

additional papers 1



Council

Mon 21 May
2018
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

*making
a
difference*

www.redditchbc.gov.uk

**If you have any queries on this Agenda please contact
Jess Bayley**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 64252 (Extn 3268)**

e.mail: jess.bayley@bromsgroveandredditch.gov.uk

Council

Monday, 21st May, 2018

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:

Jennifer Wheeler (Mayor)
Salman Akbar
Joe Baker
Tom Baker-Price
Joanne Beecham
Roger Bennett
Juliet Brunner
David Bush
Michael Chalk
Debbie Chance
Greg Chance
Anita Clayton
Brandon Clayton
Matthew Dormer
John Fisher

Andrew Fry
Julian Grubb
Bill Hartnett
Pattie Hill
Wanda King
Anthony Lovell
Gemma Monaco
Gareth Prosser
Antonia Pulsford
Michael Rouse
Mark Shurmer
Yvonne Smith
Craig Warhurst
Pat Witherspoon

14. Scheme of Delegations (Pages 1 - 82)

The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. This report covers changes that have been made by the Monitoring Officer under the delegation that currently exists to amend the scheme to reflect changes in legislation, job titles and reallocation of functions. Members are referred to the amended Scheme of Delegations Document at pages 5 to 82 in which the amendments shown as tracked changes, and are asked to note that none of the amendments have the effect of extending the existing delegations.

This page is intentionally left blank

REDDITCH BOROUGH COUNCIL**ANNUAL COUNCIL****21st May 2018****DELEGATIONS**

Relevant Portfolio Holder	To be confirmed
Portfolio Holder Consulted	Not applicable
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

1. SUMMARY OF PROPOSALS

- 1.1 The Council is required to review its scheme of delegations at the Annual Meeting. This report presents the scheme for noting.

2. RECOMMENDATIONS

It is recommended that

- 2.1 The current version of the Officer scheme of Delegations is agreed as set out at Appendix 1.

3. KEY ISSUES**Financial Implications**

- 3.1 There are no financial implications arising directly from this report.

Legal Implications

- 3.2 Review and revision of the Constitution is governed by Article 15 of the Constitution.
- 3.3 Section 101 of the Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through officers. Local Authorities are required by the same Act to maintain a list of these, which is referred to as the Scheme of Delegation. This sets out those powers of the Council which can be carried out by officers of the Council.

Service / Operational Implications

- 3.4 The Council's Constitution currently requires that the Officer Scheme of Delegations be approved by Members at the Annual Meeting of the Council.
- 3.5 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the

REDDITCH BOROUGH COUNCIL**ANNUAL COUNCIL****21st May 2018**

Executive Committee (Executive) or other committees to certain specified officers. It sets out the decisions which are delegated by Council to officers and the decisions which are delegated by the Executive to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant committee, namely Planning Committee or Licensing Committee.

- 3.6 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. Changes have been made by the Monitoring Officer in accordance with the delegation that currently exists to amend the scheme to reflect changes in legislation, job titles and reallocation of functions. They do not extend the delegations.
- 3.7 A full review of the scheme of delegations is currently being undertaken which will involve consultation with the Constitutional Review Working Party Members, and a further report will be brought back to Council at a future meeting.

Customer / Equalities and Diversity Implications

- 3.8 There are no specific customer or equalities implications arising from this report.

4. RISK MANAGEMENT

- 4.1 The main risks associated with the details included in this report are failure to comply with governance requirements which may expose the Council to the risk of challenge by way of judicial review or appeal which may result in awards of damages and costs against the Council and loss of reputation.

5. APPENDICES

Appendix 1 - scheme of delegations to officers revised May 2018.

6. BACKGROUND PAPERS

None

7. KEY**AUTHOR OF REPORT**

Name: Claire Felton

email: c.felton@bromsgroveandredditch.gov.uk

CONSTITUTION – PART 5 – INTRODUCTION**Redditch Borough Council**
Scheme of Delegation

1. This Scheme of Delegation will be updated regularly. However:
 - a) any reference to specific legislation or to statutory provisions shall be deemed to refer to any relevant aspects of any successive legislation or statutory provisions;
 - b) reference to a post holder shall be deemed to refer to any successor post holder(s) who is/are charged with the same responsibilities following any reorganisation or reallocation of functions, save that where there is any ambiguity as to who shall exercise a particular delegation of authority, the delegation shall refer to the higher-ranking Officer(s). For the avoidance of doubt, successor post holder(s) include Officers placed at the disposal of the Council under secondment arrangements pursuant to s113 of the Local Government Act 1972 or any other enactment or power.

Delegations to Committees and Sub-Committees

2. This Scheme of Delegation is not an exhaustive list of matters delegated to Committees and Sub-Committees. The Scheme of Delegation must be read in conjunction with the Terms of Reference for each Committee and Sub-Committee.

Delegations to Officers

3. All powers, duties and responsibilities appropriate and necessary for day to day operational activities shall be deemed to be delegated to the relevant Head of Service with the responsibility for the discharge of that function or the exercise of that power unless otherwise specifically prescribed and shall include authority to incur normal revenue expenditure in the discharge of day to-day operational activities in accordance with Financial Regulations and where budgetary provision has been made unless the Executive Committee or Section 151 Officer has placed a conditional approval on any such item. The Scheme of Delegations is not intended to be an exhaustive and complete list of delegations to officers.
4. Notwithstanding that functions are delegated to an Officer, the relevant parent committee or other member body with decision-making powers will retain concurrent powers. An Officer may decide not to exercise any function in relation to a particular matter and invite the relevant committee or member body with decision-making powers to do so instead.
5. Where an Officer whose post is named under this Scheme is unable to act or is absent the powers delegated to him/her may be exercised by any officer authorised by him in writing or by any more senior Officer in that Officer's hierarchical line of management up to and including the Chief Executive except where this is not permitted in law or is subject to other qualification. Any delegation to the Chief Executive may in his/her absence be exercised by the Deputy Chief Executive, Executive Director, Monitoring Officer or Section 151 Officer as may be appropriate.

CONSTITUTION – PART 5 – INTRODUCTION

6. There are further delegations of powers which can be exercised by officers under Contract Procedure Rules.

Interpretation of the Scheme of Delegations

7. The Monitoring Officer shall be the final arbiter in relation to the interpretation and application of the Scheme.

INDEX

INTRODUCTION

**CORPORATE DELEGATIONS /
ALL DIRECTORATES – MISCELLANEOUS/
PROPER OFFICER**

DELEGATIONS BY SERVICE AREA

- 5.01 Chief Executive
- 5.02 Transformation and Organisational Development
- 5.03 Community Services
- 5.04 Environmental Services
- 5.05 Housing Services
- 5.06 Legal, Equalities and Democratic
- 5.07 Leisure and Cultural Services
- 5.08 Planning & Regeneration
- 5.09 Regulatory Services
- 5.10 Resources

This page is intentionally left blank

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

GENERAL DELEGATIONS

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Budgetary Control	<p>To incur normal revenue expenditure, in accordance with Financial Procedure Rules and within the terms of budgets set by the Council.</p> <p>To approve and submit tenders on behalf of the Council up to a value of £250,000. The inclusion of an item in the capital programme shall not confer authority to incur expenditure until a financial report in a form specified in the Council's Procedure rules has been submitted to and approved by the Executive Committee.</p> <p>To adopt revised Statutory Fees and Charges, in cases where the Council has no discretion, subject to their annual notification to Members as part of the Fees and Charges Review report.</p> <p>In setting Fees and Charges, as a general principle, to round up or down to the nearest practical amount, any of the proposed fees and charges which it is felt would cause administrative difficulties.</p>	<p>Council / Executive Committee</p> <p>Executive Committee</p> <p>Executive Committee</p> <p>Executive Committee</p>	<p>Chief Executive / Deputy Chief Executive / Directors</p> <p>Chief Executive / Deputy Chief Executive/ Directors</p> <p>Chief Executive / Deputy Chief Executive / Directors / Heads of Service</p> <p>Chief Executive / Deputy Chief Executive/ Directors / Heads of Service</p>
Employees	<p>To control and manage own Directorates.</p> <p>Within the terms of the Council's agreed policies and employment objectives, to deal with the following matters without reference to Committee:-</p> <p>a) to engage employees within budget provision / establishment;</p> <p>b) to deal with the recruitment, suspension, and dismissal of employees in accordance with</p>	<p>Council/Executive Committee</p> <p>Council</p> <p>Council</p>	<p>Chief Executive/ Deputy Chief Executive/Directors or their nominated Manager(s)</p> <p>Chief Executive/ Deputy Chief Executive/ Directors</p> <p>Chief Executive/ Deputy Chief Executive/</p>

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

	agreed procedures;		Directors/Heads of Service as appropriate
	c) subject to negotiation with employees and/or their representatives, to vary the conditions of service, salaries and hourly rates (including the level of bonus payments) where in their judgement such variations are in the interest of the service, where the terms of employment permit this. In exercising this authority, CX / DCX / Directors shall observe national agreements and shall not depart from individual terms and contracts of employment;	Council	Chief Executive/ Deputy Chief Executive/ Directors
	d) subject to the prior approval of the Executive Committee, and consultation with employees and/or their representatives, to carry out Service Reviews, as necessary, and implement outcomes;	Executive Cttee	Chief Executive/ Deputy Chief Executive/ Directors
	e) to provide an overview of training activities for the Council and, in accordance with the Council's stated requirements, direct provision of training via in-house and external resources (Human Resources);	Executive Cttee	Chief Executive/ Deputy Chief Executive/ Directors
	f) to settle claims of up to £150 for damage to and/or loss of employee's clothing and personal property.	Executive Cttee	Chief Executive/ Deputy Chief Executive/ Directors
	g) to exercise the various delegations defined hereunder.	Various	All employees, including all employees of Bromsgrove District Council seconded to Redditch Borough Council under shared services arrangements.

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

			or employed by other local authorities who provide services for or on behalf of Redditch Borough Council under shared service arrangements
Tenders & Contracts	<p>To invite tenders for contracts from the approved list in the case of selective tendering where provision had been made for those items within the revenue budget and capital budget.</p> <p>Subject to Contract Procedure Rules, to engage the services of consultants operating within their own sphere of professional competence.</p> <p>(In instances where professions in other Directorates are involved, the Director of that Directorate is to be contacted to establish whether the necessary expertise is available in-house and, if not, to advise and engage outside consultants accordingly.</p> <p>If there is no available professional advice within the Council the Director is authorised to seek appropriate consultants direct.)</p> <p>Further separate delegations under the Contract Procedure Rules.</p>	<p>Executive Committee</p> <p>Executive Committee</p> <p>Council</p>	<p>Chief Executive/Deputy Chief Executive/ Directors / Heads of Service</p> <p>Chief Executive/ Deputy Chief Executive/ Directors/Heads of Service</p> <p>Various</p>
Urgent Business	To determine urgent matters where there is insufficient time to convene a meeting of the Council, Executive or other Committee, or it would be disproportionate to do so in relation to the scale of the decision required.	Council or Executive/leader as appropriate	Chief Executive following consultation with the Executive/Leader, S 151 Officer and the Monitoring Officer.

