

Wolverhampton City Council

OPEN DECISION ITEM

	SPECIAL ADVISORY GROUP	Date: 1 March 2011
Committee/ Panel	STANDARDS COMMITTEE	Date: 3 March 2011
Originating Service Group(s)	CUSTOMER AND SHARED SERVICES	
Contact Officer(s)/	S KEMBREY/F DAVIS	
Telephone Number(s)	4910/4932	
Title/Subject Matter	<u>REVISION OF THE CONSTITUTION 2010/2011 - LEADING FOR A STRONGER CITY</u>	

Recommendations

- i) To consider revisions to the Councils Constitution at:-
 - (a) Article 12 - Officers;
 - (b) Part 3 - Responsibility for Functions - Section 19 Delegations to Officers; and
 - (c) Part 7 - Management Structure,as detailed in this report which incorporate changes made as a result of the Senior Officer Management Restructure - Leading for a Stronger City, and
- ii) To refer the revisions to Council on 16 March 2011 for approval

REVISION OF THE CONSTITUTION 2010/2011 - LEADING FOR A STRONGER CITY

1.0 Purpose of Report

1.1 To advise the Special Advisory Group and Standards Committee of revisions to the Council's Constitution which are necessary as a result of the Senior Officer Management Restructure - Leading for a Stronger City. To refer the amendments to Council on 16 March 2011, to enable them to be incorporated into the Constitution for implementation of the new structure on 1 April 2010.

2.0 Background

2.1 On 8 December 2010 Cabinet approved the Senior Officer Management restructure of the Council - Leading for a Stronger City. The re-structure was approved by Council on 15 December 2011.

2.2 The re-structure provides a new model for service delivery on the basis that front line service delivery is shaped by a clear understanding of customer and service user demand and of people's individual needs.

2.3 It recognises the Council has been organised on the basis of traditional departmental structures, but that this business model is becoming increasingly outmoded as new priorities and responsibilities emerge. The need to involve communities more deeply in civic life, together with a more restrictive financial outlook make it imperative that services provided by the Council should be:

- Those that the law requires the Council to deliver.
- Those that the community needs
- Those which genuinely provide choices to those living and working in the city.

2.4 A fundamental review of the Council's activities was undertaken prior to the report on the restructure being submitted to Cabinet. As part of the Council's developing transformation programme, a systematic review at operational levels has challenged the way that services are arranged. In the new business model, all activity is based on intelligence - in other words, what the data and other information gathered from residents, local businesses and our other customers tells the Council what it needs to do.

2.5 The business model is one with three strategic Directors - together forming a strategic executive board - 1 Assistant Chief Executive and 10 Assistant Directors. The Assistant Chief Executive, Section 151 Officer and Monitoring Officer will also attend the Strategic Executive Board.

2.6 Each directorate has a specific focus: Delivery (including support and day to day service); Community (including the support for vulnerable adults and children, this includes the statutory roles of Director of Adult Social Services and Director of Children's Services; Education and Enterprise (including regeneration, skills and learning).

2.7 To support the strategic directors, the Assistant Directors cover a range of activity areas, effectively operating as separate business units. The Assistant Directors provide operational leadership across all service areas and are accountable to the Strategic Executive Board for delivery.

2.8 The ten Assistant Directors are responsible for the following specific areas:

- Corporate Services
- Governance
- City Services
- Children and Family Support
- Health and Well Being
- Adult Social Care and Housing Support
- Leisure and Communities
- Prosperity
- Promotions and Partnerships, and
- Schools, Skills and Learning.

3.0 **Revisions to the Constitution**

3.1 Three Principal Sections of the Council's Constitution require amendment as a result of the Senior Management Restructure approved by Council on 15 December 2010;

- (a) Article 12 Officers;
- (b) Part 3 Section 19 Delegations to Officers; and
- (c) Part 7 - Management Structure.

3.2 In addition to the principal amendments to the three sections referred to above there will be consequential amendments to be made throughout the Constitution.

3.3 A copy of the revised, "Article 12 Officers", is attached at Appendix 1.

3.4 A copy of the revised, "Part 3 Responsibility for Functions - Section 19 Delegations to Officers", is attached at Appendix 2, a copy has also been deposited in the Members Room and will be available at the meeting.

3.5 A copy of the revised Part 7 - Management Structure is attached at Appendix 3.

3.6 On approval of the re-structure delegated authority was granted to the Chief Executive in consultation with the Leader to make minor adjustments to the portfolio responsibilities of the new Senior Management posts. Any minor adjustments to be made as a result of this delegation will be made when recruitment to all the Assistant Director posts has been completed. A verbal update in connection with this will be reported to the meeting of Special Advisory Group and Standards Committee.

3.7 The Delegations to officers set out in Appendix 3 have appeared in previous editions of the Constitution. These Delegations have been re-arranged to incorporate the new structure.

4.0 **Updating Amendments**

4.1 In addition to the re-arrangement of Delegations to incorporate the re-structure Appendix 3 also includes the substantive amendments detailed below. These update the Constitution for the new Business Model.

4.2 **Referral of Complex and Sensitive Matters to Cabinet, Cabinet Panel or Standing Body**

- 4.2.1 The introduction to the current delegations provide at “A5” for officers who are entitled to exercise delegated powers to refer complex or sensitive matters for decision by the Cabinet, or appropriate Cabinet Panel or Standing Body.
- 4.2.2 This delegation leads to ambiguity, in that the decision making is delegated except when complex or sensitive. There is no definition as to what circumstances would be complex or sensitive. Strategic Directors are expected to deal with complex decisions and deal with such decisions frequently. It is suggested that when decisions are sensitive, this does not require a change of decision maker. It requires the Officer making the decision to consider the particular sensitivities involved and how the matter in question should be communicated.
- 4.2.3 It is recommended that Section A5 in the introduction to the Delegation to Officers is deleted.
- 4.2.4 **Delegation to Strategic Director for Education & Enterprise – Development Control**
- 4.2.4.1 Development Control are currently reviewing their working practise using Systems Thinking methodologies. As a result of this work a request has been made to delete the current delegation 1. At Part 3/87, In the schedule – Limits on Delegation .The Delegation means that a decision cannot be made on planning applications in less than 28 days unless the decision is made by Committee. There is no statutory reason for this and it serves no useful purpose. This has never been a problem before because it always took at least 28 days in practice. However early test cases being processed as part of the Systems Thinking review demonstrate that it is possible to determine applications (in practice and in accordance with planning regulations) in less than 28 days.

Part 3/87 – Delegation to Officers, Schedule – Limits on Delegation

- 1. No application shall be determined within 28 days of registration, other than following consideration by Committee as an urgent item in exceptional circumstances, and with the exception of prior determination applications e.g. for telecommunications apparatus, where regulations only provide for a 28 day period in which the Local Planning Authority can act.**

- 4.2.5 It is recommended that the Delegation to officers, Schedule – Limits on Delegation, 1. is deleted
- 4.2.6 **Delegations to Strategic Director for Education & Enterprise – Regulatory Services**
- 4.2.6.1 Clarification relating to delegations in respect of the authorisation of legal proceedings instigated by officers within the Education and Enterprise directorate is required.. The Proposal below envisages decisions to approve legal proceedings being taken by either the Strategic Director, or the Assistant Director (Prosperity), in consultation with the Assistant Director (Governance). In practice, this will align with the existing ‘Cases Panel’ arrangements which are in place to ensure consistency of approach and that the evidential and public interest tests are satisfied. Cases Panel will be chaired by the Assistant Director (Prosperity).

4.2.6.2 It is recommended to insert a new delegation at F45

**In consultation with the Assistant Director (Governance) to authorise
Legal Proceedings under Paragraphs F28, F33, F39, F41 and F44**

5.0 Legal Implications

5.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare and publish a constitution which contains its standing orders relating to decision making, finance and contracts.

