



Walsall Council

Audit Committee – 20 April 2015

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 1 June 2015.

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 The proposed amendments to officer delegations for the forthcoming municipal year (2015/2016) 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) by clicking [here](#).

- 3.2 A review of the senior management structure is being undertaken by the Chief Executive and any changes in responsibilities resulting from this review will need to be reflected in officer delegations at a later date.
- 3.3 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

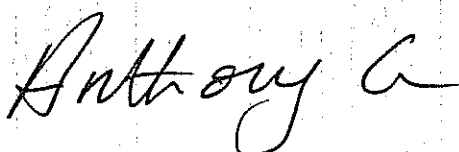
The revised delegations attached as an appendix to this report are as a result of extensive consultation with relevant Council directorates.

Background papers

None

Author

John Garner
Head of Democratic Services
☎ 01922 654366
✉ garnerj@walsall.gov.uk



Tony Cox
Head of Legal and Democratic Services
10 April 2015

Proposed amendments to Table 5 – Scheme of delegations to officers

1. Current delegation	2. Proposed changes
<p>13. Executive Director, Resources</p>	<p>Following delegations to be transferred from the Executive Director, Regeneration to the Executive Director, Resources:</p> <p>13.5 Invite, accept and appoint in accordance with Financial and Contract Rules, consultants and contractors for a specified period for the development and execution of approved projects. (18.1)*</p> <p>13.6 Exercise all routine housing functions that are not specifically delegated to any relevant Cabinet member, the Cabinet, or any Committee. (18.17)</p> <p>13.7 Make decisions under Part 6 and Part 7 of the Housing Act 1996, and to review decisions made under Part 7, Sections 175-218. (18.18)</p> <p>13.8 To serve notices of seeking possessions and taking other legal action in respect of tenants (including introductory tenants) who are in arrears of rent or in other breach of their tenancy conditions. (18.19)*</p> <p>13.9 Issue notices under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 in respect of information as to ownership of land and properties in advance of action by the Council. (18.20)</p> <p>13.10 To instruct the Head of Legal and Democratic Services to take summary proceedings for the recovery of Council owned properties and land that are occupied by a person or persons who entered, or remain in occupation without the Council's licence or consent. (18.21)*</p>

	<p>13.11 Approve, in conjunction with the Chief Finance Officer, submissions by registered social landlords for rehabilitation work, to approve mortgage terms and to make the relevant applications for grants. (18.22)*</p> <p>13.12 To exercise all the statutory powers and duties of the Council relating to private sector housing including The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and subject to the limits set out in the Financial and Contract Rules, authority to:</p> <ul style="list-style-type: none"> (a) Purchase equipment, tools and materials and authorise the execution of works; (b) Approve the settlement of the third party claims including: (c) Write off or recovery of debt relating to Statutory Notices or completion of work in default in consultation with the Head of Legal and Democratic Services; (d) Issue house in multiple occupation (HMO) licences and related notices; (e) consider and determine applications for loans or grants for aids for purposes detailed within the Council's Housing Renewal Assistance policy including aids and adaptations to the homes of people with disabilities below £50,000. (f) consider and determine applications for repair and improvements to private housing in line with the Council's Housing Renewal Assistance Policy. (18.24) <p>13.13 (a) To grant authorisations (as the appropriate officer), to enforcement officers under the Housing Act 2004 Section</p>
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	<p>243 for the purposes of:</p> <ul style="list-style-type: none"> (i) Section 131 (management orders: power of entry to carry out work) (ii) Section 235 (power to require documents to be produced) (iii) Section 239 (powers of entry) (iv) Paragraph 3 (4) of Schedule 3 (improvement notices: power of entry to carry out work), and (v) Paragraph 25 Schedule 7 (Empty Dwelling Management Orders: power of entry to carry out work) <p>(b) To authorise in his absence the Systems Leaders (Money, Home, Job) to grant such authorisations and those listed in 13.14 and 13.15.</p> <p>(c) To authorise the System Leaders (Money, Home, Job) and the Manager of Housing Standards and Improvement to take action under the following legislation, including where relevant, the service and enforcement of notices, licences, authorisation of works in default, implementation of charges, approval of grants, loans and other financial assistance institution of legal proceedings:</p> <ul style="list-style-type: none"> (1) Housing Acts 1980; (2) Housing Act 1985 (as amended); (3) Housing Act 1988; (4) Housing Act 1996; (5) Housing Act 2004;
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| | <ul style="list-style-type: none">(6) Housing Association Act 1985;(7) Housing and Building Control Act 1984;(8) Housing Grants, Construction and Regeneration Act 1996;(9) Local Government Act 1972;(10) Local Government and Housing Act 1989;(11) Local Government (Miscellaneous Provisions) Act 1976;(12) Local Government (Miscellaneous Provisions) Act 1982;(13) Rent Act 1977;(14) Water Act 1989;(15) Protection from Eviction Act 1977;(16) Landlord and Tenant Act 1954;(17) Landlord and Tenant Act 1985;(18) Landlord and Tenant Act 1987;(19) Caravan Sites and Control of Development Act 1960;(20) Caravan Sites Act 1968, Part 1;(21) Mobile Homes Act 1973;(22) Mobile Homes Act 1983;(23) Land Compensation Act 1973;(24) Noise and Statutory Nuisance Act 1993;(25) Prevention of Damage by Pests Act 1949;(26) Public Health Act 1936;(27) Public Health Act 1961;(28) Public Health Act 1969;(29) Refuse Disposal (amenity) Act 1978;(30) Building Act 1984;(31) Environmental Protection Act, 1990;(32) Control of Pollution Act 1974;(33) Defective Premises Act 1972;(34) Clean Air Act 1993;(35) Home Energy Conservation Act 1995;(36) European Communities Act 1972; |
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- (37) Health and Safety at Work Act 1974.
- (38) Homeless Act 2002
- (39) Care Act 2014 (18.25)

