

**CABINET MEMBERS VERSION WITH MAY/JUNE CHANGES 2013 AND
SEPTEMBER 2013 RESTRUCTURE CHANGES**

2.10 **Scheme of Functions Delegated to Employees**

2.10.1 **Interpretation and General Principles**

2.10.1.1 In this part **Strategic Management Board** shall mean the Chief Executive, the Executive Director, People, the Executive Director, Place the Executive Director, Resources and the Director of Public Health. **Directors** means the Chief Executive, all Executive Directors, and the Director of Public Health. References to Deputy Directors shall include the Director of Education and Inclusion. References to **Assistant Directors** shall include Consultants in Public Health.

2.10.1.2 In this part where a delegation is subject to consultation with the relevant Cabinet Member or a specified Cabinet Member, the employee exercising the delegated power may consult with a Deputy Cabinet Member if the Cabinet Member is unavailable or otherwise unable to act and if a Deputy Cabinet Member has been allocated to that Cabinet Member's portfolio as set out in the Table to Part 3.2.

2.10.1.3 All delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed by Council, the Cabinet or appropriate committee.

2.10.1.4 Where an employee with delegated authority deems it appropriate on any matter, a report can be presented to the appropriate decision making body..

2.10.1.5 Where any new power or duty is given to the Council, the exercise of that power or duty will be undertaken by the relevant Executive Director, Director, Deputy Director or Assistant Director until such time as the allocation of responsibility has been determined by the Leader or the Council.

2.10.1.6 A member of Strategic Management Board may exercise any of the functions delegated to Deputy Directors, Assistant Directors or Heads of Service within their Directorate.

2.10.1.7 If the office of any Director is vacated or the Director is absent or otherwise unable to act then the Chief Executive shall be authorised to act in place of that Director in so far and to the extent that any of the functions of that Director have not been delegated.

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- 2.10.1.8 Where any powers have been delegated in accordance with this part then the Chief Executive having assumed the authority to exercise the functions of the relevant Director shall be responsible for that delegation.
- 2.10.1.9 Delegations made under this Part may be added to, amended or revoked by the body that has responsibility for the function that is the subject of the additional delegation, amendment or revocation. Nothing contained in this part will interfere with or prevent another body from exercising such function in any particular circumstances should it so choose.
- 2.10.1.10 Any function specifically delegated to an employee, by way of description or under any primary legislation will also include:
- any secondary legislation made under the Act;
 - any amendments made to or under the Act;
 - any new primary or secondary legislation relevant to their service area; and
 - anything that is calculated to facilitate or is conducive or incidental to such matters.

2.10.2 Exercising Powers Delegated to Employees

- 2.10.2.1 Members of the Strategic Management Board are accountable for the efficient and effective management of the services for which they are responsible and the performance of their statutory functions.
- 2.10.2.2 Members of the Strategic Management Board may use whatever means they consider appropriate to discharge the functions for which they have responsibility.
- 2.10.2.3 All employees must, in the exercise of their delegated powers, act within the law, comply with the Council's Rules for Contract or Standing Orders for land transactions, financial rules and human resource policies and act in accordance with Council policy.
- 2.10.2.4 An employee to whom powers are specifically delegated may authorise another employee to exercise those powers on his/her behalf but remains responsible for any decisions taken. Any such delegation should be evidenced in writing to ensure that there is a proper audit trail.

2.10.3 Statutory Appointments

- 2.10.3.1 The Chief Executive is the Head of the Paid Service (Section 4, Local Government and Housing Act 1989).
- 2.10.3.2 The City Solicitor and Assistant Director (Legal and Democratic Services), (to be known as City Solicitor) is the Monitoring Officer (Section 5, Local Government and Housing Act 1989).

2.10.3.3 The **Executive Director, Resources** is responsible for the administration of the Council's financial affairs (Section 151, Local Government Act 1972).

~~2.10.3.4 The Assistant Director (Scrutiny and Transformation) is designated as the Council's Scrutiny Officer (Section 9FB, Local Government Act 2000).~~

2.10.3.4 The **Executive Director, People** is the Director of Children's Services (Section 18 Children Act 2004).

2.10.3.5 The **Executive Director, People** is the Director of Adult Services (Section 6 Local Authorities Social Services Act 1970).

2.10.3.6 The Director of Public Health is the Director of Public Health for the purposes of Section 73A of the National Health Service Act 2006.

~~The Assistant Director (Policy and Performance) is designated as the Council's Caldicott Guardian (Local Authority Circular 2002/02).~~

2.10.3.7 The roles of the first three of these statutory officers are set out below:

2.10.3.8 **Functions of the Head of Paid Service**

Comment [cab1]: Formerly in Article 11

- (a) The Chief Executive, as the Head of Paid Service, is the Council's most senior employee and has managerial and operational responsibility for all the Council's employees, resources, and services. The Chief Executive in consultation with the Leader will also be able to make decisions required in an emergency.
- (b) *Discharge of functions by the Council* – The Chief Executive will, where he considers it appropriate to do so in respect of any proposals of his, report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.
- (c) *Restrictions on functions* – The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

2.10.3.9 **Functions of the Monitoring Officer**

Comment [cab2]: Formerly in Article 11

- (a) *Maintaining and reviewing the Constitution* – The Monitoring Officer will maintain an up-to-date version of the Constitution and regularly review the same and will ensure that it is widely available in electronic format and for inspection by Councillors, employees and the public.
- (b) *Ensuring lawfulness and fairness of decision making* – After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet (in relation to an executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the

proposal or decision being implemented until the report has been considered.

- (c) *Establishing and maintaining the register of members' interests* – as required by Section 29 of the Localism Act 2011, to include interests of co-opted members.
- (d) *Supporting the Ethics Committee* – The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Ethics Committee.
- (e) *Breaches of the Code of Conduct*– The Monitoring Officer will be responsible for dealing with breaches of the Code of Conduct by elected and co-opted members of the Council, and parish councils in accordance with the Complaints Protocol approved by the Ethics Committee.
- ~~(f) *Proper Officer for Access to Information* – The Monitoring Officer will ensure that the Access to Information Procedure Rules are complied with and all relevant decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.~~
- (f) *Advising whether Cabinet decisions are within the budget and policy framework* – The Monitoring Officer in consultation with the Chief Finance Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (g) *Providing advice* – The Monitoring Officer and/or the Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (h) *Restrictions on posts* – The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

2.10.3.10 Functions of the Chief Finance Officer

- (a) To be a key member of the Strategic Management Board, helping it to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest;
- (b) To be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the organisation's financial strategy; and
- (c) To lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

- (d) To lead and direct a finance function that is resourced to be fit for purpose; and
- (e) To be professionally qualified and suitably experienced.

2.10.3.11 **Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

Comment [cab3]: Formerly in Article 11

The Council will provide the Monitoring Officer and Chief Finance Officer with such employees, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

2.10.4 **Proper Officer Designations**

Legislation specifies certain functions as the responsibility of "the Proper Officer". The Council has designated particular posts for these purposes and these are identified in the scheme of delegation. In the event of any such Proper Officer appointment not being expressly made, the officer to whom a function is delegated is deemed to be the Proper Officer for that function

2.10.5 **General Delegations**

All Members of Strategic Management Board have the power to exercise the following functions and those functions may also be exercised by those officers indicated:

Statutory or Other Functions		Exercised By
General		
1	Subject to acting within approved budgets, to take any steps <u>and decisions</u> necessary for the day to day operational management and administration of the functions and services for which they are responsible including the production, amendment, review and deletion of all plans, policies, procedures, strategies and other similar documents except those that form part of the Policy Framework.	Members of <u>Strategic</u> Management Board
2	To designate employees under their management as "authorised officers" for the purposes of carrying out any of the Council's functions relevant to that employee.	Members of <u>Strategic</u> Management Board, <u>Deputy Directors</u> and <u>Assistant Directors</u>
3	To do anything necessary, incidental or ancillary to or in	Members of

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	consequence of the exercise of his/her functions and for the carrying into effect of any decision of the Council, Cabinet, Cabinet Members or committees.	<u>Strategic Management Board,</u> <u>Deputy Directors</u> and Assistant Directors
4	To authorise other employees to exercise any of their delegated functions notwithstanding that such post is vacant or the holder thereof is absent or otherwise unable to act.	Members of <u>Strategic Management Board,</u> <u>Deputy Directors</u> and Assistant Directors
5	To sign (as Proper Officer) any notice, order or other document on behalf of the City Council in exercise of any functions s/he is authorised to discharge.	Any employee exercising any function s/he is authorised by the Council to discharge
6	Compilation of lists of, and identification of, background papers under Sections 100D(1)(a) (Subs by the Local Government Act 2000 section 97(1) and 5(a) and (b) of Local Government Act 1972.	Members of <u>Strategic Management Board</u> in whose name a report has been prepared or who has led in preparation of a joint report (as Proper Officer), <u>Deputy Directors</u> and <u>Assistant Directors</u>
7	To ensure appropriate <u>strategic and</u> operational health and safety policies consistent with the City Council's Corporate Health and Safety Policy Document are adopted and followed for their service area and to ensure that they comply with their individual responsibilities under the Policy Document.	Members of <u>Strategic Management Board,</u> <u>Deputy Directors,</u> Assistant Directors, Heads of Service and Managers
8	Identification and management of strategic and operational risks associated with the service area falling within the director's responsibility as set out in the council's risk management strategy.	Members of <u>Strategic Management Board</u>
Human Resources		
9	To manage the Directorate establishment including the appointment, suspension, discipline, dismissal and severance of staff below Assistant Director level; and to make ex-gratia payments up to £500 in consultation with the Director of Customer and	Members of <u>Strategic Management Board,</u> <u>Deputy Directors</u>

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	<p><u>Workforce Services having regard to relevant Council policies.</u></p>	<p>and <u>Assistant Directors</u>, subject to early retirement and other severance payments being authorised by the <u>Executive Director of Resources</u> and Assistant Director (HR <u>and Workforce Services</u>) jointly</p>
10	<p>In respect of employees within their own service area:</p> <p>(i) Appoint staff within the approved establishment;</p> <p>(ii) Approve changes to job descriptions and job titles where there are no grading implications subject to agreement with the Director of Customer and Workforce Services or the Assistant Director (Human Resources)</p> <p>(iii) Control and manage performance, TOIL and working hours in accordance with Health and Safety requirements and Council policy;</p> <p>(iv) Authorise paid overtime working below spinal column point 29;</p> <p>(v) Grant compassionate and special leave for urgent, personal or domestic reasons or for magisterial duties, or for trade union purposes in accordance with approved policies;</p> <p>(vi) Ensure compliance with absence control policies and performance targets;</p> <p>(vii) Approval of car lease subsidy for selected posts, where recruitment and retention needs are identified in accordance with specified criteria</p> <p>Rule 1 (viii) Approve foreign travel by employees where the direct cost to the City Council does not exceed £100 in consultation with the relevant Director;</p> <p>Rule 2 (ix) Authorising extensions to sick pay.</p> <p>Rule 3 (x) Authorise payments within the JNC for Chief Officers pay and grading structures.</p>	<p>(i) to (viii): Members of <u>Strategic Management Board, Deputy Directors</u> Assistant Directors, Heads of Service and Managers</p> <p>(ix): Members of <u>Strategic Management Board</u> and Assistant Director (HR <u>and Workforce Services</u>) and reported quarterly to relevant Cabinet Member</p> <p>(x): <u>Strategic Management Board /Executive Director, Resources /Human Resources Business Partners</u></p>
11	<p>To make decisions about restructuring of a directorate, subject to the decision being consistent with the Council's budget and policy framework and the decision maker having had regard to any report issued by the Chief Executive to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.</p>	<p>Head of Paid Service and Director, <u>Deputy Directors</u> and <u>Assistant Directors</u> of the service directorate which is the subject of the restructuring.</p>
12	<p><u>The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities</u></p>	<p><u>Members of Strategic Management Board, Deputy Directors</u></p>

