

PART 8

SCHEME OF DELEGATIONS TO OFFICERS

CITY OF WORCESTER**SCHEME OF DELEGATION TO OFFICERS**

1. The functions, powers and duties in this scheme are delegated to officers as shown in the attached schedule. These include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of these functions. This scheme operates under Sections 101, 111, 151 and 270 of the Local Government Act 1972 and all other enabling powers of the Council and should be read in conjunction with any scheme of delegation to elected member bodies approved by the Council from time to time.
2. When functions are delegated to an officer, the Council or the elected member body to which it has delegated those functions will retain concurrent powers where this is legally permissible.
3. The Chief Executive, Directors and Chief Finance Officer acting as the Chief Officers' Management Team (COMT) shall have the responsibility to ensure that the Council's policies, practices and procedures are carried out in a corporate, consistent and co-ordinated manner.
4. Subject to Paragraph 6, the Chief Executive and each Director shall have the following general responsibilities powers and duties and where functions reside by law with the Chief Executive as Head of Paid Service the Chief Executive authorises the Directors to carry out these functions on behalf of the Head of Paid Service:-
 - (a) To implement and act within the approved policies, plans, practices and procedures of the Council including service of statutory notices in accordance with approved policies, plans, practices and procedures and making planning applications to implement approved policies and plans.
 - (b) To delegate further, in writing, all or any of their delegated functions to other officers.
 - (c) In exercising delegated powers, to consult with such other officers as appropriate and to have regard to any advice given and in particular to seek appropriate advice in relation to a professional judgement required in any area in which he/she is not professionally qualified.
 - (d) To advise on policy development and formulation.
 - (e) To act in accordance with the Rules of Procedure and any arrangements approved in pursuance of them.
 - (f) To carry out any functions assigned in pursuance of the Rules of Procedure and any approved policies, plans, practices and procedures of the Council.
 - (g) To appoint, discipline, suspend or dismiss any employee below Head of Service who is employed in the delivery of services for which he/she is responsible, within the guidance issued by Chief Executive/Head of Personnel Services.
 - (h) To be responsible for the performance of those employees carrying out the functions for which he/she is responsible.
 - (i) In consultation with the Head of Personnel Services, to make changes to the establishment of a department for which he/she is responsible subject to financial provision for the current and future years being available and the changes not amounting to a significant change to the structure of a department or service.

- (j) In accordance with guidance issued by the Chief Executive/Head of Paid Service, to approve the grading of new posts for which financial provision has been made by the Cabinet and the regrading of existing posts.
 - (k) In consultation with the Head of Personnel Services, to approve the temporary appointment of staff to cover absences of employees due to illness, maternity or other long term absence provided that the period of temporary employment does not exceed twelve months and the cost of doing so can be contained within existing departmental budgets.
 - (l) To authorise the acquisition of equipment or services necessary for the day to day performance of the Council's business or fulfilment of any matter authorised by the Council or elected member body for which a budget has been approved.
 - (m) To manage any physical assets, including land and buildings (except for the acquisition, appropriation or disposal of land and buildings), IT, vehicles and equipment generally, allocated to the service for which he/she is responsible.
 - (n) To enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of either body.
 - (o) Where the Chief Executive is unable to act or is absent, the powers delegated to him/her shall be exercised by any other member of the Chief Officers Management Team nominated by him/her.
 - (p) When any Director is unable to act or is absent, the powers delegated to him/her shall be executed by any other officer nominated by him/her.
 - (q) To maintain close liaison with appropriate councillors on any sensitive or contentious issues.
 - (r) To keep the relevant councillor(s) informed as appropriate of matters affecting their wards.
5. Subject to paragraph 6, the Chief Finance Officer, Head of Personnel Services and Head of Housing Service shall have the powers set out in the attached schedule and they may delegate, in writing, all or any of their delegated functions to other officers.
6. The following functions are not delegated to any officer:
- (a) any matters which the Council or an elected member body to which functions have been delegated has resolved shall be determined by itself
 - (b) any function which by law may not be delegated to an officer
 - (c) the adoption of new policy or significant variations to existing policies
 - (d) the appointment, terms and conditions, discipline, suspension or dismissal of the Chief Executive, Directors and Heads of Service
 - (e) any function specifically delegated to another officer
 - (f) any matter involving finance which cannot be met from within the Approved Budget;
 - (g) any matter which the Chief Executive or Director concerned considers inappropriate to be dealt with under delegated powers or in which the officer concerned has an interest.

