

## 2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

### A. Terms of Reference and Delegated Functions of Council Committees

| <b>Committee</b>                              | <b>Membership</b>   | <b>Committee Functions</b>   |
|---|---|--|
| <p>Planning</p>                               | <p>Composition:<br/>Elected Members 15</p> <p>Chairman: Cllr Hodkinson</p> <p>Membership:</p> <p><u>Elected Members</u><br/>Councillor: Lab - 9 D Banks, J Banks, Bowden, Gomez-Aspron MBE, Hodkinson, Laird, Maloney MBE, McCauley and McCormack</p> <p>Councillor: Grn - 2 Hooton and Makin<br/>Councillor: LD - 1 Pearl<br/>Councillor: Inds - 1 Tasker<br/>Councillor: NIW - 1 Collier<br/>Councillor: Con - 1 Case</p> | <p>A. <u>Functions Delegated to Committee</u></p> <p>Functions relating to town and country planning and development control as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended (The Functions Regulations), and such functions as set out in Schedule 2 of the Functions Regulations insofar as the Council has determined by the exercise of local choice that they ought to be Council functions.</p> <p>Functions relating to complaints under Part 8 of the Anti-Social Behaviour Act 2003, insofar as they are not delegated to officers.</p> <p>B. <u>Advisory Functions</u></p> <p>To advise the Cabinet on the formulation of the Council's Development Plan.</p> |
| <p>Licensing and Environmental Protection</p> | <p>Composition:<br/>Elected Members 15</p> <p>Chairman: Cllr D Banks</p> <p>Membership:</p> <p><u>Elected Members</u><br/>Councillor: Lab - 9 D Banks, J Banks, Bell, Campbell, Hattersley, Laird, T Long, Maloney MBE and Uddin<br/>Councillor: Grn - 2 Hawley and Sheldon<br/>Councillor: LD - 1 Haw<br/>Councillor: Inds - 1 Tasker<br/>Councillor: NIW - 1 Maguire<br/>Councillor: Con - 1 Mussell</p>                  | <p><u>Functions Delegated to Committee</u></p> <p><u>Taxi, Entertainment, Gaming, Food and Miscellaneous Licensing</u></p> <p>Functions relating to licensing and registration as set out in Regulation 2 and Schedule 1 to the Functions Regulations, as amended (excluding the Highways Act functions in Part B numbered 47 to 55 inclusive) and such functions as set out in Schedule 2 of the Functions Regulations, insofar as the Council has determined by the exercise of local choice that they ought to be Council functions.</p>  |

| Committee               | Membership   | Committee Functions   |
|-------------------------|--|---|
|                         |  | <p><u>Environmental Protection</u></p> <p>Functions relating to environmental protection as set out in Regulation 2 and Schedule 1 to the Functions Regulations, as amended, and such functions as set out in Schedule 2 of the Functions Regulations, insofar as the Council has determined by the exercise of local choice that they ought to be Council functions.</p> <p><u>Health and Safety</u></p> <p>Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.</p>   |
| Licensing Sub-Committee | <p>Composition:<br/>Elected Members 3</p> <p>The Sub-Committee to be reconstituted each time it meets, with the Membership being drawn from the Licensing and Environmental Protection Committee</p> <p>Chairman: To be appointed by the Sub-Committee</p> | <p><u>Functions Delegated to Sub-Committee</u></p> <p>Matters under the Licensing Act 2003 as set out below:</p> <p>Application for personal licence if a police objection</p> <p>Application for personal licence with unspent convictions</p> <p>Application for premises licence/ club premises certificate if a relevant representation made</p> <p>Application for provisional statement if a relevant representation made</p> <p>Application to vary premises licence/club premises certificate if a relevant representation made</p> <p>Application to vary designated premises supervisor if a police objection</p> <p>Application for transfer of premises licence if a police objection</p> <p>Applications for interim authorities if a police objection</p> <p>Application to review premises licence/club premises certificate</p> |

