

Annual Council – 23rd May 2011

Constitution and timetable of meetings 2011/2012

1. Summary of report

This report sets out proposed amendments to the Constitution and also sets out the timetable of meetings to be adopted for the municipal year 2011/2012.

2. Recommendations

2.1 That the amendments to the following parts of the Constitution as set out in the report be approved:

(a) Part 2 Article 6 – Environment Scrutiny and Performance Panel

(b) Part 3 - Responsibility for Functions

- Scheme of delegations to Committees
- Scheme of delegations to officers

(c) Part 4.2 – Access to Information procedure rules

2.2 That the timetable of meetings for the municipal year 2011/2012 as set in Appendix 2 of the report be approved.

3. Background information

3.1 Article 6 – Scrutiny and Performance Panels

The proposed amendment to the Article 6 relates to the inclusion of flood and water management in the remit of the Environment Scrutiny and Performance Panel as follows:

“All aspects and general services related to the environment such as waste management, highways maintenance, grounds maintenance and traffic management, **and to review and scrutinise the exercise of flood risk management functions which may affect the local authority’s area as required by the Flood and Water Management Act 2010** within the functions set out in Section 21 of the Local Government Act, 2000 (as amended).

3.2 Scheme of delegations to Committees

The scheme of delegations to Committees have been reviewed on a regular basis and reflect changes in legislation or operational needs. The proposed amendments are as follows:

- (1) **Planning Committee** - Meetings - amend to read “meet every 4 weeks”.
- (2) **Licensing and Safety Committee** – Delegations – delete Item 19 – Power to register door staff.
- (3) **Appointments Board:**
 - (i) Chairman and Vice-Chairman – amend to read “The Chairman and Vice-Chairman will be appointed at each meeting.
 - (ii) Delete references to “Chief Officers and Deputy Chief Officers” and replace with Executive Directors and Assistant Directors in remit and delegations.
- (4) **Employment Appeals Committees A and B:**
 - (i) Delete references to “grievances” in remit and delegations.
 - (ii) Delete references to “Chief Officers and Deputy Chief Officers” and replace with Executive Directors and Assistant Directors in remit and delegations.
- (5) **Environment Scrutiny and Performance Panel** – amend remit to take into account flood and water management legalisation as set out in paragraph 3.1 above.

3.3 **Scheme of delegations to officers**

The delegations to officers under the Constitution are reviewed on a regular basis to reflect changes in legislation, structural and organisational changes within the Council. Major changes were implemented at the beginning of the municipal year 2009/10 and the proposed changes set out in **Appendix 1** to this report reflect operational changes made throughout the last year. The proposed changes are highlighted in bold text.

3.4 **Access to Information procedure rules**

The proposed amendments to Part 4.2 paragraph 10 of the Constitution under the heading of “Description of exempt information” relates to requirements set out in the Flood and Water Management Act 2010.

The proposed amendment is an addition to categories 1 to 7 under paragraph 10.4 as follows:

8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;

- (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
- (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

3.5. **Timetable 2010/2011**

The draft timetable which is recommended for approval is attached as **Appendix 2**.

The timetable has been prepared on the same basis as last year, with the exception of Cabinet and Planning Committee. It is proposed that Cabinet meets on a 8 weekly basis and Planning Committee on a 4 weekly basis.

Although Area Community meetings are not Committees of the Council the dates have been included in the timetable for the convenience of members' diaries.

In order for business to be administered in the most effective way possible, it is important that once the timetable is agreed by the Council, only in the most exceptional circumstances should meeting dates be re-arranged.

Background papers - Nil

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Signed:

Chief Executive

Date: 13th May 2011

Table 5

SCHEME OF DELEGATIONS OF FUNCTIONS TO OFFICERS OF NON-EXECUTIVE FUNCTIONS

1. Arrangements within directorates

Where under this scheme of delegations to officers, delegated powers are to be exercised by the holders of various posts within a directorate, the Chief Officer (namely the Chief Executive, Monitoring Officer, Section 151 Officer, Executive Directors as defined in Article 11.01 (b) of the Constitution) must ensure the same are exercised in accordance with relevant Council policies and procedures and:

- (a) Put appropriate systems and arrangements in place (if they do not already exist) for the proper management, discharge, control and effective monitoring and review of the exercise of such delegated powers (including, for example, maintaining an updated list of all staff, with job titles within the directorate who are authorised to act under this Scheme of Delegation to Officers, along with a record of the **significant** decisions taken by the same, during the municipal year);
- (b) Prior to the start of each municipal year, undertake a review of such systems and arrangements to ensure appropriateness for the forthcoming municipal year and, where appropriate, implement changes to such systems and arrangements to ensure that they comply with any internal audit recommendations, best practice requirements, or changes in legislation; and
- (c) At the start of each municipal year, report such systems and arrangements to the relevant Cabinet Member or to such other relevant Committee.

If any Chief Officer is unsure of the above requirements, she/he must obtain relevant advice from the Monitoring Officer and act upon the same. Any breach of the Scheme of Delegation to Officers, or a failure to comply with its requirements or limits contained within it, is a serious matter and the relevant Chief Officer may be disciplined by the Council under the Council's Code of Conduct

2. Consultation

- 2.1 In exercising delegated powers, officers shall consult other officers as appropriate and shall have regard to any advice given, professional or otherwise.

To be amended 25.5.11

- 2.2 Where an issue which falls within an officer's delegated powers has significant policy, service or operational implications, or is politically sensitive, the Chief Officer shall consult and liaise closely with the appropriate Executive Member (s) or the Committee Chairman and Vice Chairman before exercising the said delegated power.
- 2.3 It will always be open to an officer to consult an Executive Member, a Committee, or its Chairman or Vice-Chairman before the exercise of the delegated power; or not to exercise delegated powers but to refer the matter to the Executive or a Committee for a decision in relation to the exercise of the said delegated power.
- 2.4 The normal requirements for consultation with local members on matters affecting their ward as set out in the Member/Officer Protocol shall also be adhered to.

3. Reports on the exercise of delegated powers

- 3.1 Chief Officers must submit an annual report to the Audit Committee setting out the significant decisions, including key decisions taken under delegated powers by the Chief Officer (or other post holders within his/her directorate) in the previous year. Any such reports should summarise the manner of which some or all of such delegated powers have been exercised. Accordingly each officer exercising delegated powers shall be responsible for recording decisions taken.

A significant decision for the purpose of these delegations is a decision that has one of the following impacts:

- (a) It has a considerable direct and material impact upon the lives of the inhabitants of the borough or business operating within it, or
- (b) Results in the Council incurring expenditure for which there is no revenue or capital budget.

Notwithstanding the above and the separate requirement to report key decisions, a decision that is purely operational in nature or necessary to give effect to a decision of the Council, Cabinet, Licensing and Safety Committee, Planning Committee or such other Committee of the Council is not a significant decision for the purpose of these delegations.

- 3.2 Any member may request that decisions taken by officers under delegated powers be the subject of scrutiny by the appropriate Scrutiny and Performance panel. Scrutiny in this manner should be in accordance with the provisions laid down in the Council's Constitution. Key decisions of officers shall follow the same procedure in respect of posting out and call in. In accordance with the Council's Constitution, Scrutiny and Performance panels should not normally scrutinise non-key decisions made by officers under delegated powers. Where necessary, such scrutiny should be confined to overall reviews of service performance.

Amended 27.5.10

- 3.3 Any such scrutiny will not make any action taken as a result of the decision invalid. However, the Scrutiny and Performance panel will have the same powers in relation to such decisions as stated within the Council's Constitution.

4. Taking decisions

- 4.1 Subject to the general guidelines set out below, the Chief Executive, and Executive Directors are empowered to make decisions on behalf of the Council in accordance with these general principles as follows:

- (a) If a function, power or responsibility has not been specifically reserved to the Council, a Committee or the Executive, the Executive Director within whose remit the matter falls is authorised to act;
- (b) The Council, its Committees and the Executive will make decisions on matters of significant policy. The Chief Executive and the Executive Directors have express authority to take all necessary actions to implement Council, Committee and Executive decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate;
- (c) The Chief Executive and the Executive Directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible;
- (d) The Chief Executive and the Executive Directors are empowered to take all necessary decisions in cases of emergency
- (e) In relation to all delegated authority conferred on the Executive Directors by this Constitution, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers in the interests of effective corporate management as he or she thinks fit;
- (f) Where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive, or his or her nominee, is authorised to act;
- (g) These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources and the efficient delivery of services.

- 4.2 For the purposes of this scheme, emergency shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the Council **or the Borough as a whole** may be compromised.

To be amended 25.5.11

- 4.3 Chief Officers referred to in 4.1 above, may authorise officers in their service areas to exercise on their behalf, powers delegated under this scheme. This nomination should be in writing and be formally recorded by the Chief Officer with a copy of such authorisation being sent to the Monitoring Officer.
- 4.4 Any decision taken under such authority shall remain the responsibility of the relevant officer as set out in 4.1 above, and must be taken in the name of that officer.
- 4.5 In exercising these delegated powers the officers concerned shall have broad discretion subject to complying with all relevant legislation, the Council's Constitutional arrangements and the Council's overall policies and procedures, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control, and the procurement of other resources as and when necessary, whether within or outside the Council.
- 4.6 Officers shall act so as to achieve for their service the policies and objectives of their service area always having regard to the overall corporate interests of the Council.
- 4.7 Where a Chief Officer, referred to in 4.1 above is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Chief Executive. This nomination should be in writing and be formally recorded, with a copy of the same being forwarded to the Monitoring Officer.
- 4.8 Notwithstanding anything contained in this scheme of delegation, officers shall not have the power to make decisions upon any matter that has been reserved to a member body except in cases of emergency.
- 4.9 Anything delegated to an Executive Director is also delegated to the Chief Executive.
- 4.10 Without prejudice to the generality of the foregoing the officers identified in 4.1 above shall have the power:-
- (a) To take all lawful action consistent with overall council policy to deliver agreed strategy, plans and policy within their area of responsibility, provided there is budget available **if Council expenditure is required**. This shall include invitation and acceptance of tenders, submission of bids for funding, write-off of irrecoverable debts (within agreed limits), settlement of claims (within agreed limits), virement (within agreed limits) and disposal and acquisition of assets;
 - (b) To put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility;

To be amended 25.5.11

- (c) In the case of any overspend to notify the Section 151 Officer in accordance with criteria published by that Officer;
- (d) To determine staffing arrangements within approved budgets subject to agreement on grading with the Head of Human Resources and Development and in accordance with approved Council policy;
- (e) To take all action to recruit, appoint, develop, manage and reward employees within approved Council policies and the law (including the operation of approved policies for voluntary severance, early retirement, redundancy and redeployment) and conditions of service in consultation with the Head of Human Resources and Development and Chief Finance Officer where applicable.

Note: For the avoidance of doubt the appointment and dismissal of the Chief Executive, Executive Directors, and Assistant Directors shall be made by a duly appointed member body and not through this scheme of delegation.

4.11 When duly authorised and certified by the Monitoring Officer, to sign relevant Regulation of Investigatory Powers Act 2000 forms in accordance with the relevant corporate policy and document relating to the same.

