

## **Cabinet – 19 May 2010**

### **Appointment of Cabinet Members Local Government Public Involvement in Health Act 2007**

**Portfolio:** Councillor Bird

**Service:** Legal and Constitutional Services

**Wards:** None

**Key Decision:** No

**Forward Plan:** No

#### **1. Summary of Report**

Following the resolution of Council in December 2009 that the Council shall adopt the Leader and Cabinet (England) model of administration permitted under the Local Government Public Involvement in Health Act 2007 (the 2007 Act) there a number of procedural matters that remain to be determined and they are set out in detail in the body of the report. The new executive arrangements became effective from the third day after the local elections.

#### **2. Recommendations**

That the Leader

- 2.1 Determine those members who he wishes to appoint as cabinet members and their respective portfolios
- 2.2 Delegate executive decision making powers to the Cabinet, which shall make decisions in compliance with the Councils Constitution and in particular the executive procedure rules.
- 2.3 Approve the scheme of officer delegations in so far as they are or have determined to be executive functions.

#### **3. Background Information**

The Local Government Public Involvement in Health Act 2007, the 2007 Act, permits two different forms of executive

an elected mayor and executive or  
a leader and cabinet.

In December 2009 the Council resolved that it would adopt the leader and cabinet model of administration. The Council has already followed a leader and cabinet model since 2003 however there are slight variations in the model that was permitted under the Local Government Act 2000 and the 2007 Act.

### **Cabinet membership**

Under the 2000 Act the members of the cabinet could be appointed by the leader or the authority, the 2007 Act places the responsibility upon the leader. Therefore the Leader will need to determine who he wishes to appoint to the Cabinet and their respective portfolios.

The 2007 Act retains the maximum size of the executive at 10 (inclusive of the leader) and makes it clear that a portfolio holder holds their office as a cabinet member at the leaders pleasure.

### **Executive Decision making.**

The 2007 Act places the responsibility for the discharge of the executive functions upon the leader and he or she may arrange for the discharge of those functions by either

- the executive
- a member of the executive
- a committee of the executive or
- an officer.

Under the previous Leader and Cabinet model it was matter for each authority to determine its own internal decision making model. Some authorities resolved to follow collective decision making (as at Walsall) whilst others delegated powers to individual cabinet members.

Prior to and following the Council resolution in December 2009 the Leader of the Council and leaders of the other political groups at the Council were consulted regarding the decision making process to be applied. It was unanimously agreed that the Council should continue to follow the collective decision making model and should avoid delegating executive decision making to individual members.

### **Local Choice functions**

A plethora of regulations have been issued under the 2000 Act setting out functions which are in the responsibility of the executive, those which only the Council can exercise and those which are of a local choice, Section 13(3) b 2000 Act. The latter category are set out in table 1 of part 3 of the constitution ( page 3.1.1). The Council determined that there should no changes made to the schedule.

### **Delegation to Officers**

As stated above the executive can delegate decision making of executive functions to officers if it so wishes. The Council maintains a single list of powers delegated to officers which is a combination of both executive functions and non executive functions. The scheme of delegations is reviewed regularly to ensure that it is up to date.

A revised scheme has been widely consulted upon within the officer core and was considered by the Audit Committee 13 April 2010, which was content with the scheme subject to a few minor queries. The Cabinet is request to approve the attached scheme of officer delegations which is combined scheme containing both executive and non executive functions. The Council shall be requested to approve the same scheme to provide authority for delegation of non executive functions.

## **Constitution**

Changes to the Councils constitution necessitated by the 2007 Act which did not require local determination have already been submitted to the Annual meeting of Council for an amendment of the constitution.

The Council Constitution already details a collective decision making process and the three group leader have a collective view that that mechanism should continue therefore there are no further changes are required at this stage.

Members will recall that at the the Annual meeting of Council they were requested to consider one change to the executive procedure rules. That change, if approved, would allow chairs and vice chairs of scrutiny panels to attend meetings of the cabinet ( not private meetings) and ask questions or make comments on any report that falls within their panels remit.

## **4. Resource Considerations**

### **4.1 Financial:**

None arising directly from this report.

### **4.2 Legal:**

These are contained within the body of the report.

### **4.3 Staffing:**

None arising directly from this report.

## **5. Citizen Impact**

None arising directly from this report.

## **6. Community Safety**

None arising directly form this report.

## 7. Environmental Impact

None arising directly from this report.

## 8. Performance and Risk Management Issues

### 8.1 Risk:

### 8.2 Performance Management:

None arising directly from this report.

## 9. Equality Implications

None arising directly from this report.

## 10. Consultation

Prior to the Council decision in December 2009 all three group leaders were consulted regarding the internal decision making process. Following the Council decision more detailed consultation was undertaken with the leader of the council, who undertook consultation with the other group leaders.

