

Annual Council – 18th May 2009

Constitution and timetable of meetings 2009/2010

1. Summary of report

This report sets out proposed amendments to the Constitution in relation to delegations to officers, changes to the remit of the Neighbourhood Scrutiny and Performance Panel relating to Police and Justice Act 2006 and additions to the Scrutiny and Performance Procedure Rules to include new procedures relating to Councillor Call for Action. The report also sets out the timetable of meetings to be adopted for the municipal year 2009/2010.

2. Recommendations

- 2.1 That the amendments to Part 3 – Table 5 – Scheme of delegation to officers of non-executive functions of the Constitution as set out in Appendix 1 of the report be approved.
- 2.2 That the amendments to Article 6 and Part 3.2 of the Constitution relating to the Police and Justice Act 2006 as out in Appendix 2 of the report be approved.
- 2.3 That the amendments to Article 6, Part 4.2 and Part 5 (new protocol 13) of the Constitution relating to Councillor Call for Action as set out in Appendix 3 of the report be approved.
- 2.4 That the following amendment to Council procedure rules paragraph 15.9 (Right of reply) Part 4.1 of the Constitution be approved:
 - “(c) The mover of the original motion which is or has become the substantive motion shall have a right of reply;”
- 2.5 That the timetable of meetings for the municipal year 2009/2010 as set in Appendix 4 of the report be approved.

3. Background information

3.1 Scheme of delegations to officers

The delegations to officers under the Constitution should be reviewed on a regular basis to reflect changes in legislation, structural and organisational changes within the Council and to ensure organisational efficiency and integrity. The current delegations contained in Part 3.5 of the Constitution do not reflect the current organisational structure of the Council, officer job titles or changes in legislation.

The draft amended officer delegations are set out in **Appendix 1**. The delegations have been deposited in each of the political group rooms and have been approved by the Audit Committee at their meeting on 28th April 2009. This follows the procedure laid down in part 4.4.1 of the Constitution. All three political groups have been briefed regarding the reason for the proposed changes in briefing meetings on 17th and 20th April 2009.

3.2 **Scrutiny and Performance Panels**

The remits of the Scrutiny and Performance Panels were last reviewed and amended in 2008 and remain unchanged with the exception of an addition to the remit of the Neighbourhood Scrutiny and Performance Panel which will take on the role of the Crime and Disorder Committee as set out in the Police and Justice Act 2006. The proposed amendments to the Constitution are attached at **Appendix 2**.

3.3 **Councillor Call for Action**

The Councillor Call for Action provisions in the Local Government and Involvement in Health Act 2007 allow any member of the Council to place an item on the agenda of a Scrutiny and Performance Panel on a local government or crime and disorder matter. Currently this power only lies with members of the specific panel under whose remit the matter fits. The proposed amendments to the Constitution are attached at **Appendix 3**.

3.4 **Council procedure rules**

The Council procedure rules were last amended in 2006 and have worked well since that time, however, on more than one occasion recently there has been some confusion over the right of reply as set out in Part 4.1 of the Constitution at paragraph 15.9(c). It is therefore proposed that a slight re-wording be made to this paragraph as follows:

“(c) The mover of **the original** motion which is or has become the substantive motion shall have a right of reply;”

3.4. **Timetable 2009/2010**

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

The timetable has been prepared on the same basis as last year.

Although Local Neighbourhood Partnerships are not Committees of the Council the dates have been included in the timetable for the convenience of members' diaries.

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

Background papers - Nil

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Signed:

Chief Executive

Date: 8th May 2009

Appendix 1

Scheme of Delegations – Final Changes to Officer Scheme of Delegation

Ref	Current Wording		Proposed Change of Wording
	SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS OF NON-EXECUTIVE FUNCTIONS		Note: No change to wording

1	Subject to the general guidelines set out below, the Chief Executive, and Directors are empowered to make decisions on behalf of the Council in accordance with these general principles as follows:	A	<p>Introduction to Scheme of Delegations to Officers</p> <p>1</p> <p>Arrangements within Departments</p> <p>Where under this scheme of delegations to officers, delegated powers are to be exercised by the holders of various posts within a department, the Chief Officer (namely the Chief Executive, Monitoring Officer, s151 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:-</p> <p>(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 Department who are authorised to act under this Scheme of Delegation to Officers, along with a record of the decisions taken by the same, during the Municipal Year);</p> <p>(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</p> <p>(c) At the start of each Municipal Year, report such systems and arrangements to the relevant Cabinet Member or to such other relevant Committee.</p> <p>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</p> <p>Reason for change: To provide for more accountability for Chief Officers, and emphasise the need for annual review of the scheme of delegations.</p>
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	<p>(a) If a function, power or responsibility has not been specifically reserved to the Council, a Committee or the Executive, the Director within whose remit the matter falls is authorised to act;</p> <p>(b) The Council, its Committees and the Executive will make decisions on matters of significant policy. The Chief Executive and the 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;</p> <p>(c) The Chief Executive and the Directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible;</p> <p>(d) The Chief Executive and the Directors are empowered to take all necessary decisions in cases of emergency</p> <p>(e) In relation to all delegated authority conferred on the 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;</p> <p>(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;</p> <p>(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.</p>	4	<p>Taking Decisions</p> <p>4.1 Subject to the general guidelines set out below, the Chief Executive, and</p> <p>(a) Executive Directors are empowered to make decisions on behalf of the Council in accordance with these general principles as follows:</p> <p>(g)</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(d) The Chief Executive and the Executive Directors are empowered to take all necessary decisions in cases of emergency</p> <p>(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;</p> <p>(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;</p> <p>(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.</p>
1.2.	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 may be compromised.	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 may be compromised.

1.3	In deciding whether or not to exercise such delegated powers, officers must have regard to the views of the appropriate Executive Member(s) following consultation with that Executive Member(s). The officer shall always be entitled to refer matters for decision to the appropriate member body where they consider it expedient to do so.		<p>Note: This has been deleted as it is subsumed in the new paragraphs under consultation of the new proposed delegated powers between 2. 2.1-2.4</p> <p>2. Consultation</p> <p>2.1 In exercising delegated powers, officers shall consult other officers as appropriate and shall have regard to any advice given, professional or otherwise.</p> <p>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.</p> <p>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.</p> <p>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.</p>
1.4	Officers referred to in 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 officer.	4.3	<p>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.</p> <p>Note: Chief Officer – change for clarification.</p>
1.5	Any decision taken under such authority shall remain the responsibility of the relevant officer as set out in 1 above, and must be taken in the name of that 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.
1.6	In exercising these delegated powers the officers concerned shall have broad discretion subject to complying with all relevant legislation, the Council's Constitution, Financial and Contract Procedure Rules and overall Council policy, 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 necessary, whether within or outside the Council.	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.

			Note: Change of wording to simplify current delegation
1.7	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.	4.6	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.
1.8	Where an officer, referred to in 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.	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.
1.9	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	4.8	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.
1.10	Anything delegated to a Director is also delegated to the Chief Executive.	4.9	Anything delegated to an Executive Director is also delegated to the Chief Executive.
1.11	Without prejudice to the generality of the foregoing the officers identified in 1 above shall have the power:-	Now at 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 within overall council policy to deliver agreed strategy, plans and policy with their area of responsibility, provided there is budget available. 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.		(a) To take all lawful action consistent within overall council policy to deliver agreed strategy, plans and policy with their area of responsibility, provided there is budget available. 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		(b) To put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility;
	(c) In the case of any overspend to notify the Executive Director of Finance and Resources in the role of Section 151 Officer in accordance with criteria published by that Officer.		(c) In the case of any overspend to notify the Section 151 Officer in accordance with criteria published by that Officer; Note: Change to Job Title
	(d) To determine staffing arrangements within approved budgets subject to agreement on grading with the Head of Personnel and Development and conformance with approved Council policy.		(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;

			Note: Change to Job Title
	(e) To take all action to recruit, appoint, develop, manage and reward employees within approved Council policies (including operation of approved policies for voluntary severance, early retirement, redundancy and redeployment) conditions of service other than to agree any variation to employees' terms and conditions of service		(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 deletion of other than variation in terms and conditions of employment as ED's have the power to vary conditions of service.
	NOTE: For the avoidance of doubt the appointment of the Chief Executive, Directors and Assistant Chief Executive shall be made by a duly appointed member body and not through this scheme of delegation.		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. Note: Clarification of Job Title and function
		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. Note: This is a space saving provision here as this power was individually stated in each Directors powers under the old scheme of delegations
12.	Taking decisions 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.	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		(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).		(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.		(c) the implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision in other areas. In such cases, consultation with officers and relevant Executive Members(s) from any affected portfolio should take place;
	(d) the extent of prior consultation and the views/opinions emanating from that process, including Scrutiny and Performance Panels and Local Neighbourhood Partnerships		(d) the extent of prior consultation and the views/opinions emanating from that process, including Scrutiny and Performance Panels and Local Neighbourhood Partnerships;
	(e) the range of available options		(e) the range of available options;
	(f) the staffing, financial and legal implications		(f) the staffing, financial and legal implications;
	(g) the involvement of appropriate statutory officers and/or other assistant Executive Directors as appropriate		(g) the involvement of appropriate statutory officers and/or other Executive Directors, and Assistant Directors as appropriate; Note: Clarification of Job Titles
	(h) the views of Ward Councillors where the issue relates to a specific Ward(s).		(h) the views of Ward Councillors where the issue relates to a specific Ward(s);
	(i) the relevance of any regional or national guidance from other bodies		(i) the relevance of any regional or national guidance from other bodies;
	(j) the Council's Financial and Contract Procedure Rules and all relevant guidance, legislation and Codes of Practice		(j) the Council's Financial and Contract Rules;
		New (k)	(k) relevant guidance, legislation, and Codes of Practice. Note separated from 12 (j) for clarification
	(k)) the need to secure Best Value.		(l) the need to secure Best Value.
13.	In order to assist with the above, arrangements should be made by each Executive Members and Director to deal with times of absence e.g. holidays. This could, for example, be through a named alternative.	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.

14	<p>Scrutiny</p> <p>Each officer exercising delegated powers shall be responsible for recording decisions taken. In addition, a report should be presented annually to the appropriate Scrutiny and Performance Panel setting out the significant decisions taken under delegated power by the Director in the previous year.</p> <p>NOTE: This is incorrect and at odds with 3.2 page 23 of the current constitution which Delegates to Audit Committee at (10) Considering the exercise of officer's statutory responsibilities and of functions delegated to officers.</p>	3.	<p><u>Reports on the Exercise of Delegated Powers</u></p> <p>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 department) 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.</p> <p>A significant decision for the purpose of these delegations is a decision that has one of the following impacts:</p> <p>1. It has a considerable direct and material impact upon the lives of the inhabitants of the borough or business operating within it, or</p> <p>2. Results in the Council incurring expenditure for which there is no revenue or capital budget.</p> <p>Notwithstanding the above and the separate requirement to report Key Decisions, a decision that it purely operational in nature or necessary to give effect to a decision of the Council, Cabinet, Licensing Committee, Development Control Committee or such other Committee of the Council is not a significant decision for the purpose of these delegations.</p>
15	Any member may request that decisions taken by officers under delegated powers can be the subject of scrutiny by the appropriate Scrutiny and Performance Panel. Scrutiny in this manner should be based on the arrangements in place for Executive Members recommendations. Key decisions of Officers shall follow the same procedure in respect of posting out and call in.	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.
16	Any such scrutiny will not make any action taken as a result of the decision invalid. However, the scrutiny body will be able to recommend a different course of action that would then be considered by the appropriate Executive Member(s).	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.
17	Without prejudice to the scheme of delegation, the following powers are specifically delegated to officers.		Note: This is currently in the wrong place and has been set out between 11 and 12.

18.	Consultation In exercising delegated powers, officers shall consult other officers as appropriate and shall have regard to any advice given.		Note: Delegations from 18 – 21 are now contained between 2.1 and 2.4
19.	Where an issue which falls within an officer's delegated powers has significant policy, service or operational implications, or is politically sensitive the officers shall consult and liaise closely with the appropriate Executive Member(s) or the Committee Chairman and Vice-Chairman before exercising the delegated powers.		Note: Delegations from 18 – 21 are now contained between 2.1 and 2.4
20.	It shall always be open to an officer to consult an Executive Member of the Executive, a Committee, or its Chairman or Vice-Chairman before the exercise of the delegated powers; or not to exercise delegated powers but to refer the matter to the Executive or a Committee for decision.		Note: Delegations from 18 – 21 are now contained between 2.1 and 2.4
21.	The normal requirements for consultation with local Members on matters affecting their ward as set out in the Member/Officer Protocol will also be adhered to.		Note: Delegations from 18 – 21 are now contained between 2.1 and 2.4
	Delegation	5.	Limitation on Delegations
		5.1	Chief Officers should only use general powers if:- i) the Council is empowered by law to take action in an appropriate matter; ii) there will be no conflict with any power exercisable by a relevant Executive Member, the Cabinet or other relevant Committee of the Council; iii) 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).
22.	Officers may not exercise any of the functions reserved by this Scheme to the Council, the Executive or any Committee of the Council. Nor may officers:	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 or strategies		(a) change approved policies;
	(b) create new policies or strategies		(b) create new policies;

	(c) take decisions on the withdrawal or modification of public services;		(c) take decisions on the withdrawal or modification of public services;
	(d) decide on significant new powers or duties arising from new legislation		(d) decide on significant new powers or duties arising from new legislation;
	(e) provide formal responses to any White Paper, Green Paper or other consultations likely to lead to policy changes or have significant impact upon services;		(e) provide formal responses to any White Paper, Green Paper or other consultations likely to lead to policy changes or have significant impact upon services;
	(f) declare land or property surplus;		(f) declare land or property surplus to the requirements of the service; otherwise then in accordance with CPR 16; Note: Former delegation conflicted with rules in CPR's
	(g) agree grant criteria, or approve fees or charges unless otherwise specifically authorised; or otherwise determined by legislation.		(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:- i) 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 ii) 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. Note: Clarified delegation to provide a mechanism for resolving a dispute over the use of Officer delegated power to CEO; and where cases of lawfulness arises the Monitoring Officer.
23	By this scheme and subject to the limitations and reservations herein, the Council delegates the Chief Executive and Directors and any officers acting in their place under paragraphs 3 and 4.	5.4	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;		(i) 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 relevant portfolio holder; and		(ii) 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 Note: Included the Deputy Leader
	(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.		(iii) 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;
			(iv) For the avoidance of doubt:- (a) 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; (b) 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; (c) 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; (d) the term 'Chief Officer' only includes the Chief Executive, Executive Directors, the Monitoring Officer and the Chief Finance Officer; (e) any onward delegation of these 'all Chief Officers' delegations must be suitably recorded in Directorate/Departmental records.
		6.	Financial Powers
24.	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 Procedure Rules.	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.
25.	Acceptance of quotations and tenders must be in accordance with Financial and Contract Procedure Rules.	6.2	Acceptance of quotations and tenders must be in accordance with Financial and Contract Rules.

