

## **PART 3**

# **RESPONSIBILITY FOR FUNCTIONS**

## 1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

<b>Function</b>	<b>Decision making body</b>	<b>Membership</b>	<b>Onward Delegation of Functions</b>
Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the Regulations")	Cabinet	Cabinet Members	Director of Corporate Resources
The determination of an appeal against any decision made by or on behalf of the Authority.	Cabinet	Cabinet Members	Director of Corporate Resources or appropriate Cabinet Member.
The making of arrangements pursuant to Section 67(1) of, and Schedule 18 to, the School Standards and Framework Act, 1998 ("the 1998 Act") (appeals against exclusion of pupils).	Cabinet	Cabinet Members	Director of Corporate Resources
The making of arrangements pursuant to Section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals).	Cabinet	Cabinet Members	Director of Corporate Resources
The making of arrangements pursuant to Section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom Section 87 applies: appeals by governing bodies).	Cabinet	Cabinet Members	Director of Corporate Resources
The making of arrangements under all relevant legislation for enabling questions to be put on the discharge of the functions of Joint Authorities.	Cabinet	Cabinet Members	Director of Corporate Resources

<b>Function</b>	<b>Decision making body</b>	<b>Membership</b>	<b>Onward Delegation of Functions</b>
The making of any nominations to the West Midlands Joint Committee or any appointments to other bodies.	Cabinet	Cabinet Members	Leader
The conducting of Statutory Reviews.	Cabinet	Cabinet Members	The Cabinet may delegate the conduct of a review to a Director.
Any function relating to contaminated land.	Cabinet	Cabinet Members	Director of the Urban Environment
The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	Cabinet Members	Director of the Urban Environment
The service of an abatement notice in respect of a statutory nuisance.	Cabinet	Cabinet Members	Director of the Urban Environment
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act, 1993 should apply in the Authority's area.	Cabinet	Cabinet Members	Cabinet Member for Environment and Culture
The inspection of the Authority's area to detect any statutory nuisance.	Cabinet	Cabinet Members	Director of the Urban Environment
The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet	Cabinet Members	Director of the Urban Environment
The obtaining of information under section 330 of the Town and Country Planning Act, 1990 as to interests in land.	Cabinet	Cabinet Members	Director of Corporate Resources or Chief Executive

<b>Function</b>	<b>Decision making body</b>	<b>Membership</b>	<b>Onward Delegation of Functions</b>
The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976.	Cabinet	Cabinet Members	Director of Corporate Resources, the Director of the Urban Environment or the Chief Executive
The making of agreements for the execution of highways work.	Cabinet	Cabinet Members	Director of the Urban Environment
<p>The appointment of any individual-</p> <p>(a) to any office other than an office in which he is employed by the Authority;</p> <p>(b) to any body other than-</p> <p>(i) the Authority;</p> <p>(ii) a joint Committee of two or more Authorities; or</p> <p>(c) to any Committee or Sub-Committee of such a body; and the revocation of any such appointment.</p>	Cabinet	Cabinet Members	Leader
The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities.	Cabinet	Cabinet Members	Appropriate Directors

## 2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

### TERMS OF REFERENCE

#### **Appeals Panel (Children's Services Transport)**

- (1) To hear and determine all appeals against a decision of the Directorate of Children's Services to refuse to provide home to school transport.
- (2) To hear and determine all appeals against a refusal of the Directorate of Children's Services to alter or vary an existing home to school transport service.
- (3) To consider and make determinations on complaints that cannot be settled by Officers in relation to the various transport issues administered by the Directorate of Children's Services.

#### **Appointments Committee**

- (1) Recommending to the full Council the appointment of the Chief Executive.
- (2) The appointment of Directors.
- (3) Determining the salaries, conditions of service, and all other employment matters.
- (4) The duty to make arrangements for proper administration of financial affairs under Section 151 of the Local Government Act, 1972.
- (5) The power to appoint officers for particular purposes (appointment of 'proper officers' under Section 270(3) of the Local Government Act 1972).

#### **Appointments Committee – Onward Delegations**

##### **Assistant Director (Human Resources and Organisational Development)**

- (1) In consultation with the appropriate Director, determining the salaries, conditions of service and all other employment matters in respect of employees, other than the Chief Executive and Directors.

### **Audit and Standards Committee**

- (1) Determination of appropriate action on recommendations of the External Auditors.
- (2) Determination of appropriate action on recommendations about the system of internal controls, both financial and otherwise.
- (3) Determination of appropriate action on recommendations arising from investigations of fraud, corruption or other irregularity.
- (4) Determination of appropriate action on recommendations arising from audits of construction and other contracts.
- (5) Determination of appropriate action regarding the organisation, management and performance of the external and internal audit functions.
- (6) Determination of appropriate action on recommendations about the performance of the treasury management function.
- (7) Approval of the Certified Statement of Accounts.
- (8) Oversight of the proper administration of financial affairs, under Section 151 of the Local Government Act, 1972.
- (9) Determination of appropriate action regarding the arrangements for the Corporate Risk Process.
- (10) Determination of any amendments to Financial Regulations and Contract Standing Orders, including those relating to Schools.
- (11) Determination of all necessary action associated with the Council's Corporate Governance Arrangements.
- (12) Consideration and approval of the Council's Anti Fraud and Corruption Strategy.
- (13) To promote and maintain high standards of conduct within the Council.
- (14) To advise the Council on the adoption or revision of the Members' Code of Conduct.

- (15) To monitor the operation of the Members' Code of Conduct.
- (16) To assist Councillors and co-opted Members to observe the Members' Code of Conduct including advising, training or arranging to provide training on matters relating to the Members' Code of Conduct.
- (17) Granting dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct.
- (18) All other standards functions under the relevant provisions of, or Regulations made under, the Localism Act, 2011.
- (19) To recommend to the Council on the appointment of an Independent Person(s) required under the Localism Act 2011 and any relevant Regulations.
- (20) To advise the Council on an Employees Code of Conduct.
- (21) To advise the Council on confidential reporting policies and procedures ("whistle-blowing") and to monitor and review the operation of the procedures.
- (22) To appoint any Sub-Committees, as appropriate, to hear and determine complaints against Members and Co-opted Members under the provisions of the Members Code of Conduct and in accordance with locally agreed procedures.
- (23) The determination of appeals made by employees against a decision of the Director of Corporate Resources concerning their inclusion in the list of Politically Restricted Posts.

### **Audit and Standards Committee – Onward Delegations**

#### **Director of Corporate Resources**

- (1) The approval of the payment of fees to the Audit Commission for additional audit work necessary in the light of investigations.
- (2) The approval of the payment of fees to other bodies for carrying out audit work or other work associated with the performance of the audit function.

## **Development Control Committee**

### **(1) Planning and conservation**

Functions relating to Town and Country Planning and development control as specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) (as amended).

### **(2) Determination of applications etc.**

Determination of all applications for planning permission where:-

- (a) The proposed development would be an advertised departure from the Development Plan (Regional and Local) where the recommendation of the Director of the Urban Environment is to grant planning permission.
- (b) the proposed development would be of wider significance, for example accompanied by an environmental impact assessment or impacting upon a neighbouring authority.
- (c) the proposed development has given rise to a substantial weight of public concern on planning matters.
- (d) notwithstanding paragraphs (a), (b), and (c) above, all major applications as defined by Government requiring a legal agreement, to which the Council is a party, under Section 106 of the Town and Country Planning Act, 1990 (as amended) and all development that affects the stopping up, diversion, creation or setting of highways, where planning permission is required.

### **(3) Commons registration**

The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations.

### **(4) Miscellaneous functions**

- (a) Power to create footpaths or bridleways by agreement.
- (b) Power to create footpaths and bridleways.
- (c) Duty to keep a register of information with respect to maps, statements and declarations.
- (d) Power to stop up footpaths and bridleways.



- (e) Power to determine applications for public path extinguishment orders.
- (f) Power to make a rail crossing extinguishment order.
- (g) Power to make a special crossing extinguishment order.
- (h) Power to divert footpaths and bridleways.
- (i) Power to make a public path diversion order.
- (j) Power to make a rail crossing diversion order.
- (k) Power to make a special diversion order.
- (l) Power to require applicant for order to enter into agreement.
- (m) Power to make an SSSI diversion order.
- (n) Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
- (o) Power to decline to determine certain applications.
- (p) Duty to assert and protect the rights of the public to the use and enjoyment of highways.
- (q) Duty to serve notice of proposed action in relation to obstruction.
- (r) Power to apply for variation of order under section 130B of the Highways Act 1980.
- (s) Power to authorise temporary disturbance of surface of footpath or bridleway.
- (t) Power temporarily to divert footpath or bridleway.
- (u) Functions relating to the making good of damage and the removal of obstructions.
- (v) Powers relating to the removal of things deposited on highways so as to be a nuisance.
- (w) Power to extinguish certain public rights of way.
- (x) Duty to keep definitive map and statement under review.

- (y) Power to include modifications in other orders.
- (z) Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.
- (aa) Duty to reclassify roads used as public paths.
- (bb) Power to prepare map and statement by way of consolidation of definitive map and statement.
- (cc) Power to designate footpath as cycle track.
- (dd) Power to extinguish public right of way over land acquired for clearance.
- (ee) Power to authorise stopping-up or diversion of footpath or bridleway.
- (ff) Power to extinguish public rights of way over land held for planning purposes.
- (gg) Power to enter into agreements with respect to means of access.
- (hh) Power to provide access in absence of agreement.
- (ii) Powers relating to the protection of important hedgerows.
- (jj) Power to permit deposit of builders skips on the highway.
- (kk) Power to authorise erection of stile etc on footpaths or bridleways.
- (ll) Power to license works in relation to buildings etc which obstruct the highway.
- (mm) Power to consent to temporary deposits or excavations in streets.
- (nn) Power to dispense with obligations to erect hoarding or fencing.
- (oo) Power to restrict the placing of rails, beams etc over the highway.
- (pp) Power to consent to construction of cells etc under street(s).
- (qq) Power to consent to the making of openings into cellars etc under streets and pavement lights and ventilators.

- (5) Ombudsman
- The consideration of reports by the Ombudsman into complaints of Maladministration; and the local settlement of complaints to the Ombudsman for sums above £5,000
- (6) Power to charge for discretionary services falling within the terms of reference of the Committee.
- (7) To consider representations for and objections to Tree Preservation Orders made under Sections 198, 199 and 200 of the Town and Country Planning Act, 1990 and subsequently to determine such orders.
- (8) To revoke Tree Preservation Orders.
- (9) To vary or modify Tree Preservation Orders.
- (10) Powers relating to the preservation of trees.
- (11) The determination of all applications relating to works to trees subject of a Tree Preservation Order where:
- approval of felling is recommended.
  - there are objections contrary to the officer recommendation.
- (12) Power to licence planting, retention and maintenance of trees etc in part of the highway.
- (13) The administration of all decisions relating to Part 8 of the Anti-Social Behaviour Act, 2003 (complaints about high hedges).

## **Development Control Committee – Onward Delegations**

### **Director of the Urban Environment**

- (1) The day to day management and control of the Urban Environment Directorate and the administration of the service in accordance with the Council's policies and decisions.
- (2) The approval of planning applications and allied applications for:
  - (i) Householder Applications as defined by Government;
  - (ii) Alterations to elevations, including shopfronts;
  - (iii) Minor Applications as defined by Government;
  - (iv) Temporary buildings or the renewal of temporary planning permission;
  - (v) Modifications to existing valid permissions;
  - (vi) Changes of use;
  - (vii) Walls and fences (no height limit), and engineering works involving the construction of retaining walls up to 2 metres in height;
  - (viii) Alterations to or the new construction of a new means of access;
  - (ix) Car parks;
  - (x) Reserved matters and other approvals of the Local Planning Authority required by conditions;
  - (xi) Temporary buildings or the renewal of temporary planning permissions under Regulation 3 of the Town and Country Planning General Regulations, 1992, provided that the application has not been submitted by/or on behalf of the Cabinet Member for Environment and Culture or the Cabinet Member for Economic Regeneration;
  - (xii) Extensions up to 120m<sup>2</sup> proposed by applications under Regulation 3 of the Town and Country Planning General Regulations 1992, provided the application has not been submitted by/or on behalf of the Cabinet Member for Environment and Culture or the Cabinet Member for Economic Regeneration.

- (xiii) Renewal of time-lapsed permissions, subject to a site visit being carried out by the responsible officer which establishes that there has not been any material change of planning circumstances or policy.

Provided that:-

- (a) the period for statutory publicity and consultation has expired;
  - (b) there is no conflict with the Council's planning policies;
  - (c) the application is not by or on behalf of the Local Authority except insofar as paragraphs 2(xi) and 2(xii) apply;
  - (d) no substantial objections to the application on planning grounds have been received in writing prior to the decision being made;
  - (e) no objection to the application on planning grounds having been made by a ward member and received in writing prior to the decision being made.
- (3) The determination of all other planning applications other than those set out in Function 2 and in Section (2) onward delegations of the functions of the Development Control Committee, following formal consultation with the Chair (or in his or her absence, the Vice-Chair) subject to the following procedure:-
- (a) Determination shall be in the light of a full and detailed report by the Director of the Urban Environment in formal consultation with the Chair (or in his or her absence, the Vice-Chair) of the Development Control Committee and such decisions shall be recorded and made available for public inspection;
  - (b) There shall be provision for the Director of the Urban Environment in formal consultation with the Chair (or in his or her absence, the Vice-Chair) to refer as he sees fit, any planning application to the Development Control Committee for its determination and for such decisions to be recorded;
  - (c) There shall be provision for any Member of the Council to request that any planning application be referred to the Development Control Committee for determination although Members should give reasons for such a request.
- (4) The refusal of applications for development of land where there is conflict with a development plan (Regional and Local) or the Council's planning policies.