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		and <u>Assistant Directors, in consultation with the Executive Director, Resources</u>
Finance, Procurement and Contracts		
13	To ensure compliance with the Council's financial rules agreed by the Council (such as Financial Procedure Rules, Finance Function manuals and other instructions) and to report to the <u>Executive Director Resources of Finance and Legal Services</u> when they become aware that there is a failure to comply with the rules.	Members of <u>Strategic</u> Management Board, Deputy Directors, Assistant Directors, Heads of Service and Managers
14	To ensure that their employees consider and address the financial, personnel and legal implications when making operational decisions and also when proposing potential policy developments.	Members of <u>Strategic</u> Management Board, <u>Deputy Directors</u> Assistant Directors, Heads of Service and Managers
	4 .In conjunction with the Director of Finance and Legal Services to appoint a responsible officer (i.e. the Finance Manager) for their directorate	Members of Corporate Management Board
15	To collaborate with the <u>Executive Director Resources</u> and other Directors in undertaking any matters with financial implications and achieving value for money in the provision of services	Members of <u>Strategic</u> Management Board, <u>Deputy Directors</u> Assistant Directors, Heads of Service and Managers
16	To ensure that adequate facilities are made available to both internal and external auditors and that reasoned and timely responses are made to audit reports and reports from Systems Authorising Officers.	Members of Strategic Management Board, Deputy Directors Assistant Directors, Heads of Service and Managers
17	To <u>procure works, goods and services including to</u> invite, open and accept tenders and quotations in accordance with the Council's Rules for Contracts up to the appropriate financial limit in those Rules and in accordance with the Financial Procedure Rules.	Members of Strategic Management Board, Deputy Directors Assistant Directors, Heads of Service and Managers,

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		acting either singly or as a Procurement Panel or Procurement Board.
18	To sign contracts for works and services (except for the acquisition or disposal of land or of any interest in land which shall be entered into by or on behalf of the <u>City Solicitor</u>) provided:- (i) the contract does not exceed £150,000 in total; and (ii) the Rules for Contracts and Financial Procedure Regulations of the Council have been complied with; and (iii) the Council's Scheme of Delegation has not been exceeded; and (iv) the <u>City Solicitor</u> or nominee has approved the form of contract as appropriate for the type of contract concerned; and (v) notification of the exercise of the delegation is given to the <u>City Solicitor</u> and in such form and with such information as s/he may require. (vi) for contracts for works and services which exceed £150,000 in value and are expressed to be a deed the council seal must be affixed and witnessed by the <u>City Solicitor</u> or authorised signatory	Members of Strategic Management Board, Deputy Directors Assistant Directors, and Heads of Service
19	To approve variations/extensions in contracts in accordance with the Council's Rules for Contracts and Financial Procedure Rules.	Members of Strategic Management Board, Deputy Directors Assistant Directors, Heads of Service and Managers
20	To instruct and engage contractors and consultants	Members of Strategic Management Board, Deputy Directors Assistant Directors, Heads of Service and Managers
1	To receive and deal with expressions of interest from relevant bodies in providing or assisting in providing a relevant service on behalf of the City Council in accordance with the provisions of Part 5, Chapter 2 of the Localism Act 2011.	Chief Executive or Director responsible for the relevant service which is the subject of the expression of interest in consultation with the appropriate Cabinet Member or Leader.
21	Determination of applications for grants to voluntary bodies up to	Procurement Panel

Comment [cab4]: CE/CF

Comment [cab5]: CF: should this power be given to Procurement Board/panels as well?

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	[£50,000].	
22	Determination of grants applications over £50,000	Procurement Board
23	To receive and deal with expressions of interest from relevant bodies in providing or assisting in providing a relevant service on behalf of the City Council in accordance with provisions of Part 5, Chapter 2 of the Localism Act 2011.	Chief Executive or Director responsible for the relevant service which is the subject of the expression of interest in consultation with the appropriate Cabinet Member or Leader
Legal Procedures and Service of Notices etc		
23	To serve any notice or requisition for information under any act requiring the owner or occupier of or any person having an interest in or managing any land or premises to give information to the local authority.	Members of Strategic Management Board, Deputy Directors Assistant Directors and Heads of Service.
24	In respect of functions exercisable through their service, the appointment or authorisation of officers to issue cautions under statutory powers, to act under public protection legislation, to examine and seize food or any other articles, things or matter, to make test purchases and to remove persons from all Council premises.	Members of Strategic Management Board, Deputy Directors Assistant Directors and Heads of Service.
25	To enter and inspect premises, and to make applications for warrants.	Members of Strategic Management Board, Deputy Directors Assistant Directors, Heads of Service and Managers
26	To prepare sign and serve any statutory notice or documentation on behalf of the Council in exercise of any function that he or she is at any time authorised to discharge.	Members of Strategic Management Board, Deputy Directors Assistant Directors, Heads of Service and Managers

Comment [cab6]: Move to 2. 10 .6. 2. 31 as amended

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27	To issue formal cautions where criminal offences are admitted.	Members of <u>Strategic</u> Management Board, in conjunction with the <u>City Solicitor</u>
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2.10.6 Specific Delegations

The following employees have the powers and functions delegated to them as listed. Where indicated those powers and functions may be exercised on his/her behalf by the officer so nominated. The delegations are subject to any limitations specified.

2.10.6.1 CHIEF EXECUTIVE

	Statutory or other Functions	Nominee/Limitations	
General			
1	Witness and receipt of Declarations of acceptance of office.	Executive Director, of Customer and Workforce Services, Resources/ City Solicitor, Assistant Director (Democratic Services)	Formatted: Left, Indent: Left: 0.34 cm
2	To act as the Proper Officer for the purposes of receiving requests for dispensations under section 33 of the Localism Act 2011.	Council Solicitor City Solicitor	Formatted: Justified, Indent: Left: 0 cm, First line: 0 cm
3	To give to any Cabinet Member with a declared conflict of interest a note of dispensation in connection with: (a) any matter which is to be decided by the Cabinet of which the Cabinet Member is a member ;or (b) any matter upon which the Cabinet Member is consulted by another Cabinet Member who is making the decision; or (c) any matter upon which the Cabinet Member is consulted by an employee who is making an executive decision.	Council Solicitor City Solicitor	Formatted: Left
4	Power to make payments or provide other benefits in cases of maladministration.	Executive Director, Resources	Formatted: Justified, Indent: Hanging: 0.71 cm
5	To assure the reinstatement of services as result of a major disaster in line with the Corporate Disaster Recovery Plan and to be responsible for emergency planning and business continuity generally.	Head of Facilities Management in consultation with relevant Cabinet Member	Formatted: Indent: Left: 0.34 cm
6	Maintain a list of all Proper Officer functions.	Council Solicitor City Solicitor, Assistant Director (HR and Workforce Services)	Formatted: Justified, Indent: Left: 0.34 cm
7	<u>To act as the Council's designated Scrutiny Officer</u>	<u>Assistant Director (Scrutiny and Transformation)</u>	Formatted: Indent: Left: 0.16 cm, First line: 0.18 cm
Human Resources			
8	Approval of special payment arrangements.	Executive Director, Resources Customer and Workforce Services/Human Resources Managers	Formatted: Left, Indent: Left: 0.34 cm

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9	Hold on deposit the list of politically restricted posts; determine applications for exemptions from the list of politically restricted posts.; and give directions, on the application of any person or otherwise, requiring the inclusion of a post in the list of politically restricted posts.	Assistant Director (HR <u>and Workforce Services</u>)	Formatted: Left, Indent: Left: 0.34 cm
Electoral Functions			
10	To exercise functions under the Representation of the People Act 1983 and in particular, to act as Registration Officer/Returning Officer for local elections and Acting Returning Officer for parliamentary elections and Local Returning Officer for European Parliamentary Elections and <u>elections for a Police and Crime Commissioner</u> .	Deputy Returning Officers and Acting Returning Officers may be appointed from any of the Council's employees, or otherwise	
11	To act as Electoral Registration Officer.	City Solicitor/ Assistant Director (Democratic Services) /Manager (Electoral Services) as Deputy Electoral Registration Officers	
12	To exercise functions in relation to any referendum to change governance arrangements under the Local Government Act 2000 and to hold elections for an Elected Mayor.	City Solicitor/ Assistant Director (Democratic Services) /Manager (Electoral Services) as Deputy Electoral Registration Officers	Formatted: Indent: Left: 0.34 cm
13	To act as Proper Officer and Counting Officer for any referendums held under the Local Government Act 2000 or under any other legislation.	Deputy Counting Officers may be appointed	Formatted: Indent: Left: 0.34 cm
14	Hold a referendum under the Localism Act 2011 to veto excessive Council Tax rise.	City Solicitor/ Assistant Director (Democratic Services) /Manager (Electoral Services) as Deputy Electoral Registration Officers	
Communications			
15	To promote the working of the Council, within the Code of Recommended Practice on Local Authority publicity	Assistant Director (Communications)	
16	To issue statements to the press on behalf of the Council if the public standing of the Authority could be affected by the absence of a statement, whether or not it has been agreed with the Cabinet Member or committee chairman concerned.	Assistant Director (Communications)	
17	To promote the Council's views as agreed by members in the relevant decision-making forum.	Assistant Director (Communications)	

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2.10.6.2 EXECUTIVE DIRECTOR, ~~RESOURCE~~CUSTOMER AND WORKFORCE SERVICES

Statutory or other Functions

Nominee/L

imitations

<u>Statutory or other Functions</u>	<u>Nominee/Limitations</u>
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Human Resources Functions

Human Resources Functions	
1	Approval of human resources policies (including adoption of new policies and amendments of existing policies).
2	Prepare a Pay Policy Statement under the Localism Act 2011, to be presented to Council for adoption before 31 March each year.
3	Authorise and implement local and national changes to pay policy, terms and conditions of employment and wage and salary awards and ensure the Council's policies comply with the requirements of all employment legislation.
4	Authorising payments of (a) planned and emergency overtime above spinal column point 29; (b) honoraria, acting allowances and bonuses in accordance with relevant local and national schemes; (c) merit increments; and (d) market related pay and market related supplements.