[FD/22022011/J]

6.0 Financial Implication

6.1 There are no direct financial implications arising from this report, although the revisions to the Constitution will strengthen the Council's governance arrangements. The ultimate aim of this is to improve the Council's ability to secure the best possible outcomes from available resources, and to be able to demonstrate that it has done so.

[DM/23022011/A]

7.0 Equalities Implications

7.1 The Constitution is an essential part of the Council's Corporate Governance Framework, and in so being plays a crucial role in ensuring that the Council fulfils it's Equalities responsibilities.

8.0 Environmental Implications

8.1 There are no direct environmental implications arising from this report.

Schedule of Background Papers

The Constitution May 2010

Minutes of Constitution Review Group

File Ref: GP30/21 held by Customer and Shared Services - Legal Services

Report to Cabinet - Leading for a Stronger City - 1 November 2010.

Report to Cabinet - Leading for a Stronger City - 8 December 2010.

Limits on Delegation 1 Deleted.

Article 12 - Officers

12.1 Management Structure

- (a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Head of paid service, monitoring officer and Section 151 Officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Assistant Director (Governance)	Monitoring Officer
Assistant Director (Corporate Services)	Section 151 Officer

Such posts will have the functions described in Articles 12.2 – 12.4 below in addition to responsibility for the functions undertaken by the Service Group(s) which they manage.

- (c) The head of paid service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers. This is set out in Part 7 of this Constitution.

12.2 Functions of the head of paid service

- (a) **Discharge of functions by the Council.** The head of paid service will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The head of paid service may not be the monitoring officer but may hold the post of Section 151 Officer if a qualified accountant.

12.3 Functions of the monitoring officer

- (a) **Maintaining the Constitution.** The monitoring officer will maintain an up-to- date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the head of paid service and Section 151 Officer,

the monitoring officer will report to the full Council or to the Executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to an unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (c) **Supporting the Standards Committee.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receipt, assessment, referral and determination of complaints** that Members have not complied with the Code of Conduct
- (e) **Receiving reports.** The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (f) **Conducting investigations.** The Standards Committee or the monitoring officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (g) **Proper officer for access to information.** The monitoring officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (h) **Advising whether executive decisions are within the budget and policy framework.** The monitoring officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- (i) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (j) **Restrictions on posts.** The monitoring officer cannot be the Section 151 Officer or the head of paid service.

12.4 Functions of the Section 151 Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the

monitoring officer, the Section 151 Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- (b) **Administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

12.5 Duty to provide sufficient resources to the monitoring officer and Section 151 Officer

The Council will provide the monitoring officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relationships set out in Part 5 of this Constitution.

12.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

19. DELEGATIONS TO OFFICERS

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Introduction

- A1 Sections 1-18 of Part 3 of the Constitution set out how the Council's functions have been allocated between the Council, the Executive and Standing Bodies. Those sections also indicate which functions are reserved to the Council and which functions have been delegated to the Cabinet, Cabinet Panels and various Standing Bodies.
- A2 This section of Part 3 sets out which functions have been delegated to Officers. One of the main principles of the Constitution is the need to be able to ascertain who is responsible for any decision made by or on behalf of the Council and this is particularly so for Officer delegations which must be comprehensive.
- A3 The following tables set out the functions which are delegated to the Chief Executive and the Strategic Directors both generally and specifically. All delegations must be exercised in accordance with this Constitution, policies, procedures and Codes of Practice which are adopted from time to time by the Council and any specific limitations or restrictions which are included in the following tables.
- A4 Strategic Directors are required to maintain written delegations which prescribe the delegations which operate within each Business Unit. Business Unit delegations will indicate which officers are responsible for the management and delivery of services and will specify relevant operational and financial limits.
- A5 Officers who are entitled to exercise delegated powers should always refer a complex or sensitive matter for decision by the Cabinet, or appropriate Cabinet Panel or Standing Body.
- A6 References in the delegations to any statutory provision shall be deemed to include any statutory provisions which may from time to time replace, amend or revoke them and any orders, directions, regulations, codes of practice, byelaws or government guidance currently in force.

B Delegations to Chief Executive and all Strategic Directors

Function	Limits or restrictions on delegation
B1 Financial administration.	In accordance with the Financial Procedure Rules.
B2 Contracts and tendering.	In accordance with the Contracts Procedure Rules.
B3 Management of Human Resources.	In accordance with the Council's Personnel Manual, the Officer Employment Procedure Rules and the Schedule attached hereto.
B4 Day to day administration and operational management excluding key decisions as defined in the Access to Information Procedure Rules.	In accordance with the Constitution and any specific restrictions or limitation imposed by the Executive or relevant Standing Body.
B5 Management of operational land and premises used for service delivery.	In accordance with the Financial Procedure Rules, the Contracts Procedure Rules and the Asset Management Plan.
B6 The administration of all fees and charges levied in respect of operational services including the waiving or remission of fees and charges.	In accordance with the Financial Procedure Rules.
B7 Compliance with the Health and Safety at Work etc Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.	In accordance with the Council's Health and Safety policies and procedures.
B8 Compliance with the Council's Equal Opportunities Policy and relevant legislation.	In accordance with the Council's Equal Opportunities policies and procedures.
B9 Compliance with the Human Rights Act 1998.	
B10 Compliance with the Data Protection Act 1998 and the Freedom of Information Act 2000.	

Function	Limits or restrictions on delegation
B11 To maintain written delegations for officer responsibility for their Business Units	
B12 Identification of “Officers responsible for the management of investigations” under the Regulation of Investigatory Powers Act 2000.	In accordance with policy agreed by Cabinet (Resources) Panel on 2 November 2010
B13 Discharge of functions under the Major Emergency Plan.	In accordance with the Major Emergency Plan.
B14 Compliance with the Local Code of Corporate Governance and production of an annual Assurance Statement.	In accordance with the Code.
B15 Compliance with Risk Management Strategy.	

Schedule of Human Resources Delegations (Under Review – Feb 11)

HR Topic/Procedure	Delegation	Controls	Report to Members
1. Appointment of all staff below JNC level, excluding persons appointed as assistants for political groups.	Delegated to Head of Paid Service, Directors or their nominees.	Approval to advertise posts subject to annual approval of Service Cluster Workforce Plan(s).	
<p>2. Dismissals</p> <p>a) Retirement on the grounds of efficient exercise.</p> <p>b) Redundancies.</p> <p>c) Other dismissals and disciplinary action.</p>	<p>Head of Paid Service or Director in Consultation with Section 151 Officer .</p> <p>Delegated to Head of the Paid Service, Directors, or their nominees.</p> <p>NB Failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract is not included within "dismissal".</p>	<p>Decision requires agreement of Chief Executive and Director or 2 Directors and Chief Human Resources Officer in order to proceed.</p>	<p>Numbers are reported for information to Cabinet Panel (Resources) on at least a six monthly basis by Strategic Director for Delivery.</p> <p>Appeals dealt with by elected members.</p> <p>Details of Employment Tribunal cases reported to Cabinet Panel (Resources) on a six monthly basis.</p>
3. Regrading of postholders below JNC level (excluding restructures and changes to vacant posts or establishment of new posts).	<p><u>Stages</u></p> <p>1 a) Individual submits regrading request</p> <p>or b) Director proposes to regrade postholder</p>	Human Resources Manager assesses to determine whether Director or Chief Executive as appropriate can support or not.	Report on which posts have been regraded made for information to Performance, Governance and Support Services Scrutiny Panel on six monthly basis.