26.	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 departments. Officers are not so authorised in relation to any other legal proceedings (such powers are delegated to the Interim Director of Legal and Democratic Services).	7 7.1	<u>Legal Powers</u> 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 departments. Officers are not so authorised in relation to any other legal proceedings (such powers are delegated to the Assistant Director of Legal and Constitutional Services).
27	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 Personnel and Development Services as specified in the delegations applicable to that post.	8 8.1	<u>Personnel and Staffing Powers</u> 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.
28.	Land and property Officers may give written notice of the proposed development of land for the purposes of their service in accordance with the Town and Country Planning General Regulations 1976, provided that the project for which development is required has been included in the approved Capital Budget. .	9. 9.1	<u>Land and Property</u> Chief Officers may give written notice of the proposed development of land for the purposes of their service in accordance with the Town and Country Planning General Regulations 1976, provided that the project for which development is required has been included in the approved Capital Budget.
29.	Officers may authorise employees of the Council to enter any land for the purposes of any statutory power of the Council	9.2	Chief Officers may authorise employees of the Council to enter any land for the purposes of any statutory power of the Council.
30.	Contracts Officers are authorised to accept tenders and enter contracts for goods and services including agreeing price variations subject to Financial and Contact Procedure Rules and subject to any threshold set down in the rules .	10. 10.1	<u>Contracts</u> Officers are authorised to accept tenders and enter into contracts for goods and services including agreeing price variations subject to Financial and Contact Procedure Rules and subject to any threshold set down in the rules at 4.7 of the Constitution . Note: Clarification as to where CPR's are in the Constitution
31	General Officers are authorised to:	11. 11.1	<u>General</u> Chief Officers are authorised to:

	<p>(a) approve ex gratia payments to staff up to £250 per incident;</p> <p>(b) approve ex gratia payments for replacement of stolen tools subject to maximum provision in the conditions of service;</p> <p>(c) approve grants to community groups or individuals up to £500 within budget.</p> <p>(d) write off debts or inventories up to £500, except where otherwise specifically authorised to a higher amount.</p>		<p>(a) approve ex gratia payments to staff up to £250 per incident;</p> <p>(b) approve ex gratia payments for replacement of stolen tools subject to maximum provision in the conditions of service;</p> <p>(c) approve grants to community groups or individuals up to £1000.00 within budget.</p> <p>(d) write off any debt on approval of the Chief Finance Officer (including any associated court costs) up to the sum of £0000.00 for single items per individual or organisation (or for multiple items totalling £10,000.00 on a single debtor), which in the opinion of the Chief Finance Officer is considered to be uneconomical to collect and/or is irrecoverable.</p> <p>Note: New level of debt write off incorporated for Chief officers to reflect inflation bearing in mind the length of time this matter has been reviewed, and tighter definition of the circumstances in which debts can be written off. Also requires consultation with the CFO.</p>
32	<p>SPECIFIC POWERS DELEGATED TO OFFICERS</p> <p>For the avoidance of doubt and without prejudice to the generality of paragraph 21 the following powers are delegated to officers as set out below:-</p>		<p>SPECIFIC POWERS DELEGATED TO OFFICERS</p> <p>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:-</p>
33	Chief Executive	12	Chief Executive
(1)	To exercise the functions of the Council's head of paid service under Section 4 of the Local Government and Housing Act 1989 and in this role the general management of the Authority.	12.1	<p>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):-</p> <p>i) The Electoral Registration Officer;</p> <p>ii) Returning Officer for the Council;</p> <p>NOTE: Expanded to provide greater clarity re role of CEO</p>
(2)	To exercise the powers of the Council under Section 138 of the Local Government Act 1972 in the event of an emergency disaster	12.2	<p>To exercise the powers of the Council under Section 138 of the Local Government Act 1972 in the event of an emergency or disaster</p> <p>Note: Act is incorrectly quoted as saying emergency disaster</p>

(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.	12.3	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.
(4)	To exercise the powers delegated to any other officer when that officer is unable or unwilling to act.	12.4	To exercise the powers delegated to any other officer when that officer is unable or unwilling to act.
(5)	In the event of a conflict in the provisions of the Constitution he/she will have power to act and determine the conflict.		Note: This delegation now clarified and sits at 5.3 i) and ii)
(6)	To make compensatory payments up to a limit of £5,000 on an individual claim basis arising from reports/recommendations from the Ombudsman.	12.5	To make compensatory payments up to a limit of £5,000 on an individual claim basis arising from reports/recommendations from the Ombudsman.
(34)	Executive Director for Finance and Resources	13	Chief Finance Officer
(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 1996.	13.1	To exercise the functions of the Council's chief financial officer, including proper administration of the Council's financial affairs under Section 115 and 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2006. NOTE: Change in Regulations
(2)	To issue financial procedures within the principles of Financial and Contract Procedure Rules.	13.2	To issue financial procedures within the principles of Financial and Contract Rules
(3)	The responsibility for approving the terms of sale and mortgage facilities in connection with the sale of Council houses		NOTE: Deleted we have no housing stock since LSVT
(4)	Authority to write-off former tenant balances where the former tenant has died or moved into a residential care home and officers have confirmed that there is no estate or funds to repay the outstanding balance.		NOTE: Deleted we have no housing stock since LSVT
(5)	Authority to approve the write-off of former tenants accounts with a balance not exceeding £100.		NOTE: Deleted we have no housing stock since LSVT
(6)	Authority to write-off irrecoverable current tenant rent arrears without limit arising from bankruptcies advised in writing by the Official Receiver.		NOTE: Deleted we have no housing stock since LSVT
(7)	To approve payments of gratuities to retiring employees in accordance with discretionary powers available through the Local Government Act, 1972, and the Superannuation Regulations.	13.3	To approve payments of gratuities to retiring employees in accordance with discretionary powers available through the Local Government Act 1972, and the Pension Regulations Note: Change Superannuation to Pension Regulations
(8)	To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act, 2000.		NOTE: Now in general powers of Chief Officers

(9)	To approve reports on proposed capital expenditure (Capital Financing Reports) included within the approved Capital Programme, to a value of less than £100,000 and subject to compliance with the Council's Financial and Contract Procedure Rules.	13.4	<p>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.</p> <p>(a) To approve capital expenditure and capital expenditure reports in line with the approved capital programme where the project is included with the approved capital programme; or funded by contingency in year.</p> <p>(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;</p> <p>(c) Any other proposed capital expenditure outside of a) and b) above, shall be considered by Cabinet and referred to Council;</p>
		13.5	<p>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.</p> <p>Note: Clarification of power</p>
		13.6	Taking all necessary action for the collection of amounts due to the Council using any powers available to the Council.
		13.7	Authority to write off irrecoverable amounts due to the Council up to and including £5000.00 and without limit as regards personal local taxation on a single property.
		13.8	Approval to grant discretionary leave from national non-domestic rates in accordance with the Council's approved scheme, and under sections 47) and 48) of the Local Government Finance Act 1988.
		13.9	Authorising, on behalf of the Council as billing authority, valuation agreements in respect of the Non-Domestic Rating local list, as required by the Valuation Office Agency.
		13.10	To arrange borrowing as necessary from time to time for the Council's purposes. Services of funds will comprise temporary loans, loans from public works loan board, other mortgages and bonds, money bills, bank overdraft and internal funds of the Council, subject to any restriction which may be made by Statute, Council or the Executive
		13.1	To arrange finance and operating leases as required in accordance with the

		1	Council's capital programme.
		13.1 2	To invest Council funds temporarily not required in accordance with the statutory provisions regulating approved investments as defined in Section 66 of the Local Government and Housing Act, 1989 subject to any restrictions which may be made by Statute, by Council or the Executive, in conjunction with the resources Planning and Treasury Manager.
		13.1 3	Produce and report on the statutory determinations in setting the annual net budget requirement and the robustness of the budget.
		13.1 4	To fix incidental charges relating to local taxation, and central cashier functions.
		13.1 5	To determine applications for rate relief from Non Domestic Rates under Section 44(a) of the Local Government Finance Act, 1988
		13.1 6	To determine Applications for hardship relief from Non Domestic Rates under s 49 of the Local Government Finance Act 1988;
		13.1 7	To determine the completion date for a property notice in accordance with s46(a) of the Local Government Finance Act 1988 and Schedule 4 a) of the Local Government Finance Act 1989;
		13.1 8	Approve applications for financial assistance and to authorise grant claims from the European Union;
		13.1 9	Appoint, manage and dismiss external investment managers, leasing and treasury management consultant;
		13.2 0	Engage in data matching exercises designed to assist in the detection of fraud;
		13.2 1	Open credit card facilities in line with standard bank conditions if and when such facilities are deemed necessary;
		13.2 2	Deal with all matters relating to the transfer of the pension rights of pensionable employees
		13.2 3	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:- <ul style="list-style-type: none"> - The administration of the councils HB & CTB local schemes - The administration of the Councils Prosecution and Sanctions Policy in relation to Housing Benefit and Council Tax Benefit fraud.

			The administration of applications under the Discretionary Housing Payments Scheme. Including the power to make any determinations under the relevant legislation.
		13.2 4	Deal with internal audit issues under the Accounts and Audit Regulations 2006;
		13.2 5	The authority to write off any debt (including any associated court costs and bailiffs fees) up to the sum of £10,000 for single items per individual or organisation (or for multiple items on a single debtor), which in the opinion of the Chief Finance Officer is considered to be uneconomical to collect and/or is irrecoverable. Note: This is a revision of power to reflect the passage of time since the delegations were last reviewed to reflect inflation.
			<u>Note:</u> a) The following powers may be exercised by the Head of Corporate Finance:- 6,7,8,9,10,11,12,19,20,21,22 b) Head of Revenues – 6, 7, 8,9,14, 15, 16,17, 20. c) Head of Benefits – 6,20,23
35	Executive Director for Regeneration and Housing	14	<u>The Executive Director, Neighbourhood Services</u> The holder of the post of Executive Director, Neighbourhood Services shall be responsible for the day to day management of his/her department and shall have the power, subject to the compliance with the Council's constitutional arrangements, and any relevant provision of the Council's Financial and Contract Rules, to:-
		14.1	a) Exercise the powers and duties of the Council as waste collection authority, including the collection of domestic, trade, garden, bulky household, clinical and hazardous waste; 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) Make arrangements for the management of public conveniences; e) Provide and be responsible for the vehicle fleet and the maintenance for vehicles owned and operated by the Council.
1	Authority to take action under the following legislation, including where relevant, the service of Notices, issuing of licences, authorisation of works in default, implementation of charges, approval of grants, institution of legal proceedings etc.:-	14.2	Without prejudice to paragraph 1, to exercise strategic, operational, and management powers and duties of the Council under the following enactments:- a) Removal and disposal of vehicles regulations, 1986;

	<ul style="list-style-type: none"> *Building Act, 1984 *Caravan Sites and Control of Development Act, 1960 *Caravan Sites Act, 1968 *Chronically Sick and Disabled Persons Act, 1970 Clean Air Act, 1993 Control of Pollution Act, 1974 *Defective Premises Act, 1972 Environmental Protection Act, 1990 *Home Energy Conservation Act, 1995 *Housing Acts, 1980, 1985, 1988 and 1996 *Housing and Building Control Act, 1984 *Housing Grants, Construction and Regeneration Act, 1996 *Land Compensation Act, 1973 *Landlord and Tenant Acts, 1954, 1985 and 1987 Local Government Act, 1972 Local Government (Miscellaneous Provisions) Act, 1976 Local Government (Miscellaneous Provisions) Act, 1982 *Local Government and Housing Act, 1989 *Mobile Homes Act, 1973 and 1983 Noise and Statutory Nuisances Act, 1993 Prevention of Damage by Pests Act, 1949 Public Health Acts, 1936, 1961 and 1969 *Protection from Eviction Act, 1977 Regulation of Investigatory Powers Act, 2000 Refuse Disposal (Amenity) Act, 1978 *Rent Act, 1977 *Water Act, 1989 		<ul style="list-style-type: none"> b) Road Traffic Regulation Act 1984; c) Vehicle Excise Duty Act (removal and disposal) Regulations, 1997; d) Control of Pollution Act 1974; e) Environmental Protection Act 1990; f) Highways Act 1980; g) Litter Act 1983 (in so far as it relates to litter bins and street cleaning); h) Public Health Act 1961; i) Refuse Disposal (amenity) Act 1978; j) Road Traffic Act 1998; k) Building Act 1984; l) Chronically Sick and Disabled Persons Act 1970; m) Waste Minimisation Act 1998; n) Public Health Acts 1936 and 1969; o) Clean Neighbourhood and Environment Act 2005; p) Crime and Disorder Act 1998 <p>NOTE: The remit of this job and Directorate have changed which has meant that the statutes have been moved to follow the job functions</p>
2	Authorisation of Directed Surveillance and Covert Human Intelligence Sources in accordance with the Regulation of Investigatory Powers Act 2000.		Note: Removed from here and put in general powers of Chief Officers
3	Authority to approve increases in charges not fixed by statute.	14.3	Authority to approve increases and variations in charges and fees not fixed by statute.
4	Authority to vary levels of charges in respect of depot sales of surplus materials and miscellaneous charges, such revisions having regard to the retail price index and prevailing market conditions.	14.4	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.
5	Authority to settle compensation claims made under Section 11 of the Landlord and Tenant Act, and associated legal costs up to £6,000.		Note: This is no longer required post LSVT
6	Authority to nominate an officer to deal with representations made to the Authority by persons in receipt of a Notice.		Note: No Longer required post LSVT

7	Serve appropriate notices and approve commencement of proceedings for possession of premises except for any Notice seeking possession served under grounds 10 or 10A of Schedule 2, Housing Act, 1985.		Note: Covered in 16.34 and 16.41
8	Authority to approve the following forms of application:- (a) House Renovation Grants (and all matters connected with such grants, including extension of time and higher percentage grant calculations); (b) Grants for provision of separate water service pipes.		Note : Now contained within 16.41
9	Authority to prepare and approve Group Repair Schemes and to enter into agreements to secure the carrying out of repair works.		No longer a function of the Council
10	Authority to commence Anti-Social Behaviour Order Proceedings (ASBO) under Crime and Disorder Act, 1990	14.5	Authority to commence anti-social behaviour order proceedings (ASBO) under the Crime and Disorder Act 1998. Note: Act quoted is incorrect in previous constitution
		14.6	Without prejudice to any delegations, authorise the Monitoring Officer to institute appropriate legal proceedings including against unauthorised occupiers found on the Council's land or premises.
		14.7	Authority to invite and accept tenders for the supply of materials, equipment, plant and services subject to compliance with the Financial and Contract Rules including:- (a) Competitive tenders having been obtained in accordance with the Council's Financial and Contract Rules and any relevant legislation; (b) The tender accepted representing 'best value'; (c) Cost being accommodated within the relevant proved estimates Note: Moved from 46(8) of the current constitution.
		14.8	Approval of ex gratia payments for non-staff of up to £500 per incident subject to the maximum provision within the relevant agreement; Note: Moved from 46(9) of current constitution. Limit increased from £250 to £500.
11	Making minor variations in contract for collection of cash.	14.9	Making minor variations in contract for collection of cash;
		14.1	With the approval of the Chief Finance Officer and/or Assistant Director of Law

		0	<p>and Constitutional Services:-</p> <ul style="list-style-type: none"> (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; <p>Note: Wording changed from lowest to next placed to reflect best practice in tendering procedure and to correspond with Council's current CPR's</p> <ul style="list-style-type: none"> (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; <p>Note: Moved from 46.11 of current constitution</p>
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		14.1 1	Authority to purchase nearly new vehicles from auction and second hand ex-demonstration vehicles, subject to compliance with the overall Vehicle Procurement Framework; Note: Moved from (46)12 of current constitution
		14.1 2	Deliver the Vehicle Replacement Policy of replacing vehicles over 5 years old, subject to budget availability; Note: Moved from (46) 13 of current constitution
		14.1 3	The Authority to seek planning permission in respect of future proposed development for education and community purposes. Note:
			(a) Except where otherwise stated, the holders of the following posts within Neighbourhood Services may exercise the above powers:- Assistant Director Built Environment Assistant Director Leisure and Culture and Lifelong Learning (b) After consultation with the Executive Director for Neighbourhood Services, Head of Paid Service and the Monitoring Officer, the Executive Director for Neighbourhood Services is duly authorised to add to this list
12	To manage the Corporation Almshouses.		NOTE: Management of Almshouses no longer a function of the Council.function at 16. 40
	[The items * above are also exercisable by the General Manager, Environmental Health and Consumer Services and shall be treated as if subsumed in paragraph 42(2).]		Note: No longer required as specifically delegated to relevant officer now
36.	Executive Director for Lifelong Learning and Community Development	15	<u>Executive Director (Children's Services)</u> NOTE: New job title to reflect current post designation
1	The day to day management and control of education and community services.	(1)	The holder of the post of Executive Director (Children's Services) shall be responsible for the day to day management of his/her Directorate and, without prejudice to the foregoing, shall have power, subject to compliance with the Constitutional arrangements, relevant Financial and Contractual Rules, and within the guidelines and policies determined by Council and Cabinet, to exercise duties of the Council as a Director of Children's Services (under the Children Act 2004 and other relevant legislation). Note: This change reflects changes in Legislation and confirms the ED's statutory role as the Council's Director of Children's Services which accords with the relevant legislation.

