

Appendix 2 Responsibility for Functions

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Responsibility for Functions

Part A - Division of Functions between the Council and the Executive

Functions which are the responsibility of the Council:

1. **All of the functions** specified in Article 4.02 of this Constitution.
2. **The specific functions listed below.**

The legislation referred to in this section includes any modification, extension or re-enactment of it

Note:

These are Council functions by law (see Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations)). The functions listed are not all district council functions. However, if Chorley Council acts as agent for the County Council in respect of a County function the Regulations apply in the same way as for other functions. Many of these Council functions will have been delegated to a Committee or an Officer and those delegations are specified in part B of this Appendix.

The powers referred to in this Part should be interpreted widely and will always include, but not be limited to, the powers contained in the legislation referred to.

"the 1972 Act" means the [Local Government Act 1972](#);

"the 1998 Act" means the [School Standards and Framework Act 1998](#) [; [...] ²] ¹

["the 2000 Act" means the [Local Government Act 2000](#)]; ³

["the 2004 Act" means the [Planning and Compulsory Purchase Act 2004](#) [;] ⁴] ¹

["the 2005 Act" means the [Gambling Act 2005 \(c.19\)](#) [; [...] ⁶] ⁵] ⁴

["the Gambling Act Order" means the [Gambling Act 2005 \(Commencement No 6 and Transitional Provisions\) Order 2006](#) (S.I. 2006/3272) ⁷ ; [...] ⁸] ⁶

["the 2006 Act" means the [Health Act 2006](#) [; and] ⁹] ⁵

["the 2007 Act" means the [Local Government and Public Involvement in Health Act 2007](#).] ⁹

(1)	(2)
Function	Provision of Act or Statutory Instrument

A. Functions relating to town and country planning and development control

5. Power to determine application for planning permission.

[Sections 70\(1\)\(a\) and \(b\) and 72 of the Town and Country Planning Act 1990 \(c. 8\).](#)] ¹

6. Power to determine applications to develop land without compliance with conditions previously attached.

[Section 73 of the Town and Country Planning Act 1990.](#)] ¹

7. Power to grant planning permission for development already carried out.

[Section 73A of the Town and Country Planning Act 1990.](#)] ¹

8. Power to decline to determine application for planning permission.

[Section 70A of the Town and Country Planning Act 1990.](#)] ¹

- 9.** Duties relating to the making of determinations of planning applications.
- 10.** Power to determine application for planning permission made by a local authority, alone or jointly with another person.
- 11.** Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- 12.** Power to enter into agreement regulating development or use of land.
- 13.** Power to issue a certificate of existing or proposed lawful use or development.
- 14.** Power to serve a completion notice.
- 15.** Power to grant consent for the display of advertisements.
- 16.** Power to authorise entry onto land.
- 17.** Power to require the discontinuance of a use of land.
- 18.** Power to serve a planning contravention notice, breach of condition notice or stop notice.
- 18A.** Power to issue a temporary stop notice.
- 19.** Power to issue an enforcement notice.
- 20.** Power to apply for an injunction restraining a breach of planning control.
- 21.** Power to determine applications for hazardous substances consent, and related powers.
- [Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning \(General Development Procedure\) Order 1995 \(S.I. 1995/419????\) and directions made thereunder.](#)] ¹
- [Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 \(S.I. 1992/1492\).](#)] ¹
- [Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning \(General Permitted Development\) Order 1995 \(S.I. 1995/418\).](#)] ¹
- [Section 106 of the Town and Country Planning Act 1990.](#)] ¹
- [Sections 191\(4\) and 192\(2\) of the Town and Country Planning Act 1990.](#)] ¹
- [Section 94\(2\) of the Town and Country Planning Act 1990.](#)] ¹
- [Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning \(Control of Advertisements\) Regulations 1992 \(S.I. 1992/666\).](#)] ¹
- [Section 196A of the Town and Country Planning Act 1990.](#)] ¹
- [Section 102 of the Town and Country Planning Act 1990.](#)] ¹
- [Sections 171C, 187A and 183\(1\) of the Town and Country Planning Act 1990.](#)] ¹
- [\[Section 171E of the Town and Country Planning Act 1990⁵\] ⁴ \] ³](#)
- [Section 172 of the Town and Country Planning Act 1990.](#)] ¹
- [Section 187B of the Town and Country Planning Act 1990.](#)] ¹
- [Sections 9\(1\) and 10 of the Planning \(Hazardous Substances\) Act 1990.](#)] ¹

22. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.

[Paragraph 2\(6\)\(a\) of Schedule 2](#) to the [Planning and Compensation Act 1991 \(c. 34\)](#), [paragraph 9\(6\) of Schedule 13](#) to the [Environment Act 1995 \(c. 25\)](#) and [paragraph 6\(5\) of Schedule 14](#) to that Act.] ¹

23. Power to require proper maintenance of land.

[Section 215\(1\) of the Town and Country Planning Act 1990.](#)] ¹

24. Power to determine application for listed building consent, and related powers.[...] ²

[[Sections 16\(1\) and \(2\), 17 and 33\(1\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶] ¹

26. Duties relating to applications for listed building consent [...] ⁸

[[Sections 13\(1\) and 14\(1\) and \(4\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶and [[regulations 3 to 6 and 13 of the Planning \(Listed Buildings and Conservation Areas\) Regulations 1990 \(S.I. 1990/1519\)](#)] ⁹

and [[paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01](#)] ¹⁰ ¹

27. Power to serve a building preservation notice, and related powers.

[[Sections 3\(1\) and 4\(1\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶ .] ¹

28. Power to issue enforcement notice in relation to demolition of [listed] ¹¹ building in conservation area.

[[Section 38 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶ .] ¹

29. Powers to acquire a listed building in need of repair and to serve a repairs notice.

[[Sections 47 and 48 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶ .] ¹

30. Power to apply for an injunction in relation to a listed building.

[[Section 44A of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶ .] ¹

30A.Power to authorise stopping up or diversion of highway.

[[Section 247 of the Town and Country Planning Act 1990 \(c.8\).](#)] ¹³] ¹²

31. Power to execute urgent works.

[[Section 54 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#)] ⁶ .] ¹

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)

1. Power to issue licences authorising the use of land as a caravan site ("site licences").

[Section 3\(3\) of the Caravan Sites and Control of Development Act 1960 \(c. 62\).](#)

2. Power to license the use of moveable dwellings and camping sites.

[Section 269\(1\) of the Public Health Act 1936 \(c.49\).](#)

3. Power to license hackney carriages and private hire vehicles.

(a) as to hackney carriages, the [Town Police Clauses Act 1847 \(10 & 11 Vict. c. 89\)](#), as extended by [section 171](#) of the [Public Health Act 1875 \(38 & 39 Vict. c. 55\)](#), and [section 15](#) of the [Transport Act 1985 \(c. 67\)](#); and [sections 47, 57, 58, 60 and 79](#) of the [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#);

(b) as to private hire vehicles, [sections 48, 57, 58, 60 and 79](#) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).

4. Power to license drivers of hackney carriages and private hire vehicles.

[Sections 51, 53, 54, 59, 61 and 79](#) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).

5. Power to license operators of hackney carriages and private hire vehicles.

[Sections 55 to 58, 62 and 79](#) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).

6. Power to register pool promoters.

[Schedule 2](#) to the [Betting, Gaming and Lotteries Act 1963 \(c. 2\)](#)¹⁴[as saved for certain purposes by [article 3\(3\)\(c\)](#) of the Gambling Act Order] ¹⁵

7. Power to grant track betting licences.

[Schedule 3](#) to the [Betting, Gaming and Lotteries Act 1963](#)¹⁴

[as saved for certain purposes by [article 3\(3\)\(d\)](#) and [\(4\)](#) of the Gambling Act Order] ¹⁶

8. Power to license inter-track betting schemes.

[Schedules 5ZA](#) to the [Betting, Gaming and Lotteries Act 1963](#)¹⁷

[as saved for certain purposes by [article 3\(3\)\(e\)](#) of the Gambling Act Order.] ¹⁸

9. Power to grant permits in respect of premises with amusement machines.

[Schedule 9](#) to the [Gaming Act 1968 \(c. 65\)](#)¹⁴

[as saved for certain purposes by [article 4\(2\)\(l\) and \(m\)](#) of the Gambling Act Order] ¹⁹

10. Power to register societies wishing to promote lotteries.

[Schedule 1](#) to the [Lotteries and Amusements Act 1976 \(c. 32\)](#)¹⁴

[as saved for certain purposes by [article 5\(2\)\(a\)](#) and [\(3\)](#) of the Gambling Act Order] ²⁰

11. Power to grant permits in respect of premises where amusements with prizes are provided.

[Schedule 3](#) to the [Lotteries and Amusements Act 1976](#)¹⁴

[as saved for certain purposes by [article 5\(2\)\(d\)](#) and [\(5\)](#) of the Gambling Act Order] ²¹

12. Power to issue cinema and cinema club licences.

[Section 1](#) of the [Cinema Act 1985 \(c. 13\)](#).