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

Service Managers (4th Tier and below)	In the absence of any specific delegation and subject to supervision by their immediate line Managers, Service Managers are authorised to perform the duties for which they are employed, including the day-to-day management of their specific Service.	Council/Executive Committee	Various
---------------------------------------	--	-----------------------------	---------

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

ALL DIRECTORATES – MISCELLANEOUS DELEGATIONS

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Miscellaneous. Delegations	1) The day-to-day discharge of functions not otherwise covered by this scheme in accordance with any requirements of the Chief Executive.	Executive Committee	Chief Executive or in his absence the Deputy Chief Executive
	2) To respond to miscellaneous enquiries for which no delegated authority currently exists and to determine whether further formal decision is required and, if so, what.	Exec	Chief Executive, in consultation with Group Leaders and Monitoring Officer
	3) In the absence of the Chief Executive, to exercise the various specific delegations (referred to elsewhere within Scheme of Delegations to Officers, etc.)	Council / Exec	Duty Officer (Deputy Chief Executive)
	4) In the absence of the Chief Executive, to exercise the Proper Officer functions which are the responsibility of the Chief Executive.	Council / Exec	Deputy Chief Executive or other Chief Executive Nominee
	5) In the absence of the relevant Director, to exercise the various specific delegations set out in the Scheme, except in circumstances where statute debars such action.	Council / Exec	Chief Executive/ Duty Officer (Deputy Chief Executive)
	6) To serve requisitions for information as to ownership of property.	Executive Cttee	All Directors / Head of Finance & Revenues, or in their absence, other relevant Heads of Service / Managers
	7) To seek Planning Permission on behalf of the Council.	Council	Directors and Heads of Service, subject to prior consultation with Ward Members

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
	8) To seek Building Regulation Consent, on behalf of the Council, for carrying out development.	Exec	Directors / Ho Resources and Finance / Ho Planning & Regeneration
	9) To apply for Licences, on behalf of the Council.	Executive Committee	Directors/Officers authorised by Directors
	10) To respond to Petitions, in accordance with the approved Protocol.	Council	Monitoring Officer/ Chief Executive/ Deputy Chief Executive / Directors / Relevant Officers
	11) To reply on the Council's behalf, where time limits require, to all consultations from adjoining local authorities, the County Council, the LGA, the Government and other bodies.	Council / Executive Cttee	Directors / relevant 3 rd and 4 th Tier Officers
	12) Other than as detailed elsewhere in this Scheme of Delegation to Officers and subject to the agreed policy of the Council to accept bookings of all other Council accommodation.	Executive Committee	Chief Executive/ Deputy Chief Executive/ Directors
	13) Any Officer with a delegated power under this Scheme may authorise other Officers to exercise the powers on their behalf. Any such authorisation should be in writing, which in most cases, will be by way of Job Description. In other cases, please see Form of Authorisation at Appendix 1.	Council / Executive Committee/ Planning / Licensing Committees	Chief Executive/ Deputy Chief Executive/ Directors
	14) Any of the powers delegated to a specific Officer within this Scheme may be exercised by any of their line Managers, except where such exercise is not permitted in law or subject to other qualification. (Some powers may only be exercised by a specific type of Officer.)	Council / Executive Cttee/ Planning / Licensing Committees	Various

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

	<p>15) Where an Officer has delegated powers to issue legal proceedings, they are also authorised to take action to enforce any judgment obtained.</p> <p>16) To pursue such urgent legal action when required in the future, in cases where existing authority is not sufficient, where the proposed action is not politically controversial, or in conflict with current decision, policy and practice, and where there are no other circumstances which, in the view of the Officer concerned or the Portfolio Holder, might suggest the need for a full Committee (or Council) decision.</p>	<p>Council / Exec / Planning / Licensing Committees</p> <p>Council / Exec / Planning / Licensing Committees</p>	<p>Various</p> <p>Various Officers, in consultation with relevant Portfolio Holder</p>
Regulation of Investigatory Powers Act (RIPA)	<p>1. To review, revise and update the Council's RIPA policy.</p> <p>2. Under the provisions of Part 1 chapter 2 of the Regulation of Investigatory Powers Act 2000 relating to the Accessing of Communications Data, to appoint officers to act as SPOCs (Single Point of Contact).</p> <p>3. To grant authorisations, subject to approval by the Magistrate's Court, under the Regulation of Investigatory Powers Act (RIPA) 2000 to conduct covert surveillance.</p> <p>4. In relation to requests for Directed Surveillance, including authorisation as referred to above, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation</p>	1 – 7 Council	<p>1. Head of Legal, Equalities and Democratic Services.</p> <p>2. Head of Legal, Equalities and Democratic Services.</p> <p>3. Heads of Service authorised to do so under Appendix 2 of the RIPA policy.</p> <p>4. Heads of Service authorised to do so under Appendix 2 of the RIPA policy.</p>

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

	<p>5. In relation to requests for Covert Human Intelligence Sources where the source is aged under 18, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation.</p> <p>6. To maintain the central record of documents relating to RIPA policy, including authorisations.</p> <p>7. To carry out all necessary action to ensure that the Office of Surveillance Commissioners is satisfied with the Council's Policy and Procedures in respect of RIPA.</p>		<p>5. Chief Executive or in his absence the Deputy Chief Exec.</p> <p>6. The Information Management Team under the supervision of the Head of Transformation and Organisational Development.</p> <p>7. Head of Legal, Equalities and Democratic Services.</p>
--	---	--	---

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

PROPER OFFICER DELEGATIONS

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Council Summons	1. To sign summonses to Council Meetings and to receive notices regarding addresses to which summons to meeting is to be sent under provisions of paragraphs 4(2)(b) and 4(3) of Schedule 12 to the Local Government Act 1972.		Chief Executive or in his/her absence the Monitoring Officer
Local Government Act 1972	<p>2. To be appointed "Proper Officer" in relation to the following provisions of the Local Government Act 1972:</p> <p>a. Sections 83(1) to (4) - Witness and receipt of acceptance of office</p> <p>b. Section 84 – Receipt of declaration of resignation of office</p> <p>c. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors</p> <p>d. Section 229(5): Certification of photographic copies of document</p> <p>e. Sections 234(1) and (2): Authentication of documents</p> <p>f. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Mayor</p> <p>g. Section 204(3): Receipt of application for licence under Sch 2 of Licensing Act 1964</p> <p>Repealed</p>		<p>a. Chief Executive</p> <p>b. Chief Executive</p> <p>c. Head of Legal, Equalities and Democratic Services</p> <p>d. Legal, Equalities and Democratic Services</p> <p>e. Head of Legal, Equalities and Democratic Services</p> <p>f. Chief Executive</p> <p>g. Head of Legal, Equalities and Democratic Service</p>

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
	<p>h. Section 210 (6) and (7): Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or, if there is no such office to “Proper officers”.</p> <p>i. Section 212(1) and (2): Proper Officer to act as Local Registrar for Land Charges Act 1925</p> <p>Repealed</p> <p>j. Section 225: Deposit of documents</p> <p>k. Section 236(9): To send copies of byelaws for parish records</p> <p>l. Section 236(10): To send copies of byelaws to the County Council</p> <p>m. Section 238: Certification of byelaws</p> <p>n. Section 228 (3): Accounts of “any Proper Officer” to be open to inspection by any member.</p>		<p>h. Head of Legal, Equalities and Democratic Services</p> <p>i. Head of Legal, Equalities and Democratic Services</p> <p>j. Head of Legal, Equalities and Democratic Services</p> <p>k. Head of Legal Equalities and Democratic Services</p> <p>l. Head of Legal, Equalities and Democratic Services</p> <p>m. Head of Legal, Equalities and Democratic Services</p> <p>n. Head of Resources</p>

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
	<p>o. Section 191: Function with respect to ordnance survey</p> <p>p. Schedule 16 para 28: Receipt on deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act 1971)</p> <p>Repealed</p> <p>q. Sections 115(2) and 146(1)(a) and (b): Receipt of money due from officers declaration and certificates with regard to securities</p> <p>r. Section 151</p>		<p>o. Head of Planning</p> <p>p. Head of Planning</p> <p>q. Head of Resources</p> <p>r. Head of Resources</p>

Monitoring Officer

Subject	Detail	Delegated by:	Delegated to:
Constitution and Scheme of Delegation – amendments	<p>1. To make amendments to the Scheme of Delegation and other areas of the Constitution in order to reflect changes in legislation or regulations, job titles and the reallocation of functions of the Council between departments, provided that the amendments do not extend or reduce the existing delegations or other powers and duties currently listed in the Constitution</p> <p>2. To make amendments to that part of the Constitution which comprises the Management Arrangements to the extent that such amendment reflects either a change in personnel or changes to the corporate structure which have been agreed by Council</p>	Council	Monitoring Officer
Outside Bodies	To maintain and amend a list of external bodies and organisations to which Members have been appointed by the Council	Council	Monitoring Officer, in consultation with the Leader

This page is intentionally left blank

CONSTITUTION – PART 5.01 – Chief Executive

CHIEF EXECUTIVE'S OFFICE			
Miscellaneous See "General Delegations" and service-specific delegations elsewhere			
Subject	Detail	Delegated by:	Delegated to:
Secretariat / Civic Support	To agree expenditure in relation to civic support / civic events.	Council	Chief Executive
Town Twinning	To agree expenditure in relation to town-twinning events, based on the principle of equitable sharing of available funds over time between the Borough's link towns, but with variation permitted to deal with exceptional events / activity.	Executive Committee	Chief Executive
Legal Proceedings – Occupation of Council Land	To pursue legal proceedings (whether by possession action, injunction or otherwise) to recover possession of Council-owned land occupied without consent, or to secure the removal from other land (not in the Council's ownership) of a person or persons (and his/her/their possessions, including motor or other vehicles) occupying such land without, or in contravention of, any authority or consent (statutory or otherwise), or to prevent or stop any activity in contravention of legislation which it is the responsibility of the Council to administer or enforce.	Council / Executive Committee	Chief Executive or in his/her absence the Duty Officer (Deputy Chief Executive) or in his/her absence - other Director
Flags	To agree variations to approved protocols for the flying of flags at the Town Hall.	Executive Committee	Chief Executive in consultation with Portfolio Holder - Corporate Management
National Care Standards – Responsible Individual	To identify and notify the National Care Standards Commission of the "Responsible Individual" for the purposes of the Care Standards Act 2000. See Community Services delegations for reference to the registered provider and manager.	Council	Chief Executive

CONSTITUTION – PART 5.01 – Chief Executive

Returning Officer / ERO Functions	To fulfil the duties of Returning Officer and Electoral Registration Officer for Redditch in accordance with statute.	External / Council	Deputy Chief Executive
-----------------------------------	---	--------------------	------------------------

Constitution Part 5 Table 5.02 – Transformation and OD

TRANSFORMATION AND ORGANISATIONAL DEVELOPMENT			
1. <u>IT Services</u>			
Subject	Detail	Delegated by:	Delegated to:
Members' IT	To supply and maintain Members' IT facilities in accordance with approved Policy(-ies)	Executive Committee	Head of Business Transformation and Organisational Development / IT Manager
Land and Property Gazetteer	To keep and maintain the Council's Local Land & Property Gazetteer (LLPG) and act as "Custodian" for this purpose.	Executive Committee	Head of Business Transformation and Organisational Development
Street Naming	To be responsible for Street / Property naming, in accordance with Council-approved Policy, and to maintain a list of candidate street and property names.	Executive Committee	Head of Business Transformation and Organisational Development, in consultation with Ward and other relevant Members /Portfolio Holder
Street Numbering	To prescribe street numbers and renumber premises where necessary, in accordance with approved policy.	Executive Committee	Head of Business Transformation and Organisational Development
2. <u>Policy, Performance & Partnerships</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Publicity & Communication	To determine applications for non-commercial organisations to use the Borough Crest or Logo.	Executive Committee	Communications Manager