4.12 In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage:

- (a) a key decision should be taken in accordance with the relevant requirements;
- (b) the views of the relevant Executive Members(s) following the application of the consultation criteria set out in paragraph (c);
- (c) the implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision in other areas. In such cases, consultation with officers and relevant Executive Members(s) from any affected portfolio should take place;
- (d) the extent of prior consultation and the views/opinions emanating from that process, including Scrutiny and Performance Panels and Local Neighbourhood Partnerships;
- (e) the range of available options;
- (f) the staffing, financial and legal implications;
- (g) the involvement of appropriate statutory officers and/or other Executive Directors, and Assistant Directors as appropriate;

Amended 20.5.09

- (h) the views of ward Councillors where the issue relates to a specific ward(s);
- (i) the relevance of any regional or national policy or guidance from other bodies;
- (j) the Council's Financial and Contract Rules;
- (k) relevant guidance, legislation, and Codes of Practice.
- (l) the need to secure Best Value.

4.13 In order to assist with the above, arrangements should be made by Chief Officers to deal with times of absence in accordance with paragraph 4.7 above.

5. Limitation on delegations

5.1 Chief Officers should only use general powers if:

- (a) the Council is empowered by law to take action in an appropriate matter;
- (b) there will be no conflict with any power exercisable by a relevant Executive Member, the Cabinet or other relevant Committee of the Council;
- (c) She/he acts at all times within any policies or guidelines issued from time to time by the Council, the Cabinet, relevant Executive Members or any relevant Committee (s).

5.2 Officers may not exercise any other function reserved by Part 3 of the Scheme of Delegations to the Council, the Executive or any Committee of the Council. Nor may officers:

- (a) change approved policies;
- (b) create new policies;
- (c) take decisions on the withdrawal or modification of public services;
- (d) decide on significant new powers or duties arising from new legislation;
- (e) provide formal responses to any White Paper, Green Paper or other consultations likely to lead to policy changes or have significant impact upon services;
- (f) declare land or property surplus to the requirements of the service; otherwise then in accordance with Council procedure rule 16;

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- (g) agree grant criteria, or approve fees or charges unless otherwise specifically authorised; or otherwise determined by legislation.
- 5.3 In the event of a dispute or disagreement with regard to the exercise of any general power or any other delegated power:
- (a) the Head of Paid Service (and, if necessary, in conjunction with the Monitoring Officer) shall determine the issue and, in such event, the decision of the Head of Paid Service shall be final and binding on the internal issue; or
 - (b) if the issue concerns the lawful exercise of any delegated power, the decision of the Monitoring Officer shall, as recognised by law, be final and binding on the internal issue.
- 5.4 By this scheme and subject to the limitations and reservations herein, the Council delegates the Chief Executive and Executive Directors and any officers acting in their place under paragraphs 4.3 and 4.4:
- (a) to exercise the powers specified;
 - (b) to exercise any of the Council's functions in an emergency, in consultation with the Leader or in his/her absence, the Deputy Leader and/or the relevant portfolio holder; and
 - (c) authorises any other officers identified under arrangements made by the Council or Executive or any Committee pursuant to Section 101(2) of the Local Government Act 1972 or Section 15 the Local Government Act 2000 to exercise the powers specified in relation to the appropriate officers in those arrangements;
 - (d) For the avoidance of doubt:
 - (i) the above general delegations for Chief Officers may be expanded or restricted as the case may be by the specific delegation to Chief Officers appearing hereinafter;
 - (ii) where a specific delegation on an issue is available (or restricted), it should be used as opposed to any general delegation given all Chief Officers;
 - (iii) any regulatory or enforcement powers of the Council delegated to any Chief Officer (or his/her staff) must be exercised by those officers who have been properly and suitably trained in such matters;
 - (iv) the term 'Chief Officer' only includes the Chief Executive, Executive Directors, the Monitoring Officer and the Chief Finance Officer;

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- (v) any onward delegation of these 'all Chief Officers' delegations must be suitably recorded in directorate records.

6. Financial powers

- 6.1 Any decision taken under this Scheme must be made within the approved Revenue and Capital Budgets, subject to any discretion allowed by Financial and Contract Rules.
- 6.2 Acceptance of quotations and tenders must be in accordance with Financial and Contract Rules.

7. Legal powers

Officers are authorised to institute, appear in, prosecute and defend on behalf of the Council proceedings before a Magistrates Court or similar tribunal of first instance where the matters fall within the remit of their directorates. Officers are not so authorised in relation to any other legal proceedings (such powers are delegated to the Assistant Director of Legal and Constitutional Services).

8. Personnel and staffing powers

Without prejudice to the Officer Employment Procedure Rules, officers have the power to appoint, dismiss or transfer staff, or take any other action with regard to the employment of staff in accordance with the employment procedure rules and the Council's employment policies. The exercise of these powers should take account of the requirement to consult with the Head of Human Resources and Development as specified in the delegations applicable to that post.

9. Land and property

Chief Officers may authorise employees of the Council to enter any land for the purposes of any statutory power of the Council.

To be amended 25.5.11

10. Contracts

Officers are authorised to accept tenders and enter into contracts for goods and services including agreeing price variations subject to Financial and Contact Rules and subject to any threshold set down in the rules at 4.7 of the Constitution.

11. General

11.1 Chief Officers are authorised to:

- (a) approve ex gratia payments to staff up to £250 per incident;
- (b) approve ex gratia payments for replacement of stolen tools subject to maximum provision in the conditions of service;
- (c) approve grants to community groups or individuals up to £1000 within budget.
- (d) write off any debt on approval of the Chief Finance Officer (including any associated court costs) up to the sum of £10,000 for single items per individual or organisation (or for multiple items totalling £10,000 on a single debtor), which in the opinion of the Chief Finance Officer is considered to be uneconomical to collect and/or is irrecoverable.

SPECIFIC POWERS DELEGATED TO OFFICERS

For the avoidance of doubt and without prejudice to the generality of the preceding powers, the following powers are specifically delegated to officers as set out below:

12. Chief Executive

12.1 The Chief Executive is designated as the Council's Head of the Paid Service for the purposes of Section 4 of the Local Government and Housing Act 1989. The responsibilities of the Head of the Paid Service relate to keeping under review, and (where necessary) reporting to the Council upon the co-ordination of the Council's functions and the adequacy (in number and grade), organisation and proper management of the Council's workforce. The Chief Executive is also (subject to review):

- (a) The Electoral Registration Officer;
- (b) Returning Officer for the Council.

12.2 To exercise the powers of the Council under Section 138 of the Local Government Act 1972 in the event of an emergency or disaster.

12.3 To make any necessary appointments to fill casual vacancies that may arise on Committees, boards and outside bodies carrying out or relating to non-executive functions, in accordance with the wishes of political groups.

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- 12.4 To exercise the powers delegated to any other officer when that officer is unable or unwilling to act.
- 12.5 To discharge all the functions in relation to Birmingham Airports Holdings Limited as provided for at clause 5.4 of the Birmingham Airports District Side Agreement, in consultation with the designated member of Cabinet, and to sign and attest the fixing of the Common Seal of the Council to any documents in connection therewith.**
- 12.6 To settle complaints prior to the involvement of the Local Government Ombudsman in accordance with the remedies guidance published by the Commission for Local Administration in England (LGO 307 (01/06)).
- 12.7 To make compensatory payments up to a limit of £20,000 on an individual claim basis arising from reports/recommendations from the Ombudsman.

13. Chief Finance Officer

- 13.1 To exercise the functions of the Council's chief financial officer, including proper administration of the Council's financial affairs under Section 115 and 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2006.
- 13.2 To issue financial procedures within the principles of Financial and Contract Rules.
- 13.3 To approve payments of gratuities to retiring employees in accordance with discretionary powers available through the Local Government Act 1972, and the Pension Regulations.
- 13.4 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.
- (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.
 - (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;
 - (c) Any other proposed capital expenditure outside of (a) and (b) above, shall be considered by Cabinet and referred to Council;
- 13.5 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.

To be amended 25.5.11

- 13.6 Taking all necessary action for the collection of amounts due to the Council using any powers available to the Council.
- 13.7 Authority to write off irrecoverable amounts due to the Council up to and including **£10,000**:
 - (a) Without limit as regards local taxation on a single property.
 - (b) Without limit as regards housing and or Council tax benefit on a single property.
- 13.8 Approval to grant discretionary relief from national non-domestic rates in accordance with the Council's approved scheme, and under Sections 47 and 48 of the Local Government Finance Act 1988.
- 13.9 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.
- 13.10 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.
- 13.11 To arrange finance and operating leases as required in accordance with the Council's capital programme.
- 13.12 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.
- 13.13 Produce and report on the statutory determinations in setting the annual net budget requirement and the robustness of the budget.
- 13.14 To fix incidental charges relating to local taxation, and central cashier functions.
- 13.15 To determine applications for rate relief from Non Domestic Rates under Section 44(a) of the Local Government Finance Act, 1988.
- 13.16 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.
- 13.17 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.
- 13.18 Approve applications for financial assistance and to authorise grant claims from the European Union.

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Approved by Council 24 April 2006
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- 13.19 Appoint, manage and dismiss external investment managers, leasing and treasury management consultant.
- 13.20 Engage in data matching exercises designed to assist in the detection of fraud.
- 13.21 Open credit card facilities in line with standard bank conditions if and when such facilities are deemed necessary.
- 13.22 Deal with all matters relating to the transfer of the pension rights of pensionable employees.
- 13.23 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:-
- 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.
- The administration of applications under the Discretionary Housing Payments Scheme. Including the power to make any determinations under the relevant legislation.
- 13.24 Deal with internal audit issues under the Accounts and Audit Regulations 2006.
- 13.25 The authority to write off any debt (including any associated court costs and bailiffs fees) up to the sum of £10,000 for single items per individual or organisation (or for multiple items on a single debtor), which in the opinion of the Chief Finance Officer is considered to be uneconomical to collect and/or is irrecoverable.

Note: The following powers may be exercised by the:

- (a) Head of Finance: 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22
- (b) Head of Revenues: 6, 7(a), 8, 9, 14, 15, 16, 17, 20.
- (c) Head of Benefits: 6, 7(b), 20, 23

14. Executive Director, Neighbourhood Services

The holder of the post of Executive Director, Neighbourhood Services shall be responsible for the day to day management of his/her directorate and shall have the power, subject to the compliance with the Council's constitutional arrangements, and any relevant provision of the Council's Financial and Contract Rules, to:

- 14.1 (a) Exercise the powers and duties of the Council as waste collection authority, including the collection of domestic, trade, garden, bulky household, clinical and hazardous waste;

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Approved by Council 24 April 2006
Implemented 30 August 2006

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- (b) Exercise the functions of the Council as a waste disposal authority including associated recycling activities;
- (c) Deal with all matters relating to fly posting, placarding, graffiti, fly tipping and abandoned vehicles;
- (d) Provide and be responsible for the vehicle fleet and the maintenance for vehicles owned and operated by the Council

14.2 Without prejudice to paragraph 1, to exercise strategic, operational, and management powers and duties of the Council under the following enactments:

- (a) Removal and disposal of vehicles regulations, 1986;
- (b) Road Traffic Regulation Act 1984;
- (c) Vehicle Excise Duty Act (removal and disposal) Regulations, 1997;
- (d) Control of Pollution Act 1974;
- (e) Environmental Protection Act 1990;
- (f) Highways Act 1980;
- (g) Litter Act 1983 (in so far as it relates to litter bins and street cleaning);
- (h) Public Health Act 1961;
- (i) Refuse Disposal (amenity) Act 1978;
- (j) Road Traffic Act 1998;
- (k) Building Act 1984;
- (l) Chronically Sick and Disabled Persons Act 1970;
- (m) Waste Minimisation Act 1998;
- (n) Public Health Acts 1936 and 1969;
- (o) Clean Neighbourhood and Environment Act 2005;
- (p) Crime and Disorder Act 1998
- (q) Fire Safety and Safety of Places of Sports Act 1987
- (r) Anti-Social Behaviour Act 2003

14.3 Authority to approve increases and variations in charges and fees not fixed by statute.

14.4 Authority to vary levels of charges and fees in respect of depot sales of surplus materials and miscellaneous charges, such revisions having regard to the retail price index and prevailing market conditions.