- (5) The approval of amendments to planning permissions.
- (6) Determination as to prior approval under parts 6 (Agricultural Buildings), 24 (Telecommunications) and 31 (Demolition) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof.
- (7) The determination of applications under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the service of discontinuance notices thereunder.
- (8) The removal or obliteration of placards or posters under Section 225 of the Town and Country Planning Act 1990 (or as amended).
- (9) The issue of Notices under Part 22 and Part 23 and the making of associated directions under Article 7 of the Town and Country Planning (General Permitted Development) Order 1995 (or as amended).
- (10) The issue of Building Preservation Notices under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (or as amended).
- (11) The issue of Listed Building Enforcement Notices under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.
- (12) The issue of Notices of intention to execute urgent works for the preservation of unoccupied buildings under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (13) The issue of Notices requiring the proper maintenance of waste land under Section 215 of the 1990 Act.
- (14) The determination of applications for approval of plans under the Building Regulations and Sections 18, 19, 21, 23, 24, 25 and 29 of the Building Act 1984, Section 10 of the Clean Air Act 1956 and the Restriction of Ribbon Development Act 1935.
- (15) The determination of applications for relaxation of the Building Regulations and the making of representations to the Secretary of State in connection with them.
- (16) The issue of Certificates and Notices under the Building Act 1984 relating to the Building Regulations (or as amended).
- (17) The giving of written notice to the Council that he proposes to seek permission to develop on behalf of the Committee, in respect of any future proposed development.

- (18) Under the Hedgerow Regulations 1997;-
- (i) the determination of Hedgerow Removal Notices and where relevant the issue of Hedgerow Retention Notices, pursuant to regulation 5, except in cases where the Director of the Urban Environment is responsible for the management of the land on which the hedgerow is situated.
  - (ii) the issue of a Hedgerow Replacement Notice pursuant to Regulation 8.
  - (iii) the authorisation in writing for any person to enter land pursuant to Regulation 12.
- (19) The making of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 and the confirmation of such directions under Article 6 which are unopposed.
- (20) The issue of screening and scoping opinions under the Environment Impact Assessment Regulations 1999.
- (21) The issue and service of Planning Contravention Notices under Section 1 of the Planning and Compensation Act 1991 and Sections 171C and 171D of the Town and Country Planning Act 1990 (as amended).
- (22) All other enforcement powers and functions under the Town and Country Planning Act 1990 (as amended) in consultation with the Chair of the Development Control Committee (or the Vice Chair in his/her absence).
- (23) To serve temporary stop notices and Stop Notices, together with any necessary enforcement notice.
- (24) The issue of responses to consultations from other Local Planning Authorities arising from Article 10 of the Town and Country Planning General Development Procedure Order 1995 (as amended).
- (25) The issue of a notice of intent not to determine an application under Section 70A of the Town and Country Planning Act, 1990 (as amended).
- (26) The issue of notices requiring the submission of further information to enable an application to be determined, including:
- (i) Directions under Article 3(2) of the Town and Country Planning General Development Procedure Order, 1995 (as amended).
  - (ii) Directions under Article 4 of the Town and Country Planning (Applications) Regulations 1988.

- (iii) Article 19 of the Environmental Impact Assessment Regulations 1999.
- (27) Following formal consultation with the Chair of the Development Control Committee and the Director of Corporate Resources, the authorisation of minor amendments to completed Section 106 agreements and Section 106 agreements which have been authorised but not completed.
- (28) In consultation with the Chair of the Development Control Committee, all other matters which are not dealt with by the Development Control Committee, provided that the decision does not conflict with any other decision taken by the Council or Cabinet.
- (29) The registration of common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:
  - (i) an exchange of lands affected by an Order under Section 19(3) of or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or
  - (ii) an Order under Section 147 of the Inclosure Act 1845.
- (30) Duty to assert and protect the rights of the public to the use and enjoyment of highways.
- (31) Duty to serve notice of proposed action in relation to obstruction.
- (32) Power to authorise temporary disturbance of surface of footpath or bridleway.
- (33) Power temporarily to divert footpath or bridleway.
- (34) Functions relating to the making good of damage and the removal of obstructions.
- (35) Powers relating to the removal of things so deposited on highways as to be a nuisance.
- (36) Power to permit deposit of builders skips on highway.
- (37) Power to authorise erection of stiles etc on footpaths or bridleways, subject to consultation with the Area Committee.
- (38) Power to license works in relation to buildings etc. which obstruct the highway.
- (39) Power to consent to temporary deposits or excavations in streets.



- (40) Power to dispense with obligations to erect hoarding or fencing.
- (41) Power to consent to construction of cells etc under street(s).
- (42) Power to consent to the making of openings into cellars etc. under streets and pavement lights and ventilators.
- (43) The local settlement of complaints to the Ombudsman up to a maximum of £5,000.
- (44) Decisions required in accordance with Contract Standing Orders.
- (45) The service of Notices under Sections 207, 208 and 209 of the 1990 Act requiring replacement trees.
- (46) The determination of applications relating to work to trees the subject of a Tree Preservation Order, with the exception of applications where:
  - approval of felling is recommended;
  - there are objections contrary to the officer recommendation.
- (47) The determination of requests for works to trees in Conservation areas.
- (48) Power to licence planting, retention and maintenance of trees etc in part of the highway, subject to consultation with the Area Committee.
- (49) The administration of all decisions relating to Part 8 of the Anti-Social Behaviour Act, 2003 (complaints about high hedges).
- (50) The service of Remedial Notices under Sections 69, Part 8 of the Anti-Social Behaviour Act 2003.
- (51) Discharge of conditions relating to applications for works to trees subject of a Tree Preservation Order.

#### Director of Corporate Resources

The Director of Corporate Resources in his own right shall exercise the following powers and duties provided that such exercise does not conflict with a decision taken by the Council or Committee:

- (1) the institution of prosecution proceedings under Sections 171(g), 179 and 183, 184 and 187 or the 1990 Act for breaches of enforcement, stop notices and temporary stop notices.
- (2) the institution of prosecution proceedings under Section 216 of the 1990 Act for non-compliance with a notice as to waste land.

- (3) the institution of prosecution proceedings under Section 43 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 for non-compliance with a Listed Building Enforcement Notice.
- (4) the institution of prosecution proceedings under Sections 7, 8 and 9 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 for unlawfully executing works to a listed building.
- (5) the institution of prosecution proceedings under Section 59 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 for damaging a listed building.
- (6) the institution of prosecution proceedings under Section 224 of the 1990 Act for contraventions of the Town and Country Planning (Control of Advertisements) Regulations 1992 and all other matters relating to the Town and Country Planning (Control of Advertisements) Regulations 1992.
- (7) the institution of prosecution proceedings under Sections 189 and 190 of the 1990 Act for failing to comply with Orders under Sections 102-104 of the 1990 Act (Discontinuance Orders).
- (8) the institution of prosecution proceedings under the Building Act 1984 in respect of offences relating to the Building Regulations.
- (9) the service of notices requiring information as to interests in land and the institution of prosecution proceedings relating thereto under Section 330 Town and Country Planning Act 1990.
- (10) the issue and service of Breach of Condition Notices under Section 187A of the Town and Country Planning Act, 1990 (as amended).
- (11) determination of applications for Certificates of Lawful Use under Section 10 of the Planning and Compensation Act 1991 and Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended).
- (12) to give written consent in respect of rights of entry for enforcement purposes under section 11 of the Planning and Compensation Act 1991, and Sections 196A, 196B and 196C of the Town and Country Planning Act 1990 (as amended).
- (13) the prosecution of a person who removes or allows another person to remove a hedgerow in contravention of the Regulations, the application for injunctions under Regulation 11, and the prosecution of any person who wilfully obstructs a person acting in the exercise of a right of entry under Regulation 14 of the Hedgerow Regulations, 1997.
- (14) the making (and confirmation where unopposed) of Orders under Sections 257 and 258 of the Town and Country Planning Act, 1990 to stop up or divert any footpath or bridleway.

- (15) the making of an application for an injunction restraining a breach of planning control, in consultation with the Director of the Urban Environment and the Chair of the Development Control Committee.
- (16) To vary a Tree Preservation Order if no new trees or woodlands are added to the Order.
- (17) To vary a Tree Preservation Order, where new trees or woodlands are added to the Order, provided that there are no objections from any person affected by the Order.
- (18) The making (and confirmation where unopposed) of Tree Preservation Orders under Sections 198, 199, 200 and 201 of the 1990 Act, in consultation with the Director of the Urban Environment.
- (19) The institution of prosecution proceedings under Section 210 of the 1990 Act for contraventions of Tree Preservation Orders.
- (20) The institution of prosecution proceedings under Sections 211-214 of the 1990 Act for causing damage to trees in Conservation Areas.
- (21) To institute proceedings under the Anti-Social Behaviour Act 2003 in so far as the proceedings relate to the Council's statutory functions and the functions of this Committee.

#### REFERRAL TO DEVELOPMENT CONTROL COMMITTEE

Notwithstanding the above, the Director of the Urban Environment or the Director of Corporate Resources, may refer any matter to the Development Control Committee for consideration whether or not it falls within delegated powers and duties.

Where these delegated powers specifically require consultation with the Chair or Vice Chair (i.e. with the exception of those powers delegated under Minute no. 4(1) of the meeting of the Development Control Committee held on 7<sup>th</sup> June, 1999), but without prejudice to Members exercising their rights under the Council Procedure Rules any Member of the Council may request, giving reasons, that any matter so delegated to the Director of the Urban Environment be referred to the Development Control Committee for its determination.

### **Disciplinary/Dismissal/Grading Appeals Committee**

- (1) The taking of disciplinary action in accordance with the Council's Disciplinary Procedure.
- (2) The consideration and determination of appeals by employees of the Council against disciplinary action taken under the disciplinary procedure.
- (3) The determination of all cases where a right of appeal to Members exists under the Council's employment policies or procedures.

## **Licensing and Safety Committee**

- (1) Gaming, food and miscellaneous licensing.
- (2) Functions relating to licensing (other than hackney carriage and private hire licensing) as set out in Schedule 1 to the Functions Regulations.
- (3) Licensing functions in respect of the registration service for births, deaths and marriages.
- (4) Designation Orders under Section 13 of the Criminal Justice and Police Act, 2001 regarding alcohol consumption in public places.
- (5) Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act, 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.
- (6) The consideration of reports by the Ombudsman into complaints of maladministration; and the local settlement of complaints to the Ombudsman for sums above £5,000.
- (7) Functions under the Vehicles (Crime) Act, 2001.
- (8) Licensing functions under the Licensing Act, 2003.
- (9) The power to appoint Licensing Sub-Committees in accordance with the appropriate legislative provisions.
- (10) The Council’s licensing functions under the Gambling Act 2005.
- (11) Functions relating to Smoke Free Premises pursuant to the Health Act 2006.
- (12) Licensing functions relating to sex shops, sex establishments and sexual entertainment venues.
- (13) To approve, monitor and review the operation and use of procedures under the Regulation of Investigatory Powers Act 2000.

## **Licensing and Safety – Onward Delegations**

### **Director of Corporate Resources**

- (1) Determination of applications where no objection has been received for licences or consents for:-
  - (a) gaming and lotteries
  - (b) street and door to door collecting
  - (c) street trading
  - (d) scrap yards
  - (e) sex shops, sex establishments and sexual entertainment venues
  - (f) performances of hypnotism
  - (g) licensing functions under the Licensing Act, 2003
  - (h) licensing functions under the Gambling Act 2005.
- (2) Suspension of licences;
- (3) Consultation with licence holders or their authorised representatives and the Police;
- (4) The issuing of notices under the provisions of Section 19 of the Criminal Justice and Police Act 2001;
- (5) The making of representations on behalf of the Licensing Authority in relation to any applications submitted under the Gambling Act 2005 for, and in relation to, premises licences.
- (6) The determination of appeals against a refusal to approve a building, or against a condition imposed as part of an approval, as a venue for a civil marriage;
- (7) Approval of premises for the solemnisation of marriages.
- (8) The local settlement of complaints to the Ombudsman up to a maximum of £5,000.
- (9) The institution of proceedings relating to Smoke Free Premises pursuant to the Health Act 2006.
- (10) The determination of applications for the registration of Motor Salvage Operators under the Vehicles (Crime) Act, 2001, where no objections are received.
- (11) Decisions required in accordance with Contract Standing Orders.
- (12) Operation of procedures relating to the Regulation of Investigatory Powers Act 2000.

- (13) To designate an officer to undertake the duties of the Council as a 'Responsible Authority' under the Licensing Act 2003 relating to the suspension of Premises Licences and Club Premises Certificates for non payment of annual fees.

Director of the Urban Environment

- (1) Functions relating to health and safety under any 'relevant statutory provision' within the meaning of Part I of the Health and Safety at Work Act, 1974, to the effect that those functions are discharged otherwise than in the Council's capacity as an employer.
- (2) Power to register and license premises for acupuncture, tattooing, cosmetic piercing and electrolysis.
- (3) Powers and functions relating to Smoke Free Premises pursuant to the Health Act 2006.
- (4) Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
- (5) Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
- (6) Power to license premises for the breeding of dogs.
- (7) Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
- (8) Power to register animal trainers and exhibitors.
- (9) Power to license zoos.
- (10) Power to license dangerous wild animals.
- (11) Power to license knacker's yards.
- (12) Power to grant consent for the operation of a loudspeaker.
- (13) Power to issue licences for the movement of pigs.
- (14) Power to license the sale of pigs.
- (15) Power to license collecting centres for the movement of pigs.
- (16) Power to issue a licence to move cattle from a market.
- (17) Power to sanction use of parts of buildings for storage of celluloid.

- (18) Power to grant approval of food business establishments for the production of products of animal origin and to refuse, withdraw or suspend approval.
- (19) Power to register auction and wholesale markets.
- (20) Duty to keep register of food business premises.
- (21) Power to register food business premises.
- (22) Power to register stalls/premises for sale of goods by bidding.
- (23) Power to license premises for the boarding of animals.
- (24) Power to license riding establishments.
- (25) Decisions required in accordance with Contract Standing Orders.
- (26) Determinations of applications under Sections 115E, 115F, 115G and 115K of the Highways Act, 1980.



