



Walsall Council

Audit Committee – 7 April 2014

Amendments to officer delegations under Part 3.5 of the Council's Constitution

Service: Legal and Democratic Services

Wards: Not applicable

1. Summary

This reports sets out amendments to officer delegations which will be considered by Annual Council at its meeting to be held on 16 June 2014.

2. Recommendations

- 2.1 That the Committee review and note the revisions to officer delegations as set out in the Appendix to this report.
- 2.2. That the report be circulated to Group Leaders and independent members for information.

3. Report detail

- 3.1 A wholesale review of officer delegations was undertaken in the municipal year 2008/2009, and as was the case last year, the proposed amendments to officer delegations for the forthcoming municipal year (2014/2015) are not so far reaching, but reflect new legislation and minor operational amendments. The **Appendix** to this report shows in column 1 the current delegation and the amendment to that delegation is shown in column 2.

The complete list of existing delegations are set out in Part 3.5 of the Constitution and can found on CMIS (Committee Management and Information system) <http://cmis/CMISWebPublic/Binary.ashx?Document=13197>

- 3.2 It is suggested that as was done last year this report be circulated to Group Leaders and independent members for information.

4. Resource implications

- 4.1 **Financial:** None arising from this report.
- 4.2 **Legal:** There will be an ongoing requirement to keep the officer delegations under review to ensure that the Council acts within the law.
- 4.3 **Staffing:** None arising from this report.

5. Citizen impact

The proposed amendments will assist with the efficient and effective decision making which will be of benefit to citizens.

6. Community safety - None arising from this report.

7. Environment impact - None arising from this report.

8. Performance and risk management issues

8.1 **Risk:** Updating the current scheme of officer delegations will reduce the risk of officers acting in an unlawful manner and result in decision making being more transparent and accountable.

8.2 **Performance management:** An updated scheme of delegations will add to the efficient operation of the Council's services.

9. Equality implications - None arising from this report.

10. Consultation

The revised delegations attached as an appendix to this report are as a result of extensive consultation with relevant Council directorates.

Background papers

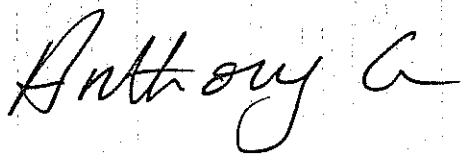
None

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28 March 2014

Appendix

1. Current delegation	2. Proposed changes
13. Executive Director, Resources	<p>Insert following new delegation:</p> <p>13.3 Authority to waive the fee for Disabled Person's Parking Badge (Blue Badge) in exceptional circumstances.</p>
15. Executive Director, Neighbourhood Services 15.15 Powers under the Localism Act 2011 and any related secondary legislation to determine nominations and listing reviews for assets of community value and to maintain and operate a list of such assets.	<p>15.15 Powers under the Localism Act 2011 and any related secondary legislation to determine nominations and listing reviews and compensation for assets of community value and to maintain and operate a list of such assets.</p>
16. Executive Director, Children's services	<p>Youth justice services</p> <p>Insert following new delegations:</p> <p>16.94 Under the Crime and Disorder Act 1998 to establish a youth offending team (locally called the Youth Justice Service) in co-operation with statutory partner agencies.</p> <p>16.95 To establish a management board for the Youth Justice Service in co-operation with statutory partners.</p> <p>16.96 The provision of an annual youth justice plan.</p> <p>16.97 Maintain a youth justice service in accordance with legislation and national standards.</p> <p>16.98 Ensure there are available sufficient staff to meet the</p>

