

Annual Council – 22nd May 2017

Constitution and timetable of meetings 2017/2018

1. Summary of report

- 1.1 This report sets out proposed amendments to the Constitution and is produced in accordance with the requirements of Article 13 of the Constitution and the Council's duty to monitor and review the Constitution. The scheme of delegations to officers was submitted to Audit Committee on 24th April 2017.
- 1.2 The report also sets out the timetable of meetings to be adopted for the municipal year 2017/2018.

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 – Articles:
 - Article 4 – Policy framework
 - Article 8 – Regulatory and other Committees
 - Article 13 – Review and revision of the Constitution
 - (b) Part 3 – Responsibility for functions:
 - 3.2 – Scheme of delegations to Committees
 - 3.5 – Scheme of delegations to officers
 - (c) Part 4 – Rules of procedure - Overview and Scrutiny
 - (d) Part 5 – Codes and protocols:
 - 1 – Member's Code of Conduct
 - 10 – Budget setting
 - 15 – Handling petitions
 - 16 – Use of Councillor resources by Councillors
 - 19 – Flag flying
- 2.2 That Area Panels be dissolved and that the Constitution be amended accordingly.
- 2.3 That the Members' Allowances Scheme as amended by Council at its meeting on 10th April 2017, be approved for a further 12 months subject to any changes to structures or responsibilities.

2.4 That the timetable of meetings for the municipal year 2017/2018 as set out in Appendix 4 of the report be approved.

3. Background information

3.1 Part 2 – Articles of the Constitution

(a) Article 4 – The Council – Policy framework

The following plans and strategies be included at 4.01 (a)(i):

- Library Plan
- Sustainable Community Strategy
- Children and Young People’s Plan

That the Walsall Plan: Our Health and Wellbeing Strategy be included in 4.01(a)(ii).

(b) Article 8 – Regulatory and other Committees

It is proposed to amend paragraph 8.04 (a) and (b) to read as follows:

- “(a) If an Overview and Scrutiny Committee is reviewing a decision of a Committee, of which the Councillor was a member when the decision was made, then the Councillor will have a significant interest, which she/he must disclose, before the agenda item is reached.
- (b) If the interest is a disclosable pecuniary interest then the Councillor may not speak or vote on the matter and should leave the room or chamber where the meeting is being held.”

(c) Article 13 – Review and revision of Constitution

It is proposed to amend paragraph 13.02(a) so that that the Monitoring Officer considers proposals to change the Constitution without further consultation prior to submission to Council for approval:

- “(a) Approval - Changes to the Constitution will only be approved by the Council after consideration of the proposal by the Monitoring Officer. “

3.2 Part 3 – Responsibility for functions

(a) Part 3.2 – Delegations to Committees

Standards Committee

It is proposed to delete the following paragraph from the delegations as this function is carried out annually by Council:

“(13) To consider amendments to the Constitution and maintain an overview of the Council’s Constitution except for contract rules and financial rules.”

(b) **Part 3.5 – 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.

At its meeting on 24th April 2017 the Audit Committee reviewed the proposed amendments to the scheme of delegations to officers. Following the meeting a number of further amendments were requested. A copy of the Scheme of delegations of functions to officers considered by Audit is reproduced as **Appendix 1**. Subsequent changes are shown within the report in bold.

3.3 **Part 4 – Rules of procedure**

5 – Overview and Scrutiny rules

This part of the Constitution sets out the terms of reference for Overview and Scrutiny Committees, their membership and remit. For clarification it is proposed to add the word “all” to the first sentence of paragraph 17.01 (c) (ii) so that it reads:

“Five Members of the Council (not all being Members of the relevant Overview and Scrutiny Committee) may, within the first 4 working days of the period, give notice to the Chief Executive, requesting that he/she invite the Chairman of the Overview and Scrutiny Committee to exercise the powers of call-in set out above for the reasons set out in the request in respect of the decision specified though not yet implemented.”

3.4 **Part 5 – Codes and protocols**

(a) **1 – Members’ Code of Conduct**

There is no requirement under the 2012 regulations in relation to disclosable pecuniary interests to make a disclosable interest in respect outside bodies. It is suggested therefore that this be deleted from the forms appended to the Members Code of Conduct.

In addition, it is suggested that paragraph 15 be amended as it currently refers members to follow the same procedure for ‘other interests’ as for ‘disclosable pecuniary interests’ which is not necessary. Paragraph 15 is revised below:

“In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances, particularly if the interest may give rise to a public perception of a conflict of interests in the matter under discussion.

(b) **10 - Budget setting protocol**

Changes are suggested to the protocol to:

- Reflect that the Budget covers a period of 4 years (not 5).
- Reflect that the Council tax base is delegated to the Chief Finance Officer, and is not approved by Cabinet.
- Provide additional detail as to the timescales of the budget process.

The revised protocol is reproduced as **Appendix 2** to this report.

(c) **15 – Handling petitions**

The Council adopted a Petitions Scheme on 13th September 2010 in compliance with the requirements under the Local Democracy, Economic Development and Construction Act 2009. The legislation required every local authority to adopt a petition scheme, have an on-line petition facility under which any member of the public could set up a petition on-line, and permit members of the public to sign the said petition online. The legal requirement to have a scheme has since been repealed. The Petitions Scheme has not been reviewed since 2010 and it is appropriate that the petition scheme is reviewed to establish whether or not it is still fit for purpose.

During the 2016/17 municipal year the Corporate and Public Services Overview and Scrutiny Committee undertook a review of the Council's petition scheme. The Committee was in favour of retaining a petitions scheme and considered potential amendments which they felt would improve the integrity of the scheme. These changes included the introduction of a residency requirement for petitions that were of local significance only and the need for an explanatory paragraph setting out how the Council will manage petitions about issues it has no direct control over. The Committee also reviewed the thresholds which trigger debates at Council and Scrutiny Committee and concluded that, after analysing the numbers of petitions debated over the last three years and considering various alternative options, the existing levels should be retained.

At the request of the Committee the potential changes have been subject to a short consultation with all elected Members. No objections have been raised in relation to the amendments and there has been no call for a change to the existing thresholds.

The amended Petitions Scheme is reproduced as **Appendix 3** to this report.

(d) **16 – Use of resources by Councillors**

Protocol to be amended to delete references to Head of Democratic Services and insert Head of Legal and Democratic Services.

(e) **19 - Flag Flying Protocol**

It is suggested that the following be added as paragraph 3 to the protocol:

“The flag will normally only be flown in accordance with the provision below at paragraphs 5 and 6 (death of serving/former Councillor or official national Union Flag days) and in circumstance arising in or directly pertaining to the United Kingdom, the national or regional interest at the discretion of the Chief Executive.”

3.5 Locality Partnership Boards

Following a recent consultation Members will be aware of the proposal to enter into a new partnership model based on four localities. The revised model will allow for the establishment of four Locality Partnership Boards. The Locality model will succeed the existing Area Panel arrangements. It is therefore recommended that Area Panels be dissolved.

4. Members Allowances Scheme

The Council adopted the current scheme of members allowances on 17th November 2014 to be operational from 17th November 2014 as required by the Local Authorities (Members Allowances) (England) Regulations 2003. Council also adopted the recommendation made by the Independent Review Panel to rely on an index for 4 years instead of reviewing the scheme annually, this index being the annual updating in line with the NJC pay award for officers.

A review of the scheme was subsequently undertaken in the early part of 2017 at the request of the controlling administration. Council agreed on 10th April, 2017 that:

“the criterion for the annual updating of members’ allowances should be the NJC officers award, except when Council staff agree to a lower percentage rise, freeze or reduction, in which case that figure should be applied equally to members allowances”.

Members are asked to approve the scheme of members allowances for a further 12 months subject to any changes to structures or responsibilities.

5. Timetable 2017/2018

The draft timetable which is recommended for approval is attached as **Appendix 4**.

Members are asked to note that Taxi Licensing Sub Committees A and B are now scheduled into the timetable.

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.

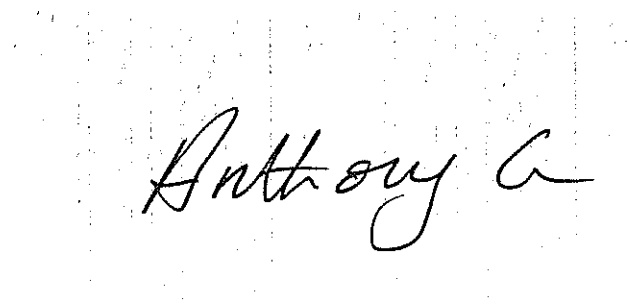
Background papers - Nil

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A handwritten signature in black ink, appearing to read "Anthony C.", is centered on the page. The signature is written in a cursive style and is surrounded by a faint, dotted rectangular border.

Signed:

Head of Legal and Democratic Services

12th May 2017

Table 5

SCHEME OF DELEGATIONS OF FUNCTIONS TO OFFICERS

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 10.01 (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.

- 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 Any member may request that decisions taken by officers under delegated powers be the subject of scrutiny by the appropriate Overview and Scrutiny Committee. 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, Overview and Scrutiny Committee 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.
- 3.2 Any such scrutiny will not make any action taken as a result of the decision invalid. However, the Overview and Scrutiny Committee 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.
- 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 Officer. 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 **officer** is also delegated to the Chief Executive **and any officer with a delegation can in writing delegate the exercise of the function to an officer under their management.**
- 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;
 - (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 Overview and Scrutiny Committee and Area Panel meetings;
- (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;
- (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) declare land or property surplus to the requirements of the service; otherwise then in accordance with Council procedure rule 16;
 - (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;
 - (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 or Contract Rules.
- 6.2 Acceptance of quotations and tenders must be in accordance with both 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 Head of Legal and Democratic 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.

10. Contracts

Officers are authorised to accept tenders and enter into contracts for goods and services including agreeing price variations subject to both Financial and Contract 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 and subsequent regulations.
- 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.
- 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.
- 12.8 To respond to consultation documents received from various government departments, subject to consultation with Group Leaders and the relevant portfolio holder.

13. Executive Director, Change and Governance

- 13.1 To respond to consultation documents received from various government departments, subject to consultation with Group Leaders and the relevant portfolio holder.
- 13.2 To purchase website domain names.

- 13.3 Authority to make ex-gratia payments in appropriate circumstances to non-staff up to the value of £500 per instance.
- 13.4 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.*
- 13.5 Exercise all routine housing functions that are not specifically delegated to any relevant Cabinet member, the Cabinet, or any Committee.
- 13.6 To authorise the Systems Leader (Money, Home, Job) and the Senior Housing Strategy Officer to agree requests from Registered Providers to dispose of surplus housing stock.
- 13.7 Make decisions under Part 6 and Part 7 of the Housing Act 1996, and to review decisions made under Part 7, Sections 175-218.
- 13.8 To serve notices of seeking possessions and taking other legal action in respect of tenants (including introductory tenants) who are in arrears of rent or in other breach of their tenancy conditions. *
- 13.9 Issue notices under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 in respect of information as to ownership of land and properties in advance of action by the Council.
- 13.10 To instruct the Head of Legal and Democratic Services to take summary proceedings for the recovery of Council owned properties and land that are occupied by a person or persons who entered, or remain in occupation without the Council's licence or consent. *
- 13.11 Approve, in conjunction with the Chief Finance Officer, submissions by registered social landlords for rehabilitation work, to approve mortgage terms and to make the relevant applications for grants. *
- 13.12 To authorise the System Leader (Money, Home, Job) and the Manager of Housing Standards and Improvement 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 Head of Legal and Democratic Services;

- (d) Issue house in multiple occupation (HMO) licences and related notices;
 - (e) consider and determine applications for loans or grants for aids for purposes detailed within the Council's Housing Renewal Assistance policy including aids and adaptations to the homes of people with disabilities below £46,000.
 - (f) consider and determine applications for repair and improvements to private housing in line with the Council's Housing Renewal Assistance Policy.
- 13.13 (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
 - (v) Paragraph 25 Schedule 7 (Empty Dwelling Management Orders: power of entry to carry out work)
- (b) To authorise the Systems Leaders (Money, Home, Job), the Manager of Housing Standards and Improvement and Manager for Supported Housing to grant such authorisations and those listed in 13.14 and 13.15.
- (c) To make decisions and to take action under the following legislation, including all orders and statutory instruments issued as a result. This will include 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
- (39) Care Act 2014 (18.25)
- (40) Housing and Planning Act 2016

13.14 To take action under the following legislation (as may be amended), including where relevant, the determination of homelessness applications, the service of notices, issuing of licences, authorisation at works in default, implementation of charges, approval of grants, institution of legal proceedings etc:

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

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

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

13.16 Without prejudice to any delegations, authorise the Monitoring Officer to institute appropriate legal proceedings including against unauthorised occupiers found on the Council's land or premises.