## **Shadow Dudley Health and Wellbeing Board**

- (1) To promote integration and partnership working between the NHS, social care, public health and other local services and improve democratic accountability.
- (2) To deliver better health and wellbeing outcomes for children and adults, quality of care and value for money, reduce service overlaps or gaps in provision and facilitate services working together.
- (3) To agree priorities for the benefit of patients and taxpayers, informed by local people and neighbourhood needs.
- (4) To provide leadership and democratic accountability to improve health and well-being and reduce inequalities.
- (5) To promote integration and partnership working, through the encouragement of coherent commissioning strategies between the NHS, social care, public health and other local services.
- (6) To assess the needs of the local population and approve the Joint Strategic Needs Assessment (JSNA) as prepared by the Dudley MBC and the GP Commissioning Consortium.
- (7) To develop, in the light of the JSNA, a joint health and wellbeing strategy, setting out how the health and wellbeing needs of the community will be addressed, as the concise, high level, overarching framework within which specific commissioning plans for the NHS, social care, public health and other services, which the board agrees to consider, are developed.
- (8) To make recommendations to the Dudley Community Partnership and other bodies, pertaining to the improvement of health and wellbeing, as appropriate.
- (9) To support joint commissioning and pooled budget arrangements as a means of delivering service priorities and receive regular reports on the operation of such arrangements.
- (10) To receive reports from other partnership bodies, including Mental Health, Older People's, Learning Disabilities, Children's, Safeguarding Boards for Children's and Adults, GP Commissioning Consortium and other bodies or services that may be established to promote partnership working.
- (11) To determine appropriate partnership structures required to deliver the Board's responsibilities.

## **Shadow Dudley Health and Wellbeing Board – Onward Delegations**

### **Director of Corporate Resources**

- (1) In consultation with the Leader and the Cabinet Member for Adult and Community Services, to make any necessary amendments to the terms of reference and membership of the Shadow Dudley Health and Wellbeing Board and to adopt operational protocols in the light of future legislation and associated guidance.

## **Taxis Committee**

- (1) Functions relating to hackney carriage and private hire licensing as set out in Schedule 1 to the Functions Regulations.
- (2) The consideration of reports by the Ombudsman into complaints of maladministration; and the local settlement of complaints to the Ombudsman for sums above £5,000.

## **Taxis Committee – Onward Delegations**

### **Director of Corporate Resources**

- (1) Determination of all applications except where the applicant has a criminal record or has committed any Road Traffic offence(s) subject to the following:-
  - (i) the Director of Corporate Resources may grant an application for up to a six months period if an applicant has a 3 points endorsement on his/her driving licence.
  - (ii) An applicant falling within (i) above must be formally interviewed by an authorised officer.
- (2) Suspension of licences.
- (3) Consultation with licence holders or their authorised representatives and the Police.
- (4) the determination, in consultation with the Chair, of applications for exemption from the policies relating to private hire vehicles and hackney carriages.
- (5) the local settlement of complaints to the Ombudsman up to £5,000.

### 3. RESPONSIBILITY FOR EXECUTIVE (CABINET) FUNCTIONS

#### **The Cabinet**

- (1) recommending the Policy Framework to the Council.
- (2) Approval of policies, plans and strategies not covered by the Policy Framework.
- (3) Recommending the budget and Council Tax to the Council.
- (4) Implementation of the Policy Framework, approved budget and Council Tax.
- (5) Approval of capital schemes and monitoring of the Capital Programme in accordance with the approved Capital Strategy.
- (6) the Council's internal management and structures.
- (7) the local implications of regional, national or European policies.
- (8) matters arising from any reports from the Council's external auditors.
- (9) matters relating to local government boundaries.
- (10) salaries, conditions of service and employment matters generally of all employees of the Council.
- (11) co-ordinating the implementation of the Council's Equality and Diversity Policy, including liaison with all other relevant organisations.
- (12) services for elected members and the provision of accommodation for members and officers throughout the Council.
- (13) the mayoralty, civic ceremonial matters and civic links, civic hospitality and official cars.
- (14) emergency planning.
- (15) all matters relating to the maintenance, administration, use, future use and development of all or part of the land and premises known as Himley Hall (including Ward House).
- (16) all matters relating to the Council's "Local Agenda" 21 strategy.
- (17) all matters relating to the impact generally on the Council of the European Union and its institutions.

- (18) all matters relating to funding through European grant systems and to approve all grant applications or to make arrangements for such approvals.
- (19) the consideration and approval of all applications for funding from the funding bodies associated with the National Lottery.
- (20) Consideration and approval of all other applications for external funding.
- (21) all matters relating to any strategic plan or document produced by the Health Service and any other major health proposal affecting the Borough.
- (22) the approval of National Lottery bids.
- (23) waiving Contract Standing Orders and Financial Regulations.
- (24) approval of Standing Lists of contractors.
- (25) determination of rents and charges for council houses and flats.
- (26) Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate.
- (27) the consideration of reports by the Ombudsman into complaints of maladministration; and the local settlement of complaints to the Ombudsman for sums above £5,000.
- (28) Power to charge for discretionary services falling within the terms of reference of the Cabinet.
- (29) Determination of applications for redundancy with pensions implications in view of the potential cost to the Council.

## **The Cabinet – Onward Delegations**

### **Chief Executive**

- (1) the day to day monitoring of the implementation, development, promotion and understanding of the Council's Equality and Diversity Policy.
- (2) the examination of any alleged breaches or failures to comply with the Council's Equality and Diversity Policy.
- (3) the co-ordination of the Equal Opportunities Advisory Officers within the Council.
- (4) authority to seek planning permission in respect of future proposed development.
- (5) Decisions required by the Chief Executive pursuant to the Council's Contract Standing Orders.

### **Treasurer**

the making of contributions on a pro rata basis according to population to the West Midlands Fire and Rescue Authority for its overall co-ordinating role in the provision of ancillary support services in planning for peace time emergencies.

### **Cabinet Member for Finance**

In consultation with the Treasurer the waiver of Contract Standing Orders or Financial Regulations in appropriate circumstances.

### **Chief Executive and Directors**

- (1) The approval of Standing lists of contractors by the appropriate Director in consultation with their Cabinet Member.
- (2) The local settlement of complaints to the Ombudsman up to a maximum of £5,000
- (3) Any decisions required to be made by Directors pursuant to the provisions of the Council's Contract Standing Orders.
- (3a) The submission of bids for external funding not exceeding £10,000.
- (4) In consultation with the appropriate Cabinet Member, the submission of bids for external funding in excess of £10,000 but not exceeding £250,000.

- (5) In cases of urgency, in consultation with the appropriate Cabinet Member, the Leader and the Treasurer, the submission of bids for external funding exceeding £250,000.
- (6) Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate.
- (7) The authorisation of the attendance of delegates at conferences and seminars in consultation with Cabinet Members as appropriate.

Director of Corporate Resources

In consultation with the Cabinet Member for Human Resources, Law and Governance, to determine all applications for voluntary redundancy including those where there are pension implications, in accordance with the Council's approved budgetary strategy.

### **Leader of the Council**

- (1) Any function delegated to one or more Cabinet Members, including where a Cabinet Member has a conflict of interest.
- (2) In cases of urgency the approval or amendment of policies, plans and strategies not covered by the Policy Framework.
- (3) Appointing the Deputy Leader and Cabinet Members and removing those members from office.
- (4) All functions relating to working with partners in the private, public and voluntary sectors.
- (5) the overall staffing establishment of the Chief Executive's Directorate.
- (6) authority to agree the local settlement of complaints to the Ombudsman above £5000 in consultation with the Chief Executive.
- (7) Power to charge for discretionary services falling within the terms of reference of the Leader.
- (8) In consultation with the Opposition Group Leaders, authority to amend the Scheme of Delegation in Part 3 of the Constitution provided that, if there is any objection by one or more of the Opposition Group Leaders, the proposal will be determined by the Council on the recommendation of the Cabinet.
- (9) Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate, with particular reference to the Black Country Consortium, Dudley Community Partnership and the Stronger Communities Steering Group.
- (10) To approve urgent amendments to the Capital Programme, in consultation with the Treasurer, in circumstances where such amendments cannot reasonably be deferred until the next ordinary meeting of the Cabinet or Council.



## **Leader - Ongoing Delegations**

### **Cabinet Members**

- (1) Any other Cabinet Member may be authorised by the Leader to undertake any functions of the Leader.

### **Chief Executive**

- (1) The day to day management and control of the Chief Executive's Directorate.
- (2) Decisions required by the Chief Executive pursuant to the Council's Contract Standing Orders.

### **Cabinet Member for Adult and Community Services**

- (1) Overall responsibility for the strategic direction of the Council's functions relating to adult social services, other than policies within the Policy Framework.
- (2) Overall responsibility for the strategic direction of the Directorate of Adult, Community and Housing Services (with the exception of functions which are the responsibility of other Cabinet Members).
- (3) matters relating to the Sons and Daughters of Rest.
- (4) the implementation of the Council's Equality and Diversity Policy in relation to Adult and Community Services functions.
- (5) acquisition of land; disposals of land not surplus to requirements; and the declaration of land as being surplus to requirements.
- (6) the acceptance and refusal of tenders.
- (7) the determination of applications for grant aid.
- (8) all other powers and duties relating to adult Social Services for the implementation of the Policy Framework.
- (9) authority to agree the local settlement of complaints to the Ombudsman for sums above £5,000 in consultation with the Director of Adult, Community and Housing Services.
- (10) Power to charge for discretionary services falling within the terms of reference of the Cabinet Member for Adult and Community Services.
- (11) Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate, with particular reference to  
Black Country Partnership for Care,  
Dudley Health & Wellbeing Board,  
Learning Disability Partnership Board  
Older People's Board and the Physical and Sensory Disability Board.
- (12) Power to appoint officers for particular purposes including Section 47 of the National Assistance Act 1948, as amended.

## **Cabinet Member for Adult and Community Services - Ongoing Delegations**

### **Director of Adult, Community and Housing Services**

- (1) The management and control of the Directorate of Adult, Community and Housing Services, including all related statutory functions.
- (2) provision of services to make people safe when faced with critical situations and to provide information relevant to a FACS assessment.
- (2) within the approved guidance, the provision of outcomes for people with assessed needs.
- (3) the provision of accommodation for the elderly, infirm and persons in other circumstances in need of care and attention, including arrangements for the assessment of charges to be made.
- (4) the burial or cremation of the body of any person in the Borough where no suitable alternative arrangements for the disposal of the body are being made.
- (5) the approval of interest free loans or grants under the Chronically Sick and Disabled Persons Act up to £10,000, including the provision of telephones, within the agreed policy.
- (6) the determination of requests from members of the public for access to their records held by the Directorate of Adult, Community and Housing Services.
- (7) the approval of loans in connection with the new disabled facilities grants, up to a maximum of £15,000.
- (8) In consultation with the Cabinet Member and “Shadow” Cabinet Members for Adult and Community Services, to determine the allocation of grants to voluntary organisations.
- (9) the entering into of contracts, by negotiation, for the purchase of care packages.
- (10) authority to seek planning permission in respect of future proposed development for adult Social Services purposes.
- (11) authority to agree the local settlement of complaints to the Ombudsman up to a maximum of £5,000.
- (12) Decisions required by the Director pursuant to the Council’s Contract Standing Orders.

- (13) The appointment of officers as proper officers for the purposes of Section 47 of the National Assistance Act 1948, as amended.

Director of Corporate Resources

- (1) In consultation with the Director of Adult, Community and Housing Services as appropriate, the prosecution of persons for the non-compliance of Acts and Regulations.
- (2) the determination of requests for grazing agreements.
- (3) the determination of requests for the use of land for builders' compounds.
- (4) the determination of requests for the use of land for electricity sub-stations.
- (5) the determination of applications for consents required in leases held by the Council.
- (6) the acceptance of valuations in respect of rent review clauses in leases.
- (7) the determination and renewal of leases, licences, tenancies, easements, wayleaves and rights of way.
- (8) the acquisition of properties included in compulsory purchase orders and the payment of compensation in relation thereto.
- (9) the determination of applications in respect of land and property matters, as set out below, in accordance with approved procedures:-
  - (i) the purchase of land and property up to a value of up to £250,000 or where the sale would release the Council from ongoing liabilities or the sale is to an adjacent landowner where a development site exists and there is an opportunity to maximise the overall development.
  - (ii) domestic and commercial vehicular access agreements.
  - (iii) temporary licences to occupy land.
  - (iv) drainage, gas/electric, etc. easements.
  - (v) former utility company licences.
  - (vi) variation or release of covenants in leases and conveyances.
  - (vii) extinguishment or variations of rights.

- (viii) new leases, licences tenancies, easements, wayleaves and rights of way.
- (ix) requests to site builders compounds and temporary use of Council owned land.

### **Cabinet Member for Integrated Children's Services**

- (1) the functions of the Local Authority relating to schools and Children's Services other than policies within the Policy Framework.
- (2) the functions, roles and responsibilities of the Lead Member for Children's Services as set out in as set out in the Children Act 2004, all other relevant legislative requirements and statutory guidance.
- (3) all other powers and duties relating to Children's Services for the implementation of the Policy Framework.
- (4) the employment of children and young persons.
- (5) the implementation of the Council's existing Equality and Diversity Policy in relation to the Children's Services functions.
- (6) the administration of any charities, as registered by their respective Governing Instruments, in so far as they relate to areas of responsibility of the Cabinet Member.
- (7) the determination of requests for easements, leases, tenancies, licences, wayleaves and rights of way.
- (8) the acquisition of land; disposals of land not surplus to requirements; and declaration of land surplus to requirements.
- (9) the acceptance and refusal of tenders.
- (10) the determination of parental requests for the placement of pupils in schools, where applications for places at a school exceed the places available.
- (11) authority to agree the local settlement of complaints to the Ombudsman for sums above £5,000 in consultation with the Director of Children's Services.
- (12) Power to charge for discretionary services falling within the terms of reference of the Cabinet Member for Children's Services.
- (13) The establishment and maintenance of an adoption service, including the establishment of an Adoption Panel in accordance with the Adoption and Children's Act 2002 and any subsequent legislation and guidance.
- (14) Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate, with particular reference to the Children and Young Peoples' Partnership.

- (15) Functions relating to the Apprenticeships, Skills, Children and Learning Act 2009.