	<p>requirements under the Crime and Disorder Act 1998, Police and Criminal Evidence Act 1984, the Criminal Justice and Immigration Act 2008, the Powers of Criminal Courts (sentencing Act) 2003, the Bail Act 1976 and the Legal Aid and Sentencing Offenders Act 2012.</p> <p>16.99 To co-operate with Multi-Agency Public Protection Arrangements under Section 325 Criminal Justice Act to assess and manage the risk posed by sexual and violent young offenders.</p> <p>16.100 To prevent and reduce offending within Walsall by Children and Young People (Crime and Disorder) Act 1998.</p> <p>16.101 A range of responsibilities in relation to the operational duties of the Youth Justice Service including assessing young offenders, preparation of pre sentence reports, being the “responsible officer” on a variety of Court imposed orders which involves monitoring of compliance and delivery of Court Order Interventions, instigating breach action and revocation (covered by a range of legislation).</p> <p>16.102 A range of responsibilities in relation to the operational duties of the Youth Justice Service including assessing young people subject to our Court disposals including assessment and interventions to prevent and reduce offending.</p> <p>16.103 A range of responsibilities in relation to the operational duties of the Youth Justice Service including ensuring young people have the right to bail and the provision and oversight of bail support services.</p> <p>16.104 To advise the Court in imposing Parenting Orders and managing and supervising Parenting Orders imposed in line with expected national standards and procedures.</p> <p>16.105 The provision of appropriate adult services and the transfer of</p>
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	<p>young people to a place of safety under PACE.</p> <p>16.106 To ensure the range of youth justice services listed are available in the local authority area and to communicate the same to the Courts, including bail support, local authority accommodation for remanded young people, provision of reports and other information to the courts. The placement and management of children and young people subject to a remands to local authority accommodation and remands secure accommodation. The provision of services to young people subject to a remand to youth detention accommodation.</p> <p>16.107 A range of responsibilities for the Youth Justice Service to provide services to victims of young offenders under the Code of Practice for Victims of Crime (under the Domestic Violence, Crime and Victims Act 2004).</p> <p>16.108 Compliance with the statutory guidance detailing roles and responsibilities under the Referrals Orders and Youth Offenders Panels Guidance, including the recruitment, training and management of volunteer panel member and the provision and management of panels to oversee Referral Orders.</p> <p>16.109 The provision of requirements for the Youth Rehabilitation Order under the Criminal Justice and Immigration Act 2008.</p> <p>16.110 A range of responsibilities for the Youth Justice Services to provide services to young people sentenced to custody (under a range of legislation), including liaison with the Secretary of State regarding early release of offenders, assessment for electronic monitoring upon release and assessment, management and breach of responsibilities once returned to the community.</p> <p>16.111 Undertake assessments of dangerousness when required to do so (for Court or parole boards).</p>
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	<p>Delete following legislation listed in paragraph 16.97:</p> <p>29. Sentencing Act 2000 30. Powers of Criminal Court (sentencing) Act 2000</p> <p>Insert the following legislation to the list at paragraph 16.97 after 28. Anti Social Behaviour Act 2003:</p> <p>Criminal Justice and Court Services Act 2000 Courts Act 2003 The Offender Management Act 2007 Road Traffic Act 1988 Firearms Act 1988 Sexual Offences Act 2003 Theft Act 1968 Crime Sentences Act 2000 Secure Accommodation Regulations 1991 and the Children (Secure Accommodation) (Amendment) Regulations 2012 Domestic Violence, Crime and Victims Act 2004</p>
<p>18. Executive Director, Regeneration Services</p> <p>18.5 Make applications for planning permissions, listed building, conservation and advert consents.</p> <p>18.26 Authority to take action under the following legislation (as may be amended), including where relevant, the determination of homelessness applications, the service of notices, issuing of licences, authorisation at works in default, implementation of charges, approval of grants, institution of legal proceedings etc:</p> <p>(1) Planning legislation (including the Town and Country Planning Act 1990, the Planning and Compulsory</p>	<p>18.5 Make applications for planning permissions, listed building and advert consents.</p> <p>18.26 Authority to take action under the following legislation (as may be amended), including where relevant, the determination of homelessness applications, the service of notices, issuing of licences, authorisation at works in default, implementation of charges, approval of grants, institution of legal proceedings etc:</p> <p>(1) Planning legislation (including but not limited to the Town and Country Planning Act 1990, the Planning and</p>

Purchase Act 2004 and the Planning Act 2008;	Compulsory Purchase Act 2004, the Planning Act 2008 and the Town and Country Planning (Listed Buildings and Conservation Areas Act 1990);
<p>20. Head of Planning and Building Control</p> <p>20.1 The Head of Planning and Building Control, has authority to determine all planning and related applications other than those which have been expressly reserved to the Planning Committee under the terms of reference of that Committee or have been called in by a Councillor for determination by that Committee.</p> <p>Applications to be determined by Committee:-</p> <p>(a) Applications for 'major' Development. 'Major' applications are defined as:-</p> <ul style="list-style-type: none"> (i) Any application for residential development or change of use involving 10 or more dwellings; (ii) Other forms of development or change of use of 1000 sq. metres floor space or more; (iii) Applications for development or change of use of 0.5 ha or more of land and; (iv) Minerals and waste applications for new or extended mineral workings or waste disposal. Minor amendments to existing permissions, and ancillary or small scale works are delegated to the Head of Planning and Building Control; <p>(b) Applications where it is proposed to make a decision that is contrary to the development plan or other published</p>	<p>20.1 The Head of Planning and Building Control has authority to determine all planning and related applications other than those which have been expressly reserved to the Planning Committee ('Committee') under the terms of reference of that Committee or have been called in by a Councillor for determination by that Committee.</p> <p>Applications to be determined by Committee:-</p> <p>(a) Applications for 'major' Development. 'Major' applications are defined as:-</p> <ul style="list-style-type: none"> (i) Any application for residential development or change of use involving 10 or more dwellings; (ii) Other forms of development or change of use of 1000 sq. metres floor space or more; (iii) Applications for development or change of use of 0.5 ha or more of land and; (iv) Minerals and waste applications for new or extended mineral workings or waste disposal (excluding development for ancillary or small scale works). <p>Applications for time extensions, non-material amendments and variations under section 73 of the Town and Country Planning</p>