(Note: (a) Except where otherwise stated Systems Leader(s) (Money Home Job) may exercise the above powers and also duly delegate these powers to other officers:

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

(c) * The Executive Director, Economy and Environment also has these delegations)

14. Chief Finance Officer

14.1 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 2015**.

14.2 To issue financial procedures within the principles of both Financial and Contract Rules.

14.3 To approve payments of gratuities to retiring employees in accordance with discretionary powers available through the Local Government Act 1972, and the Pension Regulations.

14.4 To approve reports on proposed capital expenditure (Capital Financing Reports) included within the approved Capital Programme, and subject to compliance with the Council's Financial and Contract Rules.

- (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 or internal funding stream where that funding stream has come on-stream in year (for example a new capital grant or through generation of additional income or expenditure savings) and only where this results in no additional call on Council resources;
 - (c) Any other proposed capital expenditure outside of (a) and (b) above, shall be considered by Cabinet and referred to Council;
- 14.5 To approve Capital Contingency requests within the limits set within the annually approved capital programme and revenue contingency requests as set out in the medium term financial strategy.
- 14.6 Taking all necessary action for the collection of amounts due to the Council using any powers available to the Council.
- 14.7 Authority to write off irrecoverable amounts due to the Council up to and including £10,000 and:
 - (a) Without limit as regards local taxation on a single property.
 - (b) Without limit as regards housing benefit and or Council tax discounts on a single property.
- 14.8 Take all necessary action to devise a scheme to process business rate retail relief and the business rates reoccupation relief for qualifying bodies together with authority to amend each scheme to reflect any changes required by legislation and or government guidance.
- 14.9 Authority to manage and determine awards of business rate relief and business rates reoccupation relief under each scheme.
- 14.10 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.
- 14.11 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.
- 14.12 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 or equivalent, 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.
- 14.13 To arrange finance and operating leases as required in accordance with the Council's capital programme.

- 14.14 To invest Council funds temporarily not required in accordance with the statutory provisions defined in Part I (Section 12) of the Local Government Act 2003 which gives local authorities the power to invest for any purpose relevant to its functions or for the prudent management of its financial affairs, and subject to other relevant guidance and restrictions which may be made by Statute, by Council or the Executive. This includes but is not restricted to Council's approved Treasury Management and Investment Strategy, Treasury Management Policy statement and approved practices.
- 14.15 Produce and report to Council on the statutory determinations in setting the annual Council tax requirement, as required under Sections 30, 31A, 31B, 32, 36, and Chapter 4ZA (specifically Sections 52ZB, 52ZC) of the Local Government Finance Act 1992 and the robustness of the budget and adequacy of reserves as defined by Sections 25 26 and 27 of the Local Government Act 2003.
- 14.16 To fix incidental charges relating to local taxation, and central cashier functions.
- 14.17 To determine applications for rate relief from Non Domestic Rates under Section 44A of the Local Government Finance Act, 1988.
- 14.18 To determine the Council tax base in accordance with the Local Government Finance Act 1992
- 14.19 To determine applications for hardship relief from Non Domestic Rates under Section 49 of the Local Government Finance Act 1988 and from Council tax under Section 13A of the Local Government Act, 1992.
- 14.20 To determine the completion date for a property notice in accordance with Section 46A and Schedule 4A of the Local Government Finance Act 1988 as well as Section 17 of the Local Government Finance Act 1992.
- 14.21 Approve applications for financial assistance and to authorise grant claims from the European Union.
- 14.22 Appoint, manage and dismiss external investment managers, leasing and treasury management consultant.
- 14.23 Engage in data matching exercises designed to assist in the detection of fraud.
- 14.24 Open credit card facilities in line with standard bank conditions if and when such facilities are deemed necessary.
- 14.25 Deal with all matters relating to the transfer of the pension rights of pensionable employees.

14.26 Administer the Council responsibilities under the provisions of the Social Security legislation and in accordance with the Council's approved policy relating to the Housing Benefit and Council Tax Reduction Scheme including the following:

- The administration of the Council's local schemes
- The administration of the Council's Prosecution and Sanctions Policy in relation to Housing Benefit and Council Tax Benefit reduction fraud.
- Including power to make any determinations under the relevant legislation.

14.27 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.

14.28 Authority to manage and determine the scheme for business rate discount of 100% for properties designated within specified areas of the Black Country Enterprise Zone (Darlaston site).

14.29 To approve national non domestic rate and Council tax government returns.

14.30 To respond to consultation documents received from various government departments, subject to consultation with Group Leaders and the relevant portfolio holder.

14.31 To undertake an annual review (jointly with the Executive Director of Adult Social Care) of the values of adult social care support packages based upon a resource allocation system.

14.32 To devise a scheme to process business rate retail relief and the business rates reoccupation relief for qualifying bodies together with authority to amend each scheme to reflect any changes required by legislation and/or government guidance.

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

Note: The following powers may be exercised by the: Head of Finance: 2, 4, 5, 6, 7, 12, 13, 14, 17, 22, 23, 24, 25, 30, 31 (In the absence of the Chief Finance Officer (Assistant Director of Finance) the Head of Finance will act as the designated Chief Financial Officer and may exercise all of the delegations as set out above and specifically 14.1)

14.34 Authorisation of applications for directed surveillance and covert human intelligence sources relating to:

- (a) applications for miscellaneous and any application in an urgent situation;
- (b) applications pertaining to a non-criminal investigation into the conduct of an employee (non RIPA) in accordance with the requirements of the Regulation of the Investigatory Powers Act 2000 and (Amendment) Order 2012, 51 2012/1500 and set out in the Corporate Policy Procedure.

14.35 Authority for the approval of in year expenditure in relation to the leasing programme.

14.36 Agree insurance policy arrangements to protect the Council's assets and liabilities, including determining sums insured and limits of indemnity, levels of excess policy cover terms and conditions.

14.37 Authority to agree contract renewals within long term agreements, including alterations to the Council's insurance arrangements, to include changes to indemnity limits, excess levels, delegated claims handling authorities, terms and conditions.

14.38 Authority to agree the settlement of claims that fall within insurance policy excess levels where claims handling authority has been agreed with the Insurer to be undertaken by the council.

14.39 Authority to approve ex-gratia payments of up to £500.

15. Executive Director, Children's Services

The holder of the post of Executive Director Children's Services is appointed as the Council's statutory Director of Children's Services under Section 18 of the Children Act 2004. Accordingly, he/she has the responsibility for all the relevant functions of the statutory Director under that Act and all other relevant legislation.

A. EDUCATION SERVICES

In accordance with constitutional arrangements, the financial rules, contract rules and within guidelines and policies determined by the Council and the Cabinet to have the power and to take the necessary and appropriate action in respect of the following:

General

15.1 Exercise the Council's functions in its capacity as Education Authority including further and higher education matters save for those excluded by Section 18 (3) of the Children Act 2004.

- 15.2 Ensure that there are sufficient primary and secondary school places in the borough.
- 15.3 Exercise the Council's functions in relation to early years development and provision.
- 15.4 Exercise of the powers of the Education Authority in relation to admissions and exclusion procedures.
- 15.5 Deal with administrative matters arising from the management of the Education Service which includes all matters relating to admission to maintained and controlled schools in the borough.
- 15.6 Take necessary action to ensure measures are in place to promote good attendance.
- 15.7 Exercise the power of the Education Authority in respect of School Attendance Orders and Education Supervision Orders including making arrangements to identify those children not receiving education.
- 15.8 In consultation with the Head of Legal and Democratic Services to authorise proceedings in respect of irregular or non attendance at school.
- 15.9 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.
- 15.10 Service and enforcement of notices under the relevant Education Acts.
- 15.11 Service of notices requiring parents to satisfy the authority that their child is receiving sufficient full-time education.
- 15.12 Provision of education to individual pupils "otherwise than in school".
- 15.13 Determination of the dates of school terms and holidays in the borough.
- 15.14 Acceptance of grants, loans, bursaries, discretionary awards in respect of students and pupil support which comply with statutory requirements and approved Council policies.
- 15.15 Exercise the power of the Education Authority under relevant byelaws regulating the employment of children and prohibiting street trading by young persons.
- 15.16 In exceptional circumstances and in consultation with the school, to take decisions to ensure the appropriate provision of education for pupils which may involve, where risks of disruption area unacceptable, the closure of school buildings for a temporary period.

- 15.17 Approval of grants and awards for Home to School transport which comply with statutory requirements and approved Council policies.

School support services

- 15.18 All the Council's functions in relation to the employment of teachers and other school staff based staff including appointment, termination of appointment and reimbursement of expenses properly incurred.
- 15.19 Subject to the rights of the governors of a school, 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 Chief Finance Officer where applicable.
- 15.20 Arrange the secondment and transfer of staff with the approval of the governors of the schools concerned.
- 15.21 Determine applications for teachers and head teachers for early retirement in consultation with the Chief Finance Officer and Head of Human Resources.
- 15.22 Appoint and remove Education Authority representative school governors.
- 15.23 Implement a scheme for assessing the eligibility of applicants for free school meals.

Special Educational Needs

- 15.24 Arrangements for determining whether a child is in need of Special Education:
- 15.25 Assessing for and where required, completing an Education, Health and Care Plan.
- 15.26 Arrangements to implement special educational provisions specified in the Education, Health and Care Plan.
- 15.27 Determination of arrangements for the placement of pupils in schools, special schools, or for education other than at a school.
- 15.28 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.
- 15.29 Making of payments by way of recoupment where mandatory.

School improvement

15.30 Arrangements for monitoring school improvement.

15.31 Arrangements for receiving Ofsted reports.

School land and buildings

15.32 Take all appropriate steps to achieve the effective use of school land and buildings.

15.33 Seek planning permission in respect of future proposed development for education and community purposes.

15.34 Agree the Council's liability in relation to capital works at voluntary aided schools where these cannot be accommodated within the Council's Capital Programme in consultation with the Chief Finance Officer.

15.35 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).

15.36 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.

School's contracts

15.37 Authorise the Head of Legal and Democratic Services to complete licences for educational material, goods and services, subject to compliance with the Financial and Contract Rules and the costs falling within existing budget provisions.

15.38 Authorise the Head of Legal and Democratic 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 agreed by the Executive Director, Children's Services in consultation with the Head of Legal and Democratic Services.

Academies

15.39 Authorise the Head of Legal and Democratic Services to complete Commercial Transfer Agreements, leases and other associated documents required to comply with an Academy Order made pursuant to the Academies Act 2010 in respect of schools maintained by the Council. The terms of such agreements, leases or other document to be agreed by the Executive Director, Children's Services in consultation with the Head of Legal and Democratic Services.