**Cabinet Member for Integrated Children's Services – Onward Delegations**

**Director of Children's Services**

- (1) the day to day management and control of the Directorate of Children's Services, including all related statutory functions.
- (2) professional responsibility for the leadership, strategy and effectiveness of children's services as set out in the Children Act 2004, all other relevant legislative requirements and statutory guidance.
- (3) all functions relating to integrated education and children's social care services and associated responsibilities relating to leadership and partnership, safeguarding, vulnerable children and young people, fair access to services and the promotion of educational excellence.
- (4) the roles and responsibilities of the Local Authority as they relate to schools in light of Statutory Codes of Practice on Local Authority/School Relations.
- (5) the authorisation of the Director of Corporate Resources to complete confidentiality agreements in relation to Information Technology in schools and to enter into agreements concerning the sale of the materials developed with the Education service, subject to compliance with Contract Standing Orders, Financial Regulations and to any costs falling within existing budgetary provisions.
- (6) the acceptance of regional recommendations for the level of vocational tuition fees in further education.
- (7) the discharge of licensing functions under the statutory provisions relating to children and young persons.
- (8) the exercise of the powers of the Council in relation to exclusion procedures.
- (9) authorising the Director of Corporate Resources to complete licences for educational software, subject to compliance with standing orders and the costs falling within existing budget provisions.
- (10) authorising the Director of Corporate Resources to complete the tenancy agreements in respect of and licences to occupy school caretakers' accommodation, the terms of such agreements and licences to be set by the Director of Children's Services in consultation with the Treasurer and the Director of Corporate Resources.

- (11) in consultation with the Cabinet Members for Children's Services, Human Resources, Law and Governance and Regeneration, to negotiate contracts between the Council and the Secretary of State for Employment for the provision of training schemes for the purposes of Contract Standing Orders and to authorise the Director of Corporate Resources to complete the contracts.
- (12) in consultation with the Cabinet Member for Children's Services, to enter into contracts where projects are funded by external agencies and where rapid response is required.
- (13) in consultation with the Cabinet Member for Children's Services, to take decisions in relation to the replacement of vacancies.
- (14) to deal with all matters relating to security in premises used by the Directorate of Children's Services, in consultation with the Cabinet Member for Children's Services.
- (15) to determine those items of equipment, loaned to students, which should be written off at the end of the loan period.
- (16) the service of notices under all relevant Acts relating to the functions of the Director of Children's Services.
- (17) in consultation with the Cabinet Member for Children's Services, to determine applications for use of the Astley Burf Education Centre by other Dudley bodies and organisations outside the period when the Centre is normally used by Dudley children.
- (18) the service of notices requiring parents to satisfy the Authority that their child is receiving sufficient full-time education.
- (19) the service of school attendance orders.
- (20) the making of payments by way of recoupment where mandatory.
- (21) subject to the rights of the Governors the appointment of teachers and other school staff.
- (22) the service of notices under the Education Act, 1980.
- (23) the allocation of places in schools.
- (24) the making of mandatory awards to students pursuing further and higher education.
- (25) the making of discretionary awards to students pursuing further and higher education having regard to the approved policy.



- (24) in relation to Special Education-
- (a) the service of notices requiring parents to satisfy the Authority that their child is receiving sufficient full-time education.
  - (b) the service of school attendance orders.
  - (c) the making of payments by way of recoupment where mandatory.
  - (d) the determination of all matters, including the service of notices, relating to the assessment and statementing of special educational needs under the Education Acts.
  - (e) In consultation with the Cabinet Member and the Lead Opposition Spokesperson for Children's Services, to determine the allocation of grants to voluntary organisations.
- (25) authority to seek planning permission in respect of future proposed development for Children's Services purposes.
- (26) authority to agree the local settlement of complaints to the Ombudsman up to a maximum of £5,000.
- (27) Decisions required by the Director pursuant to the Council's Contract Standing Orders.
- (28) The administration of all decisions relating to the Anti-Social Behaviour Act 2003 insofar as it relates to the Council's functions for Children's Services.
- (29) The reception of children into the care of the Council including taking emergency action to safeguard their welfare where this is needed.
- (30) the provision of accommodation and other services for looked after children, including approval of foster parents and arrangements for maintenance of such children.
- (31) The determination of matters in relation to the adoption of children following the recommendations of the Adoption Panel including post adoption support.
- (32) the referral, in consultation with the Cabinet Member for Children's Services, of applications for car loans from approved foster carers to the Treasurer for approval.
- (33) The exercise of parental rights, on a day to day basis, in respect of looked after children and young people.

- (34) the functions of the Council contained in the Fostering Services Regulations 2002, and the Placement of Children with Parents, etc Regulations 1991.
- (35) to enter into contracts, by negotiation, for Out-Of-Borough placements where the cost does not exceed £100,000 per annum and, in consultation with the Cabinet Member for Children's Services, where the cost exceeds £100,000 per annum.
- (36) Functions relating to the Apprenticeships, Skills, Children and Learning Act 2009

Director of the Urban Environment

- (1) The giving of written notice to the Council that he proposes to seek permission for a proposed development.

Director of Corporate Resources

- (1) all matters relating to Education Appeal Panels, including the appointment of Appeal Panel members and the selection of members to serve on individual admission and exclusion appeal panels constituted in accordance with the Education Acts.
- (2) the service of notices under the relevant Education Acts.
- (3) in consultation with the Cabinet Member for Children's Services and the Headteacher of the school concerned, the approval/refusal of applications by statutory undertakers for wayleave agreements over land held for Education purposes.
- (4) the institution of proceedings against parents who fail to secure regular attendance of registered pupils.
- (5) the institution of care proceedings for non school attendance.
- (6) the institution of proceedings under the byelaws.
- (7) in consultation with the Director of Children's Services, to bring children before the Court in care proceedings and wardship proceedings.
- (8) in consultation with the Children's Services, the instigation of proceedings before the Court with regard to the adoption of children.
- (9) in consultation with the Director of Children's Services as appropriate, the prosecution of persons for the non-compliance of Acts and Regulations.
- (10) to take all necessary action relating to the recovery of the charges for provision of services and any other monies owing to the Council,

including the enforcement of maintenance orders in respect of looked after children.

- (11) the acquisition of properties included in compulsory purchase orders and the payment of compensation relating thereto.
- (12) the determination of requests for grazing agreements.
- (13) the determination of applications for consents required in leases held by the Council.
- (14) the determination of requests for the use of land for builders' compounds.
- (15) the determination of requests for the use of land for electricity sub-stations.
- (16) the acceptance of valuations in respect of rent review clauses in leases.
- (17) the termination and renewal of leases, licences, tenancies, easements, wayleaves and rights of way.
- (18) all necessary action to recover the possession of Council-owned land which has been occupied without consent or is occupied and used after an interest has terminated.
- (19) the determination of applications in respect of land and property matters, as set out below, in accordance with approved procedures:-
  - (i) the purchase of land and property up to a value of up to £250,000 or where the sale would release the Council from ongoing liabilities or the sale is to an adjacent landowner where a development site exists and there is an opportunity to maximise the overall development.
  - (ii) domestic and commercial vehicular access agreements.
  - (iii) temporary licences to occupy land.
  - (iv) drainage, gas/electric, etc. easements.
  - (v) former utility company licences.
  - (vi) variation or release of covenants in leases and conveyances.
  - (vii) extinguishment or variations of rights.
  - (viii) new leases, licences tenancies, easements, wayleaves and rights of way.

- (ix) requests to site builders compounds and temporary use of Council owned land.

## **Cabinet Member for Regeneration**

- (1) Promoting economic and social regeneration throughout the Borough through:
- stimulating the economic prosperity and regeneration of the Borough.
  - enhancing the character and quality of the built and natural environment for the benefit of the Borough but especially in town centres.
  - promoting the inclusion of all sections of the community in the regeneration of the Borough.

(2) **Strategic and Operational Land Use Planning**

Working in partnership with the Black Country Local Enterprise Partnership to implement economic regeneration priorities for the sub region.

The preparation and implementation of Local Development Frameworks.

(3) **Developing and Implementing an Economic Strategy**

Implementation of an economic strategy, including:

- Preparing and reviewing the Economic Strategy.
- Promoting and supporting local, sub-regional, national and European partnerships to address the economic regeneration of the Borough.
- Working in partnership on the development and implementation of the Economic Strategy for the Borough and with the Black Country Local Enterprise Partnership.
- Working to ensure the implementation of the Black Country Joint Core Strategy reflects the economic circumstances and priorities of the Borough.

(4) **Delivering Projects and Schemes**

Promoting a range of regeneration projects, excluding the development control issues arising from such projects.

(5) **Marketing the Borough**

Promoting the economic prosperity of the Borough through maximising the investment and expenditure arising from:

Tourism (Visitor Economy) – e.g. local authority attractions/Museums and Zoo/Castle/Black Country Living Museum, Hotel/visitor provision.

Inward Investment – including working in partnership with the Black Country Local Enterprise Partnership.

(6) Co-ordination of External Resource Bidding

To promote the means to maximise the level of resources available to the Borough targeted towards the economic regeneration priorities of the Council.

(7) Compulsory Purchase Orders

Subject to the approval of the Cabinet to exercise Compulsory Purchase Order powers to facilitate economic regeneration.

(8) Residual Planning Functions

In consultation with the Development Control Committee:-

- (a) preparing supplementary planning documents under the Planning and Compulsory Purchase Act 2004.
- (b) designating conservation areas.
- (c) designating areas of architectural interest.
- (d) designating nature reserves.
- (e) Article 4 Directions etc.

(9) Other

Authority to agree the local settlement of complaints to the Ombudsman for sums above £5,000 in consultation with the Director of the Urban Environment.

Implementation of the Council's existing Equality and Diversity Policy.

Power to charge for discretionary services falling within the terms of reference of the Cabinet Member for Regeneration.

All other powers and duties relating to the implementation of the Policy Framework.

Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate.

## **Cabinet Member for Regeneration – Onward Delegations**

### **Director of the Urban Environment**

- (1) authority to seek planning permission in respect of future proposed development for economic regeneration purposes.
- (2) Authority to agree the local settlement of complaints to the Ombudsman up to a maximum of £5000.
- (3) Decisions required by the Director pursuant to the Council's Contract Standing Orders.
- (4) All matters relating to applications to use the designated "entertainment" areas in Dudley, Halesowen and Stourbridge Town Centres.
- (5) The instruction of appropriate professional advisors as necessary.



## **Cabinet Member for Environment and Culture**

### **Environment Functions**

- (1) the implementation of the Council's Equality and Diversity Policy.
- (2) the acceptance and refusal of tenders.
- (3) acquisition of land, disposal of land not surplus to requirements, and declaration of land as being surplus to requirements.
- (4) the determination of charges.
- (5) the making of byelaws.
- (6) all powers and duties relating to the implementation of the Policy Framework.
- (7) the determination of requests for leases, licences, tenancies, easements, way-leaves and rights of way.
- (8) the inspection of premises and any products, manufactured, stored or sold as appropriate, in accordance with relevant legislation as detailed within the functions of the Director of the Urban Environment;
- (9) the control and authorisation of prescribed industrial processes.
- (10) the control of industrial air pollution; the management of air quality; the abatement of statutory nuisances as defined in the Environmental Protection Act 1990; the enforcement of the provisions of the Council's smoke control order.
- (11) the identification and remediation of contaminated land.
- (12) Council responsibility to keep the Borough free from public health pests.
- (13) the power to appoint officers for particular purposes including the Proper Officer under the Public Health (Control of Disease) Act 1984, as amended, and regulations made under the Act, and the Public Health Acts 1936 and 1961.
- (14) Communicable diseases including food poisoning.
- (15) food safety and occupational health and safety.
- (16) safety at sports grounds.

- (17) the control and licensing of premises and practices (but not under the Game Licences Act 1980 this being dealt with by the Licensing and Safety Committee).
- (18) nuisances (other than noise nuisance from domestic premises, this being dealt with by the Cabinet Member for Housing, Libraries and Adult Learning).
- (19) offensive trades, premises and articles and rag flock and other filling materials and the determination of applications for the establishment or continuance of offensive trades.
- (20) water quality, private water supply, sewerage and drainage (other than those functions conferred upon the Cabinet Member for Transportation and Community Safety).
- (21) the collection and disposal of waste (other than those functions conferred upon the Development Control Committee and the Cabinet Member for Transportation and Community Safety), including commercial, industrial and household waste.
- (22) baths and washhouses (other than the Council's swimming baths).
- (23) pleasure fairs.
- (24) trading standards including the provision of consumer advice and education.
- (25) the power to appoint officers for particular purposes including the Chief Inspector of Weights and Measures.
- (26) means of escape from fire (other than those functions conferred on the Cabinet Member for Housing, Libraries and Adult Learning and the Development Control Committee).
- (27) animal health and welfare, and functions relating to dangerous wild animals.
- (28) Local Agenda 21 matters;
- (29) the determination of applications for hazardous substances, consent and related powers;
- (30) authority to agree the local settlement of complaints to the Ombudsman for sums above £5,000 in consultation with the Director of the Urban Environment.
- (31) Power to charge for discretionary services falling within the terms of reference of the Cabinet Member for Environment and Culture.

