, the Local Government Act 2000 and the Health and Social Care Act 2001, the Health and Social Care Act 2012, Health and Care Act 2022 and any other relevant legislation governing the Council's duties and powers to provide personal care services and facilities.
- 4.2 Authority to take all necessary action to comply with and discharge any functions of the local authority pursuant to the Care Act 2014, Mental Health Act 1983, as amended, Mental Capacity Act 2005, Health and Social Care Act 2012, Health and Care Act 2022, Human Rights Act 1998, UK GDPR 2018 and any other legislation and guidance relating to the health and wellbeing of adults.
- 4.3 Authority to institute legal proceedings, including issuing injunction proceedings, pursuant to the Anti-Social Behaviour Crime and Policing Act 2014.
- 4.4 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 and to any exception of Standing Orders relating to Contracts being recorded.

**E (5) To the Director of Adults, Communities and Integration (DASS), Assistant Directors of Adult Services, all Social Care Heads of Service within Adult Services and the DoL Co-Ordinator**

- 5.1 Authority to take any decision on behalf of the Council with regard to the Deprivation of Liberty Safeguards within the Bolton Borough and to provide any authorisations necessary to deprive an adult of their liberty under relevant legislation and guidance.

**E (6) To the Director of Adults, Communities and Integration (DASS) and the Assistant Director for Community Safety and Housing in relation to Housing Services Matters**

- 6.1 Authority to carry out the duties and responsibilities of the Council under the relevant Housing Acts – Housing the Homeless.
- 6.2 Authority to manage caravan sites.
- 6.3 Authority for the allocation, termination and the management of tenancies or licences of dwellings, in accordance with the Council's policies.
- 6.4 Authority to initiate the removal of unauthorised traveller encampments.
- 6.5 Authority to carry out the duties and responsibilities of the Council as the proper officer in relation to the relevant 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.
- 6.6 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.
- 6.7 Authority to serve Notice to Quit in cases, other than where there are 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, including but not limited to lease management properties, dispersed accommodation and other placements made under Part 7 of the Housing Act 1996.
- 6.8 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.
- 6.9 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.
- 6.10 Authority to postpone or waive repayment of discount charges and other permissions required in relation to former Council houses.

- 6.11 Authority to serve notices and/or certificates under the Rent Act 1977 and the Local Government (Miscellaneous Provisions) Act 1976.

**E (7) To the Director of Adults, Communities and Integration (DASS), Assistant Director for Community Safety and Housing and Officers within Housing Services**

- 7.1 Authority to Director of Adults, Communities and Integration (DASS) and Assistant Director for Community Safety and Housing and Officers within the Housing Services and the following officers (acting individually):

- Accommodation Services Group Manager
- Housing Services Manager
- Head of Community Housing Services
- Housing Advice & Options Services Group Manager
- Housing Standards Manager
- Housing Standards Deputy Manager
- Environmental Health Officer
- Technical 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) Issue and serve notices;
- (ii) Commence legal proceedings;
- (iii) Exercise registration and licensing functions;
- (iv) Grant, refuse, renew, vary or revoke approvals permits or consents;
- (v) Issue and serve 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 Justice and Public Order Act 1994
- (i) Criminal Justice Act 1988
- (j) Environmental Protection Act 1990
- (k) Energy Act 2011 and 2013
- (l) Housing and Planning Act 2016
- (m) Greater Manchester Act 1981
- (m) Housing Acts 1985, 1996 & 2004
- (n) Housing Grants and Construction and Regeneration Act 1996
- (o) Local Government (Miscellaneous Provisions) Act 1976 & 1982
- (p) Local Government and Housing Act 1989
- (q) Magistrates Court Act 1980
- (r) Noise and Statutory Nuisance Act 1993
- (s) Prevention of Damage by Pests Act 1949
- (t) Protection from Eviction Act 1977
- (u) Public Health (Control of Diseases) Act 1984
- (v) Public Health Acts 1936 and 1961
- (w) Public Health Amendment Act 1907
- (x) Town and Country Planning Act 1990
- (y) Water Act 1989
- (z) Water Industry Act 1991 & 1999

7.2 Authority to the Director of Adults, Communities and Integration (DASS) and the following officers (acting individually):

- Environmental Health Officer
- Technical Officer
- Housing Standards Manager
- Housing Standards Deputy Manager

- Accommodation Services Group Manager

to issue Community Protection Notices under the Anti-Social Behaviour Crime and Policing Act 2014.

**E (8) To the Director of Adults, Communities and Integration (DASS) or the Assistant Director for Community Safety and Housing in consultation with the Borough Solicitor**

- 8.1 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.
- 8.2 Authority to serve notices, make designations, issue consents and take enforcement action under the provisions of the Anti-Social Behaviour Crime and Policing Act 2014.
- 8.3 Authority to issue Community Protection Notices under the Anti-Social Behaviour Crime and Policing Act 2014.
- 8.4 Authority, in conjunction with the Borough Solicitor, to authorise the issue of a Closure Notice under section 77 of the Anti-Social Behaviour Crime and Policing Act 2014 for up to 24 hours.
- 8.5 Authority to the Chief Executive to authorise the extension of a Closure Notice for a maximum of 48 hours under Section 77 of the Anti-Social Behaviour Crime and Policing 2014 and to designate all Chief Officers within the Directorate of Adults, Communities and Integration to exercise this function on their behalf in conjunction with the Borough Solicitor.
- 8.6 Authority in conjunction with the Borough Solicitor and in consultation with the relevant Executive Cabinet Member to make and review Public Spaces Protection Orders.
- 8.7 Authority to ensure that, in accordance with sections 36 – 41 of the Counter Terrorism and Security Act 2015, the Council has a Channel panel in place for its area and that it will have due regard to the Channel duty guidance 2020.
- 8.8 Authority to collaborate and plan to prevent and reduce serious violence, including sharing data and information with specified authorities under the provisions of the Police, Crime, Sentencing and Courts Act 2022.