### Background Papers:

None

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Bhupinder Gill  
Assistant Director  
Legal and Constitutional Services

11 May 2010



Rory Borealis  
Executive Director Resources

12 May 2010



Councillor M Bird  
Leader of the Council

12 May 2010

## Part 3.5 –Scheme of delegations of functions to officers of non-executive functions

Existing wording	Proposed wording
<b>12. Chief Executive</b>	No change
<b>13. Chief Finance Officer</b>  13.7 Authority to write off irrecoverable amounts due to the Council up to and including £5,000 and without limit as regards personal local taxation on a single property.	13.7 Authority to write off irrecoverable amounts due to the Council up to and including £5,000  (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 leave 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.	13.8 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.
13.16 To determine Applications for hardship relief from Non Domestic Rates under Section 49 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.
<b>Note:</b> The following powers may be exercised by the:  (a) Head of Corporate Finance: 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22  (b) Head of Revenues: 6, 7, 8, 9,14, 15, 16, 17, 20.  (c) Head of Benefits: 6, 20, 23	<b>Note:</b> The following powers may be exercised by the:  (a) Head of Corporate 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

<p><b>14. Executive Director, Neighbourhood Services</b></p> <p>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;</p>	<p>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;</p>
<p>(b) Exercise the functions of the Council as a waste disposal authority including associated recycling activities;</p>	<p>(b) Exercise the functions of the Council as a waste disposal authority including associated recycling activities;</p>
<p>(c) Deal with all matters relating to fly posting, placarding, graffiti, fly tipping and abandoned vehicles;</p>	<p>(c) Deal with all matters relating to fly posting, placarding, graffiti, fly tipping and abandoned vehicles;</p>
<p>(d) Make arrangements for the management of public conveniences;</p>	<p>(d) Provide and be responsible for the vehicle fleet and the maintenance for vehicles owned and operated by the Council.</p>
<p>(e) Provide and be responsible for the vehicle fleet and the maintenance for vehicles owned and operated by the Council.</p>	
<p>14.2 Without prejudice to paragraph 1, to exercise strategic, operational, and management powers and duties of the Council under the following enactments:</p> <ul style="list-style-type: none"> <li>(a) Removal and disposal of vehicles regulations, 1986;</li> <li>(b) Road Traffic Regulation Act 1984;</li> <li>(c) Vehicle Excise Duty Act (removal and disposal) Regulations, 1997;</li> <li>(d) Control of Pollution Act 1974;</li> <li>(e) Environmental Protection Act 1990;</li> <li>(f) Highways Act 1980;</li> <li>(g) Litter Act 1983 (in so far as it relates to litter bins and street cleaning);</li> <li>(h) Public Health Act 1961;</li> <li>(i) Refuse Disposal (amenity) Act 1978;</li> <li>(j) Road Traffic Act 1998;</li> <li>(k) Building Act 1984;</li> <li>(l) Chronically Sick and Disabled Persons Act 1970;</li> <li>(m) Waste Minimisation Act 1998;</li> <li>(n) Public Health Acts 1936 and 1969;</li> <li>(o) Clean Neighbourhood and Environment Act 2005;</li> </ul>	<p>14.2 Without prejudice to paragraph 1, to exercise strategic, operational, and management powers and duties of the Council under the following enactments:</p> <ul style="list-style-type: none"> <li>(a) Removal and disposal of vehicles regulations, 1986;</li> <li>(b) Road Traffic Regulation Act 1984;</li> <li>(c) Vehicle Excise Duty Act (removal and disposal) Regulations, 1997;</li> <li>(d) Control of Pollution Act 1974;</li> <li>(e) Environmental Protection Act 1990;</li> <li>(f) Highways Act 1980;</li> <li>(g) Litter Act 1983 (in so far as it relates to litter bins and street cleaning);</li> <li>(h) Public Health Act 1961;</li> <li>(i) Refuse Disposal (amenity) Act 1978;</li> <li>(j) Road Traffic Act 1998;</li> <li>(k) Building Act 1984;</li> <li>(l) Chronically Sick and Disabled Persons Act 1970;</li> <li>(m) Waste Minimisation Act 1998;</li> <li>(n) Public Health Acts 1936 and 1969;</li> <li>(o) Clean Neighbourhood and Environment Act 2005;</li> </ul>