| Committee    | Membership  | Committee Functions  |
|--------------|---|--|
|              |   | <p>Decision to object when local authority is a consultee and not the relevant authority considering the application</p> <p>Determination of an objection to a temporary event notice by a relevant person</p> <p>Application to determine classification of films</p> <p>Review of a personal licence where the licence holder has been convicted of a relevant offence or required to pay an immigration penalty.</p>  |
| Appointments | <p>Composition: Elected Members 10</p> <p>Chairman: To be appointed by the Committee</p> <p>Membership:</p> <p><u>Elected Members</u></p> <p>Councillor: Lab - 7 Baines, Bond, Charlton, Gomez-Aspron MBE, McCauley, Maloney MBE and Quinn</p> <p>Councillor: Grn - 2 Makin and van der Burg</p> <p>Councillor: LD - 1 Sims</p> | <p><u>Functions Delegated to Committee</u></p> <ol style="list-style-type: none"> <li>1. To authorise the filling of the posts of Head of the Paid Service and Chief Officers, as defined in Paragraph 4.2 of the Officer Employment Procedure Rules.</li> <li>2. To shortlist candidates for the posts of Chief Executive and Chief Officers, as defined in Paragraph 4.2 of the Officer Employment Procedure Rules.</li> <li>3. To recommend to full Council the appointment of the Head of the Paid Service.</li> <li>4. To make appointments to all Chief Officer posts, as defined in Paragraph 4.2 of the Officer Employment Procedure Rules, plus statutory officer Posts.</li> <li>5. To approve the remuneration which is to be offered in respect of new appointments to posts where the salary is £100,000 or above.</li> </ol> |

| Committee                                      | Membership   | Committee Functions  |
|--|--|--|
| Investigation and Disciplinary Committee (IDC) | <p>Composition: Elected Members 5</p> <p>Membership:</p> <p><u>Elected Members</u><br/>Councillor: Lab - 4 Bond, Dickinson, Laird and McCormack</p> <p>Councillor: Grn - 1 van der Burg</p> <p>The Committee must be politically balanced, shall consist of 5 Members of the Council of which and at least 1 member of the Committee must be a member of the Cabinet.</p> <p>Members of the Committee must have completed mandatory training.</p> <p>A quorum for the meeting shall be 3 Members.</p> <p><b>NB</b> If the IDC hears a matter which may result in the dismissal of a Designated Statutory Officer then the Independent Persons Panel must be convened.</p> <p><b>NB</b> There is a right of appeal for action short of dismissal to the Disciplinary Appeals Committee.</p> | <p>Investigation and Disciplinary Committee (“IDC”) terms of reference.</p> <ol style="list-style-type: none"> <li>1. To consider &amp; determine whether the Designated Statutory Officer (defined as the Head of Paid Service, Monitoring Officer &amp; Chief Finance Officer (Section 151) should be suspended either immediately, or following a preliminary investigation into their conduct, and to formally review any suspension after it has been in place for two months in consultation with the Independent Investigator and after taking into account any representations of the Officer.</li> <li>2. To review as soon as practicable any decision to temporarily suspend the Designated Statutory Officer where a decision has been made to suspend them at very short notice &amp; before the IDC could meet.</li> <li>3. To consider and determine any disciplinary action in relation to a Designated Statutory Officer in accordance with the Local Authorities (Standing Orders) Regulations 2001 (as amended) and the JNC Model Disciplinary Procedure, including the appointment of an Independent Investigator and consideration of their report and recommendations.</li> <li>4. To make recommendations to Council regarding the dismissal of the Designated Statutory Officer for capability, conduct or some other substantial reason.</li> <li>5. To consider whether any objection by a member of Cabinet to the dismissal of the Designated Statutory Officer is material or well founded and to take action accordingly.</li> </ol> |
| Disciplinary Appeals Committee                 | <p>Composition: Elected Members 5</p> <p>Membership:</p> <p><u>Elected Members</u><br/>Councillor: Lab - 3 Maloney MBE,</p>  | <ol style="list-style-type: none"> <li>1. To act as the final internal appeal body to hear and determine appeals from any decision of the Investigation &amp; Disciplinary Committee in respect of action</li> </ol>   |

