

PART 1 - PUBLIC

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**Decision Maker:** Council

**Date:** 28<sup>th</sup> February 2011

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** EXECUTIVE DELEGATIONS AND STATUTORY OFFICER DESIGNATIONS

**Contact Officer:** Graham Walton, Democratic Services Manager  
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**Chief Officer:** Mark Bowen, Director of Legal, Democratic and Customer Services

**Ward:** N/A

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1. Reason for report

- 1.1 This report sets out recent changes to executive delegations to officers concerning (i) restructuring and (ii) public health for Council to note and asks Council to appoint a designated section 151 officer and a designated Scrutiny Officer.

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2. RECOMMENDATION(S)

- (1) That the changes to executive delegations set out in this report (paragraphs 3.2 – 3.4 and Appendix 1) regarding Departmental Structures and Job Grade Reviews and changes to the Public Health (Control of Diseases) Act 1984 are noted.
- (2) That Peter Turner be appointed Section 151 Officer following Paul Dale's departure or in the interim when Mr. Dale is unavailable to act.
- (3) That Sheila Bennett be appointed the Council's designated Scrutiny Officer.

### Corporate Policy

1. Policy Status: Existing policy.
  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: N/A
  4. Total current budget for this head: £N/A
  5. Source of funding: N/A
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### Staff

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours: N/A
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### Legal

1. Legal Requirement: Statutory requirement. Public Health (Control of Diseases) Act 1984 as modified by the Health and Social Care Act 2008, Section 152 of the Local Government Act 1972 and Section 31 of the Local Democracy, Economic Development and Construction Act 2009 which inserted a new Section 21ZA in the Local Government Act 2000.
  2. Call-in: Call-in is not applicable.
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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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 Council's Schedule of Delegations to Officers combines both executive and non-executive delegations in one document for ease of use. The Leader can change executive delegations subject to a report being made to the next scheduled Council meeting. At recent meetings of the Executive two changes have been made which Council is requested to note. The Schedule of Delegations will be updated and presented to the next annual Council meeting in May. This report also asks Council to make appointments to two statutory officer positions.

#### **Executive Delegations – Departmental Structures and Job Grade Reviews**

- 3.2 At its meeting on 12<sup>th</sup> January 2011 the Executive considered a report entitled "The Local Government Finance Settlement 2011/12 to 2012/13 and Related Budget Issues." A supplementary report was circulated which proposed that to expedite implementation of budget reductions would require increased delegation to enable the Chief Executive to undertake reorganisations involving redundancies in consultation with the Leader and relevant Director(s) and Portfolio Holder(s) where there was financial provision for the associated costs. The proposed addition is to Delegation 4 of the Resources Portfolio Delegations and is set out below -

Chief Executive (4) (ii)	Authorise reorganisations and restructurings involving redundancies and /or early retirement to be made by the Chief Executive after consultation with the Leader, relevant Director(s) and Portfolio Holder(s) on the service and financial implications where there is funding available to meet the associated costs.	Leader
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#### **Executive Delegations – Public Health (Control of Disease) Act 1984**

- 3.3 The Executive at its meeting on 2<sup>nd</sup> February 2011 considered a report setting out changes made by the Leader to officer delegations under the Public Health (Control of Disease) Act 1984 which had been extensively modified by the Health and Social Care 2008. In particular, new Regulations had been made in respect of the notification of various diseases and other risks to the public health and Local Authority powers relating to disease control. The revised statutes brought a range of new requirements, duties and powers to the Council which were wider and more flexible so that a response to public health hazards would be more effective. The Executive endorsed the necessary delegation to the Director of Environmental Services and through him to other Officers of the Council, Health Protection Agency or other organisations as required.
- 3.4 The new delegation is to authorise the Director of Environmental Services to act as the 'Proper Officer' and hold the powers set out in Appendix 1 to this report and to appoint Officers from the Council, Health Protection Agency or other organisations as necessary to exercise specific functions and powers as given to them.

#### **Section 151 Officer**

- 3.5 Paul Dale, the Council's Section 151 Officer, will be leaving the service of the authority in the near future. Under the provisions of Section 151 of the Local Government Act 1972, a local authority must appoint a suitably qualified officer to be responsible for the proper administration

of the authority's financial affairs. It is recommended that Peter Turner be appointed Section 151 Officer following Paul Dale's departure or in the interim when Mr. Dale is unavailable to act.

### **Statutory Scrutiny Officer**

- 3.6 Section 31 of the Local Democracy, Economic Development and Construction Act 2009 inserted a new Section 21ZA in the Local Government Act 2000 which requires a local authority to appoint a designated "Scrutiny Officer" to promote the roles of the Council's Overview and Scrutiny Committee, to provide support to those Committees and to provide support and guidance to members of the authority on the functions of overview and scrutiny. The Act prevents the Monitoring Officer, Head of Paid Service or Section 151 Officer from being designated as the Scrutiny Officer. It is recommended that Sheila Bennett be appointed the Council's designated Scrutiny Officer.

<b>Non-Applicable Sections:</b>	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Minutes of the Executive, 12 <sup>th</sup> January and 14 <sup>th</sup> February 2011

**Public health – Infectious Diseases Regulations – Powers**

Public Health (Control of Disease) Act 1984 as amended by Health and Social Care Act 2008

Section	Power
45M	Apply for orders under part 2A
46	Duty of the La to bury or cremate a body where no other arrangements made
48	Power to apply to Court for an order removing a body to a mortuary
61	Power of entry for appointed 'Proper Officer'
62	Supplementary powers as to entry
64	Power to prosecute

The Health Protection (Local Authority Powers) Regulations 2010

Section /Regulation	Power
2	To serve / review vary or revoke a notice to keep a child away from school when a child is or may be infected or contaminated
3	To serve notice on a head teacher of school to provide names addresses and contact numbers of pupils
4	To disinfect or decontaminate things at the request of the owner and charge for the service
5	To disinfect or decontaminate things at the request of a person with custody or control of the things and charge for the service
6	To disinfect or decontaminate premises at the request of the owner and charge for the service
7	To disinfect or decontaminate things at the request of the tenant and charge for the service
8	Power to serve notice on a person or groups requesting co-operation for health protection purposes. Offer compensation

9	Serve notice on the person having charge or control of premises in which a dead body is located prohibiting contact with the body
10	Serve notice on the person having charge or control of premises in which a dead body is located prohibiting entry to the room in which the body is located
11	To relocate or cause to be relocated a dead body

#### Health Protection (Notification) Regulations 2010

Section / Regulation	Power
	Appointment of the 'Proper Officer' for the receipt of information and notifications
Regulation 6	Duty of the Proper Officer to disclose a notification to the Health Protection Agency and or Proper Officer of another LA or Port Authority

#### Health Protection (Part 2A Order) Regulations 2010

Regulation 7	Power to charge in connection with Part 2A orders relating to things and premises
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