

# **Cherwell District Council and South Northants Council**

## **Council**

**30 October 2018**

**31 October 2018**

<h3><b>Constitutional Update Report: Scheme of Delegation</b></h3>
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## **Report of Assistant Director Law and Governance**

This report is public

### **Purpose of report**

To request Council to approve minor amendments to the officer scheme of delegation.

### **1.0 Recommendations**

Council is recommended:

- 1.1 To agree the proposed amendments to the officer scheme of delegation as set out in section 3.1 below and request the Monitoring Officer to update the constitution accordingly.

### **2.0 Introduction**

- 2.1 As a principle of good governance it is necessary from time to time to review the constitution. As a result of the Council's new management structure being put in place a desktop review was carried out of the officer scheme of delegation to ensure delegations were clearly expressed, were allocated to the right officers and that officers have the appropriate powers for operational purposes. This report represents the proposals arising from the review.

### **3.0 Report Details**

- 3.1 Sections 3.2.1 to 3.2.32 set out the proposed changes to the officer scheme of delegation. Powers have been allocated under the Executive Director or Assistant Director where the function currently sits. Following the creation of separate management teams for Cherwell and South Northants all of the delegations will be reallocated to the appropriate management team member by the Chief Executive on a temporary basis as set out in the constitution and a revised scheme of delegation will be prepared for approval by each council. For operational reasons it is important that these changes are approved ahead of that reallocation.

## **General Delegations to Chief Executive, Directors and Assistant Directors**

### **Human resources**

3.2.1 To manage the performance of officers including the performance appraisal process and authorising incremental progression.

### **Delegations to specific officers**

#### **Executive Director Place and Growth**

3.2.2 To maintain an up to date Local Plan and other development plan documents, Brownfield site register, Self-build register.

3.2.3 To maintain Community Infrastructure Levy and Developer Contributions policies.

#### **Executive Director Wellbeing**

3.2.4 To carry out and determine reviews of Assets of Community Value as required.

#### **Assistant Director Communities**

3.2.5 To determine and list Assets of Community Value (ACV).

3.2.6 To appoint inspectors and authorised officers (including for the issue of fixed penalty notices) as required by legislation for the purposes of public protection and protecting public space.

#### **Assistant Director Economic Development and Regeneration**

3.2.7 To serve notices seeking possession of residential Council tenancies in consultation with the Assistant Director: Housing. **[CDC only]**

3.2.8 To provide business and employment services, including apprenticeships, job clubs and business advice.

3.2.9 To acquire and manage properties for the purpose of residential housing accommodation subject to the Assistant Director: Property, Investment and Contract Management being satisfied as to the consideration payable for such acquisition **[CDC only]**

#### **Assistant Director Environmental Health and Licensing**

3.2.10 In accordance with the Civil Contingencies Act 2004 to develop plans to help prevent emergencies or control or mitigate their effects.

3.2.11 Taking action under the Anti-Social Behaviour Act 2003 and any subsequent legislation falling within the service area, where necessary in consultation with the Assistant Director Law and Governance.

#### **Assistant Director Environmental Services**

3.2.12 To exercise the Council's powers with respect to seizure of stray dogs and dog control orders.

3.2.13 To take action under the Control of Pollution (Amendment) Act 1989 to deal with waste licence offences.

3.2.14 To exercise the Council's powers in respect of dogs considered to be dangerous or dangerously out of control under all relevant legislation including but not limited to the Dogs Act 1871 and Dangerous Dogs Act 1991. Authority to institute legal proceedings to be exercised subject to the Assistant Director Law and Governance being satisfied as to the evidence and the process being followed.

3.2.15 To authorise officers to act for the purpose of enforcing the Microchipping of Dogs (England) Regulations 2015.

3.2.16 Taking action under the Anti-Social Behaviour Act 2003 and any subsequent legislation falling within the service area, where necessary in consultation with the Assistant Director Law and Governance.