**E (9) To the Senior Head of Service Community Safety and Vulnerable People in consultation with the Borough Solicitor**

- 9.1 Authority to serve notices, make designations, issue consents, take enforcement action and, in consultation with the Borough Solicitor, institute legal proceedings, Including injunctions, under the provisions of the Anti-Social Behaviour Crime and Policing Act 2014.
- 9.2 Authority to collaborate and plan to prevent and reduce serious violence; including sharing data and information with specified authorities, and to take legal action in consultation with the Borough Solicitor, under the provisions of the Police, Crime, Sentencing and Courts Act 2022.



**E (10) To the Senior Head of Service Community Safety and Vulnerable People and the Community Safety Manager**

- 10.1 Authority to issue Community Protection Notices under the Anti-Social Behaviour Crime and Policing Act 2014.

**E (11) To the Director of Adults, Communities and Integration (DASS) in consultation with the Borough Solicitor**

- 11.1 Where the Council is a creditor of a deceased adult who has died leaving a will, but:

- (a) the appointment of executors is void, that is, the will fails to appoint executors; or
- (b) all the executors have died before the deceased; or
- (c) all the executors have each renounced the right to a grant of probate; or
- (d) all the executors lack capacity to obtain a grant of probate; or
- (e) the court has issued a direction to all the executors (called a citation) to take the grant, which they have refused; or
- (f) the sole surviving executor has outlived the deceased but died before taking the grant

and all the categories of persons with a higher ranking right to apply for grant of probate and administer an estate under rule 20 of the Non-Contentious Probate Rules 1987 have been exhausted, authority to administer an estate to recover the debt.

- 11.2 Where the Council is a creditor of a deceased adult who has died intestate and all the categories of persons with a right to administer an estate under rule 22(1)(a) to (h) of the Non-Contentious Probate Rules 1987 have been exhausted and the Treasury Solicitor does not apply on behalf of the Crown, authority to apply for letters of administration and administer an estate to recover the debt.
- 11.3 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.

**E. Public Health**

**F (1) To the Director of Public Health and all Assistant Directors in Public Health, Director of Adult Social Services and Director of Children's Services**

- 1.1 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 (Infection Diseases) Regulations 1988;

- National Assistance Act 1948;
- Milk and Dairies (General) Regulations 1959;
- National Assistance (Amendment) Act 1951.

12 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.
- Mental Health Act 1983 as amended
- Mental Capacity Act 2005
- Health and Care Act 2022

**F (2) The Director of Public Health and all Assistant Directors in Public Health in conjunction with the Borough Solicitor**

- 2.1 Authority to give all notices and institute legal proceedings in pursuance of the Public Health Act 1936 (as amended) and to authorise in writing persons to enter onto land for the purposes permitted by the Act.
- 2.2 Authority to action decisions made by the Health and Wellbeing Board (Active, Connected and Prosperous Board) provided details of any action taken are reported to the next meeting of the relevant Executive Cabinet Member/the Cabinet.
- 2.3 Authority to action all powers under Section 73A(1) of the Health Act 2006 including:
  - a) all of their local authority's duties to take steps to improve the health of the people in its area.
  - b) any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – to include services mandated by regulations made under section 6C of the Health Act 2006;
  - c) exercising all local authority's functions in planning for, and responding to, emergencies that present a risk to the public's health.

- d) exercising the local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders; and
- e) such other public health functions as the Secretary of State specifies in regulations from time to time.
- f) Exercising the local authority's public health function as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications (a function given to local authorities by sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act 2003.
- g) responsibility for providing Healthy Start vitamins (a function conferred on local authorities by the Healthy Start and Welfare Food Regulations 2005 as amended); and
- h) exercising the functions of the Director of Public Health on the Health and Wellbeing Board under section 194(2)(d) of the Health and Social Care 2012.

2.4 To produce the Director of Public Health's annual report.

2.5 To ensure delivery of the National Child Measurement Programme.

2.6 To secure the delivery of NHS Health Check assessments.

2.7 To ensure appropriate access to sexual health services.

2.8 To ensure appropriate clinical governance arrangements are in place in respect of any clinical services commissioned, including sexual health and drug and alcohol services.

2.9 To ensure the delivery of universal Health Visitor Reviews within the healthy child programme.

2.10 To lead or oversee activity under the statutory requirement placed on the local authority (under regulations made under 6C National Health Service Act 2006) to provide the NHS with a public health advice service to inform effective commissioning of healthcare and related matters.