| Committee                       | Membership  | Committee Functions  |
|---------------------------------|---|--|
|                                 | <p>Murphy MBE and Sweeney<br/>Councillor: Grn - 1 Hooton</p> <p>Councillor: LD - 1 Sims</p> <p>The Committee must be politically balanced and at least 1 member of the Committee must be a member of the Cabinet.<br/>Members of the Committee must have completed mandatory training.</p> <p>A quorum for the meeting shall be 3 Members.</p> <p><b>NB</b> In the interests of natural justice members who sat on the relevant IDC must not sit on the Disciplinary Appeals Committee.</p> | <p>short of dismissal in relation to the Head of Paid Service, Monitoring Officer or Chief Finance Officer (Section 151).</p>  |
| Independent Persons Panel (IPP) | <p>Minimum of 2 To be appointed as and when required and to comprise the Council's current Independent Person/s (appointed to the Standards Committee under the Localism Act 2011) or if necessary, such Independent Persons appointed by another authority and nominated by the Council for this purpose.</p>  | <p>Functions Delegated to Committee</p> <p>1 To provide independent advice, views and recommendations to full Council in relation to any proposal to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer (Section 151) on the grounds of conduct, capability or some other substantial reason.</p> |
| Personnel Appeals               | <p>Composition: Elected Members 3</p> <p>The Committee to be reconstituted each time it meets, with the Membership being drawn from the following pool of Members:</p> <p>Membership:<br/><u>Elected Members</u><br/>Councillor: Lab - 2 From a pool of Labour Group Members</p> <p>Councillor: Grn - 1 van der Burg</p> <p>Chairman: To be appointed by the Committee</p>  | <p>Functions Delegated to Committee</p> <p>1. To hear and adjudicate on appeals arising from the operation of the Council's employment procedures.</p> <p>2. To determine non-collective grievance cases.</p>  |
| Sarah Cowley                    | <p>Composition: Elected Members 10</p> <p>Chairman: to be appointed by the Committee</p> <p>Membership:<br/><u>Elected Members</u><br/>Councillors: Lab - 6 J Banks, Clarke, Dickinson, Hodkinson,</p>  | <p>Functions Delegated to Committee</p> <p>To determine applications for payments from the Sarah Cowley Trust Fund, in accordance with the terms of the Sarah Cowley Trust Deed.</p>   |

| Committee | Membership   | Committee Functions   |
|-----------|--|---|
|           | <p>McQuade and O'Connor</p> <p>Councillor: Grn - 1 Hawley<br/>Councillor: LD - 1 Haw</p> <p>Councillor: Inds - 1 Greaves</p> <p>Councillor: NIW - 1 Collier</p>  |   |
| Standards | <p>Composition:<br/>Elected Members 10</p> <p>Chairman:</p> <p>Membership:</p> <p><u>Elected Members</u><br/>Councillor: Lab - 6 Bond, Bowden, Johnson, Maloney MBE, Murphy MBE and McCormack</p> <p>Councillor: Grn - 1 Hawley</p> <p>Councillor: LD - 1 Pearl</p> <p>Councillor: Inds - 1 Stevenson</p> <p>Councillor: NIW - 1 Collier</p> | <ol style="list-style-type: none"> <li>1. Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;</li> <li>2. Assisting the Councillors and co-opted members, and church and parent governor representatives to observe the Members' Code of Conduct.</li> <li>3. Advising the Council on the adoption or revision of the Members' Code of Conduct.</li> <li>4. Monitoring the operation of the Members' Code of Conduct.</li> <li>5. Advising, training or arranging to train Councillors and co-opted members, and church and parent governor representatives on matters relating to the Members' Code of Conduct.</li> <li>6. Determining appeals from decisions of the Monitoring Officer for dispensations by Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.</li> <li>7. Dealing with any reports from the Monitoring Officer on any matter and, in particular, determining whether a breach of the Code by any Member has taken place and determining what action, if any, to take in respect of that breach.</li> <li>8. The exercise of (6) and (7) above in relation to members of the parish councils wholly within the Borough.</li> </ol> |