14.5 Authority to commence anti-social behaviour order proceedings (ASBO) under the Crime and Disorder Act 1998.

14.6 Authority to invite and accept tenders for the supply of materials, equipment, plant and services subject to compliance with the Financial and Contract Rules including:-

- (a) Competitive tenders having been obtained in accordance with the Council's Financial and Contract Rules and any relevant legislation;

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- (b) The tender accepted representing 'best value';
 - (c) Cost being accommodated within the relevant proved estimates.
- 14.7 Approval of ex gratia payments for non-staff of up to £500 per incident subject to the maximum provision within the relevant agreement;
- 14.8 Making minor variations in contract for collection of cash;
- 14.9 With the approval of the Chief Finance Officer and/or Assistant Director of Legal and Constitutional Services:
- (a) Authority to vary future levels of charges for services (that is services for which charges are currently made but excluding car parking charges), such provisions having regard to the retail price index and prevailing market conditions;
 - (b) Authority to approve shortlists of consultants to be invited to tender or to submit proposals for specific investigations, analysis or designs subject to compliance with the Council's Financial and Contract Rules;
 - (c) Authority to approve short lists of contractors invited to tender for contracts for a specific scheme of works or for a schedule of rates, contract for such works, subject to compliance with the Council's Financial and Contract Rules;
 - (d) Authority to accept tenders for the supply of works, materials, equipment, plant, investigations, analysis or designs, subject to compliance with the Council's Financial and Contract Rules;
 - (e) Authority to accept the next placed tender in cases where the successful tenderer withdraws before entering into contract, subject to compliance with the Council's Financial and Contract Rules;
 - (f) Authority to utilise other contractors in order of next placed tender in the event of the successful tendered being unable to meet the programme of requirements, subject to compliance with the Council's Financial and Contract Rules;
 - (g) Authority to install bollards in verges and footways in accordance with the approved policy of the Committee;
 - (h) Authority to take action to remove unauthorised campers under the provisions of the Criminal Justice and Public Order Acts 1994;
 - (i) Authority to make purchases from companies offering products to the required specification at the lowest price available on that day;

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- 14.10 Authority to purchase nearly new vehicles from auction and second hand ex-demonstration vehicles, subject to compliance with the overall Vehicle Procurement Framework.
- 14.11 Deliver the Vehicle Replacement Policy of replacing vehicles over 5 years old, subject to budget availability.
- 14.12 The authority to seek planning permission in respect of future proposed development for education and community purposes.

Note: (a) Except where otherwise stated, the holder of the following post within Neighbourhood Services may exercise the above powers:

Assistant Director Neighbourhood Services

- (b) After consultation with the, Head of Paid Service and the Monitoring Officer, the Executive Director for Neighbourhood Services is duly authorised to add to this list.

15. Executive Director, Children's Services

The holder of the post of Executive Director, Children's Services shall be responsible for the day to day management of his/her Directorate and, without prejudice to the foregoing, shall have power, subject to compliance with the Constitutional arrangements, relevant Financial and Contractual Rules, and within the guidelines and policies determined by Council and Cabinet, to exercise duties of the Council as a Director of Children's Services (under the Children Act 2004 and other relevant legislation).

- 15.1 (a) Exercise the Authority's functions in its capacity as Local Education Authority – including further and higher education matters, except those excluded by Section 18 (3) of the Children Act 2004;
- (b) Exercise functions under Local Authority Social Services Act 1970, so far as they relate to children;
- (c) Exercise any health related functions exercised on behalf of any National Health Service body under section 75 of the National Health Service Act 2006;
- (d) Make arrangements to ensure local authority functions are discharged with regard to the needs to safeguard and promote the welfare of children;

To be amended 25.5.11

- (e) Establish, maintain and operate a children's information database;
 - (f) Prepare and publish a children and young persons plan;
 - (g) Co-ordinate action in response to joint area reviews and monitor and evaluate implementation;
 - (h) Establish and develop a Walsall Safeguarding Children's Board;
 - (i) Ensure there are in place complaint procedures which meet the local and statutory requirements including publication of the said procedures;
 - (j) Ensure that all directorate establishments are conducted at all times in a manner considered consistent with their statements of purpose adding compliance with the relevant regulations and national standards;
 - (k) Provide an interpretation service where necessary.
- 15.2 To carry out the role and responsibility of the local education authority as it relates to schools in light of the Statutory Codes of Practice on LEA/School Relations.
- 15.3 Co-ordination of Standards Fund arrangements, including the appointment of staff and project workers for specific projects.
- 15.4 Acceptance of standard fund and other grant allocations where these are costs in accordance with approved Council policy.
- 15.5 Acceptance of grants, loans, maintenance allowances, discretionary awards in respect of students and pupil support which comply with statutory requirements and approved Council policies.
- 15.6 Approval of grants and awards for Home to School transport which comply with statutory requirements and approved Council policies.
- 15.7 In relation to special educational needs:
- (a) The service of notices requiring the parents to satisfy the authority that their child is receiving sufficient full time education;
 - (b) The service of school attendance orders;
 - (c) The making of payments by way of recoupment where mandatory;
 - (d) The determination of all matters including the service of notices relating to the assessment and statementing of special educational needs under the Education Acts.

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- 15.8 The determination of arrangements for the placement of pupils in schools, special schools, or for education other than at a school.
- 15.9 The determination of the dates of school terms and holidays.
- 15.10 The production and implementation of support packages for schools on a buy-back basis (ie business planning arrangements).
- 15.11 In respect of schools where the Council is the admission authority, the power (so far as is permissible) to determine applications outside agreed admission arrangements where those children have exceptional medical needs.
- 15.12 Power to secure the admission of a child who has been twice excluded to a particular school having first obtained an indication of parental preference for at least three schools and having taken into account any representations made by the Head Teachers of those schools.
- 15.13 Subject to the rights of the Governors, the appointment of teachers and other school staff and determine applications for early retirement and decide on redundancies in consultation with the Head of Human Resources and Development and Chief Finance Officer where applicable.
- 15.14 To take all appropriate steps to achieve the effective use of school land and buildings.
- 15.15 To exercise the power of the local education authority in respect of School Attendance Orders and Education Supervision Orders.
- 15.16 To exercise the power of the local education authority under Byelaws regulating the employment of children and prohibiting street trading by young persons.
- 15.17 The exercise of the powers of the local education authority in relation to admissions and exclusion procedures.
- 15.18 The power to appoint and remove Local Education Authority representative school governors.
- 15.19 To authorise the Assistant Director of Legal and Constitutional Services to complete licences for educational material, goods and services, subject to compliance with the Financial and Contract Procedure Rules and the costs falling within existing budget provisions.
- 15.20 To authorise the Assistant Director of Legal and Constitutional Services to complete tenancy agreements in respect of/and licences to occupy schools, and caretaker accommodation. The terms of such agreements and licences to be set by the Executive Director, Children's Services in consultation with the Assistant Director of Legal and Constitutional Services.

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- 15.21 To take legal action in consultation with the Assistant Director of Legal and Constitutional Services in relation to non-school attendance
- 15.22 The service and enforcement of notices under the relevant Education Acts.
- 15.23 The service of notices requiring parents to satisfy the authority that their child is receiving sufficient full-time education.
- 15.24 The making of payments by way of recoupment where mandatory.
- 15.25 The authority to seek planning permission in respect of future proposed development for education and community purposes.
- 15.26 To agree the authority's liability in relation to capital works at voluntary aided schools where these cannot be accommodated within the authority's Capital Programme in consultation with the Chief Finance Officer.
- 15.27 To determine applications for teachers and head teachers for early retirement in consultation with the Chief Finance Officer and Head of Human Resources and Development.
- 15.28 To enter into contracts where projects are funded by external agencies in circumstances where rapid response is required in accordance with Financial and Contract Rules.
- 15.29 To deal with all matters relating to security in education premises including the power to exercise the powers contained in Section 547 of the Education Act 1996 (nuisance and disturbance on educational premises).
- 15.30 To approve the repair and maintenance of buildings under control of the directorate within approved budgetary limits, and where relevant in accordance with Financial and Contract Rules.
- 15.31 With the Chief Finance Officer to acquire, dispose of and make all other decisions in relation to investments held in Trust on behalf of children in the Council's care.
- 15.32 To maintain an adoption service in accordance with legislation and national standards.
- 15.33 To maintain a fostering service in accordance with legislation and national standards.
- 15.34 To ensure there are available sufficient staff to meet the directorate duties under the Mental Health Act 1983 and Mental Health Act 2007.

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- 15.35 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.
- 15.36 To refer persons to the Secretary of State for possible inclusion on the Protection of Children Act list.
- 15.37 To ensure that the educational attainment and state of health of looked after children are monitored.
- 15.38 To ensure that arrangements remain in place for the management of the child protection register.
- 15.39 To ensure that all arrangements for service provision are reviewed in accordance with legislative requirements and mandatory guidance.
- 15.40 To 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.
- 15.41 To appeal to the tribunal against Commission for Social Care Inspection decisions to cancel registration, vary or remove a condition of registration, or add a new condition of registration in respect of the directorate.
- 15.42 Exercise parental responsibility for all children in the care of the directorate
- 15.43 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.
- 15.44 To manage the various functions of the Council with regard to the Youth Offending Service.
- 15.45 Authority to assess the contributions to be made by recipients of service or the parents of children and young people where appropriate in accordance with laid down scales or procedures.
- 15.46 Discretion to vary charges in cases where there are special circumstances, hardship etc.
- 15.47 Authority to make ex-gratia payments in appropriate circumstances to non staff up to the value of £500 per instance.
- 15.48 Authority to determine applications or assistance under Section 17 (6) of the Children Acts 1989.
- 15.49 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.

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- 15.50 Authority to give support including financial assistance towards expense of maintenance, training or education of persons over 16 years of age in accordance with the Children (Leaving Care) Act, 2000.
- 15.51 To receive and find appropriate placements for children committed to the care of the local authority on interim or full care orders.
- 15.52 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.
- 15.53 Authority to appoint supervising officers to children and young persons placed under the supervision of the local authority as a result of either criminal or care proceedings.
- 15.54 Authority to provide places for children and families in family centres and other day care provisions.
- 15.55 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.
- 15.56 To 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.
- 15.57 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.
- 15.58 Authority to appoint and pay the reasonable expenses of "independent" persons required to assist in the operation of the Authority's Representations Procedure established in accordance with the requirements of Section 26 (3) of The Children Act 1989 and the accompanying Representation Procedure (Children) Regulations, 1991.
- 15.59 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.

