

REPORT TO THE COUNCIL

Report No. 11

Date of Meeting	5th December 2006
Title of Report	Scheme of Delegations to Officers
Link to Corporate Priorities	Governance underpins the delivery of all the Corporate Priorities
Public Report	Yes

Summary of Report

This report seeks Council approval to amend the Scheme of Delegation to Officers within the Council's Constitution.

Officer Recommendations

The Council approves the amendments to the Scheme of Delegation to Officers as set out in Appendix 1 to the Report

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	None	None	None

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1. Introduction

- 1.1 To seek Council's approval to amend the Scheme of Delegation to Officers within the Council's Constitution.

2. Options and Options Appraisal

- 2.1 Option 1 - Approval be given to amend the Scheme of Delegation to Officers as set out at Appendix 1.
- 2.2 Option 2 - Approval be given to the amended Scheme of Delegations with further amendments.

3. Background Information

- 3.1 Council Officers are authorised to take decisions in the name of the Council in respect of all those matters set out in the Scheme of Delegation to Officer which forms part of the Council's Constitution.
- 3.2 Council is asked to approve amendments to the Scheme of Delegation from time to time to accommodate new legislation, new structures, new methods of working, or simply to repair omissions which have come to light in the course of day-to-day working.
- 3.3 The amendments to the Scheme of Delegation being put forward on this occasion appear as Appendix 1.

4. Legal Implications

- 4.1 Those Officers given delegated powers will have full authority to exercise those powers and take decisions on behalf of the Council.

5. Risk Analysis

- 5.1 There are no major risks associated with this report.

Appendices:	<ul style="list-style-type: none"> • Appendix 1 – Amendments to Scheme of Delegation to Officers
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> • None

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
None		

APPENDIX 1**ASSET DESIGN AND REGENERATION TEAM LEADER**

FUNCTION	CONSULTATION	CONDITIONS
To serve a notice requiring the repairing maintaining and cleansing of culverts (S264 Public Health Act 1936) and to respond to any appeal lodged against such a notice	Legal Services Team Leader in respect of appeals	
Power to authorise purchase of existing caravans on Council owned sites where acquisitions are necessary for the proper development of the site *	Legal Services Team Leader Retained Valuer	
Power to authorise the purchase installation and sale of new mobile homes and caravans in the event of a site vacancy occurring*	Legal Services Team Leader Retained Valuer	
* NOTE: Transfer of delegation from Housing Team Leader		

SENIOR PARKING OFFICER

All powers in connection with the removal and disposal of motor vehicles under the Refuse Disposal Amenity Act 1978 as amended and the Removal and Disposal of Vehicles Regulations 1986 as amended including the power to authorise prosecutions	Legal Services Team Leader in respect of prosecutions	
* NOTE: Transfer of delegation from Environmental Health Team Leader		

ENVIRONMENTAL HEALTH TEAM LEADER

Authorisation to take proceedings in the High Court for the grant of injunctive relief for failure to obtain an appropriate licence under the Licensing Act 2003	Legal Services Team Leader	Where the Officer is satisfied that large gatherings of people are likely to give rise to a nuisance and it is expedient for the promotion or protection of the interests of the inhabitants of the district that such proceedings be taken.
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HUMAN RESOURCES TEAM LEADER

Manage the corporate reward strategy including taking decisions on entitlements to benefit and any issues relating to pensions or gratuities in accordance with Council policy and current legislation.	Chief Executive Strategic Managers	Within budget
Management of all corporate employee relations issues (to include such things as Trades Union negotiations, redundancy programmes, collective bargaining and representation at appeals and similar hearings related to employment rights)	Chief Executive Strategic Managers Trades Unions – through Local Joint Consultative Committee	
Development of organisational structures in conjunction with Corporate Management Board	Chief Executive Strategic Managers	Within budget
Development and delivery of corporate training programme	Chief Executive Strategic Managers	Within budget
In conjunction with Health & Safety adviser ensure Council complies with current health, safety & welfare legislation	Team Leader Environmental Health Trades Union – through Joint Safety Committee	
Design and implement human resources policies	Chief Executive Strategic Manager Trades Unions Employees & Managers	

THE HOUSING TEAM LEADER

Arrange that accommodation is made available to a person to whom a duty is owed until such time as the duty is discharged

To carry out a homelessness review and make recommendations as to a homelessness strategy – Homelessness Act 2002 SS 1-4

To make determination whether an applicant is homeless or threatened with homelessness – Housing Act 1996 S175

To make inquiries relating to an applicant's local connection with another authority's area – Housing Act 1996 S184

To determine whether an applicant is in priority need – Housing Act 1996 S189

To authorise prosecutions where an applicant has misled or withheld relevant information from the authority – Housing Act 1996 S214

Legal Services Team Leader

To determine whether an applicant is eligible for assistance – Housing Act 1996 S183 and S185

To determine whether an applicant is intentionally homeless - Housing Act S191 and S196

To determine what (if any) duty is owed by the authority to an applicant in accordance with S190, S193 or S195 of the Housing Act 1996

To notify decisions to the applicant in writing and to give reasons for adverse decisions in accordance with S184 of the 1996 Act

To carry out a review of any adverse decision at the request of the applicant in accordance with S202 of the 1996 Act

To exercise a discretion to continue to house an applicant during the review period – Housing Act 1996 S188

To defend any proceedings brought in the County Court against a review decision – Housing Act 1996 S204

Legal Services Team Leader

STRATEGIC MANAGER

To make efficiency savings (one off or continuing) which do not impact directly on the public

S151 Officer

To a value of £50,000 or less

CUSTOMER FOCUS TEAM LEADER

To take any action necessary in connection with the naming and numbering (including re-naming and re-numbering) of streets and houses.

Note: Transfer of delegation from the Policy and Democratic Services Team

Where disputes as to the naming and/or numbering occur they shall be referred to the Area Committee for decision

Leader

POLICY AND DEMOCRATIC SERVICES TEAM LEADER

Authority to accept revised fees and expenses in respect of all Elections and Polls provided any increase falls within the rate of inflation for the two year period in question.

Section 151 Officer

To act as the Proper Officer of the Council where that authority is not delegated to another specified officer

THE CHIEF EXECUTIVE

1. All the delegations exercisable by a Strategic Manager
2. To exercise powers delegated to any officer when that officer is unavailable to act.
3. To co-ordinate the issue of all official publicity, press statements and official publications.
4. To ensure that the Council's policy objectives are being delivered.
5. To ensure that performance indicators which are consistent, clear and measurable, are introduced and applied across the range of Council services.
6. To employ outside consultants and firms in cases where he/she is satisfied that it is necessary to do so in order to carry out work which cannot be dealt with by in house staff.
7. To sign and seal documents on behalf of the Council.
8. To take urgent decisions as follows:

in relation to Executive matters in consultation with the Leader of the Council (or deputy) and the relevant Lead Member;

in relation to non-Executive matters in consultation with the Chairman (or Vice-Chairman) of Council or Chairman (or Vice-Chairman) of the relevant Committee.

An urgent decision is one that is considered by the Chief Executive to be necessary to protect the interests of, or advancing the business of, the Council. All such action shall in all cases be reported to the next appropriate meeting of the Executive, Council or relevant Committee.

DEVELOPMENT CONTROL TEAM LEADER

Substitute Development control Team Leader for Implementation Team Leader
(Development Control and Listed Buildings).

Include authority to discharge conditions specifically within the general delegation to deal
with all aspects of planning applications.