13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c. 54) ²²
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12) , section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33) , section 79 of the Licensing Act 1964 (c. 26) , sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) .
14A Any function of a licensing authority] ²⁴	[[Licensing Act 2003 (c. 17) and any regulations or orders made under that Act] ²⁶] ²⁵] ²³
14AZA Powers and functions relating to late night levy requirements.	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c. 13) and any regulations made under that Chapter.] ²⁷
14AA Duty to comply with requirement to provide information to Gambling Commission.	[Section 29 of the [2005 Act] ³⁰] ²⁹] ²⁸
14AB Functions relating to exchange of information.	[Section 30 of the 2005 Act.] ³²] ³¹
14AC Functions relating to occasional use notices.	[Section 39 of the 2005 Act.] ³⁴] ³³
14B Power to resolve not to issue a casino premises licence.	Section 166 of the 2005 Act.] ³⁵
14C Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	[Section 304 of the 2005 Act.] ³⁷] ³⁶
14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	[Section 284 of the 2005 Act.] ³⁹] ³⁸
14D Power to institute criminal proceedings [] ⁴¹	[Section 346 of the 2005 Act.] ⁴²] ⁴⁰
14E Power to exchange information.	[Section 350 of the 2005 Act.] ⁴⁴] ⁴³
14F Functions relating to the determination of fees for premises licences.	[The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479) .] [...] ⁴⁷ ⁴⁶ ⁴⁵
14G Functions relating to the registration and regulation of small society lotteries.	[Part 5 of Schedule 11 to the 2005 Act.] ⁴⁹] ⁴⁸
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982 , section 2 and Schedule 3 .

- | | |
|---|--|
| 16. Power to license performances of hypnotism. | The Hypnotism Act 1952 (c. 46) . |
| 17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis. | Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 . |
| 18. Power to license pleasure boats and pleasure vessels. | Section 94 of the Public Health Acts Amendment Act 1907 (c. 53)⁵⁰ |
| 19. Power to register door staff. | Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995 (c. x) . |
| 20. Power to license market and street trading. | Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii) . |
| 21. Power to license night cafes and take-away food shops. | Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53)⁵¹

Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994. [...] ⁵² |
| 22. Power to license dealers in game and the killing and selling of game. | Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licensing Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), sections 12(3) and 27 of the Local Government Act 1874 (c. 73), and section 213 of the Local Government Act 1972 (c. 70) . |
| 23. Power of register and license premises for the preparation of food. | Section 19 of the Food Safety Act 1990 (c. 16) . |
| 24. Power to license scrap yards. | Section 1 of the Scrap Metal Dealers Act 1964 (c. 69) . |
| 25. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds. | The Safety of Sports Grounds Act 1975 (c. 52)⁵³ |
| 26. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds. | Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27) . |
| 27. Power to issue fire certificates. | Section 5 of the Fire Precautions Act 1971 (c.40) . |
| 28. Power to license premises for the breeding of dogs. | Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11) . |

29. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.

[Section 1](#) of the [Pet Animals Act 1951 \(c. 35\)](#)⁵⁴; [section 1](#) of the [Animal Boarding Establishments Act 1963\(c. 43\)](#)⁵⁵; the Riding Establishments Acts 1964 and 1970 ([1964 c. 70](#) and [1970 c. 70](#))⁵⁶; [section 1](#) of the [Breeding of Dogs Act 1973 \(c. 60\)](#)⁵⁷, and [sections 1](#) and [8](#) of the [Breeding and Sale of Dogs \(Welfare\) Act 1999](#).

30. Power to register animal trainers and exhibitors.

[Section 1](#) of the [Performing Animals \(Regulation\) Act 1925 \(c. 38\)](#)⁵⁸

31. Power to license zoos.

[Section 1](#) of the [Zoo Licensing Act 1981 \(c. 37\)](#)⁵⁹

32. Power to license dangerous wild animals.

[Section 1](#) of the [Dangerous Wild Animals Act 1976 \(c. 38\)](#).

33. Power to license knackers' yards.

[Section 4](#) of the [Slaughterhouses Act 1974](#). See also the [Animal By-Products Order 1999 \(S.I. 1999/646\)](#).

34. Power to license the employment of children.

[Part II](#) of the [Children and Young Persons Act 1933 \(c. 33\)](#), byelaws made under that Part, and [Part II](#) of the [Children and Young Persons Act 1963 \(c. 37\)](#).

35. Power to approve premises for the solemnisation of marriages.

[Section 46A](#) of the [Marriage Act 1949 \(c. 76\)](#) and the [Marriages \(Approved Premises\) Regulations 1995 \(S.I. 1995/510\)](#)⁶⁰

36. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to—

[Regulation 6](#) of the [Commons Registration \(New Land\) Regulations 1969 \(S.I. 1969/1843\)](#).

(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 \(c. 67\)](#) or

(b) an order under [section 147](#) of the [Inclosure Act 1845 \(c. 8 & 9 Vict. c. 118\)](#).

37. Power to register variation of rights of common.

[Regulation 29](#) of the [Commons Registration \(General\) Regulations 1966 \(S.I. 1966/1471\)](#)⁶¹

38. Power to license persons to collect for charitable and other causes.

[Section 5](#) of the [Police, Factories etc. \(Miscellaneous Provisions\) Act 1916 \(c. 31\)](#) and [section 2](#) of the [House to House Collections Act 1939 \(c. 44\)](#)⁶²

39. Power to grant consent for the operation of a loudspeaker.

[Schedule 2](#) to the [Noise and Statutory Nuisance Act 1993 \(c. 40\)](#).

40. Power to grant a street works licence. [Section 50](#) of the [New Roads and Street Works Act 1991 \(c. 22\)](#).
41. Power to license agencies for the supply of nurses. [Section 2](#) of the [Nurses Agencies Act 1957 \(c. 16\)](#).
42. Power to issue licences for the movement of pigs. [Article 12](#) of the [Pigs \(Records, Identification and Movement\) Order 1995 \(S.I. 1995/11\)](#).
43. Power to license the sale of pigs. [Article 13](#) of the [Pigs \(Records, Identification and Movement\) Order 1995](#).
44. Power to license collecting centres for the movement of pigs. [Article 14](#) of the [Pigs \(Records, Identification and Movement\) Order 1995](#).
45. Power to issue a licence to move cattle from a market. [Article 5\(2\)](#) of the [Cattle Identification Regulations 1998 \(S.I. 1998/871\)](#).
- [45A. Power to grant permission for provision, etc., of services, amenities, recreation and refreshment facilities on highway, and related powers. [\[Sections 115E, 115F and 115K of the Highways Act 1980.\]](#) ⁶⁴] ⁶³
46. Power to permit deposit of builder's skips on highway. [Section 139](#) of the [Highways Act 1980 \(c. 66\)](#).
- [46A. Duty to publish notice in respect of proposal to grant permission under [section 115E](#) of the [Highways Act 1980](#). [\[Section 115G of the Highways Act 1980⁶⁶\]](#) ⁶⁵] ⁶³
47. Power to license planting, retention and maintenance of trees etc. in part of highway. [Section 142](#) of the [Highways Act 1980](#).
48. Power to authorise erection of stiles etc. on footpaths or bridleways. [Section 147](#) of the [Highways Act 1980](#).
49. Power to license works in relation to buildings etc. which obstruct the highway. [Section 169](#) of the [Highways Act 1980](#).
50. Power to consent to temporary deposits or excavations in streets. [Section 171](#) of the [Highways Act 1980](#).
51. Power to dispense with obligation to erect hoarding or fence. [Section 172](#) of the [Highways Act 1980](#).
52. Power to restrict the placing of rails, beams etc. over highways. [Section 178](#) of the [Highways Act 1980](#).
53. Power to consent to construction of cellars etc. under street. [Section 179](#) of the [Highways Act 1980⁶⁷](#)
54. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators. [Section 180](#) of the [Highways Act 1980](#).
55. Power to sanction use of parts of buildings for storage of celluloid. [Section 1](#) of the [Celluloid and Cinematograph Film Act 1922 \(c. 35\)](#).