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- 15.60 Authority to authorise a payment of legal costs and fees in connection with an adoption application and special guardianship application in respect of children in the care of the local authority where the Adoption Panel has recommended that the adoption is in the child's best interest, and the Agency decision maker has confirmed this.
- 15.61 Authority to authorise the payments of the prospective adopters or applicants for special guardianship orders, legal costs and fees in connection with making an application for such orders, in those cases where either the natural parents appose the applications, or where there are other circumstances which make it advisable for the applicants to be legally represented, where the adoption panel has recommended such payments and the agency decision maker has confirmed this as an agency decision.
- 15.62 Authority to authorise payment for any additional medical reports in connection with an adoption application or special guardianship application with the exception of the normal medical reports of the child to be adopted, (which are payable by the Council).
- 15.63 Authority to authorise the use of the adoption agencies to secure the appropriate placement for the adoption of individual children with special needs where a suitable prospective adopter is not currently on the Council's Adoption Agency List of approved adopters, and to approve the amount of the inter-agency fee which may be payable in the appropriate case, where the Agency Decision Maker has confirmed this as an agency decision.
- 15.64 Authority to negotiate on the authority's behalf inter-agency agreements, including inter-agency fees which fall within nationally and locally agreed guidelines.
- 15.65 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.
- 15.66 To take action under the Statutory Provisions (as amended from time to time) as listed below, following the provision of relevant legal advice, and other relevant social care health legislation, in so far as they are relevant to children, young people and families:
- (1) Children and Young Persons Act 1933;
 - (2) Children and Young Persons Act 1969;
 - (3) Local Authorities Social Services Act 1970;
 - (4) Chronically sick and disabled persons Act 1970;
 - (5) Bail Act 1976;
 - (6) Mental Health Act 1983;
 - (7) Police and Criminal Evidence Act 1984;
 - (8) Public Health (Control of Disease) Act 1984;
 - (9) Disabled Persons (Services Consultation and Representation) Act 1986;

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- (10) Children Act 1989;
- (11) Education Act 1996;
- (12) Crime and Disorder Act;
- (13) School Standards and Framework Act 1998;
- (14) Health Act 1999;
- (15) Immigration and Asylum Act 1999, part 6;
- (16) Protection of Children Act 1999;
- (17) Carers and Disabled Children Act 2000;
- (18) Care Standards Act 2000;
- (19) Powers of Criminal Court (sentencing) Act 2000;
- (20) Nationality, Immigration and Asylum Act 2002;
- (21) Children (Leaving Care) Act 2000;
- (22) Adoption and Children Act 2002;
- (23) Criminal Justice Act 2003;
- (24) Child Trust Funds Act 2004;
- (25) Children Act 2004;
- (26) Mental Capacity Act 2005;
- (27) Disability Discrimination Act 2005;
- (28) Children and Adoption Act 2006;
- (29) Mental Health Act 2007.
- (30) Academies Act, 2010**

16. Executive Director, Social Care and Inclusion

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:

- 16.1 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.
- 16.2 Prepare, in line with the approved strategy agreed by the Council, the Cabinet, relevant Cabinet member, the adult social care and health service delivery programme together with authority to incur expenditure with the said programme in accordance with the Council's Financial and Contract Rules.

To be amended 25.5.11

- 16.3 Where a scheme, service plan or a defined programme has been approved by the Cabinet, relevant Cabinet member, appropriate committee, including any amendments following consultations, and the relevant budget has been secured, prepare relevant contract documents, serve any statutory notices, invite and accept tenders, appoint successful tenderers and deliver appropriate services to service users.
- 16.4 Ensure that information about the directorates services provided under legislation is available to the public and avoid lawful discrimination, promote equality of opportunity and good relations between persons of different racial groups.
- 16.5 Ensure that there are in place, complaints procedures which meet the legislative requirements including publicising the said procedures.
- 16.6 Ensure that there is in place an efficient process for assessment and care management for current and potential service users and carers.
- 16.7 Ensure that all directorate establishments are conducted at all times in the manner consistent with their statements of purpose and in compliance with the relevant regulations and national standards.
- 16.8 Ensure there are available sufficient staff to meet the directorates duties under the Mental Health Act 1983 and Mental Health Act 2007.
- 16.9 Ensure that all arrangements for service provision are reviewed in accordance with legislative requirements and mandatory guidance.
- 16.10 Provide an interpretation service where necessary.
- 16.11 Appeal to the Tribunal against **Care Quality Commission** inspection decisions to cancel registrations; or add a new condition of registration of a directorate establishment.
- 16.12 Ensure the carrying out of duties required by Court Orders.
- 16.13 Present reports to Courts and Tribunals where required.
- 16.14 After consultation with the Assistant Director of Legal and Constitutional Services, make any application to the courts as appropriate.
- 16.15 Provide support for asylum seekers and their dependents who are destitute or likely to become destitute and for them support not available elsewhere.
- 16.16 Establish and maintain a scheme for providing **Individual Budgets including Direct Payments** instead of services as set out in legislation and mandatory guidance.

To be amended 25.5.11

- 16.17 Authority to admit to residential accommodation and temporary accommodation, either provided by the Council, by other authorities, voluntary organisations, or privately registered homes, persons who are in need of care and attention.
- 16.18 Authority to admit persons with mental ill health, physical disabilities or learning difficulties to day centres or workshops provided for them.
- 16.19 Authority to arrange the burial or cremation of persons to whom Section 50 of the National Assistance Act 1948 applies, and make whatever recoveries that are possible towards the cost.
- 16.20 Authority to enter into contractual arrangements for residential and nursing homes for the provision of residential and nursing care within available resources (National Health Service and Community Care Act, 1990).
- 16.21 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 Service and Community Care Act, 1990).
- 16.22 Authority to waive Financial and Contract Rules in relation to seeking quotations and tenders for certain community care services.
- 16.23 Exercise any health related functions exercised on behalf of any National Health Service body under section 75 of the National Health Service Act 2006 **or successor Acts**.
- 16.24 Authority to enter into contractual arrangements with day care providers for the provision of day care within existing resources under the National Health Services and Community Care Acts, 1990 and the Health Act 1999.
- 16.25 Authority under the National Health Service and Community Care Act, 1990 and National Assistance Act 1948, to provide services for people in their own homes, eg domiciliary services.
- 16.26 Authority to approve applications for concessionary travel passes for people with learning disabilities and those who are mentally ill.
- 16.27 Authority to approve interest free loans not exceeding £30,000 in accordance with guidelines as approved by the Council's Executive.
- 16.28 Discretion to vary charges in cases where there are special circumstances, hardship etc.
- 16.29 Authority to make ex-gratia payments in appropriate circumstances to non-staff up to the value of £500 per instance.
- 16.30 Authority to consider and determine applications for loans or grants for aids and adaptations to the homes of people with disabilities below £50,000 **in value**.

To be amended 25.5.11

16.31 Take action under the Statutory Provisions listed below, (as amended from time to time) and other relevant social care and health legislation, in so far as they are relevant to adult's and communities:-

- (1) National Assistance Act 1948, Part 3;
- (2) Health Services and Public Health Act 1968;
- (3) Local Authorities Social Services Act 1970;
- (4) Chronically Sick and Disabled Persons Act 1970;
- (5) National Health Service Act 1977;
- (6) Mental Health Act 1983;
- (7) Health and Social Services and Social Security Adjudications Act 1983;
- (8) Police and Criminal Evidence Act 1984;
- (9) Public Health (Control of Disease) Act 1984;
- (10) Housing Act 1985;
- (11) Disabled Persons (Services Consultation and Representation) Act 1986;
- (12) National Health Service and Community Care Act 1990;
- (13) Further and Higher Education Act 1992;
- (14) Carers (Recognition and Services) Act 1995;
- (15) Education Act 1996;
- (16) Teaching and Higher Education Act 1998;
- (17) Crime and Disorder Act 1998;
- (18) Health Act 1999;
- (19) Immigration and Asylum Act 1999, Part 6;
- (20) Protection of Children Act 1999;
- (21) Care Standards Act 2000;
- (22) Learning and Skills Act 2000;
- (23) Health and Social Care Act 2001;
- (24) Community Care (Delayed Discharges) Act 2003;
- (25) Nationality, Immigration and Asylum Act 2002;
- (26) Carers (Equal Opportunities) Act 2004;
- (27) Mental Capacity Act 2005;
- (28) Disabilities and Discrimination Act 2005;
- (29) Mental Health Act 2007.

17. Executive Director, Regeneration Services

The Executive Director, Regeneration shall be responsible for the day to day management of Regeneration and, without prejudice, to the following, shall have power, subject to compliance with the constitutional arrangements, relevant Financial and Contract Rules relating to contracts and any relevant provisions of the Councils Financial and Contract Rules, to:

17.1 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.

To be amended 25.5.11

- 17.2 Issue responses to planning applications and development plan consultations received from neighbouring authorities where such responses are in line with existing Council policy and do not raise matters of strategic concern, in relation to the development/implementation of the **development plan, including the Black Country Joint Core Strategy**, the Regional Strategy and any subsequent **Public Inquiry** or Examinations in Public
- 17.3 In connection with any plan, policy or programme subject to the environmental assessment of plans and programmes regulations 2004, to issue a screening opinion to determine whether a strategic environmental assessment is required and to undertake a scoping exercise.
- 17.4 In connection with any plan, policy, programme or proposal subject to the Conservation of Habitats and Species Regulations 2010, to determine whether or not an assessment is required and the appropriate level of that assessment.**
- 17.5 Make applications for planning permissions, **listed building, conservation and advert consents.**
- 17.6 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.**
- 17.7 Subject to there having been due compliance with relevant Financial and Contract Rules, performance criteria and the relevant client department being satisfied that value for money is likely to be obtained, allocate construction projects to contractors/consultants, who have been appointed within a strategic partnering agreement, to develop, design and/or target cost subject to any Cabinet approval of the final scheme, target cost and programme where required.
- 17.8. Negotiate target costs, tender variations, fees and settlement of final accounts to provide the economically most advantageous/settlement to the Council in accordance with Financial and Contract Rules subject to any Cabinet approval to the outcome where required.
- 17.9 (a) To make, facilitate and co-ordinate external grant/funding submissions and to accept offers of support for regeneration or similar schemes, delivering the associated implementation, and monitoring and reporting of expenditure performance and output;
- (b) To enter into required agreements/contracts with partners/ organisations to facilitate/affect the delivery of grant/funding submission as detailed above, and where applicable in accordance with the Financial and Contractual Rules.

To be amended 25.5.11

- 17.10 The management of the Council's markets including the granting, suspension, variation or revocation of individual licenses, permits, consents or letting and in consultation with the Portfolio holder changes to rental level, policies and procedures.
- 17.11 Approval of applications for temporary markets in accordance with policies approved by the Executive, other than for the purposes of the Town and Country Planning Act 1990.
- 17.12 Authority to approve charity market stalls.
- 17.13 Authority to approve the transfer of 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:
- (a) The family member has personally assisted the licence holder in trading on the stall to which the application relates; or
 - (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.
- 17.14 Approval to permit the addition/cancellation of trading days in respect of holiday periods for Walsall markets as deemed appropriate and in conjunction with the wishes of the various market traders representatives.
- 17.15 Write off irrecoverable market charges for former stall holders.
- 17.16 Make arrangements for the management of public conveniences.
- 17.17 To take any action and/or institute proceedings, including if necessary proceedings in the High Court, to restrain any rival market including any unauthorised temporary market, indoor market or car boot sale; in consultation with the Assistant Director of Legal and Constitutional Services.
- 17.18 Exercise all routine housing functions that are not specifically delegated to any relevant Cabinet member, the Cabinet, or any Committee.
- 17.19 Make decisions under Part 6 and Part 7 of the Housing Act 1996, and to review decisions made under Part 7, Sections 175-218.
- 17.20 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.

