

# **Annual Council – 20th May 2013**

## **Constitution and timetable of meetings 2013/2014**

### **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 14 of the Constitution and the Council's duty to monitor and review the Constitution. During the municipal year 2013/14 it is proposed that the Standards Committee will carry out a full review the Constitution for submission to Council at the beginning of the 2014/15 municipal year.
- 1.2 The report also sets out the timetable of meetings to be adopted for the municipal year 2013/2014.

### **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 of the Constitution
    - Article 4 - Budget
  - (b) Part 3 – Responsibility for Functions:
    - Scheme of delegations to Committees
    - Scheme of delegations to officers
  - (c) Part 4 – Rules of procedure
    - Council procedure rules
    - Financial rules
  - (d) Part 5 – Codes and protocols
    - The recording of decisions taken by officers under delegated powers
- 2.2 That the timetable of meetings for the municipal year 2013/2014 as set out in Appendix 3 of the report be approved.

### **3. Background information**

#### **3.1 Article 4 – The Council**

Article 4.01(b) – Budget – refers to the Council setting the Council tax base. A change in legislation now allows that either Council or Cabinet can set the tax base. At the Annual Council meeting in 2012, the Council approved a revised budget setting protocol under Part 5.10 of the Constitution, Protocol 7 paragraph 7 confirming that the Council tax base will be considered and set by Cabinet. Therefore reference to this in Article 4 needs to be deleted for consistency. Council will also consider under new legislation allocation of financial resources for the Council tax reduction scheme. Accordingly Article 4.01(b) has been amended to read as follows:

**Budget:** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax reduction scheme, setting the Council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

#### **3.2 Scheme of delegations to Committees**

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

##### **(a) Standards Committee**

(i) Delete the following:

(15) To consider Ombudsman's report and make payments or other benefits in cases of maladministration.

This requirement is deleted as there is a personal duty placed upon the Monitoring Officer under the Local Government and Housing Act 1989 to report to either Council or Cabinet depending upon the function, any report of the Local Commissioner (Ombudsman) relating to maladministration in connection with the exercise of the authority's administrative functions or a failure in a service.

(ii) Insert the following new paragraph (15):

To consider amendments to the Constitution and maintain an overview of the Council's Constitution except for contract rules and financial rules.

(Note: Overview of contract rules and financial rules are the responsibility of the Audit Committee.)

(b) **Appointments Board**

The following to be added under the delegations to reflect what is set out in paragraph (d) under the remit of the Committee:

“To consider policies, procedures and schemes relating to employment matters including pay and grading structure and changes to employee terms and conditions of employment.”

3.3 **Scheme of delegations to officers**

The delegations to officers under the Constitution are reviewed on a regular basis to reflect changes in legislation, structural and organisational changes within the Council. Major changes were implemented at the beginning of the municipal year 2009/10 and the proposed changes set out in **Appendix 1** to this report reflect operational changes made throughout the last year. The Audit Committee at their meeting on 15th April 2013 reviewed the proposed amendments. The proposed changes are highlighted in bold text.

3.4 **Rules of procedure**

(a) **Council procedure rules**

(i) **Rules of debate – 15.9 (c) Right of reply**

To provide clarity on motions and amendments and following discussion with members, it is proposed to amend paragraph 15.9(c) to read as follows:

The mover of the original motion shall have a right of reply unless an amendment to that motion has been approved and has become the substantive motion to be voted upon.

(ii) **State of Walsall debate – 17**

The requirement to hold this debate is deleted as it is considered that nothing is added to the operation of the Council by continuing with this obligation. The Council's consultation processes, particularly around budget consultation and consultation on major development initiatives in the Borough, have more than adequately replaced this procedure.

(iii) **Voting - 18.7 Voting on appointments**

In order to simplify the existing process it is proposed to amend paragraph 18.7 to read as follows:

In relation to appointments on outside bodies, where there are more candidates than available places on the outside body, the Mayor will require a vote be taken by a show of hands in relation to each individual candidate and the candidates with the simple majority will be duly appointed.

(b) **Financial rules**

Changes in financial rules relating to virement, budget transfers and risk management have been proposed in order to aid clarity to the various processes as follows:

**“2.3 Virements and budget transfers**

1. A scheme of virement shall be maintained to enable the Cabinet, Executive Directors and their staff to manage budgets with the degree of flexibility within the overall budget and policy framework determined by the Council, and therefore to optimise the use of resources. Virement is the process of moving a budget from one financial code to another and reflects changes in council policy or operational decisions within officer delegations. A virement can be made on a permanent (transfer of staff) or temporary basis (one-off allocation of contingency).

**2 Virements**

- (a) Steps taken by the Executive, (a committee of the Executive, an individual member of the Executive or officers discharging executive functions) to implement Council policy shall not exceed those budgets allocated to each budget heading, subject to paragraphs (c) to (i) below.
- (b) Year end technical accounting transfers, realignment of central support services, allocation of new expenditure where grant or other income sources have come on stream in year, miscoding, transfers due to new allocation of grant or other funding sources, and internal recharges do not constitute a virement nor do those arising from changes in management responsibilities.
- (c) Such bodies or individuals shall be entitled to vire across budget headings, sums not exceeding a specified limit for the financial year, as follows:

- (i) **Capital**

A chief officer may vire capital up to £25,000 across budget headings (or, up to £100,000 with the approval of the Chief Finance Officer, in consultation with the Executive Member for Finance and Personnel).

The Executive may vire capital up to £500,000 across budget headings.

Any capital virement above £500,000 shall require the approval of the Council

- (ii) **Revenue**

A chief officer may vire revenue up to £50,000 across budget headings (or, up to £100,000 with the approval of the Chief Finance Officer).

The Executive may vire revenue up to £1,000,000 across budget headings.

Any revenue virement above £1,000,000 shall require the approval of the Council.

- (d) The Executive may:
- (i) Increase capital or revenue expenditure in-year by use of general reserves (in addition to the use of reserves planned in the budget calculations), provided that such use of reserves do not exceed £1,000,000 in aggregate in a financial year and provided that the Chief Finance Officer has certified in writing that such use of reserves would not cause the council's overall reserves to fall below a prudent level.
  - (ii) Increase the capital budget provided that additional expenditure can be funded through:
    - Existing capital resources (i.e. due to capital carry forward or underspends in year) with the approval of the Chief Finance Officer
    - Additional external resources (e.g. external grant, third party contributions, etc),
    - Additional capital receipts, over and above the level required to fund the approved capital programme
- (e) The Chief Executive may exercise any of the powers of the Executive, in consultation with the Leader, the Executive Member for Finance and Personnel and the Chief Finance Officer and Monitoring Officer where the legal or financial position of the Council or the interests of the residents of Walsall would be prejudiced if the matter were not determined before the next scheduled Executive meeting. The Chief Executive will report any such decision to the next meeting of the Executive, and then to Council.
- (f) No virement relating to a specific financial year should be made after 31 March in that year (excluding year end technical accounting entries and realignments of internal recharges which are processed centrally).
- (g) A school's governing body may transfer budget provisions between heads of expenditure within the delegated school budget following notification to the Executive Director with service responsibility.
- (h) Where an approved budget is a lump-sum revenue or capital budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:
- (i) The amount is used in accordance with the purposes for which it has been established, or

- (ii) The Cabinet has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Cabinet.
- (i) Where it is necessary to record changes in the council's accounting structure or to correct miscoding of entries in the Council's ledger accounting system, the Chief Finance Officer or nominee shall agree these adjustments in writing and effect them by journal entry or otherwise.

#### **“4.4. Risk management.**

- 1. The Council's officers shall ensure:
  - (a) Key controls are reviewed regularly to enable the Council to make a formal statement annually, via its delegations to Audit Committee, to the effect that it is satisfied that the systems of internal control are operating effectively,”

#### **3.5 Codes and protocols – 5.8 The recording of decisions taken by officers under delegated powers**

This amended protocol has been drafted to reflect changes in names of services and the definition of a “significant decision” which appears in paragraph 3.5.2 of the Constitution. The amended protocol is set out in **Appendix 2** of the report.

#### **4. Timetable 2013/2014**

The draft timetable which is recommended for approval is attached as **Appendix 3**.

The timetable has been prepared generally on the same basis as last year with the inclusion of meetings of the Health and Wellbeing Board. It has also been extended for 2 weeks due to local elections date being moved to the 22nd May 2014 as a result of the European Elections being held on that date..

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.