56. Power to approve meat product premises. [Regulations 4 and 5 of the Meat Products \(Hygiene\) Regulations 1994](#) (S.I. 1994/3082) ⁶⁸
57. Power to approve premises for the production of minced meat or meat preparations. [Regulation 4 of the Minced Meat and Meat Preparations \(Hygiene\) Regulations 1995](#) (S.I. 1995/3205).
58. Power to approve dairy establishments. [Regulations 6 and 7 of the Dairy Products \(Hygiene\) Regulations 1995](#) (S.I. 1995/1086) ⁶⁹
59. Power to approve egg product establishments. [Regulation 5 of the Egg Products Regulations 1993](#) (S.I. 1993/1520).
60. Power to issue licences to 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. [Schedule 1A to the Food Safety \(General Food Hygiene\) Regulations 1995](#) (S.I. 1995/1763) ⁷⁰
61. Power to approve fish products premises. [Regulation 24 of the Food Safety \(Fishery Products and Live Shellfish\) \(Hygiene\) Regulations 1998](#) (S.I. 1998/994).
62. Power to approve dispatch or purification centres. [Regulation 11 of the Food Safety \(Fishery Products and Live Shellfish\) \(Hygiene\) Regulations 1998](#).
63. Power to register fishing vessels on board which shrimps or molluses are cooked. [Regulation 21 of the Food Safety \(Fishery Products and Live Shellfish\) \(Hygiene\) Regulations 1998](#).
64. Power to approve factory vessels and fishery product establishments. [Regulation 24 of the Food Safety \(Fishery Products and Live Shellfish\) \(Hygiene\) Regulations 1998](#).
65. Power to register auction and wholesale markets. [Regulation 26 of the Food Safety \(Fishery Products and Live Shellfish\) \(Hygiene\) Regulations 1998](#).
66. Duty to keep register of food business premises. [Regulation 5 of the Food Premises \(Registration\) Regulations 1991](#) (S.I. 1991/2828).
67. Power to register food business premises. [Regulation 9 of the Food Premises \(Registration\) Regulations 1991](#).
68. Power to issue near beer licence. [Sections 16 to 19 and 21 of the London Local Authorities Act 1995 \(c.x.\)](#) and, to the extent that it does not have effect by virtue of [regulation 2\(3\), section 25 of that Act.](#)] ⁷¹
69. Power to register premises or stalls for the sale of goods by way of competitive bidding. [Section 28 of the Greater London Council \(General Powers\) Act 1984 \(c.xxvii\)](#).] ⁷¹

70. Power to register motor salvage operators.

[Part I](#) of the [Vehicles \(Crime\) Act 2001 \(c.3\).](#)] ⁷²

71. Functions relating to the registration of common land and town or village greens.

[Part 1](#) of the [Commons Act 2006 \(c.26\)](#) and the [Commons Registration \(England\) Regulations 2008](#) (S.I. 2008/1961) ⁷⁴ .] ⁷³

C. Functions relating to health and safety at work

1. Functions under any of the “relevant statutory provisions” within the meaning of [Part I](#) (health, safety and welfare in connection with work, and control of dangerous substances) of the [Health and Safety at Work etc. Act 1974](#), to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

[Part I](#) of the [Health and Safety at Work etc. Act 1974 \(c. 37\)](#)⁷⁵

D. Functions relating to elections

1. Duty to appoint an electoral registration officer.

[Section 8\(2\)](#) of the [Representation of the People Act 1983 \(c. 2\)](#)⁷⁶

2. Power to assign officers in relation to requisitions of the registration officer.

[Section 52\(4\)](#) of the [Representation of the People Act 1983](#).

3. Functions in relation to parishes and parish councils.

[Part II](#) of the [Local Government and Rating Act 1997 \(c. 29\)](#) and subordinate legislation under that Part.

4. Power to dissolve small parish councils.

[Section 10](#) of the [Local Government Act 1972](#).

5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.

[Section 11](#) of the [Local Government Act 1972](#).

6. Duty to appoint returning officer for local government elections.

[Section 35](#) of the [Representation of the People Act 1983](#).

7. Duty to provide assistance at European Parliamentary elections.

[[Section 6\(7\) and \(8\)](#) of the [European Parliamentary Elections Act 2002 \(c.24\)](#)] ⁷⁷

8. Duty to divide constituency into polling districts.

[[sections 18A to 18E](#) of, and [Schedule A1](#) to, the [Representation of the People Act 1983](#)] ⁷⁸

9. Power to divide electoral divisions into polling districts at local government elections.

[Section 31](#) of the [Representation of the People Act 1983](#).

10. Powers in respect of holding of elections.

[Section 39\(4\)](#) of the [Representation of the People Act 1983](#).

11. Power to pay expenses properly incurred by electoral registration officers.

[Section 54](#) of the [Representation of the People Act 1983](#).

12. Power to fill vacancies in the event of insufficient nominations.

[Section 21](#) of the [Representation of the People Act 1985](#).

13. Duty to declare vacancy in office in certain cases. [Section 86](#) of the [Local Government Act 1972](#).
14. Duty to give public notice of a casual vacancy. [Section 87](#) of the [Local Government Act 1972](#).
15. Power to make temporary appointments to parish councils. [Section 91](#) of the [Local Government Act 1972](#).
16. Power to submit proposals to the Secretary of State for an order under [section 10](#) (pilot schemes for local elections in England and Wales) of the [Representation of the People Act 2000](#). [Section 10](#) of the [Representation of the People Act 2000 \(c. 2\)](#).
17. Duty to consult on change of scheme for elections. [Sections 33\(2\), 38 \(2\) and 40\(2\)](#) of the 2007 Act.] ⁸⁰
18. Duties relating to publicity. [Sections 35, 41 and 52](#) of the 2007 Act.] ⁸⁰
19. Duties relating to notice to Electoral Commission. [Sections 36 and 42](#) of the 2007 Act.] ⁸⁰
20. Power to alter years of ordinary elections of parish councillors. [Section 53](#) of the 2007 Act.] ⁸⁰
21. Functions relating to change of name of electoral area. [Section 59](#) of the 2007 Act.] ⁸⁰

E. Functions relating to name and status of areas and individuals

1. Power to change the name of a county, district or London borough. [Section 74](#) of the [Local Government Act 1972](#).
2. Power to change the name of a parish. [Section 75](#) of the [Local Government Act 1972](#).
3. Power to confer title of honorary alderman or to admit to be an honorary freeman. [Section 249](#) of the [Local Government Act 1972](#).
4. Power to petition for a charter to confer borough status. [Section 245b](#) of the [Local Government Act 1972](#). [...] ⁸²

EB. Functions relating to community governance

1. Duties relating to community governance reviews. [Section 79](#) of the 2007 Act.] ⁸¹
2. Functions relating to community governance petitions. [Sections 80, 83 to 85](#) of the 2007 Act.] ⁸¹
3. Functions relating to terms of reference of review. [Sections 81\(4\) to \(6\)](#).] ⁸¹
4. Power to undertake a community governance review. [Section 82](#) of the 2007 Act.] ⁸¹

<p>5. Functions relating to making of recommendations.</p>	<p>Sections 87 to 92 of the 2007 Act.] ⁸¹</p>
<p>6. Duties when undertaking review.</p>	<p>Section 93 to 95 of the 2007 Act.] ⁸¹</p>
<p>7. Duty to publicise outcome of review.</p>	<p>Section 96 of the 2007 Act.] ⁸¹</p>
<p>8. Duty to send two copies of order to Secretary of State and Electoral Commission.</p>	<p>Section 98(1) of the 2007 Act.] ⁸¹</p>
<p>9. Power to make agreements about incidental matters.</p>	<p>Section 99 of the 2007 Act.] ⁸¹</p>
<p>F. Power to make, amend, revoke, re-enact or enforce byelaws.] ⁸³</p>	<p>Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30)⁸⁴</p>
<p>FA. Functions relating to smoke-free premises, etc.</p>	
<p>1. Duty to enforce Chapter 1 and regulations made under it.</p>	<p>Section 10(3) of the 2006 Act.] ⁸⁵</p>
<p>2. Power to authorise officers.</p>	<p>Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act.] ⁸⁵</p>
<p>3. Functions relating to fixed penalty notices.</p>	<p>Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act.] ⁸⁵</p>
<p>4. Power to transfer enforcement functions to another enforcement authority.</p>	<p>Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760).] ⁸⁵</p> <p>Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).] ⁸⁵</p>
<p>G. Power to promote or oppose local or personal Bills.</p>	<p>Section 239 of the Local Government Act 1972.</p>
<p>H. Functions relating to pensions etc.</p>	
<p>1. Functions relating to local government pensions, etc.</p>	<p>Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11)⁸⁶</p>
<p>2 Functions under the Fire-fighters' Pension Scheme relating to pensions, etc. as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004] ⁸⁷</p>	<p>[Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c. 21)] ⁸⁸</p>
<p>I. Miscellaneous functions</p>	
<p>Part I: <i>functions relating to public rights of way</i></p>	
<p>1. Power to create footpath [, bridleway or restricted byway by agreement.</p>	<p>Section 25 of the Highways Act 1980 (c. 60).] ⁸⁹</p>
<p>2. Power to create footpaths [, bridleways and restricted byways] ⁹⁰</p>	<p>Section 26 of the Highways Act 1980.] ⁸⁹</p>