This page is intentionally left blank

Constitution – Part 5 – Table 5.03 – Community Services

COMMUNITY SERVICES			
1. Care Standards			
Subject	Detail	Delegated by:	Delegated to:
Day-to Day management – Care & Repair	To deal with the day to day management of the Care & Repair Service.	Executive Committee	Head of Community Services
Care Standards Act 2000	To identify and register with the Commission for Care Standards Inspection the “Registered Provider” and the “Registered Manager” for the purposes of the Care Standards Act 2000.	Executive Committee	Executive Director of Leisure, Environmental & Community Services Head of Community Services
Statements of Purpose	To register up-to-date Statements of Purpose with the Commission for Care Standards Inspection.	Executive Committee	Head of Community Services
Supporting People Charges	To collect and recover Supporting People Charges within the Charging Policy adopted by the Council and to refer cases to the Head of Legal Equalities and Democratic Services to institute proceedings to recover such charges.	Executive Committee	Head of Housing (with Head of Legal Equalities and Democratic Services)

Constitution – Part 5 – Table 5.03 – Community Services

2. Community Safety			
Subject	Detail	Delegated by:	Delegated to:
Designated Public Places Orders	To implement Designated Public Places Orders, as required, in accordance with agreed procedures.	Executive Committee.	Executive Director of Leisure, Culture, Environmental & Community Services and, in his/her absence, Head of Community Services, following consultation with Portfolio Holder for Community Safety and local Ward Members.
Anti-social behaviour - Applications for Injunctions	To make applications for injunctions under the Housing Act 1996 as amended by Section 13 of the Anti-Social Behaviour Act 2003 to prohibit Anti-Social Behaviour that affects the management of the Council's housing stock including applications for Exclusion and Power of Arrest.	Executive Committee	Principal Solicitor, in consultation with Head of Community Services / ASB Manager / Head of Housing
Anti-social behaviour - Breaches of Injunctions	To take action to enforce breaches of injunctions made under Section 13 of the Anti-Social Behaviour Act 2003	Executive Committee	Principal Solicitor, in consultation with Head of Community Services / ASB Manager / Head of Housing
Voluntary Acceptable Behaviour Contracts / Voluntary Parental Commitment	To enter into voluntary Acceptable Behaviour Contracts and voluntary Parental Commitment.	Executive Committee	H o Community Services / ASB Manager / Tenancy Manager / Anti-Social Behaviour Co-ordinators

Constitution – Part 5 – Table 5.03 – Community Services

3. Private Sector Housing			
Subject	Detail	Delegated by:	Delegated to:
Power of entry	To exercise the powers of Authorised Officers in respect of entry, inspection and investigation in relation to housing conditions as specified in any legislation the enforcement of which is delegated to Director of Leisure, Environment and Community Services	Executive Committee	Head of Community Services/Housing Strategy Manager/Private Sector Housing Team Leader/Housing Strategy & Enabling Team Leader/Private Sector Housing Officer
Service of Notices and obtaining warrants	To exercise the powers of Authorised Officers for the purposes of the legislation listed below, serve notices and obtain warrants of entry from a Justice of the Peace for the purposes of that legislation:- Housing Acts 1985, 2004 Management of Houses in Multiple Occupation Regulations 2006 Licensing & Management of HMO & other Houses (Miscellaneous Provisions) (England) Regulations 2006 Environmental Protection Act 1990 Building Act 1984 Local Government (Miscellaneous Provisions) Acts 1976, 1982 Prevention of Damage by Pests Act 1949 Public Health Act 1961 Licensing and Management of Houses in Multiple Occupation (additional provisions) (England) Regulations 2007 Mobile Homes Act 2013 Caravan Sites & Control of Development Act 1960		Head of Community Services/ Housing Strategy Manager/Private Sector Housing Team Leader/Housing Strategy & Enabling Team Leader/Private Sector Housing Officer

Constitution – Part 5 – Table 5.03 – Community Services

Caravan Site Licences	To approve a transfer or renewal of a Caravan Site Licence	Executive	Head of Community Services/ Housing Strategy Manager/Private Sector Housing Team Leader/Housing Strategy & Enabling Team Leader
Caravan Site Licences	To approve licence for new site	Council	Head of Community Services/ Housing Strategy Manager
Houses in multiple occupation - licences	To approve a Licence for House in Multiple Occupation under the provisions of the Housing Act 2004 Pt2.	Executive Committee	Head of Community Services/ Housing Strategy Manager/Private Sector Housing Team Leader/Housing Strategy & Enabling Team Leader
Houses in multiple occupation – licence	To refuse or revoke Licences for Houses in Multiple Occupation	Executive Committee	Head of Community in conjunction with the relevant Portfolio Holder
Housing Act 2004 – notices etc	To issue notices and orders in relation to improvement, prohibition, revocation, hazard awareness and emergency action under the Housing Act 2004, sections 11,12,14,16, 20,21,23,25,28,29,40,41 &43 and undertake default work in respect of such notices where necessary.	Executive Committee	Head of Community Services/ Housing Strategy Manager/Private Sector Housing Team Leader/Housing Strategy & Enabling Team Leader
Houses in Multiple Occupation – Management Orders	To issue interim and final management orders in relation to a House in Multiple Occupation under provisions of the Housing Act 2004 sections 101,103,112,113,121 & 122.	Executive Committee	Head of Community Services/ Housing Strategy Manager
Empty Dwellings - orders	To issue interim and final management orders in relation to empty dwellings under provisions of the Housing Act 2004 sections 133 & 136	Executive Committee	Head of Community Services/ Housing Strategy Manager
Mortgage Rescue Scheme	To Agree each case for purchase through the Government's Mortgage Rescue Scheme	Executive Committee	Head of Housing

Constitution – Part 5 – Table 5.03 – Community Services

	Executive Committee October 2013		
Overcrowding - notice	To issue notice in respect of overcrowding in non-licensable Houses in Multiple Occupation under provisions of the Housing Act 2004 section 139	Executive Committee	Head of Community Services/ Housing Strategy Manager/Private Sector Housing Team Leader/Housing Strategy & Enabling Team Leader
Property Tribunal	To make application to a Residential Property Tribunal in relation to enforcement or other provisions under the Housing Act 2004	Executive Committee	Head of Community Services/ Housing Strategy Manager
Illegal evictions and harrassment	To institute legal proceedings in respect of illegal evictions and harassment under provisions of the Protection From Eviction Act 1977 and Housing Act 1988	Executive Committee	Head of Community Services/ Housing Strategy Manager/Private Sector Housing Team Leader/Housing Strategy & Enabling Team Leader
Building Act notices	To serve notices under the Building Act 1984, Sections 59, 63, 64, 70, 72(1)(a) & 76 in relation to housing conditions, to undertake work in default and recover expenses.	Executive Committee	Head of Community Services/ Housing Strategy Manager/Private Sector Housing Team Leader/Housing Strategy & Enabling Team Leader/Private Sector Housing Officer
Lifetime Grants - approval	To approve applications for Lifetime Grants under the Housing Assistance Scheme and any subsequent schemes for works of repair, improvement, adaptation or thermal efficiency and applications for Landlord (HMO) Lifetime Grant	Executive Committee	Executive Director Leisure, Culture and Environmental Services/Head of Community Services/Strategic Housing Manager/Private Sector Housing Team Leader/Housing Strategy & Enabling Team Leader
Disabled Facilities Grants	To approve applications for mandatory Disabled Facilities Grant	Executive Committee	Head of Community Services/Strategic Housing Manager/Private Sector Housing Team Leader/Housing Strategy & Enabling Team Leader

Constitution – Part 5 – Table 5.03 – Community Services

Disabled Facilities Grant - Repayment	To waive the condition requiring repayment of a Disabled Facilities Grant in accordance with the Government's Criteria set out in Section 5.19(b) of the report to the Executive Committee on 7 th January 1999	Executive Committee	Head of Community Services following consultation with the relevant portfolio holder
Lifetime Grants - cancellation	To cancel Lifetime Grant and recover interim payments for failure to complete eligible work within 12 months of approval date or to grant extensions of time for completion	Executive Committee	Head of Community Services/Strategic Housing Manager/Private Sector Housing Team Leader/Housing Strategy & Enabling Team Leader
Council land and premises - dealing with Trespassers	To authorise the exercise of Local Authority powers under the Criminal Justice & Public Order Act 1994 relating to occupation of council land and premises by trespassers.	Executive Committee	Head of Community Services/Strategic Housing Manager/Private Sector Housing Team Leader/Housing Strategy and Enabling Team Leader
Proceedings for possession	To authorise the instigation of civil legal proceedings for possession of council land and premises occupied by trespassers without permission and further legal proceedings for their eviction from such land and premises.	Executive Committee	Head of Community Services/Strategic Housing Manager/Private Sector Housing Team Leader/Housing Strategy & Enabling Team Leader
Council land - bunding	In connection with the construction of bunding to prevent trespass on council land or removal of bunding provided for such purpose the Executive Director of Leisure, Environmental & Community Services Head of Community Services shall, before taking action, consult with relevant Ward Members and residents in the vicinity likely to be affected. The decision to construct or remove bunding shall be delegated to the Director of Leisure, Environment & Head of Community Services following consultation with the relevant Ward Members	Executive Committee	Executive Director Leisure, Community and Environmental Services Head of Community Services following consultation with Ward Members

Constitution – Part 5 – Table 5.03 – Community Services

Home Improvement Agency	To deal with day to day management of the Home Improvement Agency Service	Executive Committee	Head of Community Services
-------------------------	---	---------------------	----------------------------

3. Transport & Concessionary Fares

Subject	Detail	Delegated by:	Delegated to:
Dial-a-Ride / Shop-mobility	To deal with day-to-day management of the Dial-a-Ride and Shopmobility Schemes.	Executive Committee	Head of Community Services

(Bus passes, concessionary fares operators and eligibility removed as functions passed to Worcestershire County Council)

4. Miscellaneous other

Subject	Detail	Delegated by:	Delegated to:
CCTV / Lifeline	Day-to-day management of the CCTV Control Room in accordance with the Council's adopted Code of Practice	Executive Committee	Control Centre Manager
Fixed Penalty Notices – Clean Neighbourhoods and Environment Act	To exercise the relevant powers, including the issuing of Fixed Penalty Notices, within the Clean Neighbourhoods and Environment Act 2005, in accordance with Council policy.	Executive Committee	Head of Community Services
License under Housing Act 2004	To issue and refuse licences as appropriate under the provisions of the Housing Act 2004.	Executive Committee	Director of Leisure, Culture, Environment & Community Head of Community Services
Voluntary	To pay Minor Grants.	Executive	Executive Director

Constitution – Part 5 – Table 5.03 – Community Services

Sector Minor Grants		Committee	Leisure, Culture, Environment and Community Head of Community Services
Voluntary Sector Major Grants	To pay Major Grants to community and voluntary organisations following consultation with the Grants Panel. (major grants recommended to Executive Committee)	Executive Committee	Director of Leisure, Culture and Environment Head of Community Services in consultation with the Chief Executive

CONSTITUTION – PART 5 – TABLE 5.04 – Env Services

ENVIRONMENTAL SERVICES			
1. <u>Cemeteries / Crematorium</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Cemeteries & Crematorium.	To deal with day-to-day cemetery and crematorium matters.	Executive Committee.	Executive Director Leisure, Environmental & Community Services/Head of Env'tal Services/Env'tal Services Manager/ Bereavement Services Manager.
Memorial Masons Registration Scheme.	To make decisions in accordance with the Memorial Masons Registration Scheme presented to Executive Committee on 25th September 2002 and approved by Council on 21st October 2002.	Executive Committee.	Executive Director Leisure, Env'tal & Community Services/Head of Env'tal Services /Env'tal Services Manager/ Bereavement Services Manager.
Unsafe Monuments.	To make decisions and take appropriate action in respect of unsafe memorials in the Abbey, Edgioake and Plymouth Road Cemeteries in accordance with Council policy.	Executive Committee.	Executive Director Leisure, Environmental & Community Services/Head of Environmental Services / Bereavement Services Manager.