(p) Crime and Disorder Act 1998	(p) Crime and Disorder Act 1998 (q) Fire Safety and Safety of Places of Sports Act 1987 (r) Anti-Social Behaviour Act 2003
14.6 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.	Delete
<b>Note:</b> (a) Except where otherwise stated, the holders of the following posts within Neighbourhood Services may exercise the above powers:  Assistant Director Built Environment Assistant Director Leisure and Culture and Lifelong Learning	<b>Note:</b> (a) Except where otherwise stated, the holders of the following posts within Neighbourhood Services may exercise the above powers:  Assistant Director Neighbourhood Services
(b) After consultation with the Executive Director for Neighbourhood Services, Head of Paid Service and the Monitoring Officer, the Executive Director for Neighbourhood Services is duly authorised to add to this list.	(b) After consultation with the Executive Director for Neighbourhood Services, Head of Paid Service and the Monitoring Officer, the Executive Director for Neighbourhood Services is duly authorised to add to this list.
<b>15. Executive Director, Children's Services</b>	No change
<b>16. Executive Director, Social Care and Inclusion</b>	No change
<b>17. Executive Director, Regeneration</b>  The Executive Director, Regeneration shall be responsible for the day to day management of Regeneration and Performance 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:	<b>17. Executive Director, Regeneration</b>  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	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.		for the development and execution of approved projects.
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.	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 Joint Core Strategy, the Regional Strategy and any subsequent 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.	17.3	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	Make applications for planning permissions.	17.4	Make applications for planning permissions.
17.5	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 and for the annual minor improvements and local safety programmes.	17.5	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 and for the annual minor improvements and local safety programmes.
17.6	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.	17.6	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.
17.7.	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.	17.7.	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.
17.8	(a) To make, facilitate and co-ordinate external grant/funding submissions and to accept offers of support for	17.8	(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;	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.	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.
17.9 To undertake any necessary action for the implementation of a derelict land reclamation programme.	17.9 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.
17.10 The management of the Council's markets including the granting, suspension, variation or revocation of individual licenses, permits, consents or lettings.	17.10 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.
17.11 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.	17.11 Authority to approve charity market stalls.
17.12 Authority to approve charity market stalls.	17.12 Authority to approve the transfer or market stall licences to another family member or employee upon application, providing the officer considering the application is satisfied that the licence holder had traded on the market concerned for at least 5 years; and that 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.
17.13 Authority to approve the transfer or market stall licences to another family member or employee upon application, providing the officer considering the application is satisfied that the licence holder had	17.13 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

traded on the market concerned for at least 5 years; and that the 2 years immediately preceding the application:	market traders representatives.
(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.	17.14 Write off irrecoverable market charges for former stall holders.
17.15 Write off irrecoverable market charges for former stall holders.	17.15 Make arrangements for the management of public conveniences.
17.16 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.	17.16 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.
17.17 Authority to determine the authorisation and de-authorisation of School Crossing Patrols in accordance with approved policy and in consultation with Road safety Officers.	17.17 Exercise all routine housing functions that are not specifically delegated to any relevant Cabinet member, the Cabinet, or any Committee.
17.18 Exercise all routine housing functions that are not specifically delegated to any relevant Cabinet member, the Cabinet, or any Committee.	17.18 Make decisions under Part 6 and Part 7 of the Housing Act 1996, and to review decisions made under Part 7, Sections 175-218.
17.19 Make decisions under Part 6 and Part 7 of the Housing Act 1996, and to review decisions made under Part 7, Sections 175-218.	17.19 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.
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.	17.20 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.
17.21 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.	17.21 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.
17.22 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.	17.22 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.
17.23 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.	17.23 The Authority to seek planning permission in respect of future proposed development for education and community purposes.
17.24 Agree the termination of licences to occupy rooms or temporary accommodation units in respect of homeless families where necessary.	17.24 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) to consider and determine applications for loans or grants for aids and adaptations to the homes of people with

	disabilities below £50,000.
17.25 The Authority to seek planning permission in respect of future proposed development for education and community purposes.	<p>17.25 (a) To grant authorisations (as the appropriate officer), to enforcement officers under the Housing Act 2004 Section 243 for the purposes of:</p> <p>(i) Section 131 (management orders: power of entry to carry out work)</p> <p>(ii) Section 235 (power to require documents to be produced)</p> <p>(iii) Section 239 (powers of entry)</p> <p>(iv) Paragraph 3 (4) of Schedule 3 (improvement notices: power of entry to carry out work), and</p> <p>(v) Paragraph 25 Schedule 7 (Empty Dwelling Management Orders: power of entry to carry out work)</p>
	(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:
	(d) 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;

	<ul style="list-style-type: none"> <li>(35) Home Energy Conservation Act 1995;</li> <li>(36) European Communities Act 1972;</li> <li>(37) Health and Safety at Work Act 1974.</li> <li>(38) Homeless Act 2002</li> </ul>
17.26 To exercise all the statutory powers and duties of the Council relating to private sector housing and subject to the limits set out in the Financial and Contract Rules, authority to:	<p>17.26 Authority to take action under the following legislation, including where relevant, the service of notices, issuing of licences, authorisation at works in default, implementation of charges, approval of grants, institution of legal proceedings etc:</p> <ul style="list-style-type: none"> <li>(1) Planning and Compulsory Purchase Act 2004;</li> <li>(2) Homelessness Act 2002;</li> <li>(3) Immigration and Asylum Act 1999;</li> <li>(4) Nationality Immigration and Asylum Act 2002;</li> <li>(5) Asylums and Immigration (Treatment of Claimants) Act 2004;</li> <li>(6) Protection from Eviction Act 1977;</li> <li>(7) Children Act 2002.</li> </ul>
(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.	
17.27 (a) To authorise the Manager Housing Standards and Improvement to take action under the following legislation, including where relevant, the service and enforcement of notices, issuing of licences, authorisation or works in default, implementation of charges, approval of grants, institution of legal proceedings:	<p>17.27 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, e.g.:</p> <ul style="list-style-type: none"> <li>(a) Where mitigating circumstances exist;</li> </ul>