		<p>2 (i) Exercise the Authority's functions in its capacity as Local Education Authority – including further and higher education matters, except those excluded by Section 18 (3) of the Children Act 2004;</p> <p>ii Exercise functions under Local Authority Social Services Act 1970, so far as they relate to children; and</p> <p>iii Exercise any health related functions exercised on behalf of any National Health Service body under section 75 of the National Health Service Act 2006;</p> <p>NOTE: New section in act previous s31 1999 Act repealed</p> <p>iv Make arrangements to ensure local authority functions are discharged with regard to the needs to safeguard and promote the welfare of children;</p> <p>v Establish, maintain and operate a childrens information database;</p> <p>vi Prepare and publish a children and young persons plan;</p> <p>vii Coordinate action in response to joint area reviews and monitor and evaluate implementation;</p> <p>viii Establish and develop a Walsall Safeguarding Children's Board;</p> <p>ix Ensure there are in place complaint procedures which meet the local and statutory requirements including publication of the said procedures;</p> <p>Note: This was formerly at 36. (49) to (52) of constitution. The former delegations are not required in the same specifics as the new delegation states we will follow statute and the procedure is as laid down by statute.</p> <p>x 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;</p> <p>xi Provide an interpretation service where necessary;</p> <p>Note: This overall change reflects changes in legislation and clarifies the purpose of the role</p>
(2)	To carry out the role and responsibility of the local education authority as they relate to schools in light of the Statutory Code of Practice on LEA/School Relations	<p>3 To carry out the role and responsibility of the local education authority as it relates to schools in light of the Statutory Codes of Practice on LEA/School</p>

			Relations.
(3)	Co-ordination of Standards Fund arrangements, including the appointment of staff and project workers for specific projects.	4	Co-ordination of Standards Fund arrangements, including the appointment of staff and project workers for specific projects.
(4)	Acceptance of standard fund and other grant allocations where these are costs in accordance with approved Council policy.	5	Acceptance of standard fund and other grant allocations where these are costs in accordance with approved Council policy.
(5)	Acceptance of grants, loans, maintenance allowances, discretionary awards in respect of students and pupil support which comply with statutory requirements and approved Council policies.	6	Acceptance of grants, loans, maintenance allowances, discretionary awards in respect of students and pupil support which comply with statutory requirements and approved Council policies.
(6)	Approval of grants and awards for Home to School transport which comply with statutory requirements and approved Council policies.	7	Approval of grants and awards for Home to School transport which comply with statutory requirements and approved Council policies.
(7)	In relation to special educational needs:- (a) The service of notices requiring the parents to satisfy the authority that their child is receiving sufficient full time education; (b) The service of school attendance orders; (c) The making of payments by way of recoupment where mandatory; (d) The determination of all matters including the service of notices relating to the assessment and statementing of special educational needs under the Education Act.	8	In relation to special educational needs:- (a) The service of notices requiring the parents to satisfy the authority that their child is receiving sufficient full time education; (b) The service of school attendance orders; (c) The making of payments by way of recoupment where mandatory; (d) The determination of all matters including the service of notices relating to the assessment and statementing of special educational needs under the Education Acts.
(8)	The determination of arrangements for the placement of pupils in schools, special schools, or for education other than at a school.	9	The determination of arrangements for the placement of pupils in schools, special schools, or for education other than at a school.
(9)	The determination of the dates of school terms and holidays.	10	The determination of the dates of school terms and holidays.
(10)	The production and implementation of support packages for schools on a buy-back basis (i.e. business planning arrangements).	11	The production and implementation of support packages for schools on a buy-back basis (ie business planning arrangements).
(11)	In respect of schools where the Council is the admission authority, the power (so far as is permissible) to determine applications outside agreed admission arrangements where those children have exceptional medical needs.	12	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.
(12)	Power to secure the admission of a child who has been twice excluded to a particular school having first obtained an indication of parental preference for at least three schools and having taken into account any representations made by the Head Teachers of those schools.	13	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.

(13)	Subject to the rights of the Governors the appointment of teachers and other school staff.	14	Subject to the rights of the Governors, the appointment of teachers and other school staff and determine applications for early retirement and decide on redundancies in consultation with the Head of Human Resources and Development and Chief Finance Officer where applicable.
(14)	To take all appropriate steps to achieve the effective use of school land and buildings.	15	To take all appropriate steps to achieve the effective use of school land and buildings.
(15)	To exercise the power of the local education authority in respect School Attendance Orders and Education Supervision Orders	16	To exercise the power of the local education authority in respect of School Attendance Orders and Education Supervision Orders.
(16)	To exercise the power of the local education authority under Byelaws regulating the employment of children and prohibiting street trading by young persons.	17	To exercise the power of the local education authority under Byelaws regulating the employment of children and prohibiting street trading by young persons.
(17)	The exercise of the powers of the local education authority in relation to admissions and exclusion procedure	18	The exercise of the powers of the local education authority in relation to admissions and exclusion procedures.
(18)	To authorise the Interim Director of Legal and Democratic Services to complete licences for educational material, goods and services, subject to compliance with Financial and Contract Procedure Rules and the cost falling within existing budget provisions.	19	To authorise the Assistant Director of Legal and Constitutional Services to complete licences for educational material, goods and services, subject to compliance with the Financial and Contract Procedure Rules and the costs falling within existing budget provisions.
(19)	To authorise the Interim Director of Legal and Democratic Services to complete tenancy agreements in respect of/and licences to occupy schools, caretaker accommodation, the terms of such agreements and licences to be set by the Executive Director of Lifelong Learning and Community in consultation with the Interim Director of Legal and Democratic Services.	20	To authorise the Assistant Director of Legal and Constitutional Services to complete tenancy agreements in respect of/and licences to occupy schools, and caretaker accommodation. The terms of such agreements and licences to be set by the Executive Director (Children's Services) in consultation with the Assistant Director of Legal and Constitutional Services.
(20)	To take final decisions in relation to the replacement of vacancies within approved structures.	21	Note: Covered previously under 4.10(e)
		21	To take legal action in consultation with the Assistant Director of Legal and Constitutional Services in relation to non-school attendance Note: Clarification of power to prosecute for non-school attendance
(21)	The service of notices under the relevant Education Acts.	22	The service and enforcement of notices under the relevant Education Acts.
(22)	The service of notices requiring parents to satisfy the authority that their child is receiving sufficient full-time education.	23	The service of notices requiring parents to satisfy the authority that their child is receiving sufficient full-time education.
(23)	The making of payments by way of recoupment where mandatory.	24	The making of payments by way of recoupment where mandatory.
(24)	The authority to seek planning permission in respect of future proposed development for education and community purposes.	25	The authority to seek planning permission in respect of future proposed development for education and community purposes.

(25)	To agree the authority's liability in relation to capital works at voluntary aided schools where these cannot be accommodated within the authority's Capital Programme.	26	To agree the authority's liability in relation to capital works at voluntary aided schools where these cannot be accommodated within the authority's Capital Programme in consultation with the Chief Finance Officer.
(26)	To determine applications for teachers and head teachers for early retirement.	27	To determine applications for teachers and head teachers for early retirement in consultation with the Chief Finance Officer and Head of Human Resources and Development.
(27)	To enter into contracts where projects are funded by external agencies in circumstances where rapid response is required.	28	To enter into contracts where projects are funded by external agencies in circumstances where rapid response is required in accordance with Financial and Contract Rules.
(28)	To deal with all matters relating to security in education premises.	29	To deal with all matters relating to security in education premises including the power to exercise the powers contained in Section 547 of the Education Act 1996 (nuisance and disturbance on educational premises).
(29)	To determine the allocation of grants to voluntary organisations up to £50,000.	30	To determine the allocation of grants to voluntary organisations up to a limit of £50,000.
		31	To approve the repair and maintenance of buildings under control of the Directorate within approved budgetary limits, and where relevant in accordance with Financial and Contract Rules; Note: Delegated power to permit maintenance of buildings limited to levels as determined in the Financial and Contract rules
		32	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 Note: This power is required to allow us to properly administer any property of children who are in the care of the council. The council has parental responsibility for any child in care.
		33	To maintain an adoption service in accordance with legislation and national standards; Note: This is required by statute
		34	To maintain a fostering service in accordance with legislation and national standards; Note: This is required by statute
		35	To ensure there are available sufficient staff to meet the Directorate duties under the Mental Health Act 1983 and Mental Health Act 2007;

			Note similar requirement now needed in line with change in departmental functions as at 37(39) of the old constitution, and the implementation of the MHA 2007.
		36	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; NOTE: Statutory power to remand children in care
		37	To Refer persons to the Secretary of State for possible inclusion on the Protection of Children Act list; Note: New statutory power under
		38	To Ensure that the educational attainment and state of health of looked after children are monitored;
		39	To Ensure that arrangements remain in place for the management of the child protection register;
		40	To Ensure that all arrangements for service provision are reviewed in accordance with legislative requirements and mandatory guidance;
		41	To keep a register of all children placed by any local authority within the Directorates area and of all children placed by the Directorate outside of the Local Authority area;
		42	To appeal to the tribunal against Commission for Social Care inspection decisions to cancel registration, vary or remove a condition of registration, or add a new condition of registration in respect of the Directorate;
		43	Exercise parental responsibility for all children in the care of the Directorate
		44	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;
		45	To manage the various functions of the Council with regard to the Youth Offending Service;
37(1)	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.	46	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.

(2)	Discretion to vary charges in cases where there are special circumstances, hardship etc.	47	Discretion to vary charges in cases where there are special circumstances, hardship etc.
(3)	Authority to make ex-gratia payments in appropriate circumstances to non-staff up to the value of £500 per incident.	48	Authority to make ex-gratia payments in appropriate circumstances to non staff up to the value of £500 per instance.
(4)	Authority to consider and determine applications for loans or grants for aids and adaptations to the homes of people with disabilities below £50,000. Note: Moved under Director for Social Care and Inclusion at 16. (30)		
(5)	Authorisation to write off debts not exceeding £2,000 in any particular case, subject to legal advice from the Interim Director of Legal and Democratic Services that the debt is irrecoverable.		Note: This delegation is deleted as there is now a clarified delegation for all Chief Officers at 11.1(d) of the constitution. This sum has been increased from £2000.00 to £10000.00 which reflects the fact that the delegations have not been altered for five years, this sum has been discussed with the CFO.
(6)	Authority to determine applications for assistance under Section 17 (6) of The Children Act, 1989.	49.	Authority to determine applications or assistance under Section 17 (6) of the Children Acts 1989.
(7)	(7) The day-to-day reception and placement in appropriate accommodation of any child brought to notice 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.	50.	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.
(8)	Authority to give support including financial assistance towards the expense of maintenance, training or education of persons over 16 years of age, in accordance with the Children (Leaving Care) Act, 2000.	51.	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.
(9)	Authority to approve and review Local Authority foster carers in accordance with the Foster Placement (Children) Regulations, 1991.		Note: Replaced by 34 above
(10)	Authority to inspect, supervise and offer any necessary advice to foster homes in which children are placed privately in order to comply with the duty of the Local Authority under Section 67 of The Children Act, 1989 to satisfy themselves that the welfare of children who are privately fostered within the Borough is being satisfactorily safeguarded and promoted.		Note: Replaced by 34 above
(11)	To receive and find appropriate placements for children remanded to the accommodation of the local authority or committed to the care of the local authority on Interim or Full Care Orders.	52.	To receive and find appropriate placements for children committed to the care of the Local Authority on interim or full care orders. Note: Capitalisation not required for interim or full care orders
(12)	Authority to authorise the placement of children subject to care orders, with their parents or other persons with parental responsibility in accordance with the Placement of Children with Parents etc. Regulations, 1991.	53	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.
(13)	Authority to appoint supervising officers to children and young persons	54	Authority to appoint supervising officers to children and young persons placed

	placed under the supervision of the Local Authority as a result of either criminal or care proceedings		under the supervision of the Local Authority as a result of either criminal or care proceedings.
(14)	Authority to provide places for children and families in Family Centres and other day care provision	55	Authority to provide places for children and families in family centres and other day care provisions.
(15)	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.	56	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.
(16)	Arrange for the supervision of children placed in the Walsall Metropolitan Borough area by other authorities when so requested.		Note :Now covered in 41
(17)	To consider and authorise the payment of Approved Adoption Allowances in accordance with a 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 recommendation as an agency decision.	57	To consider and authorise the payment of approved adoption allowances, residential allowances and special guardianship allowances in accordance with the scheme duly approved by the Department of Health and Social Security in cases where the adoption panel has recommended such allowances, and the agency decision maker has confirmed the recommendations as an agency decision. Note: New provision inserted for special guardianship and residential allowances as provided for by the Children and Adoption Act 2006
(18)	To consider and authorise applications to a Court for an order freeing a child for adoption, if the Adoption Panel of the Council's Adoption Agency recommend that this is the best interest of the child, and the Agency Decision Maker has confirmed this as an agency decision.		Note this legislation has now been repealed
(19)	In accordance with the requirements of the 1967 Adoption Act and accompanying Regulations, investigate the circumstances of children offered for adoption and families wishing to adopt, and present suitable adoptive placements for consideration by the Adoption Panel and following the Decision Maker's confirmation, arrange such placements.		Note this legislation has now been repealed
(20)	Authority to refuse contact under Section 34 (6) of The Children Act, 1989.		Note: Now subsumed under delegation 67
(21)	Authority (in consultation with the Interim Director of Legal and Democratic Services) to institute proceedings for contacts to be defined, and to respond to such applications lodged by other parties.		Note: Now subsumed under delegation 67
(22)	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.	58	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.
		59	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. Note: Moved from (54) under the previous delegations
(23)	Authority to apply for Child Assessment Orders under Section 43 of The Children Act 1989.		Note: Now subsumed under delegation 67
(24)	Authority to apply for Emergency Protection Orders under Section 44 of The Children Act 1989.		Note: Now subsumed under delegation 67
(25)	Authority to apply to the Courts for Care/Supervision Orders in accordance with Section 31 of The Children Act, 1989.		Note: Now subsumed under delegation 67
(26)	Authority to apply for discharge and variation of Care Orders and Supervision Orders in accordance with Section 39 of The Children Act, 1989.		Note: Now subsumed under delegation 67
(27)	Authority to apply for a prohibited steps or specific steps issue order under Section 8 of The Children Act 1989 in respect of a child looked after by the Local Authority		Note: Now subsumed under delegation 67
(28)	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	60	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;
(29)	Authority to authorise the payment of legal costs and fees in connection with an adoption application in respect of children in the care of the Local Authority, where the Adoption Panel has recommended that adoption is in the child's best interest, and the Agency Decision Maker has confirmed this.	61	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; Note: Change due to implementation of the Children and Adoption Act 2006
(30)	Authority to authorise the payment of prospective adopter's legal costs of making an application for an Adoption Order in those cases where either the natural parents opposes the adoption or there are other difficulties which make it advisable for the prospective adopters to be legally represented, where the Adoption Panel has recommended such payment and the Agency Decision Maker has confirmed this as an agency decision.	62	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. Note: Change due to implementation of the Children and Adoption Act 2006
(31)	Authority to authorise the payment for any additional medical reports in connection with an adoption application with the exception of the normal medical reports of the child to be adopted (which are payable by the Council).	63	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). Note: Change due to implementation of the Children and Adoption Act 2006
(32)	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 an appropriate case, where the Agency Decision Maker has confirmed this as an agency decision.	64	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.
(33)	Authority to negotiate on the Authority's behalf inter-agency agreements, including inter-agency fees which fall within nationally and locally agreed guidelines.	65	Authority to negotiate on the Authority's behalf inter-agency agreements, including inter-agency fees which fall within nationally and locally agreed guidelines.
(34)	Confirmation of Panel recommendations as decisions of the Adoption Agency as required by the "Adoption Agencies and Children (Arrangements for Placement and Review) (Miscellaneous amendments) Regulation 1997". Note: Replaced by 65 of new constitution		
(35)	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.	66	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.
		67	To take action under the Statutory Provisions as listed below, following the provision of relevant legal advice, (as amended from time to time) and other relevant social care health legislation, in so far as they are relevant to children, young people and families:- 1. Children and Young Persons Act 1933; 2. Children and Young Persons Act 1969; 3. Local Authorities Social Services Act 1970; 4. Chronically sick and disabled persons Act 1970; 5. Bail Act 1976; 6. Mental Health Act 1983; 7. Police and Criminal Evidence Act 1984; 8. Public Health (Control of Disease) Act 1984; 9. Disabled Persons (Services Consultation and Representation) Act 1986; 10. Children Act 1989; 11. Education Act 1996; 12. Crime and Disorder Act; 13. School Standards and Framework Act 1998; 14. Health Act 1999; 15. Immigration and Asylum Act 1999, part 6;

			<p>16. Protection of Children Act 1999; 17. Carers and Disabled Children Act 2000; 18. Care Standards Act 2000; 19. Powers of Criminal Court (sentencing) Act 2000; 20. Nationality, Immigration and Asylum Act 2002; 21. Children (Leaving Care) Act 2000; 22. Adoption and Children Act 2002; 23. Criminal Justice Act 2003; 24. Child Trust Funds Act 2004; 25. Children Act 2004; 26. Mental Capacity Act 2005; 27. Disability Discrimination Act 2005; 28. Children and Adoption Act 2006; 29. Mental Health Act 2007.</p> <p>Note: New delegation listing all of the statutes under which the Executive Director (Children's Services), can make or delegating the making of applications</p>
37.	Executive Director of Health and Social Care	16	<p>Executive Director for Social Care and Inclusion</p> <p>The holder of the post of Executive Director for 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:-</p> <p>Note: reflects changes in job title includes short description of role:</p>
		1	<p>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.</p>
		2	<p>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.</p>

		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.
		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.
		5	Ensure that there are in place, complaints procedures which meet the legislative requirements including publicising the said procedures.
		6	Ensure that there is in place an efficient process for assessment and care management for current and potential service users and carers.
		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.
		8	Ensure there are available sufficient staff to meet the Directorates duties under the Mental Health Act 1983 and Mental Health Act 2007.
		9	Ensure that all arrangements for service provision are reviewed in accordance with legislative requirements and mandatory guidance.
		10	Provide an interpretation service where necessary.
		11	Appeal to the Tribunal against commission for social care inspection decisions to cancel registrations; or add a new condition of registration of a Directorate establishment.
		12	Ensure the carrying out of duties required by Court Orders.
		13	Present reports to Courts and Tribunals where required.
		14	After consultation with the Assistant Director of Legal and Constitutional Services, make any application to the courts as appropriate.
		15	Provide support for asylum seekers and their dependents who are destitute or likely to become destitute and for them support not available elsewhere.