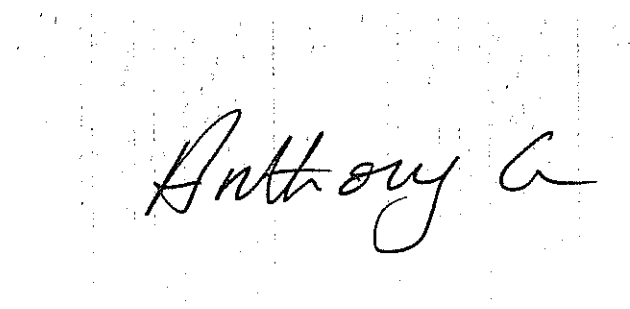
**Background papers - Nil**

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

Signed:

Assistant Director of Legal and Democratic Services

10th May 2013

Table 5

**SCHEME OF DELEGATIONS OF FUNCTIONS TO OFFICERS OF NON-EXECUTIVE FUNCTIONS****1. Arrangements within directorates**

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

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

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

**2. Consultation**

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

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

### **3. Reports on the exercise of delegated powers**

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

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

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

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

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

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

#### **4. Taking decisions**

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

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

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

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

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

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

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

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

- (a) a key decision should be taken in accordance with the relevant requirements;
- (b) the views of the relevant Executive Members(s) following the application of the consultation criteria set out in paragraph (c);
- (c) the implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision in other areas. In such cases, consultation with officers and relevant Executive Members(s) from any affected portfolio should take place;
- (d) the extent of prior consultation and the views/opinions emanating from that process, including Scrutiny and Performance Panels and Area Community 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;

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- (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;

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

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

## **6. Financial powers**

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

## **7. Legal powers**

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

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- (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)).

To be amended 22.5.13



- 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, Resources**

- 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.**

### **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 2011.
- 14.2 To issue financial procedures within the principles of 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 funding stream where that funding stream has come on-stream in year (for example a new capital grant) and only where this results in no additional call on Council resources;
  - (c) Any other proposed capital expenditure outside of (a) and (b) above, shall be considered by Cabinet and referred to Council;
- 14.5 To approve Capital Contingency requests within the limits set within the annually approved capital programme and as set out in the medium term financial strategy.

To be amended 22.5.13

- 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:
  - (a) Without limit as regards local taxation on a single property.
  - (b) Without limit as regards housing and or Council tax benefit on a single property.
- 14.8 Approval to grant discretionary relief from national non-domestic rates in accordance with the Council's approved scheme, and under Sections 47 and 48 of the Local Government Finance Act 1988.
- 14.9 Authorising, on behalf of the Council as billing authority, valuation agreements in respect of the Non-Domestic Rating local list, as required by the Valuation Office Agency.
- 14.10 To arrange borrowing as necessary from time to time for the Council's purposes. Services of funds will comprise temporary loans, loans from public works loan board, other mortgages and bonds, money bills, bank overdraft and internal funds of the Council, subject to any restriction which may be made by Statute, Council or the Executive.
- 14.11 To arrange finance and operating leases as required in accordance with the Council's capital programme.
- 14.12 To invest Council funds temporarily not required in accordance with the statutory provisions regulating approved investments as defined in Section 66 of the Local Government and Housing Act, 1989 subject to any restrictions which may be made by Statute, by Council or the Executive, in conjunction with the resources Planning and Treasury Manager.
- 14.13 Produce and report on the statutory determinations in setting the annual **Council tax** requirement, as required under Sections 32, 43 and 93 of the Local Government Act 1992 and the robustness of the budget and adequacy of reserves as defined by Section 23 of the Local Government Act 2003.
- 14.14 To fix incidental charges relating to local taxation, and central cashier functions.
- 14.15 To determine applications for rate relief from Non Domestic Rates under Section 44(a) of the Local Government Finance Act, 1988.
- 14.16 To determine applications for hardship relief from Non Domestic Rates under Section 49 of the Local Government Finance Act 1988 and from Council tax under Section 13A of the Local Government Act, 1992.
- 14.17 To determine the completion date for a property notice in accordance with Section 46(a) of the Local Government Finance Act 1988 and Schedule 4 (a) of the Local Government Finance Act 1989.

To be amended 22.5.13

- 14.18 Approve applications for financial assistance and to authorise grant claims from the European Union.
- 14.19 Appoint, manage and dismiss external investment managers, leasing and treasury management consultant.
- 14.20 Engage in data matching exercises designed to assist in the detection of fraud.
- 14.21 Open credit card facilities in line with standard bank conditions if and when such facilities are deemed necessary.
- 14.22 Deal with all matters relating to the transfer of the pension rights of pensionable employees.
- 14.23 Administer the Council responsibilities under the provisions of the Social Security legislation relating to the Housing Benefit and Council Tax Benefit Scheme including the following:-
- The administration of the councils HB & CTB local schemes
  - The administration of the Councils Prosecution and Sanctions Policy in relation to Housing Benefit and Council Tax Benefit fraud.

The administration of applications under the Discretionary Housing Payments Scheme. Including the power to make any determinations under the relevant legislation.

- 14.24 Deal with internal audit issues under the Accounts and Audit Regulations 2011.
- 14.25 The authority to write off any debt (including any associated court costs and bailiffs fees) up to the sum of £10,000 for single items per individual or organisation (or for multiple items on a single debtor), which in the opinion of the Chief Finance Officer is considered to be uneconomical to collect and/or is irrecoverable.

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

**14.27 To approve the national non domestic rate government returns.**

- Note:** The following powers may be exercised by the:
- (a) Head of Finance: 4,5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22, 27
  - (b) Head of Revenues: 6, 7(a), 8, 9,14, 15, 16, 17, 20.
  - (c) Head of Benefits: 6, 7(b), 20, 23

**15. Executive Director, Neighbourhood Services**

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

To be amended 22.5.13

- 15.1 (a) Exercise the powers and duties of the Council as waste collection authority, including the collection of domestic, trade, garden, bulky household, clinical and hazardous waste;
- (b) Exercise the functions of the Council as a waste disposal authority including associated recycling activities;
- (c) Deal with all matters relating to fly posting, placarding, graffiti, fly tipping and abandoned vehicles;
- (d) Provide and be responsible for the vehicle fleet and the maintenance of vehicles owned and operated by the Council
- 15.2 Without prejudice to paragraph 1, to exercise strategic, operational, and management powers and duties of the Council under the following enactments:
- (a) Removal and disposal of vehicles regulations, 1986;
- (b) Road Traffic Regulation Act 1984;
- (c) Vehicle Excise Duty Act (removal and disposal) Regulations, 1997;
- (d) Control of Pollution Act 1974;
- (e) Environmental Protection Act 1990;
- (f) Highways Act 1980;
- (g) Litter Act 1983 (in so far as it relates to litter bins and street cleaning);
- (h) Public Health Act 1936;
- (i) Public Health Act 1961;
- (j) Refuse Disposal (amenity) Act 1978;
- (k) Road Traffic Act 1998;
- (l) Building Act 1984;
- (m) Chronically Sick and Disabled Persons Act 1970;
- (n) Waste Minimisation Act 1998;
- (o) Public Health Acts 1936 and 1969;
- (p) Clean Neighbourhood and Environment Act 2005;
- (q) Crime and Disorder Act 1998
- (r) Fire Safety and Safety of Places of Sports Act 1987
- (s) Anti-Social Behaviour Act 2003
- (t) The Localism Act 2011
- 15.3 Authority to approve increases and variations in charges and fees not fixed by statute.
- 15.4 Authority to vary levels of charges and fees in respect of depot sales of surplus materials and miscellaneous charges, such revisions having regard to the retail price index and prevailing market conditions.
- 15.5 Authority to commence anti-social behaviour order proceedings (ASBO) under the Crime and Disorder Act 1998.
- 15.6 Authority to invite and accept tenders for the supply of materials, equipment, plant and services subject to compliance with the Financial and Contract Rules including:-

Amended 25.6.12

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

Amended 12.9.11

- 15.10 Authority to purchase nearly new vehicles from auction and second hand ex-demonstration vehicles, subject to compliance with the overall Vehicle Procurement Framework.
- 15.11 Deliver the Vehicle Replacement Policy of replacing vehicles over 5 years old, subject to budget availability.
- 15.12 The authority to seek planning permission in respect of future proposed development for education and community purposes.
- 15.13 To respond to consultation documents received from various government departments, subject to consultation with Group Leaders and the relevant portfolio holder.
- 15.14 To make arrangements for the management of public conveniences.
- 15.15 Powers under the Localism Act 2011 and any related secondary legislation to determine nominations and listing reviews for assets of community value and to maintain and operate a list of such assets.**

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

Assistant Director Neighbourhood Services

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

## **16. 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:**

To be amended 22.5.13

## **General**

- 16.1 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.**
- 16.2 Ensure that there are sufficient primary and secondary school places in the borough.**
- 16.3 Exercise the Council's functions in relation to early years development and provision.**
- 16.4 Exercise of the powers of the Education Authority in relation to admissions and exclusion procedures.**
- 16.5 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.**
- 16.6 Take necessary action to ensure measures are in place to promote good attendance.**
- 16.7 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.**
- 16.8 In consultation with the Head of Legal and Democratic Services to authorise proceedings in respect of irregular or non attendance at school.**
- 16.9 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.**
- 16.10 Service and enforcement of notices under the relevant Education Acts.**
- 16.11 Service of notices requiring parents to satisfy the authority that their child is receiving sufficient full-time education.**
- 16.12 Determination of the dates of school terms and holidays in the borough.**
- 16.13 Acceptance of grants, loans, bursaries, discretionary awards in respect of students and pupil support which comply with statutory requirements and approved Council policies.**

To be amended 22.5.13

- 16.14 Exercise the power of the Education Authority under relevant byelaws regulating the employment of children and prohibiting street trading by young persons.**
- 16.15 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.**
- 16.16 Approval of grants and awards for Home to School transport which comply with statutory requirements and approved Council policies.**

#### **School support services**

- 16.17 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.**
- 16.18 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.**
- 16.19 Arrange the secondment and transfer of staff with the approval of the governors of the schools concerned.**
- 16.20 Determine applications for teachers and head teachers for early retirement in consultation with the Chief Finance Officer and Head of Human Resources.**
- 16.21 Appoint and remove Education Authority representative school governors.**
- 16.22 Implement a scheme for assessing the eligibility of applicants for free school meals.**

#### **Special Educational Needs**

- 16.23 Arrangements for determining whether a child is in need of Special Education:**
- 16.24 Preparation of Statements of Special Educational Needs.**
- 16.25 Arrangements to implement special educational provisions specified in Statements of Special Educational Needs.**
- 16.26 Determination of arrangements for the placement of pupils in schools, special schools, or for education other than at a school.**

To be amended 22.5.13



**16.27** 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.

**16.28** Approval of grant aid for parental visits at appropriate times to children with special educational needs in residential schools and colleges.