13.14 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:

- (1) Planning legislation (including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008;
- (2) Housing Act 1996 (as amended by the Homelessness Act 2002;
- (3) Immigration and Asylum Act 1999;
- (4) Nationality Immigration and Asylum Act 2002;
- (5) Asylums and Immigration (Treatment of Claimants) Act 2004;
- (6) Protection from Eviction Act 1977;
- (7) Children Act 2002;
- (8) Localism Act 2011 (18.26)

13.15 Instruct the Head of Legal and Democratic Services to initiate proceedings for contraventions of any of the Acts (listed previously), which relate to the private sector. This includes issuing of a formal caution in lieu of prosecution in appropriate circumstances, e.g:

- (a) Where mitigating circumstances exist;
- (b) Where sufficient evidence exists to prosecute;
- (c) Where it is in the public interest to do so;
- (d) Where the perpetrator admits the offence.(18.27)*

	<p>13.16 Without prejudice to any delegations, authorise the Monitoring Officer to institute appropriate legal proceedings including against unauthorised occupiers found on the Council's land or premises. (18.28)</p> <p>(Note: (a) Except where otherwise stated Systems Leader(s) (Money Home Job) may exercise the above powers and also duly delegate these powers to other officers:</p> <p>(b) After consultation with the Head of Paid Service and the Monitoring Officer, the Executive Director, Resources is duly authorised to add to this list.)</p> <p>*Delegations also retained by the Executive Director, Regeneration</p>
<p>14. Chief Finance Officer</p>	<p>Insert the following new delegations:</p> <p>14.8 Take all necessary action 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>14.9 Authority to manage and determine awards of business rate relief and business rates reoccupation relief under each scheme.</p> <p>14.16 To determine the Council tax base in accordance with the Local Government Finance Act 1992</p> <p>Note: The following powers may be exercised by the: Head of Finance: 2, 4, 5, 6, 7, 12, 13, 14, 17, 22, 23, 24, 25, 30, 31 (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>16. Executive Director, Children’s Services</p> <p>16.24 Preparation of Statements of Special Educational Needs.</p> <p>16.25 Arrangements to implement special educational provisions specified in Statements of Special Educational Needs.</p> <p>16.28 Approval of grant aid for parental visits at appropriate times to children with special educational needs in residential schools and colleges.</p> <p>16.29 Provision of education to individual pupils “otherwise than in school”.</p> <p>16.41 Exercise functions under Local Authority Social Services Act 1970 so far as they relate to children;</p> <p>16.42 Exercise any health related functions exercised on behalf of any National Health Service body under section 75 of the National Health Service Act 2006.</p> <p>16.43 Make arrangements to ensure local authority functions are discharged with regard to the needs to safeguard and promote the welfare of children as required by Section 11 of the Children Act 2004.</p> <p>16.47 Provide an interpretation service where necessary.</p> <p>16.52 Ensure there are adequate resources for the accommodation of young people who are subject of secure remands under the Children and Young Person’s Act 1969 and Youth Detention Accommodation under the Legal Aid, Sentencing and Punishment of Offenders Act 2012.