B. CHILDREN'S SERVICES

In accordance with the constitutional arrangement, Financial Rules, Contract Rules and within guidelines and policies determined by the Council and the Cabinet together with statutory requirements, the relevant Codes of Practice, National Care Standards to exercise all relevant children social services functions as conferred by all relevant legislation, and in the interests of safeguarding and promoting the welfare of children and young people, to have the power and to take the necessary and appropriate action in respect of the following:

General

- 15.40 Exercise functions under the Children Act 2004, Section 18(2).
- 15.41 Establish and develop a Walsall Safeguarding Children's Board.
- 15.42 Ensure there are in place complaint procedures which meet the local and statutory requirements including publication of the said procedures.
- 15.43 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.
- 15.44 Provide access to an interpretation service where necessary.
- 15.45 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.

Adoption, Fostering, Protection

- 15.46 Maintain an adoption service in accordance with legislation and national standards.
- 15.47 Maintain a fostering service in accordance with legislation and national standards.
- 15.48 Ensure there are available sufficient staff to meet the directorate duties under the Mental Health Act 1983 and Mental Health Act 2007
- 15.49 Ensure there is access to sufficient resources for the accommodation of young people who are subject of secure remands under the Children and Young Person's Act 1969 and Youth Detention Accommodation under the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- 15.50 Maintain safe recruitment and employment practices and ensure that reference is made to the Disclosure and Barring Service and the Health and Care Professions Council when necessary.

- 15.51 Ensure that the education and health of looked after children are monitored and responded to as necessary.
- 15.52 Ensure arrangements are in place with regard to Children with Child Protection plans so that:
- A record on a child who has a child protection plan is kept up to date
 - to allow agencies and professionals, when appropriate, to be aware that these children are the subject of a child protection plan and ensuring enquiries about children about whom there are concerns or who have child protection plans are recorded
- 15.53 Ensure that all arrangements for service provision are reviewed in accordance with legislative requirements and mandatory guidance.
- 15.54 Keep a record of all children placed by any local authority within the directorates area and of all children placed by the directorate outside of the local authority area.
- 15.55 Appeal against Ofsted decisions to cancel registration, vary or remove a condition of registration, or add a new condition of registration in respect of the directorate.
- 15.56 Exercise parental responsibility for all children in the care of the directorate.
- 15.57 Provide support for asylum seekers with children who are destitute or who are likely to become destitute and for whom support is not available elsewhere.
- 15.58 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.
- 15.59 Discretion to vary charges in cases where there are special circumstances, hardship etc.
- 15.60 Authority to make ex-gratia payments in appropriate circumstances to non staff up to the value of £500 per instance.
- 15.61 Authority to provide assistance under Section 17(6) of the Children Acts 1989.
- 15.62 The day to day reception and placement in appropriate accommodation of any child brought to the attention of the Council as being in need of accommodation or committed to the care of the Local Authority by the courts under the Children Act 1989 or the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

- 15.63 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.
- 15.64 Authority to authorise a placement of children subject to care orders, with their parents or other persons with parental responsibility in accordance with the Care Planning, Placement and Case Review Regulations 2010.
- 15.65 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.
- 15.66 Authority to provide places for children and families in family centres and other day care provisions.
- 15.67 Authority to arrange regular visiting to ensure the welfare of any child, accommodated in a voluntary home by Social Services is adequately safeguarded and promoted in accordance with the duty under Section 62 of the Children Act 1989 or superceded legislation.
- 15.68 Consider and authorise the payment of approved adoption allowances, residential allowances and special guardianship allowances in accordance with the Adoption Allowance Regulations 1991 and any scheme approved by the Department of Work and Pensions in cases where the adoption panel has recommended such allowances, and the agency decision maker has confirmed the recommendations as an agency decision.
- 15.69 Authority to apply to the court for an order to place a child or young person in secure accommodation in accordance with Section 25 of the Children Act, 1989 and the accompanying Secure Accommodation Regulations, 1991.
- 15.70 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.
- 15.71 Authority to appoint and pay the reasonable expenses of independent visitors, appointed under paragraph 17 of Schedule 2 of the Children Act, 1989, in accordance with Regulation 47, Care Planning, Placement and Case Review (England) Regulations 2010 and paragraphs 3.184 – 3.212, Children Act 1989 Regulations and Guidance Volume 2: Care Planning, Placement and Case Review 2010.
- 15.72 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.

- 15.73 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 oppose 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.
- 15.74 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).
- 15.75 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.
- 15.76 Authority to negotiate on the authority's behalf inter-agency agreements including inter-agency fees which fall within nationally and locally agreed guidelines.
- 15.77 Authority to agree the legal costs in relation to an application by a relative or foster carer for a Special Guardianship or Child Arrangement Order to promote the welfare of a child.
- 15.78 Waive the Contract Rules on grounds of urgency in order to meet the assessed need of any child or young person and to enter into contracts with a provider where such placement of a child or young person is necessary and there is no available and/or suitable contracted provider.

Children with disabilities

- 15.79 Administration of services for the welfare of children and young people with disabilities and their carers in accordance with all relevant legislation.
- 15.80 Identify "children in need" in the borough and provide assessments of their needs.
- 15.81 Maintain a register of children and young people with disabilities.
- 15.82 Provide services for children and young people with disabilities which minimise the effect of their disabilities and gives them the opportunity to lead lives as normal as possible.
- 15.83 Provision for children and young people with disabilities living with their families the following:

- (a) Advice, guidance and counselling;
- (b) Occupational, social, cultural or recreational activities;
- (c) Home help (which may include laundry facilities);
- (d) Facilities for or assistance with travel to and from home, to take advantage of services;
- (e) Assistance to enable child and family to have a holiday.

15.84 Provision of a family information service.

15.85 Provision of a range of short breaks services to give families with children and young people with disabilities the choice to access short breaks services using a direct payment.

15.86 Publication of a statement of the Council's short breaks services on their website.

Services for young people

15.87 Encourage, enable or assist young people's participation in education or training and make arrangements to ensure that 15 and 17 year olds have received an offer of a suitable place in post-16 education or training and that they are assisted to take up the place.

15.88 To involve young people in the development of a locally agreed and sufficient 'youth offer'.

15.89 Manage the various functions of the Council with regard to the Youth Justice Service and acting in co-operation with partner agencies (who are under a duty to co-operate with the local authority), establish for their area one or more youth offending teams (YOT).

Youth justice services

15.90 Under the Crime and Disorder Act 1998 to establish a youth offending team (locally called the Youth Justice Service) in co-operation with statutory partner agencies.

15.91 To establish a management board for the Youth Justice Service in co-operation with statutory partners.

15.92 The provision of an annual youth justice plan.

15.93 Maintain a youth justice service in accordance with legislation and national standards.

15.94 Ensure there are available sufficient staff to meet the requirements under the Crime and Disorder Act 1998, Police and Criminal Evidence Act 1984, the Criminal Justice and Immigration Act 2008, the Powers of Criminal Courts (sentencing Act) 2003, the Bail Act 1976 and the Legal Aid and Sentencing Offenders Act 2012.

- 15.95 To co-operate with Multi-Agency Public Protection Arrangements under Section 325 Criminal Justice Act to assess and manage the risk posed by sexual and violent young offenders.
- 15.96 To prevent and reduce offending within Walsall by Children and Young People (Crime and Disorder) Act 1998.
- 15.97 A range of responsibilities in relation to the operational duties of the Youth Justice Service including assessing young offenders, preparation of pre sentence reports, being the “responsible officer” on a variety of Court imposed orders which involves monitoring of compliance and delivery of Court Order Interventions, instigating breach action and revocation (covered by a range of legislation).
- 15.98 A range of responsibilities in relation to the operational duties of the Youth Justice Service including assessing young people subject to our Court disposals including assessment and interventions to prevent and reduce offending.
- 15.99 A range of responsibilities in relation to the operational duties of the Youth Justice Service including ensuring young people have the right to bail and the provision and oversight of bail support services.
- 15.100 To advise the Court in imposing Parenting Orders and managing and supervising Parenting Orders imposed in line with expected national standards and procedures.
- 15.101 The provision of appropriate adult services and the transfer of young people to a place of safety under PACE.
- 15.102 To ensure the range of youth justice services listed are available in the local authority area and to communicate the same to the Courts, including bail support, local authority accommodation for remanded young people, provision of reports and other information to the courts. The placement and management of children and young people subject to a remands to local authority accommodation and remands secure accommodation. The provision of services to young people subject to a remand to youth detention accommodation.
- 15.103 A range of responsibilities for the Youth Justice Service to provide services to victims of young offenders under the Code of Practice for Victims of Crime (under the Domestic Violence, Crime and Victims Act 2004).
- 15.104 Compliance with the statutory guidance detailing roles and responsibilities under the Referrals Orders and Youth Offenders Panels Guidance, including the recruitment, training and management of volunteer panel member and the provision and management of panels to oversee Referral Orders.

15.105 The provision of requirements for the Youth Rehabilitation Order under the Criminal Justice and Immigration Act 2008.

15.106 A range of responsibilities for the Youth Justice Services to provide services to young people sentenced to custody (under a range of legislation), including liaison with the Secretary of State regarding early release of offenders, assessment for electronic monitoring upon release and assessment, management and breach of responsibilities once returned to the community.

15.107 Undertake assessments of dangerousness when required to do so (for Court or parole boards).

Children's' Centres

15.108 To make sufficient provision of children's centres, so far as reasonably practicable, to meet local need and ensure that a network of children's centres is accessible to all families with young children in their area.

15.109 To make sufficient provision of childcare and early education places for two, three and four year olds until the child reaches compulsory school age (the beginning of the term following their fifth birthday).

15.110 To provide sufficient child care to enable parents to undertake work, education or training, or continue with the same.

Miscellaneous

15.111 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:

Children

1. Children and Young Persons Act 1933
2. Children and Young Persons Act 1969
3. Local Authorities Social Services Act 1970
4. Children Act 1989
5. Protection of Children Act 1999
6. Children (Leaving Care) Act 2000
7. Adoption and Children Act 2002
8. Care Standards Act 2000
9. Child Trust Funds Act 2004
10. Children Act 2004
11. Children and Adoption Act 2006
12. Private Fostering Regulations 2005
13. Care Planning, Placement and Case Review (England) Regulations 2010
14. Special Guardianship Regulations 2005
15. Working together to safeguard children: a guide to inter-agency working to safeguard and promote the welfare of children (Statutory Guidance) 2010
16. Safeguarding Vulnerable Groups Act 2006

17. The Fostering Services Regulations 2011
18. Placement with Parents Regulations 2011

Criminal

19. Bail Act 1976
20. Police and Criminal Evidence Act 1984
21. Crime and Disorder Act 1989
22. Immigration and Asylum Act 1999, part 6
23. Powers of Criminal Court (sentencing) Act 2000
24. Nationality, Immigration and Asylum Act 2002
25. Criminal Justice Act 2003
26. Criminal Justice and Immigration Act 2008
27. Legal Aid, Sentencing and Punishment of Offenders Act 2012
28. Anti Social Behaviour Act 2003
29. Criminal Justice and Court Services Act 2000
30. Courts Act 2003
31. The Offender Management Act 2007
32. Road Traffic Act 1988
33. Firearms Act 1988
34. Sexual Offences Act 2003
35. Theft Act 1968
36. Crime Sentences Act 2000
37. Secure Accommodation Regulations 1991 and the Children (Secure Accommodation) (Amendment) Regulations 2012
38. Domestic Violence, Crime and Victims Act 2004

Mental health

39. Mental Health Act 1983
40. Mental Health Act 2007
41. Mental Capacity Act 2005

Disability

42. Chronically sick and disabled persons Act 1970
43. Disabled Persons (Services Consultation and Representation) Act 1986
44. Carers and Disabled Children Act 2000
45. Disability Discrimination Act 1995 and 2005

Health and wellbeing

46. Public Health (Control of Disease) Act 1984
47. Health Act 1999
48. Child Poverty Act 2010
49. Childcare Act 2006
50. Equality Act 2010
51. Representation of the People Act 2000
52. National Health Service (NHS) Act 2006 (eg: Section 75)

Education

53. Education Act 1996
54. Education Act 2002
55. School Standards and Framework Act 1998
56. Apprenticeships Skills Children and Learning Act 2009
57. Education and Inspections Act 2006
58. Education and Skills Act 2008
59. Academies Act 2010
60. School Staffing (England) Regulations 2009
61. Teachers' Pensions Regulations 2010 Regulation 3

- 62. Teaching and Higher Education Act 1998
- 63. The Early Years Foundation Stage Order 2007
- 64. The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001
- 65. The Information as to Provision of Education (England) Regulation 2008 No.4
- 66. The Education (Induction Arrangements for School Teachers (England) Regulations 2008
- 67. The Education School Information (England) Regulations 2008
- 68. Education Act 2011
- 69. Learning and Skills Act 2000

15.112 To respond to consultation documents received from various government departments, subject to consultation with Group Leaders and the relevant portfolio holder.