<p>Council standards/ guidelines;</p> <p>(c) Decisions that would need to be referred to the Secretary of State;</p> <p>(d) Applications that attract one or more written, valid (i.e. planning related) objections from statutory (as referred to by the Town Country Planning (General Development Procedure Order) 1995) or other key consultees where it is proposed to make a decision that is contrary to the objection or applications that attract significant community interest from affected parties where it is proposed to make a decision that is contrary to the objection;</p> <p>(e) Applications submitted by or on behalf of the Council, or for the development of council-owned land over the value of £10,000 where there is significant community interest;</p> <p>(f) Any application that any member of the Council requests to be considered by Committee under the procedure set out in Part 6 paragraph 12;</p> <p>(g) Decisions where it is known that a claim for compensation from the Council would arise or which otherwise may involve a financial payment;</p> <p>(h) Applications that are known to be submitted by or on behalf of:</p> <ul style="list-style-type: none"> • Member of the Council; or • an organisation in which a Member has a known significant interest or involvement; • or an officer of Planning and Building Control; • or an officer of Property or Development and Delivery Services; or 	<p>Act 1990 to existing permissions for major development do not come within the above definition and are delegated to the Head of Planning and Building Control.</p> <p>(b) Applications where it is proposed to make a decision that is contrary to the development plan or other published Council standards/ guidelines;</p> <p>(c) Decisions that would need to be referred to the Secretary of State;</p> <p>(d) Applications that attract one or more written, valid (i.e. planning related) objections from statutory (as referred to by the Town and Country Planning (Development Management Procedure) (England) Order 2010 or other key consultees where it is proposed to make a decision that is contrary to the objection or applications that attract significant community interest from affected parties where it is proposed to make a decision that is contrary to the objection;</p> <p>(e) Applications submitted by or on behalf of the Council, or for the development of council-owned land over the value of £10,000 where there is significant community interest;</p> <p>(f) Any application that any member of the Council requests to be considered by Committee under the procedure set out in Part 6 paragraph 12;</p> <p>(g) Decisions where it is known that a claim for compensation from the Council would arise or which otherwise may involve a financial payment;</p> <p>(h) Applications that are known to be submitted by or on behalf of:</p>
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<ul style="list-style-type: none"> • other senior officer of the Council (defined for these purposes as any officer who holds a politically restricted post). <p>(i) Any application that the Head of Planning and Building Control considers raises matters that should be considered by Committee.</p> <p>Except that authority shall be delegated to the Head of Planning and Building Control to determine applications (other than the approval of “majors”) which would not raise complex or delicate judgement and when the proposed development does not comply with national or local planning policy and there is no significant community interest which would be contrary to the officer’s recommendations.</p> <p>20.2 Authority to determine whether a formal application of details in respect of agricultural and forestry development should be submitted.</p> <p>20.3 Power to issue a planning contravention notice in appropriate circumstances and to hold discussions as a result of the “Time and Place” procedure in Section 171C of the Town and Country Planning Act, 1990.</p> <p>20.4 Authority to undertake</p> <p>(a) The administration of the Building Act, 1984, in relation to:</p> <ul style="list-style-type: none"> (i) Part I of the Building Regulations; (ii) Part III - Dangerous Structures, Demolitions, Drainage and Sanitary Conveniences; (iii) Part IV - Powers of Entry and Enforcement; <p>(b) Administration of the Public Health Act, 1936, in relation</p>	<ul style="list-style-type: none"> • a Member of the Council; or • an organisation in which a Member has a known significant interest or involvement; • or an officer of Planning and Building Control; • or an officer of Property or Development and Delivery Services; or • other senior officer of the Council (defined for these purposes as any officer who holds a politically restricted post). <p>(i) Any application that the Head of Planning and Building Control considers raises matters that should be considered by Committee.</p> <p>Except that authority shall be delegated to the Head of Planning and Building Control to determine applications (other than the approval of “majors”) which would not raise complex or delicate judgement and when the proposed development does not comply with national or local planning policy and there is no significant community interest which would be contrary to the officer’s recommendations.</p> <p>20.2 Authority to make minor variations to section 106 agreements, subject to consultation with the Chair of the Committee.</p> <p>20.3 Authority to respond to various consultation documents received from government departments on planning related matters, except where the Head of Planning and Building Control is of the opinion that the consultation involves matters which should be considered by Committee, Group Leaders or the relevant Portfolio Holder.</p> <p>20.4 In respect of Development Management:</p> <p>(a) To respond to developers’ notices of intention to carry out</p>
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<p>to:</p> <ul style="list-style-type: none"> (i) Part II - Sanitation and Buildings; (ii) Part XI - Culverts, Ditches and Water Courses; <p>(c) The Party Wall Act, 1996;</p> <p>(d) The Building (Local Authority Charges) Regulations 1988</p> <p>20.5 In respect of Development Management:</p> <ul style="list-style-type: none"> (a) To respond to developers notice of intention to carry out development under Part 22 of the General Development Order, 1988 (mineral exploration only); (b) To determine whether Environmental Assessments are necessary under the Town and Country Planning (Assessment of Environmental Effects) Regulations, 1988; (c) Authority to determine applications for lawful development Certificates. (d) With respect to demolition of houses, authority to determine whether prior approval is required. (e) With regard to Telecommunications Development – authority to determine whether prior approval is required for siting and appearance; (f) To sign decisions made by Committee; (g) Authority to determine application for consent for the display of advertisements; (h) Approval of materials or other matters governed by 	<p>development under Part 22 of the Town and Country Planning (General Permitted Development) Order 1995 (mineral exploration only).</p> <ul style="list-style-type: none"> (b) To determine whether Environmental Assessments are necessary under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. (c) To determine applications for lawful development certificates (existing and proposed). (d) With respect to demolition of houses, authority to determine whether prior approval is required. (e) With regard to Telecommunications Development – authority to determine whether prior approval is required for siting and appearance. (f) To sign decisions made by Committee. (g) Authority to determine applications for consent for the display of Advertisements. (h) Authority to approve Discharge of Condition Applications for planning applications and Listed Building Consents. (i) Authority to approve minor amendments and non-material amendments to previously approved planning permissions. (j) Authority to remove any planning applications that have not been determined or appealed from the Planning Register in accordance with Article 36 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
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<p>conditions included in existing consents;</p> <p>(i) Authority to approve minor amendments to previously approved planning permissions.</p> <p>20.6 Enforcement of Planning Control:</p> <p>(a) To remove or obliterate any placard or poster which is displayed in contravention of the Advertisement Regulations.</p> <p>(b) Power to authorise the issue of Enforcement Notices re: unauthorised development by itinerants and travellers.</p> <p>(c) To authorise the issue of Enforcement Notices and Temporary Stop Notices where immediate action is necessary.</p> <p>(d) To authorise the issue of Enforcement Notices in circumstances where the delegated powers of officers to determine planning applications have resulted in the refusal of planning permission for retrospective development.</p> <p>(e) Authority to serve a breach of condition notice where planning conditions have not been complied with;</p> <p>(f) Power to issue a planning contravention notice in appropriate circumstances and to hold discussions as a result of the "Time and Place" procedure in Section 171C of the Town and Country Planning Act, 1990 (as amended).</p> <p>(g) Power to serve a planning contravention notice, breach of condition notice or stop notice, or planning enforcement notice, in accordance with sections 171, 171BA, 171BB,</p>	<p>(k) The power to determine whether a submitted Pre-Information Process application complies with any Local Development Order adopted by the Council.</p> <p>(l) Authority to determine whether a formal application of details in respect of agricultural and forestry development should be submitted.</p> <p>20.5 Enforcement of Planning Control:</p> <p>(a) To remove or obliterate any placard or poster which is displayed in contravention of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended).</p> <p>(b) Power to authorise the issue of Enforcement Notices re unauthorised development by itinerants and travellers.</p> <p>(c) To authorise the issue of Enforcement Notices and Temporary Stop Notices where immediate action is necessary.</p> <p>(d) To authorise the issue of Enforcement Notices in circumstances where the delegated powers of officers to determine planning applications have resulted in the refusal of planning permission for retrospective development.</p> <p>(e) To authorise the issue of Listed Building Enforcement Notices in circumstances where the delegated powers of officers to determine Listed Building Consents have resulted in the refusal of Listed Building Consent for retrospective development.</p> <p>(f) Authority to serve a breach of condition notice where planning conditions and Listed Building Consent</p>
