

Appendix 2

Proposed Amendments to the Scheme of Delegations

Part/Article	Revision(s)	Reason
Part 3.5 (Table 5) – Scheme of Delegations of Functions to Officers	Revised Job Titles throughout document to reflect the structure	Re-structure
4.9	Additional wording in <i>italics</i> :- Anything delegated to an officer is also delegated to the Chief Executive. <i>Executive Directors have the authority to exercise delegated decisions relating to their Directorate.</i> Any officer with a delegation can in writing delegate the exercise of the function to an officer under their management.	To make it clear that Executive Directors are able to exercise delegated decisions which relate to their directorate.
11. General 1 (a)	Request to increase ex gratia payments to staff from £250 to £500/£1000 per incident.	Request by Executive Director Resources & Transformation (ED R & T)
NEW SECTION	General Scheme of Delegations	Request by ED R & T
Chief Executive		
n/a	No changes required	
Executive Director – Resources and Transformation		
13.1 & 13.43 To respond to consultation documents received from	Request for 13.1 & 13.43 to refer only to Group Leader and relevant Portfolio Holder rather than all Group Leaders and relevant Portfolio Holder.	Officer request

various government departments, subject to consultation with Group Leaders and the relevant portfolio holder.		
Advised that all delegations relating to Corporate Landlord need to be inserted under ED R & T:-	<p>16.9 – 16.10 19.3 – 19.22 & 19.24</p> <p>To be inserted as follows:-</p> <p>16.9 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.</p> <p>16.10 To instruct the Director of Governance 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.</p> <p>19.3 Maintain a schedule of Local Sites (Sites of importance/Local Importance for Nature Conservation) with the authority to add or remove sites from the schedule in line with published criteria and endorsement by the Birmingham and Black Country Local Sites Partnership.</p> <p>19.4 The authority not to pursue enforcement action if it is considered that it is no longer expedient to do so.</p> <p>19.5 Authorised to grant powers of entry to appropriate officers.</p> <p>19.6 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>	ED R & T suggestion

	<p>19.7 To authorise the issue of Listed Building Enforcement Notices in circumstances where the delegated powers of officers to determine Listed Building Consents have resulted in the refusal of Listed Building Consent for retrospective development.</p> <p>19.8 Authority to serve a breach of condition notice where planning conditions and Listed Building Consent conditions have not been complied with.</p> <p>19.9 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.</p> <p>19.10 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.</p> <p>19.11 Maintain a schedule of Locally Listed Buildings with the authority to add or remove sites from the schedule in line with published criteria.</p> <p>19.12 To determine and review Conservation Areas in accordance with Section 69 1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>19.13 To undertake the day-to-day management of the land and premises including the authorisation of expenditure, subject to budgetary control.</p> <p>19.14 To approve the grant take up 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.</p> <p>19.15 To approve easements, wayleaves, licences and deeds of covenant, subject to</p>	
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	<p>consultation as appropriate with relevant service areas.</p> <p>19.16 To approve rent reviews on behalf of the Council as either landlord or tenant where provided for in existing leases.</p> <p>19.17 To approve assignments of the residue of leases and tenancy agreements and under leases thereof, subject to the receipt of satisfactory references.</p> <p>19.18 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.</p> <p>19.19 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.</p> <p>19.20 To take any action and/or institute proceedings to terminate unauthorised encroachment on land and property in the Council's ownership.</p> <p>19.21 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.</p> <p>19.22 To complete the acquisition, by way of dedication, of land within development schemes which is required to be provided by the developer for open space or for other community uses provided by the Council, subject to the Head of Leisure, Culture and Operations and or the Head of Clean and Green being satisfied as to the</p>	
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	<p>standard of the completed works and the availability of finance for future maintenance.</p> <p>19.24 To approve minor amendments to decisions of the Executive on sales, purchases, leases and contracts.</p>	
13.5 Exercise all routine housing functions that are not specifically delegated to any relevant Cabinet member, the Cabinet, or any Committee.	Removed as not in remit. Added to Executive Director Economy, Environment & Communities.	ED R & T request
13.6 To authorise the Systems Leader (Money, Home, Job) and the Senior Housing Strategy Officer to agree requests from Registered Providers to dispose of surplus housing stock.	Removed as not in remit. Added to Executive Director Children's Services	ED R & T request
13.11 – 13.15	<p>Removed as housing/unauthorised occupier matters and not in remit.</p> <p>13.11 – 13.14 - Added to Executive Director Children's Services</p> <p>13.11 To exercise all the statutory powers and duties of the Council relating to</p>	ED R & T request