**16.29** Provision of education to individual pupils “otherwise than in school”.

**16.30** Making of payments by way of recoupment where mandatory.

#### **School improvement**

**16.31** Arrangements for monitoring school improvement.

**16.32** Arrangements for receiving Ofsted reports.

#### **School land and buildings**

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

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

**16.35** 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.

**16.36** 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).

**16.37** 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**

**16.38** 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.

To be amended 22.5.13

- 16.39 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**

- 16.40 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**

- 16.41 Exercise functions under Local Authority Social Services Act 1970 so far as they relate to children;.**
- 16.42 Exercise any health related functions exercised on behalf of any National Health Service body under section 75 of the National Health Service Act 2006.**
- 16.43 Make arrangements to ensure local authority functions are discharged with regard to the needs to safeguard and promote the welfare of children as required by Section 11 of the Children Act 2004.**
- 16.44 Establish and develop a Walsall Safeguarding Children's Board.**
- 16.45 Ensure there are in place complaint procedures which meet the local and statutory requirements including publication of the said procedures.**
- 16.46 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.**

To be amended 22.5.13

- 16.47 Provide an interpretation service where necessary.**
- 16.48 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 and Child Protection**

- 16.49 Maintain an adoption service in accordance with legislation and national standards.**
- 16.50 Maintain a fostering service in accordance with legislation and national standards.**
- 16.51 Ensure there are available sufficient staff to meet the directorate duties under the Mental Health Act 1983 and Mental Health Act 2007**
- 16.52 Ensure there are adequate resources for the accommodation of young people who are subject of secure remands under the Children and Young Person's Act 1969 and Youth Detention Accommodation under the Legal Aid, Sentencing and Punishment of Offenders Act 2012.**
- 16.53 Refer persons to the Secretary of State for possible inclusion on the Protection of Children Act list.**
- 16.54 Ensure that the educational attainment and state of health of looked after children are monitored.**
- 16.55 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**
- 16.56 Ensure that all arrangements for service provision are reviewed in accordance with legislative requirements and mandatory guidance.**
- 16.57 Keep a register of all children placed by any local authority within the directorates area and of all children placed by the directorate outside of the local authority area.**
- 16.58 Appeal to the tribunal against Care Quality Commission decisions to cancel registration, vary or remove a condition of registration, or add a new condition of registration in respect of the directorate.**

To be amended 22.5.13

- 16.59 Exercise parental responsibility for all children in the care of the directorate.**
- 16.60 Provide support for asylum seekers and their dependents who are destitute or who are likely to become destitute and for whom support is not available elsewhere.**
- 16.61 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.**
- 16.62 Discretion to vary charges in cases where there are special circumstances, hardship etc.**
- 16.63 Authority to make ex-gratia payments in appropriate circumstances to non staff up to the value of £500 per instance.**
- 16.64 Authority to determine applications or assistance under Section 17 (6) of the Children Acts 1989.**
- 16.65 The day to day reception and placement in appropriate accommodation of any child brought to the attention of Social Services as being in need of accommodation or committed to the care of the Local Authority by the courts under the Children Act 1989 or the Legal Aid, Sentencing and Punishment of Offenders Act 2012.**
- 16.66 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.**
- 16.67 Receive and find appropriate placements for children committed to the care of the local authority on interim or full care orders.**
- 16.68 Authority to authorise a placement of children subject to care orders, with their parents or other persons with parental responsibility in accordance with the placements of children with parents etc, regulations, 1991.**
- 16.69 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.**
- 16.70 Authority to provide places for children and families in family centres and other day care provisions.**
- 16.71 Authority to arrange regular visiting to ensure the welfare of any child, accommodated in a voluntary home by Social Services is adequately safeguarded and promoted in accordance with the duty under Section 62 of the Children Act 1989.**

To be amended 22.5.13

- 16.72 Consider and authorise the payment of approved adoption allowances, residential allowances and special guardianship allowances in accordance with the scheme duly approved by the Department of Health and Social Security in cases where the adoption panel has recommended such allowances, and the agency decision maker has confirmed the recommendations as an agency decision.**
- 16.73 Authority to apply to the courts for placement in secure accommodation of juveniles accommodated by, or in the care of the local authority in accordance with Section 25 of the Children Act, 1989 and the accompanying Secure Accommodation Regulations, 1991.**
- 16.74 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.**
- 16.75 Authority to appoint and pay the reasonable expenses of independent visitors, appointed under paragraph 17 of Schedule 2 of the Children Act, 1989, and as defined by the accompanying definition of independent visitors (children) regulations, 1991.**
- 16.76 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.**
- 16.77 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.**
- 16.78 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).**

To be amended 22.5.13

- 16.79 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.**
- 16.80 Authority to negotiate on the authority's behalf inter-agency agreements, including inter-agency fees which fall within nationally and locally agreed guidelines.**
- 16.81 Authority to agree the legal costs in relation to an application by a relative or foster carer for a Residents Order to promote the welfare of a child.**
- 16.82 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**

- 16.83 Administration of services for the welfare of children and young people with disabilities and their carers in accordance with all relevant legislation.**
- 16.84 Identify "children in need" in the borough and provide assessments of their needs.**
- 16.85 Maintain a register of children and young people with disabilities.**
- 16.86 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.**
- 16.87 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.**
- 16.88 Provision of a family information service.**

To be amended 22.5.13

**16.89 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.**

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

#### **Services for young people**

**16.91 Encourage, enable or assist young people's participation in education or training and make arrangements to ensure that 16 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.**

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

**16.93 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).**

#### **Children's' Centres**

**16.94 To make sufficient provision of children's centres to meet local need, so far as is reasonably practicable and ensure universal access to children's centres is achieved and all children and families can be reached effectively, especially the most deprived. To consult before establishing, significantly changing or closing a children's centre.**

**16.95 Ensure sufficient provision of childcare places and ensure implementation of statutory guidance for local authorities on the delivery of free Early Education for three and four year olds and securing sufficient childcare and extend provision to include 20% most vulnerable 2 year olds from September 2013.**

**16.96 Ensure the provision of sufficient childcare for working parents or parents in education or training.**

#### **Miscellaneous**

**16.97 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:**

- |                 |  |
|-----------------|--|
| <b>Children</b> | <b>1. Children and Young Persons Act 1933</b>        |
|                 | <b>2. Children and Young Persons Act 1969</b>        |
|                 | <b>3. Local Authorities Social Services Act 1970</b> |
|                 | <b>4. Children Act 1989</b>                          |

To be amended  
22.5.13

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. Sentencing Act 2000
30. Powers of Criminal Court (sentencing) Act 2000

#### **Mental health**

31. Mental Health Act 1983
32. Mental Health Act 2007
33. Mental Capacity Act 2005

#### **Disability**

34. Chronically sick and disabled persons Act 1970
35. Disabled Persons (Services Consultation and Representation) Act 1986
36. Carers and Disabled Children Act 2000
37. Disability Discrimination Act 1995 and 2005

#### **Health and wellbeing**

38. Public Health (Control of Disease) Act 1984
39. Health Act 1999
40. Child Poverty Act 2010
41. Childcare Act 2006
42. Equality Act 2010
43. Representation of the People Act 2000
44. National Health Service (NHS) Act 2006 (eg: Section 75)

To be amended 22.5.13



- Education**
- 45. Education Act 1996**
  - 46. Education Act 2002**
  - 47. School Standards and Framework Act 1998**
  - 48. Apprenticeships Skills Children and Learning Act 2009**
  - 49. Education and Inspections Act 2006**
  - 50. Education and Skills Act 2008**
  - 51. Academies Act 2010**
  - 52. School Staffing (England) Regulations 2009**
  - 53. Teachers' Pensions Regulations 2010 Regulation 3**
  - 54. Teaching and Higher Education Act 1998**
  - 55. The Early Years Foundation Stage Order 2007**
  - 56. The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001**
  - 57. The Information as to Provision of Education (England) Regulation 2008 No.4**
  - 58. The Education (Induction Arrangements for School Teachers (England) Regulations 2008**
  - 59. The Education School Information (England) Regulations 2008**
  - 60. Education Act 2011**
  - 61. Learning and Skills Act 2000**

## **17. Executive Director, Social Care and Inclusion**

The holder of the post of Executive Director, Social Care and Inclusion shall be responsible for the overall strategic management of the directorate, exercising the functions under Section 18 (3) of the Children Act 2004 in relation to adult education, and, without prejudice to the foregoing, shall have power, subject to compliance with the constitutional arrangements and any relevant provisions of the Council's Financial and Contract Rules to:

- 17.1 Exercise the Council's functions in respect of all routine adult social services functions that are not specifically delegated to any relevant Cabinet member, the Cabinet or any Cabinet Committee, including assessing local needs and assuring availability of a full range of adult social services, provide professional leadership and workforce planning, lead the implementation of standards, manage cultural change, promote local access, ownership, partnership working across all agencies, deliver a whole systems approach to supporting communities and promote social inclusion and well being.
- 17.2 Prepare, in line with the approved strategy agreed by the Council, the Cabinet, relevant Cabinet member, the adult social care and health service delivery programme together with authority to incur expenditure with the said programme in accordance with the Council's Financial and Contract Rules.