HR Topic/Procedure	Delegation	Controls	Report to Members
	<p>2. Regrading request, with Chief Executive or Director's recommendation, is considered by Chief Human Resources Officer. Financial implications are discussed with Section 151 Officer.</p> <p>3. Chief Human Resources Officer determines outcome of regrading application.</p>	<p>Section 151 Officer must confirm availability of funding for regrading or it will not be approved.</p> <p>Employee can appeal to elected members if dissatisfied with decision.</p>	
<p>4. Establishment of new posts below Chief Officer level.</p> <p>5. Minor restructures below Chief Officer level.</p> <p>6. Establishment/ renewal of fixed term temporary posts.</p>	<p>In accordance with the procedural arrangements approved by Special Advisory Group on 7 June 2004 and Council on 23 June 2004. (These arrangements have been circulated to the Chief Executive and Directors and will be included in the Personnel Manual)</p>		
<p>7. To extend full sick pay beyond entitlement under the national agreement.</p>	<p>Head of Paid Service or Director</p>		
<p>8. To approve accelerated salary increments.</p>	<p>Head of Paid Service or Director</p>	<p>For JNC officers there needs to be approval by director of Resources and Section 151 Officer</p>	

HR Topic/Procedure	Delegation	Controls	Report to Members
9. To agree essential car user allowances.	Head of Paid Service or Director		
10. To extend lodging allowances for up to 12 months in special cases.	Head of Paid Service or Director		
11. To approve short training courses which cost more than £820 or £1,230 including accommodation or subsistence.	Head of Paid Service or Director		

C Delegations to the Chief Executive

Function	Limits or restrictions on delegation
C1 Discharge of functions as Head of Paid Service.	In accordance with Article 12 of the Constitution
C2 To undertake any function delegated to any strategic Director in the absence of that Director or due to his/her inability to act.	In accordance with any restriction on delegation specified in this Delegation Scheme.
C3 To undertake functions in respect of the West Midlands Metropolitan Authorities Pension Fund.	In accordance with the statutory provisions and any determinations of the Superannuation Committee.
C4 Discharge of functions in relation to the compilation and maintenance of the Register of Electors and the organisation and management of European, Parliamentary and local elections.	In accordance with the Representation of the People Acts and associated legislation.
	Note: The day to day functions are within the remit of the Assistant Director (Governance) and therefore also referred to in the delegations to the Strategic Director for Delivery.
C5 To consent to dispersal of groups under section 30 of the Anti-Social Behaviour Act 2003.	In accordance with the report approved by Cabinet 24/01/07
C6 Communications and Customer Relations.	
C7 Performance Management.	
C8 Organisational planning; tactical planning.	
C9 To manage and administer the Council's central ICT resources, corporate ICT strategy and IEG statement.	

D Delegations to the Strategic Director for Community

Function	Limits or restrictions on delegation
<p>D1 To draw up and implement statutory plans including the Children and Young People's Plan.</p>	
<p>Play and Youth</p>	
<p>D2 Operational management of the Youth Service including youth clubs, projects and programmes.</p>	<p>Senior Managers to prioritise need in accordance with the Service Plan.</p>
<p>D3 Operational management of Adventure Playgrounds and other developmental play provision.</p>	<p>In accordance with priorities set within the Service Plan.</p>
<p>Children's Social Care</p>	
<p>D4 The provision of financial assistance under the Children Act 1989 within the Council's agreed scheme of financial delegations in respect of each application.</p>	
<p>D5 In consultation with the Assistant Director (Governance) to authorise the institution of appropriate legal proceedings in respect of children.</p>	
<p>D6 To place children being looked after by the Council in suitable accommodation and pay appropriate fees, charges and allowances and grants.</p>	
<p>D7 To give any necessary consent, including consent to medical treatment, in respect of children looked after by the Council.</p>	
<p>D8 In conjunction with the Assistant Director (Governance) to instruct Solicitors to act on behalf of children looked after by the Council.</p>	
<p>D9 In conjunction with the Assistant Director (Governance) to make applications for Contribution Orders etc</p>	

D Delegations to the Strategic Director for Community

Function	Limits or restrictions on delegation
in respect of children looked after by the Council.	
D10 To give consent for holidays abroad for children looked after by the Council.	
D11 To act as Contract Administrator and perform the duties imposed thereon by building and engineering contracts.	
D12 To support and assist the Wolverhampton Leisure Gardens Association.	Smallholdings & Allotments Act 1908.
Social Services	
D13 The operational management of the provision by the Council of personal social services as permitted or required by the Local Authority Social Services Act 1970.	D13 - D26 accordance with the delegations approved by Cabinet 28/06/06
D14 To act as the statutory Director of Adult Services	
D15 The provision of improvements and adaptations under the Chronically Sick and Disabled Persons Act 1970 within the Council's agreed scheme of financial delegations in respect of each application.	
D16 In consultation with the Assistant Director (Governance) to authorise the institution of appropriate legal proceedings in respect of adults.	
D17 To make arrangements for the temporary protection of property of persons admitted to hospital or other accommodation.	
D18 To make application to act, and to act as receiver of property for persons who are incapable of managing their own affairs.	

D Delegations to the Strategic Director for Community

Function	Limits or restrictions on delegation
<p>D19 To make arrangements for the burial and cremation of persons dying in accommodation provided under Part III of the National Assistance Act 1948 and to recover the funeral expenses from the deceased's estate.</p>	
<p>D20 To make arrangements for the burial or cremation of any person found dead in their area where no suitable arrangements have been made under Part III of Public Health (Control of Disease) Act 1984.</p>	
<p>D21 The appointment of Proper Officers for social services functions.</p>	<p>In accordance with the Green Decision notice dated 8 April 2003 and reported to the Developing and Supporting the Organisation Cabinet Team 25 April 2003.</p>
<p>Housing Support Services</p>	
<p>D22 To carry out the investigative and assessment duties of the Council under Part III of the Housing Act 1985 (Housing and Homelessness).</p>	
<p>D23 To provide general and specific advice on housing in order to prevent homelessness and assist in maintaining existing tenancies.</p>	
<p>D24 The nomination of tenants to Housing Associations schemes.</p>	
<p>D25 The administration of the 24 Hour Control Centre and the Carelink alarm system.</p>	
<p>D26 To make arrangements for asylum seekers.</p>	
<p>Cultural Services</p>	

D Delegations to the Strategic Director for Community

Function	Limits or restrictions on delegation
<p>D27 To undertake operational management of the Libraries and Information Service in accordance with the Public Libraries and Museums Act 1964.</p>	<p>Public Library Standards Statement.</p>
<p>Sport and Recreation and Contracts</p>	
<p>D28 To develop and operate the Sport and Recreation service.</p>	<p>Sport & Recreation Strategy (1999) Wolverhampton Swimming Strategy 2005 Wolverhampton Playing Pitch Strategy 2004</p>
<p>D29 To undertake the management of bars and licensed premises attached to Aldersley Leisure Village.</p>	<p>Licensing Acts 1964, 1988 and 2003 Food Safety Act 1990 Intoxicating Substances (Supply) Act 1985.</p>
<p>D30 To support and assist the Wolverhampton City Sports Advisory Council, the Wolverhampton Sports Development Trust, the Black Country Sports Board and the network of adopted Wolverhampton sport specific development groups.</p>	<p>Sport & Recreation Strategy 1999 Wolverhampton Swimming Strategy 2005 Wolverhampton Playing Pitch Strategy 2004 Adopted sport specific development plans.</p>
<p>D31 To grant aid sports development projects, sports clubs and sporting events.</p>	<p>Sport and Recreation Strategy 1999 Wolverhampton Swimming Strategy 2005 Wolverhampton Playing Pitch Strategy 2004</p>
<p>D32 To develop and operate parks, open spaces, static play areas and allotment sites.</p>	<p>Parks & Open Spaces Strategy 1999 and associated development plans:</p> <ul style="list-style-type: none"> • Play Area Development Plan 2001 • Allotments Development Plan 2001 • Parks & Open Spaces

D Delegations to the Strategic Director for Community

Function	Limits or restrictions on delegation
	<p>Community Safety Plan 1999 Smallholdings & Allotments Act 1908.</p>
<p>Community Centres</p>	
<p>D33 Assistance to management groups of Community Centres and management of all relevant support services provided by the Council.</p>	<p>In accordance with inter-agency plans and priorities.</p>
<p>D34 Co-ordination of community development support and partnership.</p>	<p>In accordance with inter-agency plans and priorities</p>
<p>Registration and Bereavement Services</p>	
<p>D35 Discharge of functions as Proper Officer for the Registration of Births, Deaths and Marriages including powers under:-</p> <p>Registration Services Act 1953 The Local Registration Scheme Registration of Births, Deaths and Marriages Regulations 1968 etc Marriage Act 1949, including authority to approve premises to be used as a venue for marriages in pursuance of section 26(i) (bb) of the Marriage Act 1949 (Marriages On Approved Premises) Regulations 1995. Civil Partnership Act 2004</p>	<p>In accordance with the statutory scheme.</p>

