

DELEGATION OF POWERS TO OFFICERS

1. INTRODUCTION

- 1.1 The Council has an extensive scheme of powers delegated to officers in order to allow decisions and actions to be taken promptly and efficiently.
- 1.2 Following the recent changes to the Council's senior management structure, the Scheme of Delegation of Powers was updated to take account of the new Executive Director positions. Further amendments to the Scheme are necessary at this stage to take account of the changes at Head of Service level and this report sets out recommendations for the changes for those functions that are the responsibility of the Cabinet. A number of new delegations are also required to take account of various actions performed by the Council's Audit Team. A similar report in respect of Council functions will be submitted to the Council on 21 July 2008.
- 1.3 The current scheme of delegations is a very detailed one and, because of the significant increase in legislation that has been introduced in recent years, is now extremely long and difficult to maintain. It is considered that, with the extended accountability to Heads of Service, the detailed scheme is no longer necessary and work has begun on a more generic format. This will be the subject of further reports to members in due course. The changes currently proposed should therefore be seen as the first stage in a more fundamental review of the delegation arrangements.

2. PROPOSALS FOR CHANGE

- 2.1 While most of the changes proposed now are to substitute the previous Assistant Director posts with new job titles, the opportunity is also being taken to delegate some functions previously delegated to the Chief Executive and Executive Directors to the relevant Head of Service. This accords with the greater emphasis now being placed on the roles and responsibilities of the Heads of Service for the strategic direction and day-to-day management of their services. Under the general provisions that apply to the Scheme, all powers delegated to Heads of Service or subordinate officers may also be exercised by the Chief Executive or an Executive Director.
- 2.2 It is not uncommon for staffing structures to be adjusted or for job titles to change. It would therefore be useful to include power, within the general provisions that apply to all delegations, to allow the Chief Executive to update the Scheme of Delegations in future to take account of such changes, without the need for reference to the Cabinet, Committees or Council.
- # 2.3 The proposed changes to the Scheme of Delegation insofar as they relate to functions that are the responsibility of the Cabinet are attached as Appendix 1.
- # 2.4 Proposed new delegations and proper officer appointments in respect of some of the functions undertaken by Audit Services are set out in Appendix 2. These functions relate to statutory powers to individual officers but it is appropriate for them to be formally delegated by the Council/Cabinet as well.

3. CRIME AND DISORDER, ENVIRONMENTAL, EQUALITY & DIVERSITY AND FINANCIAL IMPLICATIONS.

3.1 None arising from this report. These are purely administrative changes.

4. RECOMMENDATION

4.1 That, insofar as functions that are the responsibility of the Cabinet are concerned -

(a) All existing delegations, proper officer appointments or authorities to enter to Assistant Directors/Heads of Service be amended as follows:

Previous Designation	New Designation
Head of Human Resources or Head of Personnel	Head of Human Resources
Assistant Director (Customer Services)	Head of Customer Services
Assistant Director of Resources (ICT Services)	Head of ICT
Assistant Director of Leisure Services (Service Development)	Head of Communities and Employment
Assistant Director of Leisure Services (Business Development)	Head of Leisure Services
Assistant Director (Environmental Health)	Head of Public Health & Community Safety
Assistant Director (Housing Services)	Head of Housing
Assistant Director (Commercial Services) (Business Services)	Head of Environment Services or Head of Property Services, as appropriate
Assistant Director (Commercial Services) (Operational Services)	Head of Environment Services
Head of Planning	Head of Planning & Transportation
Head of Legal & Democratic Services	Head of Legal & Democratic Services (no change)
Head of Performance & Strategic Development or Corporate Planning Co-Ordinator)	Head of Performance & Strategic Development

(b) The amendments to the delegations, proper officer appointments or authorities to enter, as set out in Appendix 1 to this report, be approved;

(c) The proposed new delegations and proper officer appointments in respect of functions carried out by Audit Services, as set out in Appendix 2 to this report, be approved;

(d) The existing delegations, proper officer appointments or authorities to enter to the Head of Support Services (Community Services) be amended to "Services Manager, Communities and Employment";