To be amended 22.5.13

- 17.3 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.
- 17.4 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.
- 17.5 Ensure that there are in place, complaints procedures which meet the legislative requirements including publicising the said procedures.
- 17.6 Ensure that there is in place an efficient process for assessment and care management for current and potential service users and carers.
- 17.7 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.
- 17.8 Ensure there are available sufficient staff to meet the directorates duties under the Mental Health Act 1983 and Mental Health Act 2007.
- 17.9 Ensure that all arrangements for service provision are reviewed in accordance with legislative requirements and mandatory guidance.
- 17.10 Provide an interpretation service where necessary.
- 17.11 Appeal to the Tribunal against Care Quality Commission inspection decisions to cancel registrations; or add a new condition of registration of a directorate establishment.
- 17.12 Ensure the carrying out of duties required by Court Orders.
- 17.13 Present reports to Courts and Tribunals where required.
- 17.14 After consultation with the Head of Legal and Democratic Services, make any application to the courts as appropriate.
- 17.15 Provide support for asylum seekers and their dependents who are destitute or likely to become destitute and for them support not available elsewhere.
- 17.16 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.**

To be amended 22.5.13

- 17.17 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.
- 17.18 Authority to admit persons with mental ill health, physical disabilities or learning difficulties to day centres or workshops provided for them.
- 17.19 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.
- 17.20 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).
- 17.21 Authority to negotiate and agree fee levels with independent sector providers, having regard to the assessed needs of the clients, the services to be provided, and the availability of resources (National Health Services and Community Act 1990 and Health and Social Care Act 2012).**
- 17.22 Authority to waive Financial and Contract Rules in relation to seeking quotations and tenders for certain community care services.
- 17.23 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.
- 17.24 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.
- 17.25 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.
- 17.26 Authority to approve applications for concessionary travel passes for people with learning disabilities and those who are mentally ill.
- 17.27 Authority to approve interest free loans not exceeding £30,000 in accordance with guidelines as approved by the Council's Executive.
- 17.28 Discretion to vary charges in cases where there are special circumstances, hardship etc.
- 17.29 Authority to make ex-gratia payments in appropriate circumstances to non-staff up to the value of £500 per instance.

To be amended 22.5.13

17.30 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.

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

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

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

## **18. Executive Director, Regeneration Services**

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

Amended 7.11.11

Approved by Council 24 April 2006  
Implemented 30 August 2006

3.5 29

- 18.1 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.
- 18.2 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.
- 18.3 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.
- 18.4 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.
- 18.5 Make applications for planning permissions, listed building, conservation and advert consents.
- 18.6 Invite, accept and appoint term consultants and contractors, for a specified period for the development and execution of approved design and/or maintenance projects/programmes for the annual minor improvements and local safety programmes and for the analyses and advice to support the making of planning policy and planning decisions, including the representation of the Council at public inquiries and examinations.
- 18.7 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.

Amended 25.6.12

- 18.8. 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.
- 18.9 (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.
- 18.10 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.
- 18.11 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.
- 18.12 Authority to approve charity market stalls.
- 18.13 Authority to approve the transfer or market stall licences to another family member or employee upon application, providing the officer considering the application is satisfied that the licence holder had traded on the market concerned for at least 5 years; and that during the 2 years immediately preceding the application:
- (a) The family member has personally assisted the licence holder in trading on the stall to which the application relates; or
- (b) The applicant has been employed (other than on a self employed basis) by the license holder for the purpose of trading on the stall to which the application relates.
- 18.14 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.
- 18.15 Write off irrecoverable market charges for former stall holders.
- 18.16 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.

Amended 23.5.12

- 18.17 Exercise all routine housing functions that are not specifically delegated to any relevant Cabinet member, the Cabinet, or any Committee.
- 18.18 Make decisions under Part 6 and Part 7 of the Housing Act 1996, and to review decisions made under Part 7, Sections 175-218.
- 18.19 To serve notices of seeking possessions and taking other legal action in respect of tenants (including introductory tenants) who are in arrears of rent or in other breach of their tenancy conditions.
- 18.20 Issue notices under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 in respect of information as to ownership of land and properties in advance of action by the Council.
- 18.21 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.
- 18.22 Approve, in conjunction with the Chief Finance Officer, submissions by registered social landlords for rehabilitation work, to approve mortgage terms and to make the relevant applications for grants.
- 18 (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.
- 18.24 To exercise all the statutory powers and duties of the Council relating to private sector housing including The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and subject to the limits set out in the Financial and Contract Rules, authority to:
- (a) Purchase equipment, tools and materials and authorise the execution of works;
- (b) Approve the settlement of the third party claims including:
- (c) Write off of recovery of debt relating to Statutory Notices or completion of work in default in consultation with the Head of Legal and Democratic Services;
- (d) Issue house in multiple occupation (HMO) licences and related notices;

Amended 25.6.12

- (e) consider and determine applications for loans or grants for aids for purposes detailed within the Council's Housing Renewal Assistance policy including aids and adaptations to the homes of people with disabilities below £50,000.
  - (f) consider and determine applications for repair and improvements to private housing in line with the Council's Housing Renewal Assistance Policy.
- 18.25 (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 in his absence the Assistant Director (Regeneration and Housing) to grant such authorisations.
- (c) To authorise the Manager Housing Standards and Improvement to take action under the following legislation, including where relevant, the service and enforcement of notices, licences, authorisation of works in default, implementation of charges, approval of grants, loans and other financial assistance institution of legal proceedings.
- (c) To authorise in the absence of the Housing Standards and Improvement Manager, the Principal Environmental Health Officer (Housing Standards) and Principal Environmental Health Officer (Housing Improvements) to act on behalf of the Council, including where relevant, the service and enforcement of notices, licences, authorisation of works in default, implementation of charges, approval of grants, loans and other financial assistance, institution of legal proceedings:
- (1) Housing Acts 1980;
  - (2) Housing Act 1985 (as amended);
  - (3) Housing Act 1988;
  - (4) Housing Act 1996;
  - (5) Housing Act 2004;
  - (6) Housing Association Act 1985;

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- (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

18.26 Authority 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) 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

Amended 25.6.12

18.27 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.

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

18.29 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 Regeneration Services may exercise the above powers:

Assistant Director Regeneration  
Head of Development and Delivery  
Head of Strategic Regeneration  
Head of Housing  
Head of Property Services  
Head of Planning and Building Control

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

## **19. Director of Public Health**

The Director of Public Health shall be responsible for the day to day management of the public health 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:

19.1 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.

19.2 Exercise the Council's functions by virtue of Section 6C(1) or (3) of the National Health Service Act 2006, as amended.

Amended 1.4.13

- 19.3 Exercise the Council's functions in pursuance of arrangements under Section 7A of the National Health Service Act 2006, as amended.
- 19.4 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.
- 19.5 Exercise the functions of the authority under Section 325 of the Criminal Justice Act 2003.
- 19.6 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.

## **20. Head of Planning and Building Control**

- 20.1 The Head of Planning and Building Control, has authority to determine all planning and related applications other than those which have been expressly reserved to the Planning Committee under the terms of reference of that Committee or have been called in by a Councillor for determination by that Committee.