E Delegations to the Strategic Director for Delivery

Function	Limits or restrictions on delegation
E1 To approve “continuous service in the public sector” to be recognised for the purposes of annual leave entitlement.	In accordance with the Council’s Personnel Manual
E2 In consultation with the Section 151 Officer to determine the grade for posts below JNC for Chief Officers grading levels.	
E3 In consultation with the Section 151 Officer to deal with applications for discretionary added years for pension purposes with a maximum financial impact of £20,000	In accordance with report approved by Cabinet 15/11/06
E4 To administer the financial affairs of the Council in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988, the Accounts and Audit Regulations 2003.	This is a Section 151 Officer responsibility
E5 Discharge of functions as Proper Officer for the purposes of Section 100 of the Local Government Act 1972 and other provisions relating to admission to meetings and access to documents.	
E6 Scrutiny and Executive Support.	
E7 Democratic Services	
E8 To provide the client agency function for grounds maintenance.	In accordance with Council Procurement Strategy.
E9 To undertake the management of the Bereavement Centre including the provision and maintenance of cemeteries, crematorium and public mortuary facilities.	

Function	Limits or restrictions on delegation
Financial Services	
E10 To administer and manage the Council's payroll arrangements.	This is a Section 151 Officer responsibility
E11 To manage the Council's tax liabilities including National Insurance, Value Added Tax etc.	This is a Section 151 Officer responsibility
E12 To opt to tax land and property transactions not affected by policy considerations.	This is a Section 151 Officer responsibility
E13 To administer and manage the Council's creditor payment, telephone transfers and CHAPS payments etc arrangements.	This is a Section 151 Officer responsibility.
<p>E14 To collect non-domestic rates and Council Tax or any similar tax from those persons liable, to take such steps in relation to non-domestic rates and Council Tax as the Billing Authority are authorised or required to take and in particular, but without prejudice to the generality of the foregoing:-</p> <ul style="list-style-type: none"> <li data-bbox="331 1312 911 1491">(i) to institute, carry on or defend proceedings in relation to the collection or recovery of non-domestic rates, Council Tax and other charges; <li data-bbox="331 1536 911 1794">(ii) to authorise the institution or defence of any proceedings or the taking of any steps in relation to the valuation list or rating list which the Council are authorised or required to institute, carry on, defend or take; <li data-bbox="331 1827 911 1973">(iii) the imposition of penalties as provided for under the provisions of the Local Government Finance Acts 1988 and 1992; 	This is a Section 151 Officer responsibility

Function	Limits or restrictions on delegation
<ul style="list-style-type: none"> (iv) to take any necessary steps in representing the Billing Authority at Valuation Tribunals; (v) in respect of non-domestic rates, Council Tax and other charges to take any necessary steps in protection of the interests of the Council in connection with bankruptcies, receiverships and liquidations; (vi) to reduce or remit liability in accordance with sections 44A and 49 of the Local Government Finance Act 1988. (vii) to reduce or remit liability in accordance with S13A Local Government Act 1992. 	
<p>E15 To administer the assessment and payment of Housing and Council Tax Benefit and the Sanctions Policy in respect of fraud.</p>	<p>Developing and Supporting the Organisation Cabinet Team 28.06.02. This is a Section 151 Officer responsibility.</p>
<p>E16 To approve exceptional hardship payments.</p>	<p>This is a Section 151 Officer responsibility and authority is further delegated to the Head of Benefits to approve Discretionary Housing Payments</p>
<p>E17 To determine the individual claims for Housing Benefit, Council Tax benefit and rate relief and administer the relevant scheme and regulations.</p>	<p>This is a Section 151 Officer responsibility.</p>
<p>E18 To administer, collect, recover or issue all monies due to or from the Council to approve arrangements for the same and the setting of interest rates for mortgage advances for house purchases, improvements and conversions.</p>	<p>This is a Section 151 Officer responsibility.</p>
<p>E19 To manage, administer, monitor and report on day to day borrowing,</p>	<p>This is a Section 151 Officer responsibility.</p>

Function	Limits or restrictions on delegation
investment or financing, in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities. To review and report on the Treasury Policy Statement.	
E20 To deal with all risk management and insurance matters and settle all insurance claims in accordance with terms agreed from time to time with the Council's insurers.	This is a Section 151 Officer responsibility.
E21 In consultation with the Assistant Director (Governance) to deal with ex-gratia claims up to £500.	This is a Section 151 Officer responsibility. Developing and Supporting the Organisation Cabinet Team 22.03.02
E22 To make loans for vehicle purchase and to arrange leasing or contract hire as appropriate.	This is a Section 151 Officer responsibility.
E23 To supervise and administer the Council's banking arrangements.	This is a Section 151 Officer responsibility.
E24 To provide financial advice and services on all matters relating to:- (i) the financial affairs of joint ventures, partnerships, companies and other arrangements in which the Council has an interest; (ii) delegations of a financial nature to other bodies e.g. School Governors.	This is a Section 151 Officer responsibility.
E25 In conjunction with the Strategic Director for Education and Enterprise to agree to the application of monies recovered under the proceeds of Crime Act 2002 to a maximum of £30,000	In accordance with report approved by Cabinet 20/03/07 This is a Section 151 Officer responsibility.
E26 To undertake functions in respect of the West Midlands Metropolitan Authorities Pension Fund.	This is a Section 151 Officer responsibility.
E27 To administer and manage the	This is a Section 151 Officer

Function	Limits or restrictions on delegation
Council's procurement arrangements.	responsibility.
E28 The operational management of the Document Centre.	
Property Services	
<p>E29 In respect of the Construction (Design and Management) Regulations 1994 (made under the Health and Safety at Work Act 1974):-</p> <p>(i) to act as Agent for in-house clients in respect of duties defined for clients undertaking building constructions projects (including planned maintenance where applicable); and</p> <p>(ii) to carry out the duties for Planning Supervision in respect of building construction projects (including planned maintenance where applicable).</p>	
E30 To discharge the functions of Corporate Property Officer.	
E31 To discharge valuation and estates services and deal with property acquisition/disposals.	In accordance with the Scheme of Delegations and Contract Procedure Rules agreed from time to time by the Council.
E32 To manage and maintain the Civic Centre and to deal with applications for use of the Civic Centre by outside bodies.	
E33 Main Switchboard and Reception Services, City Direct.	
Legal Services	
E34 Discharge of functions as monitoring officer including the selection process by which Independent Members of the Standards Committee are recommended to the Council for	This is a Monitoring Officer responsibility.