16. Executive Director, Adult Social Care

The holder of the post of Executive Director, Adult Social Care shall act as the Council's statutory Director of Adult Social Services in accordance with Section 6 of the Local Authority Social Services Act 1970. The Director shall be responsible for the overall strategic management and direction of Social Care and Inclusion across the Council, exercising the functions under Section 18 (3) of the Children Act 2004 in relation to adult education, and, without prejudice to the foregoing, shall have power, subject to compliance with the constitutional arrangements and any relevant provisions of the Council's Financial and Contract Rules to:

- 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 including workforce planning
 - Leading the implementation of standards
 - Managing cultural change
 - Responding to formal and informal consultations
 - Promote local access and ownership
 - Partnership working across all agencies
 - Deliver an integrated whole systems approach to supporting communities
 - Promote social inclusion and wellbeing
 - Improving preventative services and delivering early intervention
 - Independent advice and advocacy
 - Any functions exercisable by the authority under Section 75 National Health Service Act 2006 on behalf of NHS body to include making arrangements for any services provided.

- 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.
- 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 based on local need.
- 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 we assess, plan and commission adult social care and wellbeing services to meet all needs within the borough and that these are reviewed in accordance with legislative requirements and mandatory guidance.
- 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. This to include the authority to take decisions, serve notices, requirements or orders, make applications, exercise power of entry, provide reports and institute or defend any proceedings before magistrate, court or other tribunal on behalf of the Council in discharge of the Council's adult social care functions arising under any law or act.

- 16.14 After consultation with the Head of Legal and Democratic 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 whom 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 both mandatory and good practice guidance from the Department of Health and other government departments.
- 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 Services and Community Act 1990 and Health and Social Care Act 2012 and Care Act 2014).
- 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 To establish residential and non residential charging schemes following Care Act guidance, including discretion to vary charges in cases where there are special circumstances, hardship etc. The discretion to vary charges including the provision to write off debt where it is felt that an individual would be at risk if the debt was pursued or they chose to withdraw from care on financial grounds. A written record of all decisions should be made.
- 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.
- 16.31 Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the needs of vulnerable adults including the requirement for a statutory Adults Safeguarding Board.
- 16.32 To manage peoples affairs as appointee and guardian for individuals who lack capacity.
- 16.33 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 (Schedule 1);
 - (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 including deprivation of liberty safeguards;
- (28) Disabilities and Discrimination Act 2005;
- (29) Mental Health Act 2007;
- (30) Care Act 2014;
- (31) Children and Families Act 2014 (relevant adult sections).

16.34 To respond to consultation documents received from various government departments, subject to consultation with Group Leaders and the relevant portfolio holder.

16.35 Authority to waive the fee for Disabled Person's Parking Badge (Blue Badge) in exceptional circumstances.

17. Executive Director, Economy and Environment

The Executive Director, Economy and Environment shall be responsible for the day to day management of Economy and Environment 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. *

17.2 Power to act on behalf of the council to co-operate with and respond to other planning authorities and other bodies or persons in respect of strategic planning and/or cross-boundary matters, including the making of development plans and consultations on planning applications and proposals, including infrastructure proposals. This is in accordance with the Duty to Co-operate under the Localism Act 2011, and with the Town and Country Planning Act 1990 as amended, the Planning and Compulsory Purchase Act 2004 as amended, and the Planning Act 2008 as amended, and in accordance with any related secondary legislation. The exercise of the delegation is subject to the proviso that the consultation and/or response on behalf of the Council is in accordance with Walsall's adopted development plan, and that it does not require: costs (other than staff costs or other costs of under £500) being incurred by the Council; and/or the Council to participate in a planning inquiry or examination.

- 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 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 strategic projects/programmes for the Regeneration Transportation Capital Programme and for the analyses and advice to support the making of planning policy and planning decisions, including the representation of the Council at public inquiries and examinations.
- 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 Contract Rules.
- 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 or market stall licences to another family member or employee upon application, providing the officer considering the application is satisfied that the licence holder had traded on the market concerned for at least 5 years; and that during the 2 years immediately preceding the application:**
- (a) The family member has personally assisted the licence holder in trading on the stall to which the application relates;**
 - (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;**
 - (c) the licence holder has not been subject to any disciplinary actions.**
- 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 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 Head of Legal and Democratic Services.**
- 17.17 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. ***
- 17.18 To instruct the Head of Legal and Democratic 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. ***
- 17.19 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.***

17.20(a) To give effect to the requirements of the Planning and Compulsory Purchase Act 2004 as amended and any related secondary legislation to prepare and publish Monitoring Reports on the progress of development planning and the extent to which planning policies are being achieved.

(b) To operate the Community Infrastructure Levy, under the Planning Act 2008 as amended and in accordance with any related secondary legislation, as approved by Council, including in respect of any contracting out of functions and receipts or expenditure relating to areas or infrastructure within or outside the borough.

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

17.22 To respond to consultation documents received from various government departments, subject to consultation with Group Leaders and the relevant portfolio holder.

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

**Director of Public Health
Head of Planning, Engineering and Transportation
Head of Regeneration and Development
Head of Leisure, Culture and Operations
Head of Clean and Green
Head of Programme Management**

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

(c) * The Executive Director, Change and Governance also has these delegations.

18. Director of Public Health

To be responsible for the day to day management of the Public Health and Regulatory Services function and without prejudice to the foregoing shall, subject to compliance with the constitutional arrangements and any relevant provisions of the Council's financial and contract rules:

- 18.1 To exercise the Council's functions under Section 2B; 111; 249 or Schedule 1 of the National Health Service Act 2006, as amended and Section 73(A)(1) of the National Health Service Act 2006, where applicable.
- 18.2 To exercise the Council's functions by virtue of Section 6C(1) or (3) of the National Health Service Act 2006, as amended.
- 18.3 To exercise the Council's functions in pursuance of arrangements under Section 7A of the National Health Service Act 2006, as amended.
- 18.4 To exercise any of the functions of the authority that relate to planning for, or responding to emergencies, involving a risk to public health as may be prescribed.
- 18.5 To exercise the functions of the authority under Section 325 of the Criminal Justice Act 2003.
- 18.6 To be responsible for the local authority's health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications.
- 18.7 To authorise the institution of legal proceedings in respect of the enforcement of all legislation set out below having due regard to any current national enforcement guidance and Council policy.
- 18.8 To authorise action: The institution of legal proceedings, the serving of notices, using 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, suspend licences and to seize and detain goods and documents.
- 18.9 To 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 agreement, protocols or delegation can include the power to defend or institute proceedings by that local authority within the Walsall area for any matters.
- 18.10 To exercise all the powers and responsibilities of the Council including but not limited to the serving of notices, the 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 action including the power to apply for warrants, suspend and revoke licences and to seize and detain goods and documents under the following legislation

Abandonment of Animals Act 1960
Accessories and Abettors Act 1861
Accommodation Agencies Act 1953
Administration of Justice Act 1970, 1973, 1977, 1982,
1985Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Act 1970
Agriculture Produce (Grading and Marking) Acts 1928 and 1931
Animal Boarding Establishment Act 1963
Animal Health Act 1981
Animal Health Act 2002
Animal Health and Welfare Act 1984
Animals Act 1971
Animal Welfare Act 2006
Anti-social Behaviour Act 2003
Antisocial Behaviour Crime and Policing Act 2014
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
Cancer Act 1939
Celluloid and Cinematograph Film Act 1972
Charities Act 1992, 1993 , 2006
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Christmas Day (Trading) Act 2004
Chronically Sick and Disabled Persons Act, 1970
Cinemas Act 1985
Civil Contingencies Act 2004
Civil Partnership Act 2004
Climate Change Act 2008
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 1985 & 2006
Competition Act 1980
Consumer Credit Act 1974 & 2006
Consumer Protection Act 1987
Consumer Rights Act 2015
Control of Pollution Act 1974
Control of Pollution Amendment Act 1989
Control of Horses Act 2015
Copyright Designs and Patents Act 1988
Courts and Legal Services Act 1990
Criminal Attempts Act 1981
Criminal Damage Act 1971
Criminal Justices Act 1988 & 2003
Criminal Justice and Courts Act 2015
Criminal Justice and Immigration Act 2008
Criminal Justice and Public Order Act, 1994

Criminal Law Act 1977
Crossbows Act 1987
Customs and Excise Management Act 1979
Dangerous Dogs Acts 1989 and 1991
Dangerous Dogs (Amendment) Act 1997
Dangerous Wild Animals Act 1976
Dairy Products (Hygiene) Regulations 1995
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, 1983, 2004, 2008, 2010, 2011, 2013
Energy Conservation Act 1981 & 1996
Enterprise Act 2002
Enterprise and Regulatory Reform Act 2013
Environment Act 1995
Environmental Protection Act 1990
Equality Act 2010
Estate Agents Act 1979
European Communities Act 1972
Explosives Act 1875 & 1923
Factories Act 1961 and 1998
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Financial Services Act 2012
Financial Services and Markets Act 2000
Firearms Act 1968
Fireworks Act 2003
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 and Hygiene (England) Regulations 2013
Food Safety (General Food Hygiene) Regulations 1995
Food Premises (Registrations) Regulations 1991
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Gambling Act 2005
Game Act 1931
Game Licensing Act 1860
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
Hypnotism Act 1952
Immigration Act 2016
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Land Compensation Act 1973
Late Night Refreshment Housing Act 1969
Legal Services act 2007
Licensing Act 1964, 1988, 2003
Litter Act 1983
Local Government Acts, 1972, 1988 and 2000 and 2003
Local Government and Housing Act, 1989
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Lotteries and Amusements Act 1976
Marriages Act 1949
Meat Products (Hygiene) Regulations 1994
Medicines Act 1968
Minced Meat and Meat Preparation (Hygiene) Regulations 1995
Mines and Quarries Act 1954
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Lottery etc Act 1993
Noise and Statutory Nuisances Act 1993
Noise Act 1996
Nurses Agencies Act 1957
Offensive Weapons Act 1996
Offices, Shops and Railway Premises Act 1963
Olympic Symbols etc (Protection) At 1995
Osteopaths Act 1993
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
Police and Criminal Evidence Act 1984
Pollution Prevention and Control Act 1990 & 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
Proceeds of Crime Act 2002
Products of Animal Origin (Third Country Imports) (England)
Regulations 2006