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- 17.21 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.
- 17.22 To instruct the Assistant Director of Legal and Constitutional Services to take summary proceedings for the recovery of Council owned properties that are occupied by a person or persons who entered, or remain in occupation without the Council's licence or consent.
- 17.23 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.
- 17.24 The authority to seek planning permission in respect of future proposed development for education and community purposes.
- 17.25 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:
- (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 of recovery of debt relating to Statutory Notices or completion of work in default in consultation with the Assistant Director of Legal and Constitutional Services and;
 - (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.
- 17.26 (a) To grant authorisations (as the appropriate officer), to enforcement officers under the Housing Act 2004 Section 243 for the purposes of:
- (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

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- (v) Paragraph 25 Schedule 7 (Empty Dwelling Management Orders: power of entry to carry out work)
- (b) To authorise in his absence the Assistant Director (Regeneration and Housing) to grant such authorisations .
- (c) To authorise the Manager 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.
- (c) To authorise in the absence of the Housing Standards and Improvement Manager, the Principal Environmental Health Officer (Housing Standards) and Principal Environmental Health Officer (Housing Improvements) to act on behalf of the Council, 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:
 - (1) Housing Acts 1980;
 - (2) Housing Act 1985 (as amended);
 - (3) Housing Act 1988;
 - (4) Housing Act 1996;
 - (5) Housing Act 2004;
 - (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;
- (37) Health and Safety at Work Act 1974.
- (38) Homeless Act 2002

17.27 Authority to take action under the following legislation, 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 and Compulsory Purchase Act 2004;
- (2) 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.

17.28 Instruct the Assistant Director of Legal and Constitutional 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, eg:

- (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.

17.29 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.

Note: (a) Except where otherwise stated, the holders of the following posts within Regeneration **Services** may exercise the above powers:

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

- (b) After consultation with the Head of Paid Service and the Monitoring Officer, the Executive Director, Regeneration is duly authorised to add to this list.

18. Head of Planning and Building Control

18.1 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.

Applications to be determined by Committee:-

- (a) Applications for 'major' Development. 'Major' applications are defined as:-
 - (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;
- (b) Applications where it is proposed to make a decision that is contrary to the development plan or other published Council standards/guidelines;
- (c) Decisions that would need to be referred to the Secretary of State;
- (d) Applications that attract one or more written, valid (ie 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;
- (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;
- (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;

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- (g) Decisions where **it is known that** a claim for compensation from the Council **would** arise or which otherwise may involve a financial payment;
- (h) Applications that are known to be submitted by or on behalf of:
 - 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).
- (i) Any application that the Head of Planning and Building Control considers raises matters that should be considered by Committee.

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.

- 18.2 Authority to determine whether a formal application of details in respect of agricultural and forestry development should be submitted.
- 18.3 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.
- 18.4 Authority to undertake:-
 - (a) The administration of the Building Act, 1984, in relation to:
 - (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;
 - (b) Administration of the Public Health Act, 1936, in relation to:
 - (i) Part II - Sanitation and Buildings;
 - (ii) Part XI - Culverts, Ditches and Water Courses;
 - (c) The Party Wall Act, 1996;
 - (d) The Building (Local Authority Charges) Regulations 1988

To be amended 25.5.11

18.5 In respect of Development **Management**:

- (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 respond to consultations from neighbouring Local Planning Authorities on planning applications **and development plans which do not raise strategic issues**;
- (c) To determine whether Environmental Assessments are necessary under the Town and Country Planning (Assessment of Environmental Effects) Regulations, 1988;
- (d) Authority to determine applications for lawful development Certificates.
- (e) With respect to demolition of houses, authority to determine whether prior approval is required.
- (f) With regard to Telecommunications Development - authority to determine whether prior approval is required for siting and appearance;
- (g) To sign decisions made by Committee;
- (h) Authority to determine application for consent for the display of advertisements;
- (i) Approval of materials or other matters governed by conditions included in existing consents;
- (j) Authority to approve minor amendments to previously approved planning permissions .

18.6 Enforcement of Planning Control:

- (a) To remove or obliterate any placard or poster which is displayed in contravention of the Advertisement Regulations;
- (b) Power to authorise the issue of Enforcement Notices re: **unauthorised development by itinerants and travellers**;
- (c) To authorise the issue of Enforcement Notices and Temporary Stop Notices where immediate action is necessary
- (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;

To be amended 25.5.11

- (e) Authority to serve a breach of condition notice where planning conditions have not been complied with;
- (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
- (g) (i) Where immediate action is necessary in respect of the issue of:
 - (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;
 - (b) a Stop Notice under Section 183 of the Town and Country Planning Act, 1990.

The Assistant Director of Legal and Constitutional Services in consultation with the Head of Planning and Building Control shall discharge the function.

- (ii) Before acting under part (i) any officer so acting:-
 - (a) shall consult with such representatives of the political groups to which seats on the Committee have been allocated as the officer considers appropriate;
 - (b) shall record the urgent circumstances which make it necessary for action to be taken before a meeting of the Committee can be arranged;
 - (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.
- (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.
- (h) 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.

Amended 27.5.10

- 18.7 The authority:
- (a) not to pursue enforcement action, even when there are unresolved complaints; to revoke authorities given for enforcement action; to withdraw enforcement notices;
 - (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).
- 18.8. The Assistant Director of Legal and Constitutional Services in consultation with the Head of Planning and Building Control is authorised to make minor variations to section 106 agreements, subject to consultation with the Chair of the Committee.
- 18.9 The Head of Planning and Building Control be authorised to grant powers of entry to appropriate officers, planning enforcement.
- 18.10 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.
- 18.11 To administer and take action under the relevant provisions of the Fire Safety Reform Order 2005.

19. Head of Development and Delivery

- 19.1 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:
- (a) authorise the making of Tree Preservation Orders where immediate action is necessary to protect a tree or trees under threat;
 - (b) determine applications to top, lop or prune trees protected by a Tree Preservation Order;
 - (c) determine applications to fell and remove trees protected by a Tree Preservation Order where there is no significant community interest;

Amended 26.5.10

- (d) confirm Tree Preservation Orders where there is no significant community interest;
 - (e) enforce legal requirement for replacement tree planting by the service of the appropriate notice;
 - (f) revoke or vary a Tree Preservation Order in circumstances when an old order has been updated or a replacement order has been made or an old order no longer protects any trees or where there is no significant community interest;
 - (g) undertake appropriate action in response to notifications of intention to trees in Conservation Areas.
- 19.2 Preparation and service of a Building preservation Notice where a building that is judged to be worthy of 'Listing' as of Special architectural or Historic interest is subject to a threat of demolition or material alteration.
- 19.3 Preparation and service of an Urgent Works Notice where a building that is judged to be worthy of 'Listing' as of Special Architectural or Historic interest is considered to be at risk due to failure by the owner to carry out reasonable maintenance/upkeep.
- 19.4 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.
- 19.5 Authority to prepare agreements and contracts in pursuance of the powers under Section 33 of the Local Government (Miscellaneous Provisions Act) 1982 and the Housing Grants and Regeneration Act 1982.
- 19.6 Authority to issue a Hedgerow Retention Notice in accordance with the provisions of the Hedgerows Regulations 1997.
- 19.7 The authority not to pursue enforcement action if it is considered that it is no longer expedient to do so.
- 19.8 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.
- 19.9 The Head of Development and Delivery be authorised to grant powers of entry to appropriate officers.

Amended 20.5.09

- 19.10 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.
- 19.11 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.

20. Head of Strategic Regeneration

With regard to the Regeneration Transportation Capital Programmes and other grant aided/externally funded regeneration programmes, to authorise the undertaking of any works necessary action for the implementation of programmes, including design works, invitation to and acceptance of (the most economically advantageous) tenders, quotation or estimates, subject to Financial and Contract Rules.

21. Head of Housing

- 21.1 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.
- 21.2 Make arrangements to ensure local authority functions are implemented with regards to the needs to safeguard and promote the welfare of vulnerable adults.
- 21.3 Provide an interpretation service where necessary.
- 21.4 Acceptance of standard fund and other grant allocations where these are costs in accordance with approved Council policy.
- 21.5 To authorise the Assistant Director of Legal and Constitutional Services to complete tenancy agreements in respect of/and licences to occupy Supported and Temporary Accommodation.
- 21.6 To ensure that all arrangements for service provision are reviewed in accordance with legislative requirements and mandatory guidance.
- 21.7 Ensure that information about the directorates services provided under legislation is available to the public and avoid lawful discrimination, promote equality of opportunity and good relations between persons of different racial groups.

To be amended 25.5.11

- 21.8 Authority to admit to temporary accommodation, either provided by the Council, by other authorities, voluntary organisations, or privately registered homes, persons who are vulnerable and homeless.
- 21.9 Authority to approve interest free loans or grants not exceeding £5,000 in accordance with guidelines as approved by the Council's Executive.
- 21.10 Authority to approve applications for concessionary travel passes for vulnerable clients fleeing violence or homelessness.
- 21.11 Agree the termination of licences to occupy rooms or temporary accommodation units in respect of homeless households where necessary
- 21.12 To increase charges payable for the occupation of council owned supported housing and temporary accommodation in line with councils calculated rate of inflation

22. Assistant Director of Legal and Constitutional Services

The holder of the post of Assistant Director of Legal and Constitutional Services shall be responsible for the day to day management of Legal and Constitutional Services and without prejudice to the foregoing, shall have power, subject to compliance with the Constitutional arrangements and any relevant provisions to the Council's Financial and Contract Rules, to:

- 22.1 To exercise the functions of the Council's chief legal officer.
- 22.2 To institute or defend on behalf of the Council any legal proceedings, or to appear on behalf of the Council in proceedings before the appropriate Court or Tribunal. In doing so, the Assistant Director of Legal and Constitutional Services is authorised to take all necessary action in connection with such proceedings, including the power to settle or terminate such proceedings.
- 22.3 To authorise and certify officers for the purposes of the regulation of Investigatory Powers Act 2000.
- 22.4 Bring prosecutions for offences under Regulation 29 of the Representation of the People Regulations 1986 in cases where the Monitoring Officer and the Chief Executive as Electoral Registration Officer, are satisfied that such action is warranted.
- 22.5 Settle conveyancing and other legal costs in connection with Conveyancing matters.

Amended 26.5.10

22.6 To authorise the sealing or signature of any Order, Deed or any other document necessary to give effect to the substance of a decision of the Council, Executive, Committee, or officer acting under the Delegated Powers, in compliance with Rule 14.3.3 of the Council's Financial and Contract Rules.

- Note:**
- (a) The Assistant Director of Legal and Constitutional Services has been designated as the Council's Monitoring Officer for the purpose of Section 5, Local Government and Housing Act 1989. The Heads of Law in Legal Services have, been designated by the Chief Legal Officer, as his Deputy Monitoring Officers. A Monitoring Protocol has been approved by the Council and is set out in Part 5.12 of this document;
 - (b) The responsibilities of the Monitoring Officer include, reporting to the Council, where necessary, proposals, decisions or admissions by the Council, which appear to be contrary to law or to involve mal administration. He also has an enhanced role related to the Council Standards Committee under the Local Government Act 2000 and regulations made under that Act relating to, for example, establishing and maintaining a register of member's interests and codes of conduct for members and officers.
 - (c) Except or otherwise stated, the powers listed above for the Monitoring Officer may be exercised by the holders of Heads of Law reporting to him/her;
 - (d) After consultation with the Head of Paid Service, the Monitoring Officer is duly authorised to add to this list;
 - (e) Authority to sign/seal documents, authority is given:
 - (i) for the Head of Legal Services and any Service Manager in the employ of the Council to sign any document for the purposes of the Council's Financial and Contract Rules 14, and;

Amended 20.5.09

- (ii) for the Common Seal to be affixed to any document in order to give effect to a decision of the Council, Cabinet, Committee, Sub-Committee or of an officer acting under delegated powers.