Function	Limits or restrictions on delegation
<p>appointment.</p>	
<p>E35 Discharge of functions as Proper Officer for the purposes of:-</p> <p>Section 83 of the Local Government Act 1972 (declaration of acceptance of office)</p> <p>Section 84 (resignation)</p> <p>Section 96 (general notices and recording of disclosures of interest)</p> <p>Section 225 (deposit of documents)</p> <p>Section 229 (photographic copies of documents)</p> <p>Section 232 (public notices)</p> <p>Section 233 (service of notices)</p> <p>Section 234 (authentication of documents)</p> <p>Section 238 (evidence of bylaws).</p>	<p>Note: The functions in E35 to E45 are formally delegated to the Assistant Director (Governance)</p>
<p>E36 Discharge of any other Proper Officer functions which may be delegated from time to time by the Council.</p>	
<p>E37 To undertake functions in respect of the West Midlands Metropolitan Authorities Pension Fund.</p>	
<p>E38 To affix the Common Seal of the Council and to execute by any other means any deed or document on behalf of the Council.</p>	<p>In accordance with the Constitution.</p>
<p>E39 To take all such action as is necessary to commence, prosecute, defend, appear in or discontinue any legal proceedings brought by or against the Council and to authorise officers in accordance with section 60 of the County Courts Act 1984 and section 223 of the Local Government Act 1972.</p>	<p>In accordance with the Constitution and any specific restrictions or limitations imposed by the Council, the Executive or any Standing Body.</p>

Function	Limits or restrictions on delegation
E40 In consultation with the appropriate Strategic Director and the Section 151 Officer to institute proceedings for the recovery of possession of any land, premises or dwellings owned by the Council.	
E41 In consultation with the appropriate Strategic Director and the Section 151 Officer to institute proceedings for the recovery of rent, service charges, mortgage arrears and any other monies due to the Council.	
E42 In Consultation with the appropriate Strategic Director to authorise arrangements for the appointment of Education Appeals Panel Members and Chairs.	
E43 To make minor editorial and other amendments to the Councils Constitution consequential to legislative changes and subject to consultation with the 3 Group Leaders.	
E44 Maintenance and operation of the Local Land Charges Register.	
E45 Discharge of functions in relation to the compilation and maintenance of the Register of Electors and the organisation and management of European, Parliamentary and local elections.	The Chief Executive is the statutory officer for these functions
Birmingham International Airport	
E46 In consultation with the Section 151 Officer to deal with any matters requiring the consent of the Council as a shareholder in Birmingham Airport, or in relation to matters falling under the Shareholders' Agreement, which have been recommended by the West Midlands Joint Committee, or the	In accordance with the reports approved by Cabinet on 05.12.01 and 30.01.02. .

Function	Limits or restrictions on delegation
<p>financial and legal advisors to the Joint Committee, and which have no adverse financial impact on the Council or do not prejudice the value of its shareholding in the Airport.</p>	
<p>Transportation</p>	
<p>E47 To implement the provisions of the New Roads and Street Works Act 1991 as respects Streets, Street Works and Undertakers.</p>	<p>E47–E54 In accordance with any restrictions or limitations imposed by the Executive or relevant Standing Body through approved policies, procedures and service delivery programmes.</p>
<p>E48 To implement temporary and permanent traffic management measures and temporary prohibition of traffic on highways under the:</p> <p>Road Traffic Regulation Act 1984 Road Traffic Act 1991 Road Traffic (Temporary Restrictions) Act 1991 Transport and Works Act 1992 Traffic Signs Regulations and General Direction 1994 and any associated legislation.</p>	
<p>E49 To exercise the Council's functions relating to highways in the Town Police Clauses Act 1847 and the West Midlands County Council Act 1980.</p>	
<p>E50 To exercise the Council's functions under the Road Traffic Act 1988.</p>	
<p>E51 To implement measures under the Traffic Calming Act 1992.</p>	
<p>E52 To undertake repair, maintenance, signage etc of paths under the:</p> <p>National Parks and Access to the Countryside Act 1949</p>	

Function	Limits or restrictions on delegation
Countryside Act 1968 Wildlife and Countryside Act 1981 Rights of Way Act 1990 Countryside and Rights of Way Act 2000	
E53 To exercise the Council's functions under the Highways Act 1980 including:- Section: 56 - repair of highways 59 - recovery of expenses due to extraordinary traffic 60 - liability for cost of alternative routes 79 - removal of obstructions 100 - laying and repair of drains 101 - filling ditches 102 - protection of highways 130 - rights of public to use highway 132 - consent to display temporary signs 133 - repairing damage to footways 139 - placing of builders skips 142 - planting in the highway 144 - erection of flagpoles 143, 149, 151-153 – removal of obstructions 154 - removal of trees 156 - activities of statutory undertakers 163 - water from private land 164 - removal of barbed wire 165 - fencing of dangerous land 166 - dangerous forecourts 167 - retaining walls 169 - erection of scaffolding 171 - deposit of building materials 172 - erection of hoardings 176 - construction of bridges 177 - construction of buildings 178 - placing of cables etc.	

Function	Limits or restrictions on delegation
179 & 180 - construction of cellars 181 & 182 - private apparatus 184 - vehicle crossings 193 & 194 - new streets 205 & 212 - private street works schemes 230 - urgent repair of private streets 286 - new buildings 287 - barriers 289 & 290 – surveys 291 & 294 – powers of entry 295 - disposal of materials 296 - execution of works 297 - information on to ownership	
E54 To implement the Council's functions under the Midland Metro Act 1989 and associated legislation.	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>F1 Responding to applications for operating centres under the Good Vehicles (Licensing of Operators) Act 1995.</p>	
<p>F2 To exercise the Council's functions under the War Memorials (Local Authorities' Powers) Act 1923.</p>	
<p>F3 In respect of the Construction (Design and Management) Regulations 1994 (made under the Health and Safety at Work Act 1974):-</p> <p>(i) to act as Agent for in-house clients in respect of duties defined for clients and undertaking highways and civil engineering projects; and</p> <p>(ii) to carry out the duties defined for Planning Supervision in respect of duties defined for clients undertaking highways and civil engineering projects.</p> <p>Building Control</p>	
<p>F4 To exercise the Council's functions under the Building Act 1984 including:-</p> <p>Section 16 - 25 - passing or rejection of plans Section 35 - contravention of building regulations Section 36 - removal of offending work Section 55 - appeals Section 77 and 78 - dangerous buildings Section 80, 81 and 82 - demolition Section 99 - requiring works Section 102 - appeals.</p>	
<p>F5 To administer the approved Scheme of Charges for Building Control.</p>	<p>In accordance with the Scheme approved by the Regenerating Wolverhampton Cabinet Team on 23.07.01.</p>

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>Town and Country Planning etc. decisions</p> <p>F6 The responsibility for determining planning and other applications, planning enforcement and safety is exercised by the Planning Committee and the Strategic Director for Education and Enterprise</p> <p>F7 The Planning Committee will determine the classes of applications and related functions listed in the Schedule below which also sets out the conditions and exceptions under which decisions delegated to officers shall be carried out.</p> <p>F8 The Strategic Director for Education and Enterprise is authorised to exercise the powers of the Local Planning Authority in the area of Development Control, namely the determination of those planning and other applications, “including all requests for screening and scoping opinions made under the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999”, and including the drafting of conditions and of reasons for refusal on notices of decision, and the carrying out of planning enforcement and tree protection and safety functions, other than those listed in the Schedule and subject to the conditions and exceptions specified in the Schedule.</p> <p>F9 The Strategic Director for Education and Enterprise is authorised to deal with minor amendments to previously approved applications and approval of submissions in response to conditions.</p> <p>F10 The Strategic Director for Education and Enterprise authorised to issue Certificates of Lawful Development for</p>	<p>In accordance with the Scheme approved by Planning Committee on 30.11.04</p>