		16	Establish and maintain a scheme for providing direct payments instead of services as set out in legislation and mandatory guidance
(36)	Authority to admit to residential accommodation and temporary accommodation, either provided by the Council, by other authorities, voluntary organisation, or privately registered homes, persons in need of care and attention.	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.
(37)	Authority to admit persons with mental ill health, physical disabilities or learning difficulties to Day Centres or Workshops provided for them.	18	Authority to admit persons with mental ill health, physical disabilities or learning difficulties to day centres or workshops provided for them.
(38)	Authority to arrange the burial or cremation of persons to whom Section 50 of the National Assistance Act 1948 applies, and make whatever recoveries are possible towards the cost.	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.
(39)	Authority to appoint officers to carry out the duties of approved Social Workers under the Mental Health Act, 1983.		Note: Now at 16.8 of this constitution
(40)	Authority to make applications in respect of individuals to whom the provisions of the Mental Health Act 1983 apply in accordance with the provision of the Act.		Note: Now at 16.31 of this constitution
(41)	Authority to enter into contractual arrangements with registered residential and nursing homes for the provision of residential and nursing care within available resources (National Health Service Community Care Act, 1990).	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 Acts, 1990).
(42)	Authority to negotiate and agree fee levels with independent sector providers, having regard to the assessed needs of clients, the services to be provided, and the availability of resources (National Health Service and Community Care Act 1990).	21	Authority to negotiate and agree fee levels with independent sector providers, having regard to the assessed needs of the clients, the services to be provided, and the availability of resources (National Health Service and Community Care Acts, 1990).
(43)	Authority to waive Financial and Contract Procedure Rules in relation to seeking quotations and tenders for certain Community Care Services.	22	Authority to waive Financial and Contract Rules in relation to seeking quotations and tenders for certain community care services.
		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. Note: New delegation required to reflect the changes in legislative provision
(44)	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 Act, 1990 and the Health Act 1999.	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.
(46)	Authority under the National Health Service and Community Care, Act 1990 and National Assistance Act 1948 to provide services to support people in their own homes, e.g. domiciliary services.	25	Authority under the National Health Service and Community Care Acts, 1990 and National Assistance Act 1948, to provide services for people in their own homes, eg domiciliary services.

	Note: There is no delegation 45 in the old constitution the numbering is thereby incorrect		
(47)	Authority to approve applications for concessionary travel passes from people with learning disabilities and those who are mentally ill.	26	Authority to approve applications for concessionary travel passes for people with learning disabilities and those who are mentally ill.
(48)	Authority to approve interest free loans not exceeding £30,000 in accordance with guidelines approved by the Executive.	27	Authority to approve interest free loans not exceeding £30,000 in accordance with guidelines as approved by the Council's Executive.
(40)	Authority to co-ordinate all aspects of consideration of complaints in accordance with Section 50 of National Health Service and Community Care, Act 1990 and Section 26 of The Children Act, 1989, including the response to registered complaints		Note: Contained in 16.5 of this constitution
(50)	Authority to make arrangements for panel review of response to a registered complaint when requested to do so by the complainant.		Note: Contained in 16.5 of this constitution
(51)	Authority to consider decision in the light of the panel's findings and decided what action to take.		Note: Contained in 16.5 of this constitution
(52)	Authority to notify the complainant and any other involved persons of reconsideration.		Note: Contained in 16.5 of this constitution
(53)	Authority to reimburse independent review panel Members, complainants and authorised representatives for any out-of-pocket expenses incurred.		Note: Contained in 16.5 of this constitution
(54)	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.		Note: Now at 15(59) of this constitution to reflect the change in service between adult care and Children's Services.
		28	Discretion to vary charges in cases where there are special circumstances, hardship etc. Note: This amendment is required by the restructure and division of functions between Adult Care and Children's services. Both Executive Directors need this delegation. Matches 37(2) of current constitution
		29	Authority to make ex-gratia payments in appropriate circumstances to non-staff up to the value of £500.00 per instance Note: This amendment is required by the restructure and division of functions between Adult Care and Children's services. Both Executive Directors need this delegation. Matches 37(3) of current constitution
		30	Authority to consider and determine applications for loans or grants for aids and adaptations to the homes of people with disabilities below £50,000.00. Note: Moved from 37(34) current constitution
		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:-

			<ol style="list-style-type: none"> 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.
38.	<p>Director for the Built Environment and the General Manager, Planning Services</p> <p>Authority to remove abandoned vehicles in accordance with the following:-</p> <p>Refuse Disposal Amenity Act, 1978 Removal and Disposal of Vehicles Regulations, 1986 Road Traffic Regulation Act, 1984 Vehicle Excise Duty Act (Removal and Disposal) Regulations, 1997</p> <p>Note: The above powers are now included in the role of the Executive Director for Neighbourhood Services</p>	17	<p><u>Executive Director for Regeneration and Performance</u></p> <p>The Executive Director for Regeneration shall be responsible for the day to day management of Regeneration and Performance and, without prejudice, to the following, shall have power, subject to compliance with the constitutional arrangements, relevant Financial and Contract Rules relating to contracts and any relevant provisions of the Councils Financial and Contract Rules, to:-</p> <p>Note: New post under managerial structure not reflected in the current constitution</p>

		1	<p>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.</p> <p>Note: Power relevant to post</p>
		2	<p>Issue responses to planning applications and development plan consultations received from neighbouring authorities where such responses are in line with existing Council policy and do not raise matters of strategic concern.</p> <p>Note: Power relevant to post</p>
		3	<p>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.</p> <p>Note: Power relevant to post</p>
		4	<p>Make applications for planning permissions.</p> <p>Note: Power relevant to post</p>
		5	<p>Invite, accept and appoint term consultants and contractors, for a specified period for the development and execution of approved design and/or maintenance projects/programmes and for the annual minor improvements and local safety programmes.</p> <p>Note: Power relevant to post</p>
		6	<p>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.</p> <p>Note: Power relevant to post</p>
		7	<p>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.</p> <p>Note: Power relevant to post</p>
		8	<p>(a) To make, facilitate and coordinate 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;</p>

			<p>(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 relevant Standing Orders and the Financial and Contractual Rules.</p> <p>Note: Formerly at 46(1)</p>
		9	<p>To undertake any necessary action for the implementation of a derelict land reclamation programme.</p> <p>Note: Formerly at 46(2)</p>
		10	<p>The management of the Council's markets including the granting, suspension, variation or revocation of individual licenses, permits, consents or lettings.</p> <p>Note: Formerly at 47(1)</p>
		11	<p>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.</p> <p>Note: Formerly at 47(2)</p>
		12	<p>Authority to approve charity market stalls.</p> <p>Note: Formerly at 47(3)</p>
		13	<p>Authority to approve the transfer or market stall licences to another family member or employee upon application, providing the officer considering the application is satisfied that the licence holder had traded on the market concerned for at least 5 years; and that the 2 years immediately preceding the application:-</p> <p>(a) The family member has personally assisted the licence holder in trading on the stall to which the application relates; or</p> <p>(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.</p> <p>Note: Formerly at 47(4)</p>
		14	<p>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 .</p> <p>Note: Formerly at 47(5)</p>
		15	<p>Write off irrecoverable market charges for former stall holders.</p>

			Note: Formerly at 47(6)
		16	To take any action and/or institute proceedings, including if necessary proceedings in the High Court, to restrain any rival market including any unauthorised temporary market, indoor market or car boot sale; in consultation with the Assistant Director of Legal and Constitutional Services. Note: Formerly at 47(7)
		17	Authority to determine the authorisation and de-authorisation of School Crossing Patrols in accordance with approved policy and in consultation with Road safety Officers Note: Delegation moved from Hihways to Regeneration.
		18	Exercise all routine housing functions that are not specifically delegated to any relevant cabinet member, the cabinet, or any committee.
		19	Make decisions under Part 6 and Part 7 of the Housing Act 1996, and to review decisions made under Part 7, Sections 175-218.
		20	To serve notices of seeking possessions and taking other legal action in respect of tenants (including introductory tenants) who are in arrears of rent or in other breach of their tenancy conditions; Note: Formerly at (35)7
		21	Issue notices under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 in respect of information as to ownership of land and properties in advance of action by the Council. Note: Clarification of power conferred by statute part of retained housing function post LSVT.
		22	To instruct the Assistant Director of Legal and Constitutional Services to take summary proceedings for the recovery of Council owned properties that are occupied by a person or persons who entered, or remain in occupation without the Council's licence or consent. Note: Clarification of power conferred by statute part of retained housing function post LSVT.
		23	Approve, in conjunction with Executive Director (Corporate Services), submissions by registered social landlords for rehabilitation work, to approve mortgage terms and to make the relevant applications for grants. Note: Clarification of power conferred by statute part of retained housing function post LSVT.
		24	Agree the termination of licences to occupy rooms or temporary

			<p>accommodation units in respect of homeless families where necessary.</p> <p>Note: Clarification of power conferred by statute part of retained housing function post LSVT.</p>
		25	<p>The Authority to seek planning permission in respect of future proposed development for education and community purposes.</p> <p>Note: Clarification of power conferred by statute part of retained housing function post LSVT.</p>
		26	<p>To exercise all the Statutory Powers and duties of the Council relating to private sector housing and subject to the limits set out in the Financial and Contract Rules, authority to:</p> <ul style="list-style-type: none"> (a) Purchase equipment, tools and materials and authorise the execution of works; (b) Approve the settlement of the third party claims including: (c) Write off of recovery of debt relating to Statutory Notices or completion of work in default in consultation with the Assistant Director of Legal and Constitutional Services and; (d) (e) Issue house in multiple occupation (HMO) licences and related notices; <p>Note: Clarification of power conferred by statute part of retained housing function post LSVT.</p>
		27	<p>(a) To authorise the Manager Housing Standards and Improvement to take action under the following legislation, including where relevant, the service and enforcement of notices, issuing of licences, authorisation or works in default, implementation of charges, approval of grants, institution of legal proceedings:</p> <p>(b) To authorise in the absence of the Manager Housing Standards and Improvement the Principal Environmental Health Officers to act on behalf of the Council, including where relevant, the service and enforcement of notices, issuing of licences, authorisation of works in default, implementation of charges, approval of grants, institution of legal proceedings:</p> <ul style="list-style-type: none"> 1) Housing Acts 1980; 2) Housing Act 1985 (as amended); 3) Housing Act 1988; 4) Housing Act 1996;

			<p>5) Housing Act 2004;</p> <p>6) Housing Association Act 1985;</p> <p>7) Housing and Building Control Act 1984;</p> <p>8) Housing Grants, Construction and Regeneration Act 1996;</p> <p>9) Local Government Act 1972;</p> <p>10) Local Government and Housing Act 1989;</p> <p>11) Local Government (Miscellaneous Provisions) Act 1976;</p> <p>12) Local Government (Miscellaneous Provisions) Act 1982;</p> <p>13) Rent Act 1977;</p> <p>14) Water Act 1989;</p> <p>15) Protection from Eviction Act 1977;</p> <p>16) Landlord and Tenant Act 1954;</p> <p>17) Landlord and Tenant Act 1985;</p> <p>18) Landlord and Tenant Act 1987;</p> <p>19) Caravan Sites and Control of Development Act 1960;</p> <p>20) Caravan Sites Act 1968, Part 1;</p> <p>21) Mobile Homes Act 1973;</p> <p>22) Mobile Homes Act 1983;</p> <p>23) Land Compensation Act 1973;</p> <p>24) Noise and Statutory Nuisance Act 1993;</p> <p>25) Prevention of Damage by Pests Act 1949;</p> <p>26) Public Health Act 1936;</p> <p>27) Public Health Act 1961;</p> <p>28) Public Health Act 1969;</p> <p>29) Refuse Disposal (amenity) Act 1978;</p> <p>30) Building Act 1984;</p> <p>31) Environmental Protection Act 1990;</p> <p>32) Control of Pollution Act 1974;</p> <p>33) Defective Premises Act 1972;</p> <p>34) Clean Air Act 1993;</p> <p>35) Home Energy Conservation Act 1995;</p> <p>36) European Communities Act 1972;</p> <p>37) Health and Safety at Work Act 1974.</p> <p>38) Homeless Act 2002</p> <p>Note: Clarification of power conferred by statute part of retained housing function post LSVT, some of these powers formerly at 35)(1) of current constitution.</p>
		28	<p>Authority to take action under the following legislation, including where relevant, the service of notices, issuing of licences, authorisation at works in default, implementation of charges, approval of grants, institution of legal proceedings etc:-</p> <p>1) Planning and Compulsory Purchase Act 2004;</p> <p>2) Homelessness Act 2002;</p>

			<p>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.</p> <p>Note: Retained Statutory Power post LSVT</p>
		29	<p>Instruct the Assistant Director of Legal and Constitutional Services to initiate proceedings for contraventions of any of the Acts (listed previously), which relate to the private sector. This includes issuing of a formal caution in lieu of prosecution in appropriate circumstances, eg:-</p> <p>i) Where mitigating circumstances exist; ii) Where sufficient evidence exists to prosecute; iii) Where it is in the public interest to do so; iv) Where the perpetrator admits the offence.</p> <p>Note: Statutory power required after LSVT</p>
			<p>Note:-</p> <p>(a) Except where otherwise stated, the holders of the following posts within Regeneration may exercise the above powers:-</p> <p>Assistant Director Regeneration and Performance Head of Development and Delivery Head of Strategic Regeneration</p> <p>(b) After consultation with the Head of Paid Service and the Monitoring Officer, the Executive Director of Regeneration is duly authorised to add to this list</p> <p>Note: New provision to clarify delegations to officers</p>
39.	General Manager, Planning Services	18	<p>Head of Planning and Building Control</p> <p>Note: New post title to reflect the change in management structure</p>
1	The General Manager, Planning Services has authority to determine all planning and related applications other than those which have been expressly reserved to the Development Control Committee under the terms of reference of that Committee or have been called in by a Councillor for determination by that Committee.	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 Development Control 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:- (i) Applications for 'major' Development. 'Major' applications are defined as:-		Applications to be determined by Committee:- (i) Applications for 'major' Development. 'Major' applications are defined as:-

<p>(a) Any application for residential development or change of use involving 10 or more dwellings;</p> <p>(b) other forms of development or change of use of 500 sq. metres floorspace or more,</p> <p>(c) applications for development or change of use of 0.5 ha or more of land; and</p> <p>(d) minerals and waste applications other than minor amendments to existing permissions, and ancillary or small scale works.</p> <p>(ii) Applications where it is proposed to make a decision that is contrary to the development plan or other published standards/guidelines.</p> <p>(iii) Decisions that would need to be referred to the Secretary of State.</p> <p>(iv) Applications that attract one or more written, valid (i.e. planning-related) objection from statutory and other consultees and affected parties where it is proposed to make a decision that is contrary to the objection.</p> <p>(v) Applications submitted by or on behalf of the Council, or for the development of council-owned land under the value of £10,000 where there is no significant community interest.</p> <p>(vi) Any application that any Member of the Council requests to be considered by Committee.</p> <p>(vii) Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment.</p> <p>(viii) Applications that are known to be submitted by or on behalf of a Member of the Council; or an organisation in which a Member has a known significant interest or involvement; or an officer of Planning or Property and Development Services' or other senior officer of the Council.</p> <p>(ix) Any application that the General Manager considers raises matter that should be considered by Committee.</p>	<p>(a) Any application for residential development or change of use involving 10 or more dwellings;</p> <p>(b) Other forms of development or change of use of 1000 sq. metres floor space or more;</p> <p>(c) Applications for development or change of use of 0.5 ha or more of land and;</p> <p>(d) 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;</p> <p>(ii) Applications where it is proposed to make a decision that is contrary to the development plan or other published Council standards/guidelines;</p> <p>(iii) Decisions that would need to be referred to the Secretary of State;</p> <p>(iv) 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;</p> <p>(v) 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;</p> <p>(vi) Any application that any Member of the Council requests to be considered by Committee under the procedure set out in Part 6 para 12;</p> <p>(vii) Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment;</p> <p>(viii) Applications that are known to be submitted by or on behalf of:</p> <ul style="list-style-type: none"> ▪ 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 I; or ▪ an officer of Planning Property and Development Services; or
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			<p>• other senior officer of the Council (defined for these purposes as any officer who hold a politically restricted post).</p> <p>(ix) Any application that the Head of Planning and Building Control considers raises matter that should be considered by Committee.</p> <p>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.</p> <p>Note: Highlighted words show minor alterations to reflect current manner in which planning decisions are made.</p>
2	Approval of the provision of urban forest site signs Note: Deleted power no longer relevant		
3	Authority to determine whether a formal application of details in respect of agricultural and forestry development should be submitted.	2	Authority to determine whether a formal application of details in respect of agricultural and forestry development should be submitted.
4	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.	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
5	<p>Authority to undertake:-</p> <p>(a) The administration of the Building Act, 1984, in relation to:-</p> <p>(i) Part I of the Building Regulations;</p> <p>(ii) Part III - Dangerous structures, demolitions, drainage and sanitary conveniences;</p> <p>(iii) Part IV - Powers of entry and enforcement;</p> <p>(b) Administration of the Public Health Act, 1936, in relation to:-</p> <p>(i) Part II - Sanitation and Buildings;</p> <p>(ii) Part XI - Culverts, ditches and water courses;</p> <p>(c) The administration of the Safety of Sports Grounds Act, 1975, in</p>	4	<p>Authority to undertake:-</p> <p>(a) The administration of the Building Act, 1984, in relation to:-</p> <p>(i) Part I of the Building Regulations;</p> <p>(ii) Part III - Dangerous Structures, Demolitions, Drainage and Sanitary Conveniences;</p> <p>(iii) Part IV - Powers of Entry and Enforcement;</p> <p>(b) Administration of the Public Health Act, 1936, in relation to:-</p> <p>(i) Part II - Sanitation and Buildings;</p> <p>(ii) Part XI - Culverts, Ditches and Water Courses;</p> <p>Note: Grounds sports safety moved to Public Protection.</p> <p>(c) The Party Wall Act, 1996;</p>