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<p>187A and 183(1) of the Town and Country Planning Act 1990 as amended.</p> <p>(h) Power to give written assurance as regards prosecution for person served with a planning enforcement notice, and power to withdraw such assurance as appropriate, in accordance with section 172A of the Town and Country Planning Act 1990 as amended.</p> <p>(i) Power to remove and dispose of any unauthorised display structure and to exercise any other powers (including the power to recover reasonable expenses), in accordance with sections 225A and 225B of the Town and Country Planning Act 1990 as amended.</p> <p>(j) Power to serve an action notice to resolve persistent problems with unauthorised advertisements and to exercise any other powers (including the power to recover reasonable expenses, in accordance with sections 225C, 225D and 225E of the Town and Country Planning Act 1990 as amended.</p> <p>(k) Power to remedy defacement of premises and to exercise powers (including the power to recover reasonable expenses), in accordance with sections 225F and 225I of the Town and Country Planning Act 1990 as amended.</p> <p>(l) Power to serve notices in respect of post boxes and to exercise any other powers, in accordance with section 225G of the Town and Country Planning Act 1990 as amended.</p> <p>(m) Power to exercise powers in respect of bus shelters and other street furniture, in accordance with sections 225F and 225H of the Town and Country Planning Act 1990 as amended.</p>	<p>conditions have not been complied with.</p> <p>(g) Power to issue a planning contravention notice in appropriate circumstances and to hold discussions as a result of the “Time and Place” procedure in Section 171C of the Town and Country Planning Act 1990 (as amended).</p> <p>(h) Power to serve a planning contravention notice, breach of condition notice or stop notice, or planning enforcement notice, in accordance with sections 171, 171BA, 171BB, 187A and 183(1) of the Town and Country Planning Act 1990 (as amended).</p> <p>(i) Power to give written assurance as regards prosecution for person served with a planning enforcement notice, and power to withdraw such assurance as appropriate, in accordance with section 172A of the Town and Country Planning Act 1990 (as amended).</p> <p>(j) Power to remove and dispose of any unauthorised display structure and to exercise any other powers (including the power to recover reasonable expenses), in accordance with sections 225A and 225B of the Town and Country Planning Act 1990 (as amended).</p> <p>(k) Power to serve an action notice to resolve persistent problems with unauthorised advertisements and to exercise any other powers (including the power to recover reasonable expenses, in accordance with sections 225C, 225D and 225E of the Town and Country Planning Act 1990 (as amended).</p> <p>(l) Power to remedy defacement of premises and to exercise powers (including the power to recover reasonable expenses), in accordance with sections 225F and 225I of</p>
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<p>(n) Power to remedy defacement at owner or occupier's request and to exercise any other powers (including the power to recover reasonable expenses), in accordance with section 225J of the Town and Country Planning Act 1990 as amended.</p> <p>(o) Power to remove display structures, prevent or reduce unauthorised advertisements and/or remove or obliterate signs, so far as they relate to the operational land and premises of statutory undertakers, in accordance with sections 225A, 225C, 225F, 225K and 324 of the Town and Country Planning Act 1990 as amended.</p> <p>(p) (i) Where immediate action is necessary in respect of the issue of:</p> <p style="padding-left: 40px;">(a) an injunction under Section 44A of the Planning (Listed Buildings and Conservation Areas) Act, 1990; 187B of the Town and Country Planning Act, 1990, as amended by the Planning and Compensation Act, 1991;</p> <p style="padding-left: 40px;">(b) a Stop Notice under Section 183 of the Town and Country Planning Act, 1990.</p> <p>The Head of Legal and Democratic Services in consultation with the Head of Planning and Building Control shall discharge the function.</p> <p>(ii) Before acting under part (i) any officer so acting:-</p> <p style="padding-left: 40px;">(a) shall consult with such representatives of the political groups to which seats on the Committee have been allocated as the officer considers appropriate;</p>	<p>the Town and Country Planning Act 1990 (as amended).</p> <p>(m) Power to serve notices in respect of post boxes and to exercise any other powers, in accordance with section 225G of the Town and Country Planning Act 1990 (as amended).</p> <p>(n) Power to exercise powers in respect of bus shelters and other street furniture, in accordance with sections 225F and 225H of the Town and Country Planning Act 1990 (as amended).</p> <p>(o) Power to remedy defacement at owner or occupier's request and to exercise any other powers (including the power to recover reasonable expenses), in accordance with section 225J of the Town and Country Planning Act 1990 (as amended).</p> <p>(p) Power to remove display structures, prevent or reduce unauthorised advertisements and / or remove or obliterate signs, so far as they relate to the operational land and premises of statutory undertakers, in accordance with sections 225A, 225C, 225F, 225K and 324 of the Town and Country Planning Act 1990 (as amended).</p> <p>(q) (i) Where immediate action is necessary in respect of the issue of:</p> <p style="padding-left: 40px;">(a) an injunction under Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990; 187B of the Town and Country Planning Act 1990;</p> <p style="padding-left: 40px;">(b) a Stop Notice under Section 183 of the Town and Country Planning Act 1990;</p>
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<p>(b) shall record the urgent circumstances which make it necessary for action to be taken before a meeting of the Committee can be arranged;</p> <p>(c) where action is taken, a report of that action, including a summary of the circumstances which made it necessary, shall be made to the earliest practical meeting of the Committee.</p> <p>(iii) Authority to issue a Section 215 Notice subject to a period of 10 days being given to ward members to call in the Notice to the next meeting of the Planning Committee.</p> <p>(q) Authority to issue and serve notices under Section 330 of the Town and Country Planning Act, 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 where it is required to facilitate the gathering of information in respect of the ownership and other relevant interests in land.</p> <p>20.7 The authority:</p> <p>(a) not to pursue enforcement action, even when there are unresolved complaints; to revoke authorities given for enforcement action; to withdraw enforcement notices;</p> <p>(b) if it is considered that it is not expedient to pursue enforcement action, or no longer relevant in the prevailing circumstances (compliance before the notice takes effect).</p> <p>20.8. The Head of Legal and Democratic Services in consultation with the Head of Planning and Building Control is authorised to make</p>	<p>the Head of Legal and Democratic Services in consultation with the Head of Planning and Building Control shall discharge the function.</p> <p>(ii) Before acting under part (i) any officer so acting:-</p> <p>(a) shall consult with such representatives of the political groups to which seats on the Committee have been allocated as the officer considers appropriate;</p> <p>(b) shall record the urgent circumstances which make it necessary for action to be taken before a meeting of the Committee can be arranged;</p> <p>(c) where action is taken, a report of that action, including a summary of the circumstances which made it necessary, shall be made to the earliest practical meeting of the Committee.</p> <p>(r) Authority to issue a Section 215 Notice subject to a period of 10 days being given to ward members to call in the Notice to the next meeting of the Planning Committee.</p> <p>(s) Authority to issue and serve notices under Section 330 of the Town and Country Planning Act, 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 where it is required to facilitate the gathering of information in respect of the ownership and other relevant interests in land.</p> <p>(t) Authority:</p> <p>(i) not to pursue enforcement action, even when there</p>
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<p>minor variations to section 106 agreements, subject to consultation with the Chair of the Committee.</p> <p>20.9 The Head of Planning and Building Control be authorised to grant powers of entry to appropriate officers, planning enforcement.</p> <p>20.10 The authority to remove any planning applications that have not been determined or appealed from the Planning Register in accordance with Article 25 of the General Development Procedure Order 1995.</p> <p>20.11 To administer and take action under the relevant provisions of the Fire Safety Reform Order 2005.</p> <p>20.12 The power to determine whether a submitted Pre-Information Process application complies with any Local Development Order adopted by the Council.</p>	<p>are unresolved complaints;</p> <p>(ii) to revoke authorities given for enforcement action;</p> <p>(iii) to withdraw enforcement notices;</p> <p>if it is considered that it is not expedient to pursue enforcement action, or no longer relevant in the prevailing circumstances (compliance before the notice takes effect).</p> <p>(u) to grant powers of entry to appropriate officers.</p> <p>20.6 Authority to administer and take action under:</p> <p>(a) The Building Act 1984 in relation to:</p> <p>(i) Part I of the Building Regulations;</p> <p>(ii) Part III - Dangerous Structures, Demolitions, Drainage and Sanitary Conveniences;</p> <p>(iii) Part IV - Powers of Entry and Enforcement;</p> <p>(b) The Public Health Act 1936 in relation to:</p> <p>(i) Part II - Sanitation and Buildings;</p> <p>(ii) Part XI - Culverts, Ditches and Water Courses;</p> <p>(c) The Party Wall etc Act 1996;</p> <p>(d) The Building (Local Authority Charges) Regulations 1988</p> <p>(e) the Regulatory Reform (Fire Safety) Order 2005.</p>
<p>21. Head of Development and Delivery</p>	<p>New delegations:</p>