	<p>(b) Where sufficient evidence exists to prosecute;</p> <p>(c) Where it is in the public interest to do so;</p> <p>(d) Where the perpetrator admits the offence.</p>
<p>(b) To authorise in the absence of the Manager Housing Standards and Improvement the Principal Environmental Health Officers to act on behalf of the Council, including where relevant, the service and enforcement of notices, issuing of licences, authorisation of works in default, implementation of charges, approval of grants, institution of legal proceedings:</p> <p>(1) Housing Acts 1980;</p> <p>(2) Housing Act 1985 (as amended);</p> <p>(3) Housing Act 1988;</p> <p>(4) Housing Act 1996;</p> <p>(5) Housing Act 2004;</p> <p>(6) Housing Association Act 1985;</p> <p>(7) Housing and Building Control Act 1984;</p> <p>(8) Housing Grants, Construction and Regeneration Act 1996;</p> <p>(9) Local Government Act 1972;</p> <p>(10) Local Government and Housing Act 1989;</p> <p>(11) Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(12) Local Government (Miscellaneous Provisions) Act 1982;</p> <p>(13) Rent Act 1977;</p> <p>(14) Water Act 1989;</p> <p>(15) Protection from Eviction Act 1977;</p> <p>(16) Landlord and Tenant Act 1954;</p> <p>(17) Landlord and Tenant Act 1985;</p> <p>(18) Landlord and Tenant Act 1987;</p> <p>(19) Caravan Sites and Control of Development Act 1960;</p> <p>(20) Caravan Sites Act 1968, Part 1;</p> <p>(21) Mobile Homes Act 1973;</p> <p>(22) Mobile Homes Act 1983;</p> <p>(23) Land Compensation Act 1973;</p> <p>(24) Noise and Statutory Nuisance Act 1993;</p> <p>(25) Prevention of Damage by Pests Act 1949;</p>	

<ul style="list-style-type: none"> <li>(26) Public Health Act 1936;</li> <li>(27) Public Health Act 1961;</li> <li>(28) Public Health Act 1969;</li> <li>(29) Refuse Disposal (amenity) Act 1978;</li> <li>(30) Building Act 1984;</li> <li>(31) Environmental Protection Act 1990;</li> <li>(32) Control of Pollution Act 1974;</li> <li>(33) Defective Premises Act 1972;</li> <li>(34) Clean Air Act 1993;</li> <li>(35) Home Energy Conservation Act 1995;</li> <li>(36) European Communities Act 1972;</li> <li>(37) Health and Safety at Work Act 1974.</li> <li>(38) Homeless Act 2002</li> </ul>	
<p>17.28 Authority to take action under the following legislation, including where relevant, the service of notices, issuing of licences, authorisation at works in default, implementation of charges, approval of grants, institution of legal proceedings etc:</p> <ul style="list-style-type: none"> <li>(1) Planning and Compulsory Purchase Act 2004;</li> <li>(2) Homelessness Act 2002;</li> <li>(3) Immigration and Asylum Act 1999;</li> <li>(4) Nationality Immigration and Asylum Act 2002;</li> <li>(5) Asylums and Immigration (Treatment of Claimants) Act 2004;</li> <li>(6) Protection from Eviction Act 1977;</li> <li>(7) Children Act 2002.</li> </ul>	<p>17.28 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.</p>
	<p><b>Note:</b> (a) Except where otherwise stated, the holders of the following posts within Regeneration may exercise the above powers:</p> <p style="text-align: center;">Assistant Director Regeneration  Head of Development and Delivery  Head of Strategic Regeneration  Head of Housing  Head of Property Services  Head of Planning &amp; Building Control</p>
	<p>(b) After consultation with the Head of Paid Service and the</p>