	<p>relation to the issue of Safety Certificates;</p> <p>(d) Authority to take action in respect of prohibition notices under Section 10 of the Safety of Sports Grounds Act, 1975;</p> <p>(e) The Party Wall Act, 1996</p> <p>(f) The Building (Local Authority Charges) Regulations 1988</p> <p>(g) Highway Act, 1980, Sections 169 and 173 scaffold licences and hoarding permits</p>		<p>(d) The Building (Local Authority Charges) Regulations 1988</p> <p>NOTE: 5 (e) Opposite is a function of the Built Environment team and is now located at p68 delegation 40.</p>
6	<p>In respect of Development Control:-</p> <p>(a) To respond to developers notice of intention to carry out development under Part 22 of the General Development Order, 1988 (mineral exploration only);</p> <p>(b) To respond to consultations from neighbouring Local Planning Authorities on planning applications;</p> <p>(c) To determine whether Environmental Assessments are necessary under the Town and Country Planning (Assessment of Environmental Effects) Regulations, 1988;</p> <p>(d) Authority to determine applications for lawful development certificates, subject to the provisions of the formal development control delegation scheme.</p> <p>(e) With respect to demolition of houses, authority to determine whether prior approval is required.</p> <p>(f) With regard to Telecommunications Development - Authority to determine that prior approval is required for siting and appearance;</p> <p>(g) To sign decisions made by Committee</p> <p>(h) Authority to determine application for consent for the display of advertisements.</p> <p>(i) Approval of materials or other items governed by conditions included in existing consents</p> <p>(j) Authority to approve minor amendments to previously approved Planning permissions</p> <p>(k) Authority to determine planning applications re-submitted following a successful representation hearing.</p>	5	<p>In respect of Development Control:-</p> <p>(a) To respond to developers notice of intention to carry out development under Part 22 of the General Development Order, 1988 (mineral exploration only);</p> <p>(b) To respond to consultations from neighbouring Local Planning Authorities on planning applications;</p> <p>(c) To determine whether Environmental Assessments are necessary under the Town and Country Planning (Assessment of Environmental Effects) Regulations, 1988;</p> <p>(d) Authority to determine applications for lawful development Certificates.</p> <p>(e) With respect to demolition of houses, authority to determine whether prior approval is required.</p> <p>(f) With regard to Telecommunications Development - Authority to determine whether prior approval is required for siting and appearance;</p> <p>(g) To sign decisions made by Committee</p> <p>(h) Authority to determine application for consent for the display of advertisements.</p> <p>(i) Approval of materials or other matters governed by conditions included in existing consents</p> <p>(j) Authority to approve minor amendments to previously approved Planning permissions</p>

7	<p>Enforcement of Planning Control:-</p> <p>(a) To remove or obliterate any placard or poster which is displayed in contravention of the Advertisement Regulations;</p> <p>(b) Power to authorise the issue of Enforcement Notices re: itinerants;</p> <p>(c) To authorise the issue of Enforcement Notices where immediate action is necessary</p> <p>(d) To authorise the issue of Enforcement Notices in circumstances where the Development Control Committee has refused planning permission for retrospective development.</p> <p>(e) Authority to serve a breach of condition notice where planning conditions have not been complied with;</p> <p>(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</p> <p>(g) (i) Where immediate action is necessary in respect of the issue of:-</p> <p>(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;</p> <p>(b) a Stop Notice under Sections 183, 184 and 185 of the Town and Country Planning Act, 1990;</p> <p>(c) land adversely affecting amenity of neighbourhood under Section 215 of the Town and Country Planning Act, 1990 the Interim Director of Legal and Democratic Services in consultation with the General Manager, Planning Services shall discharge the function.</p> <p>(ii) Before acting under such arrangements, any Officer so acting:-</p> <p>(a) shall consult with such representatives of the political groups to which seats on the Committee have been allocated as the officer considers appropriate;</p> <p>(b) shall record the urgent circumstances which make it necessary for action to be taken before a meeting of the Committee can be arranged;</p> <p>(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 next meeting of the Committee. Amended 1.3.07</p> <p>(h) 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 Development Control Committee.</p> <p>(h) Authority to issue and serve notices under Section 330 of the Town and Country Planning Act, 1990 and Section 16 of the Local Government (Miscellaneous</p>	<p>6</p> <p>Enforcement of Planning Control:-</p> <p>(a) To remove or obliterate any placard or poster which is displayed in contravention of the Advertisement Regulations;</p> <p>(b) Power to authorise the issue of Enforcement Notices re: itinerants;</p> <p>(c) To authorise the issue of Enforcement Notices and Temporary Stop Notices where immediate action is necessary</p> <p>(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;</p> <p>(e) Authority to serve a breach of condition notice where planning conditions have not been complied with;</p> <p>(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</p> <p>(g) (i) Where immediate action is necessary in respect of the issue of:-</p> <p>(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;</p> <p>(b) a Stop Notice under Section 183 of the Town and Country Planning Act, 1990.</p> <p>The Assistant Director of Legal and Constitutional Services in consultation with the Head of Planning and Building Control shall discharge the function;</p> <p>(ii) Before acting under part (i) any Officer so acting:-</p> <p>(a) shall consult with such representatives of the political groups to which seats on the Committee have been allocated as the officer considers appropriate;</p> <p>(b) shall record the urgent circumstances which make it necessary for action to be taken before a meeting of the Committee can be arranged;</p> <p>(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.</p>
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	Provisions) Act, 1976 where it is required to facilitate the gathering of information in respect of the ownership and other relevant interests in land.		<p>(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 Development Control Committee.</p> <p>(h) Authority to issue and serve notices under Section 330 of the Town and Country Planning Act, 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 where it is required to facilitate the gathering of information in respect of the ownership and other relevant interests in land.</p> <p>(i) In relation to land adversely affecting amenity of neighbourhood and specifically issuing Notices under section 215 of the Town and Country Planning Act, 1990, the Assistant Director of Legal and Constitutional Services in consultation with the Head of Planning and Building Control shall discharge the function.</p>
8	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.		Note: Moved to Head of Development and Delivery
9	<p>With regard to Environmental Enhancement to authorise:-</p> <p>(a) The undertaking of any necessary action for the implementation of the Environmental Programmes approved annually by Planning and Highways Committee, including design works, invitation to and acceptance of (the lowest) tender, quotation or estimate, subject to Financial and Contract Procedure Rules, and receipt, where appropriate, of necessary approvals by the Department of Transport, Local Government and the Regions for grant aided schemes;</p> <p>(b) The substitution of appropriate schemes and the movement of schemes between approved programmes to maximise grant aid;</p> <p>(c) The approval of minor variations up to £500 in grants approved for the promotion of Environmental Education and Building Conservation</p>		Note: Moved to Head of Development and Delivery
10	Authority jointly with the General Manager, Environmental Health and Consumer Services to give approval for the submission of bids under the Environmental Partnership including an appropriate usage of capital receipts to be agreed in conjunction with Financial Services		Note Moved to Head of Development and Delivery
11	Authority to issue a Hedgerow Retention Notice in accordance with the provisions of the Hedgerows Regulations 1997.		Note: Moved to Head of Development and Delivery
12	The authority not to pursue enforcement action if it is considered that it is no longer expedient to do so.	7	<p>The authority;</p> <ul style="list-style-type: none"> not to pursue enforcement action, even when there are unresolved

			<p>complaints;</p> <ul style="list-style-type: none"> to revoke authorities given for enforcement action; to withdraw enforcement notices; <p>if it is considered that it is not expedient to pursue enforcement action, or no longer relevant in the prevailing circumstances (eg compliance before the notice takes effect).</p> <p>Note: Clarification if existing delegation</p>
		8	<p>The Assistant Director of Legal and Constitutional Services in consultation with the Head of Planning and Building Control is authorised to make minor variations to section 106 agreements, subject to consultation with the Chair of the Committee.</p> <p>Note: Delegation to effect efficient operation of service</p>
		9	<p>The Head of Planning and Building Control be authorised to grant powers of entry to appropriate officers, eg planning enforcement.</p> <p>Note: Delegation to effect efficient operation of service</p>
		10	<p>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.</p> <p>Note: Delegation to effect the efficient delivery of service in accordance with legislative powers.</p>
		11	<p>To administer and take action under the relevant provisions of the Fire Safety Reform Order 2005.</p> <p>Note: New legislation granting powers to Council</p>
39A.	Head of Environmental Regeneration	19	<p>Head of Development and Delivery</p> <p>Note: Change in post title</p>
	<p>The Head of Environmental Regeneration 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:</p> <p>(a) authorise the making of Tree Preservation Orders where immediate action is necessary to protect a tree or trees under threat;</p> <p>(b) determine applications to top, lop or prune protected trees;</p> <p>(c) determine applications to fell and remove trees and to make and/or revoke Tree Reservation Orders where there is no significant community interest; Amended 1.3.07</p> <p>(d) enforce conditions requiring replacement planting by the service of the appropriate notice;</p> <p>(e) revoke a Tree Preservation Order in circumstances when an old order has been updated and a replacement</p>	1	<p>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:</p> <p>(a) authorise the making of Tree Preservation Orders where immediate action is necessary to protect a tree or trees under threat;</p> <p>(b) determine applications to top, lop or prune protected trees;</p> <p>(c) determine applications to fell and remove trees and/or to make and/or revoke Tree Preservation Orders where there is no significant community interest;</p>

	order has been made or an old order no longer protects any trees; (f) undertake appropriate action in response to issues under Section 211 of the Town and Country Planning Act concerning proposed works to trees in Conservation Areas.		(d) enforce legal requirement for replacement tree planting by the service of the appropriate notice; (e) revoke or vary a Tree Preservation Order in circumstances when an old order has been updated or a replacement order has been made or an old order no longer protects any trees; (f) undertake appropriate action in response to proposals to carry out works to trees in Conservation areas;
		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;
		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;
		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;
		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;
		6	Authority to issue a Hedgerow Retention Notice in accordance with the provisions of the Hedgerows Regulations 1997;
		7	The authority not to pursue enforcement action if it is considered that it is no longer expedient to do so;
		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.
		9	The Head of Development and Delivery be authorised to grant powers of entry to appropriate officers

		10	The Head of Development and Delivery be authorised to confirm any TPO, where no objections have been received, or where objections have been resolved.
		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.
		12	With regard to Environmental Enhancement to authorise:- (a) The undertaking of any necessary action for the implementation of the Environmental Programmes approved annually by Development Control Committee, including design works, invitation to and acceptance of (the lowest tender, quotation or estimate, subject to Financial and Contract Procedure Rules, and receipt, where appropriate, of necessary approvals by the Department of Transport, Local Government and the Regions for grant aided schemes; (b) The substitution of appropriate schemes and the movement of schemes between approved programmes to maximise grant aid; (c) The approval of minor variations up to £500 in grants approved for the promotion of Environmental Education and Building Conservation;
		20	Head of Strategic Regeneration With regard to the Regeneration Transportation Capital Programmes and other grant aided/externally funded regeneration programmes, to authorise the undertaking of any works necessary action for the implementation of programmes, including design works, invitation to and acceptance of (the most economically advantageous) tenders, quotation or estimates, subject to Financial and Contract Rules. Note: New post title within structure
40	Interim Director of Legal and Democratic Services	21	<u>Assistant Director of Legal and Constitutional Services</u> The holder of the post of Assistant Director of Legal and Constitutional Services shall be responsible for the day to day management of Legal and Constitutional Services and without prejudice to the foregoing, shall have power, subject to compliance with the Constitutional arrangements, relevant Standing Orders relating to contracts and any relevant provisions to the Council's Financial and Contract Rules, to:-

			Note: New Post title
(1)	The Interim Director of Legal and Democratic Services is designated as the Council's Monitoring Officer. Note: Now moved to notes in proposed delegations		
(2)	To exercise the functions of the Council's chief legal officer.	1	To exercise the functions of the Council's chief legal officer.
(3)	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 Interim Director 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.	2	To institute or defend on behalf of the Council any legal proceedings, or to appear on behalf of the Council in proceedings before the appropriate Court or Tribunal. In doing so, the Assistant Director of Legal and Constitutional Services is authorised to take all necessary action in connection with such proceedings, including the power to settle or terminate such proceedings.
(4)	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 delegated powers. Note: Moved to 21 (6) of proposed delegations.		
(5)	To settle conveyancing and other legal costs in connection with conveyancing matters. Note: Moved to 21(5)		
		3	To authorise and certify officers for the purposes of the regulation of Investigatory Powers Act 2000;
		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;
		5	Settle conveyancing and other legal costs in connection with Conveyancing matters;
		6	To authorise the sealing or signature of any Order, Deed or any other document necessary to give effect to the substance of a decision of the Council, Executive, Committee, or officer acting under the Delegated Powers, in compliance with Rule 14.3.3 of the Council's Financial and Contract Rules; Note:- (a) The Assistant Director of Legal and Constitutional Services has been designated as the Council's Monitoring Officer for the purpose of Section 5, Local Government and Housing Act 1989. The Heads of Law in Legal Services have, been designated by the Chief Legal Officer, as his Deputy Monitoring Officers. A Monitoring Protocol has been approved by the Council and is set out in Part 5.12 of this document;

			<p>(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.</p> <p>(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;</p> <p>(d) After consultation with the Head of Paid Service, the Monitoring Officer is duly authorised to add to this list;</p> <p>(e) Authority to sign/seal documents, authority is given:</p> <p>(i) for the Head of Legal Services and any Service or Case Manager in the employ of the Council to sign any document for the purposes of the Council's Financial and Contract Rules 14, and;</p> <p>(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.</p> <p>In the event of there being a need to replace or add to the above list, the Assistant Director of legal and Constitutional Services is duly authorised to appoint a replacement or additional senior lawyers from the Legal Services office to such lists.</p>
		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
		8	The disbursement of the sum placed to the credit of the Mayors 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;
		9	To act as Secretary to the school organisation committee
41	Head of Democratic Services		
1	The provision of all items of equipment, etc., required in connection with Mayoral functions to include the provision of appropriate catering when required, subject always to the provisions of the Council's Financial and Contract		See 7 and 8 above

2	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 Procedure Rules.		See 7 and 8 above
42	Head of Service, Public Protection	22	Head of Service, Public Protection
1	To authorise members of staff employed in Public Protection to act on behalf of the Council from time to time in enforcing the following legislation.	1	To authorise members of staff employed in Public Protection, and members of staff employed in other services where applicable to act on behalf of the Council from time to time in enforcing and administering the following legislation, and any subordinate legislation made under these enactments under 22.4 below.
2	To authorise, in the absence of the Head of Public Protection, the Divisional Managers of Environmental Health, Trading Standards, Bereavement Services and the Emergency Planning to act on behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.	2	To authorise, in the absence of the Head of Public Protection, members of staff employed in Public Protection to act on behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.
3	To authorise officers from other authorities and public agencies working on regional projects, to exercise statutory powers within the borough from time to time.	3	To authorise officers from other authorities and public agencies working on regional projects, to exercise statutory powers within the borough from time to time.
4	<p>Authority to take action under the following legislation including, where relevant:-</p> <p>The service of Notices, issuing of licences, permits and authorisations, approval of registrations, prior consents and grants, authorisation of works in default, acceptance of statutory notifications, and to take any other action including the power to apply for warrants and to seize and detain goods and documents.</p> <p>Accommodation Agencies Act 1953 Administration of Justice Act 1970 Agriculture Act 1970 Agriculture (Miscellaneous Provisions) Act 1968 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 Betting Gaming and Lotteries Acts 1963-1971 Breeding of Dogs Act 1973 and 1993 Breeding and Sale of Dogs (Welfare) Act, 1999 British Telecommunications Act 1981 Building Act, 1984 Business Names Act 1985 Cattle Identification Regulations 1998 Celluloid and Cinematograph Film Act 1972 Charities Act 2006</p>	4	<p>Authority to take action under the following legislation including, where relevant:-</p> <p>The service of Notices, issuing of licences, permits and authorisations, approval of registrations, prior consents and grants, authorisation of works in default, acceptance of statutory notifications, and to take any other action including the power to apply for warrants and to seize and detain goods and documents.</p> <p>Accommodation Agencies Act 1953 Administration of Justice Act 1970 Agriculture Act 1970 Agriculture (Miscellaneous Provisions) Act 1968 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 Betting Gaming and Lotteries Acts 1963-1971 Breeding of Dogs Act 1973 and 1993 Breeding and Sale of Dogs (Welfare) Act, 1999 British Telecommunications Act 1981 Building Act, 1984 Business Names Act 1985 Cattle Identification Regulations 1998 Celluloid and Cinematograph Film Act 1972</p>