Property Misdescriptions Act 1991
Protection of Children (Tobacco) Act 1986
Protection from Harassment Act 1997
Protection of Animals Act 1911
Protection of Animals (Amendment) Acts 1954, 1988, 2000
Protection of Birds Acts 1954 to 1976
Protection Against Cruel Tethering Act 1988
Psychoactive Substances Act 2016
Public Health Acts 1875, 1936, 1961 and 1969
Public Health (Control of Diseases) Act 1984
Registered Designs Act 1949
Regulatory Enforcement and Sanctions Act 2008
Regulation of Investigatory Powers Act, 2000
Regulatory Reform (Fire Safety) Order 2005
Regulatory Reform Act 2001
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 Regulation Act 1984
Safety of Sports Grounds Act 1975
Scotch Whisky Act 1988
Scrap Metal Dealers Act 1964
Scrap Metal Dealers Act 2013
Slaughterhouse Act 1974
Slaughter of Poultry Act 1967
Solicitors Act 1974
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Tattooing of Minors Act, 1969
Telecommunications Act 1984
Telecommunications (Fraud) Act 1997
Theatres Act 1968
Theft Acts 1968 and 1978
Timeshare Act 1992
Tobacco Advertising Act 2002
Tobacco Advertising and Promotion Act 2002
Town and Country Planning 1990
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
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, 1993, 2010

Violent Crime Reduction Act 2006
Waste Minimisation Act 1998
Water Act, 1945, 1973, 1989
Water Industry Act 1991
Weeds Act 1950, 1959, 1981
Weights and Measures Acts 1976 and 1985
Welfare of Animals at Slaughter Act 1991
West Midlands County Council Act 1980
Wildlife and Countryside Act 1981
Zoo Licensing Act 1981.

- 18.11 May authorise officers from other authorities and public agencies working on investigations or regional projects to exercise statutory powers within the borough from time to time.
- 18.12 May authorise members of staff employed in Public Health and Regulatory Services which comprises Community Protection, Environmental Health, Trading Standards and Licensing, and members of staff employed in other services where applicable, to act on behalf of the Council and to take action on behalf of the Council in enforcing and administering the legislation listed in 18.10, and any subordinate legislation, including but not limited to the serving of notices, the 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 action including the power to apply for warrants, suspend and revoke licences and to seize and detain goods and documents.
- 18.13 In the following circumstances, the decision to institute legal proceedings may be referred for the consideration of the Executive Director for Economy and Environment in consultation with the Head of Legal and Democratic 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 Services Manager is of such a serious or sensitive nature that it would be inappropriate for him/her to act under delegated powers.
- 18.14 The Director of Public Health is authorised 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
- 18.15 Enforcement of the Customs and Excise Management Act 1979 and the Tobacco Products Act 1979 relating to fiscal marking of tobacco products.
- 18.16 The administration of the Safety of Sports Grounds Act, 1975, in relation to the issue of Safety Certificates.
- 18.17 Authority to take action in respect of prohibition notices under Section 10 of the Safety of Sports Grounds Act, 1975;
- 18.18 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.
- 18.19 Authority to vary fees and charges not fixed by Statute.
- 18.20 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) Premises Licences, Club Premises Certificates and Temporary Event Notices
 - (b) Personal Licences
 - (c) Stage Plays Licences;
 - (d) Issue of Private Hire and Hackney Carriage Driver Licences;
 - (e) Issue of Base Operator Licences
 - (f) Private Hire and Hackney Carriage Vehicle Licences
 - (g) Scrap Metal Dealers Site Licence and Scrap Metal Dealers Collectors Licence;
 - (h) Premises Licence, Temporary Use Notices, Occasional Use Notices, Lottery Registrations under the Gambling Act 2005
 - (g) Gambling Act 2005 Gaming and Gaming machine permits (h) Street Collection Licences and House to House collection Permits;
 - (h) Street Trading Licences and Permits;
 - (i) Sporting Event Licences;
 - (j) Certificates of Consent for all public exhibitions, demonstrations or performances of hypnotism;
 - (k) Licence or Approval to hold civil marriage and civil partnership ceremonies on approved premises;
 - (l) Licensing of Sex Establishments (including Sex Cinemas, Sex Shops and Sexual Entertainment venues)
- 18.21 Authority to identify additional preferred locations for street entertainment after consultation with the local community and businesses,

18.22 With the approval of the Chief Finance Officer and/or Head of Legal and Democratic Services authority to take action to remove unauthorised campers under the provisions of the Criminal Justice and Public Order Acts 1994.

19. Head of Regeneration and Development

19.1 The Head of Regeneration and Development has authority to determine the following applications and to take the following actions under Part VIII of the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012 and Section 192 of the Planning Act 2008:

- (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;
- (d) confirm or not 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 Dangerous Structure Orders in respect of listed buildings under Section 77(1)(a) of the Building Act 1984, following consideration of Sections 47 (Compulsory purchase), 48 (Repairs notice) and 54 (Urgent works notice).

19.4 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.

- 19.5 With regard to the Regeneration (Development and Delivery) Capital Programmes and other grant aided or revenue funded regeneration programmes, to authorise the undertaking of any works and/or necessary action for the implementation of programmes including design works, invitation to and acceptance of best value tender, quotation or estimate, subject to Financial and Contract Rules.
- 19.6 To determine and review Conservation Areas in accordance with Section 69(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
- 19.7 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.
- 19.8 Authority to issue a Hedgerow Retention Notice in accordance with the provisions of the Hedgerows Regulations 1997.
- 19.9 The authority not to pursue enforcement action if it is considered that it is no longer expedient to do so.
- 19.10 The Head of Regeneration and Development be authorised to instigate action for the removal of dangerous trees under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, including the powers of entry for officers and contractors to undertake work to dangerous trees.
- 19.11 The Head of Regeneration and Development be authorised to grant powers of entry to appropriate officers.
- 19.12 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.
- 19.13 Maintain a schedule of Locally Listed Buildings with the authority to add or remove sites from the schedule in line with published criteria.
- 19.14 Maintain a schedule of Local Sites (Sites of Importance/Local Importance for Nature Conservation) with the authority to add or remove sites from the schedule in line with published criteria and endorsement by the Birmingham and Black Country Local Sites Partnership.
- 19.15 Authority to make applications for planning permission, listed building and advert consent.

- 19.16 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.*

Note *The Head of Programme Management also has this delegation.

20. Head of Programme Management

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.*

Note *The Head of Regeneration and Development also has this delegation.

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 Head of Legal and Democratic 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 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.
- 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 18.25 (e) and (f)).
- 21.11 Authority to approve applications for concessionary travel passes for vulnerable clients fleeing violence or homelessness.
- 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.
- 21.13 To increase charges payable for the occupation of council owned supported housing and temporary accommodation in line with councils calculated rate of inflation

22. Head of Legal and Democratic Services

The holder of the post of Head of Legal and Democratic Services shall be responsible for the day to day management of Legal and Democratic 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 Head of Legal and Democratic Services is authorised to take all necessary action in connection with such proceedings, including the power to settle or terminate such proceedings, including disputes that may lead to 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.
- 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 19 of the Council's Contract Rules.

- Note:** (a) The Head of Legal and Democratic 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 and Democratic Services and any Service Manager in the employ of the Council to sign any document for the purposes of the Council's Contract Rule 19, and;
- (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 Head of Legal and Democratic 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.
- 22.9 The power to grant members dispensation under Section 33, Localism Act 2011.

23. Head of Leisure, Culture and Operations

Delegations relating to the Council's planning function are the responsibility of the Head of Service, Planning, Engineering and Transportation Services.

- 23.1 Acceptance of bids for concessions at events.
- 23.2 Acceptance of payments under agreement under Section 106 Town and Country Planning Act 1990.
- 23.3 Approval of routine lettings for events on Leisure and Community Health premises/land under control of Education and Neighbourhood Services.
- 23.4 Approval of free/concessionary use of Leisure and Community Health facilities/equipment.
- 23.5 Approval of closure of Leisure and Community Health facilities for essential maintenance.
- 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 and community health facilities and events.
- 23.8 Acceptance of bids for concessions within leisure centres and associated sites.
- 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
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
Land Settlement Facilities Act 1909
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

23.11 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

23.12 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

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

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

23.15 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.

23.16 Authority to administer and take action under:

- (a) 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) 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 etc Act 1996;
- (d) The Building (Local Authority Charges) Regulations 1988
- (e) the Regulatory Reform (Fire Safety) Order 2005.

24. Head of Property Services

Authority to exercise the following powers and functions:

- 24.1 To undertake the day-to-day management of the land and premises including the authorisation of expenditure, subject to budgetary control.
- 24.2 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.
- 24.3 To approve easements, covenants, wayleaves and licences, subject to consultation as appropriate with relevant service areas.
- 24.4 To approve rent reviews on behalf of the Council as either landlord or tenant where provided for in existing leases.
- 24.5 To approve assignments of the residue of leases and tenancy agreements and underleases thereof, subject to the receipt of satisfactory references.
- 24.6 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.
- 24.7 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.

- 24.8 To take any action and/or institute proceedings to terminate unauthorised encroachment on land in the Council's ownership.
- 24.9 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.
- 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, Culture and Operations or Head of Regeneration and Development as relevant being satisfied as to the standard of the completed works and the availability of finance for future maintenance.
- 24.11 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.
- 24.12 To approve minor amendments to decisions of the Executive on sales, purchases, leases and contracts.
- 24.13 To submit planning applications in relation to the development or change of use of land or premises.
- 24.14 To determine claims for compensation and expenses payable as a consequence of land being listed as an asset of community value in accordance with the Localism Act 2011 and any related secondary legislation, subject to terms to be agreed by the District Valuer or any professionally qualified valuer.

25. Head of Service, Planning, Engineering and Transportation Services

Delegations relating to the Council's Building Control function are the responsibility of the Head of Leisure, Culture and Operations.

- 25.1 The Head of Planning, Engineering and Transportation Services is authorised on behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.
- 25.2 The following delegations will be undertaken in accordance with Council policy and, as necessary, with the approval of the Chief Finance Officer and/or the Head of Legal and Democratic Services.
- 25.3 To authorise, in the absence of the Head of Engineering and Transportation, the Group Manager (Highways and Environment) and the Group Manager (Road Traffic Network) to act on behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.

25.4 The Head of Planning, Engineering and Transportation is authorised to take action under the following legislation and may authorise officers from engineering and transportation, other authorities and public agencies working on regional projects to exercise powers within the borough from time to time:

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
Criminal Procedure and Investigations Act 1996
Cycle Tracks Act 1981
Dangerous Dogs Act 1989 and 1991
Dangerous Wild Animals Act 1976
Environment Act 1995
Environmental Damage (Prevention and Remediation) Regulations 2009
Environmental Noise (England) Regulations 2006
Environmental Noise (England) (Amendment) Regulations 2009
Environmental Noise (England) (Amendment) Regulations 2010
Environmental Protection Act 1990
European Communities Act 1972
Factories Act 1961 and 1998
Fire Safety and Safety at Places of Sport Act 1987
Flood and Water Management Act 2010
Flood Risk Regulations 2009
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
Land Drainage Act 1991
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
Noise Insulation Regulations 1975
Noise Insulation (Amendment) Regulations 1988
Nurseries Agencies Act 1957
Offices, Shops and Railway Premises Act 1963
Performing Animals (Regulation) Act 1925
Pet Animals Act 1951
Police and Criminal Evidence Act 1994
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 and Country Planning (Listed Buildings and Conservation Areas) 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

and any related secondary legislation.

