

Decision Maker: **Executive Council**

Date: **19th October 2011**
24th October 2011

Decision Type: Non-Urgent Executive Non-Key

Title: **SCHEME OF DELEGATION TO OFFICERS**

Contact Officer: Graham Walton, Democratic Services Manager
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Chief Officer: Mark Bowen, Director of Resources

Ward: N/A

1. Reason for report

- 1.1 Following the recent resignation of the Director of Adult and Community Services, Mr Terry Rich, it is necessary to make some minor changes to the Council's Scheme of Delegations to Officers, allocating the former Director's delegations to the four Assistant Directors in the Adult and Community Services Department as appropriate. Most of the delegations concerned are executive and are therefore made by the Leader of the Council. The opportunity has also been taken to make some other minor corrections.
- 1.2 It is also necessary to make a small change to the Council's Constitution to designate the Assistant Director, Care Services, to perform the statutory responsibilities of the Director of Social Services, and the Assistant Director, Strategy and Performance, to perform the remaining strategic chief officer functions.
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2. **RECOMMENDATION(S)**

- 2.1 **That the Executive notes the changes to executive delegations in relation to Adult and Community Services and other minor corrections received from the Leader of the Council, as set out in Appendix 1.**
- 2.2 **That Council notes the changes to executive delegations, and approves changes in respect of non-executive delegations in relation to Adult and Community Services and other minor corrections, as set out in Appendix 1.**
- 2.3 **That Council amends the Constitution (Article 12 – Officers) to designate the Assistant Director, Care Services to perform the statutory responsibilities of the Director of Social Services and the Assistant Director, Strategy and Performance, to perform the remaining strategic chief officer functions, as set out in Appendix 2.**

Corporate Policy

1. Policy Status: Existing policy. The Council and the Leader maintain a scheme of delegations to officers to assist the efficient running of the Council's business.
 2. BBB Priority: Excellent Council.
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Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £344,054
 5. Source of funding: Existing 2011/12 budget.
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Staff

1. Number of staff (current and additional): There are 9 posts (8.22 fte) in the Democratic Services Team.
 2. If from existing staff resources, number of staff hours: Updating the Scheme of Delegations involves a minimal amount of officer time.
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Legal

1. Legal Requirement: Statutory requirement. Local Government Act 1972 and successive legislation, including the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The delegation of powers to officers is essential to the efficient operation of all Council services.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Scheme of Delegation to Officers sets out the formal delegation of various powers to the Council's chief officers and their staff. The Scheme is normally updated for approval at the Council's annual meeting in May each year, although under the Local Government and Public Involvement in Health Act 2007 any executive powers delegated to officers are delegated not by the Council, but by the Leader of the Council, and it is open to the Leader to table changes to the executive scheme at any time. The executive/non-executive origin of each delegation in the scheme is reflected in a column which indicates whether each individual delegation derives from the Leader or from Council, or both.
- 3.2 The former Director of Adult and Community Services, Mr Terry Rich, left the Council's employment at the end of September. In view of this, it is necessary to change the delegations allocated to him in the Scheme to the four Assistant Chief Officers in the Adult and Community Services Department. These are the Assistant Directors for Care Services, Commissioning and Partnerships, Housing and Residential Services, and Strategy and Performance.
- 3.3 The opportunity has also been taken to correct an error in the Scheme relating to day to day management of maisonettes associated with shop premises (Adult and Community delegation (21)), which should be to the Director of Renewal and Recreation, rather than the Director of Resources. One delegation, relating to the Rent Officer Service (15), can be deleted as this is no longer a local authority function. Another issue has arisen in aligning the Council's Contracts Procedures to the current Scheme of Delegations, necessitating some changes in Part 2 of the Scheme.
- 3.4 The extracts from the Scheme of Delegation that are being altered are set out in Appendix 1, with changes in *italics*. No additional delegations to officers are proposed in this report.
- 3.5 With the resignation of the former Director of Adult and Community Services, it is necessary for the Council to appoint an officer to carry out the statutory responsibilities of the Director of Social Services. It is proposed that this will now be the Assistant Director, Care Services, with the Assistant Director, Strategy and Performance performing the remaining strategic management roles of the former Director. The amended wording is set out in Appendix 2.

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Scheme of Delegation to Officers received at Council on 18 th May 2011

SCHEME OF EXECUTIVE AND NON-EXECUTIVE DELEGATION TO OFFICERS - PROPOSED CHANGES

CONTENTS (Page 1)

Change to Assistant Directors of Adult and Community Services

PROPER OFFICERS (Page 2)

Local Government Act 1972 Section	Purpose	Proper Officer
Section 22, Para. 17	Authentication of orders and notices, etc under the Housing Act	For such matters as he is authorised to deal with by the Council's Scheme of Delegation to Officers the <i>Assistant Director, Housing and Residential Services</i> , otherwise the Director of Resources.