| Committee                       | Membership   | Committee Functions  |
|---------------------------------|--|--|
|                                 |  | <p>9. To consider and make recommendations on such other matters as the Committee itself thinks appropriate or which are referred to it by Council, which further the aim of promoting and maintaining the highest standards of conduct within the Authority.</p> <p>10. monitoring and reviewing as necessary the operation of whistleblowing procedures.</p> |
| Independent Persons Panel (IPP) | <p>Minimum of 2<br/>To be appointed as and when required and to comprise the Council's current Independent Person/s (appointed to the Standards Committee under the Localism Act 2011) or if necessary, such Independent Persons appointed by another authority and nominated by the Council for this purpose.</p>   | <p>1 To provide independent advice, views and recommendations to full Council in relation to any proposal to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer (Section 151) on the grounds of conduct, capability or some other substantial reason.</p>   |
| Audit and Governance Committee  | <p>Composition: Elected Members 10<br/>Independent Person</p> <p>Chairman: Cllr Clarke</p> <p>Membership:</p> <p>Councillor: Lab - 7 Clarke, D Long, McCormack, McQuade, Murphy MBE, O'Connor and Osundeko</p> <p>Councillor: Grn - 1 van der Burg</p> <p>Councillor: LD - 1 Spencer</p> <p>Councillor: Inds - 1 Stevenson</p>   | <p>Terms of reference in full attached at Appendix 5 at the end of the Constitution.</p>   |
| People's Board                  | <p>Leader of the Council, St Helens Council* - Chair of this Board<br/>Chair of the St Helens Placed Based Partnership – Deputy Chair of this Board<br/>Deputy Chair of St. Helens &amp; Knowsley Hospital Trust*<br/>Portfolio Holder for Integrated Health &amp; Care, St Helens Council*<br/>Portfolio Holder for Children and Young People, St Helens Council*<br/>Portfolio Holder Wellbeing, Culture</p> | <p>1. To assess the needs of the St Helens population and lead development of the Joint Strategic Needs Assessment and Community Safety Needs Assessment.</p> <p>2. To work together with the Cheshire and Merseyside Integrated Care Partnership, the Provider Collaborative and the St Helens St Helens place-</p>   |

| Committee | Membership  | Committee Functions   |
|-----------|---|---|
|           | <p>and Heritage, St Helens Council*</p> <p>Portfolio Holder Safer Communities, St Helens Council*</p> <p>Portfolio Holder Inclusive Economy, Business and Skills, St Helens Council*</p> <p>Opposition Member, St Helens Council*</p> <p>Chief Executive, St Helens Council*</p> <p>NHS Place Director &amp; Executive Director People* (Adult Social Care, Children &amp; Young People and Public Health) Executive Director of Place Services, St Helens Council*</p> <p>Director of Public Health, St Helens Council*</p> <p>Director of Children and Young People Services, St Helens Council*</p> <p>Director of Adult Social Services, St Helens Council*</p> <p>Director of Communities, St Helens Council*</p> <p>Clinical Deputy Chair NHS St Helens CCG *</p> <p>Chief Executive Halton and St Helens Voluntary and Community Action</p> <p>Chair – Healthwatch*</p> <p>NHS England Local Area Team representative NHS England</p> <p>Chief Superintendent Merseyside Police*</p> <p>Deputy Chief Fire Officer Merseyside Fire and Rescue Service*</p> <p>Managing Director Torus</p> <p>Chief Executive St Helens and Knowsley Hospitals NHS</p> <p>Chief Operating Officer, Merseycare</p> <p>Chair of the St Helens Integrated Care Partnership Board</p> <p>Chief Executive Officer of the Wirral Community NHS Foundation Trust</p> <p>Clinical Lead Primary Care Representative Voluntary Sector Provider</p> <p>Chair of the Inequalities Commission</p> <p>Partnership Manager, St Helens Job Centre (DWP)</p> <p>Chief Executive St Helens Chamber</p> <p>* = Organisations that are statutory duties of Community</p> | <p>based partnership to promote collaboration integration and partnership across the local public sector, including the production of a St Helens People’s Plan and Community Safety Strategy.</p> <p>3. To hold partners to account on tackling inequalities through the Inequalities Commission</p> <p>4. To support strategic planning and joint commissioning and provision of services across health, wellbeing, social care and community safety (including Prevent and Channel which are part of the Government’s CONTEST counter-terrorism strategy).</p> <p>5. To contribute to developments in wider partnership arrangements in St Helens with a focus on the Borough’s strategic priorities.</p> <p>6. To assess and manage threats to health, with the Health Protection Board.</p> <p>7. To receive reports and monitor performance with regard to the St Helens Borough Active Lives Strategy.</p> |