	<p>21.3. Preparation and service of Dangerous Structure Orders in respect of listed buildings under Section 77(1)(a) of the Building Act 1984, following consideration of Sections 47 (Compulsory purchase), 48 (Repairs notice) and 54 (Urgent works notice).</p> <p>21.5 To determine and review Conservation Areas in accordance with Section 69(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
25. Regulatory Services Manager	<p>25. Head of Communities and Public Protection (Title to be changed throughout the delegations)</p> <p>Add the following to the list in paragraph 25.5:</p> <p style="padding-left: 40px;">Enterprise Act 2002 Town and Country Planning Act 1990 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990</p>
<p>28. Head of Service, Engineering and Transportation Services</p> <p>28.1 The following delegations will be undertaken in accordance with Council policy and, as necessary, with the approval of the Chief Finance Officer and/or the Head of Legal and Democratic Services:</p> <p>28.2 To authorise, in the absence of the Head of Engineering and Transportation, the Service Manager for Traffic and Transportation to act on behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.</p> <p>28.3 The Head of Engineering and Transportation may authorise</p>	<p>28.1 The Head of Engineering and Transportation Services is authorised on behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.</p> <p>28.2 The following delegations will be undertaken in accordance with Council policy and, as necessary, with the approval of the Chief Finance Officer and/or the Head of Legal and Democratic Services:</p> <p>28.3 To authorise, in the absence of the Head of Engineering and</p>