- (h) any matter which constitutes a Key Decision within Article 13 of the Constitution.
7. Where it is a legally permissible an officer may decide not to exercise any function in relation to a particular matter and to invite the Council, or the appropriate elected member body as appropriate to do so instead. It is open to an officer to consult with appropriate Councillors on the exercise of delegated powers or in deciding whether or not to exercise such powers.
 8. In accordance with Appendix 1 to Standing Orders relating to Contracts, tenders for utilities (gas, electricity) may be accepted by any two from the Chief Executive, the Monitoring Officer and the Chief Finance Officer.
 9. The Director of Corporate Services is authorised to make any minor variations to this scheme of delegation to officers at any time as needs and circumstances change; and shall be the final arbiter in relation to the interpretation and application of the scheme.

SCHEDULE TO THE SCHEME OF DELEGATION TO OFFICERSCHIEF EXECUTIVE

1. To be Head of the Paid Service.
2. Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council on all matters including those which have been delegated to any other officer **PROVIDED THAT**
 - 2.1 the Chief Executive may not exercise a power which is reserved by statute to another officer;
 - 2.2 before exercising the power of another officer, the Chief Executive shall consult with that officer if available;
 - 2.3 the Chief Executive when exercising any powers may authorise the incurring of expenditure in an emergency even if there is no specific provision in the budget of the Council.
3. To keep under constant review the needs of the City and its community in relation to all those services provided by the Council and to take all such action which in his/her judgement is necessary to ensure that those needs are met within the framework of any policies agreed by the Council.
4. To be responsible for corporate communication, including responsibility for media and public relations.
5. To lead on strategies for change whether from within the authority or externally influenced.
6. To make arrangements for dealing with any matter raised by the Government or local authority association calling for a view or decision by the Council.
7. To be responsible for the overall organisational structure of the Council.
8. To be responsible via the Head of Personnel Services for determining and issuing guidance to officers for the management of human resources, including recruitment, training, conditions of service, staff development/appraisal, disciplinary matters, health and safety, employee welfare and any other matter concerning staff.
9. To ensure the provision of professional advice to all parties in the decision-making process.
10. Together with the Monitoring Officer to be responsible for a system of record-keeping for all local authority decisions
11. To represent the Council on partnership and other bodies.

Chief Finance Officer

1. To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988 and Regulation 5 of the Accounts and Audit Regulations 1996.
2. To implement national and local pay awards.
3. To make finance leasing arrangements.
4. To manage the deployment of the Council's revenue and capital resources.
5. To determine arrangements for Treasury Management in accordance with the Treasury Policy Statement and any other arrangements approved by the Council.
6. To act as Registrar of bonds and mortgages and sign endorsements or extensions for the purposes of any regulation relating to Local Authority mortgages.
7. To sign cheques on behalf of the Council and to authorise other employees to do so.
8. To borrow in the name of the Council such money as is required pending the receipt of revenues or to financial capital expenditure which has been approved by the Council and in accordance with any policies approved by the Council.
9. To write off in appropriate circumstances debts not exceeding £500 in any individual case.

Head of Personnel Services

1. To authorise payments to newly appointed employees in accordance with the Council's approved scheme of removal and disturbance allowances.
2. In consultation with the relevant Director to authorise the payment of honoraria to employees and payments in lieu of holiday entitlement foregone up to a maximum of £1,000 in any one case.
3. To authorise the waiving of the qualification rule under Local Conditions of Service in respect of posts graded SO1 and above.
4. To authorise the appointment/extension of service of employees over age 65 subject to a maximum extension/engagement of one year at any one time.

Head of Housing Services

Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to the management and maintenance of the Council's housing stock (including all land owned by it for housing purposes unless declared surplus to requirements) and all other functions of the Council relating to housing in the City other than those relating to planning or housing benefit (including authorising prosecutions for contraventions of any legislation falling within such functions)