- (32) The administration of all decisions relating to the Anti-Social Behaviour Act, 2003 insofar as it relates to the Council's environmental functions.
- (33) Litter and dog fouling enforcement.
- (34) Pest Control including stray dogs.
- (35) Approval and implementation of the Waste Strategy.
- (36) Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate

#### Leisure and Culture Functions

- (1) the provision of public parks, pleasure and recreation grounds, playing fields and open spaces (other than those falling within the functions of other Cabinet Members);
- (2) the provision of cultural facilities including, museums, art galleries and public halls;
- (3) the provision of sporting facilities, both indoors and outdoors, including sports grounds, sports and leisure centres and public swimming baths excluding educational establishments (other than those falling within the functions of other Cabinet Members);
- (4) the provision of allotments;
- (5) the provision of entertainments and the promotion of leisure facilities;
- (6) the co-ordination of the Local Cultural Strategy;
- (7) functions of the Council under the following provisions, and any amendments thereof and orders, regulations, directions or byelaws made thereunder:-
  - (a) the Countryside Act 1968 concerning the Council's powers conferred for the purpose of providing opportunities for the enjoyment of the countryside by members of the public, including the power to provide country parks, picnic areas, camping sites, woodlands and access to these areas;
  - (b) the Local Government Act 1972 concerning financing of museums and galleries;
  - (c) the National Parks and Access to the Countryside Act 1949 concerning the establishment of nature reserves by local authorities;

- (d) the Open Spaces Act 1906 regarding the acquisition of open spaces or burial grounds, their maintenance and management;
  - (e) to determine matters concerning the appointment, reappointment and any related matters in respect of non-elected persons to serve on Dudley Borough Local Access Forum.
  - (f) the Local Government (Miscellaneous Provisions) Act 1976 concerning the Council's powers regarding the development of facilities for, and the encouragement of, physical training and recreation and the establishment of centres for such activities;
  - (g) the Transport Act 1968 concerning the powers of the Council to assist in maintaining waterways for amenity purposes;
  - (h) the Public Health Acts 1875 to 1961 concerning the Council's powers to purchase, improve and maintain lands for the purposes of public walks or pleasure grounds; the power to provide baths, bathing places and wash-houses; and the power to provide boating pools and lakes for recreational purposes;
- (8) the implementation of the Council's Equality and Diversity Policy;
  - (9) the acquisition of land, disposals of land not surplus to requirements and declaration of land as being surplus to requirements;
  - (10) the acceptance and refusal of tenders;
  - (11) the determination of requests for leases, licences, tenancies, easements, wayleaves and rights of way;
  - (12) the determination of fees and charges in respect of leisure and cultural facilities;
  - (13) the making of byelaws and the power to commence proceedings in the Magistrates Court for contravention of those byelaws;
  - (14) all other powers and duties relating to the implementation of the Policy Framework;
  - (15) authority to agree the local settlement of complaints to the Ombudsman for sums above £5,000 in consultation with the Director of the Urban Environment.
  - (16) Power to charge for discretionary services falling within the terms of reference of the Cabinet Member for Environment and Culture.
  - (17) All functions relating to mortuaries, crematoria and cemeteries, including the making of rules and regulations for the management of such facilities.

- (18) Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate.

## **Cabinet Member for Environment and Culture – Onward Delegations**

### **Environment Functions**

#### **Director of the Urban Environment**

- (1) the appointment of the Public Analyst and Deputy Public Analyst;
- (2) the appointment and appropriate authorisation or empowerment of officers to exercise powers under the legislation detailed below in paragraphs (7) A & B, (12),(13),(14),(15),(20),(21);
- (3) the serving of any notices arising under any of the legislation detailed below.
- (4) the issuing of any licences, registrations or approvals arising under any of the legislation detailed below, together with the withdrawal of such licences, registrations or approvals as appropriate.
- (5) the determination of 'Decision to Institute Legal Proceedings' process to agree cases to be forwarded to the Director of Corporate Resources with a view to instigating legal proceedings.
- (6) the undertaking of works in default, following non-compliance of notice served or court order obtained under relevant legislation detailed below.
- (7) the exercise of the Council's powers and duties under the following Acts or any Orders or Regulations made thereunder.

'A'

#### **Trading Standards**

Agriculture Act 1970

Agriculture (Miscellaneous Provisions) Act 1968

Anti Social Behaviour Act 2003

Cancer Act 1939

Children and Young Persons Act 1933

Clean Neighbourhood and Environment Act 2005

Companies Act 1985

Consumer Credit Acts 1974 and 2006

Consumer Protection Act 1987

Control of Pollution Act 1974

Copyright, Designs & Patents Act 1988

Criminal Justice Act 1988

Customs and Excise Management Act 1979

Development of Tourism Act 1969

Education Reform Act 1988

Energy Act 1976

Energy Conservation Act 1981

Environmental Protection Act 1990

Estate Agents Act 1979  
European Communities Act 1972, 1992  
Explosives Act 1875  
Fair Trading Act 1973  
Firework Act 2003  
Food and Environment Act 1985  
Food Safety Act 1990  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Hallmarking Act 1973  
Health and Safety at Work Act 1974  
Housing Act 2004  
Knives Act 1997  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1982  
Motor Cycles Noise Act 1987  
Olympic Symbols etc (Protection) Act 1995  
Osteopaths Act 1993 Poisons Act 1972  
Prices Acts 1974 & 1975  
Property Misdescriptions Act 1991  
Protection of Children (Tobacco) Act 1986  
Scotch Whisky Act 1988  
Sunday Trading Act 1994  
Telecommunications Act 1984  
Theft Acts 1968 and 1978  
Timeshare Act 1992  
Tobacco Advertising and Promotion Act 2002  
Trade Descriptions Acts 1968  
Trade Marks Act 1994  
Vehicles (Crime) Act 2002  
Video Recordings Act 1984  
Weights and Measures Act 1985  
Poisons Act 1972  
Accommodation Agencies Act 1953  
Administration of Justice Act 1970  
Agricultural Produce (Grading and Marking) Act 1928 and 1931  
Business Names Act 1985  
Criminal Attempts Act 1984  
Criminal Law Act 1977  
Farm & Garden Chemicals Act 1967  
Insurance Brokers (Registration) Act 1977  
Intoxicating Substances (Supply) Act 1985  
Mock Auctions Act 1961  
Motor Vehicles (Safety Equipment for Children) Act 1991  
Road Traffic Act 1988  
Road Traffic (Foreign Vehicles) Act 1972  
Trading Representations (Disabled Persons) Act 1958 and  
(Amendment) Act 1972  
Trading Stamps Act 1964  
Unsolicited Goods and Services Act 1971 and 1975

Osteopaths Act 2000  
Children and Young Persons (Protection from Tobacco) Act 1991  
The European Communities Act 1992  
Solicitors Act 1974  
Enterprise Act, 2000  
Tobacco Advertising Act, 2002

together with any regulations or orders made thereunder in respect of the above legislation.

‘B’

Environmental Health and Waste Management

Abandonment of Animals Act 1960  
Agriculture (Miscellaneous Provisions) Act 1968  
Animal Boarding Establishment Act 1963  
Animal Health Act 1981  
Animal Health Act 2002  
Animal Health and Welfare Act 1984  
Animal Welfare Act 2006  
Breeding and Sale of Dogs (Welfare) Act 1999  
Breeding of Dogs Act 1973  
Breeding of Dogs Act 1991  
Building Act 1984  
Caravan Sites and Control of Development Act 1984  
Control of Dogs Act 1986  
Caravan Sites Act 1968  
Cinematograph Act 1985  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Control of Pollution Act 1974  
Control of Pollution Amendment Act 1989  
Criminal Damages Act 1971  
Dangerous Dogs Act 1991  
Dangerous Dogs (Amendment) Act 1997  
Dangerous Wild Animals Act 1976  
Dogs Act 1871  
Dogs (Fouling of Land) Act 1996  
Environmental Protection Act 1990  
Environment Act 1995  
Factories Act 1961  
Fire Safety and Safety at Places of Sport Act 1987  
Food Act 1984  
Food Safety Act 1990  
Game Act 1831  
Game Licences Act 1860  
Health Act 2006  
Health and Safety at Work etc. Act 1974  
Highways Act 1980  
Licensing Act 2003  
Licensing Housing Act 1964



Litter Act 1983  
 Local Government Act 1972  
 Local Government (Miscellaneous Provisions) Acts 1976, 1982  
 Local Government and Housing Act 1989  
 Mines and Quarries Act 1954  
 Noise Act 1996  
 Noise and Statutory Nuisance Act 1993  
 Offices Shops and Railway Premises Act 1963  
 Protection Against Cruel Tethering Act, 1988  
 Protection of Animals (Amendment) Acts, 1954, 1988 and 2000  
 Open Spaces Act 1906  
 Premises Act 1963  
 Performing Animals (Regulations) Act 1925  
 Planning (Hazardous Substances) Act 1990  
 Pollution Prevention and Control Act 1999  
 Prevention of Damage by Pests Act 1949  
 Protection of Animals Act 1911  
 Public Health Acts 1875, 1936, 1961  
 Public Health (Control of Diseases) Act 1984  
 Refuse Disposal (Amenity) Act 1978 Riding Establishments Act 1964  
 Road Traffic Act 1991  
 Road Traffic Regulation Act 1984  
 Regulatory Reform Act 2001  
 Riding Establishments Acts 1964 and 1970  
 Safety at Sports Grounds Act 1975  
 Scrap Metal Dealers Act 1964  
 Slaughterhouses Act 1974  
 Slaughter of Poultry Act 1967  
 Sunbeds (Regulation) Act 2010  
 The Guard Dogs Act 1975  
 Waste Minimisation Act 1998  
 Water Act 1945, 1973, 1989  
 Water Industry Act 1991  
 Welfare of Animals at Slaughter Act 1991  
 West Midlands County Council Act 1980  
 Young Persons (Employment) Acts 1938, 1964  
 Zoo Licensing Act 1981 Food and Environmental Protection Act, 1985  
 Pesticide Fees and Enforcement Act, 1989  
 European Communities Act, 1972

together with any regulations or orders made thereunder in respect of the above legislation.

- (8) the appointment of veterinary surgeons, veterinary practitioners or other competent persons as authorised officers for the purposes of the legislation covering animals.
- (9) the determination of fees, in consultation with the Treasurer, to accompany applications for licences to keep wild animals.

- (10) in consultation with the Director of Corporate Resources the power to issue, cancel, amend or transfer a Safety Certificate and a Stand Safety Certificate plus the power to serve notices and make or revoke determinations under Sections 23, 26, 28 and 29 of the Fire Safety and Safety of Places of Sport Act 1987.
- (11) in consultation with the Director of Corporate Resources, to carry out the powers under Section 14 of the Consumer Protection Act 1987 with regard to the issue of Suspension Notices.
- (12) the making of test purchases under Regulation 16 and, in consultation with the Director of Corporate Resources, the service of suspension notices under Regulation 10, of the Construction Products Regulations 1991.
- (13) duties under Schedule 2 of the European Communities Act 1992 and Environmental Information Regulations 1992 made thereunder by the Secretary of State; the service of compliance notices where Directives issued under Article 100A of the Treaty of Rome are in force with respect to prescribed products.
- (14) authority to seek planning permission in respect of future proposed development for environmental purposes.
- (15) Determination of applications for hazardous substances consent; and related powers.
- (16) co-ordination of the Local Agenda 21 process.
- (17) The determination of applications for approval of heights of chimneys and to the incurring of expenditure under the provisions of Section 95 of the Housing Act, 1964.
- (18) the power of appointment of authorised officers for the purposes of entry on to land for inspection of trees under Section 24 of the Local Government (Miscellaneous Provisions) Act, 1976.
- (19) authority to agree the local settlement of complaints to the Ombudsman up to a maximum of £5,000.
- (20) Decisions required by the Director pursuant to the Council's Contract Standing Orders.
- (21) The administration of all decisions relating to the Anti-Social Behaviour Act, 2003 insofar as it relates to the Council's environmental functions.

#### Director of Corporate Resources

- (1) the determination of applications for consent required in leases held by the Council.

- (2) the determination of requests for the use of land for builders' compounds;
- (3) the acquisition of properties included in Compulsory Purchase Orders and the payment of compensation relating thereto;
- (4) the determination of requests for the use of land for electricity sub-stations;
- (5) the acceptance of valuations in respect of rent reviews pursuant to clauses in leases held by the Council;
- (6) the termination and renewal of leases, licences, tenancies, easements, wayleaves and rights of way.
- (7) all necessary action to recover the possession of Council owned land which has been occupied without consent or which is occupied or used after an interest has been terminated.
- (8) the making of applications to the Magistrates Court for Emergency Prohibition Orders under Section 12 of the Food Safety Act 1990 or under the current Food Hygiene (England) Regulations, and for food condemnation orders under Section 9 of the Food Safety Act 1990.
- (9) the making of applications to the Magistrates' Court on the recommendation of the Director of the Urban Environment for orders under Section 77 of the Building Act, 1984.
- (10) the making of applications to the Magistrates' Court for nuisance or prohibition orders where there is non-compliance with abatement notices.
- (11) the institution of any Magistrates' Court proceedings where there is any failure to comply with abatement notices served or with notices served under Section 15(2) of the West Midlands County Council Act 1980 or with court orders obtained.
- (12) the institution of Magistrates' Court proceedings after consultation with the Director of the Urban Environment where there is evidence obtained of breach of any Act of Parliament or the common law or byelaws, relating to Public Protection.
- (13) The declaration of dog control orders under the Clean Neighbourhoods and Environment Act 2005 after consultation with the Director of the Urban Environment.

- (14) the service of requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 and any other relevant legislation and the power to commence Magistrates' Court proceedings to ensure compliance with the Act.
- (15) the service of notices under Section 81 of the Building Act, 1984, after consultation with the Director of the Urban Environment, in relation to demolitions.
- (16) in consultation with the Director of the Urban Environment to carry out the powers under Section 16 of the Consumer Protection Act, 1987, relating to orders for the forfeiture of goods.
- (17) the prosecution of proceedings in the Magistrates Court for offences under the Health and Safety at Work Act, 1974 that have been instituted by an appointed inspector.
- (18) in consultation with the Director of the Urban Environment to carry out the powers under Regulation 12 of the Construction Products Regulations 1991, relating to orders for the forfeiture of construction products.
- (19) the institution of proceedings under the Anti-Social Behaviour Act, 2003 insofar as such proceedings relate to the Council's statutory functions.
- (20) the institution of proceedings under the Health Act 2006.
- (21) the determination of applications in respect of land and property matters, as set out below, in accordance with approved procedures:-
  - (i) the purchase of land and property up to a value of up to £250,000 or where the sale would release the Council from ongoing liabilities or the sale is to an adjacent landowner where a development site exists and there is an opportunity to maximise the overall development.
  - (ii) domestic and commercial vehicular access agreements.
  - (iii) temporary licences to occupy land.
  - (iv) drainage, gas/electric, etc. easements.
  - (v) former utility company licences.
  - (vi) variation or release of covenants in leases and conveyances.
  - (vii) extinguishment or variations of rights.

- (viii) new leases, licences tenancies, easements, wayleaves and rights of way.
- (ix) requests to site builders compounds and temporary use of Council owned land.
- (22) the making of applications to a Justice of the Peace under Section 45G, 45H, 45I and 45J of the Public Health (Control of Disease) Act 1984 for a Part 2A order concerning health measures in relation to persons, things, premises and groups.

Consultant in Communicable Disease Control or the Director of Public Health

- (1) Those powers and duties of the Proper Officer conferred by the Public Health (Control of Disease) Act 1984, as amended, Sections 48 and 74, and Regulations made under the 1984 Act, the Public Health Act 1936, Sections 84 and 85, and the Public Health Act 1961, Section 37.