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| 3. Duty to keep register of information with respect to maps, statements and declarations. | Section 31A of the Highways Act 1980 .] ⁸⁹ |
| 4. Power to stop up footpaths [, bridleways and restricted byways] ⁹⁰ | Section 118 of the Highways Act 1980 .] ⁸⁹ |
| 5. Power to determine application for public path extinguishment order. | Sections 118ZA and 118C(2) of the Highways Act 1980 .] ⁸⁹ |
| 6. Power to make a rail crossing extinguishment order. | Section 118A of the Highways Act 1980 .] ⁸⁹ |
| 7. Power to make a special extinguishment order. | Section 118B of the Highways Act 1980 .] ⁸⁹ |
| 8. Power to divert footpaths [, bridleways and restricted byways] ⁹⁰ | Section 119 of the Highways Act 1980 .] ⁸⁹ |
| 9. Power to make a public path diversion order. | Sections 119ZA and 119C(4) of the Highways Act 1980 .] ⁸⁹ |
| 10. Power to make a rail crossing diversion order. | Section 119A of the Highways Act 1980 .] ⁸⁹ |
| 11. Power to make a special diversion order. | Section 119B of the Highways Act 1980 .] ⁸⁹ |
| 12. Power to require applicant for order to enter into agreement. | Section 119C(3) of the Highways Act 1980 .] ⁸⁹ |
| 13. Power to make an SSSI diversion order | Section 119D of the Highways Act 1980 .] ⁸⁹ |
| 14. Duty to keep register with respect to applications under sections 118ZA , 118C, 119ZA and 119C of the Highways Act 1980 | Section 121B of the Highways Act 1980 .] ⁸⁹ |
| 15. Power to decline to determine certain applications. | Section 121C of the Highways Act 1980 .] ⁸⁹ |
| 16. Duty to assert and protect the rights of the public to use and enjoyment of highways. | Section 130 of the Highways Act 1980 .] ⁸⁹ |
| 17. Duty to serve notice of proposed action in relation to obstruction. | Section 130A of the Highways Act 1980 .] ⁸⁹ |
| 18. Power to apply for variation of order under section 130B of the Highways Act 1980 . | Section 130B(7) of the Highways Act 1980 .] ⁸⁹ |
| 19. Power to authorise temporary disturbance of surface of footpath [, bridleway or restricted byway] ⁹⁰ | Section 135 of the Highways Act 1980 .] ⁸⁹ |
| 20. Power temporarily to divert footpath [, bridleway or restricted byway] ⁹⁰ | Section 135A of the Highways Act 1980 .] ⁸⁹ |
| 21. Functions relating to the making good of damage and the removal of obstructions. | Section 135B of the Highways Act 1980 .] ⁸⁹ |
| 22. Powers relating to the removal of things so deposited on highways as to be a nuisance. | Section 149 of the Highways Act 1980 .] ⁸⁹ |
| 23. Power to extinguish certain public rights of way. | Section 32 of the Acquisition of Land Act 1981 (c. 67) .] ⁸⁹ |

24. Duty to keep definitive map and statement under review. [Section 53](#) of the [Wildlife and Countryside Act 1981 \(c. 69\).](#)⁸⁹
25. Power to include modifications in other orders. [Section 53A](#) of the [Wildlife and Countryside Act 1981.](#)⁸⁹
26. Duty to keep register of prescribed information with respect to applications under [section 53\(5\)](#) of the [Wildlife and Countryside Act 1981.](#) [Section 53B](#) of the [Wildlife and Countryside Act 1981.](#)⁸⁹
27. Power to prepare map and statement by way of consolidation of definitive map and statement. [Section 57A](#) of the [Wildlife and Countryside Act 1981.](#)⁸⁹
28. Power to designate footpath as cycle track. [Section 3](#) of the [Cycle Tracks Act 1984 \(c. 38\).](#)⁸⁹
29. Power to extinguish public right of way over land acquired for clearance. [Section 294](#) of the [Housing Act 1981 \(c. 68\).](#)⁸⁹
- 30.. Power to authorise stopping-up or diversion of footpath [, bridleway or restricted byway]⁹⁰ [Section 257](#) of the [Town and Country Planning Act 1990.](#)⁸⁹
31. Power to extinguish public rights of way over land held for planning purposes. [Section 258](#) of the [Town and Country Planning Act 1990.](#)⁸⁹
32. Power to enter into agreements with respect to means of access. [Section 35](#) of the [Countryside and Rights of Way Act 2000 \(c. 37\).](#)⁸⁹
33. Power to provide access in absence of agreement. [Section 37](#) of the [Countryside and Rights of Way Act 2000.](#)⁸⁹
- Part II: *other miscellaneous functions*
35. Functions relating to sea fisheries. [Sections 1, 2, 10 and 19](#) of the [Sea Fisheries Regulation Act 1966 \(c. 38\).](#)⁸⁹
36. Power to make standing orders. [Section 106](#) of, and [paragraph 42 of Schedule 12](#) to, the [Local Government Act 1972 \(c. 70\).](#)⁸⁹
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal). [Section 112](#) of the [Local Government Act 1972.](#)⁸⁹
38. Power to make standing orders as to contracts. [Section 135](#) of the [Local Government Act 1972.](#)⁸⁹
39. Duty to make arrangements for proper administration of financial affairs etc. [Section 151](#) of the [Local Government Act 1972.](#)⁸⁹
40. Power to appoint officers for particular purposes (appointment of "proper officers"). [Section 270\(3\)](#) of the [Local Government Act 1972.](#)⁸⁹
41. Power to make limestone pavement order. [Section 34\(2\)](#) of the [Wildlife and Countryside Act 1981 \(c. 69\).](#)⁸⁹
42. Power to make closing order with respect to take-away food shops. [Section 4](#) of the [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30\).](#)⁸⁹

43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc. [Section 4\(1\) of the Local Government and Housing Act 1989 \(c. 42\).](#)] ⁸⁹
44. Duty to designate officer as the monitoring officer, and to provide staff, etc. [Section 5\(1\) of the Local Government and Housing Act 1989.](#)] ⁸⁹
- 44A. Duty to provide staff, etc., to person nominated by monitoring officer. [[Sections 82A\(4\) and \(5\) of the Local Government Act 2000](#)⁹³] ⁹² ⁹¹
- 44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members). [[Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.](#)] ⁹⁴] ⁹¹
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be). The [Accounts and Audit Regulations 1996](#) (S.I. 1996/590).] ⁸⁹
46. Powers relating to the protection of important hedgerows. The [Hedgerows Regulations 1997](#) (S.I. 1997/1160).] ⁸⁹
47. Powers relating to the preservation of trees. [Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999](#) (S.I. 1999/1892).] ⁸⁹
- 47A. Powers relating to complaints about high hedges. [Part 8 of the Anti-Social Behaviour Act 2003.](#)] ⁹⁵
48. Power to make payments or provide other benefits in cases of maladministration etc. [Section 92 of the Local Government Act 2000.](#)] ⁸⁹
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption. [Section 13\(2\) of the Criminal Justice and Police Act 2001 \(c. 16\).](#)] ⁹⁶
50. Power to make or revoke an order designating a locality as an alcohol disorder zone [Section 16 of the Violent Crime Reduction Act 2006 \(c. 38\).](#)] ⁹⁷
51. Power to apply for an enforcement order against unlawful works on common land. [[Section 41 of the Commons Act 2006.](#)] ⁹⁹] ⁹⁸
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference. [[Section 45\(2\)\(a\) of the Commons Act 2006.](#)] ¹⁰¹] ¹⁰⁰
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens. [[Section 45\(2\)\(b\) of the Commons Act 2006.](#)] ¹⁰³] ¹⁰²

All other functions of the Council are functions of the Executive.