## **F. Directorate of Place**

### **G (1) Powers to the Director of Place and the Assistant Director of Highways and Planning relating to Planning Control and Related Matters**

- 1.1 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 for major development involving development of ten or more residential units, 1000 square metres or more floor space and/or where the site area is 1 hectare or more and where more than five objections containing valid material considerations have been received during the statutory consultation period and where the officer recommendation is not to refuse;

- (b) applications for development pursuant to demolition of a Listed Building;
  - (c) applications that are substantively contrary to the Local Plan or Local Development Framework Proposal and the officer recommendation is to approve;
  - (d) applications referred by the Director of Place, Assistant Director Economic Development and Regeneration or the Head of Development Management, in consultation with the Chair and Vice Chair of Planning Committee, under one of the following criteria:
    - (i) a novel, finely balanced policy or precedent issues, which are 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; or
    - (ii) there are probity issues or public interest reasons for the matter to be determined by Planning Committee;
  - (e) applications where members of the Council have asked for the application to be placed before the Planning Committee and stated their planning reasons for the request;
  - (f) applications containing any substantive changes to proposals including the terms of major planning agreements (usually specified at the time a major development application is reported to Planning Committee) where such changes are materially different to those specifically agreed by Planning Committee on an application previously determined by Planning Committee subject in each case to a requirement to report exceptional or unusual circumstances to the next meeting of the Planning Committee.
- 1.2 Authority to impose conditions on planning permissions and other consents.
  - 1.3 Authority to determine applications for the retention of buildings or works or the continued use of land.
  - 1.4 Authority to determine applications for the development of land without complying with conditions subject to which a previous planning permission was granted in accordance with Section 73 Town and Country Planning Act 1990.
  - 1.5 Authority to decline to determine applications in accordance with Sections 70A, 70B and 70C of the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure)(England) Order 2015 and Section 81 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
  - 1.6 Authority to take enforcement action in relation to breaches of planning control including those relating to Listed Buildings and Conservation Areas and to take enforcement action relating to the removal or damage of protected trees.
  - 1.7 Authority to take all steps to require proper maintenance of land under Section 215 of the Town and Country Planning Act 1990.

- 1.8 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.
- 1.9 Authority to enforce the control of advertisements by means of a discontinuance notice or otherwise (Section 220-225, Town and Country Planning Act 1990).
- 1.10 Authority to determine applications and to issue certificates of lawfulness in accordance with Section 191 - 194, Town and Country Planning Act 1990.
- 1.11 Authority to determine non Local Authority applications for express advertisement consent.
- 1.12 Authority to determine applications to prune trees and refuse applications to fell trees.
- 1.13 Authority to decide whether trees to be felled in Conservation Areas should be the subject of Tree Preservation Orders.
- 1.14 Authority to dispense with the requirement to plant replacement trees for dead, dying or dangerous specimens (Section 206, Town and Country Planning Act 1990).
- 1.15 Authority to maintain the Register of Enforcement Notices and Stop Notices (Section 188, Town and Country Planning Act 1990).
- 1.16 Authority to maintain the registers of all Tree Preservation Order applications and all advertisement applications.
- 1.17 Authority to request that reserved matters be part of outline planning permission.
- 1.18 Authority to make consultations and carry out publicity prior to the determination of planning applications.
- 1.19 Authority to make representations in response to consultations by other authorities pursuant to the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 1.20 Authority to administer the Hedgerows Regulations 1997.
- 1.21 Authority to administer the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 including the provisions of scoping and screening opinions.
- 1.22 Authority to determine whether the prior approval of the Local Planning Authority is required under the provisions of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as appropriate, subject to the Council's scheme on delegated planning applications.
- 1.23 Authority to execute works required by enforcement notice (Section 178, Town and Country Planning Act 1990).
- 1.24 Authority to publicise applications affecting Conservation Areas and Listed Buildings.

- 1.25 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.
- 1.26 Authority to make representations in response to consultations relating to Ecclesiastical Exemptions (Listed Buildings and Conservation Areas) Order 2010 and the Dioceses, Pastoral and Mission Measure 2007 and the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.
- 1.27 Authority to control works for the alteration or extension of listed buildings (sections 7-19 of the Planning (Listed Buildings and Conservation Areas Act 1990).
- 1.28 Authority to object to a proposed felling licence in respect of trees to which a Tree Preservation Order relates (Section 15 of the Forestry Act 1967).
- 1.29 Authority to impose after-care conditions on mineral workings (Section 72(5) Schedule 5, Part I(2), Town and Country Planning Act 1990).
- 1.30 Authority to require the issue of Completion Notices (Sections 94 and 96 of the Town and Country Planning Act 1990).
- 1.31 Authority to define areas of special (advertisement) control (Town and Country Planning (Control of Advertisements (England) Regulations 2007).
- 1.32 Authority to respond to consultations by Government Directorates formally indicating the kind of planning permission likely to be granted in respect of surplus land.
- 1.33 Authority to deal with all aspects relating to Interim Development Orders.
- 1.34 Authority to determine applications for deemed permission for development or express advertisement consent by a local authority in accordance with the criteria set out above.
- 1.35 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 above.
- 1.36 Authority to administer provisions and decide complaints submitted in respect of High Hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003.
- 1.37 Authority, in consultation with the Borough Solicitor to action decisions made by Bolton Strategic Economic Partnership, Bolton Skills Board, Bolton Innovation Zone Partnership and Bolton's Housing Partnership– Strategic Housing Partnership provided details of any action taken are reported to the next meeting of the relevant Executive Cabinet Member.
- 1.38 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 Act 2006.
- 1.39 Authority, in accordance with Standing Orders Relating to Contracts, to commission specialist consultants up to a maximum of £100,000 per appointment to provide support to the Council in the event of a planning enquiry.