CONSTITUTION – PART 3 – TABLE 3.04

2. <u>Grounds Maintenance and Landscaping</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Grounds Maintenance & Landscaping.	Day-to-day management of all Council-owned parks, woodlands and open spaces.	Executive Committee.	Executive Director Leisure, Environmental & Community Services / Head of Environmental Services / Head of Leisure & Culture/Env'tal Services Manager.

CONSTITUTION – PART 3 – TABLE 3.04

3. <u>Highways</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Dedication of Land.	Acceptance of offers of dedication of land for highway purposes.	Executive Committee.	Executive Director Leisure, Environmental & Community Services, Head of Environmental Services in consultation with County Council.
New Street Byelaws.	Issue of consents under New Street Byelaws following approval of applications by the Executive Committee.	Executive Committee	Executive Director Leisure, Environmental & Community Services, Head of Environmental Services in consultation with County Council.
Licences to Plant trees / Dangerous Trees.	Issue of licences to plant trees, shrubs etc. and to deal with dangerous trees in a highway.	Executive Committee.	Executive Director Leisure, Environmental & Community Services, Head of Environmental Services in consultation with County Council.
Action – Highways Act 1989.	To take action in accordance with Highways Act 1989 Sections 219 – 225.	Executive Committee.	Executive Director, Leisure, Environmental & Community Services Head of Environmental Services / Principal Solicitor, in consultation with County Council.
Street Signs and Bus Stops.	Siting of street signs and bus stops.	Executive Committee.	Executive Director, Leisure, Environmental & Community Services / Head of

CONSTITUTION – PART 3 – TABLE 3.04

			Environmental Services.
Street Furniture.	Siting of street furniture other than bus shelters.	Executive Committee.	Executive Director, Leisure, Environmental & Community / Head of Environmental Services.

Land Drainage.	To carry out the Council's function under the Land Drainage Act 1991 and <i>Flood and Water Management Act 2010</i> .	Executive Committee.	Executive Director, Leisure, Environmental Services & Community / Head of Environmental Services.
Traffic Management.	To approve or otherwise, local traffic management proposals and associated works.	Executive Committee.	Executive Director, Leisure, Environmental & Community / Head of Environmental Services in consultation with Worcestershire County Council.
Road Closures.	To deal with applications for temporary road closures for special events.	Executive Committee.	Director of Leisure, Culture Environment & Community / Head of Environmental Services
Orders – Town Police Clauses Act.	To make, in appropriate cases, Orders under Section 21 of the Town Police Clauses Act 1847.	Executive Committee.	Principal Solicitor.

SCHEME OF DELEGATION TO OFFICERS

4. <u>Waste Management</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Abandoned Vehicle Notices.	To issue abandoned vehicles notices under the Refuse Disposal (Amenity) Act 1978.	Executive Committee.	Head of Environmental Services.
Fixed Penalty Notices – Environmental Protection Act.	To exercise the powers, including the issuing of Fixed Penalty Notices, within Section 47ZA of the Environmental Protection Act 1990.	Executive Committee	Head of Environmental Services or his/her nominee(s)
Abandoned Vehicles.	Removal, storage and disposal of abandoned vehicles.	Executive Committee.	Executive Director, Leisure, Environmental & Community Services/ Head of Environmental Services / Waste Management Manager.
Vehicle Amnesties.	To organise vehicle amnesties as and when required.	Executive Committee.	Head of Environmental Services/ Waste Management Manager.
Garden Waste - Charges.	To set and/or vary the level of charges for the opt-in chargeable garden waste collection service, in relation to the overall agreed.	Executive Committee.	Head of Environmental Services, following consultation with Portfolio Holder for Local Environment.

CONSTITUTION – PART 3 – TABLE 3.04

5. <u>Home Energy and Conservation</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Home Energy Conservation Reports.	Home Energy Conservation Act 1996 - to prepare, publish and submit to the Secretary of State, the Council's Home Energy Conservation Reports.	Executive Committee.	Executive Director Leisure, Environmental & Community Services / Head of Environmental Services.

CONSTITUTION – PART 5 – TABLE 5.05 - Housing

HOUSING SERVICES			
1. Housing Management - General			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Day-to-day management of housing stock	Day-to-day management of the Council's housing stock, housing land and housing matters.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing / Head of Housing Services
Day-to-day management of housing stock	In accordance with existing Council policies and practices, to deal with the registration and allocation of tenancies of Council accommodation where rent arrears are less than £100.	Executive Committee	Head of Housing Services / Tenancy Manager / Tenancy Officers.
Registration and Allocation of Tenancies > £100 arrears	In accordance with existing Council policies and practices, to deal with the registration and allocation of tenancies of Council accommodation where rent arrears are more than £100.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing Head of Housing Services
Equipment and Adaptations	Day-to-day management of the Equipment and Adaptations Service.	Executive Committee	Head of Housing Services / Tenancy Manager
Communal Rooms	Lettings and day-to-day operation of the Communal Rooms in warden-controlled schemes.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing/ Head of Housing Services / Community Warden Team Leader(s)

CONSTITUTION – PART 5 – TABLE 5.05 - Housing

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Homelessness Cases	In accordance with the Council's stated policies and guidelines on homelessness, to deal with all such cases under the Housing Act 1985, the Housing Act 1996, the Homelessness Act 2002 and the Homelessness Reduction Act 2017 (applications for accommodation, etc.).	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing / Head of Housing Services / Housing Options Manager / Housing Options Officers
Notices of Possession Proceedings / Notices to Quit	In respect of dwelling houses let under secure tenancies: to serve Notices of Possession Proceedings or Notices to Quit and to refer cases to the Principal Solicitor to institute and complete proceedings for possession.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing / Head of Housing Services / Tenancy Manager / Income, Recovery and Welfare Manager
Warrants of Possession	To sanction applications for Warrants of Possession in above cases.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing / Head of Housing Services
Demotion of Tenancies	To sanction the demotion (= loss of security of tenure) of tenancies.	Executive Committee	Head of Housing Services

CONSTITUTION – PART 5 – TABLE 5.05 - Housing

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Council Housing Growth Programme	To approve the necessary delivery agents for commissioning the construction of new HRA stock from the Council Housing Growth Programme budget.	Executive Committee	Head of Housing Services
Squatters and Unauthorised Occupiers	In respect of squatters and unauthorised occupiers: To serve Notice Seeking Possession or Notice to Quit and refer to the Principal Solicitor to institute and complete proceedings for possession.	Executive Committee	Head of Housing Services / Tenancy Manager / Income, Recovery and Welfare Manager
	To sanction applications for Warrants of Possession in above cases.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing / Head of Housing Services
Right to Succeed / Notice to Quit	Where, on the death of a secure tenant, a right to succeed does not arise or is not exercised, to serve Notice to Quit and refer to the Principal Solicitor to institute proceedings for possession.	Executive Committee	Head of Housing Services/ Tenancy Manager / Income, Recovery and Welfare Manager
Offer of Alternative accommodation / Family of Deceased Tenant	To make one offer of suitable alternative accommodation to occupants who are members of the family of a deceased tenant and who have been in occupation for one year or more prior to the death of the tenant, and who are under-occupying property where they have no right of succession upon the death of the tenant; and, if the offer is refused:	Executive Committee	Head of Housing Services
	To serve Notice to Quit	Executive Committee	Head of Housing Services

CONSTITUTION – PART 5 – TABLE 5.05 - Housing

	To institute proceedings for possession	Executive Committee	Head of Legal, Equalities and Democratic Services
	To sanction applications for Warrants of Possession in above cases.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing / H o Housing Services
	To institute such proceedings and obtain such Warrants of Possession.	Executive Committee	Principal Solicitor
Norgrove House / occupants of Temporary accommodation	To institute proceedings against occupants of Norgrove House or guest bedrooms or housing stock dwellings let on licence as temporary accommodation and to institute possession proceedings; to obtain eviction warrants and arrange for the execution of the same, where such occupants refuse to vacate the accommodation when requested and obtain warrants for possession.	Executive Committee	Principal Solicitor
Leased Garages / Breach of Covenant	To instigate proceedings for possession in respect of leased garages where a breach of covenant causing serious nuisance occurs; To apply for Warrants of Possession in such cases.	Executive Committee	Principal Solicitor, in consultation with Head of Housing Services / Tenancy Manager
Housing Rents / other Housing-related Debts	To collect and recover current housing rents and other housing-related debts within the overall Debt Prevention Strategy.	Executive Committee	Income, Recovery and Welfare Manager Financial Support Manager

SCHEME OF DELEGATION TO OFFICERS

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Enforcement Action - Gas Maintenance Contracts	<p>To take enforcement action in relation to the Gas Maintenance Contracts.</p> <p>To gain entry to properties where a tenant does not permit access to the Council's contractor to undertake safety inspections and routine servicing.</p>	Executive Committee	Head of Housing Services, following consultation with Principal Solicitor
"Asylum Seekers - Providing Support"	To make decisions on negotiating the contract referred to in para's 5.4 - 5.6 of the "Asylum Seekers - Providing Support" report presented to the Housing Committee on 31 July 2000 and, subject to decision of the Executive Committee, to employ personnel or commissioning agencies or Services to implement the work on behalf of the Council, subject to costs being recovered.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing Head of Housing Services
Multi-Agency Public Protection Arrangements	To accept cases referred to the Council by the Police and the Probation Service through the Multi-Agency Public Protection Arrangements.	Executive Committee	Head of Housing Services
Powers to Force Entry	To exercise the Council's powers to force entry to Council-owned properties in cases of emergency.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing / HF&R / Head of Housing Services/ Tenancy Manager, in consultation with Principal Solicitor
Grants from British Gas Trading Limited	To accept grants from British Gas Trading Limited to assist in the upgrading of the heating systems of Council stock in accordance with Council approval of 11.12.06	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing Head of Housing Services

SCHEME OF DELEGATION TO OFFICERS

Grants Various – Approval / Refusal	To approve and refuse grant applications for house renovation grants, common parts grants, houses in multiple occupation, grants for providing facilities for persons with a disability and reinstatement grants, where mandatory.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H-o Regulatory Services Head of Community Services
Home Repairs Grants – Care & Repair clients	To authorise and to grant Home repairs assistance grants in cases where the applicants are clients of the Care and Repair Agency.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H-o Regulatory Services Head of Community Services
Home Assistance Grants	To approve and pay Home Assistance grants up to the budget provided, in accordance with approved scheme.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H-o Regulatory Services Head of Community Services
Grants - Cancellations	To cancel grants where the work has not been completed within 12 months of date of approval.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H-o Regulatory Services Head of Community Services
Grants - Extensions	To authorise grant extensions in extenuating circumstances where eligible work has not been completed within 12 months of grant approval being given.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H-o Regulatory Services Head of Community Services
Notices – Housing Act 1985	To issue notices under the Housing Act 1985 Sections 189, 190, 190 (1a and b) and (b), and 1A (a and b) and to carry out	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H-o Regulatory Services /

SCHEME OF DELEGATION TO OFFICERS

	works arising from such notices.		Environmental Health Officers Head of Community Services
Notices / Orders – Various other	To issue notices or orders applying management code and for the provision of amenities repairs, the abatement of overcrowding in Houses in Multiple occupation and the provision of means of escape in case of fire under the Housing Act 1985.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services / Head of Community Services/Environmental Health Officers
Repairs Notices / Deferred Action Notices - vacant or rented accommodation	To consider and decide on the most appropriate course of action in relation to Repairs Notices and Deferred Action Notices for vacant or rented accommodation.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services / Head of Community Services /Environmental Health Officers
“Minded to” Notices	To serve “minded to” notices under the Housing (Fitness Enforcement Proceedings) Order 1996.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services / Head of Community Services /Environmental Health Officers
Deferred Action Notices	To serve Deferred Action Notices under the Housing Grants, Construction and Regeneration Act 1996.	Executive Committee	Dir of Planning, Regeneration, Regulation and Housing / H o Regulatory Services / Head of Community Services/Environmental Health Officers
HMO – Enforcement Procedures	To serve works notices under the provisions of the Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services / Head of Community Services/Environmental Health Officers