**Cabinet Member for Environment and Culture – Onward Delegations**

Leisure and Culture Functions

Director of the Urban Environment

- (1) the allocation of allotments;
- (2) the determination of requests by the Wordsley Carnival Committee to use the King George V Park for its annual carnival;
- (3) the determination of requests for the holding of carnivals at Mary Stevens Park;
- (4) the determination of requests for the use of reproductions of the watercolour of Dudley Market Place by Louise Rayner;
- (5) the giving of written notice to the Council that he proposes to seek permission for a proposed development;
- (6) the refusal of requests for the erection of security fencing along the boundary of land, subject to the provision that where existing boundary fencing has, in his opinion, become dilapidated and beyond economic repair, suitable replacement fencing may be provided in such situations;
- (7) the approval, in consultation with the Cabinet Member for Environment and Culture, of golf charges submitted by the proprietors of Himley and Sedgley Golf Courses.

- (8) the grant of rights to erect or lease memorials and columbaria in cemeteries and crematoria; the making of agreements for the maintenance by the Council of graves, vaults, tombstones or other memorials; the grant of exclusive rights of burial, and the re-requisition of the same at a suitable re-acquisition price;
- (9) in conjunction with the Director of Corporate Resources, the authorisation of the grant of licences and leases of residential premises located in the Council's cemeteries or crematoria grounds; the waiving of the Council's Rules and Regulations for the management of their cemeteries and crematoria where it is deemed expedient to do so;
- (10) authority to agree the local settlement of complaints to the Ombudsman up to a maximum of £5,000.
- (11) Decisions required by the Director pursuant to the Council's Contract Standing Orders.

#### Director of Corporate Resources

- (1) the determination of requests for grazing agreements;
- (2) the determination of applications for consents required in leases held by the Council;
- (3) the determination of requests for the use of land for builders' compounds;
- (4) the acquisition of properties included in Compulsory Purchase Orders and the payment of compensation relating thereto;
- (5) the determination of requests for the use of land as electricity sub-stations;
- (6) the acceptance of valuations in respect of rents reviewed pursuant to clauses in leases held by the Council;
- (7) the termination and the renewal of leases, licences, tenancies, easements, wayleaves and rights of way;
- (8) all necessary action to recover the possession of Council owned land which has been occupied without consent or which is occupied or used after an interest has been terminated;
- (9) the service of requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and the power to commence Magistrates' Court proceedings to ensure compliance with the Act.

- (10) the institution of Magistrates' Court proceedings after consultation with the Director of the Urban Environment where evidence is obtained of a breach of any Act of Parliament or the common law or byelaws:
- (11) the service of notices under Section 23 of the Local Government (Miscellaneous Provisions) Act, 1976, to take action in respect of dangerous trees and to commence Magistrates' Court proceedings for non-compliance with any such action.
- (12) the grant of licences or leases, authorised by the Director of the Urban Environment of residential premises located in the Council's cemeteries or crematoria grounds.
- (13) the determination of applications in respect of land and property matters, as set out below, in accordance with approved procedures:-
  - (i) the purchase of land and property up to a value of up to £250,000 or where the sale would release the Council from ongoing liabilities or the sale is to an adjacent landowner where a development site exists and there is an opportunity to maximise the overall development.
  - (ii) domestic and commercial vehicular access agreements.
  - (iii) temporary licences to occupy land.
  - (iv) drainage, gas/electric, etc. easements.
  - (v) former utility company licences.
  - (vi) variation or release of covenants in leases and conveyances.
  - (vii) extinguishment or variations of rights.
  - (viii) new leases, licences tenancies, easements, wayleaves and rights of way.
  - (ix) requests to site builders compounds and temporary use of Council owned land.

### **Cabinet Member for Finance**

- (1) the establishment and maintenance of systems of financial management.
- (2) the appointment of bankers, auditors, brokers and registrars of securities and the receipt of reports therefrom.
- (3) the control and investment of funds and the negotiation for and management of loans to and by the Council (other than loans falling within paragraph (5) below and car loans).
- (4) the collection of debts and the determination of action to be taken in respect of debts.
- (5) housing advances and guarantees and loans and guarantees to industry.
- (6) the effecting of insurance and damage to personal effects not covered by insurance.
- (7) any matters relating to the local government superannuation system.
- (8) the management on behalf of the West Midlands District Councils of the loan debt of the former West Midlands County Council.
- (9) applications for financial assistance from voluntary bodies and other organisations other than those applications which fall to be considered by other Cabinet Members.
- (10) implementation of the Housing Benefits and Council Tax system.
- (11) the implementation of the Council's Equality and Diversity Policy in relation to the Directorate of Corporate Resources.
- (12) all matters relating to the collection of the National Non-Domestic Rate.
- (13) the acceptance and refusal of tenders.
- (14) the collection of the (residual) Community Charge.
- (15) the collection of the Council Tax.
- (16) the determination of applications for rating relief.
- (17) the determination of policies in respect of applications for housing advances and guarantees and loans and guarantees to industry.



- (18) the determination of policies in relation to (a) the borrowing of money by the Council and (b) the making of loans by the Council not falling within paragraph (5) above.
- (19) the determination of fees and charges.
- (20) The overall establishment of the Directorate of Corporate Resources in relation to finance functions.
- (21) the administration of any scheme to grant discretionary relief from the payment of full National Domestic Rates.
- (22) the nature and content of any scheme to grant discretionary relief from having to pay the full National Non-Domestic Rates.
- (23) the publication of information relating to Local Government finance applicable to the Borough.
- (24) the administration of the Council's Local Council Tax and Housing Benefit Scheme.
- (25) authority to agree the local settlement of complaints to the Ombudsman for sums above £5,000 in consultation with the Director of Corporate Resources.
- (26) all other powers and duties relating to Corporate Resources, as applicable to Finance functions, for the implementation of the Policy Framework.
- (27) Power to charge for discretionary services falling within the terms of reference for Finance.
- (28) Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate.
- (29) the operation of the Council's markets.
- (30) The protection of the Council's interests in its markets.
- (31) the registration service for births, deaths and marriages.
- (32) The Coroners' service.

## **Cabinet Member for Finance – Onward Delegations**

### **Director of Corporate Resources**

#### **A. Functions of the Directorate of Corporate Resources**

- (1) the day to day management and control of the Directorate.
- (2) all powers relating to the collection of the (residual) Community Charge, Council Tax and National Non-Domestic Rates including recovery and enforcement proceedings.
- (3)
  - (i) the administration of the Council's Housing Benefit and Council Tax Benefit Local Schemes;
  - (ii) the administration of the Council's Benefit (Anti-Fraud) Prosecution Policy;
  - (iii) the administration of the Council's responsibilities under the provisions of Social Security Legislation relating to Benefit Services;
- (4) In consultation with the Cabinet Member and Shadow Spokesperson(s) for Finance, the determination of:
  - (i) any application for discretionary relief from NNDR; and
  - (ii) any applications for hardship relief from NNDR.
- (5) the administration and the collection of all revenues and disbursements of monies.
- (6) the determination and implementation of changes in fees and charges.
- (7) In consultation with the Cabinet Member for Finance in relation to the procurement of goods and services, by Purchasing Services:
  - (i) to approve and accept tenders, quotations and tendered contracts;
  - (ii) to approve the basis of negotiation and subsequent award of negotiated contracts or contract extensions; and
  - (iii) to approve and accept the adoption of consortium arrangements for all contracts;

on behalf of the Council.

- (8) to approve the content of and terms for the inclusion of advertising material in Council payslip envelopes and Council Tax/NNDR/ other correspondence.
- (9) the instructing of appropriate professional, I.T. and management advisers.
- (10) the implementation of national pay awards.
- (11) authority to seek planning permission in respect of future proposed development for finance purposes.
- (12) authority to agree the local settlement of complaints to the Ombudsman up to a maximum of £5,000.
- (13) Decisions required by the Director pursuant to the Council's Contract Standing Orders.
- (14) To consider and, if appropriate, take prosecutions under the provisions of the Social Security Administration (Fraud) Act, 1997.
- (15) Functions relating to the Coroners' service.
- (16) the management of the markets and, in consultation with the Cabinet Member, the determination of fees and charges for the markets;
- (17) the determination, in consultation with the Cabinet Member, of applications for temporary markets and car boot sales and the fee to be charged;

#### Treasurer

- (1) in consultation with the Cabinet Member for Finance:
  - (i) the writing off of all debts;
  - (ii) the determination of applications for loans and guarantees to industry and policies relating to these;
  - (iii) the determination of applications for financial assistance from voluntary bodies and other organisations other than those applications which fall to be considered by other Cabinet Members or Officers;
  - (iv) the setting of the Council Tax Base;
  - (v) the agreement of Precept instalments.
- (2) the management of bank accounts.

- (3) the publication of information relating to Local Government finance applicable to the Borough.
- (4) the administration and creation of whatever funds and systems of financial management are considered appropriate to comply with Government legislation and Regulations.
- (5) the determination and implementation of mortgage interest rate variations.
- (6)
  - (i) to consider any matters relating to the Local Government Pension Scheme and its administration;
  - (ii) to determine applications for gratuities, under Section 19 of the Local Government Superannuation Act, 1953;
  - (iii) In consultation with the Assistant Director (HR and Organisational Development) to determine applications for the payment of deferred benefits, in accordance with the criteria drawn up under the Local Government Pension Scheme Regulations 1995.
- (7) to maintain an adequate and effective system of internal audit as the responsible officer for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act, 1972, and Section 114 of the Local Government Finance Act, 1988.
- (8) the instructing of appropriate professional financial advisers, including bankers, auditors, brokers and registrars of securities.
- (9) to determine all future grant claim and Government Return signatories as considered appropriate;

**B. Borrowing and Lending**

- (10)
  - (i) the making of investments and loans to and from local and public authorities and other persons and in consultation with the Cabinet Member for Finance, the determination of policies relating to these;
  - (ii) the management, on behalf of the West Midlands District Councils, of the loan debt of the former West Midlands County Council.

- (11) to determine variations in the rate of interest chargeable under the Council's Assisted Vehicle Purchase Scheme.
- (12) to undertake future reviews in respect of the temporary overdraft facility to the Black Country Museum and Development Trust and report to the Cabinet Member for Finance should the situation change materially;

C. Insurances and Risk Management

- (13) the effecting of insurances;
- (14) to approve financial contributions towards the cost of risk management projects from the earmarked balance in the Council's insurance provision and in accordance with the approved Risk Management Strategy;
- (15) to authorise ex-gratia payments in respect of insurance claims with a value of up to £500 per claim;

D. Other

- (16) the making of contributions on a pro-rata basis according to population to the West Midlands Fire and Rescue Authority for its overall co-ordinating role in the provision of ancillary support services in planning for peace time emergencies;
- (17) to approve applications for car loans from approved foster carers as recommended by the appropriate Director;
- (18) the determination of applications for car loans;
- (19) Decisions required by the Treasurer pursuant to the Council's Contract Standing Orders.

### **Cabinet Member for Health and Wellbeing**

- (1) overall responsibility for the strategic direction of the Council's functions relating to Health and Wellbeing, other than policies within the Policy Framework, and specific functions which are the responsibility of other Cabinet Members.
- (2) functions relating to the transfer of Public Health responsibilities to the Council and the effective operation of the Office of Public Health.
- (3) the ongoing implementation and effective operation of the Dudley Health and Wellbeing Board.
- (4) the Council's executive responsibilities, in conjunction with the Dudley Health and Wellbeing Board, in relation to the following:
  - providing leadership and democratic accountability to improve health and well-being and reduce inequalities.
  - promoting integration and partnership working between the NHS, social care, children's services, public health and other local services and improving democratic accountability.
  - delivering better health and wellbeing outcomes for children and adults, quality of care and value for money, reducing service overlaps or gaps in provision and facilitating services working together.
  - agreeing priorities for the benefit of patients and taxpayers, informed by local people and neighbourhood needs.
  - promoting integration and partnership working, through the encouragement of coherent commissioning strategies between the NHS, social care, public health, children's and other local services.
  - assessing the needs of the local population and contributing to the Joint Strategic Needs Assessment (JSNA).
  - developing a joint health and wellbeing strategy.
  - supporting joint commissioning and pooled budget arrangements as a means of delivering service priorities.
  - developing appropriate partnership structures.
- (5) the implementation of the Council's Equality and Diversity Policy in relation to Health and Wellbeing functions.
- (6) the acceptance and refusal of tenders.
- (7) all other powers and duties relating to health and wellbeing to support the implementation of the Policy Framework.

- (8) authority to agree the local settlement of complaints to the Ombudsman for sums above £5,000 in consultation with the Chief Executive or relevant Director.
- (9) Power to charge for discretionary services falling within the terms of reference of the Cabinet Member.
- (10) Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate.

### **Cabinet Member for Housing, Libraries and Adult Learning**

- (1) To have overall responsibility for the strategic direction of the Council's housing functions, including the submission of any policy documents to the Government.
- (2) Within the overall policy framework, to approve any policies of a significant and/or strategic nature and amendments to existing strategic policies.
- (3) The acquisition of land, disposals of land not surplus to requirements and declaration of land as being surplus to requirements.
- (4) Authority to agree the local settlement of complaints to the Ombudsman for sums above £5,000 in consultation with the Director of Adult Community and Housing Services.
- (5) Power to charge for discretionary services falling within the terms of reference of the Cabinet Member for Housing.
- (6) Powers and duties in relation to Libraries and Archives and Adult and Community Learning Services.
- (7) Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate with particular reference to the Supporting People Commissioning Body.