In the event of there being a need to replace or add to the above list, the Assistant Director of Legal and Constitutional Services is duly authorised to appoint a replacement or additional senior lawyers from the Legal Services office to such lists.

- 22.7 The provision of all items of equipment, etc, required in connection with Mayoral function to include the provision of appropriate catering when required subject always to the provisions of the Council's Financial and Contract Rules.
- 22.8 The disbursement of the sum placed to the credit of the Mayor's hospitality account for expenses of the Mayoral Office other than expenses of a personal nature for which purposes a sum is provided for the Mayor and Deputy Mayor, subject always to the provisions of the Council's Financial and Contract Rules.

23. Regulatory Manager

- 23.1 **That the Regulatory Manager be authorised to enter into agreements or protocols with, or delegate functions of the Council/service to, other local authorities pursuant to any enabling legislation (such as the Local Government (Discharge of Functions) Regulations 2000, Local Government Act 2000, Local Government Act 1972) and that the agreements, protocols or delegation can include the power to defend or institute proceedings by that local authority within the Walsall area for any matters.**
- 23.2 **The Regulatory Manager may authorise officers from other authorities and public agencies working on regional projects to exercise statutory powers within the borough from time to time.**
- 23.3 **The Regulatory Manager may authorise** members of staff employed in Public Safety, and members of staff employed in other services where applicable, **to act on behalf of the Council in relation to these delegations and to take action** on behalf of the Council in enforcing and administering the following legislation, and any subordinate legislation, **including where relevant.**
 - (a) **The service of Notices;**
 - (b) **Issuing of licences;**
 - (c) **Issuing of permits;**
 - (d) **Issuing of authorisations;**
 - (e) **Approval of registrations;**

To be amended 25.5.11

- (f) Approval of prior consents and grants;**
- (g) Authorisation of works in default;**
- (h) The institution of legal proceedings;**
- (i) Acceptance of statutory notifications;**
- (j) To take any other action including the power to apply for warrants and to seize and detain goods and documents.; and**
- (k) Such other matters as may require attention.**

Accommodation Agencies Act 1953
 Administration of Justice Act 1970
 Agriculture Act 1970
 Agriculture Produce (Grading and Marking) Acts 1928 and 1931
 Animal Boarding Establishment Act 1963
 Animal Health Act 1981
 Animal Health and Welfare Act 1984
 Animals Act 1971
 Animal Welfare Act 2006
 Anti-social Behaviour Act 2003
 Breeding of Dogs Act 1973 and 1993
 Breeding and Sale of Dogs (Welfare) Act, 1999
 Building Act, 1984
 Business Names Act 1985
 Cattle Identification Regulations 1998
 Celluloid and Cinematograph Film Act 1972
 Charities Act 2006
 Children and Young Persons Act 1933
 Children and Young Persons (Protection from Tobacco) Act 1991
 Chronically Sick and Disabled Persons Act, 1970
 Civil Contingencies Act 2004
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Companies Act 1985
 Companies Act 2006
 Competition Act 1980
 Consumer Credit Act 1974
 Consumer Credit Act 2006
 Consumer Protection Act 1987
 Control of Pollution Act 1974
 Control of Pollution Amendment Act 1989
 Copyright Designs and Patents Act 1988
 Courts and Legal Services Act 1990
 Criminal Attempts Act 1981
 Criminal Damage Act 1971
 Criminal Justice and Public Order Act, 1994
 Criminal Law Act 1977
 Dangerous Dogs Acts 1989 and 1991
 Dangerous Wild Animals Act 1976
 Dairy Products (Hygiene) Regulations 1995

To be amended 25.5.11

Defective Premises Act, 1972
 Development of Tourism Act 1969
 Disability Discrimination Act 1995
 Dogs Act 1871
 Dogs (Fouling of Land) Act 1996
 Education Reform Act 1988
 Egg Products regulations 1993
 Employment Agencies Act 1973
 Energy Act 1976
 Energy Conservation Act 1981
 Environment Act 1995
 Environmental Protection Act 1990
 Estate Agents Act 1979
 European Communities Act 1972
 Explosives Act 1875
 Factories Act 1961 and 1998
 Fair Trading Act 1973
 Farm and Garden Chemicals Act 1967
Fire Safety and Safety of Places of Sport Act 1987
 Food Act 1984
 Food and Drugs Act 1955 as amended by Slaughterhouse Act 1958
 Food and Environment Protection Act 1985
 Food Safety Act 1990
 Food Safety (General Food Hygiene) Regulations 1995
 Food Premises (Registrations) Regulations 1991
 Forgery and Counterfeiting Act 1981
 Fraud Act 2006
 Gambling Act 2005
 Guard Dogs Act 1975
 Hallmarking Act 1973
 Health Act 2006
 Health and Safety at Work etc. Act 1974
Health Protection (Local Authority Powers) Regulations 2010
Health Protection (Part 2A Orders) Regulations 2010
 Highways Act 1980
 Home Energy Conservation Act, 1995
 House to House Collections Act 1939
 Housing Act 2004
 Intoxicating Substances (Supply) Act 1985
 Land Compensation Act 1973
 Licensing Act 2003
 Litter Act 1983
 Local Government Act, 1972
 Local Government Acts, 1988 and 2000 and 2003
 Local Government and Housing Act, 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Meat Products (Hygiene) Regulations 1994
 Medicines Act 1968
 Minced Meat and Meat Preparation (Hygiene) Regulations 1995

To be amended 25.5.11

Mock Auctions Act 1961
 Motor Cycle Noise Act 1987
 Noise and Statutory Nuisances Act 1993
 Noise Act 1996
 Nurses Agencies Act 1957
 Offices, Shops and Railway Premises Act 1963
 Performing Animals (Regulation) Act, 1925
 Pet Animals Act 1951
 Pigs (Records, Identification and Movement) Order 1995
 Poisons Act 1972
 Police, Factories (Miscellaneous Provisions) Act 1916
 Pollution Prevention Control Act, 1999
 Powers of Criminal Courts Act 1973
 Prevention of Damage by Pests Act 1949
 Prices Acts 1974 and 1975
 Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002
 Products of Animal Origin (Third Country Imports) (England) Regulations 2006
 Property Misdescriptions Act 1991
 Protection from Harassment Act 1997
 Protection of Animals Act 1911
 Protection of Birds Acts 1954 to 1976
 Public Health Acts 1875, 1936, 1961 and 1969
 Public Health (Control of Diseases) Act 1984
 Regulation of Investigatory Powers Act, 2000
 Regulatory Reform (Fire Safety) Order 2005
 Refuse Disposal (Amenity) Act 1978
 Riding Establishments Acts 1964 and 1970
 Road Traffic Acts 1988 and 1991
 Road Traffic (Consequential Provisions) Act 1988
 Road Traffic (Foreign Vehicles) Act 1972
 Road Traffic Offenders Act 1988
 Road Traffic Regulation Act 1984
 Safety of Sports Grounds Act 1975
 Scrap Metal Dealers Act 1964
 Slaughterhouse Act 1974
 Slaughter of Poultry Act 1967
Sunbeds (Regulation) Act 2010
 Sunday Trading Act 1994
 Tattooing of Minors Act, 1969
 Telecommunications Act 1984
 Theft Acts 1968 and 1978
 Timeshare Act 1992
 Town Police Clauses Acts 1847 and 1889
 Trade Descriptions Act 1968
 Trade Marks Act 1994
 Trading Representations (Disabled Persons) Acts 1958 and 1972
 Trading Stamps Act 1964
 Unsolicited Goods and Services Acts 1971 and 1975
 Vehicle (Crime) Act 2001
 Video Recordings Act 1984

To be amended 25.5.11

Violent Crime Reduction Act 2006
Waste Minimisation Act 1998
Water Act, 1989
Water Industry Act 1991
Weeds Act 1950, 1959, 1981
Weights and Measures Acts 1976 and 1985
West Midlands County Council Act 1980
Wildlife and Countryside Act 1981
Zoo Licensing Act 1981.

23.4 Institution of legal proceedings in respect of the enforcement of all legislation set out above, having due regard to any current national enforcement guidance and council policy.

23.5 **In the following circumstances, the decision to institute legal proceedings may be referred for the consideration of the Executive Director for Neighbourhood Services in consultation with the Assistant Director of Legal and Constitutional Services**

- (i) where the prosecution relates to a contentious/complex area of legislation and/or is likely to be considered as a "test case";
- (ii) where significant costs are likely to be incurred in bringing the prosecution before the courts;
- (iii) where the prosecution has serious national implications;
- (iv) where the prosecution relates to a significant and/or sensitive local issue;
- (v) any other matter which in the opinion of the **Regulatory Manager** is of such a serious or sensitive nature that it would be inappropriate for him/her to act under delegated powers.

23.6 To authorise the **Regulatory Manager** to appoint or recommend for appointment

- The Chief Inspector of Weights and Measures
- The Deputy Chief Inspector of Weights and Measures
- An Inspector to institute legal proceedings in respect of the Health and Safety at Work etc. Act 1974
- Public Analyst for the purpose of Section 27 of the Food Safety Act 1990
- Lead Officer for Food

23.7 Enforcement of the Customs and Excise Management Act 1979 and the Tobacco Products Act 1979 relating to fiscal marking of tobacco products.

23.8 The administration of the Safety of Sports Grounds Act, 1975, in relation to the issue of Safety Certificates.

To be amended 25.5.11

- 23.9 Authority to take action in respect of prohibition notices under Section 10 of the Safety of Sports Grounds Act, 1975;
- 23.10 Authorisation of Directed Surveillance, Covert Human Intelligence Sources **and Communications Data Access** in accordance with the requirements of the Regulation of Investigatory Powers Act, 2000.
- 23.11 Authority to vary fees and charges not fixed by Statute.
- 23.12 Authority to determine and otherwise deal with the following matters, provided that controversial matters may be submitted to the Licensing and Safety Committee in accordance with that Committee's Scheme of Delegations:
- (a) Stage Plays Licences;
 - (b) Issue of Taxi Licences;
 - (c) Scrap Metal Dealers Registration;
 - (d) Motor salvage operators' registration;
 - (e) Lottery registration and Prize Bingo permits;
 - (f) Track Betting Licences;
 - (g) Amusements with Prizes permits with and without machines;
 - (h) Street Collection Licences and House to House collection permits;
 - (i) Street Trading Licences and permits;
 - (j) Sporting Event Licences;
 - (k) Cinema Licences (including video juke box licences and video karaoke machine licences);
 - (l) Certificates of Consent for all public exhibitions, demonstrations or performances of hypnotism;
 - (m) Licences to hold civil marriage and civil partnership ceremonies on approved premises;
 - (n) Licensing of Sex Establishments (including Sex Cinemas, Sex Shops **and Sexual Entertainment venues**);
 - (o) Issue of permits under the Charities Act 2006;

24. Head of Service, Leisure and Community Health

- 24.1 Acceptance of bids for concessions at events.
- 24.2 Acceptance of hand-over from developers of open space, or payments under agreements under Section 106 Town and Country Planning Act 1990.
- 24.3 Approval of routine lettings for events on Leisure and Community Health premises/land under control of Education and Neighbourhoods Services.