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>small Care Homes</p> <p>Schedule Limits on Delegation</p> <p>F11 Where the applicant is a member of staff involved in the planning process, or a Member, a Chief Officer or (at the discretion of the Strategic Director for Education and Enterprise) a Senior Officer of the Council, the application shall be reported to Committee for decision.</p> <p>F12 Where the Strategic Director for Education and Enterprise or a nominated Officer so considers, either because of its potential controversy, significant public interest or environmental impact, the application shall be reported to Committee for decision.</p> <p>F13 All applications, other than prior determination applications (see 1 above), on which a petition, or six letters or more of unresolved objection or adverse comment with a legitimate planning basis e.g. excluding purely commercial objections or those simply about devaluation of property, have been received, either from residential or other neighbours or from statutory consultees, shall only be determined by Committee. (Applications subject to five or less objections may be granted or refused by the Strategic Director for Education and Enterprise or other nominated Officer.)</p> <p>For the avoidance of doubt the phrase “six letters or more of unresolved objection or adverse comment with a legitimate planning basis” shall be interpreted as being where there is a conflict between the officer recommendation and the views</p>	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>expressed as a result of public consultation. Also, a petition shall be defined as a written document signed by ten or more persons from five or more identifiable households.</p>	
<p>F14 In respect of any application, where an objector or applicant indicates in writing within the appropriate timetables their desire to speak to Committee, such applications shall be determined by Committee.</p>	
<p>F15 All applications which are contrary to the provisions of the Unitary Development Plan or other relevant Council policies and where the officer recommendation is in support of the application shall be determined by Planning Committee.</p>	
<p>F16 All “major” applications (largely but not entirely as defined by the Town and Country Planning (General Procedure) Order for statutory publicity purposes) shall be reported to Committee for decision. These presently comprise:-</p> <p>(i) residential development where the site area is 0.5 hectares or more;</p> <p>(ii) other development where the floorspace to be created is 1000 square metres or more, or (where floorspace is not known) the site area is 1 hectare or more.</p> <p>(iii) the winning and working of minerals or the use of land for mineral working deposits; and</p> <p>(iv) all waste development, meaning any development designed to be used wholly or mainly for the purpose of treating, storing, processing or disposing of refuse or waste materials</p>	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
[Note the absence of any limit relating to the number of dwelling houses created]	
F17 All applications where it is proposed to enter into a planning agreement under Section 106 of the Town and Country Planning Act 1990 shall be reported to Committee for decision.	
F18 All applications for consent to fell more than five trees shall be reported to Committee for decision.	
F19 Confirmation of any tree preservation order where objections have been received shall be reported to Committee for decision.	
F20 All deemed applications arising from appeals against enforcement notices shall be reported to Committee for decision.	
F21 All applications for hazardous substances shall be reported to Committee for decision.	
F22 All prosecutions for non-compliance with planning enforcement notices, including stop notices (but not temporary stop notices) and breach of condition notices, and for unauthorised lopping, topping or felling of protected trees shall be reported to Committee for decision.	
F23 All applications for the installation of telecommunication equipment where approval is recommended shall be reported to Committee for decision.	
F24 Council applications involving creation of new floor space for buildings other than schools shall be reported to	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
Committee for decision.	
F25 Council's own applications for listed buildings and any applications that involve the demolition in whole or in part of a Locally Listed building shall be reported to Committee for decision.	
F26 All applications for care homes within the City shall be reported to the Committee for decisions.	
F27 The Strategic Director for Education and Enterprise is authorised to serve Temporary Stop Notices.	Planning Committee 31.10.06
<p>F28 To exercise the Council's functions under:-</p> <ul style="list-style-type: none"> • Planning (Listed buildings and Conservation Areas) Act 1990 – Sections 88 (Right of Entry) and 88A (Warrant to Enter Land). • Town and Country Planning Act 1990 – Sections 196A (Right of Entry) and 196B (Warrant to Enter Land). • Planning (Hazardous Substances) Act 1990 Sections 36 (Right of Entry) and 36A (Warrant to Enter Land). • Town and Country Planning Act 1990 Sections 215, 219, 224 and 225. <p>Regeneration</p>	<p>Planning Committee 23.07.02</p> <p>Officer delegations in respect of the Town and Country Planning Act 1990 were approved by the Planning Committee on 3 May 2005</p>
F29 Management of non-operational investment property e.g. industrial units.	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>Strategic Housing and Neighbourhood Renewal</p> <p>F30 The operational management of the Council’s housing and neighbourhood renewal Strategies and Plans including Performance monitoring and effective delivery of housing management services by Wolverhampton Homes and any Tenant Management Organisations and Estate Management Boards.</p> <p>F31 To implement the Crime Reduction Community Safety Strategy and Drug Strategy.</p> <p>F32 To manage the Anti-Social Behaviour Unit and, in conjunction with the Assistant Director (Governance) to institute proceedings to combat anti-social behaviour.</p> <p>F33 The authorisation of appropriately qualified and experienced officers to act as inspectors.</p> <p>Inspectors and other duly authorised officers are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing registrations and legal proceedings and formal cautions under the following legislation applicable thereto, and to exercise all other relevant powers, including powers of entry provided under such legislation.</p> <p>Building Act 1984 Caravan Sites Act 1968 Chronically Sick and Disabled Persons Act 1970 Defective Premises Act 1972 Environmental Protection Act 1990 Health and Safety at Work etc Act 1974</p>	<p>In accordance with the Constitution and any specific restrictions or limitations imposed by the Executive or relevant Standing Body through approved policies, procedures and service delivery programme.</p> <p>In accordance with the Scheme of Delegation approved by the former Housing Services Committee on 03.06.97.</p> <p>Housing Act 2004 in accordance with reports to Cabinet (Resources) Panel 21.03.06 and Cabinet 06.06.06</p>