Applications to be determined by Committee:-

- (a) Applications for 'major' Development. 'Major' applications are defined as:-
  - (i) Any application for residential development or change of use involving 10 or more dwellings;
  - (ii) Other forms of development or change of use of 1000 sq. metres floor space or more;
  - (iii) Applications for development or change of use of 0.5 ha or more of land and;
  - (iv) Minerals and waste applications for new or extended mineral workings or waste disposal. Minor amendments to existing permissions, and ancillary or small scale works are delegated to the Head of Planning and Building Control;

To be amended 22.5.13

- (b) Applications where it is proposed to make a decision that is contrary to the development plan or other published Council standards/guidelines;
- (c) Decisions that would need to be referred to the Secretary of State;
- (d) Applications that attract one or more written, valid (ie planning related) objections from statutory (as referred to by the Town Country Planning (General Development Procedure Order) 1995) or other key consultees where it is proposed to make a decision that is contrary to the objection or applications that attract significant community interest from affected parties where it is proposed to make a decision that is contrary to the objection;
- (e) Applications submitted by or on behalf of the Council, or for the development of council-owned land over the value of £10,000 where there is significant community interest;
- (f) Any application that any member of the Council requests to be considered by Committee under the procedure set out in Part 6 paragraph 12;
- (g) Decisions where it is known that a claim for compensation from the Council would arise or which otherwise may involve a financial payment;
- (h) Applications that are known to be submitted by or on behalf of:
  - Member of the Council; or
  - an organisation in which a Member has a known significant interest or involvement;
  - or an officer of Planning and Building Control;
  - or an officer of Property or Development and Delivery Services; or
  - other senior officer of the Council (defined for these purposes as any officer who holds a politically restricted post).
- (i) Any application that the Head of Planning and Building Control considers raises matters that should be considered by Committee.

Except that authority shall be delegated to the Head of Planning and Building Control to determine applications (other than the approval of “majors”) which would not raise complex or delicate judgement and when the proposed development does not comply with national or local planning policy and there is no significant community interest which would be contrary to the officer’s recommendations.

To be amended 22.5.13

- 20.2 Authority to determine whether a formal application of details in respect of agricultural and forestry development should be submitted.
- 20.3 Power to issue a planning contravention notice in appropriate circumstances and to hold discussions as a result of the "Time and Place" procedure in Section 171C of the Town and Country Planning Act, 1990.
- 20.4 Authority to undertake
- (a) The administration of the Building Act, 1984, in relation to:
    - (i) Part I of the Building Regulations;
    - (ii) Part III - Dangerous Structures, Demolitions, Drainage and Sanitary Conveniences;
    - (iii) Part IV - Powers of Entry and Enforcement;
  - (b) Administration of the Public Health Act, 1936, in relation to:
    - (i) Part II - Sanitation and Buildings;
    - (ii) Part XI - Culverts, Ditches and Water Courses;
  - (c) The Party Wall Act, 1996;
  - (d) The Building (Local Authority Charges) Regulations 1988
- 20.5 In respect of Development Management:
- (a) To respond to developers notice of intention to carry out development under Part 22 of the General Development Order, 1988 (mineral exploration only);
  - (b) To determine whether Environmental Assessments are necessary under the Town and Country Planning (Assessment of Environmental Effects) Regulations, 1988;
  - (c) Authority to determine applications for lawful development Certificates.
  - (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;

To be amended 22.5.13

- (f) To sign decisions made by Committee;
- (g) Authority to determine application for consent for the display of advertisements;
- (h) Approval of materials or other matters governed by conditions included in existing consents;
- (i) Authority to approve minor amendments to previously approved planning permissions.

#### 20.6 Enforcement of Planning Control:

- (a) To remove or obliterate any placard or poster which is displayed in contravention of the Advertisement Regulations;
- (b) Power to authorise the issue of Enforcement Notices re: unauthorised development by itinerants and travellers;
- (c) To authorise the issue of Enforcement Notices and Temporary Stop Notices where immediate action is necessary
- (d) To authorise the issue of Enforcement Notices in circumstances where the delegated powers of officers to determine planning applications have resulted in the refusal of planning permission for retrospective development;
- (e) Authority to serve a breach of condition notice where planning conditions have not been complied with;
- (f) Power to issue a planning contravention notice in appropriate circumstances and to hold discussions as a result of the "Time and Place" procedure in Section 171C of the Town and Country Planning Act, 1990 (as amended);
- (g) 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.
- (h) 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

To be amended 22.5.13

- (i) 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
- (j) 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.
- (k) 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.
- (l) 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.
- (m) 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.
- (n) 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.
- (o) 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.
- (p) (i) Where immediate action is necessary in respect of the issue of:
  - (a) an injunction under Section 44A of the Planning (Listed Buildings and Conservation Areas) Act, 1990; 187B of the Town and Country Planning Act, 1990, as amended by the Planning and Compensation Act, 1991;
  - (b) a Stop Notice under Section 183 of the Town and Country Planning Act, 1990.

To be amended 22.5.13

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

- (ii) Before acting under part (i) any officer so acting:-
  - (a) shall consult with such representatives of the political groups to which seats on the Committee have been allocated as the officer considers appropriate;
  - (b) shall record the urgent circumstances which make it necessary for action to be taken before a meeting of the Committee can be arranged;
  - (c) where action is taken, a report of that action, including a summary of the circumstances which made it necessary, shall be made to the earliest practical meeting of the Committee.
- (iii) Authority to issue a Section 215 Notice subject to a period of 10 days being given to ward members to call in the Notice to the next meeting of the Planning Committee.
- (q) Authority to issue and serve notices under Section 330 of the Town and Country Planning Act, 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 where it is required to facilitate the gathering of information in respect of the ownership and other relevant interests in land.

20.7 The authority:

- (a) not to pursue enforcement action, even when there are unresolved complaints; to revoke authorities given for enforcement action; to withdraw enforcement notices;
- (b) if it is considered that it is not expedient to pursue enforcement action, or no longer relevant in the prevailing circumstances (compliance before the notice takes effect).

20.8. The Head of Legal and Democratic Services in consultation with the Head of Planning and Building Control is authorised to make minor variations to section 106 agreements, subject to consultation with the Chair of the Committee.

20.9 The Head of Planning and Building Control be authorised to grant powers of entry to appropriate officers, planning enforcement.

20.10 The authority to remove any planning applications that have not been determined or appealed from the Planning Register in accordance with Article 25 of the General Development Procedure Order 1995.

To be amended 22.5.13



20.11 To administer and take action under the relevant provisions of the Fire Safety Reform Order 2005.

**20.12 The power to determine whether a submitted Pre-Information Process application complies with any Local Development Order adopted by the Council.**

**21. Head of Development and Delivery**

21.1 The Head of Development and Delivery has authority to determine the following applications and to take the following actions under Part VIII, Chapter 1 of the Town and Country Planning Act 1990 and Town and Country Planning (Trees) Regulations 1999:

- (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 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.

21.2 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.

21.3 Preparation and service of an Urgent Works Notice where a building that is judged to be worthy of 'Listing' as of Special Architectural or Historic interest is considered to be at risk due to failure by the owner to carry out reasonable maintenance/upkeep.

To be amended 22.5.13

- 21.4 With regard to the Regeneration Capital Programmes and other grant aided regeneration programmes, to authorise the undertaking of any works and/or necessary action for the implementation of programmes including design works, invitation to and acceptance of (the most economically advantageous) tender, quotation or estimate, subject to Financial and Contract Rules.
- 21.5 Authority to prepare agreements and contracts in pursuance of the powers under Section 33 of the Local Government (Miscellaneous Provisions Act) 1982 and the Housing Grants and Regeneration Act 1982.
- 21.6 Authority to issue a Hedgerow Retention Notice in accordance with the provisions of the Hedgerows Regulations 1997.
- 21.7 The authority not to pursue enforcement action if it is considered that it is no longer expedient to do so.
- 21.8 The Head of Development and Delivery be authorised to instigate action for the removal of dangerous trees under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976.
- 21.9 The Head of Development and Delivery be authorised to grant powers of entry to appropriate officers.
- 21.10 The Head of Development and Delivery be authorised to confirm any Tree Preservation Order, where no objections have been received, or where objections have been resolved.
- 21.11 Authority to issue and serve notices under Section 330 of the Town and Country Planning Act , 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 where it is required to facilitate the gathering of information in respect of the ownership and other relevant interests in land.

## **22. Head of Strategic Regeneration**

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

## **23. Head of Housing**

- 23.1 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.

To be amended 22.5.13

- 23.2 Make arrangements to ensure local authority functions are implemented with regards to the needs to safeguard and promote the welfare of vulnerable adults.
- 23.3 Provide an interpretation service where necessary.
- 23.4 Acceptance of standard fund and other grant allocations where these are costs in accordance with approved Council policy.
- 23.5 To authorise the Head of Legal and Democratic Services to complete tenancy agreements in respect of/and licences to occupy Supported and Temporary Accommodation.
- 23.6 To ensure that all arrangements for service provision are reviewed in accordance with legislative requirements and mandatory guidance.
- 23.7 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.
- 23.8 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.
- 23.9 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.
- 23.10 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)).
- 23.11 Authority to approve applications for concessionary travel passes for vulnerable clients fleeing violence or homelessness.
- 23.12 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.
- 23.13 To increase charges payable for the occupation of council owned supported housing and temporary accommodation in line with councils calculated rate of inflation

To be amended 22.5.13

## **24. 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:

24.1 To exercise the functions of the Council's chief legal officer.

**24.2 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.**

24.3 To authorise and certify officers for the purposes of the regulation of Investigatory Powers Act 2000.

24.4 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.

24.5 Settle conveyancing and other legal costs in connection with conveyancing matters.

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

**Note:** (a) The 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.

To be amended 22.5.13

- (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 Financial and Contract Rules 14, 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.