SCHEME OF DELEGATION TO OFFICERS

CONSTITUTION – PART 5 – TABLE 5.06 – L.E.D

LEGAL, EQUALITIES AND DEMOCRATIC			
1. <u>Democratic Services - General</u>			
Subject	Detail	Delegated by:	Delegated to:
Constitution	To make minor variations to the form, but not the substance, of the Council's Constitution and associated documents where errors or omissions (previously approved) are found, including those of a grammatical and typographical nature.	Council	Head of Legal Equalities & Democratic Services / Democratic Services Manager Senior Democratic Services Officer
Scheme of Delegation	To make any necessary minor administrative amendments to the Scheme of Delegation, subject to report in due course to the relevant parent body.	Council / Executive Committee.	Chief Executive in consultation with Portfolio holder for Corporate Management
Committee Membership	To accept nominations and fill vacancies which arise in any Council-approved Committee membership.	Various	Chief Executive in consultation with Leader / Group Leaders
Outside Bodies	To appoint Officer representatives to outside bodies.	Council	Chief Executive
Calendar of Meetings	To set the annual Calendar of Meetings, provided that existing agreed patterns and frequency of meetings are observed.	Council and Executive	Democratic Services Manager , Senior Democratic Services Officer in consultation with relevant Chairs
Variations to the Calendar of Meetings	Within the municipal year, to set and vary dates for Council / Committee meetings, in accordance with relevant statutory and constitutional provisions.	Various	Democratic Services Manager Senior Democratic Services Officer , in consultation with relevant Members
Overview and Scrutiny budget	To approve expenditure from Overview & Scrutiny Budgets, to assist with scrutiny reviews.	Executive	Democratic Services Manager Senior Democratic Services Officer in consultation with Chair of O&S Cttee

CONSTITUTION – PART 5 – TABLE 5.06 – L.E.D

2. <u>Democratic Services - Members</u>			
Subject	Detail	Delegated by:	Delegated to:
Members Allowances	To keep, maintain, and operate the Scheme of Allowances to Members.	Exec.	Democratic Services Manager Senior Democratic Services Officer
Outside Bodies - Members	To fill vacancies on outside bodies where there is no contest for places.	Council	Chief Executive in consultation with Leader / Group Leaders Democratic Services Manager Senior Democratic Services Officer
Outside Bodies - Members	To confirm nominations of Council representatives to outside bodies when any issues of liability have been satisfactorily resolved.	Council	Chief Executive
Outside Bodies - Indemnity insurance	To issue forms of indemnity (to be agreed by Chief Executive) and to arrange insurance of any of the Council's Members or Officers in relation to work in connection with Outside Bodies (whether by attending meetings or otherwise) where it is lawful to do so.	Council / Standards Committee – 02.02.05	Executive Director Finance & Corporate Resources
Indemnity insurance – other circumstances	To agree indemnities, issue forms of indemnity and arrange insurance of any of the Council's Members and Officers in other circumstances where it is lawful to do so.	Council / Standards Committee – 02.02.05	Executive Director Finance & Corporate Resources

CONSTITUTION – PART 5 – TABLE 5.06**3. Legal Services** *(See also separate delegations in other Sections)*

Subject	Detail	Delegated by:	Delegated to:
Legal Advice / Legal Proceedings	To provide, on behalf of the Council, legal advice and to take all necessary action in relation thereto, including the institution and defending of proceedings in the courts and other tribunals.	Executive Committee Council	Principal Solicitor
Proceedings and prosecutions	To sign any document required as part of any court procedure including statutory demands or bankruptcy petitions.	Council	Principal Solicitor
Proceedings and Prosecutions - Authorising officers to appear in the Magistrate's Court	To authorise officers to appear on the Council's behalf in Court proceedings, including RIPA matters	Council	Head of Legal, Equalities and Democratic Services
Signature of Documents	To sign any document necessary to any legal procedure or proceedings on behalf of the Council (- unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person).	Council	Chief Executive or Head of Legal, Equalities & Democratic Services or Principal Solicitor or other person authorised by them.

CONSTITUTION – PART 5 – TABLE 5.06

Subject:	Detail:	Delegated by:	Delegated to:
Signature of Contracts	To sign any contract entered into on behalf of the local authority in the course of the discharge of an Executive Committee function or made under the common seal of the Council attested and duly attested.	Council (Constitution – Article 14.04).	Chief Executive or Head of Legal, Equalities & Democratic Services or Principal Solicitor.
Independent Person Selection	To undertake the Independent Person selection process for the Standards Committee, in consultation with an elected Member Appointment Panel.	Council / Standards Committee	Head of Legal, Equalities & Democratic Services/ Principal Solicitor /Democratic Services Manager Senior Democratic Services Officer
Standards Committee Procedure	Together with the Standards Committee, to administer the Standards procedures and processes relating to the Code of Conduct and arrangements for managing Standards complaints as adopted by the Council.	Council/ Standards Committee	Head of Legal, Equalities and Democratic Services
Affidavits etc.	To authorise Officers to sign statements of truth, Statutory Declarations and Affidavits on behalf of the Council.	Council	Principal Solicitor, or their nominees duly authorised by them in writing.
Authorised Officer – Misc Provisions	To act as an authorised Officer for the purposes of paragraph 14 of schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982.		H o Legal, Equalities & Democratic S's or nominee(s)

CONSTITUTION – PART 5 – TABLE 5.06

Subject	Detail	Delegated by:	Delegated to:
House Purchase Advances	To make and to accept repayments and to authorise transfer of house purchase advances.	Council	Principal Solicitor, in consultation with Chief Executive
Proceedings for Possession	To institute proceedings for possession following mortgage default (but no warrant of eviction to be issued without Executive Committee sanction).	Executive	Principal Solicitor, in consultation with Chief Executive
Proceedings - Access to Neighbouring Land	To institute proceedings to seek an Order under the Access to Neighbouring Land Act 1992, where such proceedings are required urgently.	Council	Head of Legal, Equalities & Democratic S's or Principal Solicitor, in consultation with relevant Portfolio Holder
Enforcement Action - Planning	To take enforcement action, including the instigation of legal proceedings if necessary, in respect of breaches of Planning Control, namely the display of any advertisement paraphernalia, without the express consent of the Local Planning Authority.	Council	Head of Legal, Equalities & Democratic Services in consultation with Head of Planning and Regeneration
Common Seal	In accordance with Article 14.5 (part 2 of the Constitution) to decide to which documents the common seal should be affixed and to attest the affixing of the common seal.	Council	Chief Executive/ Executive Director Finance and Resources / Head of Legal, Equalities & Democratic Services / Principal Solicitor / Mayor or, in his/her absence, the Deputy Mayor

CONSTITUTION PART 5 - Table 5.06

Subject	Detail	Delegated by:	Delegated to:
RIPA	See General (Miscellaneous) delegations	-	-

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

PLANNING & REGENERATION			
1. <u>Building Control</u>			
Subject	Detail	Delegated by:	Delegated to:
Applications	<p>To approve or reject applications deposited under Building Regulations, except applications which require a relaxation of Reg. B1 (Means of Escape) and to determine matters arising from the following associated statutory provisions:-</p> <p>Highways Act 1989 (Sections 169, 172 & 173)</p> <p>Building Act 1984 (Sections 8, 15, 16, 18-30, 32, 33, 36, 71, 72 (1)(b), 80, 81.</p>	Exec	Head of Planning & Regeneration / Building Control Manager
Taking Action	<p>To take action as appropriate under the following enactments:-</p> <p>Public Health Act 1936 Section 262.</p> <p>Local Government (Miscellaneous Provisions) Act 1976</p> <ul style="list-style-type: none"> - Dangerous Excavations. - Building Act 1984, Sections 77 and 78. 	Exec	<p>Head of Planning & Regeneration / Building Control Manager</p> <p>As above</p> <p>Head of Planning & Regeneration / Building Control Manager / Principal Solicitor</p>
Entering Premises	To enter premises for the purposes of enforcement and administering the Building Regulations and appropriate provisions of the Building Act 1984 as set out above and additionally Section 94.	Exec	Head of Planning & Regeneration / Building Control Manager

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

Subject	Detail	Delegated by:	Delegated to:
Issuing Notices	To issue notices of the Council's decisions on all applications and submissions made to it on Building Control Matters.	Exec	Head of Planning & Regeneration / Building Control Manager
Serving Requisitions	To serve requisitions for Information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Exec	Head of Planning & Regeneration / Building Control Manager
Fees & Charges	Council's Scheme of Charges under the Building (Local Authority Charges) Regulations 1998 - To vary the standard fee scales of the Local Government Association Model Scheme by up to plus or minus 10%.	Exec	Director of Planning, Regeneration, Regulation and Housing, Head of Planning and Regeneration in consultation with CX)

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

2. <u>Development Management / Plans</u>			
Subject	Detail	Delegated by:	Delegated to:
Calling in procedure for Ward Members for Planning Committee	<p>When a ward member wishes to call in an application to Planning Committee for consideration, they will, within 21 days of receipt of the notification of that application, contact the case officer and set out their reasons for wanting the application to be considered at committee rather than by officer delegation. The Case Officer will, in writing, record the request and reasons and send a written record to the Portfolio Holder, Planning Committee Chair and any other ward member(s) for the area in which the application site is situated, of the request and reasons.</p> <p>If a request is made after the deadline set out above, the Planning Committee Chair shall make the final decision, taking into account all relevant matters, as to whether the application is considered by the Planning Committee, and will inform the Case Officer of his/her decision within 2 working days of receiving the request from the Case Officer. The ward member who made the request will also be informed of the Chair's decision.</p>		
Planning Applications	All planning decisions, actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be determined by Officers,	Council	Head of Planning & Regeneration

UNLESS:

	<ol style="list-style-type: none"> 1. A Member makes a written request within 21 days of the application receipt for the application to be considered by the Planning Committee. (see procedure set out above) 2. The Planning Officer considers that the application should be considered by Committee. 3. The approval of the application would represent a departure from the policies of the statutory development plan. 4. The proposal involves the Borough or County Council either as applicant or landowner. 5. The applicant is a Councillor or known to 		Head of Planning and Regeneration/ Planning officers
--	--	--	---

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<p>be an employee of either Redditch Borough Council or Bromsgrove District Council, or employed by other local authorities who provide services for or on behalf of Redditch Borough Council under shared service arrangements.</p> <p>6. There is a known involvement by a Council employee or other employee as in 5 above in any capacity - e.g. as agent or adviser</p> <p>7. The application is for major development (as defined in the BV109 returns i.e. more than 10 dwellings - more than 1000 sq m new industrial / commercial floor space) where the recommendation is for approval or where five or more letters of support have been received.</p>		
	<p>8. The Council will be required to become party to a Planning Legal Agreement under Section 106 (applies only to those agreements where RBC would be a signatory and bear an obligation under the agreement – not to Unilateral Undertakings)</p> <p>9. Two or more individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval.</p> <p>10. The application has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.</p> <p>11. The application seeks erection of a new, or Change of Use <u>to</u>, A3 use (restaurants and café) A4 (Pubs and wine bars), A5 (hot food take away), or D2 (assembly and leisure – cinemas, sports halls, dance halls etc), or seeks (change of use or erection of a new) consent for a night club, theatre or casino.</p> <p><i>Legislation / regulations under which decisions will be taken include:-</i></p> <ul style="list-style-type: none"> • Town & Country Planning Act 1990 (as amended) 		