</p>	<p>16.24 Assessing for and where required, completing an Education, Health and Care Plan.</p> <p>16.25 Arrangements to implement special educational provisions specified in the Education, Health and Care Plan.</p> <p>To be deleted</p> <p>Move to paragraph 16.12 (A Education Services – General)</p> <p>To be deleted and replaced with new delegation:</p> <p>16.41 Exercise functions under the Children Act 2004, Section 18(2)</p> <p>16.47 Provide access to an interpretation service where necessary.</p> <p>16.52 Ensure there is access to sufficient resources for the accommodation of young people who are subject of secure remands under the Children and Young Person’s Act 1969 and Youth Detention Accommodation under the Legal Aid, Sentencing and Punishment of Offenders Act 2012.</p>
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<p>16.53 Refer persons to the Secretary of State for possible inclusion on the Protection of Children Act list.</p>	<p>16.53 Maintain safe recruitment and employment practices and ensure that reference is made to the Disclosure and Barring Service and the Health and Care Professions Council when necessary.</p>
<p>16.54 Ensure that the educational attainment and state of health of looked after children are monitored.</p>	<p>16.54 Ensure that the education and health of looked after children are monitored and responded to as necessary.</p>
<p>16.57 Keep a register of all children placed by any local authority within the directorates area and of all children placed by the directorate outside of the local authority area.</p>	<p>16.57 Keep a record of all children placed by any local authority within the directorates area and of all children placed by the directorate outside of the local authority area.</p>
<p>16.58 Appeal to the tribunal against Care Quality Commission decisions to cancel registration, vary or remove a condition of registration, or add a new condition of registration in respect of the directorate.</p>	<p>16.58 Appeal against Ofsted decisions to cancel registration, vary or remove a condition of registration, or add a new condition of registration in respect of the directorate.</p>
<p>16.60 Provide support for asylum seekers and their dependents who are destitute or who are likely to become destitute and for whom support is not available elsewhere.</p>	<p>16.60 Provide support for asylum seekers with children who are destitute or who are likely to become destitute and for whom support is not available elsewhere.</p>
<p>16.64 Authority to determine applications or assistance under Section 17(6) of the Children Acts 1989.</p>	<p>16.64 Authority to provide assistance under Section 17(6) of the Children Acts 1989.</p>
<p>16.65 The day to day reception and placement in appropriate accommodation of any child brought to the attention of Social Services as being in need of accommodation or committed to the care of the Local Authority by the courts under the Children Act 1989 or the Legal Aid, Sentencing and Punishment of Offenders Act 2012.</p>	<p>16.65 The day to day reception and placement in appropriate accommodation of any child brought to the attention of the Council as being in need of accommodation or committed to the care of the Local Authority by the courts under the Children Act 1989 or the Legal Aid, Sentencing and Punishment of Offenders Act 2012.</p>
<p>16.67 Receive and find appropriate placements for children committed to the care of the local authority on interim or full care orders.</p>	<p>To be deleted</p>