## **G (2) Powers to the Director of Place and the Assistant Director of Highways and Planning relating to Building Control Matters**

- 2.1 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 Charges) 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.
  - (g) Taking action under the appropriate Acts including the Local Government (Miscellaneous Provisions) Act 1982 for making secure unoccupied or damaged buildings open to trespass.
  - (h) 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.
  - (i) Requiring the provision of entrances/exits etc. for buildings referred to in Section 24 of the Building Act 1984.
- 2.2 Authority to deal with all applications for the relaxation or dispensation of Building Regulations.
- 2.3 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.
- 2.4 Power in respect of naming and numbering of streets including renaming and renumbering.

**G (3) To Officers of the Directorate of Place with responsibility for Building Control Matters**

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

- Head of Planning
- Development Manager (Building)
- Principal Development Officer (Building)
- Assistant Development Officer (Building)
- Principal Development Technician
- Head of Building Control

in the Building Control Section be authorised to enter upon land, buildings and structures for enforcement purposes and that the Director of Place be authorised to issue to such officer's due authority in writing.

**G (4) To the Director of Place in consultation with the Borough Solicitor (Subject to a requirement to report exceptional or unusual circumstances to the next meeting of Planning Committee)**

- 4.1 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.
- 4.2 Authority to appear at hearings in respect of Secretary of State decisions relating to the review of planning decisions where compensation is claimed.
- 4.3 Authority to appear at hearings in connection with the granting or refusal of Certificates of Lawfulness.
- 4.4 Authority to appear at a hearing in connection with the confirmation of any purchase notice by the Secretary of State.
- 4.5 Authority to make representations in response to applications for heavy goods vehicle operating centre licences.
- 4.6 Authority to serve planning contravention notices and to institute proceedings for non-compliance with planning contravention notices (Sections 171C and 171D of the Town and Country Planning Act 1990).
- 4.7 Authority to conduct appeals against decisions of the Hazardous Substances Authority (Section 21 of the Planning (Hazardous Substances) Act 1990).
- 4.8 Authority to issue certificates under Article 5 of Tree Preservation Orders and authority to determine the amount of compensation payable in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012.



- 4.9 Authority to conduct appeals against decisions and Remedial Notices served pursuant to Part 8 of the Anti-Social Behaviour Act 2003.
- 4.10 Authority to serve, withdraw or relax remedial notices served pursuant to Section 69 and 70 of the Anti-Social Behaviour Act 2003.
- 4.11 Power to authorise Officers in the Directorate of Place 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
  - Building Act 1984
  - Safety at Sports Grounds Act 1975
- 4.12 Authority to waive or vary non statutory and discretionary fees and charges for the services within the Directorate's remit in appropriate circumstances.
- 4.13 Authority to serve notices under Section 215 of the Town and Country Planning Act 1990.
- 4.14 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 relevant Chief Officer with delegated authority relating to the day to day management control; there being no further right of appeal to any other body of the Council.

**G (5) Powers to the Director of Place and the Assistant Director of Economic Development and Regeneration in respect of Economic Development Matters**

- 5.1 Authority to approve Bolton Town Centre Business Support grants up to £20,000.
- 5.2 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.

**G (6) To Officers of the Directorate of Place with responsibility for Planning Matters**

- 6.1 Officers appointed to the service of the Council currently or in the future capacity of:-
  - Chief Planning Officer
  - Head of Planning
  - 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 Directorate of Place be authorised to enter any land for enforcement purposes; and that the Director of Place be authorised to issue to such officers due authority in writing (Section 196A, Town and Country Planning Act 1990).

- 6.2 Officers in the Planning Division of the Directorate of Place be authorised to enter any land in accordance with the following legislation and that the Director of Place 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.

**G (7) Powers to the Director of Place, Assistant Director for Economic Development and Regeneration and other officers where specified, relating to Housing Matters**

- 7.1 Authority to determine applications under Construction and Regeneration Act 1996 Regulatory Reform Order – Discretionary grants including the approval of grant aid in respect of a qualifying dwelling.
- 7.2 Authority to give financial assistance up to a maximum of £30,000 in matters relating to housing policy, including assistance granted in accordance with the Private Sector Housing Policy.
- 7.3 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.
- 7.4 Authority to waive individual renovation grant repayments not exceeding £15,000.
- 7.5 Authority to apply for external funding provided the appropriate Executive Cabinet Member approves any grant conditions imposed by the relevant funder prior to formal acceptance of the funding.

**G (8) To The Director of Place in consultation with the Borough Solicitor**

- 8.1 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.
- 8.2 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.
- 8.3 Authority to allow owner occupiers with an outstanding Council mortgage to rent out the mortgaged property.
- 8.4 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.
- 8.5 Authority to waive individual grant repayments not exceeding £15,000.

- 8.6 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.

**G (9) Powers to the Director of Place and the Assistant Director for Environment and Regulatory Services relating to Leisure Matters**

- 9.1 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.

**G (10) Powers to the Director of Place and the Assistant Director for Environment and Regulatory Services relating to Neighbourhood Services Matters**

- 10.1 Authority to deal with applications to hold religious open air services in Parks and Cemeteries.
- 10.2 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.
- 10.3 Authority to work in partnership with associations and / or site secretaries in relation to the development of self-managed allotments.
- 10.4 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 Directorate of Place.
- 10.5 Authority to deal with appropriations of land, subject to maintenance budget provisions being in place.
- 10.6 Authority to deal with applications for the use of outdoor recreational facilities and the provision of tuition.
- 10.7 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.
- 10.8 Authority to approve special concessionary bookings and opening hours of outdoor recreation facilities.
- 10.9 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.
- 10.10 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.
- 10.11 Authority (in consultation with the relevant Executive Cabinet Member) to identify areas for designation under Dog Control Orders within the Clean Neighbourhood and Environment Act 2005.