## **Cabinet Member for Housing, Libraries and Adult Learning – Onward Delegations**

### **Director of Adult, Community and Housing Services**

- (1) the day to day management and control of the Directorate of Adult, Community and Housing Services including all related statutory functions.
- (2) the management of Libraries and Archives and Adult and Community Learning Services.
- (3) the general management, regulation and control of the authority's dwellings, garages and land held in connection with those dwellings and garages, including: repairs and improvements and the determination of rechargeable repairs; determination of rents and service charges; allocation of properties in accordance with agreed policy and the exclusion from the Council's waiting/transfer list; determination of access over housing land; disposal of miscellaneous properties and land not declared surplus to requirements and agreement to site communication equipment on housing properties or land.
- (4) enforcement of the rights of secure tenants, including: succession; assignment; lodgers and sub-letting; right to repair; right to improve; consent to tenant's improvements and claims for compensation arising therefrom up to the value of £3,000 and the reimbursement of tenants' costs for work which is subsequently the subject of capital works schemes.
- (5) to be the Proper Officer for the signing, service and enforcement of the following Notices and/or certificates:

Notice to Quit in respect of Garages;

Notice of Seeking Possession in respect of Secure Tenants (subject to the approval of the Director of Corporate Resources in respect of non-arrears cases);

Notices to Quit in respect of non-secure tenants;

Notices of Proceedings for Possession in respect of introductory tenants;

Leaseholder Notices under the Landlord and Tenant Act 1985 (as amended)

Notices under the Party Wall Act, 1996

Notices to the Health and safety Executive under the CDM Regulations 2007

Contract Notices relative to the appropriate form of contract for building and property related matters;

Notices arising from statutory inspections (eg: Gas CP12, Lift Certificates etc)

Display Energy Certificates and Energy Performance Certificates

Repairs Notices

Fire Safety Orders (Risk assessments)

Notices under the Environmental Protection Act, 1990 (Statutory Nuisance) and the determination of cases involving injunctions and arrest for anti-social behaviour and annoyance to neighbours.

- (6) The administration of, and all decisions relating to, the sale of council houses and flats under Part (V) of the Housing Act, 1985, including the variation of service charges and, in consultation with the Director of Corporate Resources, the release of restrictive covenants placed on sold council dwellings and the amendment of the discount repayment period following unreasonable delay in the processing of a Right to Buy application.
- (7) Determination of claims for payments, if not already dealt with under the Council's own insurance policies or falling under the powers and duties of the Director of Corporate Resources, including: home loss payments; disturbance payments; well maintained payments; expenses and claims for damage to personal property and compensation including enhanced compensation, due to a reduced level of deterioration, under the provisions of the Leasehold Reform, Housing and Urban Development Act, 1993; incentive payments and payments from the homelessness prevention fund.
- (8) The establishment of a Home Improvement Agency providing services to vulnerable homeowners, tenants and leases, including where appropriate partnership working with both internal and external agencies in accordance with Council procedures.
- (9) The exercise of the Council's functions in relation to the Regulatory Reform (Housing Assistance) Order 2002 to provide assistance to: Acquire living accommodation; Adapt or improve living accommodation; Repair living accommodation; Demolish buildings and Construct buildings to include living accommodation.
- (10) The determination and revision of applications for grant assistance for the repair, improvement or adaptation of privately owned dwellings and the exercise of the Council's functions in relation to grants including the determination of such applications outside the existing criteria or cases of contravention of grant conditions involving the reclamation of the grant.
- (11) The addition to or suspension from, and removal as deemed appropriate, of builders, draughtsmen and other technical specialists from any approved list for building contractors, draughtsmen or other technical specialists carrying out building work both in the public or private sectors.

- (12) The making of arrangements for the hearing of appeals from builders, draughtsmen and other technical specialists removed from any approved list for building contractors, draughtsmen and other technical specialists carrying out works both in the public or private sectors.
- (12) the exercise of the Council's functions in relation to: unfit housing, including the making of Demolition and Closing Orders; Abatement of Overcrowding in Houses in Multiple Occupation and Enforcement of Notices, the carrying out of the works in default of such notices and under Part III of the Building Act, 1984.
- (13) the determination of 'Decision to Institute Legal Proceedings' process to agree cases to be forwarded to the Director of Corporate Resources with a view to instigating legal proceedings.
- (14) The undertaking of works in default following non compliance of notices served or court orders obtained under the following legislation:  
 Building Act 1984  
 Housing Act 2004  
 Regulatory Reform Act 2002  
 Environmental protection Act 1990  
 Local Government (Miscellaneous Provisions) Act 1976 and 1982  
 Caravan Sites Act 1968  
 Caravan Sites and Control of Development Act 1960  
 Local Government and Housing Act 1989  
 Public Health acts 1875, 1936 and 1961
- (15) the establishment, periodic review and amendment of:  
 Deposit Guarantee Scheme to assist tenants to access the private rented sector;  
 Private Landlord/Agent Accreditation Scheme to improve property and management standards in the private rented sector;  
 Private Rented Property Accreditation Scheme  
 Advisory Property and Rental Property lists to assist tenants to find properties in the private rented sector
- (16) the determination of charges.
- (17) with the exception of appeals, all other aspects of requests for information under the Access to Personal Files (Housing) Regulations, 1989.
- (18) the determination and grant of licences to occupy pitches on caravan sites and the granting of permission to incoming licensees to pay their deposits by instalments.
- (19) the determination of licence applications where the allocation requested does not fall within the established policy.

- (20) The termination of licences to occupy pitches when the licence conditions are not complied with and/or rent/water rate arrears apply in relation to the occupation of the pitch.
- (21) the making of initial and subsequent donations, as appropriate, up to a maximum sum of £200 per annum, to appropriate bodies, eg: the National Gypsy Council (Romani Kris).
- (22) In consultation with the Director of Children's Services, the allocation of further suitable properties for the purpose of meeting statutory duties.
- (23) the determination of applications for tenancies of properties where the allocation requested does not fall within the established policy.
- (24) the administration of, and all decisions relating to, the following parts of the Housing Act, 1996, namely: Conduct of Tenants (Part V); Allocation of Housing Accommodation (Part VI) and Homelessness (Part VII).
- (25) the administration of, and all decisions relating to, the following sections of the Local Government (Miscellaneous Provisions) Act, 1982; namely: Section 29 – Securing of Building and Section 41 (in so far as it relates to housing land or premises) – Lost and Uncollected Property.
- (26) authority to seek planning permission in respect of future proposed development for housing purposes.
- (27) authority to agree the local settlement of complaints to the Ombudsman up to a maximum of £5,000.
- (28) formal investigations of complaints under the Protection from Eviction Act, 1977.
- (29) signing, service and enforcement of notices under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976.
- (30) issuing and signing Houses in Multiple Occupation Licences pursuant to the Housing Act 2006
- (31) Decisions required by the Director pursuant to the Council's Contract Standing Orders.

#### Director of Corporate Resources

- (1) the acquisition of properties included in Compulsory Purchase Orders and the payment of compensation relating thereto and in respect of unfit houses which are not compulsorily purchased.

- (2) the consideration of claims for home loss or disturbance payments arising under the Land Compensation Act 1973, deciding upon the entitlement to such claims and authorising payment in appropriate cases.
- (3) the disposal of land and interests in land not surplus to requirements and not in excess of 200 square metres in area.
- (4) all necessary action to recover the possession of Council-owned land which has been occupied without consent or which is occupied or used after an interest has been terminated.
- (5) the termination and renewal of leases, licences, easements, wayleaves and rights of way.
- (6) prosecution for contravention of Notices served relating to Part XI of the Housing Act 1985, houses in multiple occupation.
- (7) the institution of proceedings under the Protection from Eviction Act, 1977.
- (8) the institution of proceedings under the Landlord and Tenant Act, 1985.
- (9) the completion of the necessary legal formalities relating to the sale of Council houses and flats under Part V of the Housing Act, 1985.
- (10) in consultation with the Director of Adult, Community and Housing Services:
  - (a) the determination of all applications for the waiver of restrictive covenants under the Right to Buy provisions and to give all necessary consents including retrospective consents; and
  - (b) the determination of an appropriate administration fee to be charged for the grant of such consents.
- (11) in consultation with the Director of Adult, Community and Housing Services, dealing with applications for a certificate under Schedule 15 to the Rent Act, 1977.
- (12) making arrangements for the assignment of shop leases
- (13) requests from tenants to buy the freehold of shops.
- (14) requests from shop tenants to vary the terms of their leases.
- (15) requests from tenants to undertake alterations to shops.
- (16) the sub-letting of the living accommodation of shops.

- (17) negotiation and review of rents of shops.
- (18) in consultation with the Cabinet Member for Housing, Libraries and Adult Learning, the determination of applications to vary the user clauses in shop leases, following the receipt of the views of ward members and other Officers, as appropriate.
- (19) requests for wayleaves received from the Midlands Electricity Board or successor companies.
- (20) the release of restrictive covenants in respect of property, other than Council houses, formerly owned by the Council as Local Housing Authority, in consultation with the Treasurer and Director of Adult, Community and Housing Services.
- (21) in consultation with the Director of Adult, Community and Housing Services and the appropriate ward members, the institution of legal proceedings in cases where a tenant has signed to accept a tenancy which included the condition not to keep a dog during the period of the tenancy and is in breach of that condition.
- (22) in consultation with the Director of Adult, Community and Housing Services to consider and determine requests to either purchase or rent corner plots of land.
- (23) in consultation with the Director of Adult, Community and Housing Services, to consider and determine requests to acquire parts of gardens or outbuildings that are within the boundary of Council dwellings.
- (24) subject to consultation with ward members and in consultation with the Director of Adult, Community and Housing Services, the disposal of shops where the tenant wishes to surrender the lease and the shop will become vacant and shops which are currently vacant and have been vacant for 3 months or longer.
- (25) the authorisation and service of Notices of Seeking Possession, Notices to Quit and recovery of possession, whether arising from rent arrears, breach of tenancy condition or any other reason.
- (26) the determination of applications in respect of land and property matters, as set out below, in accordance with approved procedures:-
  - (i) the purchase of land and property up to a value of up to £250,000 or where the sale would release the Council from ongoing liabilities or the sale is to an adjacent landowner where a development site exists and there is an opportunity to maximise the overall development.

- (ii) domestic and commercial vehicular access agreements.
  - (iii) temporary licences to occupy land.
  - (iv) drainage, gas/electric, etc. easements.
  - (v) former utility company licences.
  - (vi) variation or release of covenants in leases and conveyances.
  - (vii) extinguishment or variations of rights.
  - (viii) new leases, licences tenancies, easements, wayleaves and rights of way.
  - (ix) requests to site builders compounds and temporary use of Council owned land.
- (27) The institution of proceedings in respect of the breach of the conditions of Houses in Multiple Occupation licences issued pursuant to the Housing Act 2006.

### **Cabinet Member for Human Resources, Law and Governance**

- (1) the disposal of land surplus to Council requirements;
- (2) The management and letting of all commercial, retail, industrial and residential (non-Housing Revenue Account) properties;
- (3) the promotion of private Acts of Parliament;
- (4) the registration of commons;
- (5) the review of all of the Council's landholdings;
- (6) the repair and maintenance of buildings (excluding Council houses);
- (7) the acquisition and management of land and buildings to provide office accommodation for the Council's staff;
- (8) the appropriation of land;
- (9) the implementation of the Council's existing Equality and Diversity Policy in relation to Corporate Resources functions;
- (10) the provision of public clocks;
- (11) dangerous structures and excavations;
- (12) the disposal of land;
- (13) the acquisition of land;
- (14) the determination of requests for easements, licences, wayleaves and rights of way;
- (15) the acceptance and refusal of tenders;
- (16) the determination of charges;
- (17) the overall establishment of the Directorate of Corporate Resources in relation to Human Resources and Law and Governance functions.
- (18) all other powers and duties relating to Corporate Resources, as applicable to Human Resources and Law and Governance functions, for the implementation of the Policy Framework;
- (19) authority to agree the local settlement of complaints to the Ombudsman for sums above £5,000 in consultation with the Director of Corporate Resources.



- (20) Power to charge for discretionary services falling within the terms of reference of the Cabinet Member for Human Resources, Law and Governance.
- (21) Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate, with particular reference to the Safe and Sound Partnership, Crime Reduction Implementation Group and the Substance Misuse Implementation Group.
- (22) matters relating to the Council's human resources.
- (23) salaries, wages and conditions of service (including procedures for dismissal) of all employees of the Council (except teaching staff);
- (24) the development of training programmes for all categories of employment with a view to ensuring an adequate supply of human resources to meet the Council's present and future requirements;
- (25) the promotion and maintenance of good employee relations and efficient, safe and harmonious working;
- (26) negotiations and consultations with trade unions or other representative organisations of employees (except teaching staff) via a range of forums including the Council Consultative and Negotiating Group;
- (27) the consideration and promotion of policies positively designed to promote equality of opportunity in all respects whether on the grounds of race, sex, disability or any other reason;
- (28) car loans;
- (29) the determination of policies on employment, equality and diversity and employee development;
- (30) the determination of salaries, wages and conditions of service;
- (31) the implementation of the Council's existing Equality and Diversity Policy in relation to Human Resources, Law and Governance functions;
- (32) the acceptance and refusal of tenders;
- (33) all other powers and duties relating to Human Resources, Law and Governance for the implementation of the Policy Framework.
- (34) authority to agree the local settlement of complaints to the Ombudsman for sums above £5,000 in consultation with the Assistant Director (Human Resources and Organisational Development).

- (35) Power to charge for discretionary services falling within the terms of reference of the Cabinet Member for Human Resources, Law and Governance.
- (36) Power to determine any applications for redundancy in cases where there are no pensions implications.
- (37) to approve the seeking of expressions of interest in voluntary redundancy.
- (38) to approve the implementation of consequential restructurings following service reviews in the Council's Directorates.
- (39) Flexible retirements.

