



Committee and date
Council

18 May 2017

AMENDMENTS TO THE CONSTITUTION – PART 8 – DELEGATIONS TO OFFICERS

Responsible Officer Claire Porter

Email: claire.porter@shropshire.gov.uk

Tel: 01743 252763

1. Summary

- 1.1 Part 8 of the Council's Constitution sets out the Scheme of Delegation to Officers ("the Scheme"). A review of the delegations within the Scheme has been undertaken and this report outlines the substantive amendments for Members' approval.

2. Recommendation

- 2.1 **That Members approve the updated Part 8 – Delegations to Officers as outlined within this report and as set out in Appendix 1.**

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 It is important that the Council's Constitution is kept up to date to ensure it reflects the way the Council operates and also to ensure that decision making is carried out transparently with proper authority.

4. Financial implications

- 4.1 This report seeks authority to update Part 8 of the Constitution. If the Constitution not kept up to date, any flaws in decision making could lead to the risk of costs arising from challenges to decisions or delays in decision making leading to unforeseen costs.

5. Background

- 5.1 An exercise has been undertaken to review Part 8 of the Council's Constitution. This part of the Constitution sets out the Scheme of Delegation to Officers.

5.2 The review has resulted in proposed amendments to Part 8 that can be categorised as follows:

- Those which are merely for clarification purposes
- Those which are as a result of changes in job titles
- Those which are more substantial in nature and amend the current delegations.

5.3 This report focusses on the amendments that are more substantial in nature for which approval is required by Council. The proposed amendments are as follows:

Head of Business Enterprise and Commercial Services

Pages – H12-14

Paragraph 9 – There has been an update to the terminology and a change to the threshold figures – a change from “£500,000 capital” to “£500,000 capitalised over the term” and the rental value figure increased from £25,000 to £50,000.

Director of Public Health

Pages H23-48

Housing

Certain pages dealing specifically with housing matters alone have been deleted and included in the section that previously dealt with only Trading Standards and Environmental Health functions (Page H40). This provides a consistent approach to the delegations across the core Trading Standards and Environmental Health functions and gives flexibility to Operations Managers to act and authorise officers across the function as necessary. As a consequence all delegations dealing with housing matters are now proposed to be exercisable by Operations Managers as well as the Director of Public Health. This is in line with the level of delegations across all regulatory services.

Licensing

Pages H23-40

The ‘table approach’ that is currently adopted within the Constitution for the delegations under the Licensing Act and the Gambling Act has been replicated for all licensing functions. All delegations that previously appeared in this section of Part 8 are now included in the Tables and covered by a general delegation at Page H40. The Schedule of Legislation incorporates the relevant licensing legislation.

The level of delegation remains unchanged in all cases with the exception of fee setting and determining exemptions from fees. The Strategic Licensing Committee currently has the delegated power to set fees for all hackney carriage and private hire licensing fees. It is proposed that this is extended to cover all licensing related fees on the basis that, in practice, the work that is undertaken to set the hackney carriage and private hire licensing fees is replicated for all other fees and already features in the annual fees report to the Committee. It is proposed that determining exemptions from fees goes one level lower to Team Manager.

Trading Standards, Environmental Health, Licensing and Ecology related functions
Pages H40-45

Page H40 – Amendments are proposed to the introductory paragraph as the Chief Inspector of Weights and Measures is required to hold a particular qualification. The proposed wording should ‘future proof’ the delegation and in practice it will mean that an Operations Manager has the delegated authority and a Team Manager is the ‘deputy’.

Paragraphs 1-4

Various amendments have been made to clarify and tidy up references and ensure that housing licensing and ecology functions are covered in the general delegation to Operations Managers. There is no change to the level of the delegations. There is a new para 3 (iv). This is a new delegation and will allow the relevant Operations Manager to institute legal proceedings as the investigations team are taking on investigations for other service areas and other Directors. There is a need to increase the flexibility around the Operations Manager delegations to facilitate this.

Highways and Environmental Maintenance Functions

Page H45-47

The whole section has been re-formatted to correct errors and reduce confusion; where necessary the text has been amended to link directly to the wording in the relevant legislation. No changes to the level of delegations have been made but the legislation has been updated to take account of significant changes that have occurred as a result of the Anti-Social Behaviour, Crime and Policing Act 2014 and the wider powers that are available to the Council under this legislation.

Matters and legislation

Page H46

The insertion of the reference to Chronically Sick and Disabled Persons Act 1970 covers the inspection of Blue Badges by Civil Enforcement Officers.

Head of Infrastructure and Communities

H51-56

Page H54 – paragraph 5 – Highways and Environmental Maintenance Functions – this whole section has been updated to replicate the amendments as proposed by Public Protection (see above). It is proposed that in addition to the Director of Place and Enterprise, the Head of Infrastructure and Communities has the power to institute legal proceedings for the areas for which he is responsible and as set out within the delegations.

6. Conclusion

Members are asked to agree the proposed amendments to Part 8 of the Constitution and to endorse Part 8 as set out in Appendix 1.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

None

Cabinet Member (Portfolio Holder)

Local Member

All

Appendices

Appendix 1 – updated Part 8 – Delegations to Officers