10.12 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 Directorates

10.13 Authority to put into place arrangements for the appeal of contested fixed penalty notices prior to the commencement of court proceedings.

10.14 Authority to manage trees and woodlands in accordance with the relevant Council policy in force at the time.

10.15 Authority to negotiate bookings for individual events, shows etc. to be held at land/establishments under the control of the Directorate of Place.

**G (11) Powers to the Director of Place, the Assistant Director for Environment and Regulatory Services and other officers where specified, relating to Regulation and Enforcement Matters**

11.1 Authority to the Director of Place and the following officers (acting individually):

- ☐ Assistant Directors
- ☐ Head of Regulatory Services
- ☐ Head of Environmental Delivery and Head of Environmental Assets
- ☐ Senior Head of Service Community Safety and Vulnerable People
- ☐ Design and Construction Manager (Highways)
- ☐ Asset Management and Development Manager (Highways)
- ☐ Network Manager (Highways)
- ☐ Drainage and Resilience Manager (Highways)
- ☐ Education and Enforcement Manager
- ☐ Principal Officers
- ☐ Environmental Health Officers
- ☐ Trading Standard Officers

- ☐ Illicit Trade Officers
- ☐ Licensing Officers
- ☐ Licensing Compliance Officers
- ☐ Licensing Manager
- ☐ Senior Licensing Officer
- ☐ Environmental Health Manager
- ☐ Enforcement Officers
- ☐ Trade Waste Officers
- ☐ Team Leaders
- ☐ Inspectors
- ☐ Dog Wardens
- ☐ Technical Officers
- ☐ Technical Assistants
- ☐ Waste Prevention and Recycling Officers
- ☐ Public Rights of Way Officer

to issue and serve notices, make designations, issue and serve certificates and consents, take enforcement action and, in consultation with the Borough Solicitor, commence 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)
- ☐ Anti-Social Behaviour Crime and Policing Act 2014
- ☐ Criminal Damage Act 1971
- ☐ Highways Act 1980
- ☐ Town and Country Planning Act 1990
- ☐ Traffic Management Act
- ☐ Environment Act 1995
- ☐ Refuse Disposal (Amenity) Act 1978
- ☐ Countryside and Rights of Way Act 2000
- ☐ Flood and Water Management Act 2010
- ☐ Land Drainage Act 1991
- ☐ National Parks and Access to the Countryside Act 1949
- ☐ Road Traffic Regulations Act 1984
- ☐ Wildlife and Countryside Act 1981
- ☐ The Environment Act 2021
- ☐ The Police Reform and Social Responsibility Act 2011
- ☐ The Licensing Act 2003

11.2 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.

11.3 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.

11.4 Authority to the Director of Place and the following officers (acting individually):

- ☐ Assistant Director for Environment and Regulatory Services
- ☐ Heads of Service within the Directorate of Place
- ☐ Community Safety Manager
- ☐ Anti-Social Behaviour Coordinator
- ☐ Principal Environmental Health Officer
- ☐ Special Projects Officer

- ☐ Trading Standards Officer
- ☐ Principal Officers
- ☐ Licensing Officer
- ☐ Licensing Compliance Officers
- ☐ Licensing Manager
- ☐ Senior Licensing Officer
- ☐ Environmental Health Manager
- ☐ Technical Officer
- ☐ Environmental Education & Enforcement Manager
- ☐ Senior Environmental Enforcement Officer
- ☐ Environmental Enforcement Officer
- ☐ Dog Warden

to issue and serve Community Protection Notices under the Anti-Social Behaviour Crime and Policing Act 2014.

- 11.5 Authority to the Director of Place and all Heads of Service and Assistant Directors within the Directorate of Place in conjunction with the Borough Solicitor to issue and serve of a Closure Notice under section 77 of the Anti- Social Behaviour Crime and Policing Act 2014 for up to 24 hours.
- 11.6 Authority to the Chief Executive to authorise the extension of a Closure Notice for a maximum of 48 hours under Section 77 of the Anti-Social Behaviour Crime and Policing 2014 and to designate all Chief Officers within the Directorate of Place to exercise this function on their behalf in conjunction with the Borough Solicitor

**G (12) Authority to the Enforcement Manager, Enforcement Officers, Team Leaders, Chargehand Enforcement Officers, Neighbourhood Care Operatives, Police Community Support Officers, Environmental Education and Enforcement Team Leader, Licensing Compliance Officers, Licensing Manager, Environmental Health Manager and Behaviour Change Chargehand (acting individually)**

- 12.1 Authority, in accordance with the Local Government Act 1972 to issue and serve fixed penalty notices on behalf of the Council for the following offences:-
- ☐ littering and fly-tipping;
  - ☐ 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.
  - ☐ In relation to a domestic waste receptacle

- ☐ in relation to commercial waste receptacle
- ☐ unauthorised distribution printed matter
- ☐ for breach of CPN
- ☐ for breach of PSPO
- ☐ failure to provide waste carrier's license
- ☐ failure to provide waste transfer notes
- ☐ painting or writing on soiling/markings or otherwise defacing any property by whatever means
- ☐ Household duty of care

**G (13) Powers to the Director of Place, the Assistant Director for Environment and Regulatory Services, the Head of Environment and Regulatory Services and other officers where specified, relating to Licensing Matters**

13.1 Authority to grant, transfer or renew:-

- (a) Hackney Carriage Vehicle and Driver Licences;
- (b) Private Hire Operator, Vehicles and Drivers Licences

subject to the applicant meeting the Council's criteria set out in the Council's Statement of Fitness and Suitability and subject to the Council's standard conditions, together with any additional conditions recommended by the Borough Solicitor.