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>Housing Acts 1985, 1988, 1996 and 2004 Housing and Building Control Act 1984 Housing Grants, Construction and Regeneration Act 1996 Housing and Planning Act 1986 Landlord and Tenant Act 1985 Local Government (Miscellaneous Provisions) Act 1976 and 1982 Local Government and Housing Act 1989 Public Health Acts 1936 and 1961 Protection from Eviction Act 1977 Rents Act 1974 and 1977 Rent (Agriculture) Act 1976 Rent (Agriculture) Amendment Act 1977 Social Security and Housing Benefits Act 1982, Parts II and III Town Development Act 1952 West Midlands County Council Act 1980 Ss 32 and 43</p> <p>Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972.</p> <p>Any offence under any legislation or at Common Law which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling or procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.</p>	<p>Report approved by Cabinet 28.11.06 with response to legal proceedings pursuant to Sections 189, 352 and 376 of the Housing Act 1985</p>
<p>F34 To implement the Approved Development Programme for Housing Association newbuild.</p>	<p>In accordance with the Programme.</p>
<p>F35 To implement the annual investment programme identified for housing under the Major Repairs Allowance and Unitary Capital Pot.</p>	<p>In accordance with the Programme.</p>
<p>Environmental Services</p>	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>F36 The appointment of Proper Officers for environmental health functions.</p>	<p>In accordance with the Green Decision notice dated 8 April 2003 and reported to the Developing and Supporting the Organisation Cabinet Team 25 April 2003.</p>
<p>F37 The operational management of the Council's environmental health and trading standards and street trading services.</p>	<p>In accordance with the Constitution and any specific restrictions or limitations imposed by the Executive or relevant Standing Body through approved policies, procedures and service delivery programme.</p>
<p>F38 The authorisation of appropriate qualified and experienced officers to act as inspectors.</p>	
<p>F39 Inspectors and other duly authorised officers are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing registrations and legal proceedings and simple cautions under the following legislation applicable thereto, and to exercise all other relevant powers, including powers of entry and authorisation of work in default provided under such legislation.</p>	
<p>Executive functions Food and Environmental Safety Service and Public Protection Service</p> <p>Agriculture (Miscellaneous Provisions) Act 1968 Animal Health Act 1981 Animal Health and Welfare Act 1984 Animal Welfare Act 2006 Anti-Social Behaviour Act 2003 Building Act 1984 Chronically Sick and Disabled Persons Act 1970</p>	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>Clean Air Act 1993</p> <p>Clean Neighbourhoods and Environment Act 2005</p> <p>Control of Pollution Act 1974</p> <p>Control of Pollution (Amendment) Act 1989</p> <p>Cremation Acts 1902 and 1952</p> <p>Criminal Attempts Act 1981</p> <p>Criminal Justice & Public Order Act 1994</p> <p>Criminal Justice and Police Act 2001</p> <p>Dangerous Dogs Act 1991</p> <p>Dogs Act 1906</p> <p>Dogs (Fouling of Land) Act 1996</p> <p>Environment Act 1995</p> <p>Environmental Protection Act 1990</p> <p>Environmental and Safety Information Act 1998</p> <p>Food and Environmental Protection Act 1985</p> <p>Food Safety Act 1990</p> <p>Health Act 2006</p> <p>Highways Act 1980</p> <p>Home Safety Act 1961</p> <p>Housing Act 1964</p> <p>Local Government Acts 1972 and 1988</p> <p>Local Government (Miscellaneous Provisions) Acts 1976 and 1982</p> <p>Mines and Quarries (Tips) Act 1969</p> <p>National Assistance Act 1948</p> <p>National Assistance (Amendment) Act 1951</p> <p>National Health Services (Amendment) Act 1986</p> <p>Noise Act 1996</p> <p>Noise and Statutory Nuisance Act 1993</p> <p>Police and Criminal Evidence Act 1984</p> <p>Pollution Prevention and Control Act 1999</p> <p>Prevention of Damages by Pests Act 1949</p> <p>Protection of Animals Act 1911</p> <p>Protection of Badgers Act 1992</p> <p>Public Health Acts 1875 to 1969</p> <p>Public Health (Control of Diseases) Act 1984</p> <p>Public Health (Recurring Nuisances) Act 1969</p> <p>Refuse Disposal (Amenity) Act 1978</p> <p>Regulation of Investigatory Powers Act</p>	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>2000 Sunday Trading Act 1994 Town and Country Planning Act 1990 Sections 224 and 225 Water Industry Act 1991 Weeds Act 1959 West Midlands County Council Act 1980 Wildlife and Countryside Act 1981 Wolverhampton Corporation Act 1969</p> <p>Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972.</p> <p>Any offence under any legislation or at Common Law which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling or procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.</p> <p>Executive Functions Trading Standards Service</p> <p>Accommodation Agencies Act 1953 Administration of Justice Act 1970 & 1972 Agriculture Act 1970 Animal Health Act 1981 Animal Health and Welfare Act 1984 Animal Welfare Act 2006 Anti-Social Behaviour Act 2003 Architects Act 1997 Auctions (Bidding Agreement) Acts 1922 & 1969 Banking Act 1987 Business Names Act 1985 Cancer Act 1939 Children and Young Persons (Protection from Tobacco) Act 1991 Children and Young Persons Act 1933 Clean Neighbourhoods and Environment Act 2005 Companies Acts 1985 & 2006</p>	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>Consumer Credit Acts 1974 and 2006 Consumer Protection Acts 1961,1971,1987 Control of Pollution Act 1974 Copyright, Designs and Patents Act 1988 Copyright and Trade Marks (Offences and Enforcement) Act 2002 Courts & Legal Services Act 1990 Criminal Attempts Act 1981 Criminal Justice Act 1988 Criminal Justice and Police Act 2001 Criminal Justice & Public Order Act 1994 Criminal Law Act 1977 Customs and Excise Management Act 1979 Development of Tourism Act 1969 Education Reform Act 1988 Energy Act 1976 Energy Conservation Act 1981 Enterprise Act 2002 Environmental Protection Act 1990 Estate Agents Act 1979 European Communities Act 1972 Fair Trading Act 1973 Food Safety Act 1990 Forgery and Counterfeiting Act 1981 & 1988 Fraud Act 2006 Hallmarking Act 1973 Health and Safety at Work etc Act 1974 Highways Act 1980 Insolvency Act 1986 Insurance Brokers Registration Act 1977 Intoxicating Substances (Supply) Act 1985 Knives Act 1997 Licensing Act 1964 (as amended) Licensing Act 2003 Local Government Acts 1972 and 1988 Malicious Communications Act 1988 Medicines Act 1968 Mock Auctions Act 1961 Motor Cycle Noise Act 1987 Motor Vehicles (Safety Equipment for</p>	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>Children) Act 1991 National Lottery etc Act 1993 Offensive Weapons Act 1996 Olympic Symbol etc (Protection) Act 1995 Osteopaths Act 1993 Poisons Act 1972 Prices Acts 1974 and 1975 Proceeds of Crime Act 2002 Property Misdescriptions Act 1991 Protection from Harassment Act 1997 Protection of Children (Tobacco) Act 1986 Regulation of Investigatory Powers Act 2000 Road Traffic Acts 1988 and 1991 Road Traffic (Foreign Vehicles) Act 1972 Road Traffic Offenders Act 1988 Road Traffic Regulation Act 1984 Solicitors Act 1974 Telecommunications Act 1984 Theft Acts 1968 and 1978 Timeshare Act 1992 Trade Descriptions Act 1968 Trade Marks Act 1994 Trading Representations (Disabled Persons) Acts 1958 and 1972 Trading Stamps Act 1974 Unsolicited Goods and Services Acts 1971 and 1975 Vehicles (Crime) Act 2001 Video Recordings Acts 1984 and 1993 Weights and Measures Acts 1976 and 1985</p> <p>Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972. Any offence under any legislation or at Common Law which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling or procuring, incitement, conspiracy, perverting the course of</p>	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>justice and criminal attempts.</p> <p>F40 The operational management of the Council's licensing and health and safety at work functions.</p> <p>F41 The authorisation of appropriately qualified and experienced officers to act as inspectors.</p> <p>Inspectors and other duly authorised officers are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing registrations, legal proceedings and simple cautions under the following legislation applicable thereto and to exercise all other relevant powers, including powers of entry and authorisation of work in default provided under such legislation.</p> <p>Non-Executive functions Food and Environmental Safety and Public Protection Divisions</p> <p>Agriculture (Miscellaneous Provisions) Act 1968 Animal Boarding Establishments Act 1963 Animal Health Act 1981 Animal Health and Welfare Act 1984 Animal Welfare Act 2006 Anti-Social Behaviour Act 2003</p>	<p>In accordance with the Constitution and any specific restrictions or limitations imposed by the Executive or relevant Standing Body through approved policies, procedures and service delivery programmes.</p> <p>Officer delegations relating to the Licensing Act 2003 were approved by the Licensing Committee 2 March 2005</p>

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
Betting Gaming and Lotteries Act 1963 Breeding of Dogs Act 1973/1991 Breeding and Sale of Dogs (Welfare) Act 1999 Caravan Sites and Control of Development Act 1960 Charities Acts 1992 and 1993 Cinemas Act 1985 Dangerous Wild Animals Act 1976 Deer Act 1991 Employment Agencies Act 1973 Entertainment (Increased Penalties) Act 1990 Factories Act 1961 Fire Safety and Safety of Places of Sport Act 1987 Food and Environmental Protection Act 1985 Food Safety Act 1990 Game Act 1831 Game Licensing Act 1860 Gambling Act 2005 Gaming Act 1968 Guard Dogs Act 1975 Health and Safety at Work etc Act 1974 Highways Act 1980 House to House Collections Act 1939 Hypnotism Act 1952 Late Night Refreshment Houses Act 1969 Licensing Acts 1964 Licensing Act 2003 Local Government Act 1972 and 1988 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 Lotteries and Amusements Act 1976 Marriage Act 1994 Offices Shops and Railway Premises Act 1963 Performing Animals (Regulation) Act 1925 Pet Animals Act 1951 Poisons Act 1972 Police, Factories etc (Miscellaneous Provisions) Act 1916 Private Places of Entertainment	Officer delegations relating to the Licensing Act 2003 were approved by the Licensing Committee 2 March 2005

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>(Licensing) Act 1967</p> <p>Public Health (Control of Diseases) Act 1984</p> <p>Public Health (Recurring Nuisances) Act 1969</p> <p>Rag, Flock and other Filling Materials Act 1951</p> <p>Registration Service Act 1953</p> <p>Regulation of Investigatory Powers Act 2000</p> <p>Riding Establishments Acts 1964 and 1970</p> <p>Safety of Sports Grounds Act 1975</p> <p>Scrap Metal Dealers Act 1964</p> <p>Slaughter of Poultry Act 1967</p> <p>Slaughterhouses Act 1974</p> <p>Sunday Trading Act 1994</p> <p>Theatres Act 1968</p> <p>Town Police Clauses Acts 1847 and 1889</p> <p>Town and Country Planning Act 1990 Sections 215, 219, 224 and 225</p> <p>Tramways Act 1870</p> <p>Transport Acts 1980-2000</p> <p>Vehicle (Crime) Act 2001</p> <p>War Charities Act 1940</p> <p>Welfare of Animals and Slaughter Act 1991</p> <p>Zoo Licensing Act 1981</p> <p>Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972.</p> <p>Any offence under any legislation or at Common Law which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling or procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.</p>	<p>Officer delegations in respect of the Town and Country Planning Act 1990 were approved by the Planning Committee on 3 May 2005</p>
<p>F42 To exercise such functions of the</p>	<p>Scheme of Delegation</p>