- (e) The existing delegations, proper officer appointments or authorities to enter to the Economic Development Officer be amended to “Employment and Tourism Manager”;
- (f) All references to “Corporate Management Team” be amended to “Executive Management Team”;
- (g) All reference to the Assistant Director (Financial Services) be deleted from the date on which the postholder leaves the Council’s service; and
- (h) The General Provisions relating to the Scheme of Delegation of Powers to officers be amended as shown below:
 - “(f) The Chief Executive, in consultation with an Executive Director and, in the case of legislative changes, the Head of Legal and Democratic Services, may amend any of these delegations to take account of new legislation, **amendments to staffing structures or job titles**, or appointments.”

For Further Information Please Contact:

Rosemary Rutins
Democratic Services Manager
Tel: (023) 8028 5381
E-mail: rosemary.rutins@nfdc.gov.uk

Background Papers:

Published documents

APPENDIX 1

AMENDMENTS TO DELEGATIONS OF POWERS TO OFFICERS THAT ARE THE RESPONSIBILITY OF THE CABINET

Planning and Transportation Portfolio			
366	LG (Misc Prov) Act 1976, (s23 and 24)	Dangerous Trees	Delete Assistant Director of Leisure Services (Services Development) and add Head of Planning & Transportation
369	Various planning acts and regulations	Initiate and undertake prosecutions	Delete Assistant Director of Leisure Services (Services Development)
401	Planning (Listed Buildings and Conservation Areas) Act 1990	To offer historic building grants	Delete Assistant Director of Leisure Services (Services Development) and add Head of Planning & Transportation
Environment Portfolio			
407	Local Govt Act 2000, S15	To use discretion in the provision of supplies and services, free of charge, to encourage local voluntary effort in litter collection	Add Head of Environment Services
409	Env Prot Act 1990, s.92	To serve litter abatement notices	Add Head of Environment Services
410	Env Prot Act 1990, s.93	To serve street litter control notices	Add Head of Environment Services
411	Env Prot Act 1990, s.94	To serve street litter control notices – supplementary provisions	Add Head of Environment Services
412	LGA 2000, s.15	Various powers in connection with the price of refuse sacks	Add Head of Environment Services
413	LGA 2000, s.15	To serve or issue any notice of document and to settle claims arising from or relating to the refuse collection function of the Council	Add Head of Environment Services
414	LGA 2000, s.15	To remit charges for special collections of household waste	Add Head of Environment Services
426	LCA 1972 s.214 and Local Cemeteries Order 1977	To deal with grants of grave spaces and the approval of headstones and monuments	Amend to Head of Environment Services or Cemeteries and Amenities Manager

Environment Portfolio			
427	LGA 2000, s.15	To review, on an annual basis, the sum paid to the Fordingbridge Town Council in recognition of its maintenance of St Mary's closed churchyard	Amend to Head of Environment Services
428	LGA 2000, s.15	To authorise night time or other closures of public conveniences where circumstances indicate that such closure is warranted	Amend to Head of Environment Services or Street Scene Manager
438	Dogs (Fouling of Land) Act 1996	To serve fixed penalty notices	Add Street Scene Manager, or Street Scene and Waste Supervisors, or Refuse and Recycling Foreman, or Commercial Waste Officer, or Grounds Maintenance Supervisor, or Grounds Maintenance Foreman, or Assistant Dog Warden, or Planning Enforcement Officer, or Assistant Housing Manager (Estates) or Neighbourhood and Tenancy Management Officers, or Contract Inspector
442	Local Govt Act 2000, s.15	To sign various DEFRA forms relating to coast protection and land drainage schemes	Amend to S.151 Officer, Accountancy Manager or Principal Service Accountants
444	LGA 2000, s.15	To serve or issue any notice or document and to settle claims arising from or relating to the sewerage functions of the Council	Add Head of Property Services
Finance and Efficiency Portfolio			
469	LGA 2000, s.15	To settle terms for transactions for freehold or leasehold acquisitions not exceeding £30,000	Amend to Head of Property Services or Valuer
470	LGA 2000, s.15	To settle leasing arrangements for the acquisition of new equipment	Amend to S.151 officer, or Accountancy Manager or Audit Manager