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<ul style="list-style-type: none"> • Planning and Compensation Act 1991 • Town & Country Planning (General Permitted Development) Order 1995 (as amended) • Town & Country Planning (General Development Procedure) Order 1995 (as amended) • Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended) • Building Act 1984 (as amended) 		
	<ul style="list-style-type: none"> • Circular 5/2000: Planning Appeals: Procedures (including inquiries into Called in Planning Applications) • Circular 18/1984: Crown Land & Crown Development • Town & Country Planning (Environmental Impact Assessment) Regulations 2011 • Highways Act 1980 • Planning (Hazardous Substances) Act 1990 • Hedgerow Regulations 1997 • Goods Vehicles (Licensing of Operators) Act 1995 • Goods Vehicles (Licensing of Operators) Regulations 1995 • Town & Country Planning (Control of Advertisements) Regulations 2007 • Wildlife and Countryside Act 1981 • Caravan Sites and Control of Development Act 1960 • Acquisition of Land Act 1981 		

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<ul style="list-style-type: none"> • Telecommunications Act 1991 • Electricity Act 1989 • Planning and Compensation Act 1991 • Flood and Water Management Act 2010 • Ancient Monuments and Archaeological Areas Act 1979 		
	<ul style="list-style-type: none"> • Local Government Planning and Land Act 1980 • Planning Listed Buildings and Conservation Areas Regulations 1990 (as amended) • Planning Act 2000 • Anti Social Behaviour Act 2003 • Planning and Compulsory Purchase Act 2004 • Clean Neighbourhoods and Environment Act 2005 • Localism Act 2011 		
Development Plans	Preparation of scoping reports and consultation with statutory consultees as required in connection with the preparation of draft SPD Sustainability Appraisals.	Council	Head of Planning & Regeneration and/or Development Plans Manager
Planning Obligations	<p>All planning obligation variations and discharges, other actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be enacted by Officers unless any of the following apply:-</p> <ol style="list-style-type: none"> 1. Deletion or addition of one or more of the heads of terms. 	Council	Head of Planning & Regeneration

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<ol style="list-style-type: none">2. Significant change in overall area of land to be transferred to Redditch Borough Council.3. Significant change in financial contributions to be provided to Redditch Borough Council [except where this is a result of (an)other Member decision(s)].4. A Member makes a written request for a case to be considered by the Planning Committee, as set out above in the Calling in Procedure.		
--	--	--	--

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

Subject	Detail	Delegated by:	Delegated to:
Planning Enforcement	<p>All planning enforcement decisions, actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be enacted by Officers unless they include the serving of any of the following notices; and/or in the following cases:-</p> <ol style="list-style-type: none"> 1. A Stop Notice (but not a Temporary Stop Notice) 2. A Listed Building Enforcement Notice 3. An Advertisement Discontinuance Notice 4. A Tree Replacement Notice 5. Prosecution proceedings (except for advertisement offences) 6. Where direct action by Redditch Borough Council is required 7. When a Member makes a written request for a case to be considered by the Planning Committee as set out above in the Calling in Procedure. 	Council	Head of Planning & Regeneration

3. Local Land Charges

Local Land Charges	To keep and maintain the Register of Local Land Charges. To respond to applications for Searches on the Register, and to co-ordinate answers in respect of CON 29 and associated questions.	Executive Committee	Head of Planning & Regeneration
--------------------	---	---------------------	---------------------------------

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**4. Regeneration**

Subject	Detail	Delegated by:	Delegated to:
<u>Regeneration - Business Centres:</u>			
Day-to-day Management / Fees & Charges	<p>To manage and control the Centres and all lettings and licences, including:</p> <p>(a) Annual rent review – to set rent annually, any change to be limited to plus or minus 10% of the preceding year's level, unless first approved by the Executive Committee;</p> <p>(b) To secure new lettings in times of decreased demand, to agree a rent-free period and/or a period of reduced rent up to 20% of the current year's levy, judged on a case by case basis;</p> <p>(c) To maximise income from new lettings in times of increased demand, to increase rents by up to 20% of the current year's levy, judged on a case by case basis;</p> <p>(d) To agree a period of reduced rent for specific licensees in response to evidence of hardship, from time to time during their tenancy, judged on a case by case basis.</p>	Exec	Head of Planning & Regeneration, Business Centres Manager and Economic Development Manager, following consultation with the Portfolio Holder
Secretarial Services	<p>Following consultation with the Portfolio Holder, to set fees annually, limited to plus or minus 10% of the preceding year's level unless first approved by the Executive Committee.</p> <p>To agree a discounted rate for bulk orders, judged on a case-by-case basis.</p>	Executive	Head of Planning & Regeneration, Business Centres Manager and Economic Development Manager
<u>Regeneration - Redditch Market:</u>			
Day-to-day Management	To deal with the day-to-day management of the Redditch Market including the letting of stalls, kiosks and pitches.	Exec	Executive Director Planning, Regeneration, Regulatory,

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

			Housing Services/ Head of Planning & Regeneration
Fees & Charges	The setting of fees / rents as published in the “Fees and Charges” booklet, or as agreed by the Executive Committee.	Executive Committee	Executive Director– Planning, Regeneration, Regulatory, Housing Services/ Head of Planning & Regeneration
Refund of Fees	To deal with the refund of fees / rents due to inclement weather or, in other exceptional circumstances.	Executive Committee	Executive Director– Planning, Regeneration, Regulatory, Housing Services/ Head of Planning & Regeneration, in consultation with Chief Executive or Head of Resources
Disruption Discount	To apply discounts to Redditch Market stall fees in cases where significant disruption to trading is experienced, up to a maximum of 50% of the otherwise applicable fee.	Executive Committee	Head of Planning & Regeneration
Charity Stalls	To allocate up to two stalls per day free of charge to charitable / not for profit organisations when stalls are not required by licensed or casual traders.	Executive Committee	Head of Planning & Regeneration

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**5. Tree Preservation Orders**

Subject	Detail	Delegated by:	Delegated to:
Tree Preservation Orders	<p>All planning decisions, actions or advice/responses on behalf of the Local Planning Authority that relate to the protection of trees and falls within the list of Planning and Associated legislation/regulations are considered to fall within the delegation scheme and will be determined by officers, unless:</p> <ol style="list-style-type: none"> 1. Objections have been received where it is proposed that a tree preservation order protects a tree/trees previously unprotected; or 2. It is proposed that a tree be protected which is located on Council-owned land. <p>In all cases relating to trees, decisions made using delegated powers shall be reported to members at Planning Committee within six months of the decision being made, for information purposes.</p>	Council	Head of Planning & Regeneration

6. Other Matters

Subject	Detail	Delegated by:	Delegated to:
Community Right to Bid – Assets of Community Value	<p>To manage the application process for Assets of Community Value in accordance with Council policy.</p> <p>To assess and decide compensation claims.</p>	<p>Executive</p> <p>Executive</p>	<p>Head of Planning & Regeneration</p> <p>Executive Director, (Planning, Regeneration, Regulatory and Housing Services) Head of Planning & Regeneration</p>

This page is intentionally left blank

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services**REGULATORY SERVICES****1. LICENSING****HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)**

To determine applications made for licences of premises for acupuncture, tattooing, ear piecing and electrolysis.

To determine applications for the registration of animal trainers and exhibitors.

To be responsible for inspections of premises are undertaken to ensure compliance with animal welfare licensing legislation and to engage veterinary surgeons for these purposes where necessary.

To authorise officers for the purpose of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

To be designated as “Proper Officer” for the provisions of the Breeding of Dogs Act 1973 and to act on behalf of the Council in respect of the provisions of the Act and to engage veterinary surgeons for the purpose of inspecting premises under the Act.

To determine applications for house to house and street collections.

To respond to applications where the Council is a responsible authority or consultee.

To be designated as “Proper Officer” for the purposes of the administration of the Dangerous Wild Animals Act 1976 and to be authorised to carry out all appropriate functions including the entering of premises.

To authorise the entry of premises for the purpose of enforcing the provisions of the following legislation on behalf of the Council:

- Animal Boarding Establishments Act 1963.
- Breeding of Dogs Act 1973.
- Gambling Act 2005.
- Licensing Act 2003.
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982.
- Town Police Clauses Act 1847.
- Zoo Licensing Act 1981.

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services**To determine all matters under the Gambling Act 2005 except:**

- Determination of fee levels.
- Applications for variations to premises licences, provisional statements, club gaming/club machine permits and other permits where representations have been received and not withdrawn.
- Applications for transfer of premises licences where representations have been made by the Gambling Commission.
- Review of premises licenses.
- Decision to give a counter notice to a temporary use notice.
- Refusal of applications for registration by societies wishing to promote lotteries.

Hackney Carriages and Private Hire Operators, Vehicles and Drivers**To determine all matters in relation to Hackney Carriage Drivers and Private Hire Operators, Vehicles and Drivers except:****Hackney Carriage and Private Hire Driver's**

- Determination of applications where the applicant does not meet the Council's application criteria.
- ~~Suspension or revocation of a licence, unless suspension is required with immediate effect because there are grounds to show that the driver or operator has ceased to meet the Council's requirements as to medical condition or in any case where the holder has been convicted of an offence involving violence, indecency or the misuse/trafficking of drugs, or for any other material reason, subject to a report being made to the next meeting of the Licensing Committee.~~
- Suspension / revocation of a drivers licence, where suspension / revocation is required with immediate effect (in consultation with the Licensing Committee Chairman / Vice-Chairman) that since the grant of the licence they have:-
 - been convicted of an offence involving dishonesty, indecency or violence;
 - been convicted of an offence under or has failed to comply with the provision of the Act of 1847 or section 61 of the Local Government (Miscellaneous Provisions) Act 1976; or
 - any other reasonable cause.

subject to a report being presented to a meeting of the Licensing Sub-Committee

Hackney Carriage and Private Hire Vehicles

- Determination of an application where the vehicle does not meet the Council's criteria ~~as to mechanical and general condition and to determine how many passengers may be carried, unless suspension is required with immediate effect because there are grounds to show that the vehicle is not fit for purpose in accordance with section 60 or 68 of the Local Government (Miscellaneous Provisions) Act 1976, subject to a report being made to the next meeting of the Licensing Committee.~~

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

- ~~Revocation of a licence where the applicant knowingly or recklessly gave false information or failed to reveal a material particular on his application.~~
- **Suspension / revocation / refuse to renew a vehicle licence, where suspension / revocation is required with immediate effect (in consultation with the Licensing Committee Chairman / Vice-Chairman) on any of the following grounds:-**
 - (i) that the vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - (ii) any offence under, or non-compliance with, the provision of the Act of 1847 or section 60 of the Local Government (Miscellaneous Provisions) Act 1976; or
 - (iii) any other reasonable cause.

subject to a report being presented to a meeting of the Licensing Sub-Committee.

Operator's

Determination of an application where the applicant does not meet the Council's criteria in respect of character

Fares/Stand

- Revisions to the Council's Table of Hackney Carriage Fares.
- Appointment of Hackney Carriage stands/revisions to existing Hackney Carriage stands.
- ~~Applications for Operator's licenses where the applicant has not met the Council's criteria in respect of character.~~

To suspend Premises and Club Premises Licences following non payment of fees under sections 55A and 92A of the Licensing Act 2003 (as amended)

To determine all matters under the Licensing Act except:

- Application to vary designated premises supervisors if representations are made.
- Applications for personal licences, premises licences/ club premises licences and provisional statements where representations have been received.
- Applications for Interim Authorities if a police representation is made.
- Application to vary premises licences/ club premises certificates if representations are made.
- Applications to review premises/ club premises certificate.
- Any interim steps following an application for an expedited review.
- Determination of Temporary Event Notices where representations have been made by the Police.
- Applications to transfer premises licences if representations are made.
- Applications for minor variations if representations are made by the Police.