Part B - Council Functions which the Council has delegated to a Committee of the Council under Section 101 of the Local Government Act 1972 or (in the case of certain licensing functions) have been allocated to the Licensing and Public Safety Committee by law.

Planning Committee

1. All the functions of the Council in relation to town and country planning and development control (as identified in paragraph 2A of Part A above) except:
 - (a) the determination of any application for planning permission for development not in accordance with the provisions of the statutory development plan and which is required to be notified to the Secretary of State prior to its determination by the Council;
 - (b) the exercise of any function where the Committee proposes to make a decision that would involve a substantial departure from a planning policy contained in a local plan or a Planning Guidance Note of the Secretary of State and from which the Chairman or other person presiding at the relevant meeting indicates dissent; and
 - (c) in any other case where the Council may otherwise direct
2. The following miscellaneous functions of the Council (as further described in paragraph 2I of Part A above):
 - (a) powers relating to the preservation of trees
 - (b) powers relating to the protection of important hedgerows
 - (c) power to make limestone pavement orders
 - (d) powers relating to complaints about high hedges
 - (e) functions relating to public rights of way

General Purposes Committee

1. the following functions of the Council referred to in the respective paragraphs of Part A above specified below:
 - (a) power to oppose local or personal bills (paragraph 2.G)
 - (b) functions relating to local government pensions, etc. (paragraph 2.H)
 - (c) miscellaneous functions (paragraph 2.I) not delegated to other Committees
 - (d) officer appointments (paragraph 2.I)
 - (e) power to make, amend, revoke or re-enact Byelaws
2. any other function of the Council in case of urgency or emergency.

Licensing and Public Safety Committee

1. All the functions of the Council's licensing functions referred to in paragraphs 2.B of Part A above
2. The Council's functions relating to health and safety at work)
3. The power to make an alcohol designation order (paragraph 2I.)

General Licensing Sub-Committee

All functions of the Council relating to applications for private hire, hackney carriage and miscellaneous licences except those delegated to the Licensing Act 2003 Sub-Committee.

**Licensing Act 2003 Sub-Committee
(Note powers delegated by the Licensing
and Public Safety Committee)**

- (a) To consider and determine any applications and reviews for either personal or premises licences submitted under the Licensing Act 2003 and the Gambling Act 2005 where relevant objection/representations have been received by the licensing authority
- (b) To deal with decisions whether or not to object in all cases when this Local Authority is the consultee and not the relevant authority considering the application
- (c) To make a determination in all cases where there is a police objection to a temporary event notice.

Human Resources Appeals Committee

To hear and determine appeals against disciplinary action by officers within the purview of the JNC for Chief Officers of Local Authorities or any other officer who for the purposes of Section 2 of the Local Government and Housing Act 1989 is a non-statutory chief officer or a deputy chief officer of the Council

Governance Committee

AUDIT ACTIVITY

- 1. To consider the Audit and Risk Managers Annual Report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- 2. To consider summaries of specific internal audit reports as requested.
- 3. To consider reports dealing with the management and performance of the providers of internal audit services.
- 4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- 5. To consider the external auditor's annual audit letter, relevant reports and the report to those charged with governance.
- 6. To consider specific reports as agreed with the external auditor.
- 7. To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 8. To oversee the arrangements for the appointment of the Council's external auditor.
- 9. To commission work from the internal and external audit.

REGULATORY FRAMEWORK

1. To maintain an overview of the Council's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
 2. To review any issue referred to it by the Chief Executive, a Statutory Officer or a Director, or any Council body.
 3. To monitor the effective development and operation of risk management and corporate governance in the Council.
 4. To monitor Council policies on 'raising concerns at work' and the anti-fraud and corruption strategy and the Council's complaints process.
 5. To oversee the production of the authority's Code of Corporate Governance and to recommend its adoption.
 6. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
 7. To consider the Council's compliance with its own and other published standards and controls.
- (a) To approve the annual statement accounts and report of this Council (with delegated power). To review the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (b) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

STANDARDS (please see Appendix 6 of the Constitution for procedural guidance)

1. To review and recommend amendments to the Council's Code of Conduct for Members and procedure for dealing with complaints.
2. To receive and hear and make decisions on standards complaints following investigation.
3. To hear appeals against decisions made at a hearing of a standards complaint.
4. To report sanctions imposed on Members to full Council.

Shared Services Joint Committee

The role of the Shared Services Joint Committee (under S101(5) and S102 of the Local Government Act 1972 and S19 and S20 of the Local Government Act 2000 and all other enabling powers) is to discharge the Chorley and South Ribble Councils' functions of providing the services detailed in the Shared Services Agreement.

1. To monitor, review and make recommendations to both councils on the administrative arrangements and performance of those council services the subject of the Financial and Assurance Shared Services (FASSA)
2. To determine a Resource Plan not less than 60 'business' days before the start of the next financial year subject to (3) below
3. (i) To receive from the councils their proposed contributions to the Continuing Costs and to approve or not these within 15 'business' days of receipt
(ii) To provide no later than 30 'business' days before the start of the next financial year written notice of the recommended contribution to each council to be paid by both councils, should this not have been approved in 3(i) above
4. To perform (as requested or considered necessary) a Reconciliation of the Continuing Costs
5. To receive as appropriate an Additional Funding Requirement required from the councils during the then current financial year and if considered justified/reasonable the committee shall such notice to the councils
6. To receive an Annual Account as soon as reasonably possible in each year in respect of the previous financial year
7. (i) To receive any request from either council to vary the Shared Services Agreement
(ii) To circulate such request to both councils if considered reasonably practical and if approved arrange for a Deed of Variation to the Shared Services Agreement
8. To receive such other reports in order to undertake 1. Above
9. To explore the development of the FASSA
10. To ensure the FASSA operates within all relevant regulations
11. To consider issues raised through the operation of the FASSA
12. To maintain on behalf of the councils the Asset Register at all times for the duration of the Shared Services Agreement
13. (i) To receive and approve (with or without modification) the Exit Management Plan within one year of the expiry or termination of the Shared Services Agreement
(ii) To review the Exit Management Plan at least every two years for as long as the Shared Services Agreement continues
14. To act as arbiter (in the first instance) in the event the councils' Chief Financial Officers are unable to resolve a matter
15. To meet as necessary provided that there shall be no less than four meetings each year
16. To hold an Annual General Meeting (in the same or succeeding calendar month as the annual meeting of the last of the councils to hold such an annual meeting each year).

Central Lancashire Local Development Framework Joint Advisory Committee

1. To make recommendations to Chorley, Preston and South Ribble Councils regarding the content (including the document preparation timetabling) of the Local Development Schemes covering Central Lancashire.

2. To consider and examine issues related to the production of a Joint Core Strategy for Central Lancashire and to make recommendations to the above Councils regarding the content and development of the Joint Core Strategy.
3. To make recommendations to the above Councils regarding future Plan making associated with the preparation, implementation and monitoring of the Joint Core Strategy and other relevant documents in the Local Development Schemes.

Chorley Liaison

- 1 A joint consultative meeting of Borough Council and Parish and Town Council representatives with County Councillors also being invited to attend meetings
- 2 The liaison meeting is open to the public and its primary function is to engage with elected representatives to consider issues of shared priority and concern, particularly matters of a strategic nature, which impact on the local community.
- 3 In addition to the membership of Borough Councillors who are Chairs of the Neighbourhood meetings, parish or town councillor representatives from each of the parish and Town Councils. Lancashire County Councillors are also invited to attend to discuss and respond to County Council matters

Part C - Council Functions which the Council has delegated to an Officer of the Council under Section 101 of the Local Government Act 1972

1. CHIEF EXECUTIVE

- 1.1 Authority to exercise any function contained in this Part of this Appendix in the absence or inability to act of the officer to whom the function is delegated and of any other officer authorised to exercise it in his or her absence or inability to act.
- 1.2 Appointment of all staff below Director level, including power to authorise other officers to make such appointments on his or her behalf, whether generally, to posts within certain categories or descriptions or to specific posts on particular occasions, and to vary or withdraw any such authorisation given.
 - 1.2a Determinations in respect of staff below Director level under the Pension Scheme Regulations that the reason for the determination of their employment is permanent incapacity.
- 1.3 Power to authorise appropriate action in urgent/emergency situations following consultation with the Executive Leader and Deputy Executive Leader of the Council, save that in a civil emergency the power may be exercised without consultation if consultation would be impracticable.
- 1.4 In the event of an incident giving rise to major damage to or destruction of one or more of the Council's civic buildings, authority to:
 - (a) implement the Council's business continuity plan;
 - (b) authorise appropriate action and expenditure required to mitigate or reduce the loss or the consequences of the loss upon the Council.
- 1.5 To authorise the Director of Customer and Digital to make a closure order in respect of premises and exercise a power or duty under Sections 40 and 41 of the Anti-Social Behaviour Order Act 2003.