24.7 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.

24.8 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.

## 25. **Regulatory Services Manager**

**25.1 The Regulatory Services Manager may 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.**

**25.2 The Regulatory Services Manager may 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.**

To be amended 22.5.13

- 25.3 The Regulatory Services Manager be authorised to enter into agreements or protocols with, or delegate functions of the Council/service to other local authorities pursuant to any enabling legislation (such as the Local Government (Discharge of Functions) Regulations 2000, Local Government Act 200, 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.**
- 25.4 The Regulatory Services Manager may authorise officers from other authorities and public agencies working on regional projects to exercise statutory powers within the borough from time to time.**
- 25.5 The Regulatory Services Manager may authorise members of staff employed in Regulatory Services, and members of staff employed in other services where applicable, to act on behalf of the Council in relation to these delegations and to take action on behalf of the Council in enforcing and administering the following legislation, and any subordinate legislation, including where relevant:**

The institution of legal proceedings, 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 licences and to seize and detain goods and documents under the following legislation:

Accommodation Agencies Act 1953  
 Administration of Justice Act 1970  
 Agriculture Act 1970  
 Agriculture Produce (Grading and Marking) Acts 1928 and 1931  
 Animal Boarding Establishment Act 1963  
 Animal Health Act 1981  
 Animal Health and Welfare Act 1984  
 Animals Act 1971  
 Animal Welfare Act 2006  
 Anti-social Behaviour Act 2003  
 Breeding of Dogs Act 1973 and 1993  
 Breeding and Sale of Dogs (Welfare) Act, 1999  
 Building Act, 1984  
 Business Names Act 1985  
 Cattle Identification Regulations 1998  
 Celluloid and Cinematograph Film Act 1972  
 Charities Act 2006  
 Children and Young Persons Act 1933  
 Children and Young Persons (Protection from Tobacco) Act 1991  
 Chronically Sick and Disabled Persons Act, 1970  
 Civil Contingencies Act 2004  
 Civil Partnership Act 2004  
 Clean Air Act 1993

To be amended 22.5.13

Clean Neighbourhoods and Environment Act 2005  
Companies Act 1985  
Companies Act 2006  
Competition Act 1980  
Consumer Credit Act 1974  
Consumer Credit Act 2006  
Consumer Protection Act 1987  
Control of Pollution Act 1974  
Control of Pollution Amendment Act 1989  
Copyright Designs and Patents Act 1988  
Courts and Legal Services Act 1990  
Criminal Attempts Act 1981  
Criminal Damage Act 1971  
Criminal Justice and Public Order Act, 1994  
Criminal Law Act 1977  
Dangerous Dogs Acts 1989 and 1991  
Dangerous Wild Animals Act 1976  
Dairy Products (Hygiene) Regulations 1995  
Defective Premises Act, 1972  
Development of Tourism Act 1969  
Disability Discrimination Act 1995  
Dogs Act 1871  
Dogs (Fouling of Land) Act 1996  
Education Reform Act 1988  
Egg Products regulations 1993  
Employment Agencies Act 1973  
Energy Act 1976  
Energy Conservation Act 1981  
Environment Act 1995  
Environmental Protection Act 1990  
Equality Act 2010  
Estate Agents Act 1979  
European Communities Act 1972  
Explosives Act 1875  
Factories Act 1961 and 1998  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Fire Safety and Safety of Places of Sport Act 1987  
Food Act 1984  
Food and Drugs Act 1955 as amended by Slaughterhouse Act 1958  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Food Safety (General Food Hygiene) Regulations 1995  
Food Premises (Registrations) Regulations 1991  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Gambling Act 2005  
Guard Dogs Act 1975  
Hallmarking Act 1973  
Health Act 2006

Amended 23.5.12

Approved by Council 24 April 2006  
Implemented 30 August 2006

Health and Safety at Work etc. Act 1974  
 Health Protection (Local Authority Powers) Regulations 2010  
 Health Protection (Part 2A Orders) Regulations 2010  
 Highways Act 1980  
 Home Energy Conservation Act, 1995  
 House to House Collections Act 1939  
 Housing Act 2004  
 Intoxicating Substances (Supply) Act 1985  
 Land Compensation Act 1973  
 Licensing Act 2003  
 Litter Act 1983  
 Local Government Act, 1972  
 Local Government Acts, 1988 and 2000 and 2003  
 Local Government and Housing Act, 1989  
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
 Marriages Act 1949  
 Meat Products (Hygiene) Regulations 1994  
 Medicines Act 1968  
 Minced Meat and Meat Preparation (Hygiene) Regulations 1995  
 Mock Auctions Act 1961  
 Motor Cycle Noise Act 1987  
 Noise and Statutory Nuisances Act 1993  
 Noise Act 1996  
 Nurses Agencies Act 1957  
 Offices, Shops and Railway Premises Act 1963  
 Performing Animals (Regulation) Act, 1925  
 Pet Animals Act 1951  
 Pigs (Records, Identification and Movement) Order 1995  
 Poisons Act 1972  
 Police, Factories (Miscellaneous Provisions) Act 1916  
 Pollution Prevention Control Act, 1999  
 Powers of Criminal Courts Act 1973  
 Prevention of Damage by Pests Act 1949  
 Prices Acts 1974 and 1975  
 Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002  
 Products of Animal Origin (Third Country Imports) (England) Regulations 2006  
 Property Misdescriptions Act 1991  
 Protection from Harassment Act 1997  
 Protection of Animals Act 1911  
 Protection of Birds Acts 1954 to 1976  
 Public Health Acts 1875, 1936, 1961 and 1969  
 Public Health (Control of Diseases) Act 1984  
 Regulation of Investigatory Powers Act, 2000  
 Regulatory Reform (Fire Safety) Order 2005  
 Refuse Disposal (Amenity) Act 1978  
 Riding Establishments Acts 1964 and 1970  
 Road Traffic Acts 1988 and 1991  
 Road Traffic (Consequential Provisions) Act 1988  
 Road Traffic (Foreign Vehicles) Act 1972

Amended 23.5.12

Approved by Council 24 April 2006  
 Implemented 30 August 2006



Road Traffic Regulation Act 1984  
 Safety of Sports Grounds Act 1975  
 Scrap Metal Dealers Act 1964  
 Slaughterhouse Act 1974  
 Slaughter of Poultry Act 1967  
 Sunbeds (Regulation) Act 2010  
 Sunday Trading Act 1994  
 Tattooing of Minors Act, 1969  
 Telecommunications Act 1984  
 Theft Acts 1968 and 1978  
 Timeshare Act 1992  
 Town Police Clauses Acts 1847 and 1889  
 Trade Descriptions Act 1968  
 Trade Marks Act 1994  
 Trading Representations (Disabled Persons) Acts 1958 and 1972  
 Trading Stamps Act 1964  
 Unsolicited Goods and Services Acts 1971 and 1975  
 Vehicle (Crime) Act 2001  
 Video Recordings Act 1984  
 Waste Minimisation Act 1998  
 Water Act, 1989  
 Water Industry Act 1991  
 Weeds Act 1950, 1959, 1981  
 Weights and Measures Acts 1976 and 1985  
 West Midlands County Council Act 1980  
 Wildlife and Countryside Act 1981  
 Zoo Licensing Act 1981.

25.7 In the following circumstances, the decision to institute legal proceedings may be referred for the consideration of the Executive Director for Neighbourhood Services in consultation with the 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.

25.8 To authorise the Regulatory Services Manager to appoint or recommend for appointment

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

- 25.9 Enforcement of the Customs and Excise Management Act 1979 and the Tobacco Products Act 1979 relating to fiscal marking of tobacco products.
- 25.10 The administration of the Safety of Sports Grounds Act, 1975, in relation to the issue of Safety Certificates.
- 25.11 Authority to take action in respect of prohibition notices under Section 10 of the Safety of Sports Grounds Act, 1975;
- 25.12 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.
- 25.13 Authority to vary fees and charges not fixed by Statute.
- 25.14 Authority to determine and otherwise deal with the following matters, provided that controversial matters may be submitted to the Licensing and Safety Committee in accordance with that Committee's Scheme of Delegations:
- (a) Stage Plays Licences;
  - (b) Issue of Taxi Licences;
  - (c) Scrap Metal Dealers Registration;
  - (d) Motor salvage operators' registration;
  - (e) Lottery registration and Prize Bingo permits;
  - (f) Track Betting Licences;
  - (g) Amusements with Prizes permits with and without machines;
  - (h) Street Collection Licences and House to House collection permits;
  - (i) Street Trading Licences and permits;
  - (j) Sporting Event Licences;
  - (k) Cinema Licences (including video juke box licences and video karaoke machine licences);
  - (l) Certificates of Consent for all public exhibitions, demonstrations or performances of hypnotism;
  - (m) Licences to hold civil marriage and civil partnership ceremonies on approved premises;
  - (n) Approval of premises to hold civil marriage and civil partnership ceremonies
  - (o) Licensing of Sex Establishments (including Sex Cinemas, Sex Shops and Sexual Entertainment venues);
  - (p) Issue of permits under the Charities Act 2006;

## **26. Head of Service, Leisure and Community Health**

26.1 Acceptance of bids for concessions at events.

### **26.2 Acceptance of payments under agreement under Section 106 Town and Country Planning Act 1990.**

To be amended 22.5.13

- 26.3 Approval of routine lettings for events on Leisure and Community Health premises/land under control of Education and Neighbourhood Services.
- 26.4 Approval of free/concessionary use of Leisure and Community Health facilities/equipment.
- 26.5 Approval of closure of Leisure and Community Health facilities for essential maintenance.
- 26.6 Determining opening hours during holiday periods for Leisure and Community Health facilities.
- 26.7 Approval of setting and variations in charges and core admission prices to leisure and community health facilities and events.**
- 26.8 Acceptance of bids for concessions within leisure centres and associated sites.**
- 26.9 The authority to seek planning permission in respect of future proposed development for sport, leisure, recreation, education and community purposes.
- 26.10 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
- 26.11 The authority to appoint or recommend for appointment:
- The Registrar of Crematorium
  - The Medical Referee (and deputies) for the Crematorium
  - The Superintendent and Registrar of Births, Deaths and Marriages and Civil Partnerships

To be amended 22.5.13

26.12 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

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

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

26.15 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.