To be amended 25.5.11

- 24.4 Approval of free/concessionary use of Leisure and Community Health facilities/equipment.
- 24.5 Approval of closure of Leisure and Community Health facilities for essential maintenance.
- 24.6 Determining opening hours during holiday periods for Leisure and Community Health facilities.
- 24.7 Approval of setting and variations in charges and core admission prices to Leisure and Community Health parks, open spaces, facilities, and events.
- 24.8 Acceptance of bids for concessions at parks and open spaces.
- 24.9 The authority to seek planning permission in respect of future proposed development for sport, leisure, recreation, education and community purposes.
- 24.10 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:

Animals Act 1971

Anti-Social Behaviour Act 2003

Clean Neighbourhoods and Environment Act 2005

Coroners Act 1988

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

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

Registration Service Act 1953

Regulation of Investigatory Powers Act 2000

Town Police Clauses Act of 1847 and 1889

24.11 The authority to appoint or recommend for appointment:

- The Registrar of Crematorium
- The Medical Referee (and deputies) for the Crematorium
- The Superintendent and Registrar of Births, Deaths and Marriages and Civil Partnerships

To be amended 25.5.11

24.12 To authorise the Bereavement and Registration Services Manager to administer the following legislation in relation to the disposal of the dead and to exercise all the powers and duties of the Council as a local authority, Burial and Cremation Authority, under, and to delegate this authority to officers in Bereavement Services from time to time:

Burial Acts 1852, 1853, 1855, 1857, 1859, 1900 and 1906
Burial Laws Amendment Act 1880
Cemeteries Clauses Act 1847
Cremation Acts 1902 and 1952
Fees (Increase) Act 1923
Local Government Act 1972
Public Health (Control of Diseases) Act 1984
Environmental Protection Act 1990
Environment Act 1995

24.13 Authority to vary fees and charges not fixed by Statute.

24.14 To act as Proper Officer for the Registration Service (Births, Deaths and Marriages and Civil Partnerships).

24.15 To act as Proper Officer, in relation to Walsall, for the Black Country Coroner and to delegate this authority to officers under his control from time to time.

25. Head of Property Services

Authority to exercise the following powers and functions:

25.1 To undertake the day-to-day management of the land and premises including the authorisation of expenditure, subject to budgetary control.

25.2 To approve the grant take up or surrender of leases, agreements and licences not exceeding 21 years of land and/or premises, subject as necessary to receipt of satisfactory references and where appropriate planning consent and to approve the surrender of leases, agreements and licences.

25.3 To approve easements, wayleaves and licences to be granted to utility companies and similar bodies, including electricity, gas, water and telecommunication companies, subject to consultation as appropriate with relevant service areas.

To be amended 25.5.11

- 25.4 To approve rent reviews on behalf of the Council as either landlord or tenant where provided for in existing leases.
- 25.5 To approve assignments of the residue of leases and tenancy agreements and underleases thereof, subject to the receipt of satisfactory references.
- 25.6 To approve the modification or release of covenants contained in existing conveyances, leases, agreements and licences, subject to compliance with the Council's planning or other policies, and to approve the terms of any such modification or release.
- 25.7 To institute proceedings for the forfeiture of any lease, agreement or tenancy-at-will of any industrial or commercial premises, except where residential accommodation is included, following non-payment by the tenant of rent or any other violation which renders such forfeiture appropriate.
- 25.8 To take any action and/or institute proceedings to terminate unauthorised encroachment on land in the Council's ownership.
- 25.9 To complete the purchase of land or premises included in compulsory purchase orders made by the Council or its predecessor Councils, together with blight/purchase notices accepted by the Council, including the payment of compensation in accordance with relevant legislation, subject to committed identified provision and to terms to be agreed by the District Valuer or some other professionally qualified valuer.
- 25.10 To complete the acquisition, by way of dedication, of land within development schemes which is required to be provided by the developer for open space or for other community uses provided by the Council, subject to the Head of Leisure and Community Services or Head of Development and Delivery as relevant being satisfied as to the standard of the completed works and the availability of finance for future maintenance.
- 25.11 To approve the appointment of professional advisers and/or agents, in accordance with this Constitution and to settle any fees or other costs arising therefrom.
- 25.12 To approve minor amendments to decisions of the Executive on sales, purchases, leases and contracts.
- 25.13 To submit planning applications in relation to the development or change of use of land or premises.

26. Head of Service, Engineering and Transportation Services

- 26.1 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 Assistant Director of Legal and Constitutional Services:

To be amended 25.5.11

- 26.2 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.
- 23.3 **The Head of Engineering and Transportation may authorise officers from other authorities and public agencies working on regional projects to exercise powers within the borough from time to time.**
- 23.4 **The Head of Engineering and Transportation may authorise members of staff employed in Engineering and Transportation, and members of staff employed in other services where applicable, to act on behalf of the Council in relation to these delegations and to take action on behalf of the Council in enforcing and administering the following legislation, and any subordinate legislation, including where relevant.**
- (a) The service of Notices;**
 - (b) Issuing of licences;**
 - (c) Issuing of permits;**
 - (d) Issuing of authorisations;**
 - (e) Approval of registrations;**
 - (f) Approval of prior consents and grants;**
 - (g) Authorisation of works in default;**
 - (h) The institution of legal proceedings;**
 - (i) Acceptance of statutory notifications;**
 - (j) To take any other action including the power to apply for warrants and to seize and detain goods and documents.; and**
 - (k) Such other matters as may require attention.**

Animal Boarding Establishment Act 1963
Animal Health Act 1981
Animal Health and Welfare Act 1984
Breeding of Dogs Act 1973 and 1993
Building Act 1984
Cinemas Act 1985
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974
Control of Pollution Amendment Act 1989
Countryside Act 1968
Countryside and Rights of Way Act 2000
Cycle Tracks Act 1981
Dangerous Dogs Act 1989 and 1991
Dangerous Wild Animals Act 1976
Environment Act 1995
Environmental Protection Act 1990
European Communities Act 1972
Factories Act 1961 and 1998
Fire Safety and Safety at Places of Sport Act 1987

To be amended 25.5.11

Food and Environment Protection Act 1985
Food Act 1984
Flood and Water Management Act 2010
Game Act 1831
Game Licences Act 1860
Guard Dogs Act 1975
 Highways Act 1980
 Land Compensation Act 1973
 Licensing Act 2003
 Litter Act 1983
 Local Government Acts **1972** 1988, 2000 and 2003
 Local Government (Miscellaneous Provisions) Acts 1976
 and 1982
Local Government and Housing Act 1989
 National Parks and Access to the Countryside Act 1949
 Natural Environment and Rural Communities Act 2007
 New Roads and Street Works Act 1991
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
Nurseries Agencies Act 1957
Offices, Shops and Railway Premises Act 1963
Performing Animals (Regulation) Act 1925
Pet Animals Act 1951
Pollution Prevention Control Act 1999
Prevention of Damage by Pests Act 1949
Protection of Animals 1911
Public Health Acts 1875, 1925, 1936, 1961 and 1969
Public Health (Control of Diseases) Act 1984
Refuse Disposal (Amenity) Act 1978
Riding Establishment Acts, 1964 and 1970
Road Traffic Acts 1988 and 1991
Road Traffic (Consequential Provisions) Act 1988
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Offenders Act 1988
Road Traffic Regulation Act 1984
Safety of Sports Grounds Act 1975
Scrap Metal Dealers Act 1964
Slaughter of Poultry Act 1967
Sunday Trading Act 1994
Theatres Act 1968
Town and Country Planning Act 1968
Town and Country Planning Act 1990
Town Improvement Clauses Act 1847
Town and Police Clauses Acts 1847 and 1889
Transport Acts 1985 and 2000
Traffic Management Act 2004
Water Act 1989
West Midlands County Council Act 1980
Wildlife and Countryside Act 1981
Zoo Licensing Act 1981

To be amended 25.5.11

- 26.5 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.
- 26.6 Authority to approve short lists of consultants to be invited to tender for or to submit proposals for specific investigations, analyses or designs, subject to compliance with Contract Rules.
- 26.7 Authority to approve short lists of contractors to be invited to tender for contracts for a specific scheme of works or for a schedule of rates contract for such works, subject to compliance with Contract Rules.
- 26.8 Authority to accept tenders for the supply of works, materials, equipment, plant, investigations, analyses or designs, subject to compliance with Contract Rules.
- 26.9 Authority to accept the tender which is next most economically advantageous to the Council in cases where the successful tenderer withdraws before entering into contract, subject to compliance with Contract rules.
- 26.10 Authority to utilise other contractors in the event of the successful tenderer being unable to meet the programme requirements. Additional or substitute contractors shall be chosen in order of their tenders' rank when assessed by officers, and appointed in compliance with Contract rules.
- 26.11 Authority to appoint consulting engineers after fee bidding, subject to compliance with Contract Rules.
- 26.12 Authority to appoint agency staff subject to compliance with Contract Rules.
- 26.13 Authority to exercise powers under all Sections of the Highways Act 1980 in respect of the maintenance, improvement and protection of highways, footpaths, bridleways, restricted byways, byways open to all traffic and associated land, including consulting on proposed alterations to highways, granting Licenses, serving notices and taking legal action to prevent abuse or obstruction of the highway where appropriate.
- 26.14 Authority to exercise powers under the Highways Act 1980 and the Town and Country Planning Act 1991 in relation to the stopping-up, creation, alteration and diversion of highways, footpaths, bridleways, restricted byways and byways open to all traffic where planning permission for a development requiring the stopping-up or diversion has previously been granted by the Council.

To be amended 25.5.11

- 26.15 Authority to exercise powers under the New Roads and Street Works Act 1991 in respect of the protection of highways, footpaths, bridleways, restricted byways, byways open to all traffic and associated land from the activities of Statutory Undertakers including serving notices and taking proceedings where appropriate.
- 26.16 Authority to exercise powers under the Road Traffic Regulation Act 1984 in respect of the management and safety of traffic, pedestrians and other highway users and the placing of traffic signs on the highway.
- 26.17 Authority to exercise powers under the Transport Act 1968 in respect of objections to Operators' Licence applications on safety and environmental grounds.
- 26.18 Authority to exercise powers under the Transport Act 1985 in respect of applications for Traffic Regulation Conditions on bus services and objections to Traffic Regulation Conditions on bus services.
- 26.19 Authority to exercise powers under the Wildlife and Countryside Act 1981 in respect of alterations to the definitive map and statement:- in consequence of the occurrence of an event including the coming into operation of any enactment or instrument or any other event whereby a highway shown on the definitive map and statement has been authorised to be stopped up, diverted, widened or extended – where a claim is received for addition of a route.
- 26.20 Authority to exercise the serving of notices, implementation and review of Gating Orders in accordance with sections 129 (A) to (F) of the Highways Act 1980, as inserted by the Clean Neighbourhoods and Environment Act 2005 and the Highways Act 1980 (Gating Orders) (England) Regulations.
- 26.21 Authority to prepare agreements and contracts in pursuance of the powers of the Council under Section 33 of the Local Government - Miscellaneous Provisions Act 1982, Section 111 of the Local Government Act 1972, and Sections 38 and 278 of the Highways Act 1980.
- 26.21 Authority to take action to prosecute offences under the Highways Act 1980, the Road Traffic Regulation Act 1984 and the New Roads and Street Works Act 1991, in accordance with approved policy.
- 26.23 Authority to approve the design and location of new and replacement street furniture and other highway facilities, and their removal when required, including traffic signs, traffic signals, guard railing, safety fencing, bollards, dropped kerb crossings, facilities for the disabled, seating, statutory undertakers' equipment and street trees, in accordance with approved policy and DfT guidelines.
- 26.24 Authority to object to the location of new bus stops and bus shelters on road safety grounds.