PART I (Page 4)

GENERAL CONDITIONS GOVERNING DELEGATION OF FUNCTIONS TO CHIEF OFFICERS

	Responsibility delegated from
9. For the purposes of these General Conditions and the general and specific authorities to act to which they apply, the expression "Chief Officer" shall mean:- The Chief Executive, the Director of Resources, the Director of Children and Young People Services, the Director of Environmental Services, the Director of Renewal and Recreation, the <i>Assistant Directors</i> of Adult and Community Services, the Assistant Chief Executive, Human Resources, the Finance Director and the Chief Planner.	Council

Part II (Page 7)

A – GENERAL AUTHORITIES

	Responsibility delegated from
1. (iv) Incur expenditure and accept tenders for items provided for in the approved revenue estimates or approved capital programme, <i>in accordance with the Council's Contract Procedure Rules. (Delete: "... save where the value of the expenditure would exceed £500k where the written approval of the relevant Portfolio Holder shall be obtained or where the value exceeds £1m where the approval of the Executive or council shall be obtained.")</i>	Council/Leader

<p>(v) Select quotations and tenders for works, services and/or goods within approved budgetary provision on all contracts <i>in accordance with the Council's Contract procedure rules.</i> (Delete: "...save where the value exceeds £500k where the written approval of the relevant Portfolio Holder shall be obtained or where the value exceeds £1m where the approval of the Executive or Council shall be obtained.")</p>	<p>Council/Leader</p>
<p>(vi) Change "<i>Director of Resources</i>" to "<i>Director of Finance</i>"</p>	<p>Leader</p>
<p>(xiv) Enter into contracts with any voluntary sector organisation (VSO) for the provision of services by way of a service level agreement (SLA) without the necessity of competition, provided that:</p> <p>(1) the Chief Officer is satisfied that the VSO is able to provide a satisfactory quality of service and that the sums payable under the SLA represent best value;</p> <p>(2) the relevant Portfolio Holder is notified of any new SLAs being entered into;</p> <p>(3) any <i>approval</i>, extensions or renewals of such SLAs comply with the provisions of rule 13.1 of the Contract Procedure Rules.</p> <p>Delete "<i>(4) the approval of the relevant Portfolio Holder is obtained where the value of the SLA exceeds £500k or the approval of the Executive or Council is obtained where the value exceeds £1m.</i>"</p>	<p>Council/Leader</p>
<p>4. To the <i>Assistant Director, Commissioning and Partnerships Authority</i> to:-</p> <p>Negotiate schedules of rates and other contractual provisions with registered residential and nursing home providers and/or care service providers to facilitate adult client choice within community care legislation. Clients should be directed to providers on such Approved Lists although the Director may agree to placement with a non approved provider provided that</p> <p>(i) the clients' choice is appropriate to their needs and</p> <p>(ii) the client meets the relevant eligibility criteria</p> <p>(iii) the costs fall within the rates accepted by the Council for accommodation and/or care for clients with their specific eligibility or a third party has entered into a binding contract with the provider and Council to meet any difference</p> <p>(iv) as far as possible inflationary increases in such rates should be negotiated at the outset.</p>	<p>Leader</p>

B. AUTHORITIES RELATED TO THE FUNCTIONS OF INDIVIDUAL PORTFOLIO HOLDERS AND COMMITTEES (Page 13)

KEY REFERENCES TO OFFICERS

All	-	Chief Officers
CE	-	Chief Executive
DR	-	Director of Resources
DCYPS	-	Director of Children and Young People Services
DES	-	Director of Environmental Services
DRR	-	Director of Renewal and Recreation
ACE-HR	-	Assistant Chief Executive, Human Resources
CP	-	Chief Planner
FD	-	Finance Director
ADCS	-	<i>Assistant Director, Care Services</i>
ADCP	-	<i>Assistant Director, Commissioning & Partnerships</i>
ADHR	-	<i>Assistant Director, Housing & Residential Services</i>
ADSP	-	<i>Assistant Director, Strategy & Performance</i>

**PUBLIC PROTECTION AND SAFETY PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S) (Page 28)**

Officer(s) Authorised	Authority to:-	Responsibility delegated from
<i>ADHR</i> (15)	Manage caravan sites owned by the Council	Leader
<i>ADHR/ADSP/DES</i> (16)	Carry out the Council's functions under S.16 of the Local Government (Miscellaneous Provisions) Act 1976 and authorise officers to serve notices under S.16 of the Act.	Council

**RESOURCES PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S) (Page 51)**

Officer(s) Authorised	Authority to:-	Responsibility delegated from
<i>ADHR</i> (34)	Approve Housing Act advances in accordance with the scheme and criteria approved by the Executive.	Leader
<i>ADHR</i> (40)	Authority to approve maturity loans applications.	Leader