<p>officers from other authorities and public agencies working on regional projects to exercise powers within the borough from time to time:</p> <p>28.4 Authority to vary future levels of charges for services for which charges are currently made (excluding car parking charges) such revisions having regard to the retail price index and prevailing market conditions.</p> <p>28.29 Authority to approve the details of Minor Improvement Schemes already approved by the Council as part of its annual approval of the Capital Programme, including:</p> <ul style="list-style-type: none"> (a) The design and location of measures to assist pedestrians and cyclists such as pelican, zebra, toucan and puffin crossings, pedestrian refuges and cycle lanes. (b) The design and implementation of measures provided as part of any Safer Routes to School projects. (c) The design and location of traffic calming features. (d) The design of traffic signal controlled junctions. (e) The design of minor junction improvements and alterations. 	<p>Transportation, the Group Manager (Highways and Environment) and the Group Manager (Road Traffic Network) to act on behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.</p> <p>28.4 The Head of Engineering and Transportation is authorised to take action under the following legislation and may authorise officers from engineering and transportation, other authorities and public agencies working on regional projects to exercise powers within the borough from time to time:</p> <p style="text-align: center;"><i>Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 – to be added to list of legislation set out in the Constitution</i></p> <p>28.5 Authority to vary fees and charges (excluding car parking charges), not fixed by statute.</p> <p>28.30 Authority to approve the details of Minor Improvement Schemes already approved by the Council as part of its annual approval of the Capital Programme, including:</p> <ul style="list-style-type: none"> (a) The design and location of measures to assist pedestrians and cyclists such as pelican, zebra, toucan and puffin crossings, pedestrian refuges and cycle lanes. (b) The design and implementation of measures provided as part of any Safer Routes to School projects. (c) The design and location of traffic calming features. (d) The design of traffic signal controlled junctions. (e) The design of minor junction improvements and alterations.
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<p>(f) The design of bus priority measures and the location of bus stops and shelters.</p> <p>(g) Enforcement powers under all sections of the Traffic Management Act 2004.</p> <p>Subject to the proposal being in accordance with approved policy and, where appropriate, following full consultation with local residents and businesses.</p> <p>28.34 Authority to approve “No Parking on the Verge” signs in accordance with approved policy.</p>	<p>(f) The design of bus priority measures and the location of bus stops and shelters.</p> <p>Subject to the proposal being in accordance with approved policy and, where appropriate, following full consultation with local residents and businesses.</p> <p>Paragraph to be deleted.</p> <p>Insert new delegations:</p> <p>28.43 Enforcement powers under all sections of the Traffic Management Act 2004.</p> <p>28.44 Authority to assess and consider the appropriate stage to implement the termination of any further progression of penalty charge notices in accordance with civil parking enforcement.</p>
<p>30. Head of Human Resources and Development</p>	<p>Insert new delegation:</p> <p>30.9 To determine appeals against the designation of a post as being politically restricted.</p>