- 25.5 Authority to vary fees and charges (excluding car parking charges), not fixed by statute.
- 25.6 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.

- 25.7 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.
- 25.8 Authority to accept tenders for the supply of works, materials, equipment, plant, investigations, analyses or designs, subject to compliance with Contract Rules.
- 25.9 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.
- 25.10 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.
- 25.11 Authority to appoint consulting engineers after fee bidding, subject to compliance with Contract Rules.
- 25.12 Authority to appoint agency staff subject to compliance with Contract Rules.
- 25.13 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.
- 25.14 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.
- 25.15 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.
- 25.16 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.
- 25.17 Authority to exercise powers under the Transport Act 1968 in respect of objections to Operators' Licence applications on safety and environmental grounds.

- 25.18 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.
- 25.19 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.
- 25.20 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.
- 25.21 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.
- 25.22 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.
- 25.23 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.
- 25.24 Authority to object to the location of new bus stops and bus shelters on road safety grounds.
- 25.25 Authority to install bollards in verges and footways in accordance with approved policy.
- 25.26 Authority to implement measures to ensure the safe operation of the highway network, including serving notices and carrying out minor works, within approved budgets.
- 25.27 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.
- 25.28 Authority to approve the numbering of houses.

25.29 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.

25.30 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.

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

25.31 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;
- (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.

25.32 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.

25.33 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.

25.34 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;
- (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 28.34(a) to (d) the matter will be referred to the relevant Executive Director.

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 Authority to approve displays and exhibitions in pedestrianised areas in accordance with approved policy.
- 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.
- 25.38 In accordance with the requirements of the Public Lighting Contract authorise advertising on street lighting columns.
- 25.39 Authority to undertake administration of the Public Health Act, 1936, in relation to Part XI - Culverts, ditches and water courses.
- 25.40 Authority to administer sections 169 and 173 of the Highways Act 1980, with regard to scaffold licences and hoarding permits.
- 25.41 Authorise members of staff (in consultation with the Head of Communities and Public Protection) employed in Clean and Green Services to act on behalf of the Council from time to time in enforcing the following legislation:
- 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
- 25.42 Enforcement powers under all sections of the Traffic Management Act 2004.
- 25.43 Authority to assess and consider the appropriate stage to implement the termination of any further progression of penalty charge notices in accordance with civil parking enforcement.
- 25.44 The Head of Planning, Engineering and Transportation has authority to determine all planning and related applications other than those which have been expressly reserved to the Planning Committee ('Committee') under the terms of reference of that Committee or have been called in by a Councillor for determination by that Committee.

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 (excluding development for ancillary or small scale works).

Applications for time extensions, non-material amendments and variations under section 73 of the Town and Country Planning Act 1990 to existing permissions for major development do not come within the above definition and are delegated to the Head of Planning, Engineering and Transportation.

- (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)
 - (i) Applications that attract one or more written, valid (ie planning related) objections from statutory (as referred to by the Town and Country Planning (Development Management Procedure) (England) Order 2010 or other key consultees where it is proposed to make a decision that is contrary to the objection or
 - (ii) applications that attract significant **written** community interest **on valid planning grounds** from affected parties where it is proposed to make a decision that is contrary to the **support or objection being expressed by the community**;
- (e) Applications submitted by or on behalf of the Council, or for the development of council-owned land ~~over the value of £20,000~~ **and** 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 3.2 paragraph 9(12);
- (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:
 - a Member of the Council; or
 - an organisation in which a Member has a known significant interest or involvement;

- or an officer of Planning and Building Control;
- or an officer of Property or Development and Delivery Services; or
- other senior officer of the Council (defined for these purposes as any officer who holds a politically restricted post).

(i) Any application that the Head of Planning, Engineering and Transportation considers raises matters that should be considered by Committee.

25.45 To determine applications (other than the approval of “majors”) which would not raise complex or delicate judgement and when the proposed development complies with national or local planning policy and there is no significant community interest which would be contrary to the officer’s recommendations;

25.46 **Authority to enter into planning obligations by agreement or unilateral under s106 when they relate to a delegated decision;**

25.47 Authority to make variations to **planning obligations by agreement or unilateral** under to section 106A, subject to consultation with the Chair of the Committee.

25.48 Authority to respond to various consultation documents received from government departments on planning related matters, except where the Head of Planning, Engineering and Transportation is of the opinion that the consultation involves matters which should be considered by Committee, Group Leaders or the relevant Portfolio Holder.

25.49 In respect of Development Management:

- (a) To respond to developers’ notices of intention to carry out development under Part 22 of the Town and Country Planning (General Permitted Development) Order 1995 (mineral exploration only).
- (b) To determine whether Environmental Assessments are necessary under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- (c) To determine applications for lawful development certificates (existing and proposed).
- (d) With respect to demolition of houses, authority to determine whether prior approval is required.
- (e) With regard to Telecommunications Development - authority to determine whether prior approval is required for siting and appearance.

- (f) To sign decisions made by Committee.
- (g) Authority to determine applications for consent for the display of Advertisements.
- (h) Authority to approve Discharge of Condition Applications for planning applications and Listed Building Consents.
- (i) Authority to approve minor amendments and non-material amendments to previously approved planning permissions.
- (j) Authority to remove any planning applications that have not been determined or appealed from the Planning Register in accordance with Article 36 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- (k) The power to determine whether a submitted Pre-Information Process application complies with any Local Development Order adopted by the Council.
- (l) Authority to determine whether a formal application of details in respect of agricultural and forestry development should be submitted.

25.50 Enforcement of Planning Control:

- (a) To remove or obliterate any placard or poster which is displayed in contravention of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended).
- (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.
- (e) To authorise the issue of Listed Building Enforcement Notices in circumstances where the delegated powers of officers to determine Listed Building Consents have resulted in the refusal of Listed Building Consent for retrospective development.
- (f) Authority to serve a breach of condition notice where planning conditions and Listed Building Consent conditions have not been complied with.

- (g) Power to issue a planning contravention notice in appropriate circumstances and to hold discussions as a result of the “Time and Place” procedure in Section 171C of the Town and Country Planning Act 1990 (as amended).
- (h) Power to serve a planning contravention notice, breach of condition notice or stop notice, or planning enforcement notice, in accordance with sections 171, 171BA, 171BB, 187A and 183(1) of the Town and Country Planning Act 1990 (as amended).
- (i) Power to give written assurance as regards prosecution for person served with a planning enforcement notice, and power to withdraw such assurance as appropriate, in accordance with section 172A of the Town and Country Planning Act 1990 (as amended).
- (j) Power to remove and dispose of any unauthorised display structure and to exercise any other powers (including the power to recover reasonable expenses), in accordance with sections 225A and 225B of the Town and Country Planning Act 1990 (as amended).
- (k) Power to serve an action notice to resolve persistent problems with unauthorised advertisements and to exercise any other powers (including the power to recover reasonable expenses, in accordance with sections 225C, 225D and 225E of the Town and Country Planning Act 1990 (as amended).
- (l) Power to remedy defacement of premises and to exercise powers (including the power to recover reasonable expenses), in accordance with sections 225F and 225I of the Town and Country Planning Act 1990 (as amended).
- (m) Power to serve notices in respect of post boxes and to exercise any other powers, in accordance with section 225G of the Town and Country Planning Act 1990 (as amended).
- (n) Power to exercise powers in respect of bus shelters and other street furniture, in accordance with sections 225F and 225H of the Town and Country Planning Act 1990 (as amended).
- (o) Power to remedy defacement at owner or occupier’s request and to exercise any other powers (including the power to recover reasonable expenses), in accordance with section 225J of the Town and Country Planning Act 1990 (as amended).
- (p) Power to remove display structures, prevent or reduce unauthorised advertisements and / or remove or obliterate signs, so far as they relate to the operational land and premises of statutory undertakers, in accordance with sections 225A, 225C, 225F, 225K and 324 of the Town and Country Planning Act 1990 (as amended).

- (q) (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;
 - (b) a Stop Notice under Section 183 of the Town and Country Planning Act 1990;

the Head of Legal and Democratic Services in consultation with the Head of Planning, Engineering and Transportation 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.
- (r) Authority to issue a Section 215 Notice subject to a period of 10 days being given to ward members to call in the Notice to the next meeting of the Planning Committee.
- (s) Authority to issue and serve notices under Section 330 of the Town and Country Planning Act, 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 where it is required to facilitate the gathering of information in respect of the ownership and other relevant interests in land.
- (t) Authority:
 - (i) not to pursue enforcement action, even when there are unresolved complaints;
 - (ii) to revoke authorities given for enforcement action;
 - (iii) to withdraw enforcement notices;

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).

- (u) to grant powers of entry to appropriate officers.

26. Head of Business Change

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

27. Head of Human Resources and Development

- 27.1 To exercise the functions of the Council's Chief Personnel Officer, including guidance on the dismissal or disciplinary process.
- 27.2 To act as "proper officer" in relation to appointment and dismissal of the Head of the Paid Service and Statutory Chief Officers.
- 27.3 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;
- 27.4 To approve payment of gratuities to retiring employees in accordance with discretionary powers available through the Local Government Act, 1972, and the Superannuation Regulations.
- 27.5 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.
- 27.6 Increase Members' Allowances in accordance with the bottom of the National Joint Council Local Government pay spine.
- 27.7 To determine hardship advances to employees.
- 27.8 To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act, 2000.

27.9 To determine appeals against the designation of a post as being politically restricted.

28. Head of Law

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

29. Head of Clean and Green Services

29.1 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:

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

29.2 In the following circumstances, the decision to institute legal proceedings may be referred for the consideration of the Executive Director, Economy and Environment, 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 Clean and Green Services is of such a serious or sensitive nature that it would be inappropriate for him/her to act under delegated powers.

29.3 The Head of Clean and Green Services may authorise members of staff employed in clean and green services, 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.
- 29.4 The determination of appeals relating to fixed penalty notices issued under the above legislation.
- 29.5 Acceptance of bids for concessions within parks and open spaces.
- 29.6 Acceptance of hand-over from developers of open space.
- 29.7 Approval of routine lettings for events on greenspaces premises/land.
- 29.8 Approval of free/concessionary use of greenspaces facilities/equipment.
- 29.9 Approval of closure of parks and open spaces and associated facilities for essential maintenance.
- 29.10 Determining opening hours during holiday periods for parks and open spaces.
- 29.11 Approval of setting and variations in charges and core admission prices to events in parks and open spaces.
- 29.12 The authority to seek planning permission in respect of future proposed development for leisure, recreation, education and community purposes.
- 29.13 The authority to exercise all the powers and duties of the Council as a local authority to administer legislation in the furtherance of his duties, including but not limited to, the following Acts:
- Allotments Acts 1922, 1925 and 1950
 - Animals Act 1971
 - Anti-Social Behaviour Act 2003
 - Clean Neighbourhoods and Environment Act 2005
 - Dangerous Dogs Acts 1989 and 1991
 - Dangerous Wild Animals Act 1976
 - Dogs Act 1871
 - Dogs (Fouling of Land) Act 1996
 - Environmental Protection Act 1990
 - Fire Safety and Safety at Places of Sport Act 1987
 - Land Settlement Facilities Act 1909
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Regulation of Investigatory Powers Act 2000
 - Small Holdings and Allotments Act 1908
 - Town Police Clauses Act of 1847 and 1889

- 29.14 Authority to vary fees and charges not fixed by statute.
- 29.15 To authorise, in the absence of the Head of Clean and Green Services, the Service Managers for Operations and Strategy to act on behalf of the Council including the serving of Notices, prosecutions, and such matters as may require attention.
- 29.16 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;
- 29.17 Exercise the functions of the Council as a waste disposal authority including associated recycling activities;
- 29.18 Deal with all matters relating to fly posting, placarding, graffiti, fly tipping and abandoned vehicles;
- 29.19 Provide and be responsible for the vehicle fleet and the maintenance of vehicles owned and operated by the Council
- 29.20 Authority to purchase nearly new vehicles from auction and second hand ex-demonstration vehicles, subject to compliance with the overall Vehicle Procurement Framework.
- 29.21 Deliver the Vehicle Replacement Policy of replacing vehicles over 5 years old, subject to budget availability.
- 29.22 To make arrangements for the management of public conveniences.