**ADULT & COMMUNITY PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S) (Page 61)**

Officer(s) Authorised	Authority to:-	Responsibility delegated from
<i>ADCS</i> (1)	Ensure that the powers and duties to provide for the social care of elderly people, people with a disability and/or chronic sicknesses are met in accordance with statutory requirements and Council policy.	Council/Leader
<i>ADCS</i> (2)	Exercise the statutory functions (including under the Mental Health Acts and Mental Capacity Act 2005) to safeguard the welfare of people suffering from a mental illness.	Leader
<i>ADSP</i> (3)	Arrange burials and cremations in cases where no other suitable arrangements have been made.	Leader
<i>ADHR</i> (4)	Consider the conditions and housing needs of the Borough.	Leader
<i>ADHR</i> (5)	Assess and arrange rehousing for homeless applicants in accordance with statutory requirements and Council policy.	Leader
<i>ADHR</i> (6)	Nominate applicants to Housing Associations.	Leader
<i>ADHR</i> (7)	Monitor the performance of Housing Associations and arrange for collection and production of statistical information.	Leader
<i>ADHR</i> (8)	Consult with and provide advice to Housing Associations and other housing organisations on the housing needs of the Borough.	Leader
<i>ADHR</i> (9)	Manage and provide temporary accommodation for homeless people and in cases of emergencies.	Leader
<i>ADHR</i> (10)	Agree the terms and conditions for block booking arrangements for temporary accommodation.	Leader
<i>ADHR</i> (11)	Manage the Council funded development programme in line with Council policy.	Leader
<i>ADCS</i> (12)	Undertake the general supervision and management of social work support services provided under the Local Authority Social Services Act 1970 (and any other enactment) not generally covered elsewhere in this scheme of delegation.	Leader

<i>ADSP</i>	(13)	Ensure that reasonable costs are recovered for certain services in line with statutory regulations and Council policy.	Leader
<i>ADCS</i>	(14)	Discharge the Council's transport functions in accordance with statutory requirements.	Council/Leader
<i>DELETE</i>	(15)	<i>Be "proper officer" in respect of the Rent Officer service.</i>	<i>Council</i>
<i>ADHR</i>	(15)	Dispose of small plots of land which are surplus to requirements and which do not exceed 200 square metres in area, subject to consultation with local Ward Members.	Leader
<i>ADSP</i>	(16)	Waive or abate charges and to take further action in relation to recovery of charges.	Leader
<i>ADCP</i>	(17)	Approve applications for joint financing of less than £50,000.	Leader
<i>ADHR</i>	(18)	Authority to allocate Housing Association Programme funds in accordance with the criteria contained in Social Services and Housing Committee Minute 232(g) (21 st July 1997).	Leader
FD	(19)	Determine and pay claims for "well maintained" payments following directions given by the Secretary of State for the Environment.	Leader
FD	(20)	Negotiate with owners and accept tenancies of properties in compulsory purchase orders awaiting confirmation by the Secretary of State and from which immediate rehousing is considered necessary.	Leader
<i>DRR</i>	(21)	Deal with the day-to-day management of all maisonettes associated with shop premises.	Leader
FD	(22)	Authorise payment of disturbance claims.	
<i>ADHR/ADCS</i>	(23)	Approve all renovation, disabled facilities and minor works grants and grants relating to water supplies in accordance with the schemes approved by the Executive Portfolio Holder.	Leader
<i>ADHR/ADCS</i>	(24)	Require and enforce repayment of renovation grants in accordance with the practice of the Executive. Approve the waiving of repayments where financial hardship to the owner would arise.	Leader

<i>ADHR</i>	(25)	Carry out the Council's functions relating to private sector housing in connection with unfitnes, disrepair, provision of amenity, means of escape in the case of fire, overcrowding, management and control.	Leader
<i>ADHR</i>	(26)	Institute enforcement action and, subject to the Director of Resources being satisfied with the evidence in each case, legal proceedings, in respect of (25) above.	Leader
<i>ADHR</i>	(27)	Authorise the carrying out of work in default in appropriate cases of non-compliance.	Leader
<i>DES/CP</i>	(28)	Arrange for the demolition of properties for redevelopment purposes.	Leader
<i>FD</i>	(29)	Determine the amounts of rent rebates to be allowed under approved scheme.	Leader
<i>ADHR</i>	(30)	Authorise the approval of discretionary disabled facilities grants in exceptional circumstances.	Leader
<i>ADCS</i>	(31)	Authority to approve Social Workers' warrant cards.	Leader

PROPOSED CHANGES TO THE CONSTITUTION

Article 12 – Officers

12.01 Management Structure

(b) Chief Officers

The full Council will engage persons for the following posts, who will be designated Chief Officers, each of whom will have responsibility for specific portfolios.

Post	Functions and areas of responsibility
<p>(delete “<i>Director of Adult and Community Services</i>”)</p> <p><i>Assistant Director, Strategy and Performance</i></p> <p><i>Assistant Director, Care Services</i></p>	<p>To work with the Chief Executive and colleague Chief Officers on the strategic management and co-ordination of Council-wide initiatives and projects; to develop cross service policies; and to take overall responsibility for the direction and performance of the services for which he/she is responsible.</p> <p>To perform the statutory responsibilities of the Director of Social Services.</p>