Finance and Efficiency Portfolio			
474	LGA 2000, s.15	To sign transfers from the Council's general account to the payments account and to sign cheques	Amend to S.151 Officer, Accountancy Manager or Audit Manager
475	LGA 200, S15	To administer the national non-domestic rate and the council tax (reference to "community charge" deleted)	Amend to Head of Customer Services
476	Various Acts and Regulations	To carry out all functions in relation to housing and council tax benefits	Amend to Head of Customer Services
478	LGA 2000, s.15 LG & Finance Act 1988, s.49	To grant or refuse applications for national non-domestic rate relief on hardship grounds; discretionary rate relieve for charity; and discretionary rate relief for non-profit-making organisations	Amend to Head of Customer Services
		To determine such applications where the circumstances are not covered by the approved policy framework	Amend to Head of Customer Services, in consultation with the Finance & Efficiency Portfolio Holder
482	LGA 2000, s.15	To determine (as landowner) proposed revisions to Hythe Marina that have no significant impact on the character of the development	Amend to Head of Property Services (or Valuer)
484	LGA 2000, s.15	To be responsible for the treasury management operations	Amend to S.151 officer who may delegate to Accountancy Manager or Audit Manager
485	LGA 2000, s.15	To settle claims against the Council in respect of building regulations	Amend reference to Director of Resources to s.151 Officer

Finance and Efficiency Portfolio			
486	LG&Housing Act 1989, Part IV LGA 2000, s.15	To make formal determinations under Part IV of the LGA & Housing Act 1989	Amend to S.151 Officer
490	Clean Neighbourhoods and Environment Act 2005 s.6	To enter into wayleave agreements	Add Head of Property Services
491	LGA 1972, s.101 LGA 2000, s.15	To issue and administer formal cautions in connection with any of the functions carried out by Audit Services	Add Robert Duncan, Senior Investigations Officer
Housing Portfolio			
506	Housing Act 1985, Part II	To set the service charge in respect of sold Council flats	Delete "in consultation with Executive Director"
525	LGA 2000, s.15	To change the financial limits applied to contractors on the standing approved list	Amend to S.151 Officer or Audit Manager
526	LGA 2000, s.15	To grant wayleaves across the Council's estates	Add Head of Property Services
527	LGA 2000, s.15	To assess rent payable to the owners of unfurnished properties let to the Council	Add Head of Property Services"
538	LGA 2000, s.15	To institute foreclosure proceedings in respect of housing advance accounts	Add Accountancy Manager or Audit Manager

APPENDIX 2

PROPOSED NEW DELEGATIONS/PROPER OFFICER PROVISIONS IN RESPECT OF FUNCTIONS THAT ARE THE RESPONSIBILITY OF THE CABINET CARRIED OUT BY AUDIT SERVICES

Finance and Efficiency Portfolio		
Social Security Administration (Fraud) Act 1997	To issue Administrative Penalties under the Act	S J Cranston – Audit Manager R Duncan – Senior Investigations Officer
Social Security Fraud Act 2001, s. 110A Social Security Administration Act 1992	Appointment as authorised officer to obtain information from financial institutions and other bodies	S J Cranston – Audit Manager
Social Security Administration Act 1992, s.109b and s.109c	Appointment as authorised officers to obtain details from employers	R Duncan – Senior Investigations Officer K Hodge – Investigations Officer Ms S Williams – Assistant Investigator Ms N Message – FOI and Fraud Assistant
Proceeds of Crime Act 2002, Parts 2 & 8	Appointment as Accredited Financial Investigator to apply for production and restraint orders at Crown Court	R Duncan – Senior Investigations Officer
Proceeds of Crime Act 2002	Appointment as Senior Appropriate Officer to authorise accredited financial investigators to apply to Crown Court for production of restraint orders	S J Cranston – Audit Manager
Anti-Terrorism, Crime & Security Act 2001, s.19	Appointment as Single Point of Contact for all purposes under s.19 of the Act	R Duncan – Senior Investigations Officer
	Appointment as Authorised Officer to obtain information from HM Revenues & Customs	S J Cranston – Audit Manager