## **27. Head of Property Services**

Authority to exercise the following powers and functions:

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

27.2 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.

27.3 To approve easements, wayleaves and licences, subject to consultation as appropriate with relevant service areas.

27.4 To approve rent reviews on behalf of the Council as either landlord or tenant where provided for in existing leases.

27.5 To approve assignments of the residue of leases and tenancy agreements and underleases thereof, subject to the receipt of satisfactory references.

To be amended 22.5.13

- 27.6 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.
- 27.7 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.
- 27.8 To take any action and/or institute proceedings to terminate unauthorised encroachment on land in the Council's ownership.
- 27.9 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.
- 27.10 To complete the acquisition, by way of dedication, of land within development schemes which is required to be provided by the developer for open space or for other community uses provided by the Council, subject to the Head of Leisure and Community Services or Head of Development and Delivery as relevant being satisfied as to the standard of the completed works and the availability of finance for future maintenance.
- 27.11 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.
- 27.12 To approve minor amendments to decisions of the Executive on sales, purchases, leases and contracts.
- 27.13 To submit planning applications in relation to the development or change of use of land or premises.
- 27.14 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.**

## **28. Head of Service, Engineering and Transportation Services**

- 28.1 The following delegations will be undertaken in accordance with Council policy and, as necessary, with the approval of the Chief Finance Officer and/or the Head of Legal and Democratic Services:

To be amended 22.5.13

- 28.2 To authorise, in the absence of the Head of Engineering and Transportation, the Service Manager for Traffic and Transportation to act on behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.
- 28.3 The Head of Engineering and Transportation may authorise officers from other authorities and public agencies working on regional projects to exercise powers within the borough from time to time:

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

To be amended 22.5.13

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 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

28.4 Authority to vary future levels of charges for services for which charges are currently made (excluding car parking charges), such revisions having regard to the retail price index and prevailing market conditions.

To be amended 22.5.13

- 28.5 Authority to approve short lists of consultants to be invited to tender for or to submit proposals for specific investigations, analyses or designs, subject to compliance with Contract Rules.
- 28.6 Authority to approve short lists of contractors to be invited to tender for contracts for a specific scheme of works or for a schedule of rates contract for such works, subject to compliance with Contract Rules.
- 28.7 Authority to accept tenders for the supply of works, materials, equipment, plant, investigations, analyses or designs, subject to compliance with Contract Rules.
- 28.8 Authority to accept the tender which is next most economically advantageous to the Council in cases where the successful tenderer withdraws before entering into contract, subject to compliance with Contract rules.
- 28.9 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.
- 28.10 Authority to appoint consulting engineers after fee bidding, subject to compliance with Contract Rules.
- 28.11 Authority to appoint agency staff subject to compliance with Contract Rules.
- 28.12 Authority to exercise powers under all Sections of the Highways Act 1980 in respect of the maintenance, improvement and protection of highways, footpaths, bridleways, restricted byways, byways open to all traffic and associated land, including consulting on proposed alterations to highways, granting Licenses, serving notices and taking legal action to prevent abuse or obstruction of the highway where appropriate.
- 28.13 Authority to exercise powers under the Highways Act 1980 and the Town and Country Planning Act 1991 in relation to the stopping-up, creation, alteration and diversion of highways, footpaths, bridleways, restricted byways and byways open to all traffic where planning permission for a development requiring the stopping-up or diversion has previously been granted by the Council.
- 28.14 Authority to exercise powers under the New Roads and Street Works Act 1991 in respect of the protection of highways, footpaths, bridleways, restricted byways, byways open to all traffic and associated land from the activities of Statutory Undertakers including serving notices and taking proceedings where appropriate.

To be amended 22.5.13



- 28.15 Authority to exercise powers under the Road Traffic Regulation Act 1984 in respect of the management and safety of traffic, pedestrians and other highway users and the placing of traffic signs on the highway.
- 28.16 Authority to exercise powers under the Transport Act 1968 in respect of objections to Operators' Licence applications on safety and environmental grounds.
- 28.17 Authority to exercise powers under the Transport Act 1985 in respect of applications for Traffic Regulation Conditions on bus services and objections to Traffic Regulation Conditions on bus services.
- 28.18 Authority to exercise powers under the Wildlife and Countryside Act 1981 in respect of alterations to the definitive map and statement:- in consequence of the occurrence of an event including the coming into operation of any enactment or instrument or any other event whereby a highway shown on the definitive map and statement has been authorised to be stopped up, diverted, widened or extended – where a claim is received for addition of a route.
- 28.19 Authority to exercise the serving of notices, implementation and review of Gating Orders in accordance with sections 129 (A) to (F) of the Highways Act 1980, as inserted by the Clean Neighbourhoods and Environment Act 2005 and the Highways Act 1980 (Gating Orders) (England) Regulations.
- 28.20 Authority to prepare agreements and contracts in pursuance of the powers of the Council under Section 33 of the Local Government - Miscellaneous Provisions Act 1982, Section 111 of the Local Government Act 1972, and Sections 38 and 278 of the Highways Act 1980.
- 28.21 Authority to take action to prosecute offences under the Highways Act 1980, the Road Traffic Regulation Act 1984 and the New Roads and Street Works Act 1991, in accordance with approved policy.
- 28.22 Authority to approve the design and location of new and replacement street furniture and other highway facilities, and their removal when required, including traffic signs, traffic signals, guard railing, safety fencing, bollards, dropped kerb crossings, facilities for the disabled, seating, statutory undertakers' equipment and street trees, in accordance with approved policy and DfT guidelines.
- 28.23 Authority to object to the location of new bus stops and bus shelters on road safety grounds.
- 28.24 Authority to install bollards in verges and footways in accordance with approved policy.
- 28.25 Authority to implement measures to ensure the safe operation of the highway network, including serving notices and carrying out minor works, within approved budgets.

To be amended 22.5.13

28.26 Authority to approve the names to be given to new roads in accordance with approved policy and there is no objection to the name(s) from the post or emergency authorities.

28.27 Authority to approve the numbering of houses.

28.28 Authority to approve minor variations to and substitution of schemes in the Highways Capital Programme, in accordance with priorities and within the allocation in the capital programme.

28.29 Authority to approve the details of Minor Improvement Schemes already approved by the Council as part of its annual approval of the Capital Programme, including:

- (a) The design and location of measures to assist pedestrians and cyclists such as pelican, zebra, toucan and puffin crossings, pedestrian refuges and cycle lanes.
- (b) The design and implementation of measures provided as part of any Safer Routes to School projects.
- (c) The design and location of traffic calming features.
- (d) The design of traffic signal controlled junctions.
- (e) The design of minor junction improvements and alterations.
- (f) The design of bus priority measures and the location of bus stops and shelters.
- (g) Enforcement powers under all sections of the Traffic Management Act 2004.

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

28.30 Authority to approve the details of Highways Maintenance and Bridge Strengthening Schemes already approved by the Council as part of its annual approval of the Capital Programme, including:

- (a) The design of the necessary works;
- (b) The method of procuring the works, subject to compliance with Finance and Contract Rules;
- (c) The use of innovative methods of treatment following an assessment of alternative methods;

To be amended 22.5.13

- (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.

28.31 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.

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

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

- (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.