30. Systems Leader(s) (Money Home Job)

- 30.1 To carry out relevant duties specified in the Housing Act 1996 particularly under Part 6 and Part 7, as amended by Homelessness (Priority Need for Accommodation) (England) Order 2002 and the Homelessness Act 2002.
- 30.2 Make arrangements to ensure local authority functions are implemented with regards to the needs to safeguard and promote the welfare of vulnerable adults.
- 30.3 Acceptance of standard fund and other grant allocations where these are costs in accordance with approved Council policy.
- 30.4 To authorise the Head of Legal and Democratic Services to complete tenancy agreements in respect of/and licences to occupy Supported and Temporary Accommodation and plots on the Council's Willenhall Lane Travellers site.

- 30.5 Authority to admit to temporary accommodation, either provided by the Council, by other authorities, voluntary organisations, or privately registered homes (including bed and breakfast / hotels), persons who are vulnerable and homeless.
- 30.6 Authority to approve interest free loans or grants not exceeding £5,000 to individual homeless households to prevent homelessness or up to £50,000 to other bodies to assist in tackling homelessness in accordance with guidelines as approved by the Council's Executive.
- 30.7 Authority to grant interest free loans for dwellings where assistance is up to £30,000 in line with the Housing Renewal Assistance Policy.
- 30.8 Authority to approve applications for concessionary travel passes for homeless clients and those vulnerable clients fleeing violence.
- 30.9 Agree the termination of licences to occupy rooms or temporary accommodation units in respect of homeless households where necessary and write off debts for former tenants.
- 30.10 To increase charges payable for the occupation of Council owned supported housing and temporary accommodation and Willenhall Lane Travellers site to recover costs associated with the services and as a minimum in line with councils calculated rate of inflation
- 30.11 Authorisation of directed surveillance and covert human intelligence sources in accordance with the requirements of the Regulation of the Investigatory Powers Act, 2000.
- 30.12 Taking all necessary action for the collection of amounts due to the Council using any powers available to the Council.*
- 30.13 With the approval of the Chief Finance Officer authority to write off irrecoverable amounts due to the Council:
 - (a) Without limit as regards local taxation on a single property.
 - (b) Without limit as regards housing benefit and or Council tax discounts on a single property.
- 30.14 Authority to manage and determine awards of business rate relief and business rates reoccupation relief under each scheme.*
- 30.15 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.*
- 30.16 Authorising, on behalf of the Council as billing authority, valuation agreements in respect of the Non-Domestic Rating local list, as required by the Valuation Office Agency.*

- 30.17 To fix incidental charges relating to local taxation, and central cashier functions.*
- 30.18 To determine applications for rate relief from Non Domestic Rates under Section 44A of the Local Government Finance Act, 1988.*
- 30.19 To determine applications for hardship relief from Non Domestic Rates under Section 49 of the Local Government Finance Act 1988 and from Council tax under Section 13A of the Local Government Act, 1992.*
- 30.20 To determine the completion date for a property notice in accordance with Section 46A and Schedule 4A of the Local Government Finance Act 1988 as well as Section 17 of the Local Government Finance Act 1992.*
- 30.21 Engage in data matching exercises designed to assist in the detection of fraud.*
- 30.22 Administer the Council responsibilities under the provisions of the Social Security legislation and in accordance with the Council's approved policy relating to the Housing Benefit and Council Tax Reduction Scheme including the following:
- The administration of the Council's local schemes
 - The administration of the Council's Prosecution and Sanctions Policy in relation to Housing Benefit and Council Tax Benefit reduction fraud.
 - Including power to make any determinations under the relevant legislation.*
- 30.23 Authority to manage and determine awards of business rate retail relief and business rates reoccupation relief under each scheme.*

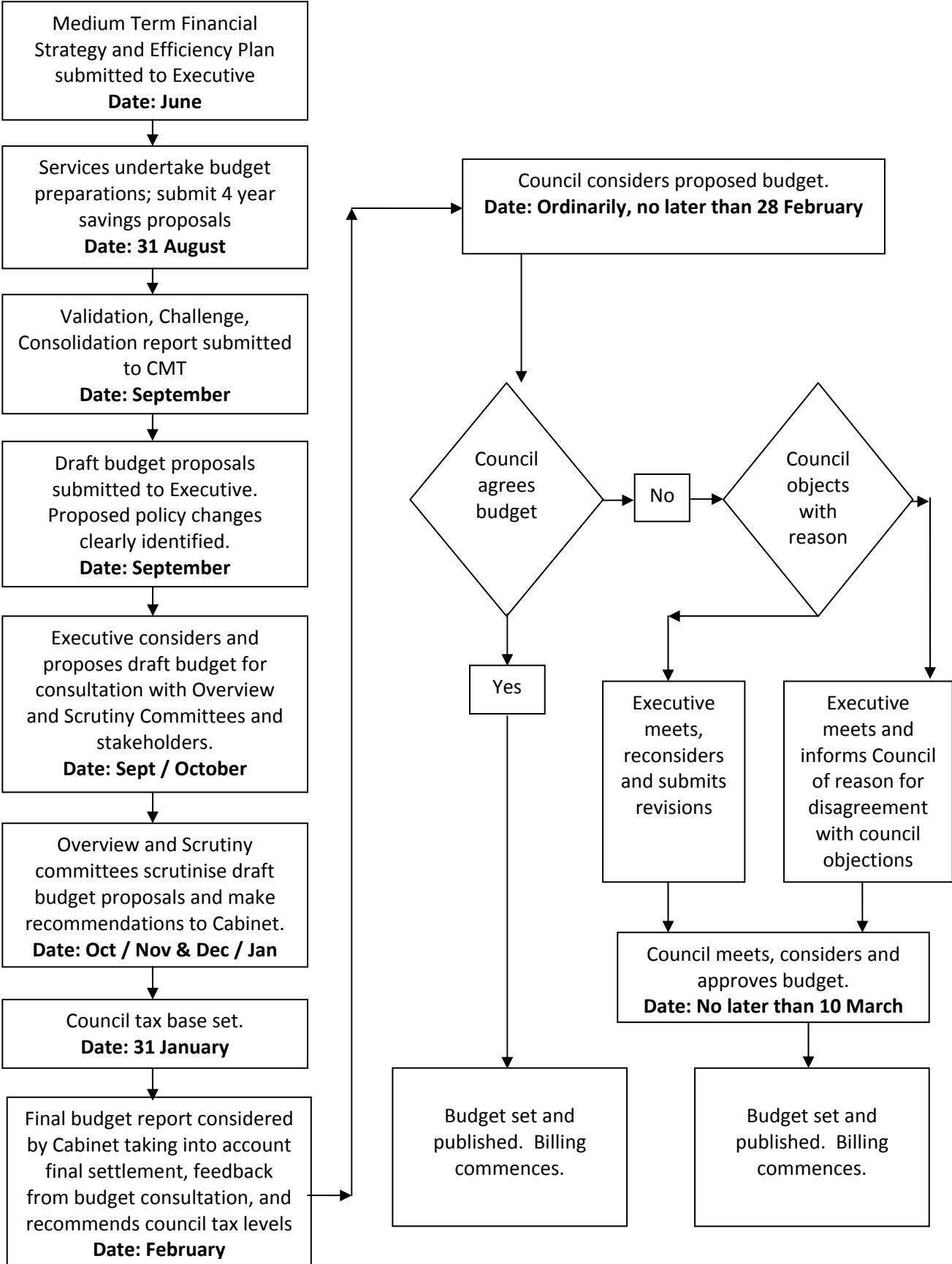
Note: * The Chief Finance Officer also has these delegations.

10 – Budget setting protocol

1. The revenue budget and capital programme will be constructed in the context of the Council's Medium Term Financial Strategy, which is regularly reviewed and revised by the Chief Finance Officer and approved by Cabinet.
2. The timelines and responsibilities for the construction and maintenance of a range of financial rules, strategies and procedures are as set out in the Council's prevailing Medium Term Financial Strategy.
3. The Chief Finance Officer or nominee will issue draft cash limits for the ensuing 4 years based on best knowledge available, taking into account all active budget decisions taken by Council in setting the current year's budget.
4. The Chief Finance Officer or nominee will report the key budget timeline and process to the Executive by 30 June in the preceding year (or the nearest available Cabinet date). These will be made available to finance and service based staff, and will include, amongst other things, the protocols for the construction of the budget and the assumptions to be used in respect of pay awards and inflation for the period of the budget construction.
5. Services will undertake thorough budget preparation, and will submit, to the Chief Finance Officer (CFO) or nominee, comprehensive financial plans for the 4 year period detailing any policy changes the council (via Cabinet) would need to make in meeting the cash limits, together with a revised position for the current year by a deadline to be set by the CFO (ordinarily the 31 August). Prior to this submission, an equality impact assessment will have been carried out.
6. These will be summarised by the Chief Finance Officer or nominee and presented to the Corporate Management Team and Cabinet for consideration and review.
7. Cabinet will produce a draft budget for onward consultation. If there is no overall control in the Council, the Cabinet will inform the Leaders of any Group not represented on the Cabinet of its budget proposals before consulting with each of the Overview and Scrutiny Committees and stakeholders.
8. Cabinet will ensure that each of the Overview and Scrutiny Committees has at least one opportunity to scrutinise the draft budget proposals relating to the services within their remit and make comments and recommendations to Cabinet.
9. Overview and Scrutiny Committees will meet in sufficient time for Cabinet to consider and take account of any comments and recommendations made by the committees, when making their final recommendation to Council.

10. Consultation on the draft budget will take place with a range of stakeholders, the timing of which will be sufficient for Cabinet to consider any comments and recommendations at its meeting in February.
11. Cabinet will consider the comments and recommendations of Overview and Scrutiny committees and stakeholders.
12. The Council tax base will be considered and set by the Chief Finance Officer and notifications received by relevant bodies by no later than 31 January.
13. The final budget report to Cabinet will include a risk assessment of the financial position and the budget, a statement by the Chief Finance Officer on the adequacy of the budget and the level of reserves, and consideration of the medium term financial outlook for a period of at least 4 years.
14. The Chief Finance Officer will prepare a detailed draft resolution for Cabinet setting out the details of the revenue budget and capital programme and the statutory determinations; constructed in compliance with the Local Government Finance Act 1992 and subsequent amendments (i.e. Localism Act 2011).
15. Cabinet will make a final recommendation on the budget and capital programme to Council in February, including the level of council tax required to provide a balanced budget. In the event that a proposed council tax requirement triggers a council tax referendum, this will be made explicit, and substitute calculations will also be presented to Council.
16. As the formal notification of precepts in relation to the fire and police authorities and the final notifications of government grant may not align with the council's budget timetable, any amendments to council tax and / or the statutory determinations arising from final budget adjustments and the final notification of such precepts may be made by the council's statutory Chief Finance Officer.
17. Council will consider the Cabinet's recommendation on the revenue budget, council tax level and capital programme in sufficient time to meet the statutory deadline for setting a balanced budget (prior to 11th March) and ordinarily, no later than 28th February, in line with the Council's Constitution (4.3.2).
18. If the Cabinet's recommendation is agreed by Council, this will form the revenue budget, council tax level and capital programme for the following year.
19. If the Cabinet recommendation is amended, save for the finalisation of precepts, this will form the revenue budget, council tax level and capital programme for the following year.
20. In all circumstances, Council will consider and approve a revenue budget and capital programme for the following year before 11 March, in accordance with the Local Government Finance Act 1992.
21. The key aspects of the budget setting process are set out below.