	<p>private sector housing including The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and subject to the limits set out in the Financial and Contract Rules, authority to:</p> <p>(a) Purchase equipment, tools and materials and authorise the execution of works;</p> <p>(b) Write off of recovery of debt relating to Statutory Notices or completion of work in default in consultation with the Director of Governance;</p> <p>(c) Issue house in multiple occupation (HMO) licences and related notices;</p> <p>(d) consider and determine applications for loans or grants for aids for purposes detailed within the Council's Housing Renewal Assistance policy including aids and adaptations to the homes of people with disabilities below £46,000.</p> <p>(e) consider and determine applications for repair and improvements to private housing in line with the Council's Housing Renewal Assistance Policy.</p> <p>13.12 (a) To grant authorisations (as the appropriate officer), to enforcement officers under the Housing Act 2004 Section 243 for the purposes of:</p> <p>(i) Section 131 (management orders: power of entry to carry out work)</p> <p>(ii) Section 235 (power to require documents to be produced)</p> <p>(iii) Section 239 (powers of entry)</p> <p>(iv) Paragraph 3 (4) of Schedule 3 improvement notices: power of entry to carry out work), and</p> <p>(v) Paragraph 25 Schedule 7 (Empty dwelling Management Orders: power of entry to carry out work)</p> <p>(b) To authorise the Systems Leaders (Money, Home, Job), the Manager of Housing Standards</p>	
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	<p>and Improvement and Manager for Supported Housing to grant such authorisations under 13.12 and those listed in 13.13 and 13.14.</p> <p>(c) To make decisions and to take action under the following legislation, including all orders and statutory instruments issued as a result. This will include where relevant, the service and enforcement of notices, licences, authorisation of works in default, implementation of charges, approval of grants, loans and other financial assistance institution of legal proceedings:</p> <ol style="list-style-type: none"> (1) Housing Acts 1980; (2) Housing Act 1985 (as amended); (3) Housing Act 1988; (4) Housing Act 1996; (5) Housing Act 2004; (6) Housing Association Act 1985; (7) Housing and Building Control Act 1984; (8) Housing Grants, Construction and Regeneration Act 1996; (9) Local Government Act 1972; (10) Local Government and Housing Act 1989; (11) Local Government (Miscellaneous Provisions) Act 1976; (12) Local Government (Miscellaneous Provisions) Act 1982; (13) Rent Act 1977; (14) Water Act 1989; (15) Protection from Eviction Act 1977; (16) Landlord and Tenant Act 1954; (17) Landlord and Tenant Act 1985; (18) Landlord and Tenant Act 1987; (19) Caravan Sites and Control of Development Act 1960; (20) Caravan Sites Act 1968, Part 1; (21) Mobile Homes Act 1973; (22) Mobile Homes Act 1983; (23) Land Compensation Act 1973; (24) Noise and Statutory Nuisance Act 1993; (25) Prevention of Damage by Pests Act 1949; (26) Public Health Act 1936; (27) Public Health Act 1961; (28) Public Health Act 1969; (29) Refuse Disposal (amenity) Act 1978; (30) Building Act 1984; (31) Environmental Protection Act, 1990; (32) Control of Pollution Act 1974; 	
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	<p>(33) Defective Premises Act 1972; (34) Clean Air Act 1993; (35) Home Energy Conservation Act 1995; (36) European Communities Act 1972; (37) Health and Safety at Work Act 1974. (38) Homeless Act 2002 (39) Care Act 2014 (18.25) (40) Housing and Planning Act 2016</p> <p>13.13 To take action under the following legislation (as may be amended), including where relevant, the determination of homelessness applications, the service of notices, issuing of licences, authorisation at works in default, implementation of charges, approval of grants, institution of legal proceedings etc:</p> <p>(1) Planning legislation (including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008; (2) Housing Act 1996 (as amended by the Homelessness Act 2002; (3) Immigration and Asylum Act 1999; (4) Nationality Immigration and Asylum Act 2002; (5) Asylums and Immigration (Treatment of Claimants) Act 2004; (6) Protection from Eviction Act 1977; (7) Children Act 2002; (8) Localism Act 2011 (9) Homeless Reduction Act 2017</p> <p>13.14 Instruct the Director of Governance to initiate proceedings for contraventions of any of the Acts (listed previously), which relate to the private sector. This includes issuing of a formal caution in lieu of prosecution in appropriate circumstances, e.g.:</p> <p>(a) Where mitigating circumstances exist; (b) Where sufficient evidence exists to prosecute; (c) Where it is in the public interest to do so; (d) Where the perpetrator admits the offence.</p> <p>&</p> <p>13.15 added to Director of Resilient Communities:-</p> <p>13.15 Without prejudice to any delegations, authorise the Monitoring Officer to</p>	
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	institute appropriate legal proceedings including against unauthorised occupiers found on the Council's land or premises.	
13.39 Engage in data matching exercises designed to assist in the detection of fraud.	<p>Suggest that the following be included in each Executive Director/Director delegation as data matching will need to take place across the organisation – add to 4.1 as 4.1 (h):-</p> <ul style="list-style-type: none"> Engage in data matching exercises designed to assist in the detection of fraud. 	ED R & T suggestion
Executive Director – Children's Services		
14.88 & 14.99	<p>Removed as should now be in Executive Director Economy, Environment & Communities. To be added to ED E, E & C:-</p> <p>14.88 Encourage enable or assist young people's participation in education or training and make arrangements to ensure that 15 and 17 year olds have received an offer of a suitable place in post-16 education or training and that they are assisted to take up the place.</p> <p>14.99 A range of responsibilities in relation to the operational duties of the Youth Justice Service including assessing young people subject to our Court disposals including assessment and interventions to prevent and reduce offending.</p>	Executive Director (Children's Services) request
13.6 (removed from ED R & T) as now in ED CS remit.	13.6 To authorise the Systems Leader (Money, Home, Job) and the Senior Housing Strategy Officer to agree requests from Registered Providers to dispose of surplus housing stock.	
13.11 – 13.14 (removed from ED R & T) as now in ED CS remit.	<p>13.11 To exercise all the statutory powers and duties of the Council relating to private sector housing including The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and subject to the limits set out in the Financial and Contract Rules, authority to:</p> <p>(a) Purchase equipment, tools and materials and authorise the execution of works;</p> <p>(b) Write off of recovery of debt relating to Statutory Notices or completion of work in default in consultation with the Director of Governance;</p>	

