

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 Council. A similar report in respect of Cabinet functions was considered at their meeting on 7 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 not the responsibility of the Cabinet are attached as Appendix 1.

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 not 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 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”;
- (d) The existing delegations, proper officer appointments or authorities to enter to the Economic Development Officer be amended to “Employment and Tourism Manager”;
- (e) All references to “Corporate Management Team” be amended to “Executive Management Team”;
- (f) All reference to the Assistant Director (Financial Services) be deleted from the date on which the postholder leaves the Council’s service; and

(g) 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

No	Source	Power delegated	Change
Delegations direct from Council			
2	LGA 1972, S101	To sign on behalf of the Council any order or document necessary to bring into effect any decision of the full Council or of a Committee	Add Executive Directors
14	LGA 1972, S101	To determine management and employee structures below the level of Head of Service	Amend to Heads of Service (previously Exec Directors) in consultation with Head of Human Resources and the Portfolio Holder and opposition spokesman (previously Leaders of political groups)
22	LGA 1972, S101	To adjust the maximum car loan and relocation expenses, having regard to movements in the RPI	Amend to Head of Human Resources (previously Executive Director)
24	LGA 1972, S101	To determine the eligibility of a post for a leased car or essential car allowance	Add Executive Director
25	LGA 1972, S101	To extend employment and to make appointments in special circumstances beyond normal retirement age	Add Head of Service
33	LGA 1972, S101	To revise car leasing allowances in line with market movements	Add Head of Human Resources
38(iii)	LGA 1972, S101	To withhold annual increments due to poor performance	Add Head of Service
38 (iv)	LGA 1972, S101	To approve payments where place of work in moved.	Add Head of Service
39	LGA 1972, S101	To approve planned overtime working and payments to officers above spinal column point 33 under the Local Conditions of Service	Add Head of Service
41	LGA 1972, S101	To issue corporate charge cards to appropriate officers	Amend to Head of Service
43	LGA 1972, S101	To approve injury allowances or gratuities	Delete "in consultation with Director of Resources"
45	LGA 1972, S101	To grant leave concessions or to extend an employee's sick leave entitlement for a period not exceeding six months	Add Heads of Service in consultation with Head of Human Resources

46	LGA 1972, S101	To waive requirements that car loans are renewable only at two year intervals	Add Head of Service
47	LGA 1972, S101	To dismiss an employee in the probationary period if performance fails to meet the standards required	Add Head of Service
48	LGA 1972, S101	To undertake disciplinary action	Add Head of Service
51(i)	LG Pension Scheme Regs 1997	To approve retirement of employees on grounds of permanent ill-health	Add Head of Service
51(ii)	LG Pension Scheme Regs 1997	To approve early payment of preserved benefits or allowances to ex-employees who have to give up employment to provide care to a close infirm relative	Add Head of Service
53	LG Pension Scheme Regs 1997	To approve redundancies and terminations of employment in the interest of efficiency,	Delete Director of Resources from consultees
54	LG Discretionary, Comp. Regs 2000	To approve early payment of pensions benefits for redundancies and terminations	Delete Director of Resources from consultees
57, 58, 60 & 61	LGA 1972, S101	Various delegations on negotiated settlements around termination of employment Amalgamate to one delegation "To approve negotiated settlements under a compromise agreement to mutually agree a termination of employment and avoid legal action against the Council, subject to a business case"	Chief Executive, or Executive Director in consultation with Head of Human Resources and Head of Legal and Democratic Services. An employee side representative will also be consulted unless the employee requests not to do so.
63, 64, 65 & 66	LG Pension Scheme Regs 1997	Various matters under the Local Govt Pension Scheme Regulations	Amend to Head of Human Resources
74	LGA 1972, S101	To settle terms for transactions for acquisitions and disposals of land or for the grant or acquisition of leasehold interests and/or licences to a maximum value of £30,000	Amend to Head of Property Services, or Valuer

76	LGA 1972, S101	Various powers in relation to the employment of staff in the Commercial Services Organisation	Add Head of Environment Services
77	Local Government (Pension Scheme) Regs 1997	Various powers in respect of retirement/redundancies of Commercial Services employees	Add Head of Environment Services
83	Freedom of Information Act 2000 S 19	To amend the Council's publication scheme under the Freedom of Information Act 2000, S19	Amend to Executive Director, or Audit Manager
113	LGA 1972, S151 as amended by various Acts	To be the proper officer responsible for financial administration	Add Accountancy Manager
Proper Officer Appointments (not delegated to a Committee).			
137	Local Govt Act 2000 (update legislation)	To receive notices of Councillors' interests and to keep records of disclosures of interests (reference to pecuniary interests deleted)	Chief Executive, or Head of Legal & Democratic Services
138	LGA 1972, S115(2)	To be the person to whom all officers shall pay moneys received by them and due to the local authority	Amend to S.151 Officer
139	LGA 1972, S 146	To make declarations and to issue certificates in connection with the holding or transfer of securities held by the Council or the payment of dividends or interest	Amend to S.151 Officer
146	Housing Act 1985	Appointment as Proper Officer for purposes of the Housing Act 1985	Add Head of Housing
147	Rent Act 1977	Appointment as Proper Officer for purposes of Rent Act 1977	Add Head of Housing