- 1.6 The following delegations to be exercised in consultation with the Chief Legal Officer**
- 1.6.1 Exercise of the Council's functions under Regulation 6 of the Accounts and Audit Regulations 2003 in relation to Internal Audit.
 - 1.6.2 To prosecute for offences under Section 3 of the Game Act 1831.
 - 1.6.3 To be exercised jointly with the Director of Customer and Digital, authority to grant Council officers the power to enter land under Sections 196A and 325 of the Town and Country Planning Act 1990.
 - 1.6.4 Authority to instruct Counsel with regard to functions which are the responsibility of the Council.
 - 1.6.5 Authority to attest the Council's Seal and to sign legal documents on the Council's behalf with regard to functions which are the responsibility of the Council.
 - 1.6.6 Resolving to institute legal proceedings on behalf of the Council and representing the Council before any Court, Tribunal, Inquiry or other hearing with regard to functions which are the responsibility of the Council.
 - 1.6.7 On the recommendation of the Director of Customer and Digital and following consultation with the Chair and Vice-Chair of the Development Control Committee, authorisation and service of planning contravention notices, breach of condition notices and stop notices and authorisation and issuing of enforcement notices under the Town and Country Planning Act 1990.
 - 1.6.8 Authority to institute Magistrates' Court proceedings in cases of non-compliance with planning contravention notices, breach of condition notices, enforcement notices and stop Notices under the Town and Country Planning Act 1990.
 - 1.6.9 Authority to commence legal proceedings to enforce obligations in agreements made under section 106 of the Town and Country Planning Act 1990.
 - 1.6.10 Authority to serve Breach of Condition Notices the Town and Country Planning Act 1990.
 - 1.6.11 On the recommendation of the Director of Customer and Digital and following consultation with the Chair and Vice-Chair of the Development Control Committee, authority to serve Building Preservation Notices.
 - 1.6.12 Following consultation with the Director of Customer and Digital and the Chair and Vice-Chair of the Licensing and Safety Committee, approval or refusal of applications to display any promotional materials of voluntary, charitable or other similar organisations in the pedestrian precinct in Chorley Town Centre.

2. Director (Early Intervention and Support)

- 2.1 In the event of the Chief Executive being absent or unable to act or of the post of Chief Executive being vacant, authority to:
- (a) exercise any of the Chief Executive's delegated powers; or
 - (b) grant any approval required from the Chief Executive as a condition for the exercise of a delegated power granted to another officer
- 2.2 The Director (Early Intervention and Support) in consultation with the relevant Executive Member be authorised to issue all notices; to implement Public Spaces Protection Orders, to designate powers to social landlords, to designate powers to Council officers for the purposes of enforcement and to take all necessary steps under the Anti-Social Behaviour, Crime and Policing Act 2014 with regard to functions which are the responsibility of the Council.
- 2.3 Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer; and in particular:
- (a) agreeing transfers of responsibility for enforcement in the circumstances set out in Regulation 5 of the Health and Safety (Enforcing Authority) Regulations 1989 in relation to inspection of work places;
 - (b) agreeing assignment in cases of uncertainty in the circumstances set out in Regulation 6 of the Health and Safety (Enforcing Authority) Regulations 1989 in relation to inspection of work places; and
 - (c) authorising any other person to accompany any duly appointed inspector of the Council in relation to the power of inspectors contained in Section 20(2)(c)(i) of the Health and Safety at Work etc. Act 1974.
- 2.4 The following powers' under the Land Drainage Act 1991:
- (a) authorising the service of notices and the taking of consequential action, including carrying out work in default and the recovery of costs;
 - (b) recommending to the Chief Executive, the institution of legal proceedings; and
 - (c) authorising Officers to exercise statutory powers of entry (including obtaining warrants).
- 2.5 Power to authorise officers to take all actions required under the Sunbeds (Regulations) Act 2010 and any associated regulations

3. **Director (Customer and Digital) (and also individual officers where indicated)**

3.1.1 In respect of the miscellaneous licensing and registration functions of the Council specified in Section 2.B of Part A of this Appendix:

The authority to:

- i) decide applications for authorisations, registration, consents, licences or certificates of approval;
- ii) serve notices and take consequential action including enforcement action, including carrying out work in default;
- iii) issue formal cautions in consultation with the Chief Executive;
- iv) recommend to the Chief Executive the institution of legal proceedings;
- v) authorise officers to exercise statutory powers of entry (including obtaining warrants);
- vi) enforce legislation with respect to take-away food shops; and
- vii) Registered premises and stalls for the sale of goods by way of competitive bidding.

3.1.2 Refusal of applications for street collection permits where:

- (a) the applicant is not a registered charity and there is no exceptional reason why consent should be granted;
- (b) the applicant is a charity which is currently being investigated by the Charities Commission;
- (c) an officer of the applicant is connected with a charity under investigation by the Charities Commission or the applicant is being administered from the same address as one;
- (d) the applicant has failed to return the statutory statement following a previous collection;
- (e) the applicant has not previously run a street collection in Chorley and a satisfactory reference has not been obtained from a Council in whose area it has; or
- (f) a street collection has already been authorised in the area in question on the day requested.

Licensing functions

3.2 Authority to approve applications for street collection permits following consultation with the Chair and Vice Chair of Licensing and Public Safety Committee where the applicant is not a registered charity and there are exceptional reasons why consent should be granted provided that applications may be referred to the Licensing and Safety Committee for determination.

3.3 Authority to refuse applications for licences under the House to House Collections Act 1939.

3.4 Authority to grant applications for licenses, permits and registration for Second Hand Goods Dealers, Small Lotteries and Societies Lotteries.

Private Hire and Hackney Carriage Licensing

- 3.5 Suspending by written notice to the licence holder any Private Hire or Hackney Carriage Vehicle or Driver's Licence for a period not exceeding two months
- (exercisable also by the Customer Services Manager (Enforcement) in respect of suspensions for periods not exceeding 14 days, provided the Chair or Vice-Chair is consulted and a report is submitted to the next available meeting of the Licensing and Public Safety Committee)**
- 3.6 Entering into agency arrangements for the testing of motor vehicles on behalf of the Council for the purpose of its hackney carriage and private hire vehicle licensing functions.
- 3.7 To grant or renew Hackney Carriage, Private Hire Drivers Licences and Operators Licences where 8 or less penalty points have been endorsed on a DVLA Driving Licence in respect of the following offences:
- (a) Construction and Use Offences (CU10, CU30 and CU40)
 - (b) Speed Limit Offences (SP10-SP60)
 - (c) Traffic Directional Signs Offences
- 3.8 To grant or renew Private Hire and Hackney Carriage Drivers Licences where the conviction would ordinarily be "spent" under the Rehabilitation of Offenders Act 1974 unless the offence is of a serious nature e.g. offences of a sexual nature, burglary, serious assaults of where Chief Legal Officer is of the view that the offences are relevant to the application e.g. a series of offences over a number of years.
- 3.9 In consultation with the Chair and Vice Chair of the Licensing & Public Safety Committee, to issue written warnings as to future conduct to existing Private Hire and Hackney Carriage drivers (which should be retained on file).
- 3.10 In consultation with the Chair and the Vice Chair of the Licensing & Public Safety Committee, authority to approve applications for Drivers Licences which fall outside the Council's usual policies for approval and to be reported to the Licensing and Public Safety Committee.
- 3.11 Authority to grant Hackney Carriage and Private Hire Vehicle Licence subject to compliance with the Council's criteria
- 3.12 Grant or issue of any other licences or permits under a function which is the responsibility of the Council and is not specifically delegated to any other officer of the Council.
- 3.13 Following consultation with the Chair and Vice-Chair of the Licensing and Public Safety Committee, authority to grant exemptions on medical grounds from the requirement under the Disability Discrimination Act 1995 for hackney carriage and private hire drivers to carry guide, hearing or other assistance dogs.