DIRECTOR OF CORPORATE SERVICES

1. To be the Monitoring Officer.
2. To be the Electoral Registration Officer and Returning Officer for City Council Elections.
3. To act as Solicitor to the Council and to settle on appropriate terms any litigation or claim taken by or against the Council.
4. To authorise the institution, defence, withdrawal, compromise or any other action relating to claims or legal proceedings, civil or criminal (except in relation to prosecutions where the authorisation of prosecutions is expressly delegated to another Director).
5. To authorise officers of the Council to appear before Magistrates' Courts or County Courts.
6. To issue or serve statutory notices on behalf of the Council in relation to any of its functions.
7. To be proper officer of the Council, except where legislation or arrangements names another officer.
8. To manage administration of the Council's complaints processes, including issues of maladministration.
9. To be responsible for the provision of services to Members and to the Mayoralty.
10. In consultation with appropriate Members of the Council to make appointments to member bodies forming part of the Council's official structure and to fill casual vacancies on member bodies forming part of the Council's approved structure in accordance with Sections 15-17 of the Local Government and Housing Act 1989.
11. To be the Registrar of Local Land Charges.
12. To be responsible for the Guildhall building.
13. To authorise the acquisition, re-use, appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves and variations of rent of the Council's land and buildings and land and buildings belonging to the Hopmarket Charity.
14. To manage any land or buildings belonging to the Council (and the Hopmarket Charity) where it does not fall within the service responsibilities of another Director.
15. To take such action as is considered appropriate in relation to advance payments, blight notices, home loss payments under the Land Compensation Act 1973, notices to quit, purchase notices and other notices.
16. To have overall responsibility for the Council's Information, Communication and Technology Systems.
17. To act as Data Protection Officer.
18. To sign any documents on behalf of the Council and to witness affixation of the Council's common seal to documents.
19. To authorise payment of subscription to local government associations and organisations in accordance with the Council's policy and subject to budgetary provision having been made.

20. To authorise employees of the Council to make determinations, notify determinations, notify determinations of overpayment, review a determination or extension of time for making representations or further review in relation to legislation relating to Housing Benefit and Council Tax Benefit.
21. Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council on all matters relating to the discharge of the following functions of the Council:-
 - 21.1 administration of Council Tax
 - 21.2 administration of National Non-Domestic Rates
 - 21.3 recovery of arrears of Community Charge
 - 21.4 administration of Housing and Council Tax Benefit
22. To approve the use of the Council's coat of arms.
23. In conjunction with the Chief Executive, to be responsible for a system of record-keeping for all the local authority's decisions.

DIRECTOR OF COMMUNITY SERVICES

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the following functions (including authorising prosecutions for contraventions of any legislation falling within such functions) of the Council:-

A. Operational Services

1.2 Environmental Health

1.3 Licensing

1.4 Cultural Services

PROVIDED THAT where there are objections to the grant of any licence or there is a proposal to refuse a licence or revoke an existing licence, the matter shall be referred to the Licensing Committee for determination.

2. For the purposes of this scheme of delegation, the following terms have the following meanings:-

'Operational Services' means the functions of the Council relating to refuse collection, street cleaning, the provision and cleaning of public conveniences, the cleaning of buildings.

'Environmental Health' means the Council's functions and responsibilities in relation to public health, health and safety at work, control of pollution, food safety and Sunday Trading.

'Licensing' means the Council's functions and responsibilities for issuing and ensuring compliance with licences of whatsoever nature other than those licences falling within the responsibility of another Director.

'Cultural Services' means the Council's functions and responsibilities in relation to allotments, parks and open spaces, museums, art galleries and the arts, archaeology, tourism, sports and leisure centres and facilities, racing, cemeteries and crematorium, community centres and community development.

3. To act on behalf of the Council in relation to its functions and responsibilities for issuing and ensuring compliance with the following licences **PROVIDED THAT** where there are objections to the grant of any licence or there is a proposal to refuse a licence or revoke an existing licence the matter shall be referred to the Licensing Committee for determination:-

Game Dealers' Licence

Licence for house to house collection for charitable purposes

Scrap Metal Dealers' Licence

Licence for private places of entertainment

Permits for gaming machines by way of amusements with prizes

Theatre Licences

Licences for late night refreshment houses

Public Entertainment Licences

Cinema Licences

Sex establishment licences

Licences for Dealers in Second-hand Goods

DIRECTOR OF DEVELOPMENT SERVICES

1. To determine planning applications in accordance with the scheme of delegation of planning decisions set out in Appendix A attached.
2. To respond to consultations on planning applications, plans and proposals received from neighbouring local authorities and the County Council in accordance with the policies of this Council and the Scheme of Delegation of Planning Decisions in consultation with the Chairman of the Planning Committee and the Portfolio Holder for Development Services.
3. To issue "Screening Opinions" and "Scoping Opinions" on the need for and content of Environmental Impact Assessments in connection with developments falling within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 which may be subject to Environmental Impact Assessment procedures.
4. To accept and agree amendments to submitted planning applications.
5. To be responsible for consultation and negotiating with applicants for planning permission and to assign all decision notices relating to the determination of planning applications.
6. To approve grants of money for the repair of historic buildings and the enhancement of historic areas.
7. To authorise the making of Tree Preservation Orders.
8. To grant consent for the felling, lopping or topping of any tree subject to a tree preservation order in accordance with the provisions of the order and applicable statutory provisions.
9. Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council in respect of the following Council functions:-