### **Assistant Director Finance and Procurement**

3.2.18 To make amendments to the Councils discretionary rate relief criteria and policies in consultation with the Cabinet/Executive Portfolioholder/Lead member.

### **Assistant Director Housing**

3.2.19 To amend the Council's Housing Allocations Policy in consultation with the Cabinet/ Executive Portfolioholder/Lead member and associated documents as necessary and which do not trigger the statutory obligation to consult the persons affected by the changes pursuant to section 168(3) of the Housing Act 1996.

3.2.20 To enter into leases of private sector housing accommodation to provide accommodation for homeless persons.

### **Assistant Director Leisure and Sport**

3.2.21 To provide, maintain and develop a wide range of play, sporting and cultural activities for the benefit of the community.

### **Assistant Director Planning Policy and Development**

3.2.22 To serve notices under the Building Act 1984 in respect of breaches of building regulations and in respect of making safe dangerous structures.

3.2.23 To sign Completion Certificates and Occupation Certificates

3.2.24 To undertake street naming and numbering

3.2.25 To make revisions to the Local List of Buildings of Architectural or Historic Interest and undertake public consultation on such revisions.

3.2.26 To maintain a register of Buildings at Risk

3.2.27 To undertake listed building surveys

3.2.28 To issue community protection notices

- 3.2.29 To agree statements of common ground that may be necessary with developers and statutory bodies as part of the 'development consent' process.
- 3.2.30 To arrange planning site visits as required in consultation with the Chairman of Planning Committee.
- 3.2.31 All functions under Part 8 of the Anti-social Behaviour Act 2003 relating to high hedges.

### **Assistant Director Property, Investment and Contract Management**

- 3.2.32 To take any necessary steps to secure the health and safety of employees, contractors, members and visitors when on the Council's premises or otherwise conducting the business of the Council.

### **3.3 Proper Officer and Authorised Officer Appointments**

<b>Legislation Act</b>	<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer/ Authorised Officer</b>
Environment Act 1995	Section 108	To carry out registered keeper detail checks	Assistant Director Environment

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The proposed amendments are in keeping with good governance practice and procedural in nature and their adoption is recommended.

## **5.0 Consultation**

- 5.1 Directors and Assistant Directors have been consulted.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To amend the officer scheme of delegation. This is recommended

Option 2: Not to amend the officer scheme of delegation. This is rejected as it would adversely impact the council operationally and could expose the council to legal risk.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 There are no financial implications arising directly from this report.

Comments checked by:

Adele Taylor, Interim Executive Director Finance and Governance, 0300 003 0103  
[adele.taylor@cherwellandsouthnorthants.gov.uk](mailto:adele.taylor@cherwellandsouthnorthants.gov.uk)

### **Legal Implications**

- 7.2 The Monitoring Officer has prepared this report, whilst there are no legal implications arising from its adoption, there are likely to be legal implications should the amendments not be agreed.

Comments checked by:

James Doble, Assistant Director Law and Governance, 0300 003 0207  
[james.doble@cherwellandsouthnorthants.gov.uk](mailto:james.doble@cherwellandsouthnorthants.gov.uk)

## **8.0 Decision Information**

### **Wards Affected**

All.

### **Links to Corporate Plan and Policy Framework**

Not applicable – this report is made pursuant to a statutory requirement.

### **Lead Councillor**

Councillor Peter Rawlinson, Portfolioholder for Finance and Governance SNC  
Councillor Tony Illot, Lead member for Finance and Governance CDC

### **Document Information**

<b>Appendix No</b>	<b>Title</b>
N/A	N/A
<b>Background Papers</b>	
N/A	
<b>Report Author</b>	James Doble Assistant Director Law and Governance
<b>Contact Information</b>	0300 003 0207 <a href="mailto:James.doble@cherwellandsouthnorthants.gov.uk">James.doble@cherwellandsouthnorthants.gov.uk</a>