Assistant Director (HR and Workforce Services)

Assistant Director (HR and Workforce Services)
~~Assistant Director (Human Resources)~~

Assistant Director (HR and Workforce Services)
~~Assistant Director (Human Resources)~~

(a) All Assistant Directors
(b) and (c) Assistant Director (HR and Workforce Services)
~~Assistant Director (Human Resources)~~ in consultation with relevant member of Strategic Management Board
(d) All Assistant Directors

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		(Human Resources)/ Senior HR Manager (Corporate Support)
5	Approval of grading and designation of posts including: (a) approval and implementation of job evaluation scheme; and (b) authorising operation and outputs of job evaluation results and appeals.	Assistant Director (HR and Workforce Services) (Assistant Director (Human Resources (a) Assistant Director (HR and Workforce Services) Assistant Director (Human Resources)) (b) HR Business Partner Senior HR Manager (Corporate Support)
6	To approve the pattern of holidays each year.	Assistant Director (HR and Workforce Services) Assistant Director (Human Resources)
7	Approval of special leave arrangements, carry over of annual leave and closures.	Strategic Management Board and Assistant Directors Directorate HR Managers
8	Approval for buying out employment conditions.	Directorate HR Managers (up to 1 years value Assistant Director (HR and Workforce Services) ; Assistant Director (Human Resources) in consultation with relevant Cabinet Member (for 1 to 2 years)
9	To authorise the issue of Welfare Loans to employees, in line with agreed criteria.	HR Manager (Occupational Health)
9	To administer, revise and amend any Council car loan or car leasing scheme and any car allowances scheme.	Assistant Director (HR and Workforce Services) Assistant Director (Human Resources)
10	To administer, revise and amend any Employee Benefit Scheme.	Assistant Director (HR and Workforce Services) Assistant Director (Human Resources)
11	To decide whether a course has been approved for Post Entry Training Support and to exclude courses where appropriate i.e. the cost of the course does not justify the administration involved.	Assistant Director (HR and Workforce Services) Assistant Director (Human Resources) and Assistant Director (Customer Services)
12	To waive repayment under the two years agreement	Strategic Management Board,

Comment [cab7]:

Comment [cab8]:

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	in cases where individual would suffer personal distress and financial difficulties if the fees were repaid.	<u>Deputy Directors and Assistant Directors</u> Directorate HR Managers
	<u>Payment of ex gratia payments to employees in respect of loss of and damage to personal property during the course of their duties</u>	<u>Assistant Directors (payments over £150)</u> <u>Service Managers (payments up to £150)</u>
13	Approval of requests from employees to allow them to continue to work beyond the age of 75.	<u>Assistant Director (HR and Workforce Services)</u> <u>Assistant Director (Human Resources)</u>
14	Approval for early retirement on the grounds of efficiency and redundancy.	<u>Assistant Director (HR and Workforce Services)</u> <u>Assistant Director (Human Resources)</u> and <u>Executive Director, Resources, Finance and Legal Services</u> in consultation with relevant Cabinet Member for requests proposing added years
15	Ensuring compliance with policy and codes of practice in the recruitment, retention and development of the workforce.	<u>Assistant Director (HR and Workforce Services)</u> <u>HR Managers</u>
16	<u>The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities</u>	
Functions in relation to Council Meetings and Members		
17	Receipt of Notice of Resignation of Office; and receipt of Notice of casual vacancy from two local government electors.	<u>Assistant Director (Democratic Services)</u> <u>City Solicitor</u>
18	Keeping a record of disclosures of Members' Interests.	<u>Assistant Director (Democratic Services)</u> <u>City Solicitor</u>
19	To receive notification of nominations to Committees and of political groups	<u>Assistant Director (Democratic Services)</u> <u>City Solicitor</u>
20	Convening of meeting of Council to fill casual vacancy in office of Chairman.	<u>Assistant Director (Democratic Services)</u> <u>City Solicitor</u>
21	Receipt of Notices regarding address to which summons to meetings is to be sent and signature of summonses to Council meetings.	<u>Assistant Director (Democratic Services)</u> <u>City Solicitor</u>
22	Certification of resolutions and minutes of proceedings.	<u>Council Solicitor</u> <u>City Solicitor</u> / <u>Assistant Director (Democratic</u>

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		Services
23	<p>All Proper Officer functions and all matters and actions relating to meetings, reports agendas, and minutes of Council, Cabinet, Cabinet Members and committees and sub committees in accordance with the Access to Information Procedure Rules, including:</p> <p>(i) Exclusion from public copies of agendas, reports etc of items not to be open to members of the public; and papers not open to Members;</p> <p>(ii) Identification of background papers in the case of a report prepared by an elected or co-opted Member;</p> <p>(iii) Supply of committee papers to the Press;</p> <p>(iv) Preparation of summaries of minutes;</p> <p>(v) To produce a record of every decision taken at a meeting including decisions by individual Cabinet Members including a statement of:</p> <ul style="list-style-type: none"> • the reasons for the decision and alternative options considered and rejected • any conflict of interest declared by any Cabinet Member, either in connection with a decision of Cabinet, or who is consulted by the Cabinet Member or employee making the decision; and • in respect of any declared conflict of interest , a note of dispensation granted by the Chief Executive; <p>(vi) To produce a record of every executive decision taken by employees, including a statement of:</p> <p>(a) the reasons for the decision;</p> <p>(b) alternative options considered and rejected;</p> <p>(vi) Power of rectification of the record of decision;</p> <p>(vii) Ensuring publication of notices containing details of key decisions / urgency provisions and private meetings of Cabinet;</p> <p>(vii) Where permitted, making reports and other documents available for public inspection and on the Council's website; and</p> <p>(viii) To consider and respond to representations from the public as to why an item of business of the Cabinet should be held in public.</p>	<p>Assistant Director (Democratic Services)City Solicitor in all cases except:</p> <p>(vi) All Assistant Directors</p> <p>(viii) Council Solicitor</p>
24	<p>To determine the membership of Appeals Committees, having regard to the knowledge, expertise and preferences of Members, to hear</p>	<p>Assistant Director (Democratic Services)City Solicitor</p>

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Part 2.10- Functions Delegated to Employees

	appeals against decisions of the City Council, with the exception of school admission and exclusion appeals and those matters where there is a statutory right of appeal.	
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Part 2.10- Functions Delegated to Employees

Financial, Audit and Procurement Functions		
25	To undertake the role of S151 officer under the Local Government Act 1972 that requires that every local authority in England and Wales should "... make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs".	Executive Director, Resources(as Proper Officer)
26	To make reports to the Council in under Section 114 of the Local Government Finance Act 1988 which requires a report to all the local authority's members to be made by that officer, in consultation with the monitoring officer and head of paid service, if there is or is likely to be unlawful expenditure or an unbalanced budget.	Executive Director, Resources(as Proper Officer) or Assistant Director (Finance ial Management)
27	To ensure that the financial management of the Council is adequate and effective and that it has a sound system of internal control which is regularly reviewed and in particular to: (a) determine accounting records and control systems; (b) undertake an adequate internal audit of the Council's accounting records and system of internal control; and (c) prepare, sign and arrange public inspection of the Council's Statement of Accounts	Executive Director, Resources (as Proper Officer) or Assistant Director (Finance ial Management) or other nominee
28	The creation of Local Authority Companies, <u>the</u> designation of employees as directors of the company for trading purposes <u>and the provision of a council indemnity to the employee for the director role.</u>	Executive Director, Resources
29	The creation of trust companies, <u>the</u> designation of employees as trustees <u>and provision of a council indemnity to the employee for the trustee role</u>	
30	The power to sign, or affix the Common Seal to: (a) contracts for works and services to or from the Council where the total value of the contract exceeds £150,000; (b) land disposals or purchases; and (c) leases and other miscellaneous legal documents <u>(d) all other documents which require the formal seal of the Council</u>	<u>City Solicitor</u> and other authorised signatories within the Resources Directorate designated by the <u>City Solicitor</u>
2.10.6.6.	Revenues and Benefits	

Part 2.10- Functions Delegated to Employees

2		
1	Approval of Discretionary Rate Relief Applications.	Executive Director, Resources and Assistant Director (Revenues and Benefits)
31	<u>To put in place any procedures to deal with expressions of interest under the Community Right to Challenge legislation and to receive and deal with expressions of interest from relevant bodies in providing or assisting in providing a relevant service on behalf of the City Council in accordance with any such procedures and with the provisions of Part 5, Chapter 2 of the Localism Act 2011.</u>	<u>Assistant Director (Procurement) in consultation with the Audit and Procurement Committee</u>
32 4	Authority to increase costs in relation to Council Tax and National Non-domestic Rates Liability Orders and Committal Court Costs.	Executive Director, Resources or Assistant Director (Revenues and Benefits)
33 2	Authority to take action to recover money owed to the Council including but not limited to: (a) institution of insolvency proceedings; and (b) instructing certificated bailiffs to levy distress on property.	Council Solicitor <u>City Solicitor</u> and Assistant Director (Revenues and Benefits)
34 3	<u>Authority to review annually the Council's Local Council Tax Support Scheme subject to the proviso that if such a review results in proposals to revise or amend the scheme, these must be approved by the Council.</u>	<u>Assistant Director (Revenues and Benefits) and Assistant Director (Finance).</u>
Pensions and Retirement Benefits		
35 4	Approval of early non-ill health retirements.	Executive Director , Resources and <u>Assistant Director (HR and Workforce Services)</u> Assistant Director (Human Resources) jointly
Registration, Local Land Charges and Coroners Services		
36 5	General supervisory responsibility over births, marriages and deaths registration service including: (a) Acting as Proper Officer for the purposes of the registration service and the Registration Services Act 1953; (b) Making any necessary change to the service as result of directions or instructions from the General Register Office or changes imposed by statute; and	(a) <u>City Solicitor</u> (b) <u>City Solicitor</u>