To be amended 25.5.11

- 26.25 Authority to install bollards in verges and footways in accordance with approved policy.
- 26.26 Authority to implement measures to ensure the safe operation of the highway network, including serving notices and carrying out minor works, within approved budgets.
- 26.27 Authority to approve the names to be given to new roads in accordance with approved policy and there is no objection to the name(s) from the post or emergency authorities.
- 26.28 Authority to approve the numbering of houses.
- 26.29 Authority to approve minor variations to and substitution of schemes in the Highways Capital Programme, in accordance with priorities and within the allocation in the capital programme.
- 26.30 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:
- (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.
 - (f) The design of bus priority measures and the location of bus stops and shelters.
 - (g) Enforcement powers under all sections of the Traffic Management Act 2004.

Subject to the proposal being in accordance with approved policy and, where appropriate, following full consultation with local residents and businesses.

- 26.31 Authority to approve the details of Highways Maintenance and Bridge Strengthening Schemes already approved by the Council as part of its annual approval of the Capital Programme, including:
- (a) The design of the necessary works;

To be amended 25.5.11

- (b) The method of procuring the works, subject to compliance with Finance and Contract Rules;
- (c) The use of innovative methods of treatment following an assessment of alternative methods;
- (d) The traffic management arrangements to enable to works to be carried out safely in accordance with the requirements of the Health & Safety Executive;
- (e) Consultation with appropriate interested bodies, residents and businesses likely to be affected by the works, in accordance with approved policy.

26.32 Authority to approve the advertising of Traffic Regulation Orders where either:

- (a) The Order has been requested by residents, businesses **and area managers** to control parking or traffic movements in a local area;
- (b) The Order is required to improve the safety of the highway network;
- (c) The Order is required for safety reasons following the structural assessment of a bridge and structure;
- (d) The Order is required to allow the satisfactory implementation of a Minor Improvement Scheme;
- (e) The Order is required to improve the efficient operation of the highway network;
- (f) The Order is required to assist with improving air quality.

26.33 Authority to authorise the sealing of Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 where there have been no objections received during the period for objection.

26.34 Authority to approve the sealing of Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 where objections have been received during the period for objection but where:

- (a) The concerns of the objectors can be accommodated by amending the Order without seriously prejudicing the original intention of the proposal;
- (b) The concerns of the objectors are not based on a proper understanding of the effects of the Order but the objectors do not withdraw the objections following a further explanation of the effects;

To be amended 25.5.11

- (c) The number of objectors to the proposed Order is matched by an equal or greater number of supporters for the proposed Order;
- (d) There are no more than 2 objectors to the proposed Order and their objections are based on the personal inconvenience which the proposed Order may cause to those individuals.

Subject to the Order being in accordance with approved policy and only after discussion with Ward Councillors and, where appropriate, following full consultation with local residents and businesses. Where objections do not fall within 26.34(a) to (d) the matter will be referred to the relevant Executive Director in consultation with the portfolio holder for determination.

- 26.35 Authority to approve “No Parking on the Verge” signs in accordance with approved policy.
- 26.36 Authority to approve details and locations of authorised items of street furniture, including traffic signs, road markings, lighting and associated equipment, statutory undertakers’ equipment, safety barriers, bollards, bus stops, bus shelters, seats, litter bins and other street furniture in accordance with the approved policies of the Council.
- 26.37 Authority to approve displays and exhibitions in pedestrianised areas in accordance with approved policy.
- 26.38 Authority to provide advice and direction to statutory undertakers and contractors on safety matters while working in the highway, including signing requirements, restrictions of working arrangements to suit traffic conditions, and requirement to cease working where such directions and renditions are not met.
- 26.39 In accordance with the requirements of the Public Lighting Contract authorise advertising on street lighting columns.
- 26.40 Authority to undertake administration of the Public Health Act, 1936, in relation to Part XI - Culverts, ditches and water courses.
- 26.41 Authority to administer sections 169 and 173 of the Highways Act 1980, with regard to scaffold licences and hoarding permits.
- 26.42 Authorise members of staff (in consultation with the **Regulatory Manager**) employed in Street Pride to act on behalf of the Council from time to time in enforcing the following legislation:-

- Clean Neighbourhoods and Environmental Act 2005
- Control of Pollution Act 1974
- Environmental Protection Act 1990
- Environmental Act 1995
- Litter Act 1983
- Refuse Disposal (Amenities) Act 1978
- Waste Minimisation Act 1998

To be amended 25.5.11

27. Head of Benefits

Authorisation of directed surveillance and covert human intelligence sources in accordance with the requirements of the regulation of the Investigatory Powers Act, 2000.

28. Head of Human Resources and Development

- 28.1 To exercise the functions of the Council's Chief Personnel Officer, including guidance on the dismissal or disciplinary process.
- 28.2 To act as "proper officer" in relation to appointment and dismissal of the Head of the Paid Service and Statutory Chief Officers.
- 28.3 To authorise, in consultation with Executive Directors, Assistant Directors and Heads of Service:
- (a) the determination of grades and organisation structures;
 - (b) the payment of honoraria;
 - (c) the implementation of grievance, disciplinary performance management, anti-harassment, and sickness policies; and all other personnel policies approved by the Council;
- 28.4 To approve payment of gratuities to retiring employees in accordance with discretionary powers available through the Local Government Act, 1972, and the Superannuation Regulations.
- 28.5 To approve early retirement applications in respect of employees in the Local Government Pension Scheme and non school based staff in the Teachers' Pension Scheme.
- 28.6 Increase Members' Allowances in accordance with the bottom of the National Joint Council Local Government pay spine.
- 28.7 To determine hardship advances to employees.
- 28.8 To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act, 2000.

Amended 26.5.10

TIMETABLE 2011/2012

	May	June	July	August	September	October	November	December	January	February	March	April	May
Mon.	2 Bank hol.			1					2 Bank hol				
Tue.	3			2			1 Employ B N'th Walsall AC		3 Employ B N'th Walsall AC				1
Wed.	4	1 Licensing		3			2 Willenhall AC		4	1 Willenhall AC			2
Thur.	5 Elections	2		4 Employ A	1 Employ B Social Care SP		3 Employ A Regen. SP	1 Employ A Environ. SP	5 Employ A Planning	2 Employ A Planning	1 Employ A Planning		3 Elections
Fri.	6	3	1	5	2		4	2 Sp. Children£	6	3	2		4
Mon.	9	6	4 Standards	8	5 Health SP	3	7 Council	5 Sp. Regen £ Corporate SP	9 Council	6 Brownhills AC	5 Health SP	2 Standards	7 Bank hol
Tue.	10	7 Employ B Com. Serv. SP	5 Employ B Darlaston AC	9	6 Employ B Com. Serv. SP	4 Employ B	8 Employ B Children SP	6 Employ B Com. Serv. SP	10 Employ B Social Care SP	7 Employ B Walsall S'th AC	6 Employ B	3 Employ B Social Care SP	8
Wed.	11	8 Cabinet	6	10	7 Licensing	5	9 Cabinet	7	11	8 Cabinet	7	4 Cabinet	9
Thur.	12	9 Employ A Social Care SP	7 Employ A Walsall S'th AC	11	8 Employ A Environ. SP	6 Employ A Social Care SP	10 Employ A Planning	8 Employ A Planning	12 Employ A Environ. SP Darlaston AC	9 Employ A	8 Employ A Children SP	5 Employ A Environ. SP	10
Fri.	13	10	8	12	9	7	11	9 Sp. Corp £	13	10	9	6 Bank hol	11
Mon.	16	13 Regen SP Children SP	11 Council	15	12 Council	10 SACRE	14 Audit	12 Health SP	16 Aldridge AC	13 N'th Walsall AC	12 SACRE	9 Bank hol	14
Tue.	17	14 Employ B Corporate SP	12 Employ B Com. Serv SP	16	13 Employ B Corporate SP	11 Employ B	15 Employ B Walsall S'th AC	13 Employ B Regen. SP	17 Employ B Com. Serv. SP	14 Employ B Aldridge AC	13 Employ B Audit	10 Employ B Com. Serv. SP	15
Wed.	18	15	13	17	14 Cabinet Willenhall AC	12	16 Darlaston AC	14 Willenhall AC	18 Licensing	15 Darlaston AC	14	11 Darlaston AC	16
Thur.	19	16 Employ A Environ. SP	14 Employ A Social Care SP	18 Planning	15 Employ A Planning	13 Employ A Planning	17 Employ A Social Care SP	15 Employ A Children SP	19 Employ A Regen. SP	16 Employ A	15 Employ A Regen. SP	12 Employ A Corporate SP	17
Fri.	20	17	15	19	16	14	18	16	20	17	16	13	18
Mon	23 An. Council	20 Audit	18 SACRE	22	19 B'hills AC N'th Walsall AC	17 Standards	21 Aldridge SP	19 Walsall S'th AC	23 Standards	20 Environ SP	19	16 Council	21 An. Council
Tue.	24	21 Employ B Health SP	19 Employ B Children SP	23	20 Employ B Children SP	18 Employ B Com. Serv. SP	22 Employ B	20 Employ B Brownhills AC	24 Employ B Health SP	21 Employ B Social Care SP	20 Employ B	17 Employ B Audit	22
Wed	25 Adj. Council	22	20 Licensing	24	21 Darlaston AC	19 Licensing	23	21 Cabinet	25	22	21	18 Licensing	23 Adj. Council
Thur	26 Planning	23 Employ A Planning	21 Employ A Planning	25	22 Employ A Regen. SP	20 Employ A Environ. SP	24 Employ A	22 Employ A	26 Employ A Children SP	23 Employ A Council	22 Employ A Walsall S'th AC	19 Employ A Children SP	24
Fri	27	24	22	26	23	21	25 Sp. Health £	23	27	24	23	20	25
Mon	30 Bank hol	27 Brownhills AC	25 Health SP Corporate SP	29 Bank hol	26 Audit	24 Health SP	28 Sp. Envir. £ Sp. Soc. Care£	26 Bank hol	30 Audit	27 Corporate SP	26 Aldridge AC Brownhills AC	23 Regen. SP	28
Tue	31 Bank hol	28 Employ B N'th Walsall AC	26 Employ B Environ. SP	30 Employ B	27 Employ B Walsall S'th AC	25 Employ B	29 Employ B Sp. Com Serv £	27 Bank hol	31 Employ B Corporate SP	28 Employ B Com. Serv. SP	27 Employ B N'th Walsall AC	24 Employ B Health SP	29
Wed		29 Willenhall AC	27 Cabinet	31	28	26	30 Licensing	28 Bank hol		29 Licensing	28 Willenhall AC	25	30
Thur		30 Employ A Aldridge AC	28 Employ A Regen. SP		29 Employ A Aldridge AC	27 Employ A Corporate SP		29			29 Employ A Planning	26 Employ A Planning	31
Fri			29		30	28		30			30	27	
Mon						31 Brownhills AC						30	