	Monitoring Officer, the Executive Director, Regeneration is duly authorised to add to this list.
17.29 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, e.g.:	
(a) Where mitigating circumstances exist;	
(b) Where sufficient evidence exists to prosecute;	
(c) Where it is in the public interest to do so;	
(d) Where the perpetrator admits the offence.	
<b>Note:</b> (a) Except where otherwise stated, the holders of the following posts within Regeneration may exercise the above powers:  Assistant Director Regeneration and Performance Head of Development and Delivery Head of Strategic Regeneration	
(b) After consultation with the Head of Paid Service and the Monitoring Officer, the Executive Director, Regeneration and Performance is duly authorised to add to this list.	
<b>18. Head of Planning and Building Control</b>	No change
<b>19. Head of Development and Delivery</b>	
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:	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;	(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 protected trees;	(b) determine applications to top, lop or prune trees protected by a Tree Preservation Order;
(c) determine applications to fell and remove trees and/or to make and/or revoke Tree Preservation Orders where there is no significant community interest	(c) determine applications to fell and remove trees protected by a Tree Preservation Order where there is no significant community interest;
(d) enforce legal requirement for replacement tree planting by the service of the appropriate notice;	(d) confirm Tree Preservation Orders where there is no significant community interest;
(e) 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;	(e) enforce legal requirement for replacement tree planting by the service of the appropriate notice;
(f) undertake appropriate action in response to proposals to carry out works to trees in Conservation Areas.	(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.
19.12 With regard to Environmental Enhancement to authorise:	19.12 With regard to Environmental Enhancement to authorise:
(a) The undertaking of any necessary action for the implementation of the Environmental Programmes approved annually by Development Control Committee, including design works, invitation to and acceptance of (the lowest) tender, quotation or estimate, subject to Financial and Contract Procedure Rules, and receipt, where appropriate, of necessary approvals by the Department of Transport, Local Government and the Regions for grant aided schemes;	(a) The undertaking of any necessary action for the implementation of the Environmental Programmes approved annually by Development Control Committee, including design works, invitation to and acceptance of (the most economically advantageous) tender, quotation or estimate, subject to Financial and Contract Procedure Rules, and receipt, where appropriate, of necessary approvals by the Department of Transport, Local Government and the Regions for grant aided schemes;

(b) The substitution of appropriate schemes and the movement of schemes between approved programmes to maximise grant aid;	(b) The substitution of appropriate schemes and the movement of schemes between approved programmes to maximise grant aid;
(c) The approval of minor variations up to £500 in grants approved for the promotion of Environmental Education and Building Conservation.	(c) The approval of minor variations up to £500 in grants approved for the promotion of Environmental Education and Building Conservation.
<b>20. Head of Strategic Regeneration</b>	No change
<b>Head of Housing</b>	<b>New paragraph</b>
	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.

	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
<b>21. Assistant Director of Legal and Constitutional Services</b>	
21.9 To act as Secretary to the school organisation committee.	Delete
<b>22. Head of Service, Public Protection</b>	<b>22. Head of Service, Public Safety</b>
	All references to Head of Service, Public Protection to be changed to "Head of Service, Public Safety.
22.5 To authorise the Head of Public Protection to appoint or recommend for appointment <ul style="list-style-type: none"> <li>• The Chief Inspector of Weights and Measures</li> <li>• The Deputy Chief Inspector of Weights and Measures</li> <li>• An Inspector to institute legal proceedings in respect of the Health and Safety at Work etc. Act 1974</li> <li>• Registrar of Crematorium</li> </ul>	22.5 To authorise the Head of Public Safety to appoint or recommend for appointment <ul style="list-style-type: none"> <li>• The Chief Inspector of Weights and Measures</li> <li>• The Deputy Chief Inspector of Weights and Measures</li> <li>• An Inspector to institute legal proceedings in respect of the Health and Safety at Work etc. Act 1974</li> <li>• Public Analyst for the purpose of Section 27 of the Food Safety Act</li> </ul>

<ul style="list-style-type: none"> <li>• Lead Officer for Food</li> <li>• Medical Referee (and deputies) for the Crematorium</li> <li>• The Superintendent and Registrar of Births, Deaths and Marriages and Civil Partnerships</li> <li>• Public Analyst for the purpose of Section 27 of the Food Safety Act 1990.</li> </ul>	<p>1990</p> <ul style="list-style-type: none"> <li>• Lead Officer for Food</li> </ul>
<p>22.11 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:</p> <p>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</p>	<p>Delete</p>
<p>22.15 To act as Proper Officer for the Registration Service (Births, Deaths and Marriages and Civil Partnerships).</p>	<p>Delete</p>
<p>22.16 To act as Proper Officer, in relation to Walsall, for the Black Country Coroner.</p>	<p>Delete</p>
<p><b>23. Assistant Director, Leisure Culture and Lifelong Learning</b></p>	<p><b>23. Head of Service, Leisure and Community Health</b></p>

23.1	Acceptance of bids for concessions at events.	23.1	Acceptance of bids for concessions at events.
23.2	Acceptance of hand-over from developers of open space, or payments under agreements under Section 106 Town and Country Planning Act 1990.	23.2	Acceptance of hand-over from developers of open space, or payments under agreements under Section 106 Town and Country Planning Act 1990.
23.3	Approval of routine lettings for events on Leisure, Culture and Lifelong Learning and Neighbourhoods Services premises/land under control of Education and Neighbourhoods Services.	23.3	Approval of routine lettings for events on Leisure and Community Health premises/land under control of Education and Neighbourhoods Services.
23.4	Approval of free/concessionary use of Leisure, Culture and Lifelong Learning and Neighbourhoods Services facilities/equipment.	23.4	Approval of free/concessionary use of Leisure and Community Health facilities/equipment.
23.5	Approval of closure of Leisure, Culture and Lifelong Learning and Neighbourhoods Services facilities for essential maintenance.	23.5	Approval of closure of Leisure and Community Health facilities for essential maintenance.
23.6	Determining opening hours during holiday periods for Leisure, Culture and Lifelong Learning and Neighbourhoods Services facilities.	23.6	Determining opening hours during holiday periods for Leisure and Community Health facilities.
23.7	Approval of setting and variations in charges and core admission prices to Leisure, Culture and Lifelong Learning and Neighbourhoods Services parks, open spaces, facilities, and events.	23.7	Approval of setting and variations in charges and core admission prices to Leisure and Community Health parks, open spaces, facilities, and events.
23.8	Acceptance of bids for concessions at parks and open spaces.	23.8	Acceptance of bids for concessions at parks and open spaces.
23.9	The authority to seek planning permission in respect of future proposed development for education and community purposes.	23.9	The authority to seek planning permission in respect of future proposed development for sport, leisure, recreation, education and community purposes.
23.10	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	23.10	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