Part 2.10- Functions Delegated to Employees

	(c) Authority to review, amend, or increase fees in connection with the births, marriages and deaths registration service (including fees for the approval and review process relating to secular and/or religious premises as venues for marriages and civil partnerships) and identify any areas for additional income generation.	(c) City Solicitor in consultation with Cabinet Member (Community Safety and Equalities)
37 6	To exercise the Council's powers to licence premises for marriages and civil partnerships in accordance with the law and any guidance. The Marriage Act 1949 and the Civil Partnership Act 2004 including any guidance made or given under these statutes such as the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 and the Marriages and Civil Partnerships (Approved Premises) (Amendments) Regulations 2011	City Solicitor
38 7	To receive, determine, approve, review, amend, refuse and revoke, with or without conditions, applications under the Marriage Act 1949 and Civil Partnership Act 2004 for the use of secular and /or religious premises for the solemnisation of marriages and the registration of civil partnerships.	City Solicitor in consultation with Cabinet Member (Community Safety and Equalities)
39 8	To impose, vary, modify or enforce any conditions attached to the grant of approval for secular and/or religious premises for the solemnisation of marriages and the registration of civil partnerships.	City Solicitor in consultation with Cabinet Member (Community Safety and Equalities)
40 39	To create, maintain and update a public register of those premises registered for the solemnisation of marriages and the registration of civil partnerships.	City Solicitor
41 9	Authority to make changes in response to new legislation and guidance.	City Solicitor (where no discretion) and in consultation with Cabinet Member (Community Safety and Equalities) (where discretion)
42 4	To maintain the Local Land Charges Register and to issue official search certificates.	City Solicitor
43 2	Revision of scale of fees for mortuary staff.	City Solicitor
Legal and Procedural Matters		
44 3	Authority to make changes to the Scheme of Delegation as set out in Part Two of this Constitution	City Solicitor

Part 2.10- Functions Delegated to Employees

	to ensure that all delegated powers are assigned to relevant employees and to ensure that any new legislation of a technical nature is delegated to the appropriate Council body.	
45 4	Certification of photographic copies of documents and authentication of documents.	<u>City Solicitor</u>
46 5	To witness the affixing of the Council's seal.	<u>City Solicitor</u> and authorised signatories designated for that purpose by the <u>City Solicitor</u>
47 6	Authority to serve requisitions for information in connection with any of the functions of the Council	<u>City Solicitor</u>
48 7	1- To institute, defend, participate in, settle, compromise or withdraw or otherwise act as appropriate in, any legal proceedings and issue and serve all notices and orders in any case where action is necessary to give effect to the decisions of the Council or in any case where the Executive Director Resources Director of Finance and Legal Services considers that such action is necessary to protect the Council's, the City's or other appropriate interests	<u>City Solicitor</u>
	† To institute any legal proceedings under the Proceeds of Crime Act 2002 and under Section 28 of the Town Police Clauses Act 1847 as amended.	<u>Council Solicitor</u>
49	Authorisation of employees, under any legislation/enactment that confers authorisation thereunder, to appear in Court on the Council's behalf.	<u>Executive Director, of Resources / City Solicitor</u>
	7 Authority to serve requisitions for information in connection with any of the functions of the Council and to authorise prosecution for failure to comply.	<u>Council Solicitor</u>
50	To monitor use of the general power of competence and compliance with the Localism Act 2011.	<u>City Solicitor</u>
51	Generally to make, and where unopposed (or where objections have been withdrawn), to confirm any order in relation to the Council's functions as a Local	<u>City Solicitor</u>

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Part 2.10- Functions Delegated to Employees

	Planning Authority and as a Highways Authority including but not limited to orders in relation to: (a)public paths, footpaths, and gating; (b)trees; (c)traffic regulation, parking and cycle tracks; (d)the Definitive Map; and (e)determination of village green / open spaces <u>(f) conservation areas</u>	
<u>52</u>	To reduce the charge for making a public path order by 20% or 40% where it is considered that the charge would otherwise be unreasonably in excess of the actual costs of the City Council.	<u>City Solicitor</u>
<u>53</u>	Generally to issue, serve, vary or withdraw any notice in relation to the Council's functions as a Local Planning Authority including but not limited to : (a) planning contravention notices; (b) breach of condition notices (including extending time for compliance); (c) stop notices and temporary stop notices; (d) enforcement notices in respect of security shutters and grilles; <u>and</u> (e) Article 4 notices (prevention of demolition without planning consent)	<u>City Solicitor</u>
<u>54</u>	To prosecute on behalf of the Council as Local Planning Authority offences in connection with: (a)planning contravention notices; (b) breach of condition notices; (c) stop notices and temporary stop notices; (d) enforcement notices; (e)listed buildings and conservation areas; (f) trees and high hedges; (g)advertisements; and (h) proper maintenance of land.	<u>City Solicitor</u>
<u>55</u>	Power to enter into agreements regulating development or use of land.	<u>City Solicitor/</u> Assistant Director (Planning, Transport and Highways)
<u>56</u>	Authority to prosecute for offences in connection with: (a) removing children from care; and (b) nurseries, full day, sessional care and childminding.	<u>City Solicitor</u> in consultation with the <u>Executive Director, People Director of Children, Learning and Young People</u> (b) Director of Children, Learning and Young People and Director of Community Services (for Registered Homes)

Part 2.10- Functions Delegated to Employees

57	To make arrangements for school admission and exclusion appeals under the School Standards and Framework Act 1998 and to determine applications for further appeals in accordance with the set criteria.	<u>City Solicitor</u>
58	Approval and making of school instruments of government and any subsequent changes approved by governing bodies.	Jointly with the <u>Executive Director, People</u> Director of Children, Learning and Young People
59	To determine whether a representation received from the Licensing Authority, Local Planning Authority or Environmental Health Authority whilst acting as responsible authorities for the purposes of the Gambling Act 2005 are vexatious, frivolous or would certainly not influence the determination of an application.	<u>City Solicitor</u>

2.10.6.3 DIRECTOR OF PUBLIC HEALTH

	<u>Function</u>	<u>Nominee /Limitation</u>
1	To exercise the Council's powers and duties in connection with public health protection under the	

Part 2.10- Functions Delegated to Employees

	Public Health (Control of Disease) Act 1984 and any regulations made thereunder.	
2	Responsibility for all of the Council's duties to take steps to improve public health.	
3	Authority to exercise any of the Secretary of State's public health protection or health improvement functions that he or she may delegate to local authorities by arrangement or under regulations.	
4	To be responsible for tackling health inequalities, improving health care quality and for strengthening the capacity across the whole public sector to improve the health of the population.	In consultation with the appropriate Cabinet Member
5	Be the chief source of public health leadership expert advice to health bodies and the Council on all aspects of public health, and provide reports directly to Council Cabinet, Overview and Scrutiny Committees and other strategic meetings as appropriate.	In consultation with the appropriate Cabinet Member
6	Authority to determine the contents of and write the annual report on the health of the people in the Council's area.	
7	The functions of the Council as "responsible authority" under the Licensing Act 2003 in relation to public health functions.	
8	The functions of the Council, in relation to public health functions, as an authority which must be consulted on the licensing authority's statement of licensing policy.	
9	Exercising the Council's functions in planning for, and responding to, emergencies that present a risk to public health.	In consultation with the Cabinet Member Policy and Leadership.
10	Responsibility for the Council's duty to co-operate with the police, probation service and the prison service to assess the risks posed by violent or sexual offenders.	<u>Deputy Director, Strategy and Communities and Deputy Director, Early Intervention and Social Care Assistant Directors (Public Safety and Housing) and (ASC Strategic Operations)</u>
11	Responsibility for providing Healthy Start vitamins where the Council provides or commissions a maternity or child health clinic.	

Part 2.10- Functions Delegated to Employees

12	To be a statutory member of the Health and Wellbeing Board.	
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2.10.6. 4 EXECUTIVE DIRECTOR, CHILDREN, LEARNING AND YOUNG PEOPLE

	<u>Statutory or other Functions</u>	<u>Nominee/Limitations</u>
	Children and Young People	
1	To deliver services and manage statutory	Deputy Directors and Assistant

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Part 2.10- Functions Delegated to Employees

	responsibilities and duties , regarding services to children in need including safeguarding, child protection, looked after children and care leavers.	Directors in the People Directorate.
2	To provide specialist and integrated services to young offenders and children with complex needs and disabilities.	<u>Deputy Directors and Assistant Directors in the People Directorate</u>
3	To exercise any of the Council's functions relating to childcare provision.	<u>Deputy Directors in the People Directorate, Assistant Director (Children's Social Care, Targeted and Early Intervention Services) and Assistant Director (Safeguarding, Performance and Quality)</u>
4	To place and keep a child in secure accommodation.	<u>Deputy Directors in the People Directorate and Assistant Director (Children's Social Care, Targeted and Early Intervention Services) Integrated Service Manager</u>
5	To take any action including the institution of any proceedings in relation to the Council's functions regarding children and adoption	<u>Deputy Directors in the People Directorate, all Assistant Directors with responsibility for social care and Head of Regulated Services Integrated Service Manager</u>
	<u>Adoption</u>	
6	To establish and maintain an adoption service and provide the requisite facilities.	<u>Deputy Directors in the People Directorate all Assistant Directors with responsibility for social care and Assistant Director Head of Regulated Services (Specialist Services)</u>
7	To arrange and supervise the adoption of a child and provide post-adoption support.	Assistant Director (Specialist Services)
8	To investigate and report to court in matters relating to the adoption of children.	Assistant Director (Specialist Services)
9	To consider the recommendations of the Adoption Advisory Group and to make decisions in relation to those matters.	
	<u>Fostering</u>	

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Part 2.10- Functions Delegated to Employees

20	To regulate private fostering.	
21	To assess the welfare of privately fostered children.	
7	Approval of the expenditure of Capital Funding for support to foster carers and adopters.	<u>Deputy Directors in the People Directorate, all Assistant Directors with responsibility for social care and Head of Regulated Services</u> in consultation with the relevant Cabinet Member
22	To assess, train, approve, supervise and review foster carers.	
8	To accept offers and approve placements for children and young people with independent fostering agencies and residential care providers.	<u>Deputy Directors in the People Directorate, all Assistant Directors with responsibility for social care and Head of Regulated Services</u>
9	Approval to place children in care with relatives and friends.	<u>Deputy Directors in the People Directorate, all Assistant Directors with responsibility for social care and Head of Regulated Services Integrated Service Manager</u>
10	Approval of recommendations made by the Fostering Panel.	<u>Deputy Directors in the People Directorate, all Assistant Directors with responsibility for social care and Head of Regulated Services Integrated Service Manager</u>
26	Child Care Act 1980, this enactment is repealed with savings by the Children Act 1989, section 108(6), 7, sch 14, 15 — Financial assistance to foster parents within policy guidelines.	Service Manager
	Young Offenders	
27	To provide accommodation and supervision for young offenders.	
28	To maintain a youth offending team.	
29	To assist a local education authority in exercising its	

