



Audit Committee – 17 April 2012

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

Service: Legal and Democratic Services

Wards: Not applicable

1. Summary of report

This reports sets out amendments to officer delegations which will be considered by Annual Council at its meeting to be held on 21 May 2012.

2. Recommendations

- 2.1 That the Committee review and make comments on the revisions to officer delegations as set out in the Appendix B to this report.
- 2.2. That the report be circulated to Group Leaders and independent member for information.

3. Background information

- 3.1 A wholesale review of officer delegations was undertaken in the municipal year 2008/2009, and as was the case last year, the proposed amendments to officer delegations for the forthcoming municipal year (2012/2013) are not so far reaching, but reflect new legislation and minor operational amendments. The current Scheme of Delegations of Functions to Officers is reproduced as **Appendix A** and the proposed amendments to delegations are set out in **Appendix B** to this report.
- 3.2 It is suggested that as was done last year this report be circulated to Group Leaders and independent member for information.

4. Resource implications

- 4.1 **Financial:** None arising from this report.

4.2 **Legal:** There will be an ongoing requirement to keep the officer delegations under review to ensure that the Council acts within the law.

4.3 **Staffing:** None arising from this report.

5. **Citizen impact**

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

6. **Community safety**

None arising from this report.

7. **Environment impact**

None arising from this report.

8. **Performance and risk management issues**

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

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

9. **Equality implications -** None arising from this report.

10. **Consultation**

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

Background papers

None


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A handwritten signature in black ink, appearing to read "Anthony Cox", is centered on the page. The signature is written in a cursive style with a large initial 'A' and a long, sweeping tail.

Tony Cox
Head of Legal and Democratic Services
5 April 2011

Table 5 - Scheme of Delegations of functions to officers of non-executive functions

Officer	Proposed change – amendments in bold
13. Chief Finance Officer	<p>13.1 Account and Audit Regulations 2006 to be changed to Account and Audit Regulations 2011.</p> <p>13.13 Produce and report on the statutory determinations in setting the annual net budget requirement, as required under Sections 32, 43 and 93 of the Local Government Act 1992 and the robustness of the budget and adequacy of reserves as defined by Section 23 of the Local Government Act 2003.</p> <p>13.24 Account and Audit Regulations 2006 to be changed to Account and Audit Regulations 2011.</p>
14. Executive Director, Neighbourhood Services	14.2 Public Health Act 1936 to be included at paragraph (h).
15. Executive Director, Children's Services	<p>15.1 (f) Co-ordinate action in response to Ofsted inspections and peer reviews or challenges and monitor and evaluate implementation;</p> <p>15.15. To exercise the power of the local education authority in respect of School Attendance Orders and Education Supervision Orders including making arrangements to identify those children not receiving education.</p>

<p>17. Executive Director, Regeneration Services</p>	<p>17.16 Following paragraph to be deleted:</p> <p style="text-align: center;">Make arrangements for the management of public conveniences.</p> <p>17.24 Insert new paragraph</p> <p style="text-align: center;">(f) consider and determine applications for repair and improvements to private housing in line with the Council's Housing Renewal Assistance Policy.</p>
<p>19. Head of Development and Delivery</p>	<p>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, awarding grants and entering into appropriate agreements with grant recipients, subject to Financial and Contract Rules.</p>
<p>21. Head of Housing</p>	<p>21.9 Authority to approve interest free loans or grants not exceeding £5,000 to individual homeless households to prevent homelessness or up to £50,000 to other bodies to assist in tackling homelessness in accordance with guidelines as approved by the Council's Executive.</p> <p>21.10 Authority to grant interest free loans for dwellings where assistance is up to £30,000 in line with the Housing Renewal Assistance Policy (those under 17.25 (e) and (f)).</p> <p>21.12 Agree the termination of licences to occupy rooms or temporary accommodation units in respect of homeless households where necessary and write off debts for former tenants.</p>

<p>23. Regulatory Manager</p>	<p>References to Regulatory Manager to be changed to Regulatory Services Manager</p> <p>23.1 The Regulatory Services Manager may authorise the institution of legal proceedings in respect of the enforcement of, but not limited to, all legislation set out below, having due regard to any current national enforcement guidance and Council policy.</p> <p>23.3(k) Following legislation to be included:</p> <p style="text-align: center;">Civil Partnership Act 2004 Equalities Act 2010 Marriages Act 1949</p> <p>23.12 Following paragraph to be included:</p> <p style="text-align: center;">(n) Approval of premises to hold civil marriage and civil partnership ceremonies</p>
<p>24. Head of Service, Leisure and Community Health</p>	<p>24.10 Following legislation to be included:</p> <p style="text-align: center;">Allotments Acts 1922, 1925 and 1950 Land Settlement Facilities Act 1909 Small Holdings and Allotments Act 1908</p>
<p>25. Head of Property Services</p>	<p>25.33 To approve easements, wayleaves and licences, subject to consultation as appropriate with relevant service areas.</p>

<p>26. Head of Service, Engineering and Transportation Services</p>	<p>26.4(k) Following legislation to be included:</p> <p style="text-align: center;">Flood and Water Management Act 2010 Flood Risk Regulations 2009 Land Drainage Act 1991</p> <p>26.34 Following to be deleted from end of paragraph:</p> <p style="text-align: center;">“in consultation with the portfolio holder for determination”</p>
	<p>29. Head of Internal Audit</p> <p style="text-align: center;">Authorisation of directed surveillance and covert human intelligence sources in accordance with the requirements of the regulation of the Investigatory Powers Act, 2000.</p>
	<p>30. Head of Law</p> <p style="text-align: center;">Authorisation of directed surveillance and covert human intelligence sources in accordance with the requirements of the regulation of the Investigatory Powers Act, 2000.</p>
	<p>31. Head of Greenspaces</p> <p>31.1 Institution of legal proceedings, having due regard to any current national enforcement guidance and Council policy, in respect of the enforcement of the legislation set out below and any subordinate legislation including where relevant the giving of fixed penalty notices and such other matters as may require attention:</p>

**Environment Protection 1990
Anti-Social Behaviour Act 2003
Criminal Damage Act 1971
The Dogs (Fouling of Land) Act 1996**

31.2 In the following circumstances, the decision to institute legal proceedings may be referred for the consideration of the Executive Director, Neighbourhood Services, in consultation with the Head of Legal and Democratic Services:

- (a) where the prosecution relates to a contentious/complex area of legislation and/or is likely to be considered as a “test case”;**
- (b) where significant costs are likely to be incurred in bringing the prosecution before the Courts;**
- (c) where the prosecution has serious national implications;**
- (d) where the prosecution relates to a significant and/or sensitive local issue;**
- (e) any other matter which in the opinion of the Head of Greenspaces is of such a serious or sensitive nature that it would be inappropriate for him/her to act under delegated powers.**

31.3 The Head of Greenspaces may authorise members of staff employed in Greenspaces, and members of staff employed in other service areas, 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 above legislation, and any subordinate legislation, including where relevant:

- (a) The service of notices, including fixed penalty notices;**
- (b) Issuing of licences;**
- (c) Issuing permits;**

- (d) Issuing of authorisations;**
- (e) The institution of legal proceedings; and**
- (f) Such other matters as may require attention.**

31.4 The determination of appeals relating to fixed penalty notices issued under the above legislation.