<p>16.68 Authority to authorise a placement of children subject to care orders, with their parents or other persons with parental responsibility in accordance with the placements of children with parents etc, regulations, 1991.</p> <p>16.71 Authority to arrange regular visiting to ensure the welfare of any child, accommodated in a voluntary home by Social Services is adequately safeguarded and promoted in accordance with the duty under Section 62 of the Children Act 1989.</p> <p>16.72 Consider and authorise the payment of approved adoption allowances, residential allowances and special guardianship allowances in accordance with the scheme duly approved by the Department of Health and Social Security in cases where the adoption panel has recommended such allowances, and the agency decision maker has confirmed the recommendations as an agency decision.</p> <p>16.73 Authority to apply to the courts for placement in secure accommodation of juveniles accommodated by, or in the care of the local authority in accordance with Section 25 of the Children Act, 1989 and the accompanying Secure Accommodation Regulations, 1991.</p> <p>16.75 Authority to appoint and pay the reasonable expenses of independent visitors, appointed under paragraph 17 of Schedule 2 of the Children Act, 1989, and as defined by the accompanying definition of independent visitors (children) regulations, 1991.</p>	<p>16.68 Authority to authorise a placement of children subject to care orders, with their parents or other persons with parental responsibility in accordance with the Care Planning, Placement and Case Review Regulations 2010.</p> <p>16.71 Authority to arrange regular visiting to ensure the welfare of any child, accommodated in a voluntary home by Social Services is adequately safeguarded and promoted in accordance with the duty under Section 62 of the Children Act 1989 or superceded legislation.</p> <p>16.72 Consider and authorise the payment of approved adoption allowances, residential allowances and special guardianship allowances in accordance with the Adoption Allowance Regulations 1991 and any scheme approved by the Department of Work and Pensions in cases where the adoption panel has recommended such allowances, and the agency decision maker has confirmed the recommendations as an agency decision.</p> <p>16.73 Authority to apply to the court for an order to place a child or young person in secure accommodation in accordance with Section 25 of the Children Act, 1989 and the accompanying Secure Accommodation Regulations, 1991.</p> <p>16.75 Authority to appoint and pay the reasonable expenses of independent visitors, appointed under paragraph 17 of Schedule 2 of the Children Act, 1989, in accordance with Regulation 47, Care Planning, Placement and Case Review (England) Regulations 2010 and paragraphs 3.184 – 3.212, Children Act 1989 Regulations and Guidance Volume 2: Care Planning, Placement and Case Review 2010.</p>
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<p>16.81 Authority to agree the legal costs in relation to an application by a relative or foster carer for a Residents Order to promote the welfare of a child.</p> <p>16.112 To make sufficient provision of children's centres to meet local need, so far as is reasonably practicable and ensure universal access to children's centres is achieved and all children and families can be reached effectively, especially the most deprived. To consult before establishing, significantly changing or closing a children's centre.</p> <p>16.113 Ensure sufficient provision of childcare places and ensure implementation of statutory guidance for local authorities on the delivery of free Early Education for three and four year olds and securing sufficient childcare and extend provision to include 20% most vulnerable 2 year olds from September 2013.</p> <p>16.114 Ensure the provision of sufficient childcare for working parents or parents in education or training.</p>	<p>16.81 Authority to agree the legal costs in relation to an application by a relative or foster carer for a Special Guardianship or Child Arrangement Order to promote the welfare of a child.</p> <p>16.112 To make sufficient provision of children's centres, so far as reasonably practicable, to meet local need and ensure that a network of children's centres is accessible to all families with young children in their area.</p> <p>16.113 To make sufficient provision of childcare and early education places for two, three and four year olds until the child reaches compulsory school age (the beginning of the term following their fifth birthday).</p> <p>16.114 To provide sufficient child care to enable parents to undertake work, education or training, or continue with the same.</p>
<p>17. Executive Director, Social Care and Inclusion</p> <p>The holder of the post of Executive Director, Social Care and Inclusion shall be responsible for the overall strategic management of the directorate, exercising the functions under Section 18 (3) of the Children Act 2004 in relation to adult education, and, without prejudice to the foregoing, shall have power, subject to compliance with the constitutional arrangements and any relevant provisions of the Council's Financial and Contract Rules to:</p>	<p>The holder of the post of Executive Director, Social Care and Inclusion shall act as the Council's statutory Director of Adult Social Services in accordance with Section 6 of the Local Authority Social Services Act 1970. The Director shall be responsible for the overall strategic management and direction of Social Care and Inclusion across the Council, exercising the functions under Section 18 (3) of the Children Act 2004 in relation to adult education, and, without prejudice to the foregoing, shall have power, subject to compliance with the constitutional arrangements and any relevant provisions of the Council's Financial and Contract Rules to:</p>