	<p>(c) Issue house in multiple occupation (HMO) licences and related notices;</p> <p>(d) consider and determine applications for loans or grants for aids for purposes detailed within the Council's Housing Renewal Assistance policy including aids and adaptations to the homes of people with disabilities below £46,000.</p> <p>(e) consider and determine applications for repair and improvements to private housing in line with the Council's Housing Renewal Assistance Policy.</p> <p>13.12 (a) To grant authorisations (as the appropriate officer), to enforcement officers under the Housing Act 2004 Section 243 for the purposes of:</p> <p>(i) Section 131 (management orders: power of entry to carry out work)</p> <p>(ii) Section 235 (power to require documents to be produced)</p> <p>(iii) Section 239 (powers of entry)</p> <p>(iv) Paragraph 3 (4) of Schedule 3 improvement notices: power of entry to carry out work), and</p> <p>(v) Paragraph 25 Schedule 7 (Empty dwelling Management Orders: power of entry to carry out work)</p> <p>(b) To authorise the Systems Leaders (Money, Home, Job), the Manager of Housing Standards and Improvement and Manager for Supported Housing to grant such authorisations under 13.12 and those listed in 13.13 and 13.14.</p> <p>(c) To make decisions and to take action under the following legislation, including all orders and statutory instruments issued as a result. This will include where relevant, the service and enforcement of notices, licences, authorisation of works in default, implementation of charges, approval of grants,</p>	
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	<p>loans and other financial assistance institution of legal proceedings:</p> <ol style="list-style-type: none"> (1) Housing Acts 1980; (2) Housing Act 1985 (as amended); (3) Housing Act 1988; (4) Housing Act 1996; (5) Housing Act 2004; (6) Housing Association Act 1985; (7) Housing and Building Control Act 1984; (8) Housing Grants, Construction and Regeneration Act 1996; (9) Local Government Act 1972; (10) Local Government and Housing Act 1989; (11) Local Government (Miscellaneous Provisions) Act 1976; (12) Local Government (Miscellaneous Provisions) Act 1982; (13) Rent Act 1977; (14) Water Act 1989; (15) Protection from Eviction Act 1977; (16) Landlord and Tenant Act 1954; (17) Landlord and Tenant Act 1985; (18) Landlord and Tenant Act 1987; (19) Caravan Sites and Control of Development Act 1960; (20) Caravan Sites Act 1968, Part 1; (21) Mobile Homes Act 1973; (22) Mobile Homes Act 1983; (23) Land Compensation Act 1973; (24) Noise and Statutory Nuisance Act 1993; (25) Prevention of Damage by Pests Act 1949; (26) Public Health Act 1936; (27) Public Health Act 1961; (28) Public Health Act 1969; (29) Refuse Disposal (amenity) Act 1978; (30) Building Act 1984; (31) Environmental Protection Act, 1990; (32) Control of Pollution Act 1974; (33) Defective Premises Act 1972; (34) Clean Air Act 1993; (35) Home Energy Conservation Act 1995; (36) European Communities Act 1972; (37) Health and Safety at Work Act 1974. (38) Homeless Act 2002 (39) Care Act 2014 (18.25) (40) Housing and Planning Act 2016 <p>13.13 To take action under the following legislation (as may be amended), including where</p>	
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	<p>relevant, the determination of homelessness applications, the service of notices, issuing of licences, authorisation at works in default, implementation of charges, approval of grants, institution of legal proceedings etc:</p> <p>(1) Planning legislation (including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008;</p> <p>(2) Housing Act 1996 (as amended by the Homelessness Act 2002;</p> <p>(3) Immigration and Asylum Act 1999;</p> <p>(4) Nationality Immigration and Asylum Act 2002;</p> <p>(5) Asylums and Immigration (Treatment of Claimants) Act 2004;</p> <p>(6) Protection from Eviction Act 1977;</p> <p>(7) Children Act 2002;</p> <p>(8) Localism Act 2011</p> <p>(9) Homeless Reduction Act 2017</p> <p>13.14 Instruct the Director of Governance to initiate proceedings for contraventions of any of the Acts (listed previously), which relate to the private sector. This includes issuing of a formal caution in lieu of prosecution in appropriate circumstances, e.g.:</p> <p>(a) Where mitigating circumstances exist;</p> <p>(b) Where sufficient evidence exists to prosecute;</p> <p>(c) Where it is in the public interest to do so;</p> <p>(d) Where the perpetrator admits the offence.</p>	
Executive Director – Economy, Environment and Communities		
20.	<p>The following post now reports to Corporate Landlord.</p> <p>20. Head of Programme Management</p>	
Insert 14.88 & 14.99	<p>14.88 Encourage enable or assist young people’s participation in education or training and make arrangements to ensure that 15 and 17 year olds have received an offer of a suitable place in post-16 education or training and that they are assisted to take up the place.</p> <p>14.99 A range of responsibilities in relation to the operational duties of the Youth Justice Service including assessing young people subject to our</p>	