<p>Dangerous Dogs Acts 1989 and 1991  Dogs Act 1871  Dogs (Fouling of Land) Act 1996  Environmental Protection Act 1990  Local Government (Miscellaneous Provisions) Acts 1976 and 1982  Town Police Clauses Act of 1847 and 1889</p> <p>and to delegate this authority to officers under his control from time to time.</p>	<p>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  Regulation of Investigatory Powers Act 2000  Town Police Clauses Act of 1847 and 1889</p>
	<p>23.11 Authorisation of Directed Surveillance and Covert Human Intelligence Sources in accordance with the requirements of the Regulation of Investigatory Powers Act, 2000.</p>
	<p>23.12 To authorise the Head of Service and Leisure and Community Health to appoint or recommend for appointment</p> <ul style="list-style-type: none"> <li>• Registrar of Crematorium</li> <li>• Medical Referee (and deputies) for the Crematorium</li> <li>• The Superintendent and Registrar of Births, Deaths and Marriages and Civil Partnerships</li> </ul>
	<p>23.13 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:</p> <p>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</p>

	23.14 Authority to vary fees and charges not fixed by Statute.
	23.15 To act as Proper Officer for the Registration Service (Births, Deaths and Marriages and Civil Partnerships).
	23.16 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.
<p><b>Note:</b> Except where otherwise stated, the holder of the following posts within Leisure, Culture and Lifelong Learning may exercise the above powers:-</p> <p>Head of Leisure and Culture: 1, 2, 3, 4, 5, 6, 7, 8. Head of Greenspaces: 10</p>	<p><b>Note:</b> Except where otherwise stated, the holder of the following post within Leisure and Leisure and Community Health may exercise the above powers:-</p> <p>Head of Greenspaces: 23,10</p>
<b>24. Head of Property Services</b>	
24.10 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 play area purposes, subject to the Head of Leisure and Community Services being satisfied as to the standard of the completed works and the availability of finance for future maintenance.	24.10 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
<b>25. Assistant Director, Built Environment</b>	<b>25. Assistant Director, Neighbourhood Services</b>
25.1 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:	25.1 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:
25.2 To authorise, in the absence of the Head of Engineering and Transportation, the Service Managers for Traffic and Transportation and Engineering Design and Construction to act on	25.2 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,

<p>behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.</p>	<p>prosecutions, and such matters as may require attention.</p>
<p>25.3 Authority to take action under the following legislation and to authorise members of staff from time to time employed in Engineering and Transportation to act on behalf of the Council in taking action under the following legislation, including where relevant:</p> <p>The service of Notices, issuing of licences, permits and authorisations, approval of registrations, prior consents and grants, authorisation of works in default, acceptance of statutory notifications, and to take any other action including the power to apply for warrants and to seize and detain goods and documents.</p> <p>Clean Air Act 1993  Clean Neighbourhoods and Environment Act 2005  Control of Pollution Act 1974  Countryside and Rights of Way Act 2000  Environment Act 1995  Environmental Protection Act 1990  Highways Act 1980  Land Compensation Act 1973  Licensing Act 2003  Litter Act 1983  Local Government Act 1988  Local Government (Miscellaneous Provisions) Acts 1976 and 1982  New Roads and Street Works Act 1991  Noise Act 1996  Noise and Statutory Nuisance Act 1993  Pollution Prevention and Control Act 1999  Prevention of Damage by Pests Act 1949  Public Health Acts 1936 and 1961  Public Health (Control of Diseases) Act 1984  Refuse Disposal (Amenity) Act 1978  Road Traffic Acts 1988 and 1991  Road Traffic (Consequential Provisions) Act 1988  Road Traffic (Foreign Vehicles) Act 1972</p>	<p>25.3 Authority to take action under the following legislation and to authorise members of staff from time to time employed in Engineering and Transportation to act on behalf of the Council in taking action under the following legislation, including where relevant:</p> <p>The service of Notices, issuing of licences, permits and authorisations, approval of registrations, prior consents and grants, authorisation of works in default, acceptance of statutory notifications, and to take any other action including the power to apply for warrants and to seize and detain goods and documents.</p> <p>Clean Air Act 1993  Clean Neighbourhoods and Environment Act 2005  Control of Pollution Act 1974  Countryside Act 1968  Countryside and Rights of Way Act 2000  Cycle Tracks Act 1981  Environment Act 1995  Environmental Protection Act 1990  Highways Act 1980  Land Compensation Act 1973  Licensing Act 2003  Litter Act 1983  Local Government Acts 1988, 2000, 2003  Local Government (Miscellaneous Provisions) Acts 1976 and 1982  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  Pollution Prevention and Control Act 1999  Prevention of Damage by Pests Act 1949  Public Health Acts 1936 and 1961  Public Health (Control of Diseases) Act 1984</p>