33. Head of Street Pride

33. Head of Clean and Green Services
(Title to be changed throughout the delegations)

Insert new delegations:

33.5 Acceptance of bids for concessions within parks and open spaces.

33.6 Acceptance of hand-over from developers of open space.

33.7 Approval of routine lettings for events on greenspaces premises/land.

33.8 Approval of free/concessionary use of greenspaces facilities/equipment.

33.9 Approval of closure of parks and open spaces and associated facilities for essential maintenance.

33.10 Determining opening hours during holiday periods for parks and open spaces.

33.11 Approval of setting and variations in charges and core admission prices to events in parks and open spaces.

33.12 The authority to seek planning permission in respect of future proposed development for leisure, recreation, education and community purposes.

33.13 The authority to exercise all the powers and duties of the Council as a local authority to administer legislation in the furtherance of his duties, including but not limited to, the following Acts:

Allotments Acts 1922, 1925 and 1950
Animals Act 1971

	<p> Anti-Social Behaviour Act 2003 Clean Neighbourhoods and Environment Act 2005 Dangerous Dogs Acts 1989 and 1991 Dangerous Wild Animals Act 1976 Dogs Act 1871 Dogs (Fouling of Land) Act 1996 Environmental Protection Act 1990 Fire Safety and Safety at Places of Sport Act 1987 Land Settlement Facilities Act 1909 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 Regulation of Investigatory Powers Act 2000 Small Holdings and Allotments Act 1908 Town Police Clauses Act of 1847 and 1889 </p> <p>33.14 Authority to vary fees and charges not fixed by statute.</p> <p>33.15 To authorise, in the absence of the Head of Clean and Green Services, the Service Managers for Operations and Strategy to act on behalf of the Council including the serving of Notices, prosecutions, and such matters as may require attention.</p>
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1. Current delegation	2. Proposed changes
<p>14. Chief Finance Officer</p> <p>14.4 To approve reports on proposed capital expenditure (Capital Financing Reports) included within the approved Capital Programme, and subject to compliance with the Council's Financial and Contract Rules.</p> <p>(a) To approve capital expenditure and capital expenditure reports in line with the approved capital programme where the project is included within the approved capital programme; or funded by contingency in year.</p> <p>(b) To approve capital expenditure which is subject to an identified and guaranteed external funding stream where that funding stream has come on-stream in year (for example a new capital grant) and only where this results in no additional call on Council resources;</p> <p>(c) Any other proposed capital expenditure outside of (a) and (b) above, shall be considered by Cabinet and referred to Council.</p> <p>14.5 To approve Capital Contingency requests within the limits set within the annually approved capital programme and as set out in the medium term financial strategy.</p> <p>14.7 Authority to write off irrecoverable amounts due to the Council up to and including £10,000:</p> <p>(a) Without limit as regards local taxation on a single property.</p> <p>(b) Without limit as regards housing and or Council tax benefit on a single property.</p>	<p><u>Insert following revised delegation:</u></p> <p>14.4 To approve reports on proposed capital expenditure (Capital Financing Reports) included within the approved Capital Programme, and subject to compliance with the Council's Financial and Contract Rules.</p> <p>(a) To approve capital expenditure and capital expenditure reports in line with the approved capital programme where the project is included within the approved capital programme; or funded by contingency in year.</p> <p>(b) To approve capital expenditure which is subject to an identified and guaranteed external or internal funding stream where that funding stream has come on-stream in year (for example a new capital grant or through generation of additional income or expenditure savings) and only where this results in no additional call on Council resources;</p> <p>(c) Any other proposed capital expenditure outside of (a) and (b) above, shall be considered by Cabinet and referred to Council.</p> <p>14.5 To approve Capital Contingency requests within the limits set within the annually approved capital programme and Revenue Contingency requests as set out in the medium term financial strategy.</p> <p>14.7 Authority to write off irrecoverable amounts due to the council up to and including £10,000 and:</p> <p>(a) Without limit as regards local taxation on a single property.</p> <p>(b) Without limit as regards housing and or Council tax benefit on a single property.</p>