13.2 Authority to refuse to grant, transfer or to renew Hackney Carriage or Private Hire Driver, Vehicle or Operator Licences where an applicant fails to meet the criteria set out in the Council's Statement of Fitness and Suitability or any other relevant Council policy or any application requirements in force at the time.

13.3 Authority to suspend or revoke Hackney Carriage or Private Hire Driver, Vehicle or Operator Licences where:

- (a) the vehicle has become classified as a Category S (previously Category C) insurance 'write off' after the 1st June 2015; and/or
- (b) the vehicle proprietor has failed to submit the vehicle for a midyear test and the vehicle is still being used as a Private Hire or Hackney Carriage Vehicle or the licence holder has failed to notify the Council that the vehicle is no longer being used as a Private Hire or Hackney Carriage Vehicle.

13.4 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:

- (a) who has been convicted of offences relating to drugs, alcohol, indecency, dishonesty or violence, and



- (b) where the Director of Place (or an officer authorised by the Director of Place) is satisfied that the licence holder is not a fit and proper person to hold such a licence or there is any other reasonable cause and where any such action is in the interests of public safety.

and any suspension referred to in (a) and (b) above shall continue until such time as the Licensing and Environmental Regulation Committee can consider the matter.

- 13.5 Authority to issue warning letters in relation to low level matters (as detailed in Council's Statement of Fitness and Suitability or any other relevant Council guidance) including but not restricted to motoring convictions.
- 13.6 Authority to the Director of Place, Licensing Manager, Senior Licensing Officer, Principal Licensing Officer, Environmental Health Manager, Assistant Director for Environment and Regulatory Services, Head of Regulatory Services to refuse Private Hire and Hackney Carriage Driver Licence applications where the applicant has declared a conviction subject to the Council's Statement of Fitness and Suitability or any other relevant Council guidance.
- 13.7 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.
- 13.8 Authority to consider requests for derogation from the vehicle identification requirements.
- 13.9 Authority to determine applications for all over full livery commercial advertising on licensed Hackney Carriages.
- 13.10 Power to determine the suitability of films shown in the Borough and the authority to refer films which are considered likely to be unsuitable for public viewing for further consideration by the Licensing and Environmental Regulation Committee.
- 13.11 Power to approve the exhibition of "18" or "R18" films except where films are considered contentious or objectionable.
- 13.12 Power to approve applications for foyer and auditorium charity collections in cinemas.
- 13.13 Authority to the Director of Place and the following Officers (acting individually):
- Assistant Directors for Environment and Regulatory Services
  - Head of Regulatory Services
  - Head of Environmental Delivery
  - Head of Environmental Assets
  - Senior Head of Service Community Safety and Vulnerable People
  - Principal Officers
  - Environmental Health Officers
  - Trading Standard Officers

- Education and Enforcement Officer
- Trade waste officer
- Licensing Officers
- Licensing Compliance Officers Licensing Manager
- Senior Licensing Officer
- Environmental Health Manager
- 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: -

- (a) Town Police Clauses Act 1847
- (b) Local Government (Miscellaneous Provisions) Act 1976
- (c) Greater Manchester Act 1981
- (d) Local Government (Miscellaneous Provisions) Act 1982
- (e) Transport Act 1985
- (f) Police, Factories, etc. (Miscellaneous Provisions) Act 1916
- (g) House to House Collections Act 1939
- (h) Betting, Gaming and Lotteries Act 1963
- (i) Licensing Act 2003
- (j) Gambling Act 2005
- (k) Police Reform and Social Responsibility Act 2011
- (l) Equality Act 2010
- (m) Scrap Metal Dealers Act 2013

13.14 Authority to the Director of Place and to those Officers detailed at the paragraph above, to grant, issue or renew or refuse (where appropriate) the following and collect any licence fees in respect of the same-

- (a) Street Trading Consents and Licences
- (b) Street Collection Permits (subject to relevant Regulations)
- (c) Lottery Registration (subject to relevant Regulations)
- (d) Second Hand Goods Dealer Registrations

- (e) Site Licences and Collector's Licences under the Scrap Metal Dealers Act 2013
- (f) House to House Collection Licences

13.15 In relation to the Licensing Act 2003 (as amended) and in accordance with any relevant Council guidance, authority to the Director of Place and those Officers detailed at paragraph 13 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

13.16 Authority to the postholders of the positions detailed at paragraph 13 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.

13.17 Authority to the postholders of the positions detailed at paragraph 13 above to act as Officers/Inspectors within the Borough for the purposes of carrying out the Acts, Orders and Regulations referred to in paragraphs 14 above (Licensing Matters).