<p>17.1 Exercise the Council's functions in respect of all routine adult social services functions that are not specifically delegated to any relevant Cabinet member, the Cabinet or any Cabinet Committee, including assessing local needs and assuring availability of a full range of adult social services, provide professional leadership and workforce planning, lead the implementation of standards, manage cultural change, promote local access, ownership, partnership working across all agencies, deliver a whole systems approach to supporting communities and promote social inclusion and well being.</p>	<p>17.1 Exercise the Council's functions in respect of all routine adult social services functions that are not specifically delegated to any relevant Cabinet member, the Cabinet or any Cabinet Committee, including assessing local needs and assuring availability of a full range of adult social services;</p> <ul style="list-style-type: none"> • Provide professional leadership including workforce planning • Leading the implementation of standards • Managing cultural change • Responding to formal and informal consultations • Promote local access and ownership • Partnership working across all agencies • Deliver an integrated whole systems approach to supporting communities • Promote social inclusion and wellbeing • Improving preventative services and delivering early intervention • Independent advice and advocacy • Any functions exercisable by the authority under Section 75 National Health Service Act 2006 on behalf of NHS body to include making arrangements for any services provided.
<p>17.6 Ensure that there is in place an efficient process for assessment and care management for current and potential service users and carers.</p>	<p>17.6 Ensure that there is in place an efficient process for assessment and care management for current and potential service users and carers based on local need.</p>
<p>17.9 Ensure that all arrangements for service provision are reviewed in accordance with legislative requirements and mandatory guidance.</p>	<p>17.9 Ensure that we assess, plan and commission adult social care and wellbeing services to meet all needs within the borough and that these are reviewed in accordance with legislative requirements and mandatory guidance.</p>
<p>17.13 Present reports to Courts and Tribunals where required.</p>	<p>17.13 Present reports to Courts and Tribunals where required. This to include the authority to take decisions, serve notices, requirements or orders, make applications, exercise power of</p>

17.21 Authority to negotiate and agree fee levels with independent sector providers, having regard to the assessed needs of the clients, the services to be provided, and the availability of resources (National Health Services and Community Act 1990 and Health and Social Care Act 2012).

17.28 Discretion to vary charges in cases where there are special circumstances, hardship etc.

entry, provide reports and institute or defend any proceedings before magistrate, court or other tribunal on behalf of the Council in discharge of the Council's adult social care functions arising under any law or act.

17.21 Authority to negotiate and agree fee levels with independent sector providers, having regard to the assessed needs of the clients, the services to be provided, and the availability of resources (National Health Services and Community Act 1990 and Health and Social Care Act 2012 and Care Act 2014).

17.28 To establish residential and non residential charging schemes following Care Act guidance, including discretion to vary charges in cases where there are special circumstances, hardship etc. The discretion to vary charges including the provision to write off debt where it is felt that an individual would be at risk if the debt was pursued or they chose to withdraw from care on financial grounds. A written record of all decisions should be made.

Insert following new delegations:

17.31 Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the needs of vulnerable adults including the requirement for a statutory Adults Safeguarding Board.

17.32 To manage peoples affairs as appointee and guardian for individuals who lack capacity.

Amend the list of legislation set out in existing paragraph 17.32 as follows:

- (3) Local Authorities Social Services Act 1970 (Schedule 1)
- (27) Mental Capacity Act 2005 including deprivation of liberty

	<p>safeguards</p> <p>(30) Care Act 2014</p> <p>(31) Children and Families Act 2014 (relevant adult sections)</p>
<p>18. Executive Director, Regeneration</p> <p>18.6 Invite, accept and appoint term consultants and contractors, for a specified period for the development and execution of approved design and/or maintenance projects/programmes for the annual minor improvements and local safety programmes and for the analyses and advice to support the making of planning policy and planning decisions, including the representation of the Council at public inquiries and examinations.</p> <p>18.13 Authority to approve the transfer or market stall licences to another family member or employee upon application, providing the officer considering the application is satisfied that the licence holder had traded on the market concerned for at least 5 years; and that during the 2 years immediately preceding the application:</p> <p>(a) The family member has personally assisted the licence holder in trading on the stall to which the application relates; or</p> <p>(b) The applicant has been employed (other than on a self employed basis) by the license holder for the purpose of trading on the stall to which the application relates.</p>	<p>See delegations transferred to Executive Director, Resources</p> <p>18.6 Invite, accept and appoint term consultants and contractors, for a specified period for the development and execution of approved design and/or strategic projects/programmes for the Regeneration Transportation Capital Programme and for the analyses and advice to support the making of planning policy and planning decisions, including the representation of the Council at public inquiries and examinations.</p> <p>18.13 Authority to approve the transfer or market stall licences to another family member or employee upon application, providing the officer considering the application is satisfied that the licence holder had traded on the market concerned for at least 5 years; and that during the 2 years immediately preceding the application:</p> <p>(a) The family member has personally assisted the licence holder in trading on the stall to which the application relates;</p> <p>(b) The applicant has been employed (other than on a self employed basis) by the license holder for the purpose of trading on the stall to which the application relates;</p> <p>(c) the licence holder has not been subject to any disciplinary actions.</p>