| <b>Committee</b>                        | <b>Membership</b>   | <b>Committee Functions</b> |
|---|---|----------------------------|
|   | Safety Partnerships or statutory members of the People's Board.                                   |                            |
| STAR Procurement                        | Cabinet Member – Corporate Services<br>Substitute – Cabinet Member - Economy, Business and Skills |                            |
| Yorkshire Purchasing Organisation (YPO) | Cabinet Member – Corporate Services<br>Substitute – Cabinet Member - Economy, Business and Skills |                            |

Link to all Terms of Reference:

<https://sthelensintranet.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13210&path=0>

## B. Council Functions Delegated to Officers

### **Introduction**

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

### **A. Chief Executive**

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

5. To shortlist candidates for the posts of all Executive Director as defined in the Officer Employment Procedure Rules.
6. To make agreements with other local authorities for the placing of staff at the disposal of those other authorities.
7. To make payments or provide other benefits in cases of maladministration.
8. To authorise the use of the Council's crest in appropriate circumstances.
9. To hold the responsibilities of the Council's Returning Officer for the election of Councillors and Parish Councillors within the Borough, and the conduct of other elections and referenda under relevant legislation.
10. To hold the responsibilities of the Electoral Registration Officer for any constituency or part of a constituency in the Borough of St Helens.
11. To appoint Deputy Electoral Registration Officers.

**B. Executive Director of Corporate Services**

General

1. To appoint, discipline and dismiss staff and to determine the terms and conditions on which they hold office.
2. To appoint 10 members to constitute an Appointments Committee in accordance with the wishes of the political groups. The 10 members to be drawn as far as is possible from the Panel of members appointed by the Council.
3. To appoint 3 members to constitute a Personnel Appeals Committee in accordance with the wishes of the political groups. The 3 members to be drawn as far as is possible from the Panel of members appointed by the Council.
4. To make arrangements for Admissions Appeals and Appeals by Governing Bodies pursuant to Sections 94(1) and (4) and 95(2) respectively of the School Standards and Framework Act 1998.
5. To make arrangements for Reviews of Permanent Exclusion of Pupils pursuant to Regulation 7 of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.
6. To approve and include, for the purposes of 4 and 5 above, suitable applicants on the Council's List of Education Appeal Panel Members and the List of Review Panel Members.
7. To appoint Education Appeal Panels, for the purposes of 4 above, from the Council's List of Education Appeal Panel Members.
8. To appoint Review Panels, for the purposes of 5 above, from the Council's List of Review Panel Members

9. To deal with any request for permanent changes to the membership of Council Committees by Political Groups in accordance with their allocation of Committee places.
10. To make arrangements under Section 20 of the Police Act 1996 to enable questions to be put at Council meetings on the discharge of the functions of a Police Authority.
11. To serve the following notices:
  - (a) Planning Contravention Notice S.171 C & D Town and Country Planning Act 1990
  - (b) Requisition for Information S.330 Town and Country Planning Act 1990
  - (c) Requisition for Information S.16 Local Government (Miscellaneous Provisions) Act 1976
12. To authorise members of staff to represent the Council in Magistrates' Court, County Court and Tribunal proceedings in cases where it is appropriate to do so.
13. To award contracts with an aggregate value up to £50,000

#### Elections

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

### **C. Director of Finance/Section 151 Officer**

#### Finance

1. To authorise, on behalf of the Council, the entry into binding financial agreements which will commit the Council to meet the terms and conditions of grants to local authorities, under Section 31 of the Local Government Act 2003, and also to repay the grants if they are not met;
2. In consultation with the Cabinet Member, Corporate Services:
  - i. To approve the Council Tax Bases for the Council and its parishes;
  - ii. To make detailed calculations and agree the submission of the NNDR1 form in accordance with government deadlines.