13.18 Authority to the Head of Regulatory Services to implement the Minimum Licensing Standard as currently approved.

**G (14) Powers to the Director of Place, the Assistant Director for Environment and Regulatory Services and other officers where specified, relating to Environmental Health and Trading Standards Matters**

- 14.1 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.
- 14.2 Authority (for the purposes of enforcing Health and Safety legislation) to transfer control of 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.
- 14.3 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 in this Part 5.
- 14.4 Power to give consent in writing to officers of another local authority to make enquiries within the borough under the provisions of the Video Recordings Act 1984.
- 14.5 Appointment of Public Analyst for Bolton under the provisions of section 27 of the Food Safety Act 1990 and of Agricultural Analyst under section 67 of the Agriculture Act 1970.
- 14.6 Authority to the Director of Place and the following officers (acting Individually):
  - Assistant Director for Environment and Regulatory Services
  - Head of Regulatory Services
  - Head of Environmental Delivery
  - Head of Environmental Assets
  - Senior Head of Service Community Safety and Vulnerable People
  - Principal Officers
  - Environmental Health Officers
  - Trading Standard Officers
  - Licensing Officers
  - Licensing Compliance Officers
  - Licensing Manager
  - Senior Licensing Officer
  - Environmental Health Manager
  - Enforcement Officers
  - Education and Enforcement Manager
  - Trade waste officers

- Team Leaders
- Inspectors
- Dog Wardens
- Technical Officers
  - (a) Issue and serve notices;
  - (b) Commence legal proceedings;
  - (c) Exercise registration and licensing functions;
  - (d) Grant, refuse, renew, vary or revoke approvals permits or consents;
  - (e) Issue and serve certificates; and
- Accommodation Agencies Act 1953
- Administration of Justices Act 1970 and 1985
- Agriculture al (Health, Safety and Welfare Provisions) Act 1956
- 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 (Licensing of Activities involving Animals) (England) Regulations 2018
- Animal Welfare Act 2006
- Anti-Social Behaviour Act 2003
- Botulinum Toxin and Cosmetic Fillers (Children) Act 2021
- Building Act 1984
- Business Names Act 1985
- Cancer Act 1939
- Caravan Sites and Control of Development Act 1960
- Children and Families Act 2014
- 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
- Consumer Rights Act 2015
- Control of Pollution Act 1974
- Copyright, Design and Patents Act 1988
- Courts and Legal Services Act 1990
- Cosmetic Products Enforcement Regulations 2013 and the EU
- Cosmetics Regulation as defined therein
- Criminal Justice and Police Act 2001
- Criminal Justices Act 1988
- Dangerous Wild Animals Act 1976
- Deregulation Act 2015
- Development of Tourism Act 1969
- Dogs Act 1906
- Education Reform Act 1988
- Energy Act 1976
- Enterprise Act 2002
- Enterprise and Regulatory Reform Act 2013
- Environment Act 1995
- Environmental Protection Act 1990
- Environment Act 2021
- Estate Agents Act 1979
- Explosives (Age of Purchase) Act 1976
- Explosives Acts 1875
- Factories Act 1961
- Fair Trading Act 1973
- Fireworks Act 2003
- Food Act 1984
- Food and Environment Protection Act 1985
- 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
- Knives Act 1997
- 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
- 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
- Offensive Weapons Act 1996
- Offices, Shops and Railway Premises Act 1963
- Olympic Symbol etc. (Protection) Act 1995
- 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
- Psychoactive Substances Act 2016
- Public Health Acts 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
- 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, Holiday Products, Resale and Exchange Contracts Regulations 2010
- Tobacco Advertising and Promotions Act 2002
- Trade Descriptions Act 1968
- Trademarks Act 1994
- Unsolicited Goods and Services Acts 1971
- Video Recordings Act 1984, 1993 and 2010
- Water Act 1989, 1999, 2003 and 2014
- Water Industry Act 1991
- Weights and Measures Act 1976 and 1985
- Welfare of Animals at Slaughter Act 1991
- Wildlife and Countryside Act 1981



- Zoo Licensing Act 1981
- 14.7 Authority to exercise all powers conferred on Inspectors under the Health and Safety at Work Etc. Act 1974.
- 14.8 Authority to Council Officers appointed 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.
- 14.9 Authority to the officer appointed to the post of Principal Officer (Trading Standards) and Assistant Director of Environment and Regulatory Services 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.
- 14.10 Authority to the Director of Place in consultation with the Executive Cabinet Member to grant charity permits.
- 14.11 Authority to the Director of Place and to the following Officers (acting individually):-
- Assistant Director (Highways and Planning)
  - Assistant Director (Environment and Regulatory Services)
  - Design and Construction Manager (Highways)
  - Asset Management and Development Manager (Highways)
  - Network Manager (Highways)
  - Drainage and Resilience Manager (Highways)
  - Enforcement Manager
  - Environmental Enforcement Manager
  - Trade Waste Officers
  - Enforcement Officer
  - Team Leader
  - Inspector
  - Dog Warden

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 2004

14.12 To the following Officers of the Council: -

- Assistant Director (Highways and Planning)
- Design and Construction Manager (Highways)
- Asset Management and Development Manager (Highways)
- Network Manager (Highways)
- Drainage and Resilience Manager (Highways)
- Principal Engineer
- Senior Technical Supervisor
- Technical Supervisor
- Engineer (Career Grade)
- Technician (Career Grade)

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.