<p>18.25(b) To authorise in his absence the Assistant Director (Regeneration and Housing) to grant such authorisations.</p> <p>Note: (a) Except where otherwise stated, the holders of the following posts within Regeneration Services may exercise the above powers:</p> <p style="padding-left: 40px;">Assistant Director Regeneration Head of Development and Delivery Head of Strategic Regeneration Head of Housing Head of Property Services Head of Planning and Building Control</p>	<p>To be deleted</p> <p>Note: (a) Except where otherwise stated, the holders of the following posts within Regeneration Services may exercise the above powers:</p> <p style="padding-left: 40px;">Head of Development and Delivery Head of Strategic Regeneration Head of Planning and Building Control</p>
<p>20. Head of Planning and Building Control</p> <p>Applications to be determined by Committee:</p> <p>.....</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>Applications to be determined by Committee:</p> <p>.....</p> <p>(e) Applications submitted by or on behalf of the Council, or for the development of council-owned land over the value of £20,000 where there is significant community interest;</p>
<p>21. Head of Development and Delivery</p> <p>21.1 The Head of Development and Delivery has authority to determine the following applications and to take the following actions under Part VIII, Chapter 1 of the Town and Country Planning Act 1990 and Town and Country Planning (Trees) Regulations 1999:</p>	<p>21.1 The Head of Development and Delivery has authority to determine the following applications and to take the following actions under Part VIII of the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012 and Section 192 of the Planning Act 2008:</p>

<p>.....</p> <p>(d) confirm Tree Preservation Orders where there is no significant community interest;</p>	<p>.....</p> <p>(d) confirm or not confirm Tree Preservation Orders where there is no significant community interest;</p>
<p>21.5 With regard to the Regeneration Capital Programmes and other grant aided regeneration programmes, to authorise the undertaking of any works and/or necessary action for the implementation of programmes including design works, invitation to and acceptance of (the most economically advantageous) tender, quotation or estimate, subject to Financial and Contract Rules.</p> <p>21.10 The Head of Development and Delivery be authorised to instigate action for the removal of dangerous trees under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>21.12 The Head of Development and Delivery be authorised to confirm any Tree Preservation Order, where no objections have been received, or where objections have been resolved.</p>	<p>21.5 With regard to the Regeneration (Development and Delivery) Capital Programmes and other grant aided or revenue funded regeneration programmes, to authorise the undertaking of any works and/or necessary action for the implementation of programmes including design works, invitation to and acceptance of best value tender, quotation or estimate, subject to Financial and Contract Rules.</p> <p>21.10 The Head of Development and Delivery be authorised to instigate action for the removal of dangerous trees under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, including the powers of entry for officers and contractors to undertake work to dangerous trees.</p> <p>To be deleted</p> <p>Insert the following new delegations:</p> <p>21.13 Maintain a schedule of Locally Listed Buildings with the authority to add or remove sites from the schedule in line with published criteria.</p> <p>21.14 Maintain a schedule of Local Sites (Sites of Importance/Local Importance for Nature Conservation) with the authority to add or remove sites from the schedule in line with published criteria and endorsement by the Birmingham and Black Country Local Sites Partnership.</p>

	21.15 Authority to make applications for planning permission, listed building and advert consent.
25. Head of Communities and Public Protection	Insert the “Food Safety and Hygiene (England) Regulations 2013” to the list set out in paragraph 25.5.
28. Head of Service, Engineering and Transportation Services 28.41 Authorise members of staff (in consultation with the Regulatory Services Manager) employed in Street Pride to act on behalf of the Council from time to time in enforcing the following legislation:	28.41 Authorise members of staff (in consultation with the Head of Communities and Public Protection) employed in Clean and Green Services to act on behalf of the Council from time to time in enforcing the following legislation:
29. Head of Benefits	29. Head of Business Change
31. Head of Internal Audit	<p>Authorisation of applications for directed surveillance and covert human intelligence sources relating to:</p> <p>(a) applications for miscellaneous and any application in an urgent situation;</p> <p>(b) applications pertaining to a non-criminal investigation into the conduct of an employee (non RIPA)</p> <p>in accordance with the requirements of the Regulation of the Investigatory Powers Act, 2000 and (Amendment) Order 2012, SI 2012/1500 and set out in the corporate policy procedure.</p> <p>Note: In the absence of the Chief Finance Officer (Assistant Director of Finance) and 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>