	Court disposals including assessment and interventions to prevent and reduce offending.	
13.5 removed from ED R & T and included in ED E, E & C	13.5 Exercise all routine housing functions that are not specifically delegated to any relevant Cabinet member, the Cabinet, or any Committee.	
Executive Director – Adult Social Care		
15. Executive Director Adult Social Care	<p>Deb Hindson suggest that Hub Function be referred to here. Title amended to:-</p> <p>Executive Director – Adult Social Care (including Public Health and the Hub)</p>	
15.22	<p>To replace the following wording:-</p> <p>Authority to waive Financial and Contract Rules in relation to seeking quotations and tenders for certain community care services to be replaced.</p> <p>with:-</p> <p>Authority to waive Financial and Contract Rules in relation to Adult Social Care services covered by the procurement Light Touch Regime, subject to procurement law</p>	ED R & T request
15.27	<p>Insert word ‘any’ shown in bold and underlined below:-</p> <p>Authority to approve interest free loans not exceeding £30,000 in accordance with <u>any</u> guidelines as approved by the Council’s Executive.</p>	ED R & T request
15.29	<p>Remove the following as now covered by new general delegations:-</p> <p>Authority to make ex-gratia payments in appropriate circumstances to non-staff up to the value of £500 per instance.</p>	New general delegations to different tiers has been created. See Appendix 3.

Director of Governance		
	Reference to Head of Legal and Democratic removed and replaced with Director of Governance.	Job title changed throughout
24.6 (e) To authorise the sealing or signature of any Order, Deed or any other document necessary to give effect to the substance of a decision of the Council, Executive, Committee, or officer acting under the Delegated Powers, in compliance with Rule 19 of the Council's Contract Rules.	Add at sub note (e) a new (iii) as follows: (iii) For the purposes of promoting and or protecting the Councils legal interests.	Clarity on role and function
Head of Business Change		
25. Head of Business Change	Post deleted from structure. The following delegation now rests with the Director of Resilient Communities:- Authorisation of directed surveillance and covert human intelligence sources in accordance with the requirements of the Regulation of the Investigatory Powers Act, 2000.	Post no longer exists