- 3.14 Authority to refuse to grant and refuse to renew private hire and hackney carriage vehicle licences in consultation with the Chair or Vice Chair where the applicant has failed to meet all the Council's requirements, such as the vehicle not meeting the Council's vehicle conditions or failure of the taxi test or another aspect of the application is incomplete.
- 3.15 In such cases the cut-off point for receipt of an application to renew a taxi vehicle licence will be at close of business before the licence expires.
- 3.16 Authority to revoke an existing Chorley Private Hire/Hackney Carriage Driver licence and immediately re-grant to the same person with Disabled Access Driver (DAV) Driver provision where the appropriate requirements have been met.
- 3.17 Authority to grant and renew upon application a Private Hire/Hackney Carriage DAV (Disabled Access Vehicle) licence where appropriate requirements have been met.

Functions under the Licensing Act 2003

- 3.18 Authority to grant personal licence applications made under section 117 of the Licensing Act 2003 where no police objections made.
- 3.19 Authority to grant premises licence applications made under section 17 of the Licensing Act 2003 where no relevant representations made.
- 3.20 Authority to grant applications to vary premises licence applications made under section 34 of the Licensing Act 2003 where no relevant representations are made.
- 3.21 Authority to grant club premises certificate applications made under section 71 of the Licensing Act 2003 where no relevant representation made.
- 3.22 Authority to grant applications to vary club premises certificates made under section 84 of the Licensing Act 2003 where no representations are made.
- 3.23 Authority to grant provisional statement applications made under section 29 of the Licensing Act 2003 if no relevant representations made.
- 3.24 Authority to grant applications to vary designated premises supervisor made under section 37 of the Licensing Act 2003.
- 3.25 Authority to grant requests from a person to be removed as designated premises supervisor under the provisions of section 41 of the Licensing Act 2003.
- 3.26 Authority to grant applications for transfer of premise licence made under section 42 of the Licensing Act 2003 where no relevant representations made.
- 3.27 Authority to grant applications for interim authorities made under section 47 of the Licensing Act 2003 where no relevant representations made.
- 3.28 Authority to determine whether a complaint is irrelevant frivolous or vexatious etc. under the provisions of sections 18,31, 35, 72,84 and 88 of the Licensing Act 2003.
- 3.29 Authority to grant/renew Section 34 permits for up to two machines in alcohol licensed premises
- 3.30 Authority to grant/renew Section 16 Lotteries and Amusements Act 1976 permits in alcohol licensed premises
- 3.31 Authority to change permit holders name as a result of conversion of Justices

Licence/Premises Licence.

- 3.32 Authority under the Licensing Act 2003 to grant/renewal of Section 34 permits for up to two AWP machines.
- 3.33 Authority under the Licensing Act 2003 to grant/renewal of Section 16 permits – alcohol licence permits.
- 3.34 Authority under the Licensing Act 2003 to change of name as a result of conversion of Justices Licence/Premises Licence.

Functions under the Gambling Act 2005

- 3.35 Authority to grant applications for renewal of permits for use of machines for gaming amusement with prizes subject to applications being for the same permitted terms and conditions and no objections being received.
- 3.36 Power to serve notification of Intention to consider removal of exemption order under section 284
- 3.37 Authority to determine applications for a premises license (Including applications for reinstatement) where no representations have been received which have not been withdrawn
- 3.38 Authority to determine applications for a variation to a license where no representations have been received which have not been withdrawn
- 3.39 Authority to determine applications for a transfer of a license where no representations from the Gambling Commission have been received which have not been withdrawn
- 3.40 Authority to determine application for a transfer of a license where no representations have been received which have not been withdrawn
- 3.41 Authority to determine application for a provisional statement where no representations have been received which have not been withdrawn
- 3.42 Authority to determine applications for club gaming/club machine where no representations have been received which have not been withdrawn
- 3.43 Authority to determine applications for other permits
- 3.44 Authority to give consideration to temporary use notices
- 3.45 Power to serve notification of Intention to consider removal of exemption order section 284
- 3.46 Power to make representations from Licensing Authority on any applications as a Responsible Authority under section 161 Gambling Act 2005 (power to be exercised also by the Licensing manager or any other authorised officer)
- 3.47 Power to impose of conditions upon licenses where no dispute between Applicant and Responsible Authorities
- 3.48 Authority to exercise the power of the Licensing Authority, as a Responsible Authority to request a review
- 3.49 Power to determine representations which are vexatious, frivolous or will certainly not

influence the Authority's determination of the Application (power to be exercised also by the Licensing manager or delegated substitute)

- 3.50 Power to authorise officers for the purpose of the Gambling Act 2005
- 3.51 All powers in respect of administration of small society Lotteries except the power to refuse or revoke a license.
- 3.52 Power to attach a condition to a premises license in accordance with section 169 (a) (power to be exercised also by the Regulatory Services Manager.
- 3.53 The functions of the Council with regard to deposits on highways under section 149 of the Highways Act 1980.
- 3.54 Power to stop up or divert a highway under Section 247 of the Town and Country Planning Act 1990
- 3.55 Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway under Sections 115E to 115G and 115K of the Highways Act 1980.
- 3.56 Power to make representations from Licensing Authority on any applications as a responsible Authority under section 161 Gambling Act 2005
- 3.57 Authority to exercise the Power of the Licensing Authority, as a Responsible Authority to request a review under the Gambling Act 2005
- 3.58 Power to authorise officers for the purpose of the Gambling Act 2005
Power to revoke a Gambling Premises Licence and cancel licensed premises gaming machine permits issued under the Gambling Act 2005 in respect of non-payment of the annual fee

Licensing Miscellaneous

- 3.60 In respect of the licensing or registration functions of the Council in relation to caravans and mobile homes, the authority to:
 - i) decide applications for authorisations, registration, consents, licences or certificates of approval ;
 - ii) serve notices and take consequential action, including carrying out work in default;
 - iii) issue formal cautions;
 - iv) recommend to the Chief Executive the institution of legal proceedings; and
 - v) authorise officers to exercise statutory powers of entry (including obtaining warrants).

Planning

- 3.61 Authority to determine applications for the removal of important hedgerows and to take, or authorise the taking of, enforcement action in respect of hedgerows.

(exercisable also by the Chief Planning Officer)

3.62 Authority to determine applications for minor amendments to planning permissions, approvals and consents, and to approve details submitted under conditions of planning permissions.

(exercisable also by the officers holding the following posts: Chief Planning Officer, Principal Planning Officers, Senior Planning Officers and Planning Officers)

3.63 Authority to determine formal requests to establish whether environmental assessments are necessary under the Town and Country Planning (Assessment and Environmental Effects) Regulations 1988, or any subsequent legislation, subject to determinations being reported to the Development Control Committee.

(exercisable also by the officers holding the following posts: Chief Planning Officer, Principal Planning Officers and Senior Planning Officers)

3.64 Authority to serve, or authorise the service of, Planning Contravention Notices under Section 171(c) of the Town and Country Planning Act 1990 or any subsequent legislation.

(exercisable also by the Chief Planning Officer)

3.65 Authority to determine all applications made to the Council as local planning authority under the provisions of:

- the Town and Country Planning Act 1990;
- the Planning (Listed Buildings and Conservation Areas) Act 1990;
- the Hazardous Substances Act 1990;
- Town and Country Planning (Tree Preservation) Regulations 2012/605 or any other enabling legislation;
- the Town and Country Planning (General Permitted Development) Order 1995
- the Hedgerow Regulations 1997
- the Town and Country Planning (Control of Advertisements) (England) Regulations 2017 applications for amendment and alteration of permissions made under section 73 of the Town and Country Planning Act 1990, may be determined under delegated powers when the Chair and Vice Chair of the Development Control Committee have been consulted and are in agreement with the recommendation of the officer.

(exercisable also by the Chief Planning Officer and Principal Planning Officers)

Applications excluded from delegated powers

Applications in the following categories may not be determined under delegated powers and must be referred to the Development Control Committee.

- (a) Applications made, or deemed to be made, wholly or jointly by the Council under regulation 4 of the Town and Country Planning Regulations 1992;
- (b) Applications where officers are minded to recommend a decision contrary to the development plan;
- (c) Major commercial, industrial and residential applications (excluding applications for amendment and alteration of permissions under Section 73 of the Town and Country Planning Act 1990) where the officer is minded to recommend a decision contrary to written comment received from a local resident, a town or parish council or any other outside body or organisation

that has been consulted. Major for this purpose means:

- (i) in the case of residential development, development consisting of 3 or more dwellings or, if no number of dwellings is stated in the application, development on a site area of 0.5 hectares or more;
- (ii) in the case of other development, development incorporating floorspace of 1000sq m or more, or on a site area of one hectare or more.