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Part 2.10- Functions Delegated to Employees

	functions in relation to special educational needs.	
Schools and Learning		
<i>Staffing and Governance of Schools</i>		
11	Approval and making of school Instruments of Government and any subsequent changes prepared by governing bodies.	Deputy Directors in the People Directorate and the Director of Education and Inclusion, jointly with the City Solicitor and Assistant Directors
12	To determine Statutory Proposals for Schools where no objections have been received to the proposals contained in the publicised Statutory Notice.	Deputy Directors in the People Directorate and the Director of Education and Inclusion Director of Children, Learning and Young People
13	To exercise powers of intervention for those schools which are subject to a formal warning, which have serious weaknesses, or require special measures.	Deputy Directors in the People Directorate, the Director of Education and Inclusion and Head of School Improvement in consultation with the Executive Director Resources
14	Approval of premature retirement compensation for teachers.	Deputy Directors in the People Directorate and the Director of Education and Inclusion
15	Approval of requests for additional holidays "occasional days".	Deputy Directors in the People Directorate and the Director of Education and Inclusion In consultation with the relevant Cabinet Member.
16	To give directions to the governing body about the employment, number and conditions of service of staff of foundation, voluntary-aided and foundation special schools.	Deputy Directors in the People Directorate and the Director of Education and Inclusion
17	To consent to the appointment or dismissal of staff at foundation, voluntary-aided and foundation special schools.	Deputy Directors in the People Directorate and the Director of Education and Inclusion
18	To delegate budgets to schools.	Deputy Directors in the People Directorate and the Director of Education and Inclusion
19	To take steps required to prevent the breakdown or continuing breakdown of discipline at a school.	Deputy Directors in the People Directorate and the Director of

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Part 2.10- Functions Delegated to Employees

		<u>Education and Inclusion</u>
<i>Admissions and Attendance at School</i>		
20	To exercise all of the Council's statutory functions in relation to the provision of school places and the admission of children to schools.	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion</u> Director of Children, Learning and Young People
21	Approval of placements in and out of city schools and colleges.	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion</u>
22	To exercise the powers and duties of the Authority in respect of the attendance of children at school including children excluded from school or otherwise unable to attend.	<u>Deputy Directors in the People Directorate, the Director of Education and Inclusion, Assistant Director (Safeguarding Performance and Quality) and Assistant Director (Children's Social Care, Targeted and Early Intervention Services)</u> Director of Children, Learning and Young People

Part 2.10- Functions Delegated to Employees

<i>Special Educational Needs</i>		
23	To ensure that the requirement of any statutory codes of practice or other regulations are complied with.	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion</u> Director of Children, Learning and Young People
24	To assess and review the educational needs of a child.	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion</u>
25	To make, maintain and review a statement of special educational needs;	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion</u>
26	To provide and pay for transport, board and lodging, tuition fees and expenses and other assistance if it is necessary for special education provision in accordance with Council policy;	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion</u>
27	To represent the Authority at statutory appeal tribunals in connection with the assessment of special educational needs.	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion</u> Director of Children, Learning and Young People
28	To prepare disability statements relating to further education.	<u>Deputy Directors in the People Directorate the Director of Education and Inclusion and all Assistant Directors with responsibility for social care.</u>
<i>Appeals</i>		
29	The making of arrangements in relation to (a) appeals against the exclusion of pupils from maintained schools; (a)(b) admissions appeals and (a)(c) any appeals by governing bodies.	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion</u>
<i>Miscellaneous</i>		
30	To determine awards to pupils, students and parents.	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion</u> Director of Children, Learning and Young People
31	Approval of grants to voluntary bodies.	<u>Deputy Directors in the People</u>

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Part 2.10- Functions Delegated to Employees

		<u>Directorate and the Director of Education and Inclusion Director of Children, Learning and Young People</u>
32	Approval of work experience places.	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion Director of Children, Learning and Young People</u>
33	To provide meals in relation to a pupil' s education.	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion</u>
34	To approve registration of voluntary organisations providing community education and youth services.	<u>Deputy Director for Early Intervention and Social Care and Assistant Director Children's Social Care, Targeted and Early Intervention Services</u>
35	To act as the responsible person for the registration of play centres providing out-of-school care.	
36	Approval of applications for registration of day care for under 8's/childminders and to propose cancellation/refusal of registration in appropriate cases and to issue certificates where cancellation/refusal is not opposed	
35	To maintain a register of childcare providers.	<u>Deputy Directors and appropriate Assistant Directors in the People Directorate</u>
36	To grant licences for the employment of children and children taking part in public performances	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion</u>
37	To authorise any proceedings necessary to deal with nuisance on education premises	<u>Deputy Directors in the People Directorate and the Director of Education and Inclusion</u> in consultation with the <u>Executive Director, Resources/City Solicitor</u>

Part 2.10- Functions Delegated to Employees

~~Any related ancillary matters~~

~~Director of Children, Learning and Young People~~

Comment [cab9]: The delegations below are odds and ends; can any be deleted?

~~Approval of Discretionary Rate Relief Applications~~

~~Service Manager~~

Comment [cab10]: Is this in the wrong place?

~~Education (School Teachers Appraisal) (England) Regulations 2012~~

~~Approval of placements in and? out of city schools and colleges~~

~~To appoint a nominated officer(s) to carry out relevant police checks for those employed to work with children/young adults~~

2.10.6.5 DIRECTOR OF COMMUNITY SERVICES

	Statutory or other Function	Nominee/Limitations
4	Adult Social Care	
38	To undertake assessments, provide services and approve expenditure relating to the Council's functions, powers and duties under adult social care and mental health legislation and to take such action to recover appropriate charges from those with a duty to pay.	All <u>Deputy Directors and Assistant Directors with responsibility for social care in the People Community Services Directorate</u>
39	Issuing proceedings, including in the Court of Protection, in respect of adults,	<u>All Deputy Directors and Assistant Directors with responsibility for social care in the People Directorate All Assistant Directors in the Community Services Directorate</u>
40	To exercise the statutory functions powers and duties of the Council in relation to vulnerable adults and adults at risk	<u>All Assistant Directors in the Community Services Directorate All Deputy Directors and Assistant Directors in the People Directorate</u>
41	To exercise the functions and duties of nearest relative in respect of persons with mental health problems where the nearest relative has been displaced.	<u>All Assistant Directors in the Community Services Directorate All Deputy Directors and Assistant Directors with responsibility for social care in the People Directorate</u>
42	To exercise the Council's functions, powers and duties, <u>except those in relation to the discharge of guardianship, in</u> connection with guardianship under mental health legislation.	All <u>Deputy Directors and Assistant Directors in the People Directorate</u>
43	To make applications for the admission to hospital of persons with mental health problems for the purposes of assessment, detention and treatment and to make decisions in connection with deprivation of liberty safeguards.	<u>All Assistant Directors in the Community Services Directorate All Deputy Directors and Assistant Directors with responsibility for social care in the People Directorate</u>
44	To provide after-care services, in conjunction with the NHS, to persons with mental health problems who have ceased to be detained and have left hospital.	<u>All Assistant Directors in the Community Services Directorate All Deputy Directors and</u>

Part 2.10- Functions Delegated to Employees

		<u>Assistant Directors with responsibility for social care in the People Directorate</u>
45	To appoint approved mental health professionals.	All Assistant Directors in the Community Services Directorate <u>All Deputy Directors and Assistant Directors with responsibility for social care in the People Directorate</u>
46	To maintain the appropriate registration for internally provided care services.	All <u>Deputy Directors</u> and Assistant Directors in the <u>People Community Services</u> -Directorate
<u>47</u>	<u>The administration of housing and renovation grants including the administration and supervision of the List of Contractors undertaking grant assisted works and suspension of contractors from the List pending consideration of removal from the List</u>	<u>All Deputy Directors and Assistant Directors in the People Directorate</u>
Public Safety and Housing		
<i>Housing</i>		
<u>48</u>	<u>Statutory returns to government departments in connection with the Council's functions relating to housing and homelessness. The preparation and submission to the Secretary of State of the Housing Investment Programme and schemes for the development of housing accommodation and land and implementation of such schemes pursuant to decisions of the relevant Cabinet Member.</u>	All <u>Deputy Directors</u> in the <u>People Directorate, the Assistant Director (Communities and Health)</u> and the Head of Housing
49	The preparation, revision, monitoring and implementation of the <u>Housing and Homelessness</u> Strategy.	All <u>Deputy Directors</u> in the <u>People Directorate, the Assistant Director (Communities and Health)</u> and the Head of Housing
50	To provide financial and other assistance to organisations or individuals providing external housing services, which the relevant Cabinet Member has approved	All <u>Deputy Directors</u> in the <u>People Directorate, the Assistant Director (Communities and Health)</u> and the Head of Housing
51	To provide housing advice and information including nominations to registered social landlords.	All <u>Deputy Directors</u> in the <u>People Directorate, the Assistant Director (Communities and Health)</u> and the Head of Housing

Part 2.10- Functions Delegated to Employees

52	Generally, to take action and operate all legislative, enforcement and administrative procedures, and to exercise all of the powers and duties of the Council in relation to housing and private land, including, but not limited to: (a) enforcing housing legislation, but excluding demolition and closing orders (b) homelessness and the assessment of applicants' housing need and priority for housing (c) overcrowded premises and houses in multiple occupation (d) assessing and providing support to asylum seekers and refugees	All Deputy Directors in the People Directorate , the Assistant Director (Communities and Health) , the Head of Housing and the Head of Environmental Services as appropriate.
<i>Fair Trading and Trading Standards*</i>		
53	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to fair-trading, trading standards, weights and measures and consumer protection. Specifically, but not exclusively, to: (a) to investigate trading standards offences suspected to have arisen within the City; (b) to conduct underage test purchasing of age-restricted products; (c) prohibit or suspend the sale of dangerous goods, substances or articles; and (d) promote the rights of consumers and fair-trading with businesses.	All Deputy Directors in the People Directorate , the Assistant Director (Communities and Health) , and the Head of Regulatory Services.
<i>Pest Control and Animal Welfare*</i>		
54	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to animal welfare, animal health and animal waste products.	All Deputy Directors in the People Directorate , the Assistant Director (Communities and Health) , and the Head of Environmental Services
55	Cleanse and disinfect filthy or verminous persons and premises and treat and take other action in relation to infestations of pests and pest control.	All Deputy Directors in the People Directorate , the Assistant Director (Communities and Health) , and the Head of Environmental Services
<i>Noise and other nuisances*</i>		
56	Generally to take action and operate all legislative,	All Deputy Directors in the