General Purposes and Licensing Committee			
164	Supreme Court Act 1981	To obtain a grant in respect of appropriate welfare funeral cases	Amend to Head of Public Health & Community Safety
180	Local Govt (Misc Prov) Act 1982, S4	To exercise all functions under paras 7 and 9 of the LG(MP)Act 1982, S4 (delete reference to until 26 October 2004)	New Milton Town Council
181	Local Govt (Misc Prov) Act 1982, S4	To exercise the District Council's powers within the terms of the agreement with New Milton Town Council for the running of the street market in New Milton	Add Executive Directors
Planning and Transportation Committee			
274	TCP Act 1990, Planning (LBCA) Act 1990	To deal with minor modifications to approved plans, and to vary or discharge conditions imposed on consents.	Delete Assistant Director of Leisure Services (Services Development)
282	Planning (LBCA) Act 1990 S 3(1)	To serve Building Preservation Notices	Delete Assistant Director of Leisure Services (Services Development)
283	Planning (LBCA) Act 1990 S 4(1)	To serve Building Preservation Notices by affixing to building	Delete Assistant Director of Leisure Services (Services Development)
288	Planning (LBCA) Act 1990 S 54(1)	Authorise execution of works on unoccupied listed building	Delete Assistant Director of Leisure Services (Services Development)
289	Planning (LBCA) Act 1990 S 54(5)	To give notice of intention to carry out works	Delete Assistant Director of Leisure Services (Services Development)
293	TCP Act 1990, s172 Planning (LBCA) Act 1990 s 38	To determine if expedient to take enforcement action	Delete Assistant Director of Leisure Services (Services Development)
294	TCP Act 1990 s 172, Planning (LBCA) Act s 38 and 74 1990	Issue and service of enforcement notices	Delete Assistant Director of Leisure Services (Services Development)
295	TCP Act 1990 s 173A, Planning (LBCA) Act 1990 s 38 and 74	Variation to or withdrawal of enforcement notice	Delete Assistant Director of Leisure Services (Services Development)
298	TCP Act 1990 s 187B, Planning (LBCA) Act 1990 s 44A and 73(3)	To seek an injunction	Delete Assistant Director of Leisure Services (Services Development)

299	TCP Act 1990 S 97 and 99, Planning (LBCA) Act 1990 s 23 and 74(3)	Revocation of consents	Delete Assistant Director of Leisure Services (Services Development)
300	TCP Act 1990, s 198, 199 and 201	Tree Preservation Orders	Delete Assistant Director of Leisure Services (Services Development) and add Head of Planning and Transportation
303	TCP Act 1990 s198 and 211, Planning (LBCA) Act 1990 s 69	Tree works applications	Delete Assistant Director of Leisure Services (Services Development) and add Head of Planning and Transportation
304	TCP Act 1990 s 211, Planning (LBCA) Act 1990 s 69	To decide whether to object to works to a tree in a conservation area	Delete Assistant Director of Leisure Services (Services Development) and add Head of Planning and Transportation
305	TCP Act 1990 s 89, Planning (LBCA) Act 1990 s 330 (1) and (2). LG Misc Provis Act 1978 s16	Require information on interests in land	Delete Assistant Director of Leisure Services (Services Development)
309	Environment Act 1995 s 97, Hedgerow Regs 1997 reg 5	Authority to remove all or part of hedgerow	Delete Assistant Director of Leisure Services (Services Development) and add Head of Planning and Transportation
310	Environment Act 1995 s 97, Hedgerow Regs 1997 reg 5	Hedgerow retention notices	Delete Assistant Director of Leisure Services (Services Development) and add Head of Planning and Transportation
311	Environment Act 1995 s 97, Hedgerow Regs 1997 reg 5	Withdraw hedgerow retention notices	Delete Assistant Director of Leisure Services (Services Development) and add Head of Planning and Transportation
312	Environment Act 1995 s 97, Hedgerow Regs 1997 reg 8	Notice requiring planting of replacement hedgerow	Delete Assistant Director of Leisure Services (Services Development) and add Head of Planning and Transportation
316	Various planning acts	Authority to enter premises	Delete Assistant Director of Leisure Services (Services Development)

317	Environment Act 1995 s 97, Hedgerow Regs 1997 reg 12	Authority to enter premises	Delete Assistant Director of Leisure Services (Services Development) and add Head of Planning and Transportation
363	Planning (LBCA) Act 1990 s 88(5)	To enter land for purpose of surveying or estimating value	Amend to "Head of Property Services"