### **D. NHS Place Director & Executive Director People (Adult Social Care, Children & Young People and Public Health)**

1. To appoint, discipline and dismiss staff and to determine the terms and conditions on which they hold office.

2. To ensure that the functions of the Director of Adult Social Services are carried out in accordance with relevant statutory guidance.
3. To ensure that functions of the Director of Public Health are carried out in accordance with relevant statutory guidance.
4. To ensure that the functions of the Director of Children's Services are carried out in accordance with relevant statutory guidance.
5. To award contracts with an aggregate value up to £50,000
6. To award a contract without competition where:
  - i) A placement is sought for an individual with a registered care provider of their choice;
  - ii) The particular needs of an individual require a particular social care package.

**E. Director of Children & Young People Services**

1. To appoint, discipline and dismiss staff and to determine the terms and conditions on which they hold office.
2. To license the employment of children.
3. To have responsibility for the Council's Children's Services function, including education, in accordance with relevant statutory guidance.
4. To award contracts with an aggregate value up to £50,000
5. To award a contract without competition where: A placement is sought for an individual with a registered care provider of their choice; The particular needs of an individual (either adult or child) require a particular social care package or SEN.

**F. Executive Director of Place Services**

General

1. To appoint, discipline and dismiss staff and to determine the terms and conditions on which they hold office.
2. To authorise officers to enforce the provisions of the relevant statutory enactments in relation to the functions of the Place Services Department.
3. To award contracts with an aggregate value up to £50,000

Housing & Community Safety

To have responsibility for the delivery of relevant Council housing, community safety services and associated services in accordance with relevant legislation and statutory guidance including the statutory responsibility for CONTEST Prevent and Channel under the Counter Terrorism and Security Act 2015.

Licensing – Environmental Health

To make determinations (including grant, grant with conditions, refuse, revoke or suspend) in respect of licences, permits, registrations, authorisations and approvals

dealt with under the provisions of the relevant statutory enactments in relation to the following matters:-

1. The licensing of the use of land as a caravan site.
2. The licensing of the use of moveable dwellings and camping sites.
3. The maintenance of a list of persons entitled to sell non-medicinal poisons.
4. The registration and licensing of premises for the preparation of food.
5. The authorisation of the operation of a loudspeaker.
6. The licensing of agencies for the supply of nurses.
7. The licensing of the movement of pigs.
8. The licensing of the sale of pigs.
9. The licensing of collecting centres for the movement of pigs.
10. The licensing of the movement of cattle from a market.
11. The authorisation of use of parts of buildings for storage of celluloid.
12. Meat product premises.
13. Premises for the production of minced meat or meat preparations.
14. Dairy establishments.
15. Egg product establishments.
16. The licensing of retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.
17. Fish products premises.
18. Dispatch or purification centres.
19. The registration of auction and wholesale markets.
20. Maintaining a register of food business premises.
21. The registration of food business premises.
22. The appointment of inspectors under Part 1 of the Health and Safety at Work Act 1974.
23. Licensing of premises for acupuncture, tattooing, ear-piercing and electrolysis.
24. Licensing of premises for the breeding of dogs.

25. Licensing of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
26. Registration of animal trainers and exhibitors.
27. Licensing of zoos.
28. Licensing of dangerous wild animals.
29. Licensing of knackers yards.
30. To determine applications for licences for temporary markets.
31. To issue, cancel, amend or replace safety certificates for sports grounds and/or regulated stands at sports grounds.

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

##### Licensing

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

1. Licensing of hackney carriages and private hire vehicles.
2. Licensing of drivers of hackney carriages and private hire vehicles.
3. Licensing of operators of hackney carriages and private hire vehicles.
4. Registration of pool promoters.
5. Licensing for track betting.
6. Licensing for inter-track betting schemes.
7. Permits in respect of premises with amusement machines.
8. Registration of societies wishing to promote lotteries.
9. Permits in respect of premises where amusements with prizes are provided.
10. Cinema and cinema club licences.
11. Theatre licences.
12. Entertainments licences.
13. Licensing of sex shops and sex cinemas.
14. Licensing of performances of hypnotism.