- 14.13 To the Assistant Director (Highways and Planning) and the Assistant Director Transformation and Corporate Property, authority to act as officers responsible within the Borough as client under the Construction (Design and Management) Regulations 2015.
- 14.14 To the Assistant Director (Highways and Planning) and the Assistant Director Transformation and Corporate Property, authority to act as officers responsible within the Borough as Client's Agent, Principal Designer, Designer and Principal Contractor under the Construction (Design and Management Regulations) 2015.

**G (15) Powers to the Director of Place, Assistant Directors within the Department of Place and other Officers where specified, relating to Commercial Services**

**To the Director of Place and those Officers specified in writing by the said Director**

- 15.1 Authority to deal with routine applications for loan of floral decorations.
- 15.2 Authority to deal with applications from charitable organisations for free floral decorations.
- 15.3 Authority to approve and accept cemetery memorial designs/plans and inscriptions.
- 15.4 Authority to repurchase unused grave spaces.
- 15.5 Authority to provide free school meals.
- 15.6 Authority to approve the procurement of food and other supplier services for school meals providing there is an appropriate and identified budget.
- 15.7 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 Directorate of Place.

**G (16) To the Director of Place and the following officers (acting individually):**

- Assistant Directors within the Directorate of Place
- Heads of Service within the Directorate of Place
- Interim Waste Manager

- 16.1 Authority to negotiate the terms of and enter into Trade Waste Collection Contracts.
- 16.2 Authority to negotiate and approve a discount to the Council's pricing structure on Trade Waste Collection Contracts in order to remain competitive in the marketplace.

**G (17) Powers to the Director of Place, the Assistant Director for Highways and Planning and other Officers where specified, relating to Highways and Engineering Matters**

- 17.1 Authority to issue instructions in pursuance of the provisions of the Highways Act 1980.

- 17.2 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.
- 17.3 Authority to authorise in writing persons to enter onto land for purposes permitted by the Highways Act 1980, Public Health Act 1936, Water Industry Act 1991, Land Drainage Act 1991 and Flood and Water Management Act 2010.
- 17.4 Authority to erect flagpoles for the display of decorations in pursuance of Section 144 of the Highways Act 1980.
- 17.5 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.
- 17.6 Authority to erect street furniture and install refuse or storage bins.
- 17.7 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.
- 17.8 Authority to remove unauthorised signs from the highway in pursuance of Section 132 of the Highways Act 1980.
- 17.9 Authority to remove or reposition skips in accordance with Section 140 of the Highways Act 1980.
- 17.10 Authority to enter into 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 Section 228 and Section 278 of the Highways Act 1980 and to enter into agreements under Section 25 of the Highways Act 1980 for the creation of public footpaths, bridleways and restricted byways.
- 17.11 Authority to adopt streets.
- 17.12 Authority to Adopt culvert and surface water drains under the adopted highway not part of the highway drainage. Where advantageous to the Highway Authority to protect the asset, with due commuted sums in place.
- 17.13 Authority to Adopt highway structures from third party owners where it is advantageous for the Highway Authority to do so, with due commuted sums in place.
- 17.14 Authority, in conjunction with the Borough Solicitor, to institute legal proceedings in pursuance of Section 28 of the Town Police Clauses Act 1847.
- 17.15 Authority to deal with trade effluent agreements.
- 17.16 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.

- 17.17 Authority to make arrangements for Temporary Traffic Regulation Orders, Emergency Notices and Special Events Orders under the Road Traffic Regulations Act 1984.
- 17.18 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.
- 17.19 Authority to deal with matters concerning the width of pedestrian crossings.
- 17.20 Authority to institute legal proceedings under the Road Traffic Regulation Act 1984 or Transport Act 1992.
- 17.21 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.
- 17.22 Authority to enter into temporary agreements for the use of land for Christmas car parking.
- 17.23 Arrangements in respect of the provision or amendment of taxi stands.
- 17.24 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 into agreements including Penalty Tribunal Schemes 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.
- 17.25 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 for consideration.

- 17.26 Subject to 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.
- 17.27 Authority to approve applications for the free use of car parking areas for charity events.
- 17.28 Authority to take urgent action to waive/suspend parking regulations necessary in his/her opinion to support the delivery of the Emergency Plan.
- 17.29 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.
- 17.30 Authority to deal with applications for the placement of bus shelters on the highway and adjoining land.
- 17.31 Authority to deal with matters relating to new 'bus routes on highways'.
- 17.32 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 Transport for Greater Manchester, 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.
- 17.33 Authority to negotiate and enter into agreements to enable the delivery, installation, commissioning, operation, maintenance and removal of electric vehicle charging points on the highway.
- 17.34 Authority to enter into a water adoption agreement under the Water Industry Act 1991 for the connection of water main and associated infrastructure (other than an agreement under Section 104 of the Water Industry Act 1991).
- 17.35 Authority to enter into section 228 agreements under section 228 of the Highways Act 1980.
- 17.36 Authority to enter into Delivery Agreements with Transport for Greater Manchester and Greater Manchester Combined Authority (GMCA) for the delivery of highways

capital projects funded by the GMCA.

- 17.37 Authority to approve applications of landowner deposits under s31(6) of the Highways Act 1980 and S15 15A(1) of the Commons Act 2006.

**G (18) Powers to the Director of Place relating to General Matters To the Director of Place**

- 18.1 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.
- 18.2 Authority to waive or vary any fees and charges levied by their Directorate.
- 18.3 Authority to certify the results of local land charge searches.
- 18.4 Authority to approve the procurement of food and other supplier services for school meals providing there is an appropriate and identified budget.