To determine all matters relating to Market and Street Trading except:

- Designation of consent streets and non consent streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- Deciding the Council's policy in relation to the issue of street trading consents.

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

To determine applications for licences for riding establishments

To determine applications for Zoo Licensing

To carry out any other function or responsibility in relation to the legislation listed at RS1 not specifically referred to above

RS1

- Animal Boarding Establishments Act 1963.
- Animal Welfare Act 2006.
- Breeding and Sale of Dogs (Welfare) Act 2006.
- Breeding of Dogs Act 1973 and 1991.
- Dangerous Wild Animals Act 1976.
- Gambling Act 2005.
- Licensing Act 2003.
- Local Government (Miscellaneous provisions) Acts 1976 and 1982.
- Pet Animals Act 1951.
- Police Factories Act (miscellaneous provisions) Act 1916.
- Riding establishments Acts 1964 and 1970.
- Scrap Metal Dealers Act 2013.
- Vehicle Crime Act 2001 - Section 4 (13) - Motor Salvage Operators.
- Town Police Clauses Act 1847.
- Video Recordings Act 1984 and 1993.
- Licensing Act 2003.
- Hackney carriage licensing.
- Private Hire (including driver, vehicle and operator) licensing.
- Control of sex establishments (including lap dancing and sexual entertainment venues).
- Street Trading.
- Street amenity licences.
- Zoo Licensing Act 1981.

2. ENVIRONMENTAL HEALTH**HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)**

(i) In accordance with the legal agreement for Regulatory Services Shared Service, the Council has delegated to the Head of Service of Worcestershire Regulatory Services all the duties and functions listed below arising out of the legislation set out in Appendix RS 2.

- (a) Appointment of Inspectors, Authorised Officers or similar designated persons.
- (b) Undertaking inspections and investigation of complaints.
- (c) Signing and service of notices.

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

- (d) Signing and issuing, revoking and varying, any licence, permit, order or other document.
- (e) Executing, or arranging for the execution of, works in default.
- (f) Purchasing or otherwise procuring samples, seize equipment, goods and animals.
- (g) The exercise of powers of entry.
- (h) The engagement of specialist advisors/contractors to support/supplement service activity.
- (i) The institution of legal proceedings (in consultation with the Head of Legal Services of the Relevant Authority).
- (j) The obtaining of warrants of entry.

(ii) The Head of Service has authority to delegate further, in writing, all or any of their delegated functions to other officers, and may authorise certain of those officers to further delegate to officers under their management or control.

RS2

Accommodation Agencies Act 1953.
 Administration of Justice Act 1970 (Section 40).
 Agriculture (Safety, Health & Welfare Provisions) Act 1956.
 Agriculture Act 1970.
 Agriculture Produce (Grading & Marking) Acts 1928 & 1931.
 Animal Boarding Establishments Act 1963.
 Animal By-Products Regulations 2005.
 Animal Health & Welfare Act 1984.
 Animal Health Act 1981.
 Animal Health Act 2002.
 Animal Welfare Act 2006.
 Animals and Animal Products (Import & Export) (England) Regs 2006.
 Anti-Social Behaviour Act 2003.
 Avian Influenza (Preventative Measures)(England) Regulations 2006.
 Avian Influenza (Vaccination)(England) Regulations 2006.
 Biofuel (Labelling) Regulations 2004.
 Bluetongue Regulations 2008.
 Breeding and Sale of Dogs (Welfare) Act 1999.
 Breeding of Dogs Act 1973 and 1991.
 Building Act 1984.
 Business Protection from Misleading Marketing Regulations 2008.
 Cancellation of Contracts made in a Consumers House or Place of Work etc Regulations 2008.
 Caravan Sites Act 1968.
 Caravan Sites and Control of Development Act 1960.
 Cat and Dog Fur (Control of Import, Export and Placing on Market) Regulation 2008.
 Cattle Identification Regs 2007.
 Charities Act 1993.
 Children & Young Persons (Protection from Tobacco) Act 1991.
 Children & Young Persons Act 1933.
 Chronically Sick and Disabled Persons Act 1970.
 Cinemas Act 1985.

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

Civic Amenities Act 1967.
Civil Defence Act 1948 and Regulations made thereunder.
Clean Air Act 1993.
Clean Neighbourhoods and Environment Act 2005.
Construction Products Regulations 1991.
Consumer Credit Act 1974.
Consumer Protection (Distance Selling) Regulations 2000.
Consumer Protection Act 1987.
Consumer Protection from Unfair Trading Regulations 2008.
Control of Pollution Act 1974.
Copyright, Designs and Patents Act 1988.
Criminal Justice and Immigration Act 2008.
Criminal Justice and Public Order Act 1994.
Crystal Glass (Descriptions) Regs 1973.
Dangerous Wild Animals Act 1976.
Dangerous Dogs Act 1990
Deer Act 1991.
Defective Premises Act 1972.
Development of Tourism Act 1969 (Section 18).
Disabled Persons Act 1981.
Distance Selling Regulations 2000.
Ecodesign for Energy-Using Product Regulations 2007.
Education Reform Act 1988.
Eggs (Marketing Standards) Regulations 2005.
Eggs and Chicks (England) Regulations 2008.
Electromagnetic Compatibility Regs 1992.
Electro-medical Equipment (EEC Requirements) Regs 1988.
Energy Act 1976 (Section 18).
Energy Conservation Act 1981 (Section 20).
Energy Efficiency (Refrigerators and Freezers) Regs 1997.
Energy Information (Combined Washer-driers) Regs 1997.
Energy Information (Dishwashers) Regs 1999.
Energy Information (Household Air Conditioners) (No.2) Regulations 2005.
Energy Information (Household Electric Ovens) Regulations 2003.
Energy Information (Household Refrigerators and Freezers) Regs 2004.
Energy Information (Lamps) Regs 1999.
Energy Information (Tumble Driers) Regs 1996.
Energy Information (Washing Machines) Regs 1996.
Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007.
Enterprise Act 2002.
Environment Act 1995.
Environmental Protection (Controls on Substances that Deplete the Ozone Layer) Regs 2002.
Environmental Protection Act 1990.
Estate Agents Act 1979.
Explosives Act 1875.
Export Restrictions (Foot and Mouth Disease) Regulations 2007.
Factories Act 1961.
Fair Trading Act 1973.

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

Farm and Garden Chemicals Act 1967.
 Feed (Hygiene and Enforcement) (England) Regulations 2005.
 Firework Act 2003.
 Firework Regulations 2004.
 Food & Environmental Protection Act 1985.
 Food (Jelly Mini-Cups) (Emergency Control) (England) Regulations 2009.
 Food (Suspension of the use of E128 Red 2G as food colour) (England) Regulations 2007.
 Food Act 1984.
 Food Hygiene (England) Regulations 2006.
 Food of Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes)(England) Regs 2009.
 Food Safety Act 1990.
 Food Standards Act 1999.
 Forgery and Counterfeiting Act 1981 Part 1.
 Fraud Act 2006.
 Game Act 1831.
 General Food Regulations 2004.
 General Product Safety Regulations 2005.
 Guard Dogs Act 1975.
 Hallmarking Act 1973.
 Health & Safety at Work etc Act 1974.
 Health Act 2006.
 Highways Act 1980.
 Home Energy Conservation Act 1995.
 Home Information Pack Regulations 2007.
 Home Safety Act 1961.
 Horse Passports Regulations 2009.
 House to House Collections Act 1939.
 Housing & Planning Act 1986.
 Housing Act 1980, 1985, 2004.
 Hypnotism Act 1952.
 Imported Food Regulations 1997.
 Imported Food Regulations 2007.
 Intoxicating Substances (Supply) Act 1985.
 Land Drainage Acts 1976 & 1991.
 Litter Act 1983.
 Local Government & Housing Act 1989.
 Local Government (Miscellaneous Provisions) Acts 1976 & 1982.
 Manufacturing and Storage of Explosives Regulations 2005.
 Materials and Articles in Contact with Food England Regs 2007.
 Measuring Instruments (Automatic Catchweighers) Regulations 2006.
 Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006.
 Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006.
 Measuring Instruments (Beltweighers) Regulations 2006.
 Measuring Instruments (Capacity Serving Measures) Regulations 2006.
 Measuring Instruments (Cold Water Meters) Regulations 2006.
 Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006.
 Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006.
 Measuring Instruments (Material Measures of Length) Regulations 2006.
 Measuring Instruments (Non prescribed Instruments) Regulations 2006.

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

Measuring Instruments (Rail - Weighbridges) Regulations 2006.
 Medicines Act 1968.
 Mobile Homes Acts 1975 & 1993.
 Motor Cycle Noise Act 1987.
 National Assistance Act 1948 Sec 47.
 Natural Mineral Water, Spring Water & Bottled Water England Regs 1999.
 Noise & Statutory Nuisance Act 1993.
 Noise Act 1996.
 Non-Automatic Weighing Instruments (EEC Requirements) Regs 2000.
 Offensive Weapons Act 1996.
 Offices, Shops & Railway Premises Act 1963.
 Official Controls (Animal Feed and Food) (England) Regs 2006.
 Official Feed & Food Controls (England) Regs 2007.
 Olive Oil (Marketing Standards) Regs 2003.
 Olympic Symbol etc. (Protection) Act 1995.
 Organic Product Regulations 2009.
 Package Travel, Package Holidays & Package Tours Regs 1992.
 Packaging (Essential Requirements) Regs 2003.
 Party Wall Act 1966.
 Performing Animals (Regulation) Act 1925.
 Personal Protective Equipment Regulations 2002.
 Pet Animals Act 1951.
 Petroleum (Transfer of Licences) Act 1936.
 Petroleum Consolidation Act 1928.
 Planning (Hazardous substances) Act 1990.
 Plastic Materials and Articles in Contact with Food England Regs 2009.
 Poisons Act 1972.
 Police, Factories etc (Miscellaneous Provisions) Act 1916.
 Pollution Prevention and Control Act 1999.
 Poultry Meat (Water Content) Regs 1984.
 Prevention of Damage by Pests Act 1949.
 Prices Acts 1974 and 1975.
 Private Security Industries Act 2001.
 Proceeds of Crime Act 2002.
 Products of Animal Origin (Disease Control) (England) Regulations 2008.
 Products of Animal Origin (Import and Export) Regulations 1996 (as amended).
 Products of Animal Origin (Third Country Imports) (England) Regulations 2006.
 Property Mis-descriptions Act 1991.
 Protection of Animals Act 1911 as amended.
 Protection of Children (Tobacco) Act 1986.
 Public Health (Control of Disease) Act 1984.
 Public Health Acts (Amendment) Act 1907.
 Public Health Acts 1875, 1925, 1936 & 1961.
 Quick Frozen Food Stuffs (England) Regulations 2007.
 Radio Equipment and Telecommunications Terminal Equipment Regs 2000.
 REACH Enforcement Regulations 2008.
 Refuse Disposal (Amenity) Act 1978.
 Regulation (EC) No. 178/2002.
 Regulation (EC) No. 852/2004.
 Regulation (EC) No. 853/2004.