Part 2.10- Functions Delegated to Employees

	enforcement and administrative procedures in relation to noise and other nuisances. Specifically, but not exclusively, to: (a) consent to the use of noisy equipment and approaches where building work is proposed; (b) seize articles and equipment; and (c) undertake work in default where a notice is not complied with.	People Directorate, the Assistant Director (Communities and Health), the Head of Regulatory Services and the Head of Community Services as appropriate.
<i>Food Safety*</i>		
57	Generally to take action and operate all legislative, enforcement and administrative procedures in pursuit of food safety and food hygiene and in relation to food export certificates and training fees for food hygiene, food safety courses and health and safety courses (discharged in the authority's capacity as an employer). Specifically, but not exclusively, to: (a) prohibit food business operations; (b) promote food safety and undertake training; and (c) seize unfit food.	All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health), and the Head of Environmental Services and the Head of Regulatory Services as appropriate
<i>Community Safety</i>		
58	To manage all aspects of the Council's work with the Police, and any other relevant law enforcement agency, to reduce and prevent crime, disorder, alcohol and drug misuse, and anti-social behaviour and the fear thereof.	All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health), and the Head of Community Safety, the Head of Environmental Services and the Head of Regulatory Services as appropriate
59	Generally to take action and operate all legislative, enforcement and administrative procedures to reduce and prevent crime, disorder, alcohol and drug misuse and anti-social behaviour and the fear thereof.	All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health), and the Head of Community Safety, the Head of Environmental Services and the Head of Regulatory Services as appropriate
60	<u>To facilitate the Coventry Community Safety Partnership ensuring that it fulfils its statutory obligations including the annual production of a Community Safety Strategic Assessment.</u>	All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health), and the Head of Community

Part 2.10- Functions Delegated to Employees

		Safety, the Head of Environmental Services and the Head of Regulatory Services as appropriate
<i>Environmental Protection*</i>		
61	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to environmental health and protection including maintaining a register of notices served under environmental health legislation apart from those which relate solely to the protection of persons at work.	<u>All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health),</u> and the Head of Environmental Services and the Head of Regulatory Services as appropriate
62	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to air quality, contaminated land and private water supplies. Specifically, but not exclusively, to: (a) maintain a register of remediation notices in relation to contaminated land; (b) authorise specified burning processes; (c) carry out Part IIA contaminated land investigations and identify remedial requirements; (d) environmental permitting; (e) review and monitor air quality; and (f) environmental management of construction sites.	<u>All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health),</u> and in turn to the Head of Environmental Services and the Head of Regulatory Services as appropriate.
<i>Environmental Crime</i>		
63	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to environmental amenity and crime. Specifically, but not exclusively in relation to: (a) enforcement of the Smoke Free legislation; (b) littering , street litter control notices, free distribution of material fly posting and fly tipping; (c) authority to transport waste and failing to furnish waste documentation; (d) control of dogs; (e) land and property affecting amenity including graffiti, abandoned vehicles and nuisance parking; and (f) waste offences in relation to commercial and domestic receptacles.	<u>All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health),</u> and in turn to the Head of Environmental Services and the Head of Regulatory Services as appropriate

Part 2.10- Functions Delegated to Employees

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64	To authorise legal proceedings for offences relating to non-payment of fixed penalty fines.	<u>All Deputy Directors and Assistant Directors in the People Directorate, the Assistant Director (Planning, Transport and Highways) and the Head of Environmental Services</u>
<i>Health and Safety*</i>		
65	Generally to take action and operate all legislative, enforcement and administrative procedures in pursuit of health and safety in workplaces where enforcement is the responsibility of the Council. Specifically, but not exclusively to: (a) appoint inspectors; (b) agree transfers of enforcement responsibility between the Health and Safety Executive and the Council (c) promote health and safety, and undertake training; and (d) seize articles and equipment.	<u>All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health), and the Head of Environmental Services and the Head of Regulatory Services as appropriate</u>
<i>Licensing*</i>		
66	The functions of the Council as "responsible authority" under the Licensing Act 2003 in relation to: (a) Health and Safety; (b) Pollution Control/Environmental Health; (c) Weights and Measures; and (d) A licensing authority	<u>All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health), and the Head of Environmental Services and the Head of Regulatory Services as appropriate</u>
67	The functions of the Council as Licensing Authority under the Licensing Act 2003 to: (a) determine applications relating to licences and certificates where there are no representations outstanding; (b) deal with requests to vary or to be removed as a designated premises supervisor; (c) make decisions on whether an objection or representation is irrelevant, frivolous, vexatious etc; (d) receive/acknowledge temporary event notices and serve S.107 counter-notices; (e) suspend a premises licence or club premises certificate if the holder of the licence/certificate has failed to pay the Council an annual fee; (f) maintain the public register; and	<u>All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health), and in turn to the Head of Environmental Services and the Head of Regulatory Services as appropriate</u>

Part 2.10- Functions Delegated to Employees

	(g) determine minor variation applications.	
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Part 2.10- Functions Delegated to Employees

68	The Council's enforcement functions under Part 7 of the 2003 Act.	<u>All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health), and the Head of Environmental Services and the Head of Regulatory Services as appropriate</u>
69	The functions of the Council as "responsible authority" under the Gambling Act 2005 in relation to: (a) the Licensing Authority (b) Environmental Health/Pollution	<u>All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health), and the Head of Environmental Services and the Head of Regulatory Services as appropriate</u>
70	The functions of the Council as "licensing authority" under the Gambling Act 2005 to: (a) process applications for premises licences (including variation and transfer), provisional statements and determine such applications and applications for club gaming machine permits where no representations are outstanding; (b) process and determine applications for all other types of permit, not referred to above including, but not limited to, Street Collection Permits, House to House Collection Permits, Small Lotteries Registration, Gaming Machine Permits; (c) receive/acknowledge temporary use and occasional use notices; (d) cancel licensed premises gaming machine permits; (e) process and determine small society lottery registrations; (f) exercise the Council's powers of entry and inspection; (g) maintain the public register; and (h) determine whether representations received from external, responsible authorities and interested parties are frivolous, vexatious or would certainly not influence the determination of an application.	(a) and (c) to (h) <u>All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health),</u> and the Head of Environmental Services and the Head of Regulatory Services as appropriate (b) <u>All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health),</u> and the Head of Environmental Services and the Head of Regulatory Services as appropriate except where there is a history of non-compliance; or the application is non-routine; or reservations are expressed by a consultee.
71	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to the licensing , registration, inspection and	<u>All Deputy Directors in the People Directorate, the Assistant Director</u>

Part 2.10- Functions Delegated to Employees

	issuing of permits or consents in respect of persons or premises and any other regulatory or licensing matters specified in Schedule 1 Local Authorities (Functions & Responsibilities) (England) Regulations 2000/2853 (as amended from time to time) so far as they relate to Public Safety and Housing	<u>(Communities and Health), and the Head of Environmental Services and the Head of Regulatory Services as appropriate</u>
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Part 2.10- Functions Delegated to Employees

72	To make minor amendments to the Street Trading Consent Terms and Conditions and to approve fee waivers in appropriate cases.	<u>All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health), and the Head of Environmental Services and the Head of Regulatory Services as appropriate</u>
73	<u>To take all necessary action in connection with scrap metal dealers and their premises including:</u> <u>(a) processing and approving applications and the supply of information to external agencies;</u> <u>(b) powers of entry, inspection and enforcement of relevant legislation;</u> <u>(c) the inclusion of conditions on licences;</u> <u>(d) power to refuse applications for licences if no hearing is requested;</u> <u>(e) power to refuse applications to vary licences and applications in connection with conditions attached to licences if no hearing is requested;</u> <u>(f) power to revoke licences if no hearing is requested</u>	<u>All Deputy Directors in the People Directorate, the Assistant Director (Communities and Health), and the Head of Environmental Services and the Head of Regulatory Services as appropriate</u> except that in (d) (e) and (f) if a hearing is requested by an applicant, the power to hear the matter rests with the <u>Licensing and Regulatory Committee.</u>
Miscellaneous		
74	To be responsible for, and take any action necessary in connection with, the Council's functions relating to: <u>(a) Customer relations and statutory social care complaints;</u> <u>(b) Complaints other than those in (a)</u> <u>(c) Freedom of information and data protection.</u>	<u>All Deputy Directors and Assistant Directors in the People Directorate</u>
75	To act as Caldicott Guardian for the Council	Assistant Director (Communities and Health),
2.10.6.5.4 Miscellaneous		
1	Determination of applications for grants to voluntary bodies up to [£50,000].	Procurement Panel
2	Determination of grants applications over £50,000	Procurement Board

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Comment [cab11]: should this be a general delegation and not confined to Community Services?

2.10.6.4.76 Legal Proceedings

Part 2.10- Functions Delegated to Employees

The authority to act given to the Executive Director of People and to other nominated employees includes the power to commence legal proceedings in any court or tribunal without the consent of the Licensing and Regulatory Committee, Cabinet or relevant Cabinet Member (as the case may be) or the City Solicitor. In the case of connection with services marked with a * in the Table above, does not imply the power to commence such legal proceedings commence legal proceedings in any court or tribunal without the consent of the Licensing and Regulatory Committee, [Cabinet or relevant Cabinet Member] (as the case may be) or the Council Solicitor except in the case of will be subject to the Executive Director and other nominated employees being required to seek the approval of the Licensing and Regulatory Committee to prosecute in cases where in the Executive Director's opinion the case:

- (a) involves large organisations or other significant persons "acid house parties" or any entertainments of a similar kind;
- (b) has the potential to result in significant adverse publicity noise nuisance proceedings relating to domestic premises;
- (c) has the potential to result in a significant financial risk to the Council –an alleged offender arrested by the police and charged whilst in police custody;
- (d) proceedings under the Enterprise Act 2002; has the potential to result in a significant legal risk to the Council; or
- (e) proceedings in connection with controlled or extractive waste

involves a potentially controversial policy

2.10.6.5 COUNCIL SOLICITORCITY SOLICITOR

Monitoring Officer Responsibilities		
1	Establish and maintain the register of interests of Coventry City Council, Allesley	Deputy Monitoring Officer may be appointed

Part 2.10- Functions Delegated to Employees

	Parish Council and Keresley Parish Council Elected and Co-opted Members.	
2	Deal with breaches of the Codes of Conduct for elected and Co-opted Members adopted by Coventry City Council, Allesley Parish Council and Keresley Parish Council in accordance with the Complaints Protocol as approved by the Ethics Committee.	Deputy Monitoring Officer may be appointed
3	To act as Proper Officer for the purpose of receiving requests for dispensations under section 33 of the Localism Act 2011.	
4	To determine requests for dispensations under section 33 of the Localism Act 2011, subject to the right of Members and Co-opted Members to request the Ethics Committee to review a determination not to grant a dispensation.	
Constitution		
5	Authority to make amendments and corrections to the Constitution where in his/her opinion, such amendment is to correct any anomaly or ambiguity is purely technical, to correct a clear typographical or other error, to reflect any change in law or following a review (to include changes of officer or directorate descriptions), and such amendment does not materially alter the terms or practical operation of the Constitution.	In cases of doubt about whether the change is purely technical, the Monitoring Officer should consult with either the Chief Executive or the <u>Executive</u> Director, of <u>Resources</u>
6	To make necessary amendments to the Constitution, including the Rules for Contracts and its standing orders, to incorporate all requirements of the Member Code of Conduct and to amend the Rules of Contract to take account of changes in procurement practices and limits.	In consultation with the Cabinet Member (<u>Community Safety and Equalities</u>)
Legal Functions		
7	Where any document is necessary to any legal procedure or proceedings on behalf of the Council, the authority to sign it personally or other person authorised by him/her unless any enactment otherwise authorises or	