(d) Applications made by any member of the Council or any member of staff employed in the Planning Services Unit.

Where a planning application as defined in (c) and (d) above is unable to be determined within the statutory period because all material is not available then, exceptionally, the Director (Customer and Digital) following consultation with the Chief Planning Officer, Chair and Vice-Chair may refuse planning permission.

A Ward Councillor acting in that capacity may request that a planning application which is recommended for approval under delegated powers, is determined instead by the Development Control Committee, providing that at least one written objection to the application has been received by the Local Planning Authority. The request from the Ward Councillor must be received in writing within four weeks of the application appearing on the published weekly list of planning applications.

This provision may also apply to Ward Councillors in an adjacent ward where a planning application is reasonably deemed to affect that ward if determined so by the Director (Customer and Digital) in consultation with the Chair and Vice Chair of the Development Control Committee.

Applications which may only be determined after consultation with Chair and Vice-Chair

Applications in the following categories may be determined under delegated powers but, where the officer is minded to make a decision that is contrary to a written comment received from a local resident, a town or parish council or any other outside body or organisation that has been consulted, the Chair and Vice Chair of the Development Control Committee must first be consulted.

- (a) Any application for change of use
- (b) An application for development consisting of building, mining, engineering or other operations which is not within the curtilage of a residential property
- (c) An application to alter/extend a property under section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which is not within the curtilage of a residential property.

(exercisable also by the Chief Planning Officer and Principal Planning Officers)

3.66 Power to authorise the making of Tree Preservation Orders.

(exercisable also by the Chief Planning Officer and Principal Planning Officers)

3.67 Authority to issue a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

(exercisable also by the officers holding the following posts: (exercisable also by the Chief Planning Officer, Principal Planning Officers, and Planning Officers)

3.68 Authority to issue a Scoping Opinion under the Town and Country Planning

(Environmental Impact Assessment) (England and Wales) Regulations 1999

(exercisable also by the Chief Planning Officer and Principal Planning Officers)

- 3.69 To be exercised jointly with the Chief Executive, authority to grant Council officers the power to enter land under Sections 196, 196A, 214 and 325 of the Town and Country Planning Act 1990.
- 3.70 Authority to enter land and authorise others to enter land under the Hedgerows Regulations.
- 3.71 To be exercised jointly with the Chief Executive, authority to exercise the functions, powers and duties contained within Sections 20, 31 and 34 of the County of Lancashire Act 1984 or any subsequent legislation.
- 3.72 Authority to exercise all powers (except for setting fee levels) under Part 8 of the Anti-Social Behaviour Act 2003.
- 3.73 That where a Section 106 Agreement has been approved by Planning Committee, the Director (Customer and Digital) and Chief Planning Officer be given delegated powers following consultation with the Chair and Vice chair to make minor amendments to the section 106 Agreement.
- 3.74 The determination of planning applications for schemes requiring a Section 106 legal agreement for play space where no objections have been lodged; and in consultation the Chair and Vice-Chair of the Development Control Committee the determination of applications whenever objections are received, subject to the usual considerations.

4 DIRECTOR (POLICY AND GOVERNANCE)

In the event of the Director (Early Intervention and Support) being absent or unable to deputise for the Chief Executive:

- (a) Exercise any of the Chief Executive's delegated powers; or
- (b) Grant any approval required from the Chief Executive as a condition for the exercise of a delegated power granted to another officer.

In consultation with the Chief Financial Officer

- 4.1 Authority to determine applications from Council employees for the transfer of previous pension benefits into the Local Government Pension Scheme.
- 4.2 Set the grade of a post once a post has been established.
- 4.3 Agree the grade of an existing post (if the regrading of an existing post cannot be contained from within the existing employee budget or by appropriate virement and approval to regrade the post has been sought from Executive Cabinet)
- 4.4 Approve the regrading of an existing post if the post can be regraded from the existing employee budget (or by virement).

Part D - Executive Functions

1. SCHEME OF DELEGATIONS FOR EXECUTIVE FUNCTIONS

The Executive Cabinet may exercise any Executive Function.

A Portfolio holder may take any Executive decision which relates to his or her Portfolio.

The Executive Leader may take any decision which an individual Portfolio holder could take where the relevant Portfolio holder is unable or unwilling to take that decision.

The Executive Leader may alter the allocation of responsibilities within any Portfolio.

Chief Officers may take any Executive decision which relates to the services under their control except where the relevant Portfolio holder has instructed them not to make such a decision.

Chief Officers may nominate other Officers to take decisions which they have the power to take.

2. PRINCIPLES OF DECISION MAKING

All decisions must be made in accordance with the provisions of this Constitution and any policies of the Council.

The following principles shall be observed by decision makers exercising Executive functions:

- Key decisions should normally be made by the Cabinet as a whole
- Decisions which significantly affect more than one Portfolio should normally be made by the Cabinet as a whole
- Decisions of an operational or managerial nature should normally be made by Chief Officers
- Decisions of a strategic nature would normally be made by Members.

No decision shall be open to legal challenge on the basis that these principles have been breached.

3. EXECUTIVE MEMBER PORTFOLIOS

Executive Leader and Executive Member (Economic Development and Public Services Reform)

- Business growth and inward investment
- Employment and skills
- Asset management
- Town centre (including Market Walk)
- Public Sector Reform (including Combined Authority)

Deputy Executive Leader and Executive Member (Resources)

- Finance
- Corporate Strategy and improvement
- Communications and events

- Support services

Executive Member (Early Intervention)

- Housing options and advice
- Supported housing
- Volunteering and VCFS
- Community centre management
- Community development
- Home improvement service
- Welfare reform
- Astley Hall and Cultural Assets
- Community safety
- Neighbourhood working

Executive Member (Streetscene Services)

- Street cleansing
- Grounds maintenance
- Car parking
- Streetscene improvements
- Parks and open spaces

Executive Member (Public Protection)

- Development control
- Building control
- Planning and housing policy
- Environmental health
- Licensing

Executive Member (Customer and Advice Services)

- ICT
- Customer services
- Revenue and benefits
- Single front office
- Waste collection

Part E - Functions of the support roles to Executive Members

Member Responsible

In relation to a Portfolio of functions and/or matters assigned to them by the Executive Leader, Member Responsible, where they are appointed are assigned special responsibilities to the Council for:

1. Maintaining knowledge and awareness of those functions or matters and of current activities and developments in relation to them;
2. Liaising with the corresponding Executive Member and the responsible Chief Officer;
3. Communicating and representing to the Executive, the views of non-Executive Councillors on all matters relating to the Portfolio;

4. Assisting the Executive Member in promoting the efficient and effective delivery of the relevant services and the achievement of all relevant Council policy objectives in compliance with the approved budgets and providing all such other assistance, advice and support as the Executive Member may from time to time require;
5. Responding to and assisting the Overview and Scrutiny Committee or task groups as required;
6. In the absence of the Executive Member, deputising for him or her at meetings of the Council and responding to questions; and
7. In the absence of the Executive Member, or when otherwise requested by the Executive Member, representing the Executive Member and leading for the Council politically and publicly in external dealings and relationships, including the media.
8. Reporting to portfolio Exchange meetings on specific agreed projects undertaken and delivered by them as directed by the Executive Leader/Executive Member.

Council Champions

Whilst a reduced role from that of a Member Responsible, a Council Champion will still be assigned a portfolio of functions and/or particular projects by the Executive Leader.

A Council Champion will be responsible for:

1. Maintaining knowledge and awareness of those functions or matters and of current activities and developments in relation to them;
2. Liaising with the corresponding Executive Member/Member Responsible and the responsible Chief Officer;
3. Communicating and representing to the Executive, the views of non-Executive Councillors on all matters relating to the Portfolio;
4. Assisting the Executive Member in promoting the efficient and effective delivery of the relevant services and the achievement of all relevant Council policy objectives in compliance with the approved budgets and providing all such other assistance, advice and support as the Executive Member may from time to time require;
5. Responding to and assisting the Overview and Scrutiny Committee or task groups as required;
6. In the absence of the Executive Member/Member Responsible, deputising for him or her at meetings of the Council and responding to questions