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

### Highways

1. To create footpath or bridleway by agreement.
2. To create footpaths and bridleways.

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



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

#### Environmental Protection

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

6. To deal with any functions relating to contaminated land under Part IIA of the Environmental Protection Act 1990.
7. To discharge any function relating to the control of pollution or the management of air quality.

#### Planning

1. To determine all applications for planning permission, listed building consent, conservation area consent, tree works consent, advertisement consent, prior notifications, lawful development certificates, variation/discharge of Section 106 agreements and all other matters submitted for the determination, formal approval or comment of the Council as Local Planning Authority under the relevant Town and Country Planning Act and associated legislation.
2. To decline to accept applications for development for which there has been an appeal dismissed within the preceding two years.
3. To decline to accept applications for development for which there has been a refusal where, in the view of the Council's Head of Planning, there has been no material change in circumstances.
4. To decline to determine retrospective applications where an existing enforcement notice exists.
5. To instruct the Council's Chief Legal Officer to issue, and where necessary withdraw, Planning Contravention Notices, Enforcement Notices, Temporary Stop Notices, Discontinuation Notices, Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act and, where appropriate, take direct action in the event of non-compliance with any notice.
6. To grant planning permission in those cases where a matter is referred to the Secretary of State for him to decide whether or not he wants to call it in, and he decides not to do so, and the Planning Committee have been minded to grant planning permission.
7. To exercise the powers of Council relating to the protection of important hedgerows under the Hedgerows Regulations 1997.
8. To exercise the powers of Council relating to the preservation of trees.
9. To determine all complaints made under Part 8 of the Anti-Social Behaviour Act 2003, for "high hedges".
10. To make the formal determination of received complaints under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges other than where such a complaint relates to a hedge on Council-owned land or where there are considered to be wider neighbourhood issues and the matter is locally sensitive, in which case the matter be referred to the Planning Committee.
11. To issue, and where necessary withdraw, Planning Contravention Notices, Enforcement Notices, Temporary Stop Notices and Discontinuance Notices, and Breach of Condition Notices under Section 187a of the Town and Country Planning Act (as amended).

### Exceptions

- (a) Applications which are contrary to the provisions of the Council's Unitary Development Plan/Local Development Framework and which are recommended for approval.
- (b) Applications which are contrary to the Council's policies, standards and guidance and which are recommended for approval.
- (c) Applications which raise issues which are not covered by specific Council policies, standards or guidelines.
- (d) Applications which are potentially controversial or likely to be of significant public interest in the opinion of the Council's Executive Director of Place Services or Director of Strategic Growth or Assistant Director of Regeneration & Planning or Head of Planning.
- (e) Applications which would have a significant impact on the environment, in the opinion of the Chief Planning Officer.
- (f) Applications (except for Prior Notifications for Telecommunications Development and Lawful Development Certificates) on which six or more independent material planning objections have been received which cannot be resolved by negotiation or through this imposition of conditions.
- (g) Applications which have been submitted by or on behalf of an Elected Member of the Authority (or their spouse/partner), by or on behalf of a Chief Officer of St Helens Council (or their spouse/partner), or by or on behalf of an employee within Development Services Section of St Helens Council (or their spouse/partner).
- (h) Applications submitted by, or on behalf of, the Council, irrespective of the number of objections.
- (i) Applications which the Council's Executive Director of Place Services or Director of Strategic Growth or Assistant Director of Regeneration & Planning or Head of Planning considers should be presented to Committee for decision.
- (j) Variation of Section 106 agreements and planning conditions relating to applications that were originally granted by the Planning Committee

### Provisos

- (a) In the case of formal applications, they are not determined until at least 12 days have elapsed since they appeared on the weekly list.
- (b) All representations are to be carefully considered and all proposals are to be dealt with in accordance with statutory requirements and having regard to the Council's relevant policies and guidelines.
- (c) All matters dealt with by the exercise of delegated powers are supported by file notes referring to all material considerations, comments and objections received and clearly stating the reason for the decision.

- (d) All applications determined under delegated powers are reported for the information of Members by way of regular reports on the Planning Committee agenda.
- (e) In some circumstances less than six objections may be significant. In such cases the application will be referred to the Planning Committee.

### URGENT MATTERS

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

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