Part 2.10- Functions Delegated to Employees

	requires, or the Council has given requisite authority to some other person.	
8	To instruct Counsel and external solicitors and engage professional experts and witnesses.	
9	To let contracts for the provision of services in compliance with the Rules for Contract and Financial Procedure Rules.	
10	To monitor and manage the contracted service and to take appropriate action under the contract to ensure service standards are maintained throughout the contract term,	

2.10.6.6 EXECUTIVE DIRECTOR, PLACE City Services and Development

Statutory or Other Functions		Nominee/Limitations																		
General																				
1	To identify and order maintenance work required within the Central Repairs Fund.	<u>Executive Director, Place</u>																		
2	To let contracts for the provision of services to in compliance with the Rules for Contract and Financial Procedure Rules																			
3	To monitor and manage the contracted service and to take appropriate action under the contract to ensure service standards are maintained throughout the contract term.																			
Planning																				
4	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to planning and conservation. Specifically, but not exclusively: <table border="1" data-bbox="245 1106 951 1890"> <tr> <td>(a)</td> <td>all applications and ancillary submissions for planning permission including applications for express consent, applications for material and non-material amendments and applications for the discharge of conditions;</td> </tr> <tr> <td>(b)</td> <td>notifications, prior approvals and submission of details under general permitted development legislation;</td> </tr> <tr> <td>(c)</td> <td>listed buildings and conservation areas;</td> </tr> <tr> <td>(d)</td> <td>hedgerows and trees;</td> </tr> <tr> <td>(e)</td> <td>hazardous substances;</td> </tr> <tr> <td>(f)</td> <td>Environmental Impact Assessments;</td> </tr> <tr> <td>(g)</td> <td>Certificates of lawful existing use and lawful development (subject to the agreement of the Director of Finance and Legal Services);</td> </tr> <tr> <td>(h)</td> <td>notifications in connection with electricity generating stations and overhead lines and by the Coal Authority;</td> </tr> <tr> <td>(i)</td> <td>Consultations from Government Departments</td> </tr> </table>	(a)	all applications and ancillary submissions for planning permission including applications for express consent, applications for material and non-material amendments and applications for the discharge of conditions;	(b)	notifications, prior approvals and submission of details under general permitted development legislation;	(c)	listed buildings and conservation areas;	(d)	hedgerows and trees;	(e)	hazardous substances;	(f)	Environmental Impact Assessments;	(g)	Certificates of lawful existing use and lawful development (subject to the agreement of the Director of Finance and Legal Services);	(h)	notifications in connection with electricity generating stations and overhead lines and by the Coal Authority;	(i)	Consultations from Government Departments	<p>(a) to (k): Assistant Director (Planning, Transport and Highways) and Development Manager</p> <p>(l) <u>Executive Director, People</u> in consultation with the Chair or Deputy Chair of Planning Committee</p> <p>(m) <u>Executive Director, People</u> (or Nominee) in consultation with the Chair or Deputy Chair of Planning Committee</p>
(a)	all applications and ancillary submissions for planning permission including applications for express consent, applications for material and non-material amendments and applications for the discharge of conditions;																			
(b)	notifications, prior approvals and submission of details under general permitted development legislation;																			
(c)	listed buildings and conservation areas;																			
(d)	hedgerows and trees;																			
(e)	hazardous substances;																			
(f)	Environmental Impact Assessments;																			
(g)	Certificates of lawful existing use and lawful development (subject to the agreement of the Director of Finance and Legal Services);																			
(h)	notifications in connection with electricity generating stations and overhead lines and by the Coal Authority;																			
(i)	Consultations from Government Departments																			

	under Circular 18/84; Circular 21/91 and Circular 6/93;	
(j)	matters under the Land Compensation Act 1961;	
(k)	Powers of entry for prescribed purposes in connection with land and property affecting amenity;	
(l)	temporary stop notices; and	
(m)	power to apply for an injunction restraining a breach of planning control.	
<p>All delegations above are subject to the limitations set out below:</p> <p>Limitations</p> <p>Officers shall not determine matters in exercise of this delegation unless safeguards 2 to 5 below are met in the cases of householder and minor development and all the safeguards are met in all other cases provided that (for the avoidance of doubt) failure to observe the safeguards shall not affect the validity of any determination:-</p> <ol style="list-style-type: none"> 1.Any decision must comply with the <u>Core Strategy Unitary Development Plan</u> and all other appropriate Council policies, standards or guidelines. (This criterion does not apply to householder and minor developments). 2. Any decisions must not be the subject of five or more unresolved public representations. 3.Any decision must not be the subject of any unresolved conflicts of advice from other Council Directorates as statutory consultees. 4.No Member of the Council having objected to the application being a delegated decision and requested it to be considered by Committee, having first given material planning reasons in writing. 5.The matter not being one in respect of which a Member of the Council or an officer of the Planning and Transportation Division has an interest. 		
5	Power to enter into an agreement regulating development or use of land under Section 106.	Assistant Director (Planning, Transport and Highways) and <u>City</u>

		Solicitor)
6	Power to : (a) recover costs incurred in putting Neighbourhood Development plans or orders in place; (b) remove structures used for unauthorised display; (c) remedy persistent problems with unauthorised advertisements; (d) remedy defacement of premises; and (e) remove signs at the request of the owner or occupier of premises at that person's expense.	Assistant Director (Planning, Transport and Highways) and Development Manager
7	To exercise the functions of the Council as a responsible authority under the Licensing Act 2003 and Gambling Act 2005 – in relation to being the local planning authority.	Assistant Director (Planning, Transport and Highways)
8	To receive and process applications for the registration of Town or Village Greens, including the power to refuse to validate applications not duly made or to reject applications which do not raise any new issues for consideration.	Development Manager
9	Power of entry; Protection of Buildings; Buildings on operational land of certain statutory undertakers.	Assistant Director (Planning, Transport and Highways) and Development Manager
10	Functions with regard to ordnance survey.	
Building Control and Regulation		
11	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to building control and regulation. Specifically but not exclusively, to exercise the Council's functions and responsibilities in connection with : (a) applications for Building Regulation consent and for dispensation from, or relaxation of, Building Regulation requirements including the imposition of conditions or requirements; (b) proposed departure from plans and lapse of deposit of plans; (c) precautions and protection against, and means of escape from, fire; (d) dangerous buildings and structures, ruinous and dilapidated buildings and neglected sites and demolition of buildings and structures; (e) issuing regularisation and completion certificates and house type approvals; (f) temporary buildings and structures and short lived materials; (g) drainage, water supply and refuse facilities; and	Assistant Director (Planning, Transport and Highways) and Building Control Manager

	(h) testing for conformity with building regulations and enforcement of legislation.	
12	Serving of notices and subsequent action to provide protection to the public from dangerous excavations on private land to which the public has access.	Assistant Director (Planning, Transport and Highways) and Building Control Manager
13	To issue or amend certificates and carry out all associated functions and to authorise emergency action in connection with sports grounds and places of sport.	Assistant Director (Planning, Transport and Highways)
14	Appointment of surveyors when requested for resolving disputes relating to party walls through arbitration.	Building Control Manager
Transportation and Parking		
15	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's functions as a bus lane enforcement authority, including the issue of penalty charge notices, recovery of charges and making representations to the adjudication service.	Parking Services Manager (or nominee)
16	To take any decisions on non-executive matters relating to Transportation.	In consultation with the Lead Member for Transportation or, in their absence, the Leader of the Council
17	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's on-street and off-street parking services. Specifically, but not exclusively, to : (a) issue or revoke disabled parking badges; (b) approve the position of parking bays for persons with disabilities; (c) issue and where appropriate, cancel penalty notices; (d) issue or refuse residents' parking permits; (e) suspend parking bays; (f) remove vehicles; and (g) to act as the Traffic Manager for the purpose of the Traffic Management Act 2004 and exercise the Council's powers as a Civil Enforcement Authority;	(a)(b)(f) and(g): Assistant Director (Planning, Transport and Highways) (c) to (e): Parking Services Manager or nominees
18	To exercise the Council's powers to : (a) prohibit the use of overloaded vehicles and to weigh vehicles; (b) object to PSV operator licences;	(a):Assistant Director (Planning, Transport and Highways);

	(c) object to licences and to variation of licences in respect of goods vehicle operators; and (d) make representations regarding local bus services	(b) and (d): Building Control Manager and Transport Delivery Unit Manager (c) Building Control Manager and Development Manager
Highways and Streets		
19	<p>Generally to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's functions and duties as a highway authority and street authority. Specifically but not exclusively to:</p> <p>(a) maintain a register of adopted streets, enter into agreements for adopting highways and adopt private streets by notice;</p> <p>(b) take any necessary action in connection with the Advance Payments Code and to make highway funding agreements;</p> <p>(c) determine applications for licences, permits and consents in connection with vehicle crossings, builders skips, use of traffic signs, placing/licensing amenities in the highway, erection of emergency barriers, scaffolding, hoardings and the deposit of building materials on the public highway, excavations and openings in the highway, vaults and cellars, street works and permits for heavy trailers;</p> <p>(d) exercise the Council's common law powers to remove obstructions and abate nuisances on the highway;</p> <p>(e) take action to protect highway rights and deal with obstructions;</p> <p>(f) direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off highway;</p> <p>(g) to make temporary road closure orders/ notices, orders closing streets for processions etc and exercise the Council's powers to remove vehicles;</p> <p>(h) effect urgent repairs to private streets and recover expenses for excessively heavy traffic;</p> <p>(i) exercise powers of entry, make requisitions for information, recover expenses authenticate documents; and</p> <p>(j) allocation of street numbers; and approval of plans to be void after certain interval under the West Midlands County Council Act 1980.</p>	<p>(a) and (b): Building Control Manager and Transportation Group Manager</p> <p>(c) to (i): Assistant Director (Planning, Transport and Highways)</p> <p>(j) Assistant Director (Planning, Transport and Highways) and Building Control Manager</p>
20	Power to instruct <u>Executive Director Resources</u> to	Assistant Director

	make experimental traffic orders and to advertise proposed traffic orders and notices of intent to install road humps, traffic calming or pedestrian crossings where the relevant Cabinet Member and Ward Councillors have been consulted and have not objected.	(Planning, Transport and Highways) in consultation with the relevant Cabinet Member and Ward Councillors
21	Keeping Definitive Maps and Statements of Rights of Way & associated registers and the signposting of footpaths etc.	Building Control Manager and Transportation Group Manager
22	Generally take action, and operate all legislative, enforcement and administrative procedures in relation to the Council's functions and duties as a drainage authority.	Assistant Director (Planning, Transport and Highways)
23	Service of notice and subsequent action to make trees safe and to recover costs from owners/occupiers.	Assistant Director (Planning, Transport and Highways) and Development Manager
Waste Management and Cleansing		
24	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to the regulation of waste management and cleansing of streets.	Assistant Director (Streetscene and Greenspace)
Property Asset Management		
25	To dispose of land and property by: (a) tender, in accordance with the Constitution; (b) marketing at a fixed rent or price; (c) direct negotiation with a single party where it is in the best interests of the Council; (d) selling property at auction; and (e) marketing for disposal in the open market (other than by tender or auction) through an external agent. (f) appropriating land used for any purpose under section 122 of the Local Government Act 1972 (g) exchanging land for land of equal value	Assistant Directors <u>in the Place Directorate</u> except that in the case of (d), in consultation with Cabinet Member
26	To accept terms for the disposal and, where indicated, for the acquisition, of property provided that no authority is given to dispose of at below market value, including: (a) minor land transactions of up to £50,000; (b) terms for rent reviews and lease renewals and any new lettings or licences; (c) approval of acquisition terms by agreement or Compulsory Purchase Order where principal	Assistant Directors <u>in the Place Directorate</u>