road closures, naming of new streets, highway amenity permissions, street trading, building control, off-street car parking, powers exercised on behalf of the highway authority, Worcestershire County Council and economic development and re-generation.
10. To authorise prosecutions for contraventions of any legislation falling within the functions for which the Director of Development Services is responsible.
11. To authorise the issue of Enforcement Notices, Listed Building Enforcement Notices and Breach of Condition Notices under the relevant Town and Country Planning legislation.
12. To authorise the issue of any documentation necessary for the proper implementation and enforcement of the contaminated land provisions of the Environmental Protection Act 1990.
13. To authorise any urgent action necessary to preserve any building which he considers important and which appears to be in danger of alteration or demolition or collapse, pending a report to the next available meeting of the Planning Committee.

SCHEME OF DELEGATION OF PLANNING DECISIONS

1. The powers delegated shall only be exercised after ensuring that all statutory requirements have been complied with and after considering all representations received.

2. The powers delegated shall be:-

2.1 **TO APPROVE** all types of applications submitted under the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) subject to such condition(s) as she/he may deem it appropriate to impose

TO AGREE minor amendment(s) to any permissions or consents granted by the Council.

AND TO DISCHARGE any condition(s) subject to which any permissions or consents have been granted by the Council.

PROVIDED THAT any decision:-

2.1.1 accords with the provisions of the relevant development plan (whether approved, adopted or draft) any Department of Transport, Local Government and the Regions planning policy guidance and circulars, and any supplementary planning guidance adopted or approved by the Council as local planning authority or any member body acting on its behalf

2.1.2 does not conflict with any objection received from any Member of the Council within the consultation period referred to in paragraph 4 below

2.1.3 except in the case of advertisements consents, does not conflict with any objection from a consultee or from a member of the public received within the specified consultation period and which is not outside the scope of planning law

2.2 **TO REFUSE** all types of applications submitted under the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (including any application where objection has been received from any consultee or member of the public) where the Director of Development Services is satisfied that the proposals are contrary to the provisions of the relevant development plan (whether approved, adopted or draft) any Department of Transport Local Government and the Regions planning policy guidance and circulars, and any supplementary planning guidance adopted or approved by the Council as local planning authority or any member body acting on its behalf, or would cause demonstrable harm to an interest of acknowledged importance.

PROVIDED THAT any decision shall not conflict with any representation received from any Member of the Council within the consultation period referred to in paragraph 4 below.

2.3 **TO REFUSE** to determine applications submitted in accordance with, and subject to the limitations of, Section 17 of the Planning and Compensation Act 1991.

2.4 **TO ISSUE** planning contravention notices and, where appropriate, give audience to the recipient(s) of any such notice.

2.5 **TO DETERMINE** all applications for prior approval of the Council as local planning authority for any relevant categories of permitted development in accordance with, and subject to the limitations of, the Town and Country Planning (General Permitted Development) Order 1995 as amended.

- 3.1 The delegations in paragraph 2.1 and 2.2 above shall not operate if any person has notified the Director of Development Services of his wish to speak during the consideration of an application as provided for in Council Procedure Rule A11 and Committee Procedure Rule 6.
- 3.2 The Director of Development Services may exercise the powers delegated individually or in combination.
- 3.3 The delegation in paragraph 2.1 above shall not operate in respect of any development in respect of which the Director of Development Services proposes approval should be granted subject to prior completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended).
- 3.4 The delegations shall not operate if the Director of Development Services does not consider it prudent to exercise his or her delegated authority, in which case he/she shall report the matter to the Planning Committee.
4. The Director of Development Services shall prepare and circulate to Members of the Council each week a list of registered applications. Any Member of the Council may within 14 days from the date of issue of any weekly list by written notification to the Director of Development Services require him/her to submit an application or matter to the Planning Committee for determination, and the Director of Development Services shall not make a decision in respect of any such application or matter before the expiration of that period of 14 days.
5. The Director of Development Services may bring before the Planning Committee any application, and request that it be delegated on a 'case by case' basis for determination by him/her. Any such delegation may be subject to the receipt and resolution of specified outstanding matters, including receipt of consultees views, expiry of statutory notices and expiry of consultation periods, and on the basis that the outstanding matters referred to, when resolved, did not give rise to any new issue or objection.