<p>Road Traffic Offenders Act 1988  Road Traffic Regulation Act, 1984  Town and Country Planning Act 1968  Town and Country Planning Act 1990  Town Police Clauses Act 1847  Transport Act 1985  Traffic Management Act 2004  West Midlands County Council Act 1980  Wildlife and Countryside Act 1981</p>	<p>Refuse Disposal (Amenity) Act 1978  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  Town and Country Planning Act 1968  Town and Country Planning Act 1990  Town Police Clauses Act 1847  Transport Act 1985  Traffic Management Act 2004  West Midlands County Council Act 1980  Wildlife and Countryside Act 1981</p>
<p>25.4 Authority to vary future levels of charges for services for which charges are currently made (excluding car parking charges), such revisions having regard to the retail price index and prevailing market conditions.</p>	<p>25.4 Authority to vary future levels of charges for services for which charges are currently made (excluding car parking charges), such revisions having regard to the retail price index and prevailing market conditions.</p>
<p>25.5 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 Financial and Contract Rules.</p>	<p>25.5 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 Financial and Contract Rules.</p>
<p>25.6 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 Financial and Contract Rules.</p>	<p>25.6 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 Financial and Contract Rules.</p>
<p>25.7 Authority to accept tenders for the supply of works, materials, equipment, plant, investigations, analyses or designs, subject to compliance with Financial and Contract Rules.</p>	<p>25.7 Authority to accept tenders for the supply of works, materials, equipment, plant, investigations, analyses or designs, subject to compliance with Financial and Contract Rules.</p>
<p>25.8 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 Financial and Contract rules.</p>	<p>25.8 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 Financial and Contract rules.</p>
<p>25.9 Authority to utilise other contractors in the event of the successful</p>	<p>25.9 Authority to utilise other contractors in the event of the successful</p>

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 Financial and Contract rules.	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 Financial and Contract rules.
25.10 Authority to appoint consulting engineers after fee bidding, subject to compliance with Financial and Contract Rules.	25.10 Authority to appoint consulting engineers after fee bidding, subject to compliance with Financial and Contract Rules.
25.11 Authority to appoint agency staff subject to compliance with Financial and Contract Rules.	25.11 Authority to appoint agency staff subject to compliance with Financial and Contract Rules.
25.12 Authority to exercise powers under all Sections of the Highways Act 1980 in respect of the maintenance, improvement and protection of highways, footpaths, bridleways 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.	25.12 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.
25.13 Authority to exercise powers under the Highways Act 1980 and the Town and Country Planning Act 1991 in relation to the stopping-up and diversion of highways where planning permission for a development requiring the stopping-up or diversion has previously been granted by the Council.	25.13 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.
25.14 Authority to exercise powers under the New Roads and Street Works Act 1991 in respect of the protection of highways, footpaths, bridleways and associated land from the activities of Statutory Undertakers including serving notices and taking proceedings where appropriate.	25.14 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.
25.15 Authority to exercise powers under the Road Traffic Regulation Act 1984 in respect of the management and safety of traffic and pedestrians and the placing of traffic signs on the highway.	25.15 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.
25.16 Authority to exercise powers under the Transport Act 1968 in	25.16 Authority to exercise powers under the Transport Act 1968 in

respect of objections to Operators' Licence applications on safety and environmental grounds.	respect of objections to Operators' Licence applications on safety and environmental grounds.
25.17 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.	25.17 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.
25.18 Authority to exercise powers under the Wildlife and Countryside Act 1981 in respect of alterations to the definitive footpath map following approval of changes to the route of a footpath or bridleway.	25.18 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
25.19 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.	25.19 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.
25.20 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.	25.20 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.
25.21 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, guardrailling, safety fencing, bollards, dropped kerb crossings, facilities for the disabled, seating, bus stops, bus shelters, statutory undertakers' equipment and street trees, in accordance with approved policy and DfT guidelines.	25.21 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.
25.22 Authority to install bollards in verges and footways in accordance with approved policy.	25.22 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.
25.23 Authority to implement measures to ensure the safe operation of the highway network, including serving notices and carrying out minor works, within approved budgets.	25.23 Authority to object to the location of new bus stops and bus shelters on road safety grounds.
25.24 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.	25.24 Authority to install bollards in verges and footways in accordance with approved policy.
25.25 Authority to approve the numbering of houses.	25.25 Authority to implement measures to ensure the safe operation of the highway network, including serving notices and carrying out minor works, within approved budgets.
25.26 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.	25.26 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.
25.27 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:	25.27 Authority to approve the numbering of houses.
(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.	
25.28 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:	25.28 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.
(a) The design of the necessary works;	
(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.	
25.29 Authority to approve the advertising of Traffic Regulation Orders where either:	25.29 Authority to approve the details of Minor Improvement Schemes already approved by the Council as part of its annual approval of the Capital Programme, including:
(a) The Order has been requested by residents and businesses to control parking or traffic movements in a local area;	(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 Order is required to improve the safety of the highway	(b) The design and implementation of measures provided as