	<p>Children and Young Persons Act 1933 Children and Young Persons (Protection from Tobacco) Act 1991 Chronically Sick and Disabled Persons Act, 1970 Cinemas Act 1985 Civil Contingencies Act 2004 Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Companies Act 1985 Companies Act 2006 Competition Act 1980 Consumer Credit Act 1974 Consumer Credit Act 2006 Consumer Protection Act 1987 Control of Pollution Act 1974 Control of Pollution Amendment Act 1989 Copyright Designs and Patents Act 1988 Courts and Legal Services Act 1990 Criminal Attempts Act 1981 Criminal Damage Act 1971 Criminal Justice and Public Order Act, 1994 Criminal Law Act 1977 Dangerous Dogs Acts 1989 and 1991 Dangerous Wild Animals Act 1976 Dairy Products (Hygiene) Regulations 1995 Defective Premises Act, 1972 Development of Tourism Act 1969 Disability Discrimination Act 1995 Dogs Act 1871 Dogs (Fouling of Land) Act 1996 Education Reform Act 1988 Egg Products regulations 1993 Employment Agencies Act 1973 Energy Act 1976 Energy Conservation Act 1981 Environment Act 1995 Environmental Protection Act 1990 Estate Agents Act 1979 European Communities Act 1972 Explosives Act 1875 Factories Act 1961 and 1998 Fair Trading Act 1973 Farm and Garden Chemicals Act 1967 Food Act 1984 Food and Drugs Act 1955 as amended by Slaughterhouse Act 1958 Food and Environment Protection Act 1985</p>		<p>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 Cinemas Act 1985 Civil Contingencies Act 2004 Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Companies Act 1985 Companies Act 2006 Competition Act 1980 Consumer Credit Act 1974 Consumer Credit Act 2006 Consumer Protection Act 1987 Control of Pollution Act 1974 Control of Pollution Amendment Act 1989 Copyright Designs and Patents Act 1988 Courts and Legal Services Act 1990 Criminal Attempts Act 1981 Criminal Damage Act 1971 Criminal Justice and Public Order Act, 1994 Criminal Law Act 1977 Dangerous Dogs Acts 1989 and 1991 Dangerous Wild Animals Act 1976 Dairy Products (Hygiene) Regulations 1995 Defective Premises Act, 1972 Development of Tourism Act 1969 Disability Discrimination Act 1995 Dogs Act 1871 Dogs (Fouling of Land) Act 1996 Education Reform Act 1988 Egg Products regulations 1993 Employment Agencies Act 1973 Energy Act 1976 Energy Conservation Act 1981 Environment Act 1995 Environmental Protection Act 1990 Estate Agents Act 1979 European Communities Act 1972 Explosives Act 1875 Factories Act 1961 and 1998 Fair Trading Act 1973 Farm and Garden Chemicals Act 1967 Food Act 1984 Food and Drugs Act 1955 as amended by Slaughterhouse Act 1958</p>
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	<p> 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 Game Act 1831 (Game and Game Dealers) Game Licences Act 1860 (Game Dealers) Gaming Act, 1968 Guard Dogs Act 1975 Hallmarking Act 1973 Health Act 2006 Health and Safety at Work etc. Act 1974 Highways Act 1980 Home Energy Conservation Act, 1995 Housing Act 2004 Intoxicating Substances (Supply) Act 1985 Land Compensation Act 1973 Late Night Refreshment Houses Act 1976 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 Lotteries and Amusements Act 1976 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 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 Private Places of Entertainment (Licensing) Act 1967 </p>		<p> 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 Game Act 1831 (Game and Game Dealers) Game Licences Act 1860 (Game Dealers) Gaming Act, 1968 Guard Dogs Act 1975 Hallmarking Act 1973 Health Act 2006 Health and Safety at Work etc. Act 1974 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 Late Night Refreshment Houses Act 1976 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 Lotteries and Amusements Act 1976 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 </p>
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	<p> 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 Refuse Disposal (Amenity) Act 1978 Riding Establishments Acts 1964 and 1970 Road Traffic Acts 1988 and 1991 Road Traffic (Consequential Provisions) Act 1988 Road Traffic (Foreign Vehicles) Act 1972 Road Traffic Offenders Act 1988 Road Traffic Regulation Act 1984 Slaughterhouse Act 1974 Slaughter of Poultry Act 1967 Sunday Trading Act 1994 Tattooing of Minors Act, 1969 Telecommunications Act 1984 Theatres Act 1968 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 Violent Crime Reduction Act 2006 Waste Minimisation Act 1998 Water Act, 1989 Water Industry Act 1991 Weeds Act 1950, 1959, 1981 Weights and Measures Acts 1976 and 1985 West Midlands County Council Act 1980 Wildlife and Countryside Act 1981 Zoo Licensing Act 1981 </p>		<p> Prices Acts 1974 and 1975 Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002 Private Places of Entertainment (Licensing) Act 1967 Products of Animal Origin (Third Country Imports) (England) Regulations 2006 Property Misdescriptions Act 1991 Protection from Harassment Act 1997 Protection of Animals Act 1911 Protection of Birds Acts 1954 to 1976 Public Health Acts 1875, 1936, 1961 and 1969 Public Health (Control of Diseases) Act 1984 Regulation of Investigatory Powers Act, 2000 Regulatory Reform (Fire Safety) Order 2005 Refuse Disposal (Amenity) Act 1978 Riding Establishments Acts 1964 and 1970 Road Traffic Acts 1988 and 1991 Road Traffic (Consequential Provisions) Act 1988 Road Traffic (Foreign Vehicles) Act 1972 Road Traffic Offenders Act 1988 Road Traffic Regulation Act 1984 Safety of Sports Grounds Act 1975 Scrap Metal Dealers Act 1964 Slaughterhouse Act 1974 Slaughter of Poultry Act 1967 Sunday Trading Act 1994 Tattooing of Minors Act, 1969 Telecommunications Act 1984 Theatres Act 1968 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 Violent Crime Reduction Act 2006 Waste Minimisation Act 1998 Water Act, 1989 Water Industry Act 1991 Weeds Act 1950, 1959, 1981 Weights and Measures Acts 1976 and 1985 West Midlands County Council Act 1980 </p>
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			Wildlife and Countryside Act 1981 Zoo Licensing Act 1981
5	<p>To authorise the Head of Public Protection to appoint:, or recommend for appointment</p> <ul style="list-style-type: none"> • 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 • Registrar of Crematorium • Lead Officer for Food • Medical Referee (and deputies) for the Crematorium 	5	<p>To authorise the Head of Public Protection to appoint:, or recommend for appointment</p> <ul style="list-style-type: none"> • 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 • Registrar of Crematorium • Lead Officer for Food • Medical Referee (and deputies) for the Crematorium • The Superintendent and Registrar of Births, Deaths and Marriages and Civil Partnerships • Public Analyst for the purpose of s27 of the Food Safety Act 1990.
6	<p>Institution of legal proceedings in respect of the enforcement of all legislation set out above and, in the following circumstances:</p> <p>(i) where the prosecution relates to a contentious/complex area of legislation and/or is likely to be considered as a "test case",</p> <p>(ii) where significant costs are likely to be incurred in bringing the prosecution before the courts,</p> <p>(iii) where the prosecution has serious national implications,</p> <p>(iv) where the prosecution relates to a significant and/or sensitive local issue,</p> <p>(v) any other matter which in the opinion of the Head of Service is of such a serious or sensitive nature that it would be inappropriate for him/her to act under delegated powers, may be referred for the consideration of the Executive Director in consultation with the Assistant Director of Legal Services.</p>	6	<p>Institution of legal proceedings in respect of the enforcement of all legislation set out above, having due regard to any current national enforcement guidance and council policy whilst having regard to the following circumstances:</p> <p>(i) where the prosecution relates to a contentious/complex area of legislation and/or is likely to be considered as a "test case",</p> <p>(ii) where significant costs are likely to be incurred in bringing the prosecution before the courts,</p> <p>(iii) where the prosecution has serious national implications,</p> <p>(iv) where the prosecution relates to a significant and/or sensitive local issue,</p> <p>(v) any other matter which in the opinion of the Head of Service is of such a serious or sensitive nature that it would be inappropriate for him/her to act under delegated powers, may be referred for the consideration of the Executive Director in consultation with the Assistant Director of Legal and Constitutional Services.</p>

7	Enforcement of the Customs and Excise Management Act 1979 and the Tobacco Products Act 1979 relating to fiscal marking of tobacco products.	7	Enforcement of the Customs and Excise Management Act 1979 and the Tobacco Products Act 1979 relating to fiscal marking of tobacco products.
		8	The administration of the Safety of Sports Grounds Act, 1975, in relation to the issue of Safety Certificates Note: Moved from planning
		9	Authority to take action in respect of prohibition notices under Section 10 of the Safety of Sports Grounds Act, 1975; Note: Moved from planning
8	Authorisation of Directed Surveillance and Covert Human Intelligence Sources in accordance with the requirements of the Regulation of Investigatory Powers Act, 2000.	10	Authorisation of Directed Surveillance and Covert Human Intelligence Sources in accordance with the requirements of the Regulation of Investigatory Powers Act, 2000.
9	To authorise the Bereavement 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	11	To authorise the Bereavement and Registration Services Manager to administer the following legislation in relation to the disposal of the dead and to exercise all the powers and duties of the Council as a Local Authority, Burial and Cremation Authority, under, and to delegate this authority to officers in Bereavement Services from time to time: 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
10	Authority to vary fees and charges not fixed by Statute.	12	Authority to vary fees and charges not fixed by Statute.
11	To commence proceedings through the small claims procedure of the County Court for the recovery of outstanding debts.		
12	Authority to determine and otherwise deal with the following matters, provided that controversial matters may be submitted to the Licensing & Safety Committee in accordance with that Committee's Scheme of Delegations:- (a) Stage Plays Licences; (b) Game Dealers Licences; (c) Scrap Metal Dealers Registration;	13	Authority to determine and otherwise deal with the following matters, provided that controversial matters may be submitted to the Licensing & Safety Committee in accordance with that Committee's Scheme of Delegations:- (a) Stage Plays Licences; (b) Game Dealers Licences;

	<p>(d) Motor salvage operators' registration</p> <p>(e) Lottery registration and Prize Bingo permits;</p> <p>(f) Track Betting Licences;</p> <p>(g) Amusements with Prizes permits with and without machines;</p> <p>(h) Street Collection Licences and House to House collection permits;</p> <p>(i) Street Trading Licences;</p> <p>(j) Sporting Event Licences;</p> <p>(k) Cinema Licences (including video juke box licences and video karaoke machine licences);</p> <p>(l) Certificates of Consent for all public exhibitions, demonstrations or performances of hypnotism;</p> <p>(m) Licences to hold civil marriage and civil partnership ceremonies on approved premises;</p> <p>(n) Licensing of Sex Establishments (including Sex Cinemas and Sex Shops);</p> <p>(o) Issue of permits under the Charities Act 2006;</p> <p>(p) Issue of Taxi Licences.</p>		<p>(c) Scrap Metal Dealers Registration;</p> <p>(d) Motor salvage operators' registration</p> <p>(e) Lottery registration and Prize Bingo permits;</p> <p>(f) Track Betting Licences;</p> <p>(g) Amusements with Prizes permits with and without machines;</p> <p>(h) Street Collection Licences and House to House collection permits;</p> <p>(i) Street Trading Licences and permits;</p> <p>(j) Sporting Event Licences;</p> <p>(k) Cinema Licences (including video juke box licences and video karaoke machine licences);</p> <p>(l) Certificates of Consent for all public exhibitions, demonstrations or performances of hypnotism;</p> <p>(m) Licences to hold civil marriage and civil partnership ceremonies on approved premises;</p> <p>(n) Licensing of Sex Establishments (including Sex Cinemas and Sex Shops);</p> <p>(o) Issue of permits under the Charities Act 2006;</p> <p>(p) Issue of Taxi Licences.</p>
		14	Authority to take action under the Licensing Act 2003 relating to the sale of intoxicating liquor to, or for consumption by, persons under 18.
		15	<p>To act as Proper Officer for the Registration Service (Births, Deaths and Marriages and Civil Partnerships)</p> <p>Note:Clarification of Role</p>
		16	To act as Proper Officer, in relation to Walsall, for the Black Country Coroner.

			Note: Clarification of Role
13	<p>To authorise the Head of Greenspaces 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:</p> <p>Animals Act 1971 Anti-Social Behaviour Act 2003 Clean Neighbourhoods and Environment Act 2005 Dangerous Dogs Acts 1989 and 1991 Dogs Act 1871 Dogs (Fouling of Land) Act 1996 Environmental Protection Act 1990 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 Regulation of Investigatory Powers Act 2000 Town Police Clauses Act of 1847 and 1889</p> <p>and to delegate this authority to officers under his control from time to time.</p>		Note: this delegation now moved to Head of Greenspaces at page 60 para 23(10) following direct delegation from Council 10.09.07
14	To authorise the Head of Green Spaces to institute on behalf of the Council any legal proceedings in relation to the control of parks and open spaces.		Note: Thisn ow individually delegated at p60 23.10
43	Head of Leisure and Community Services	23.	<u>Assistant Director of Leisure, Culture and Lifelong Learning</u> Note: Reflects change in job title
1.	Approval of setting and of variations in charges and core admission prices to facilities and events.		Note: Appears also at 41 (7)
2	Acceptance of bids for concessions at events.	1	Acceptance of bids for concessions at events.
3	Acceptance of hand-over from developers of open space, reserved planning matters and Agreements under Section 106 Town and Country Planning Act 1990.	2	Acceptance of hand-over from developers of open space, or payments under agreements under Section 106 Town and Country Planning Act 1990.
4	Approval of routine lettings for events on Leisure and Community Services premises/land under control of Education and Community Services.	3	Approval of routine lettings for events on Leisure, Culture and Lifelong Learning and Neighbourhoods Services premises/land under control of Education and Neighbourhoods Services.
5	Approval of free/concessionary use of Leisure and Community Services facilities/equipment.	4	Approval of free/concessionary use of Leisure, Culture and Lifelong Learning and Neighbourhoods Services facilities/equipment
6	Approval of closure of Leisure and Community Services facilities for essential maintenance.	5	Approval of closure of Leisure, Culture and Lifelong Learning and Neighbourhoods Services facilities for essential maintenance.
7	Determining opening hours during holiday periods for Leisure and Community Services facilities.	6	Determining opening hours during holiday periods for Leisure, Culture and Lifelong Learning and Neighbourhoods Services facilities.
8	Approval of setting and variations in charges and core admission prices to Leisure and Community Services parks and open spaces.	7	Approval of setting and variations in charges and core admission prices to Leisure, Culture and Lifelong Learning and Neighbourhoods Services parks, open spaces, facilities, and events.
9	Acceptance of bids for concessions at parks and open spaces.	8	Acceptance of bids for concessions at parks and open spaces.

		9	<p>The authority to seek planning permission in respect of future proposed development for education and community purposes.</p> <p>Note: Delegation for the efficient operation of the service.</p>
		10	<p>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:</p> <p>Animals Act 1971 Anti-Social Behaviour Act 2003 Clean Neighbourhoods and Environment Act 2005 Dangerous Dogs Acts 1989 and 1991 Dogs Act 1871 Dogs (Fouling of Land) Act 1996 Environmental Protection Act 1990 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 Town Police Clauses Act of 1847 and 1889</p> <p>and to delegate this authority to officers under his control from time to time</p> <p>NOTE: This function was delegated to the Head of Greenspaces by Council resolution on the 10 September 2007, and replaces delegation</p> <p><u>Note:</u></p> <p>(a) Except where otherwise stated, the holder of the following posts within Leisure, Culture and Lifelong Learning may exercise the above powers:-</p> <p>Head of Leisure and Culture 1, 2, 3, 4, 5, 6, 7, 8</p> <p>Head of Greenspaces - 10</p> <p>Note: Clarifies the operation of the delegations</p>
44	<p>General Manager, Property and Development Services</p> <p>Authority to exercise the following powers and functions:-</p>	24.	<p>Head of Property Services</p> <p>Authority to exercise the following powers and functions:-</p> <p>Note: New job title within structure</p>
1	To undertake the day-to-day management of the land and premises (excluding any Housing Revenue Account land	1	To undertake the day-to-day management of the land and premises including

	and property) including the authorisation of expenditure, subject to budgetary control.		the authorisation of expenditure, subject to budgetary control. Note: Removal of Housing Revenue account
2	To approve the grant 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.	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.
3	To approve easements, wayleaves and licences to be granted to utility companies and similar bodies, including electricity, gas, water and telecommunication companies, subject to consultation as appropriate with relevant service areas.	3	To approve easements, wayleaves and licences to be granted to utility companies and similar bodies, including electricity, gas, water and telecommunication companies, subject to consultation as appropriate with relevant service areas.
4	To approve rent reviews on behalf of the Council as either landlord or tenant where provided for in existing leases.	4	To approve rent reviews on behalf of the Council as either landlord or tenant where provided for in existing leases.
5	To approve assignments of the residue of leases and tenancy agreements and underleases thereof, subject to the receipt of satisfactory references.	5	To approve assignments of the residue of leases and tenancy agreements and underleases thereof, subject to the receipt of satisfactory references.
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.	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.
7	To institute proceedings for the forfeiture of any lease, agreement or tenancy-at-will of any industrial or commercial premises (excluding HRA land or property), except where residential accommodation is included, following non-payment by the tenant of rent or any other violation which renders such forfeiture appropriate.	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. Note: Removal of HRA account
8	To take any action and/or institute proceedings to terminate unauthorised encroachment on land in the Council's ownership.	8	To take any action and/or institute proceedings to terminate unauthorised encroachment on land in the Council's ownership.
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.	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.