1. Current delegation	2. Proposed changes
<p>14.10 To arrange borrowing as necessary from time to time for the Council's purposes. Services of funds will comprise temporary loans, loans from public works loan board, other mortgages and bonds, money bills, bank overdraft and internal funds of the Council, subject to any restriction which may be made by Statute, Council or the Executive.</p> <p>14.12 To invest Council funds temporarily not required in accordance with the statutory provisions regulating approved investments as defined in Section 66 of the Local Government and Housing Act, 1989 subject to any restrictions which may be made by Statute, by Council or the Executive, in conjunction with the resources Planning and Treasury Manager.</p> <p>14.13 Produce and report on the statutory determinations in setting the annual Council tax requirement, as required under Sections 32, 43 and 93 of the Local Government Act 1992 and the robustness of the budget and adequacy of reserves as defined by Section 23 of the Local Government Act 2003.</p> <p>14.15 To determine applications for rate relief from Non Domestic Rates under Section 44(a) of the Local Government Finance Act, 1988.</p> <p>14.17 To determine the completion date for a property notice in accordance with Section 46(a) of the Local Government Finance Act 1988 and Schedule 4 (a) of the Local Government Finance Act 1989.</p>	<p>14.10 To arrange borrowing as necessary from time to time for the Council's purposes. Services of funds will comprise temporary loans, loans from public works loan board, other mortgages and bonds, money bills, bank overdraft and internal funds of the Council, subject to any restriction which may be made by Statute, Council or the Executive.</p> <p>14.12 To invest Council funds temporarily not required in accordance with the statutory provisions defined in Part I (Section 12) of the Local Government Act 2003 which gives local authorities the power to invest for any purpose relevant to its functions or for the prudent management of its financial affairs, and subject to other relevant guidance and restrictions which may be made by Statute, by Council or the Executive. This includes but is not restricted to Council's approved Treasury Management and Investment Strategy, Treasury Management Policy statement and approved practices.</p> <p>14.13 Produce and report to Council on the statutory determinations in setting the annual council tax requirement, as required under Sections 30, 31A, 31B, 32, 36, and Chapter 4ZA (specifically Sections 52ZB , 52ZC) of the Local Government Finance Act 1992 & the robustness of the budget and adequacy of reserves as defined by Section 25, 26, 27, of the Local Government Act 2003.</p> <p>14.15 To determine applications for rate relief from Non Domestic Rates under Section 44A of the Local Government Finance Act, 1988.</p> <p>14.17 To determine the completion date for a property notice in accordance with Section 46A and Schedule 4A of the Local Government Finance Act 1988 as well as Section 17 of the Local Government Finance Act 1992.</p>

1. Current delegation	2. Proposed changes
<p>14.23 Administer the Council responsibilities under the provisions of the Social Security legislation relating to the Housing Benefit and Council Tax Benefit Scheme including the following:-</p> <ul style="list-style-type: none"> - The administration of the councils HB & CTB local schemes - The administration of the Councils Prosecution and Sanctions Policy in relation to Housing Benefit and Council Tax Benefit fraud. <p>The administration of applications under the Discretionary Housing Payments Scheme. Including the power to make any determinations under the relevant legislation.</p> <p>14.26 Authority to manage and determine applications for business rate discount of 100% for properties designated within specified areas of the Black Country Enterprise Zone (Darlaston site).</p> <p>14.27 To approve the national non domestic rate government returns.</p>	<p>14.23 Administer the Council responsibilities under the provisions of the Social Security legislation and in accordance with the council's approved policy relating to the Housing Benefit and Council Tax Reduction Scheme including the following:-</p> <ul style="list-style-type: none"> - The administration of the council's local schemes - The administration of the Councils Prosecution and Sanctions Policy in relation to Housing Benefit and Council Tax Reduction fraud. - Including the power to make any determinations under the relevant legislation. <p>14.26 Authority to manage and determine the scheme for business rate discount of 100% for properties designated within specified areas of the Black Country Enterprise Zone (Darlaston site).</p> <p>14.27 To approve national non domestic rate and council tax government returns.</p> <p><u><i>Insert following new delegations:</i></u></p> <p>14.28 To respond to consultation documents received from various government departments, subject to consultation with Group Leaders and the relevant portfolio holder.</p> <p>14.29 To undertake an annual review (jointly with the Executive Director of Adult Social Care) of the values of adult social care support packages based upon a resource allocation system.</p>

1. Current delegation	2. Proposed changes
<p>Note: The following powers may be exercised by the:</p> <p>(a) Head of Finance: 4,5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22, 27</p> <p>(b) Head of Revenues: 6, 7(a), 8, 9,14, 15, 16, 17, 20.</p> <p>(c) Head of Benefits: 6, 7(b), 20, 23</p>	<p><u>Insert following new delegations:</u></p> <p>14.30 To devise a scheme to process business rate retail relief and the business rates reoccupation relief for qualifying bodies together with authority to amend each scheme to reflect any changes required by legislation and/or government guidance.</p> <p>14.31 Authority to manage and determine awards of business rate retail relief and business rates reoccupation relief under each scheme.</p> <p><u>Insert following revision:</u></p> <p>Note: The following powers may be exercised by the: Head of Finance: 2, 4,5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22, 27 In the absence of the Chief Finance Officer (Assistant Director of Finance) the Head of Finance will act as the designated Chief Financial Officer and may exercise all of the delegations as set out above and specifically 14.1.</p>
<p>31. Head of Internal Audit</p>	<p><u>Insert following:</u></p> <p>In the absence of the Chief Finance Officer (Assistant Director of Finance) <i>and</i> the Head of Finance, the Head of Internal Audit will act as the designated Chief Finance Officer and may exercise all of the CFO delegations and specifically 14.1.</p>