## **Cabinet Member for Human Resources, Law and Governance – Onward Delegations**

### **Director of Corporate Resources**

- (1) the determination of requests for grazing agreements;
- (2) the management and letting of all commercial, retail, industrial and residential (non-Housing Revenue Account) properties.
- (3) the determination of applications for consents required in leases held by the Council'
- (4) the determination of requests for the use of land for builders' compounds.
- (5) the acquisition of properties included in compulsory purchase orders and the payment of compensation for them;
- (6) the acquisition of properties contained within clearance programmes offered to the Council in advance of the making of a compulsory purchase order;
- (7) the determination of requests for the use of land for electricity sub-stations;
- (8) the acceptance of valuations in respect of rent review clauses in leases;
- (9) the termination and the renewal of leases, licences, tenancies, easements, wayleaves and rights of way (apart from the Lye Business Centre);
- (10) all necessary action to recover the possession of Council-owned land which has been occupied without consent, or which is occupied or used after an interest has been terminated;
- (11) those conferred to authorise any officer to act for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act, 1976;
- (12) those relating to the registration of commons;
- (13) the giving of authority on behalf of the Council for persons to represent the Council in Court;

- (14) the day to day management of the Directorate of Corporate Resources, the provision of all legal services to the Council, the Cabinet, committees and officers, and any action necessary in connection therewith, including the determination of fees rechargeable for the work of the Department and the instruction of agents, solicitors, and counsel in appropriate cases;
- (15) the acceptance of valuations, tenders and offers in respect of sales of properties contained within the approved Land Disposals Programme;
- (16) the revision of land charges search fees in line with nationally recommended increases and comparable uplifts from time to time;
- (17) the instructing of the District Valuer to negotiate for the purchase of properties contained within clearance programmes offered to the Council in advance of the making of a compulsory purchase order;
- (18) authority to seek planning permission in respect of future proposed development for Corporate Resources purposes;
- (19) authority to agree the local settlement of complaints to the Ombudsman up to a maximum of £5,000.
- (20) Decisions required by the Director pursuant to the Council's Contract Standing Orders.
- (21) the determination of applications in respect of land and property matters, as set out below, in accordance with approved procedures:-
  - (i) the purchase of land and property up to a value of up to £250,000 or where the sale would release the Council from ongoing liabilities or the sale is to an adjacent landowner where a development site exists and there is an opportunity to maximise the overall development.
  - (ii) domestic and commercial vehicular access agreements.
  - (iii) temporary licences to occupy land.
  - (iv) drainage, gas/electric, etc. easements.
  - (v) former utility company licences.
  - (vi) variation or release of covenants in leases and conveyances.
  - (vii) extinguishment or variations of rights.
  - (viii) new leases, licences tenancies, easements, wayleaves and rights of way.

- (ix) requests to site builder's compounds and temporary use of Council owned land.
- (22) the completion of any authorised car loan.
- (23) the determination of applications for car loans; and
- (24) the implementation of national pay awards.

Director of the Urban Environment

- (1) the giving of written notice to the Council that he proposes to seek permission for a proposed development;
- (2) (a) authorisation of the service of any notice under the Building Act 1984, and
  - (b) the taking of such default action as he considers necessary in the event of such notice not being complied with by any person subject to its terms;
- (3) the appointment of authorised officers for the purposes of the Public Health Act, 1936, the Local Government (Miscellaneous Provisions) Act, 1976 and the Building Act, 1984;
- (4) the power to declare a building dangerous under Section 77 of the Building Act, 1984, and to declare immediate action to be necessary under Section 78 of the Building Act, 1984;
- (5) powers conferred by Section 79 of the Building Act, 1984, to declare a building ruinous or a site seriously detrimental to visual amenity;
- (6) the carrying out in default of any action required by any order of the Magistrates' Court under Section 77 of the Building Act, 1984, or the carrying out of emergency works required in pursuance of Section 78 of the Building Act, 1984.

Director of Corporate Resources, in consultation with the Assistant Director (Human Resources and Organisational Development)

- (1) Decisions required pursuant to the Council's Contract Standing Orders.

Assistant Director (Human Resources and Organisational Development)

- (1) in consultation with the appropriate Director and Cabinet Member for Human Resources, Law and Governance to determine all matters relating to the grading of APT & C staff.

- (2) authority to agree the local settlement of complaints to the Ombudsman up to a maximum of £5,000.
- (3) in consultation with the with the appropriate Director and Cabinet Member for Human Resources, Law and Governance to determine all matters relating to temporary market supplements for identified posts.
- (4) all matters relating to the corporate implementation of the Council's human resources policies.

### **Cabinet Member for Transportation and Community Safety**

- (1) all functions of the highway authority and local authority in relation to highways, streets and public rights of way (excluding functions under Part X (highways) of the Town and Country Planning Act, 1990), transportation (including public transport of all descriptions but excluding licensing matters connected with hackney carriages and private hire vehicles and their drivers and operators), traffic management, car parks provided under the Road Traffic Regulation Act, 1984, road safety, and school crossing patrols;
- (2) the naming of streets and the numbering of houses;
- (3) the provision on or adjacent to highways or in any public place not falling within the functions of other Cabinet Members, of bus shelters, public seats, public monuments and statues;
- (4) land drainage and reservoirs;
- (5) the declaration of land as surplus to requirements;
- (6) the acquisition, disposal and maintenance of vehicles, plant and machinery including Vehicle Transport Policy;
- (7) the implementation of the Council's Equality and Diversity Policy;
- (8) disused limestone workings in the Borough;
- (9) the acquisition of land; disposals of land not surplus to requirements and declaration of land surplus to requirements;
- (10) the determination of requests for easements, leases, tenancies, licences, wayleaves and rights of way;
- (11) the acceptance and refusal of tenders;
- (12) the determination of fees and charges;
- (13) all other powers and duties relating to highways and transportation for the implementation of the Policy Framework;
- (14) the determination of experimental and permanent Orders for traffic regulation under the Road Traffic Regulation Act, 1984, in respect of which objections have been received and not withdrawn in writing;
- (15) authority to agree the local settlement of complaints to the Ombudsman for sums above £5,000 in consultation with the Director of the Urban Environment;

- (16) Power to charge for discretionary services falling within the terms of reference of the Cabinet Member for Transportation and Community Safety;
- (17) Cesspool emptying, street cleansing, public conveniences and graffiti;
- (18) Dangerous Trees (other than those on Education land or those abutting highways);
- (19) Dangerous structures and excavations.
- (20) The maintenance and management of public parks, pleasure and recreation grounds, playing fields and open spaces (other than those falling within the functions of other Cabinet Members).
- (21) Remediation of contaminated highway land (other than land included in the functions of other Cabinet Members).
- (22) Functions relating to partnership working with other agencies, bodies, organisations and stakeholders as appropriate.
- (23) Powers and duties relating to Community Safety.



## **Cabinet Member for Transportation and Community Safety – Onward Delegations**

### **Director of the Urban Environment**

- (1) To undertake all necessary powers, functions and duties relating to the day to day management and control of the Directorate of the Urban Environment, including powers, duties and functions relating to highways, streets and public rights of way, transportation, traffic management, car parks, road safety and school crossing patrols pursuant to the legislation listed below (unless any such powers, duties and functions are specifically reserved to the Cabinet Member or another decision making body):

Clean Neighbourhoods and Environment Act 1995

Environmental Protection Act 1990

Highways Act 1980

Occupiers Liability Acts 1957 and 1984

Open Space Act 1906

Litter Act 1983

Local Government Miscellaneous Provisions Act 1976

Traffic Management Act 2004

- (2) the authorisation of-
- (i) the service of any notice under the New Roads and Street Works Act 1991, the Land Drainage Act 1991, Parts VIIA (Highway Amenities) and IX (Lawful and Unlawful Interference with highways and streets) of the Highways Act, 1980;
  - (ii) the taking of such default action as he considers necessary in the event of such notice not being complied with by any person subject to its terms;
- (3) the grant, amendment or refusal of applications for any licence, certificate, approval or consent authorised to be granted by the Council by or under any statutory provision relating to highways, streets or public rights of way or to sewers, land drainage or reservoirs (apart from Sections 115E, 115F, 115G and 115K of the Highways Act, 1980);
- (4) the carrying out of urgent repairs to private streets in exercise of the powers of the street works authority or the Council under Section 230 of the Highways Act, 1980;
- (5) the adoption as a highway maintainable at the public expense of any private street constructed (i) to a standard suitable for such adoption for the time being or (ii) in pursuance of an agreement by a developer with the Council under Section 38 of the Highways Act, 1980;

- (6) the appointment of any authorised person under any statutory provision enabling authorised officers of the Council to enter premises;
- (7) all such action as he considers necessary under Section 287 (power to erect barriers in streets in cases of emergency, etc) of the Highways Act, 1980;
- (8) the authorisation (a) of the temporary prohibition of traffic on roads under (i) Section 21 of the Town Police Clauses Act 1847 and (ii) by notice or order under Section 14 of the Road Traffic Regulation Act, 1984 and (b) for the making of applications to the Secretary of State for Transport for extension of the period of validity of any order made under the latter Section;
- (9) the approval of requests for the temporary use of the Council's public car parks for non-commercial purposes and, in consultation with the Director of Corporate Resources, for licences to use such car parks as means of access to and egress from adjoining premises;
- (10) the entering of objections under Section 17 of the Public Health Act, 1925 to proposed names of streets;
- (11) the erection of such signs as he considers necessary under Section 6 of the West Midlands County Council Act, 1980;
- (12) the service of notices under Section 112 of the Road Traffic Regulation Act, 1984 requiring information as to drivers of vehicles;
- (13) the instruction of consulting engineers and other appropriate professional engineering advisers as necessary;
- (14) the appointment, or the revocation of the appointment, of hackney carriage stands and the variation of the number of hackney carriages authorised to use such a stand;
- (15) the maintenance and management of the Council's vehicles;
- (16) the removal of vehicles from a car park for infringing the provisions of Off-Street Parking Places Orders;
- (17) the consideration of applications for clocks of public interest to be included on the maintenance schedule;
- (18) the determination of requests for the erection of apparatus on public car parks;
- (19) the appointment of temporary and established permanent school crossing patrols;

- (20) the determination of requests for the direction signing of churches and other religious establishments where the costs associated therewith will be met by the churches or religious establishments themselves;
- (21) the determination of wayleave applications on public car parks;
- (22) the determination of requests for access over public car parks affecting parking layouts;
- (23) the granting of consents under the provisions of an Off-Street Parking Places Order;
- (24) the issue and service of Requisitions for Information under Section 16 of the Local Government (Miscellaneous Provisions) Act and any other equivalent legislation;
- (25) authority to seek planning permission in respect of future development for transportation purposes;
- (26) authority to agree the local settlement of complaints to the Ombudsman up to a maximum of £5,000.
- (27) Decisions required by the Director pursuant to the Council's Contract Standing Orders.
- (28) authority to approve the adoption of minor widening of existing highways, under Section 72(1) of the Highways Act, 1980.

#### Director of Corporate Resources

- (1) the determination of requests for grazing agreements;
- (2) the determination of applications for consents required in leases held by the Council;
- (3) the determination of requests for the use of land for builders' compounds and site compounds associated with works undertaken in pursuance to the undertaking of works on behalf of the Council or any other use associated with statutory undertakers' plant and electricity substations;
- (4) the acquisition of properties included in compulsory purchase orders and the payment of compensation for them;
- (5) the acceptance of valuations in respect of rent review clauses in leases;
- (6) the termination and the renewal of leases, licences, tenancies, easements, wayleaves and rights of way;

- (7) all necessary action to recover the possession of Council-owned or controlled land which has been occupied without consent or which is occupied or used after an interest has been terminated;
- (8) the service of any notice under the New Roads and Street Works Act 1991, Parts VIIA (highway amenities) and IX (lawful and unlawful interference with highways and streets) of the Highways Act, 1980 and the Building Act, 1984 and the taking of such default action as he considers necessary in the event of such notice not being complied with by any person subject to its terms;
- (9) the institution of proceedings in the Magistrates' Court in respect of the failure of any person to return duly completed a requisition for information or of any offence against-
  - (a) any provision in Part VIIA or Part IX of the Highways Act, 1980,
  - (b) the Advance Payments Code contained in Part XI making up of private streets) of the Highways Act, 1980,
  - (c) the Building Act, 1984;
  - (d) the Land Drainage Act, 1991, or Section 137 of the Highways Act, 1980 (obstruction of highways),
  - (e) any byelaw;
- (10) the institution of any civil proceedings in the Magistrates' Court pursuant to Part IX of the Highways Act, 1980 or the Building Act, 1984;
- (11) the service, and determination of the contents, of notices under Section 220 (determination of liability for, and amount of, payments) of the Highways Act, 1980;
- (12) the determination and payment of refunds under Sections 220 (determination of liability for, and amount of, payments), 221 (refunds etc, where work done otherwise than at expense of street works authority), 222 (sums paid or secured to be in discharge of further liability for street works) and 223 (determination to cease to have effect when plan not proceeded with ) of the Highways Act, 1980;
- (13) the making (and confirmation where unopposed) of experimental and permanent Orders for traffic regulation under the Road Traffic Regulation Act, 1984, in consultation with the Director of the Urban Environment;
- (14) the making of temporary Orders for traffic regulation under the Road Traffic Regulation Act, 1984, in consultation with the Director of the Urban Environment;

- (15) the confirmation of any order made by the Council when the Council are authorised to confirm such an order as an unopposed order and the making of any order authorised to be made by the Council, the proposal for which has been duly advertised according to law and has attracted no objections or all objections made thereto have been withdrawn;
- (16) the completion of agreements for adoption of highways under Sections 38 and 72(1) of the Highways Act, 1980;
- (17) the determination of Blight Notices served on the Council in respect of properties affected by highway improvement lines approved under Section 151 of the Town and Country Planning Act, 1990 or safeguarded routes pursuant to the provision of new highways under Section 24 of the Highways Act 1980.
- (18) the grant, amendment or refusal of any consent under Part VIIA (highway amenities) of the Highways Act, 1980;
- (19) the giving of any notice authorised to be served by the Council in connection with the adoption of a private street as a highway maintainable at the public expense pursuant to Section 228 of the Highways Act, 1980;
- (20) in consultation with the Director of the Urban Environment, the giving of any notice authorised to be served by the Council in respect of the stopping up or diversion of highways under the Highways Act, 1980;
- (21) the service of notices regarding the numbering of houses.
- (22) the determination of applications in respect of land and property matters, as set out below, in accordance with approved procedures:-
  - (i) the purchase of land and property up to a value of up to £250,000 or where the sale would release the Council from ongoing liabilities or the sale is to an adjacent landowner where a development site exists and there is an opportunity to maximise the overall development.
  - (ii) domestic and commercial vehicular access agreements.
  - (iii) temporary licences to occupy land.
  - (iv) drainage, gas/electric, etc. easements.
  - (v) former utility company licences.
  - (vi) variation or release of covenants in leases and conveyances.
  - (vii) extinguishment or variations of rights.

- (viii) new leases, licences tenancies, easements, wayleaves and rights of way.
- (ix) requests to site builders compounds and temporary use of Council owned land.