10	To complete the acquisition, by way of dedication, of land within development schemes which is required to be provided by the developer for open space or play area purposes, subject to the Head of Leisure and Community Services being satisfied as to the standard of the completed works and the availability of finance for future maintenance.	10	To complete the acquisition, by way of dedication, of land within development schemes which is required to be provided by the developer for open space or play area purposes, subject to the Head of Leisure and Community Services being satisfied as to the standard of the completed works and the availability of finance for future maintenance.
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.	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.
12	To approve minor amendments to decisions to the Executive on sales, purchases, leases and contracts.	12	To approve minor amendments to decisions of the Executive on sales, purchases, leases and contracts.
13	To submit planning applications in relation to the development or change of use of land or premises.	13	To submit planning applications in relation to the development or change of use of land or premises.
14	To assist the Executive Director for Finance and Resources in approving the terms of sale and mortgage facilities in connection with the sale of Council houses.		We no longer have Council House stock following LSVT Note: Change in job title
45	Head of Service, Engineering and Transportation	25	Assistant Director of the Built Environment
		1.	The following delegations will be undertaken in accordance with Council policy and, as necessary, with the approval of the Chief Finance Officer and/or the Assistant Director of Legal and Constitutional Services; Note: reflects change in structure these delegations now fall under the Assistant Director with onward delegation
(1)	To authorise, in the absence of the Head of Engineering and Transportation, the Service Managers for Traffic and Transportation and Engineering Design and Construction to act on behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.	2	To authorise, in the absence of the Head of Engineering and Transportation, the Service Managers for Traffic and Transportation and Engineering Design and Construction to act on behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.
2	Authority to take action under the following legislation and to authorise members of staff from time to time employed in Engineering and Transportation to act on behalf of the Council in taking action under the following legislation, including where relevant: The service of Notices, issuing of licences, permits and authorisations, approval of registrations, prior consents and grants, authorisation of works in default, acceptance of statutory notifications, and to take any other action including the power to apply for warrants and to seize and detain goods and documents. Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Control of Pollution Act 1974	3	Authority to take action under the following legislation and to authorise members of staff from time to time employed in Engineering and Transportation to act on behalf of the Council in taking action under the following legislation, including where relevant: The service of Notices, issuing of licences, permits and authorisations, approval of registrations, prior consents and grants, authorisation of works in default, acceptance of statutory notifications, and to take any other action including the power to apply for warrants and to seize and detain goods and documents.

	<p>Countryside and Rights of Way Act 2000 Environment Act 1995 Environmental Protection Act 1990 Highways Act 1980 Land Compensation Act 1973 Late Night Refreshment House Act 1969 Litter Act 1983 Local Government Act 1988 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 New Roads and Street Works Act 1991 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Pollution Prevention and Control Act 1999 Prevention of Damage by Pests Act 1949 Public Health Acts 1936 and 1961 Public Health (Control of Diseases) Act 1984 Refuse Disposal (Amenity) Act 1978 Road Traffic Acts 1988 and 1991 Road Traffic (Consequential Provisions) Act 1988 Road Traffic (Foreign Vehicles) Act 1972 Road Traffic Offenders Act 1988 Road Traffic Regulation Act, 1984 Town and Country Planning Act 1968 Town and Country Planning Act 1990 Town Police Clauses Act 1847 Transport Act 1985 Traffic Management Act 2004 West Midlands County Council Act 1980 Wildlife and Countryside Act 1981</p>		<p>Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Control of Pollution Act 1974 Countryside and Rights of Way Act 2000 Environment Act 1995 Environmental Protection Act 1990 Highways Act 1980 Land Compensation Act 1973 Licensing Act 2003 Litter Act 1983 Local Government Act 1988 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 New Roads and Street Works Act 1991 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Pollution Prevention and Control Act 1999 Prevention of Damage by Pests Act 1949 Public Health Acts 1936 and 1961 Public Health (Control of Diseases) Act 1984 Refuse Disposal (Amenity) Act 1978 Road Traffic Acts 1988 and 1991 Road Traffic (Consequential Provisions) Act 1988 Road Traffic (Foreign Vehicles) Act 1972 Road Traffic Offenders Act 1988 Road Traffic Regulation Act, 1984 Town and Country Planning Act 1968 Town and Country Planning Act 1990 Town Police Clauses Act 1847 Transport Act 1985 Traffic Management Act 2004 West Midlands County Council Act 1980 Wildlife and Countryside Act 1981</p>
(3)	<p>These delegations will be undertaken in accordance with Council Policy and, as necessary, with the approval of the Head of Finance and/or the Assistant Director of Legal and Constitutional Services and the Council's chief adviser on Personnel and Development matters.</p> <p>Note: This now appears as 24. 14 of the proposed constitution</p>		
4	Authority to vary future levels of charges for services (that is services for which charges are currently made but	4	Authority to vary future levels of charges for services for which charges are

	excluding car parking charges), such revisions having regard to the retail price index and prevailing market conditions.		currently made (excluding car parking charges), such revisions having regard to the retail price index and prevailing market conditions.
5	Authority to approve short lists of consultants to be invited to tender for or to submit proposals for specific investigations, analyses or designs, subject to compliance with Financial and Contract Rules.	5	Authority to approve short lists of consultants to be invited to tender for or to submit proposals for specific investigations, analyses or designs, subject to compliance with Financial and Contract Rules.
6	Authority to approve short lists of contractors to be invited to tender for contracts for a specific scheme of works or for a schedule of rates contract for such works, subject to compliance with Financial and Contract Rules.	6	Authority to approve short lists of contractors to be invited to tender for contracts for a specific scheme of works or for a schedule of rates contract for such works, subject to compliance with Financial and Contract Rules.
7	Authority to accept tenders for the supply of works, materials, equipment, plant, investigations, analyses or designs, subject to compliance with Financial and Contract Rules	7	Authority to accept tenders for the supply of works, materials, equipment, plant, investigations, analyses or designs, subject to compliance with Financial and Contract Rules.
8	Authority to accept the tender which is nextmost economically advantageous to the council in cases where the successful tenderer withdraws before entering into contract, subject to compliance with financial and contract rules	8	Authority to accept the tender which is next most economically advantageous to the council in cases where the successful tenderer withdraws before entering into contract, subject to compliance with Financial and Contract rules .
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 financial and contract rules.	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 Financial and Contract rules.
10	Authority to appoint consulting engineers after fee bidding, subject to compliance with Financial and Contract Rules.	10	Authority to appoint consulting engineers after fee bidding, subject to compliance with Financial and Contract Rules.
11	Authority to appoint agency staff subject to compliance with Financial and Contract Rules.	11	Authority to appoint agency staff subject to compliance with Financial and Contract Rules.
12	Authority to exercise powers under all Sections of the Highways Act 1980 in respect of the maintenance, improvement and protection of highways, footpaths, bridleways and associated land, including consulting on proposed alterations to highways, granting Licenses, serving notices and taking legal action to prevent abuse or obstruction of the highway where appropriate.	12	Authority to exercise powers under all Sections of the Highways Act 1980 in respect of the maintenance, improvement and protection of highways, footpaths, bridleways and associated land, including consulting on proposed alterations to highways, granting Licenses, serving notices and taking legal action to prevent abuse or obstruction of the highway where appropriate.
13	Authority to exercise powers under the Highways Act 1980 and the Town and Country Planning Act 1991 in relation to the stopping-up and diversion of highways where planning permission for a development requiring the stopping-up or diversion has previously been granted by the Council.	13	Authority to exercise powers under the Highways Act 1980 and the Town and Country Planning Act 1991 in relation to the stopping-up and diversion of highways where planning permission for a development requiring the stopping-up or diversion has previously been granted by the Council.
14	Authority to exercise powers under the New Roads and Street Works Act 1991 in respect of the protection of highways, footpaths, bridleways and associated land from the activities of Statutory Undertakers including serving notices and taking proceedings where appropriate.	14	Authority to exercise powers under the New Roads and Street Works Act 1991 in respect of the protection of highways, footpaths, bridleways and associated land from the activities of Statutory Undertakers including serving notices and taking proceedings where appropriate.

15	Authority to exercise powers under the Road Traffic Regulation Act 1984 in respect of the management and safety of traffic and pedestrians and the placing of traffic signs on the highway.	15	Authority to exercise powers under the Road Traffic Regulation Act 1984 in respect of the management and safety of traffic and pedestrians and the placing of traffic signs on the highway.
16	Authority to exercise powers under the Transport Act 1968 in respect of objections to Operators' Licence applications on safety and environmental grounds.	16	Authority to exercise powers under the Transport Act 1968 in respect of objections to Operators' Licence applications on safety and environmental grounds.
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.	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.
18	Authority to exercise powers under the Wildlife and Countryside Act 1981 in respect of alterations to the definitive footpath map following approval of changes to the route of a footpath or bridleway.	18	Authority to exercise powers under the Wildlife and Countryside Act 1981 in respect of alterations to the definitive footpath map following approval of changes to the route of a footpath or bridleway.
19	Authority to prepare agreements and contracts in pursuance of the powers of the Council under Section 33 of the Local Government - Miscellaneous Provisions Act 1982, Section 111 of the Local Government Act 1972, and Sections 38 and 278 of the Highways Act 1980.	19	Authority to prepare agreements and contracts in pursuance of the powers of the Council under Section 33 of the Local Government - Miscellaneous Provisions Act 1982, Section 111 of the Local Government Act 1972, and Sections 38 and 278 of the Highways Act 1980.
20	Authority to take action to prosecute offences under the Highways Act 1980, the Road Traffic Regulation Act 1984 and the New Roads and Street Works Act 1991, in accordance with approved policy.	20	Authority to take action to prosecute offences under the Highways Act 1980, the Road Traffic Regulation Act 1984 and the New Roads and Street Works Act 1991, in accordance with approved policy.
21	Authority to approve the design and location of new and replacement street furniture and other highway facilities, and their removal when required, including traffic signs, traffic signals, guardrailings, safety fencing, bollards, dropped kerb crossings, facilities for the disabled, seating, bus stops, bus shelters, statutory undertakers' equipment and street trees, in accordance with approved policy and DfT guidelines.	21	Authority to approve the design and location of new and replacement street furniture and other highway facilities, and their removal when required, including traffic signs, traffic signals, guardrailings, safety fencing, bollards, dropped kerb crossings, facilities for the disabled, seating, bus stops, bus shelters, statutory undertakers' equipment and street trees, in accordance with approved policy and DfT guidelines.
22	Authority to install bollards in verges and footways in accordance with approved policy.	22	Authority to install bollards in verges and footways in accordance with approved policy.
23	Authority to implement measures to ensure the safe operation of the highway network, including serving notices and carrying out minor works, within approved budgets.	23	Authority to implement measures to ensure the safe operation of the highway network, including serving notices and carrying out minor works, within approved budgets.
24	Authority to approve the names to be given to new roads in accordance with approved policy and there is no objection to the name(s) from the post or emergency authorities.	24	Authority to approve the names to be given to new roads in accordance with approved policy and there is no objection to the name(s) from the post or

			emergency authorities.
25	Authority to approve the numbering of houses.	25	Authority to approve the numbering of houses.
26	Authority to approve minor variations to and substitution of schemes in the Highways Capital Programme, in accordance with priorities and within the allocation in the capital programme.	26	Authority to approve minor variations to and substitution of schemes in the Highways Capital Programme, in accordance with priorities and within the allocation in the capital programme.
27	<p>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:</p> <p>(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.</p> <p>(b) The design and implementation of measures provided as part of any Safer Routes to School projects.</p> <p>(c) The design and location of traffic calming features.</p> <p>(d) The design of traffic signal controlled junctions.</p> <p>(e) The design of minor junction improvements and alterations.</p> <p>(f) The design of bus priority measures and the location of bus stops and shelters.</p> <p>(g) Enforcement powers under all sections of the Traffic Management Act 2004.</p> <p>Subject to the proposal being in accordance with approved policy and, where appropriate, following full consultation with local residents and businesses.</p>	27	<p>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:</p> <p>(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.</p> <p>(b) The design and implementation of measures provided as part of any Safer Routes to School projects.</p> <p>(c) The design and location of traffic calming features.</p> <p>(d) The design of traffic signal controlled junctions.</p> <p>(e) The design of minor junction improvements and alterations.</p> <p>(f) The design of bus priority measures and the location of bus stops and shelters.</p> <p>(g) Enforcement powers under all sections of the Traffic Management Act 2004.</p> <p>Subject to the proposal being in accordance with approved policy and, where appropriate, following full consultation with local residents and businesses.</p>
28	<p>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:</p> <p>(a) The design of the necessary works.</p> <p>(b) The method of procuring the works, subject to compliance with Finance and Contract Rules.</p> <p>(c) The use of innovative methods of treatment following an assessment of alternative methods.</p> <p>(d) The traffic management arrangements to enable to works to be carried out safely in accordance with the requirements of the Health & Safety Executive.</p>	28	<p>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:</p> <p>(a) The design of the necessary works.</p> <p>(b) The method of procuring the works, subject to compliance with Finance and Contract Rules.</p> <p>(c) The use of innovative methods of treatment following an assessment of alternative methods.</p>

	(e) Consultation with appropriate interested bodies, residents and businesses likely to be affected by the works, in accordance with approved policy.		(d) The traffic management arrangements to enable 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.
29	<p>Authority to approve the advertising of minor Traffic Regulation Orders where either:</p> <p>(a) The Order has been requested by residents and businesses to control parking or traffic movements in a local area, or</p> <p>(b) The Order is required to improve the safety of the highway network, or</p> <p>(c) The Order is required for safety reasons following the structural assessment of a bridge and structure, or</p> <p>(d) The Order is required to allow the satisfactory implementation of a Minor Improvement Scheme.</p> <p>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.</p>	29	<p>Authority to approve the advertising of Traffic Regulation Orders where either:</p> <p>(a) The Order has been requested by residents and businesses to control parking or traffic movements in a local area, or</p> <p>(b) The Order is required to improve the safety of the highway network, or</p> <p>(c) The Order is required for safety reasons following the structural assessment of a bridge and structure, or</p> <p>(d) The Order is required to allow the satisfactory implementation of a Minor Improvement Scheme.</p> <p>(e) The Order is required to improve the efficient operation of the highway network.</p> <p>(f) The Order is required to assist with improving air quality.</p> <p>Subject to the Order being in accordance with approved policy and only after discussion with Ward Councillors and, where appropriate, following full consultation with local residents and businesses. Where objections do not fall within 30(a) to (f) the matter will be referred to the Development Control Committee for determination.</p> <p>Note: New wording to reflect new obligation on service</p>
30	Authority to authorise the sealing of Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 where there have been no objections received during the period for objection.	30	Authority to authorise the sealing of Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 where there have been no objections received during the period for objection.
31	<p>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:</p> <p>(a) The concerns of the objectors can be accommodated by amending the Order without seriously prejudicing the original intention of the proposal.</p> <p>(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.</p>	31	<p>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:</p> <p>(a) The concerns of the objectors can be accommodated by amending the Order without seriously prejudicing the original intention of the proposal;</p> <p>(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</p>