To be amended 22.5.13

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

- 28.34 Authority to approve "No Parking on the Verge" signs in accordance with approved policy.
- 28.35 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.
- 28.36 Authority to approve displays and exhibitions in pedestrianised areas in accordance with approved policy.
- 28.37 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.
- 28.38 In accordance with the requirements of the Public Lighting Contract authorise advertising on street lighting columns.
- 28.39 Authority to undertake administration of the Public Health Act, 1936, in relation to Part XI - Culverts, ditches and water courses.
- 28.40 Authority to administer sections 169 and 173 of the Highways Act 1980, with regard to scaffold licences and hoarding permits.
- 28.41 Authorise members of staff (in consultation with the Regulatory Services Manager) employed in Street Pride to act on behalf of the Council from time to time in enforcing the following legislation:-

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

To be amended 22.5.13

## **29. Head of Benefits**

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

## **30. Head of Human Resources and Development**

- 30.1 To exercise the functions of the Council's Chief Personnel Officer, including guidance on the dismissal or disciplinary process.
- 30.2 To act as "proper officer" in relation to appointment and dismissal of the Head of the Paid Service and Statutory Chief Officers.
- 30.3 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;
- 30.4 To approve payment of gratuities to retiring employees in accordance with discretionary powers available through the Local Government Act, 1972, and the Superannuation Regulations.
- 30.5 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.
- 30.6 Increase Members' Allowances in accordance with the bottom of the National Joint Council Local Government pay spine.
- 30.7 To determine hardship advances to employees.
- 30.8 To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act, 2000.

## **31. Head of Internal Audit**

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

To be amended 22.5.13

## 32. **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.

## 33. **Head of Street Pride**

33.1 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

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

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

33.3 The **Head of Street Pride** may authorise members of staff employed in **street pride**, 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:

To be amended 22.5.13

- (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.

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

To be amended 22.5.13





## 8 - Protocol for the recording of decisions taken by officers under delegated powers

This protocol deals with those decisions to be made by officers that **are not key decisions**

1. All significant decision including key decisions taken under delegated powers by the Chief Officer (or other post holders within his/her directorate) shall be recorded for public scrutiny, subject to Access to information requirements.

(Note: See paragraph 3.5.2 of the Constitution for a definition of a significant decision.)

2. A decision that is purely operational in nature or necessary to give effect to a decision of the Council, Cabinet, Licensing and Safety Committee, Planning Committee or such other Committee of the Council, is not a significant decision for the purpose of this protocol.
3. It shall be the responsibility of each directorate to keep an up to date record of all delegated decisions. That record will be kept within each directorate. (pro forma attached)
4. Each directorate will submit a report to each appropriate portfolio holder on a quarterly basis setting out details of decisions taken.
5. Each directorate will notify Democratic Services of the name and telephone number of the person designated the responsibility for the upkeep of the record of decisions.
6. The record which will include the decision taken, the date of the decision and any relevant background papers, together with the name of the person who took the decision, and will be available for inspection by Members of the Council and members of the general public at all reasonable hours.
7. Decisions of a managerial nature taken by General and Service Managers would not normally be included in the record of decisions taken.

..... DIRECTORATE

**DECISIONS TAKEN BY OFFICERS UNDER  
DELEGATED POWERS**

1	2	3	4
<b>Date decision made</b>	<b>Subject</b>	<b>Officer taking decision</b>	<b>Contact Officer if different from name in Column 3</b>

	May	June	July	August	September	October	November	December	January	February	March	April	May
<b>Mon.</b>													
<b>Tue.</b>													
<b>Wed.</b>	1								1 Bank hol.				
<b>Thur.</b>	2			1 Planning					2 Corporate SP				1 Employ A
<b>Fri.</b>	3			2			1		3				2
<b>Mon.</b>	6 Bank hol.	3 Community SP	1 Standards	5	2 Audit		4	2 Brownhills AC	6 Audit	3 Aldridge AC	3 Health WB		5 Bank hol.
<b>Tue.</b>	7	4 Children SP	2 Employ B Aldridge AC Walsall S. AC	6	3 Employ B Willenhall AC	1 Employ B Aldridge AC	5 Employ B Willenhall AC	3 Employ B Aldridge AC	7 Employ B Community SP	4 Employ B Walsall S. AC	4 Employ B	1 Employ B Walsall S. AC	6 Employ B
<b>Wed.</b>	8	5	3 N. Walsall AC	7	4 Licensing	2	6	4	8	5 Cabinet	5	2	7
<b>Thur.</b>	9	6 Planning	4 Employ A Planning	8	5 Employ A Regen. SP	3 Employ A Walsall S. AC	7 Employ A Social Care SP	5 Employ A	9 Employ A Social Care SP	6 Employ A	6 Employ A Regen. SP	3 Employ A Community SP	8 Employ A Social Care SP
<b>Fri.</b>	10	7	5	9	6	4	8	6	10	7	7	4	9
<b>Mon.</b>	13	10 Health WB	8 Council	12	9 Health WB	7 Standards	11 Audit	9 Health WB	13 Council	10	10	7 Audit	12
<b>Tue.</b>	14	11 Employ B Audit	9 Employ B Community SP	13	10 Employ B Children SP	8 Employ B	12 Employ B Darlaston AC	10 Employ B Walsall S. AC	14 Employ B Children SP	11 Employ B Corporate SP	11 Employ B Health SP	8 Employ B Children SP	13 Employ B
<b>Wed.</b>	15	12	10	14	11 Cabinet	9	13	11 Cabinet	15 Licensing	12	12	9 N. Walsall SP	14 Cabinet
<b>Thur.</b>	16	13 Employ A Regen. SP	11 Employ A Children SP	15	12 Employ A Corporate SP	10 Employ A Community SP	14 Employ A Health SP	12 Employ A	16 Employ A Planning	13 Employ A Planning	13 Employ A Planning	10 Employ A Planning	15 Employ A Planning
<b>Fri.</b>	17	14	12	16	13	11	15	13	17	14	14	11	16
<b>Mon</b>	20 An. Council	17 Corporate SP	15 Corporate SP	19	16 Darlaston AC	14	18 Council	16	20 Health WB	17	17	14 Council	19
<b>Tue.</b>	21	18 Employ B Social Care SP	16 Employ B	20	17 Employ B Social Care SP	15 Employ B Children SP	19 Employ B Community SP	17 Employ B Health SP	21 Employ B Willenhall AC	18 Employ B Community SP	18 Employ B	15 Employ B Aldridge AC	20
<b>Wed</b>	22 Adj. Council	19 Cabinet	17 Licensing	21	18 N. Walsall AC	16 Licensing	20 N. Walsall AC	18	22 Darlaston AC	19	19 Cabinet	16 Licensing	21
<b>Thur</b>	23	20 Employ A Health SP	18 Employ A Regen. SP	22	19 Employ A Health SP	17 Employ A Regen. SP	21 Employ A Planning	19 Employ A Planning	23 Employ A Regen. SP	20 Employ A Social Care SP	20 Employ A Willenhall AC	17 Employ A	22 Local/Euro Elections
<b>Fri</b>	24	21	19	23	20	18	22	20	24	21	21	18 Bank hol	23
<b>Mon</b>	27 Bank hol	24 Audit	22 Health WB	26 Bank hol.	23 Council	21 Health WB	25 Regen. SP	23	27 Standards	24 Audit	24	21 Bank hol	26 Bank hol.
<b>Tue</b>	28	25 Employ B Willenhall AC Darlaston AC	23 Employ B Social Care SP	27 Community SP	24 Employ B Audit	22 Employ B Corporate SP	26 Employ B Children SP	24	28 Employ B Brownhills AC	25 Employ B Children SP	25 Employ B Corporate SP	22 Employ B Regen. SP	27
<b>Wed</b>	29 Licensing	26	24 Cabinet	28	25	23 Cabinet	27 Licensing	25 Bank hol.	29 N. Walsall AC	26 Licensing	26 Darlaston AC	23	28
<b>Thur</b>	30	27 Employ A Brownhills AC	25 Employ A Health SP	29 Planning	26 Employ A Planning	24 Employ A Planning	28 Employ A Corporate SP	26 Bank hol.	30 Employ A Health SP	27 Employ A Council	27 Employ A Social Care SP	24 Employ A Health SP	29
<b>Fri</b>	31	28	26	30	27	25	29	27 Bank hol	31	28	28	25	30
<b>Mon</b>			29		30 Brownhills AC	28		30			31 Brownhills AC	28 Health WB	
<b>Tues</b>			30			29 Employ B		31				29 Employ B Standards	
<b>Wed</b>			31			30						30	
<b>Thur</b>						31 Employ A							

Note: For the municipal year 2014/15 – Annual Council will be held on 16 June 2014 and Adjourned Council on 18 June 2014

## **Timetable abbreviations**

### **Regulatory Committees**

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

### **Scrutiny and Performance Panels**

Children SP	Children's and Young People Scrutiny and Performance Panel
Com. Serv. SP	Community Services and Environment Scrutiny and Performance Panel
Corporate SP	Corporate Scrutiny and Performance Panel
Health SP	Health Scrutiny and Performance Panel
Regen. SP	Regeneration Scrutiny and Performance Panel
Social Care SP	Social Care and Inclusion Scrutiny and Performance Panel

### **Area Community meetings**

N. Walsall AC	North Walsall – Bloxwich East/Bloxwich West/Blakenall/Birchills-Leamore
Brownhills AC	Brownhills/Pelsall/Rushall-Shelfield
Darlaston AC	Darlaston North/Bentley/Darlaston South
Walsall S AC	Walsall South - St. Matthews/Paddock/Palfrey/Pleck
Aldridge AC	Aldridge and Beacon – Streetly/Pheasey/Aldridge/Walsall Wood
Willenhall AC	Willenhall North/Willenhall South/Short Heath