34. **Systems Leader(s) (Money, Home, Job) – New**

- 34.1 To carry out relevant duties specified in the Housing Act 1996 particularly under Part 6 and Part 7, as amended by Homelessness (Priority Need for Accommodation) (England) Order 2002 and the Homelessness Act 2002.
- 34.2 Make arrangements to ensure local authority functions are implemented with regards to the needs to safeguard and promote the welfare of vulnerable adults.
- 34.3 Acceptance of standard fund and other grant allocations where these are costs in accordance with approved Council policy.
- 34.4 To authorise the Head of Legal and Democratic Services to complete tenancy agreements in respect of/and licences to occupy Supported and Temporary Accommodation and plots on the Council's Willenhall Lane Travellers site.
- 34.5 Authority to admit to temporary accommodation, either provided by the Council, by other authorities, voluntary organisations, or privately registered homes (including bed and breakfast / hotels), persons who are vulnerable and homeless.
- 34.6 Authority to approve interest free loans or grants not exceeding £5,000 to individual homeless households to prevent homelessness or up to £50,000 to other bodies to assist in tackling homelessness in accordance with guidelines as approved by the Council's Executive.
- 34.7 Authority to grant interest free loans for dwellings where assistance is up to £30,000 in line with the Housing Renewal Assistance Policy
- 34.8 Authority to approve applications for concessionary travel passes

	<p>for homeless clients and those vulnerable clients fleeing violence.</p> <p>34.9 Agree the termination of licences to occupy rooms or temporary accommodation units in respect of homeless households where necessary and write off debts for former tenants.</p> <p>34.10 To increase charges payable for the occupation of Council owned supported housing and temporary accommodation and Willenhall Lane Travellers site to recover costs associated with the services and as a minimum in line with councils calculated rate of inflation</p> <p>34.11 Authorisation of directed surveillance and covert human intelligence sources in accordance with the requirements of the Regulation of the Investigatory Powers Act, 2000.</p> <p>34.12 Taking all necessary action for the collection of amounts due to the Council using any powers available to the Council.*</p> <p>34.13 With the approval of the Chief Finance Officer authority to write off irrecoverable amounts due to the Council:</p> <ul style="list-style-type: none"> (a) Without limit as regards local taxation on a single property. (b) Without limit as regards housing benefit and or Council tax discounts on a single property. <p>34.14 Authority to manage and determine awards of business rate relief and business rates reoccupation relief under each scheme.*</p> <p>34.15 Approval to grant discretionary relief from national non-domestic</p>
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	<p>rates in accordance with the Council's approved scheme, and under Sections 47 and 48 of the Local Government Finance Act 1988.*</p> <p>34.16 Authorising, on behalf of the Council as billing authority, valuation agreements in respect of the Non-Domestic Rating local list, as required by the Valuation Office Agency.*</p> <p>34.17 To fix incidental charges relating to local taxation, and central cashier functions.*</p> <p>34.18 To determine applications for rate relief from Non Domestic Rates under Section 44A of the Local Government Finance Act, 1988.*</p> <p>34.19 To determine applications for hardship relief from Non Domestic Rates under Section 49 of the Local Government Finance Act 1988 and from Council tax under Section 13A of the Local Government Act, 1992.*</p> <p>34.20 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> <p>34.21 Engage in data matching exercises designed to assist in the detection of fraud.*</p> <p>34.22 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
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- The administration of the Council's Prosecution and Sanctions Policy in relation to Housing Benefit and Council Tax Benefit reduction fraud.
- Including power to make any determinations under the relevant legislation.*

34.23 Authority to manage and determine awards of business rate retail relief and business rates reoccupation relief under each scheme.*

Note: * The Chief Finance Officer also has these delegations.