Budget Process



15 – Handling of petitions

Introduction

1. This protocol relates to the procedure for the submission of petitions by Councillors and members of the public on matters of concern to the appropriate Committee to ensure that the petition is dealt with in the appropriate manner.
2. Petitions may be presented at any meetings of the Council (or it's Committees), handed in by members or received from Members of Parliament or members of the public.

Procedure

- Petition received by members and either presented at Council or referred to Democratic Services.
- Petition presented by a Member of Parliament or member of the public.
- Petition recorded by Democratic Services
- Petitions, in the first instance, will be forwarded to the appropriate Executive Director, with the exception of those addressed directly to an Executive Director.
- In the case of petitions addressed directly to an Executive Director, the Director to acknowledge and a copy sent to Democratic Services for record purposes.
- If appropriate action can be taken by the Executive Director within delegated powers, this will be carried out and a note of the action sent to person presenting the petition and Democratic Services.
- In the case of petitions relating to regulatory matters, these will be dealt with as objections to published proposals and processed in the usual manner.

Petitions Scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

Petitions may be presented at any meeting of the Council or its Committees by Councillors or members of the public. Petitions may also be submitted on the Council's website. If you would like to present your petition to the Council, or would like your Councillor to present it on your behalf, please contact Democratic Services on 01922 654765 at least 10 working days before the meeting and the process will be explained to you.

What is a petition?

The Council considers a petition to be any communication which is signed by and sent to us on behalf of a number of people. For practical purposes we normally set a requirement for at least 10 signatures or petitioners before we treat the communication as a petition.

What should a petition include?

Petitions must include:

- A clear and concise statement covering the subject of a petition. It should state what action the petitioners wish the Council to take.
- The name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

Petitions should relate to something that is of specific local concern and over which the council and its partners can exert influence. If your petition is about something over which the Council has no direct control (for example local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason then we will set out the reasons for this to you.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum, we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss a revised timescale. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

Who can sign a petition?

For petitions of local significance petitions can be signed by anyone who lives, work or studies in the borough of Walsall, including young people under the age of 18.

For petitions of national and international importance petitions can be signed by any person, including young people under the age of 18.

The Council reserve the right to review the signatories to petitions and remove the names of ineligible persons if required.

In order to decide if a petition signatory is valid or if a petition is of local, national or international significance the Head of Legal and Democratic Services will review the information available before making a decision. His/her decision will be final.

Procedure on receipt of a petition

Upon receipt of a petition, either presented at Council, Committee or received directly by the Council, an acknowledgement will be sent to the petition organiser within 10 working days. It will let them know what we plan to do with the petition and when they can expect to hear from us again.

If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgement will confirm this and tell you details. If the petition needs more investigation we will explain to you the steps we plan to take.

If the petition applies to a planning or licensing application or on a matter where there is already an existing right of appeal, other procedures apply, we will explain these to you and refer your petition to the appropriate place.

The process for dealing with petitions is attached as an appendix hereto.

Council debate

If a petition contains at least 1,500 signatures it will be debated at a meeting of the Council. This means that the issue raised in the petition will be discussed at a meeting to which all Councillors can attend and speak. The Council will endeavour to consider the petition at its next meeting although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action that the petition requests; not to take the action requested for reasons put forward in the debate, or to ask for further information. Where the issue is one where the Cabinet are required to make the final decision the Council will decide to make recommendations to the Cabinet. The petition organiser will receive written confirmation of this decision.

Officer evidence

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which that officer is responsible as part of their job.

If your petition contains at least 500 signatories the relevant senior officer will give evidence at a public meeting of one of the Council's Overview and Scrutiny Committees. The authority has determined that the response to such petitions must be given by either the Chief Executive, Executive Directors, Assistant Directors or Heads of Service. The Committee may also decide to call the relevant portfolio holder to attend the meeting.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions.

The petition organiser will need to provide us with their name, postal address and e-mail address. You will also need to decide how long you would like your petition to be open for signatures. There will be a maximum time allowed of 12 months but you can choose a shorter period of time.

When you create an e-petition, it may take 5 working days before it is published online. This is because we have to check the content is suitable before it is made available for signature. The Monitoring Officer will make this decision.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and re-submit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under "rejected petitions" section of the website.

How do I "sign" an e-petition

You can see all the e-petitions currently available for signature on the Councils website.

When you sign an e-petition you will be asked to provide your name, your postcode and a valid e-mail address. When you have submitted this information you will be sent an e-mail to the e-mail address you have provided. This e-mail will include a link which you must click on in order to confirm the e-mail address is valid. Your "signature" will then be added to the petition. People visiting the e-petition site will be able to see your name in the list of those who have signed, but contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request the appropriate Council Overview and Scrutiny Committee to review the steps taken by the Council in response to your petition. In these cases it would be helpful and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate. The Committee will consider your request at its next available scheduled meeting. Should the Committee determine that the petition has not been dealt with adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to Cabinet or arranging for the matter to be considered at a meeting of the Council. Once the appeal has been considered, the petition organisers will be informed of the results within 5 working days.

Process for dealing with petitions

<i>Type of petition</i>	<i>Acknowledge</i>	<i>Refer to appropriate Executive Director and portfolio holder for direct action</i>	<i>Refer to appropriate Executive Director and portfolio holder for information</i>	<i>Refer to Overview and Scrutiny Committee for action</i>	<i>Refer to Council for debate</i>	<i>Refer to appropriate office to form part of statutory process</i>
Less than 10 signatures						
More than 10 signatures but less than 500 signatures						
Between 500 and 1500 signatures						
1500 or more signatures						
Relating to regulatory matter e.g. licensing or planning						

	May 2017	June	July	August	September	October	November	December	January	February	March	April	May 2018
Mon.	1 Bank hol.		3			2 Standards			1 Bank hol			2 Bank hol	
Tue.	2		4 Employ B Taxi Sub B	1		3 Employ B			2 Employ B			3	1
Wed.	3		5	2		4 Taxi Sub A	1 Taxi Sub A		3			4	2
Thur.	4 Mayoral Election	1	6 Employ A Planning	3 Planning		5 Employ A Planning	2 Employ A Planning		4 Employ A Planning	1 Employ A Planning	1 Employ A Planning	5 Licensing	3 Elections
Fri.	5	2	7	4	1	6	3	1	5	2	2	6	4
Mon.	8	5	10 Council	7	4 Audit	9	6	4	8 Council	5	5 Personnel	9 Council	7 Bank hol
Tue.	9	6 Licensing	11 Employ B	8	5 Employ B Education OS	10 Employ B Education OS	7 Employ B	5 Employ B Personnel	9 Employ B Education OS	6 Employ B	6 Employ B Taxi Sub B	10 Employ B Health WB	8
Wed.	10	7	12 Taxi Sub A	9	6 Taxi Sub A Cabinet	11 Licensing	8	6 Taxi Sub A	10 Licensing	7 Taxi Sub A Cabinet £	7	11	9
Thur	11	8 General Election	13 Employ A	10	7 Employ A Corporate OS	12 Employ A	9 Employ A	7 Employ A	11 Employ A Corporate OS	8 Employ A	8 Employ A	12 Employ A Corporate OS	10
Fri	12	9	14	11	8	13	10	8	12	9	9	13	11
Mon	15	12 Health WB	17 Standards	14	11 Health WB	16	13 Council	11 Health WB	15 Audit	12 Health WB	12	16 Audit	14
Tue	16	13 Personnel	18 Employ B	15	12 Employ B	17 Employ B Taxi Sub B	14 Employ B	12 Employ B	16 Employ B	13 Employ B	13 Employ B Scrutiny O	17 Employ B Taxi Sub B	15
Wed	17	14 Scrutiny O	19 Licensing	16	13 Personnel	18	15	13 Cabinet	17 Taxi Sub A	14 Cabinet £	14	18 Personnel	16
Thur	18	15 Planning	20 Employ A	17	14 Employ A Social Care OS	19 Employ A Corporate OS	16 Employ A Taxi Sub B	14 Employ A	18 Employ A Social Care OS	15 Employ A Education OS	15 Employ A	19 Employ A Social Care OS	17
Fri	19	16	21	18	15	20	17	15	19	16	16	20	18
Mon	22 Annual Council	19	24 Health WB	21	18 Council	23	20 Audit	18 Taxi Sub B	22 Standards	19 Audit	19	23	21 Annual Council
Tue	23	20 Education OS	25 Employ B Taxi Sub B	22	19 Employ B Taxi Sub B	24 Employ B Personnel	21 Employ B Education OS	19 Scrutiny O	23 Employ B Personnel	20 Employ B Corporate OS	20 Employ B	24 Employ B Standards	22
Wed	24 Adjourned Council	21 Taxi Sub A Cabinet	26 Cabinet	23	20	25 Cabinet	22 Licensing	20	24	21 Licensing	21 Taxi Sub A Cabinet	25 Cabinet	23 Adjourned Council
Thur	25	22 Corporate OS	27 Employ A	24	21 Employ A	26 Employ A Social Care OS	23 Employ A Corporate OS	21	25 Employ A	22 Employ A	22 Employ A	26 Employ A Planning	24
Fri	26	23	28	25	22	27	24	22	26	23	23	27	25
Mon	29 Bank hol	26 Audit	31	28 Bank hol.	25 Audit	30 Health WB	27	25 Bank hol.	29	26	26	30	28 Bank hol.
Tues	30	27 Employ B		29	26 Employ B	31 Employ B	28 Employ B Social Care OS	26 Bank hol	30 Employ B Taxi Sub B	27 Employ B Social Care OS	27 Employ B Education OS		29
Wed	31	28		30 Licensing	27		29	27 Bank hol	31	28 Council £	28		30
Thur		29 Employ A Social Care OS		31 Planning	28 Employ A Scrutiny O		30 Employ A Planning	28			29 Employ A Planning		31
Fri		30			29			29			30 Bank hol		

(Note: Taxi Sub A – 10 am/Taxi Sub B – 6 pm
Employment Appeals A and B – 10.30 am)

Timetable abbreviations

Regulatory Committees

Audit	Audit Committee
Personnel	Personnel Committee
Employ A	Employment Appeals Sub A
Employ B	Employment Appeals Sub B
Health WB	Health and Wellbeing Board
Licensing	Licensing and Safety Committee
Planning	Planning Committee
Standards	Standards Committee
Taxi Sub A	Taxi Licensing Sub-Committee A
Taxi Sub B	Taxi Licensing Sub-Committee B

Overview and Scrutiny Committees

Scrutiny O	Scrutiny Overview Committee
Education OS	Education and Children's Services
Corporate OS	Corporate and Public Services
Social Care OS	Social Care and Health

Timetable abbreviations

Regulatory Committees

Audit	Audit Committee
Personnel	Personnel Committee
Employ A	Employment Appeals Sub A
Employ B	Employment Appeals Sub B
Health WB	Health and Wellbeing Board
Licensing	Licensing and Safety Committee
Planning	Planning Committee
Standards	Standards Committee
Taxi Sub A	Taxi Licensing Sub-Committee A
Taxi Sub B	Taxi Licensing Sub-Committee B

Overview and Scrutiny Committees

Scrutiny O	Scrutiny Overview Committee
Education OS	Education and Children's Services
Corporate OS	Corporate and Public Services
Social Care OS	Social Care and Health