	<p>(c) The number of objectors to the proposed Order is matched by an equal or greater number of supporters for the proposed Order.</p> <p>(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.</p>		<p>following a further explanation of the effects;</p> <p>(c) The number of objectors to the proposed Order is matched by an equal or greater number of supporters for the proposed Order;</p> <p>(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.</p>
32	Authority to approve "No Parking on the Verge" signs in accordance with approved policy.	32	Authority to approve "No Parking on the Verge" signs in accordance with approved policy.
33	Authority to approve details and locations of authorised items of street furniture, including traffic signs, road markings, lighting and associated equipment, statutory undertakers' equipment, safety barriers, bollards, bus stops, bus shelters, seats, litter bins and other street furniture in accordance with the approved policies of the Council.	33	Authority to approve details and locations of authorised items of street furniture, including traffic signs, road markings, lighting and associated equipment, statutory undertakers' equipment, safety barriers, bollards, bus stops, bus shelters, seats, litter bins and other street furniture in accordance with the approved policies of the Council.
34	Authority to approve displays and exhibitions in pedestrianised areas in accordance with approved policy.	34	Authority to approve displays and exhibitions in pedestrianised areas in accordance with approved policy.
35	Authority to determine the authorisation and de-authorisation of School Crossing Patrols in accordance with approved policy.		Note this delegated power now lies in Regeneration at page 38 delegation 17
36	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.	35	Authority to provide advice and direction to statutory undertakers and contractors on safety matters while working in the highway, including signing requirements, restrictions of working arrangements to suit traffic conditions, and requirement to cease working where such directions and renditions are not met.
37	Authority to approve advertising on street lighting columns in accordance with the requirements of the Public Lighting Contract.	36	<p>In accordance with the requirements of the Public Lighting Contract authorise advertising on street lighting columns</p> <p>Note: New wording to reflect change in service provision</p>
38	Authority to undertake administration of the Public Health Act, 1936, in relation to Part XI - Culverts, ditches and water courses;	37	Authority to undertake administration of the Public Health Act, 1936, in relation to Part XI - Culverts, ditches and water courses;
39	Authority to administer sections 169 and 173 of the Highways Act 1980, with regard to scaffold licences and hoarding permits	38	Authority to administer sections 169 and 173 of the Highways Act 1980, with regard to scaffold licences and hoarding permits.
		39	<p>Authorise members of staff (in consultation with the Head of Public Protection) employed in Street Pride to act on behalf of the Council from time to time in enforcing the following legislation:-</p> <ul style="list-style-type: none"> Control of Pollution Act 1974 Refuse Disposal (Amenities) Act 1978

			<ul style="list-style-type: none"> • Litter Act 1983 • Environmental Protection Act 1990 • Environmental Act 1995 • Waste Minimisation Act 1998 • Clean Neighbourhoods and Environmental Act 2005 <p>NOTE:</p> <p>The following provisions may be exercised by the:</p> <p>Head of Service, Engineering and Transportation 25 (2) through to 25(39) Head of Property Services, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.</p> <p>Note: Update of Statutes and clarification of right to exercise delegations</p>
46	Urban Regeneration Manager and General Manager, Planning Services		
1	To make, facilitate and co-ordinate external grant submission for urban regeneration or similar scheme, the implementation of grant enabled schemes, and the monitoring and reporting of expenditure and outputs.		Note: 46.1-46.2 now moved to 17.8-17.9 of the proposed constitution to reflect change in Council structure
2	To undertake any necessary action for the implementation of a Derelict Land Reclamation Programme.		See above
47	General Manager, Public Sector Enterprises		Note: 47.1 to 47.7 Now move to 17.9 to 17.16 of proposed constitution to reflect change in Council structure
1	The management of the Council's markets including the granting, suspension, variation or revocation of individual licences, permits, consents or lettings		See above
2	Approval of applications for temporary markets, including car boot sales in accordance with policies approved by the Executive.		See above
3	Authority to approve Charity market stalls.		See above
4	<p>Authority to approve the transfer of market stall licences to another family member or employee upon application, providing the officer considering the application is satisfied that the licence holder had traded on the market concerned for at least 5 years; and that throughout the two years immediately preceding the application:-</p> <p>(a) the family member has personally assisted the licence holder in trading on the stall to which the application relates; or</p> <p>(b) the applicant has been employed (other than on a self-employed basis) by the licence holder for the purpose of trading on the stall to which the application relates.</p>		See above
5	Approval to permit the addition/cancellation of trading days in respect of holiday periods for Walsall markets as		See above

	deemed appropriate and in conjunction with the wishes of the various market traders representatives		
6	Write off of irrecoverable market charges for former stallholders.		See above
7	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.		See above
8	Authority to accept tenders for the supply of materials, equipment, plant and services, subject to compliance with the Financial and Contract Procedure Rules including:- (a) Competitive tenders having been obtained in accordance with the Council's Financial and Contract Procedure Rules and any relevant legislation; (b) The tender accepted representing "best value"; (c) Costs being accommodated within the relevant approved estimates.		NOTE: 47.8 to 47.13 now moved to 14.7-14.12
9	Approval of ex-gratia payments for non-staff up to £250 per incident, subject to the maximum provision within the relevant agreements.		See above
10	Making minor variations in contract for collection of cash.		See above
11	With the approval of the Head of Finance and/or Interim Director 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 revisions 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, analyses or designs, subject to compliance with Financial and Contract Procedure Rules. (c) Authority to approve shortlists of contractors to be invited to tender for contracts for a specific scheme of works or for a schedule of rates contract for such works, subject to compliance with Financial and Contract Procedure Rules. (d) Authority to accept tenders for the supply of works, materials, equipment, plant, investigations, analyses or designs, subject to compliance with the Financial and Contract Procedure Rules. (e) Authority to accept the next lowest tender in cases were the successful tenderer withdraws before entering into contract, subject to compliance with Financial and Contract Procedure Rules. (f) Authority to utilise other contractors in order of lowest price in the event of the successful tenderer being unable to meet the programme of requirements, subject to compliance with Financial and Contract Procedure Rules. (g) Authority to install bollards in verges and footways in accordance with the approved policy of the Committee.		See above

	<p>(h) Authority to take action to remove unauthorised campers under the provisions of the Criminal Justice and Public Order Act, 1994.</p> <p>(i) Authority to make purchases from companies offering products to the required specification at the lowest price available on that day.</p> <p>(j) Authority to vary levels of charges in respect of depot sales of surplus materials and miscellaneous charges, such revisions having regard to the retail price index and prevailing market conditions.</p>		
12	Authority to purchase nearly new vehicles from auction and second hand ex-demonstration vehicles, subject to compliance with the approved overall vehicle procurement framework.		See above
13	Deliver the vehicle replacement policy of replacing vehicles over 5 years old, subject to budget availability.		See above
48	Chief Internal Auditor	26	<u>Chief Internal Auditor</u>
1	Authorisation of Directed Surveillance and Covert Human Intelligence Sources in accordance with the requirements of the Regulation of Investigatory Powers Act, 2000.	1	Authorisation of directed surveillance and covert human intelligence sources in accordance with the requirements of the regulation of the Investigatory Powers Act, 2000.
49	Head of Personnel and Development	27	<u>Head of Human Resources and Development</u>
1	To exercise the functions of the Council's Chief Personnel Officer, including guidance on the dismissal or disciplinary process.	1	To exercise the functions of the Council's Chief Personnel Officer, including guidance on the dismissal or disciplinary process.
2	To act as "proper officer" in relation to appointment and dismissal of the Head of the Paid Service and Statutory Chief Officers;	2	To act as "proper officer" in relation to appointment and dismissal of the Head of the Paid Service and Statutory Chief Officers.
3	<p>To authorise, in consultation with Directors and General Managers:-</p> <p>(a) the determination of grades and organisation structures;</p> <p>(b) the payment of honoraria;</p> <p>(c) the implementation of grievance, disciplinary performance management, anti-harassment, and sickness policies; and all other personnel policies approved by the Council;</p>	3	<p>To authorise, in consultation with Executive Directors, Assistant Directors and Heads of Service:-</p> <p>(a) the determination of grades and organisation structures;</p> <p>(b) the payment of honoraria;</p> <p>(c) the implementation of grievance, disciplinary performance management, anti-harassment, and sickness policies; and all other personnel policies approved by the Council;</p> <p>Note: Amendment to Job Titles to reflect current structure</p>
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.	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 .
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.	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.
6	Increase Members' Allowances in accordance with the bottom of Scale 1 of the National Joint Council Local Government pay spine.	6	Increase Members' Allowances in accordance with the bottom of the National Joint Council Local Government pay spine.
7	Hardship advances to employees.	7	To determine hardship advances to employees.
8	To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act, 2000.	8	To authorise directed surveillance, for investigatory purposes , in accordance with the Regulation of Investigatory Powers Act, 2000.
50	Head of Finance		50 from 50.1 to 50.10 now in 13 see note
1	Taking all necessary action for the collection of amounts due to the Council using any powers available to the Council.		See above
2	Authority to write off irrecoverable amounts due to the Council up to and including £2,500 and without limit as regards personal local taxation on a single property .		See above
3	Approval to discretionary relief from National Non-Domestic Rates, in accordance with the Council's approved scheme, for applications received or evaluated too late for consideration at the last ordinary meeting of the Executive before 30th September, where such applications would otherwise be incapable of approval for effect during the previous financial year, such approval to be for a maximum of one year only, with any extension subject to approval of the Executive.		See above
4	Authorising, on behalf of the Council as Billing Authority, valuation agreements in respect of the Non-Domestic Rate Rating list, as required by the District Valuer of the Inland Revenue.		See above
5	To arrange borrowing as may be necessary from time to time for the Council's purposes. Sources 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, by Council or the Executive.		See above
6	To arrange finance and operating leases as required in accordance with the Council's Capital Programme.		See above
7	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		See above

	which may be made by statute, by Council or the Executive, in conjunction with the Resources Planning and Treasury Manager.		
8	Write off of irrecoverable market charges for former stallholders.		See above
9	Statutory Determinations - Statement of Accounts.		See above
10	To approve capital expenditure which is included within the approved Capital Programme. (Note: Any proposed capital expenditure not included in the Capital Programme shall be considered by Cabinet and referred to Council.)		See above
51	51. Local Taxation Manager		51 51.1 to 51.5 now contained within note of delegations in 13.
1	Approval to discretionary relief from National Non-Domestic Rates, in accordance with the Council's approved scheme, for applications received or evaluated too late for consideration at the last ordinary meeting of the Executive before 30th September, where such applications would otherwise be incapable of approval for effect during the previous financial year, such approval to be for a maximum of one year only, with any extension subject to approval of the Executive.		See above
2	Authorising, on behalf of the Council as Billing Authority, valuation agreements in respect of the Non-Domestic Rate Rating list, as required by the District Valuer of the Inland Revenue.		See above
3	To fix incidental charges relating to local taxation		See above
4	To determine applications for rate relief under Section 44a of the Local Government Finance Act, 1988.		See above
5	Authority to write off irrecoverable amounts due to the Council up to and including £2,500 and without limit as regards personal local taxation on a single property .		See above

Police and Justice Act 2006

**Proposed revised remit for Neighbourhood Scrutiny and Performance Panel –
Article 6 and Part 3.2**

Neighbourhood Scrutiny and Performance Panel

All aspects and general services related to serving the community, for example; community safety, leisure, libraries, heritage, neighbourhood partnership services, services relating to the built environment such as waste management, highways maintenance and traffic management, the management of land and property, public protection and to review or scrutinise decisions made or other actions taken in connection with the discharge of the responsible authorities of their crime and disorder functions, no less than twice in every 12 months as required by the Police and Justice Act, 2006, within the functions set out in section 21 of the Local Government Act 2000.

Councillor Call for Action

Proposed amendment to Article 6, Part 4.5 and Part 5 (new protocol 13)

(1) Part 2 - Article 6.03 insert new paragraph:

- (v) Will exercise the right to consider Councillor Call for Action.

(2) Part 4.5 – Scrutiny and Performance Panel procedure rules insert new paragraph 18:

18. Councillor Call for Action

- (a) Any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter.
- (b) CCfA should only be used in exceptional circumstances. These are where Councillors have been unable to resolve issues and problems on behalf of their residents. CCfA will be a means of 'last resort' in a broad sense, with issues being raised at Scrutiny and Performance Panels after other avenues have been exhausted.
- (c) A local government matter means a matter which:
 - (i) relates to the discharge of any function of the authority;
 - (ii) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and;
 - (iii) is not an excluded matter.
- (d) A local crime and disorder matter, in relation to a member of a local authority, means a matter concerning:
 - (i) Crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
 - (ii) The misuse of drugs, alcohol and other substances.

which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.

- (e) Specifically excluded from becoming a CCfA are:
 - (i) any matter relating to a planning decision;
 - (ii) any matter relating to a licensing decision;
 - (iii) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
 - (iv) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Scrutiny and Performance Panel or at a meeting of a sub-committee of that panel.
- (f) A matter does not fall within a description in paragraph (d) (i) – (iv), if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding the fact that the allegation specifies or refers to a planning decision, a licensing decision or a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment.
- (g) All CCfA's need to be submitted, in writing, to the Chief Executive, on the supplied form, providing full details of the issue concerned, including an explanation of what the issue is, why it is being raised as a CCfA, the steps that have been taken to resolve the issue and the expected outcome to be achieved from the CCfA.
- (h) The Chief Executive will log the CCfA and then raise it with the nominated scrutiny officer as soon as reasonably practicable.

(3) Part 5 – insert new protocol 13 – see attached

13 – Councillor Call for Action protocol

1. Any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter.
2. CCfA should only be used in exceptional circumstances. These are where Councillors have been unable to resolve issues and problems on behalf of their residents. CCfA will be a means of ‘last resort’ in a broad sense, with issues being raised at Scrutiny and Performance Panels after other avenues have been exhausted.
3. A local government matter means a matter which:
 - (a) relates to the discharge of any function of the authority;
 - (b) affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and;
 - (c) is not an excluded matter.
4. A local crime and disorder matter, in relation to a member of a local authority, means a matter concerning:
 - (a) Crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
 - (b) The misuse of drugs, alcohol and other substances.

which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.
5. Specifically excluded from becoming a CCfA are:
 - (a) any matter relating to a planning decision;
 - (b) any matter relating to a licensing decision;
 - (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
 - (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Scrutiny and Performance Panel or at a meeting of a sub-committee of that panel.

6. A matter does not fall within a description in paragraph 5 (a) – (b), if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding the fact that the allegation specifies or refers to a planning decision, a licensing decision or a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment.
7. All CCfA's need to be submitted, in writing, to the Chief Executive, on the supplied form, providing full details of the issue concerned, including an explanation of what the issue is, why it is being raised as a CCfA, the steps that have been taken to resolve the issue and the expected outcome to be achieved from the CCfA.
8. The Chief Executive will log the CCfA and then raise it with the nominated scrutiny officer as soon as reasonably practicable.
9. The nominated scrutiny officer will:
 - (a) Acknowledge receipt of the CCfA with the Member who submitted it;
 - (b) Ask the Monitoring Officer to make a decision on whether or not the submitted CCfA fits any of the aforementioned exemption criteria.
10. If the submitted CCfA falls into one of the aforementioned exemption criteria then it will fail at this point and the Monitoring Officer will inform the member of this outcome.
11. If the CCfA is valid then the nominated scrutiny officer will co-ordinate a response from the relevant persons in preparation for consideration at the next practicable meeting of the relevant scrutiny and performance panel.
12. The nominated scrutiny officer will draft a report to the relevant scrutiny and performance panel. A copy of this report will be sent to the Member who submitted the CCfA.
13. The CCfA will be considered at the next meeting of the scrutiny and performance panel.
14. The who submitted the CCfA will be invited to attend and speak at the scrutiny and performance panel considering the submitted CCfA.
15. Unless specifically excluded, with regard to local government matters, a scrutiny and performance panel has the power to:
 - (a) review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;
 - (b) make reports or recommendations to the authority or executive with respect to the discharge of any functions which are the responsibility of the executive;

- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
 - (d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive;
 - (e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.
16. Unless specifically excluded, with regard to crime and disorder matters, a scrutiny and performance panel has the power to:
- (a) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities* of their crime and disorder functions;
 - (b) to make reports or recommendations to the local authority with respect to the discharge of those functions.
17. If the scrutiny and performance panel decides not to exercise any of their powers in relation to the submitted CCfA it must notify the Member who submitted the CCfA of its decision and the reasons for it.

Notes:

A licensing decision means:

Any decision in relation to:

- An application for any authorisation within the meaning of the section 2 of the Licensing Act 2003 (b), or
- A request for a review of any such decision, or
- Any enforcement decision made under that Act or subordinate legislation made under that Act.

Planning decision means:

- Any decision on an application under the Planning Acts or subordinate legislation made under those Acts for any agreement, approval, consent or permission, or
- And enforcement decision relating to any development within the meaning of those Acts(a); and
- 'right of recourse to a review' does not include any right to make a complaint to the Commission for Local Administration pursuant to the Local Government Act 19749(b).

* Responsible authorities means the bodies or persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998. Namely:

- (i) The Council for the area;
- (ii) Every Chief Officer of Police any part of whose police area lies within the area.



Walsall Council

**Councillor
Call for
Action
submission
form**

Date

I Councillor

.....

Would like to submit a Councillor Call for Action in relation to the following:

ISSUE (what is it you are trying to achieve/deliver)

.....

For the following reasons

.....

.....

ACTION UNDERTAKEN (what steps/actions have you taken so far to resolve this - set out in as much detail what you have done, who you have written to/spoken with and when)

In my role as Councillor I have completed the following actions to try and resolve the issue:

.....

.....

.....

RESULT (what would you like to see as the outcome of your Councillor Call for Action?)

.....

.....

.....

Signed Date:

Note 1: Part 4.5. paragraph 18, of the Walsall Council Constitution, sets out the scrutiny and performance process for submitting a Councillor Call for Action.

Note 2: The protocol for submission of a Councillor Call for Action is set out in Part 5.12 of the Walsall Council Constitution

Note 3: This form should be completed and returned to the Chief Executives Office

Signed: _____ Date received: _____
Chief Executive