network;	part of any Safer Routes to School projects.
(c) The Order is required for safety reasons following the structural assessment of a bridge and structure;	(c) The design and location of traffic calming features.
(d) The Order is required to allow the satisfactory implementation of a Minor Improvement Scheme;	(d) The design of traffic signal controlled junctions.
(e) The Order is required to improve the efficient operation of the highway network;	(e) The design of minor junction improvements and alterations.
(f) The Order is required to assist with improving air quality.	(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 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 30(a) to (f) the matter will be referred to the Development Control Committee for determination.	Subject to the proposal being in accordance with approved policy and, where appropriate, following full consultation with local residents and businesses.
25.30 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.	25.30 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;
	(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.
25.31 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:	25.31 Authority to approve the advertising of Traffic Regulation Orders where either:	
(a) The concerns of the objectors can be accommodated by amending the Order without seriously prejudicing the original intention of the proposal;	(a) The Order has been requested by residents and businesses to control parking or traffic movements in a local area;	
(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;	(b) The Order is required to improve the safety of the highway network;	
(c) The number of objectors to the proposed Order is matched by an equal or greater number of supporters for the proposed Order;	(c) The Order is required for safety reasons following the structural assessment of a bridge and structure;	
(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.	(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.	
25.32 Authority to approve "No Parking on the Verge" signs in accordance with approved policy.	25.32 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.	
25.33 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	25.33 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:	

barriers, bollards, bus stops, bus shelters, seats, litter bins and other street furniture in accordance with the approved policies of the Council.	
	(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;
	(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 25.31(a) to (f) the matter will be referred to the Development Control Committee for determination.
25.34 Authority to approve displays and exhibitions in pedestrianised areas in accordance with approved policy.	25.34 Authority to approve “No Parking on the Verge” signs in accordance with approved policy.
25.35 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.	25.35 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.
25.36 In accordance with the requirements of the Public Lighting Contract authorise advertising on street lighting columns.	25.36 Authority to approve displays and exhibitions in pedestrianised areas in accordance with approved policy.

<p>25.37 Authority to undertake administration of the Public Health Act, 1936, in relation to Part XI - Culverts, ditches and water courses.</p>	<p>25.37 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.</p>
<p>25.38 Authority to administer sections 169 and 173 of the Highways Act 1980, with regard to scaffold licences and hoarding permits.</p>	<p>25.38 In accordance with the requirements of the Public Lighting Contract authorise advertising on street lighting columns.</p>
<p>25.39 Authorise members of staff (in consultation with the Head of Public Protection) employed in Street Pride to act on behalf of the Council from time to time in enforcing the following legislation:-</p> <p style="padding-left: 40px;">Control of Pollution Act 1974 Refuse Disposal (Amenities) Act 1978 Litter Act 1983 Environmental Protection Act 1990 Environmental Act 1995 Waste Minimisation Act 1998 Clean Neighbourhoods and Environmental Act 2005</p>	<p>25.39 Authority to undertake administration of the Public Health Act, 1936, in relation to Part XI - Culverts, ditches and water courses.</p>
	<p>25.40 Authority to administer sections 169 and 173 of the Highways Act 1980, with regard to scaffold licences and hoarding permits.</p>
	<p>25.41 Authorise members of staff (in consultation with the Head of Public Safety) employed in Street Pride to act on behalf of the Council from time to time in enforcing the following legislation:-</p> <p style="padding-left: 40px;">Control of Pollution Act 1974 Refuse Disposal (Amenities) Act 1978 Litter Act 1983 Environmental Protection Act 1990 Environmental Act 1995 Waste Minimisation Act 1998 Clean Neighbourhoods and Environmental Act 2005</p>
<p><b>Note:</b> The following provisions may be exercised by the:</p>	<p><b>Note:</b> The following provisions may be exercised by the:</p>

<p>Head of Service, Engineering and Transportation: 25 (2) through to 25(39)  Head of Property Services, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.</p>	<p>Head of Service, Engineering and Transportation: 25 (2) through to 25(41)</p>
<p><b>26. Chief Internal Auditor</b></p>	<p><b>26. Head of Benefits</b></p>
<p><b>27. Head of Human Resources and Development</b></p>	<p>No change</p>