Part 2.10- Functions Delegated to Employees

	budget has prior agreement; and (d) acceptance of highest tenders for property disposals and revision/variation of tender terms	
27	Authority to exercise the Council's powers and duties in relation to leases and licences including to : (a) accept surrenders where it is in Council's best interest and/or it is agreed that there are or could be arrears of rent which are unlikely to be recovered; (b) agree or approve any lease variation; and (c) to give any consent under the terms of a Lease	Assistant Directors <u>in the Place Directorate</u> (Property Asset Management)
28	Authority to exercise the Council's powers as land owner or landlord in relation to: (a) any legal notice for breach of Lease Covenant; (b) the submission of planning applications where application consistent with approved policy; (c) the appointment of consultants for all property related matters subject to compliance with procurement rules; (d) taking action for Summary Possession against itinerants and other unlawful occupiers of Council-owned land; and (e) signing agreements or licences under hand conferring an interest of 3 years or less; wayleave or easement consents between Council and service providers; valuation certificates verifying consideration within market limits and rating agreement forms	Assistant Directors <u>in the Place Directorate</u> (Property Asset Management)
29	Prepare and maintain list of assets of community value; deal with requests to list assets of community value; determine whether land is or has been used for the social well-being or social interests of the community; determine whether an applicant falls within the definition of a voluntary or community organisation with local connections; decide whether to include or exclude the land; effect land charge registration where included; review nominations as required (by a different officer); maintain the list of unsuccessful nominations under the Localism Act 2011 and deal with matters in regulations issued by the Secretary of State in accordance with the provisions of Part 5, Chapter 3 of the Localism Act.	Group Manager (Planning and Building Control)
30	Transferring land used for any purpose following an appropriation pursuant to section 122 of the Local Government Act 1972, so that the land is held for development purposes.	Assistant Directors <u>in the Place Directorate</u> (Property Asset Management)
31	Naming of new development.	Assistant Directors <u>in the Place Directorate</u>

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		(City Centre and Development Services)
32	To take decisions in respect of applications for free or concessionary use of St Mary's Hall, the Armoury and Crypt.	Assistant Director s in the Place Directorate (Property Asset Management) in consultation with the relevant Cabinet Member
Leisure and Culture		
33	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to the Arts, and Museums including but not limited to : (a) approval of minor items to be de-accessioned and disposed of from Museum collections (a)(b) approval of small grants up to maximum value of [£50,000] (a)(c) obtaining the approval for all grants which exceed £50,000 in value	Assistant Director (City Centre and Development Services) (a) in consultation with relevant Cabinet Member (b) the appropriate Procurement Panel (c) Procurement Board
34	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to parks, open spaces and sports, recreational and cultural facilities including but not limited to: (a) approval of events and activities at parks, open spaces and other cultural facilities in accordance with agreed policy; (b) adoption of open space areas in accordance with policy; (c) approval of short-term or one-off offers for parks fees and charges; and (d) to erect, alter or remove notices prohibiting vehicles or cycles or the playing of ball games under Section 6, West Midlands County Council Act 1980	Assistant Director (Streetscene and Greenspace) except: (b) Assistant Director (Streetscene and Greenspace) in consultation with the relevant Cabinet Member
35	To determine applications for the disposal of land of up to 250 sq. yards and, in the case of disposals of "open space" land, to advertise the intention to do so where the disposal is (a) in compliance with all appropriate City Council policies or guidance; and (b) not the subject of any unresolved public objection or of any unresolved conflicts of advice from other Council Directorates or Committees.	Authority does not extend to disposal for highway purposes. Assistant Director (Streetscene and Greenspace) with terms for disposal delegated to the Assistant Director (Property Asset Management)
36	Generally to take action and operate all legislative and administrative procedures in relation to the regulation of cemeteries and crematoria including:	Assistant Director (Streetscene and Greenspace)

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Part 2.10- Functions Delegated to Employees

	(a) to extinguish rights of interment; and (b) to approve and sign grave grants and extinguish rights in respect of graves.	
Home Energy Efficiency		
37	<u>Generally, to take action and operate all legislative, enforcement and administrative procedures, and to exercise all of the powers and duties of the Council in relation to housing and private land, including, but not limited to:</u>	<u>Assistant Director (Streetscene and Greenspace)</u>

2.10.6.7. Hackney Carriage and Private Hire Licensing Scheme of Delegation.

The following schedule lists the delegated authority for the **Executive Director, People** or his nominated officer, the **Licensing Manager**, to undertake various matters on behalf of the City Council. Any matters that are not delegated must be referred to the Licensing and Regulatory Committee.

This schedule supersedes and replaces all previous delegations to employees.

1. Hackney Carriage and Private Hire Drivers

1.1 Grant/Renewal of Licence

To grant, renew or re-grant where:

- (a) Convictions endorsed on a DVLA licence are for driving offences where not more than 3 penalty points are endorsed for any offence or where no more than 6 penalty points are endorsed in total; or
- (b) Apart from driving convictions to which paragraph (a) above applies, there are no other convictions or cautions recorded against the applicant, or where any other recorded convictions or cautions would have been spent for the purposes of the Rehabilitation of Offenders Act 1974; or
- (c) The Licensing Manager is satisfied that the applicant complies with the Council's Guidelines Covering Driver Applicants who have been absent from the UK, or
- (d) Driving or other convictions have previously been considered by the Committee or an appeal court and found not to render the applicant unsuitable (provided no further offences have been recorded since the Committee or court decision was made).

1.2 Refusal of Licence

To refuse to grant, renew or re-grant where:

- (a) A DVLA licence (or equivalent) has not at any time prior to the application been held for a full continuous period of 12 months; or
- (b) The applicant has not successfully completed one or more of the following elements of the licensing application process: Road Knowledge Test, Driving Test, Medical Test, Driver Training Test; or

- (c) Where less than 12 months has elapsed from the date of a previous refusal, revocation or unsuccessful appeal, unless a lesser period has been stipulated by the Committee or an appeal court

1.3 **Suspension of Licence**

To suspend where:

- (a) A driver is disqualified from driving during the term of a licence issued by the City Council and the driver's DVLA licence will be restored during that term; or
- (b) In the opinion of the Licensing Manager in consultation with the Chair of the Licensing Committee (or in his/her absence the Deputy Chair or in the absence of either, the City Solicitor) it is necessary that immediate steps be taken to suspend a licence in the interests of public safety.

1.4 **Revocation of Licence**

To revoke where:

- (a) A driver is disqualified from driving during the term of a licence issued by the City Council and where the driver's DVLA licence will not be restored during that term

2. **Hackney Carriage and Private Hire Vehicles**

2.1 **Grant, renewal or transfer of Licence**

To grant, renew or transfer where:

- (a) The vehicle complies with all relevant legislative requirements and the policies of Coventry City Council.

2.2 **Refusal to grant, renew or transfer Licence**

To refuse to grant where:

- (a) The vehicle does not comply with the relevant legislative requirements or the policies of Coventry City Council.
- (b) It is necessary to do so to maintain the Council's policy on the control of Hackney Carriage vehicle numbers.

To refuse to renew or transfer where:

- (a) The vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle; or
- (b) The vehicle's operator or driver has committed an offence under or has otherwise failed to comply with the Town Police

Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976; or

- (c) There is reasonable cause to do so.

2.3 **Revocation/suspension of Licence**

To revoke or suspend where:

- (a) The vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle; or
- (b) The vehicle's operator or driver has committed an offence under or has otherwise failed to comply with the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 or;
- (c) There is reasonable cause to do so.

N.B. In relation to the testing or inspection of vehicles the power to suspend a licence may be exercised by a CCS Transport Services Vehicle Inspector where a vehicle fails an inspection on a MOT testable item.

2.4 **Private Hire Vehicle Exemptions**

To issue notices of exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 where:

- (a) In the reasonable opinion of the Licensing Manager, the vehicle is a recognised prestige/executive model or specification of model, or is a recognised vintage or classic model; and
- (b) The vehicle is used solely for contract or account work with businesses/organisations or one-off bookings for special occasions such as birthdays, anniversaries or other similar occasions requiring a chauffeur-driven service; and
- (c) The vehicle is not fitted with a data-box, taximeter or two-way radio.

2.5 **Advertisements on Hackney Carriages**

To authorise requests for the display of advertisements inside or outside licensed hackney carriages in accordance with City Council policy.

3. **Private Hire Operators**

3.1 **Grant/renewal of licences**

To grant or renew where:

- (a) There are no convictions or cautions recorded against the applicant or where any recorded convictions or cautions are spent for the purposes of the Rehabilitation of Offenders Act 1974; or
- (b) Convictions or Cautions have previously been considered by the Committee or an appeal court and have been found not to have rendered the applicant unsuitable (provided no further offences have been recorded since the Committee or court decision was made).

3.2 **Refusal to grant/renew licences**

To refuse to grant or renew a licence where:

- (a) Less than 12 months has elapsed from the date of a previous refusal, revocation or unsuccessful appeal, unless a lesser period been stipulated by the Committee or appeal court.

3.3 **Miscellaneous**

- (a) To sign licences and all other documents relevant to this schedule on behalf of the City Council.
- (b) To issue departmental warnings, simple cautions and to instruct the City Solicitor to commence legal proceedings where offences have been committed under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and Section 143 Road Traffic Act 1988 (as authorised by Section 222 Local Government Act 1972 (and as amended by any regulations) and to defend any appeal or challenge brought against a Hackney Carriage or Private Hire licensing decision made by the City Council.
- (c) To refer any matter within the scope of this schedule to the Committee for their determination where in the opinion of the the Licensing Manager it is appropriate to do so.
- (d) To maintain the public registers and the waiting list of Hackney Carriage Vehicles applications required by the Council's policy on controlling Hackney Carriage vehicle numbers.
- (e) To keep fees relevant to this Schedule under review.