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

Regulation (EC) No. 854/2004.
Regulation (EC) No. 2073/2005.
Rent Act 1977.
Rice Products (Restrictions on First Packaging on the Market) (England) Regs 2006.
Riding Establishments Acts 1964 & 1970.
Road Traffic (Consequential Provisions) Act 1988.
Road Traffic (Foreign Vehicles) Act 1972.
Road Traffic Acts 1988 and 1991.
Road Traffic Offenders Act 1988.
Road Traffic Regulation Act 1984 (Section 5).
Safety of Sports Grounds Act 1975.
Sale of Goods Act 1979.
Scotch Whisky Act 1988.
Scrap Metal Dealers Act 2013.
Simple Pressure Vessels (Safety) Regs 1991.
Slaughter of Poultry Act 1967.
Slaughterhouses Act 1974.
Smokefree (Exemptions and Vehicles) Regulations 2007.
Smokefree (Penalties and Discounted Amounts) Regulations 2007.
Smoke-free (Premises and Enforcement) Regulations 2006.
Smokefree (Signs) Regulations 2007.
Smokefree (Vehicle Operators and Penalty Notices) Regulations 2007.
Sunday Trading Act 1994.
Supply of Goods and Services Act 1982.
Supply of Machinery (Safety) Regs 1992.
Telecommunications Act 1984.
Textile Products (Indications of Fibre Content) Regs 1986.
Theft Acts 1968 and 1978.
Timeshare Act 1992.
Town Police Clauses Act 1847.
Trade Descriptions Act 1968.
Trade Marks Act 1994.
Trading Standards - Agricultural (Miscellaneous Provisions) Act 1968.
Transmissible Spongiform Encephalopathies (England) Regulations 2008.
Unfair Terms in Consumer Contracts Regulations 1999.
Unsolicited Goods and Services Acts 1971 and 1975.
Video Recordings Acts 1984 and 1993.
Warm Homes & Energy Conservation Act 2000.
Water Acts 1973-2003.
Water Industry Act 1991.
Water Industry Act 1999.
Weeds Act 1959.
Weights and Measures Act 1985.
Wildlife and Countryside Act 1981.
Wine Regulations 2009.
Worcester City Act 1985.
Zoo Licensing Act 1981.

This page is intentionally left blank

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

RESOURCES			
1. <u>Finance - Accounts, Financial Management & Advice</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Grant of Housing / Council Tax Reduction	Granting of Housing Benefit and Local Council Tax Reduction Scheme in all cases including matters of individual discretion and back-dating, except that, where a claimant is dissatisfied with the Officer's decision, the matter be referred to: The Social Security and Child Support Tribunal for Housing Benefit (and Council Tax Reduction) Valuation Office Agency for Local Council Tax Reduction Scheme.	Executive Committee	Head of Customer Access and Financial Support
Reduction of Council Tax payable	To reduce the Council Tax payable on a case by case basis, as provided by Section 13A 1 (c) of the Local Government Finance Act 1992.	Council	Executive Director Finance and Resources and Revenue Services Manager
Debt Collection / Recovery	To collect and recover all debts, except housing rents.	Executive Committee	Head of Customer Access and Financial Support
Council Tax – Non – Domestic Rates - Refund of overpayments	To refund all overpayments of Council Tax and National Non-Domestic Rates including statutory interest.	Executive Committee	Executive Director of Finance and Resources
Council Tax Support Scheme	To carry out statutory consultation on draft Council Tax Support Schemes in accordance with legislative guidelines.	Council	Head of Customer Access and Financial Support following consultation

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

			with the Portfolio Holder
Discretionary Rate Relief	To grant applications under the Non-Domestic Rates – Discretionary Rate Relief Scheme recommended for approval by Executive Committee on 11th February 2004 where within budget with reference to Section 47 of the Local Government Finance Act 1988.	Executive Committee	Revenue Services Manager
Collection Fund	To administer the Collection Fund in accordance with Section 89(3) of the Local Government Finance Act 1988.	Executive Committee	Executive Director of Finance and Resources
Offences under Social Security Administration Act	To administer formal cautions for offences under the Social Security Administration Act 1992.	Executive Committee	Head of Customer Access and Financial Support or Principal Solicitor, as the cautioning Officer
Discretionary Housing Payments	To administer the scheme of Discretionary Housing Payments in accordance with the policy statement attached at Appendix 1 to the “Revised Discretionary Housing Payments” report presented to the Executive Committee on 23rd August 2011.	Executive Committee	Benefits Officers
Essential Living Allowance	To administer the Essential Living Allowance scheme in accordance with Council Policy (agreed 12 th March 2013)	Executive Committee	Head of Customer Access and Financial Support and Head of Housing
Stock Exchange Transactions	To seal Stock Exchange Transactions.	Executive Committee	Executive Director of Finance and Resources
Investment of Balances	To invest balances, other and special funds.	Executive Committee	
Investments	To determine action to be taken in respect of the Council's funds invested by approved	Executive Committee	Executive Director of

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

	external Fund Managers.		Finance and Resources
Legal Processes- Rates, Council Tax , NNDR	In respect of rates, Council Tax, penalties and the National Non-Domestic Rate and representation in the Valuation Tribunal, Issue of all legal processes, including applications for committal.	Executive Committee	Executive Director of Finance and Resources
Empty Property Rates - Exemptions	To determine legal exemption under the empty property rate provisions in accordance with Section 44(A) of the Local Government Finance Act 1988 in respect of national non-domestic rates except in cases of dispute	Executive Committee	Head of Customer Access and Financial Support
Borrowing	To borrow money.	Executive Committee	Executive Director of Finance and Resources
Applications under LG Finance Act	To determine applications under Sections 43, 45, 49 and 64 of the Local Government Finance Act 1988.	Executive Committee	Head of Customer Access and Financial Support
Insolvency Procedures	To commence insolvency procedures, both against individuals and companies.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Debts - Write-off – Insolvency Cases	To write off any debt, irrespective of value, where insolvency proceedings have occurred and where the Council's claim has been formally acknowledged.	Executive Committee	Head of Customer Access and Financial Support/ Head of Housing
Debts - Write-off – Imprisonment Cases	To write off any debt, irrespective of value, where the Magistrates have remitted or committed an individual to prison at committal proceedings.	Executive Committee	Head of Customer Access and Financial Support / Head of

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

			Housing
West Mercia Police and Crime Panel	To agree the budget for administrative support to the West Mercia Police and Crime Panel, subject to no financial contribution being sought from the Council	Council	Executive Director of Finance and Resources
Sure Start - Accounting	To take on the accounting duties of the accountable body of the Sure Start Programme.	Executive Committee	S151 Officer or in his/her absence the Financial Services Manager/ Finance Team Head of Housing, with assistance from Sure Start Finance and Evaluation Officer
Debts – Write off – Admin Orders	To write off the balance of all outstanding debts in cases where an Administration Order has been made without prior Executive Committee approval (Bankruptcy and Liquidation).	Executive Committee	Head of Customer Access and Financial Support / Head of Housing
Debts – Write-off - Irrecoverables	To write off debts due to the Council in accordance with Council policy.	Executive Committee	S151 Officer in consultation with other relevant Directors
Deputy Money Laundering Officer	To appoint a Deputy Money Laundering Officer to act in absence of Executive Director of Finance and Resources	Council	Deputy S151 Officer

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

2. <u>Property, Assets and Facilities Management - Estates & Valuation</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Day-to-Day Management	Day-to-day management of Land and Property matters including implementing management measures for assets detailed in the Asset Management Plan.	Executive Committee	Head of Customer Access and Financial Support
Acceptance of Offers at Auction	The acceptance of an offer when a sale is effected by auction.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Leased / Tenanted Properties - Management	To manage and control all leased / tenanted properties excluding houses / flats let on residential secure tenancies under the Housing Act including those available for letting and to include those held by the Council in advance of requirements or surplus or appropriated properties.	Executive Committee	Head of Customer Access and Financial Support
Agreements - Various	Easements / wayleaves / rights of way / garden licences / grazing licences / cultivation licences and all similar agreements – to enter into such agreements on behalf of the Council for any Council-owned land or property.	Executive Committee	Head of Customer Access and Financial Support / Principal Solicitor
Agreements - Minor	To enter into miscellaneous agreements of a minor nature affecting any land and / or property not provided for elsewhere including street trading licences.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Disturbance / Home Loss Payments	To negotiate and settle all disturbance or home loss payments, within prior approved budgets, or where such payments are to be funded from a capital receipt.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

Assignment / Sub-letting – Leased Properties	The assignment or sub-letting of leased properties, subject to appropriate satisfactory references.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Rent Review Notices	To serve Rent Review Notices and agree new rents where proposal is to review rent to market value.	Executive Committee	Head of Customer Access and Financial Support
Voluntary and Community Sector Rent Relief	To agree applications for up to 70% rent relief for voluntary and community sector organisations, following recommendation from the Grants Panel	Executive Committee	Executive Director, Finance and Resources
New Leases, Lettings and Rents	To approve new leases, lettings and rents, where the proposal is to rent at market value, and accept surrenders, where a re-grant to the same or different tenant is requested.	Executive Committee	Head of Customer Access and Financial Support
Breach of Terms – Obtaining Possession, etc.	To obtain possession of premises, terminate agreements, authorise distraint or to institute proceedings to forfeit business leases, licences and agreements if the rent, payment or other terms are being breached.	Executive Committee	Head of Customer Access and Financial Support
Notices under Landlord and Tenant Act	To serve notices under the Landlord and Tenant Act 1954 to renew or terminate business tenancies and to serve other notices on any tenant for the remedy of any breaches of other covenants under the terms of leases as appropriate.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Sub-letting-Business Tenants	To approve applications from business tenants to sub-let maisonettes and garages no longer required in connection with shop premises, subject to satisfactory references and details of the sub-lease being approved by the Head of Legal, Equalities and Democratic Services / Head of Customer Access and Financial Support to include that vacant possession be granted to Council on determination of the lease.	Executive Committee	Head of Customer Access and Financial Support with Head of Legal, Equalities and Democratic Services

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

District Centres – Commercial Leases	To negotiate delays in exercising the redevelopment clause within a commercial lease for units in the Council's District Centres in appropriate cases.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
--------------------------------------	--	---------------------	---

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Disposals of Surplus Assets	To deal fully with all disposals of surplus assets approved by the Executive Committee / Council, subject to reports being submitted to the Executive Committee on the receipts generated from major land or building sales, in accordance with the Asset Management Plan.	Executive Committee	Director of Finance & Resources / Head of Customer Access and Financial Support
'Minor Land' * Sales	<p><i>* Defined as any land and/or building of less than half a hectare where the value is £49,999 or less, plus VAT / fees, but excluding land previously designated as a play area or sites to be developed for one or more dwellings, unless it has specifically been declared surplus by the Executive Committee in accordance with the Minor Land Disposal Policy.</i></p> <p>To conduct and conclude negotiations for the sale of the freehold or leasehold interest of any land or property falling within the limits described above (or such limit that may be revised at any time by the Executive Committee, to reflect rising prices).</p>	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Dedication of Council Land	To approve, and complete documentation in respect of, the dedication of Council land for the purposes of either footpaths, bridleways, cycle routes or roads, as requested in consultation with Worcestershire County Council.	Executive Committee	Property Services Manager / Principal Solicitor
Public Open Space	To accept, on behalf of the Council, land for Public Open Space, or land for other public purposes, in connection with the provisions of Section 106 of the Town & Country Planning Act 1990, or Section 111 of the Local Government Act 1972, following consultation with other appropriate Officers.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor

CONSTITUTION – PART 5 – TABLE 5.10

4. Right to Buy			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Right to Buy	To administer the Right-to-Buy scheme and carry out valuations of dwellings under the Right to Buy Scheme and for repurchases, including the interest to be sold with any necessary rights of way over Council land, as appropriate.	Executive Committee	Head of Customer Access and Financial Support
Notices re Right to Buy	To serve notices in association with the Right to Buy Scheme.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Buy Back	To refuse (but not accept) requests to buy back properties sold under the Right to Buy Scheme, in accordance with Council policy.	Executive Committee	Head of Customer Access and Financial Support
Repayment of Discount	To refuse (but not to agree) to waive the Council's entitlement to repayment of discount.	Executive Committee	Head of Customer Access and Financial Support
Discount for Disposals	To determine the level of discount to be repaid for relevant disposals under the Housing Act 2004.	Executive Committee	Head of Customer Access and Financial Support

This page is intentionally left blank