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>Licensing Committee as may be delegated by the Committee from time to time.</p>	<p>approved by the Licensing Committee 02.03.05.</p>
<p>F43 The operational management of the Council's wholesale and retail markets including the provision of street trading activities.</p>	
<p>F44 The authorisation of appropriately qualified and experienced officers to act as markets officers.</p> <p>Markets officers and other duly authorised officers are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices, (including suspension and compliance notices) notifications, waivers, transfer, authorisations, licensing registrations, legal proceedings and formal cautions under the following legislation thereto, and to exercise all other relevant powers including powers of entry provided under such legislation.</p> <p>Markets and Fairs Clauses Act 1847 Fairs Act 1868 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 Food Act 1984</p>	<p>Scheme of delegation in respect to allocation procedures and Market rules Cabinet 17.04.07</p>
<p>F45 In consultation with the Assistant Director (Governance) to authorise Legal Proceedings under Paragraphs F28, F33, F39, F41 and F44</p>	
<p>Commercial Services</p>	
<p>F46 The operational management of the Council's function relating to cleaning and catering.</p>	
<p>F47 The management of the Council's</p>	<p>The Council's functions are to</p>

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>functions relating to waste management, environmental cleansing, litter control, refuse collection and disposal, waste disposal, waste minimisation and recycling.</p>	<p>be discharged in accordance with the Waste Partnership</p>
<p>F48 To manage the Council's corporate transport service.</p>	
<p>F49 To manage the Council's Street Scene Services.</p>	
<p>F50 To submit planning applications:</p> <ul style="list-style-type: none"> (i) for the development or redevelopment of surplus properties (where Development Briefs or Planning Briefs are not required) in order to maximise sales potential prior to offering the properties for disposal on the open market. (ii) for deemed applications for building works where funding is contained in approved Capital or Revenue budgets. (iii) Submit planning applications for Council owned properties 	<p>In accordance with Green Decision 04.05.05.</p> <p>In accordance with Green Decision 19.09.08</p>
<p>Education Services</p>	
<p>F51 To make Statements of Special Educational Need and to secure provision for pupils with special educational needs.</p>	<p>In accordance with the Special Education Plan.</p>
<p>F52 To make provision for pupils who are unable to attend school.</p>	
<p>F53 To ensure the attendance of pupils at school and, in consultation with the Assistant Director (Governance), authorise the institution of appropriate legal proceedings in respect of non-</p>	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
<p>attendance.</p> <p>To issue Fixed Penalty Notices in relation to school attendance under the Anti-Social Behaviour Act 2003.</p>	<p>In accordance with the decision of Cabinet (Resources) Panel 9 November 2004.</p>
<p>F54 To deal with admissions to schools in accordance with the statutory Admissions Code of Practice and the Council's admission arrangements subject to consultation with the appropriate Cabinet Member(s) in cases of over-subscription.</p>	
<p>F55 To take action in relation to school improvement in accordance with the Education and Inspection Act 2006 and other relevant legislation.</p>	
<p>F56 To implement School Improvement Partnership Board initiatives including the implementation of the Standards Fund Local Delivery Plan.</p>	
<p>F57 To manage the arrangements for the payment of grants, loans and allowances to or in respect of pupils and students.</p>	<p>In accordance with the statutory provision and the scheme of delegation approved by the Lifelong Learning Cabinet Team on 30.05.02.</p>
<p>F58 To make provision for pupils to receive free school meals and to make arrangements for home-school transport where appropriate.</p>	
<p>F59 In consultation with the Section 151 Officer to manage the delegation arrangements for Schools' Budgets</p>	
<p>F60 To ensure that the health and safety of children is safeguarded at all times.</p>	
<p>F61 In consultation with the Assistant Director (Governance), authorise the service of notices and/or the institution of legal proceedings in accordance with</p>	

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
Section 547 of the Education Act 1996 (nuisance or disturbance on school premises).	
F62 To exercise such functions of the Licensing Committee relating to child employment as may be delegated by the Panel from time to time.	Scheme of Delegation approved by the former Licensing and Environmental Protection Panel on 26.02.03.
F63 To undertake operational management of the Arts and Museums Service in accordance with the Public Libraries and Museums Act 1964.	
F64 To collect and commission works of art for the Arts and Museums Service.	Wolverhampton Arts and Museums Service Acquisition and Disposal Policy (1999).
F65 To provide for the safekeeping of the City Council's documentary heritage and make it available for public consultation in accordance with the Local Government (Records) Act 1962.	Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000).
F66 To accept items from Public Records under the terms of the Public Records Act 1958.	Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000). Wolverhampton Arts and Museums Service Acquisition and Disposal Policy (2005)
F67 To accept other items on deposit which contribute to the understanding of the history of the city and its people and make such items available for public consultation.	Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000).
F68 To undertake the operational management of the Civic Halls, arranging for a variety of programming and dealing with applications for use of the premises by outside bodies.	Hypnotism Act 1952 Licensing Act 2003 Cinemas Act 1985 Theatres Act 1968.
F69 To undertake the management of bars and licensed premises attached to the Civic Halls.	Food Safety Act 1990 Intoxicating Substances (Supply) Act 1985

F Delegations to the Strategic Director for Education and Enterprise

Function	Limits or restrictions on delegation
	Late Night Refreshment Houses Act 1988 Licensing Acts 1964 and 1988 Licensing Act 2003
F70 To arrange outdoor events to take place throughout the city.	Performing Animals (Regulation) Act 1925 Food Safety Act 1990 Intoxicating Substances (Supply) Act 1985 Licensing Acts 1964 and 1988 Licensing Act 2003
F71 To grant aid a number of projects, companies and individuals in the furtherance and provision of cultural development in the city.	
F72 To provide information and services with regard to local places of interest, events, accommodation and travel in accordance with the Development of Tourism Act, 1969.	
F73 To seek additional funding for the above from a range of funding organisations. Adult Education Services	
F74 To provide an adult education service.	In accordance with the Learning and Skills Council.

G Delegation to the Director of Pensions Services

Function	Limits or restriction on delegation
<p>West Midlands Metropolitan Authorities Pension Fund</p> <p>G1 The administrative management of matters in connection with superannuation.</p> <p>G2 The investment and general management of the Fund.</p> <p>G3 To provide services to the West Midlands Integrated Transport Authority Pension Fund.</p>	<p>In accordance with the statutory provisions and any determinations of the Superannuation Committee.</p> <p>Consultation to take place with the Chairman of the Investment Advisory Sub-Committee prior to any major investment decision if it is possible to do so.</p> <p>In accordance with the agreement between the Council and the ITA.</p>

MANAGEMENT STRUCTURE

1. The Council's Business Model for service delivery was approved by Council on 15 December 2010.
2. The Business Model provides for front line service delivery to be shaped by a clear understanding of customer and service user demand and of people's individual needs.
3. All activity is based on intelligence – what data and other information gathered from residents, local businesses and other customers tells the Council what it needs to do.
4. The structure to support this Business Model comprises the Chief Executive and three Strategic Directors who form a strategic Executive Board. One Assistant Chief Executive and ten Assistant Directors. The Assistant Chief Executive Monitoring Officer and Section 151 Officer also attend the Strategic Board.
5. Each directorate has a specific focus:
Delivery (including support and day to day services)
Community (including Support for vulnerable adults and children – this includes the statutory posts of DASS and DCS)
Education and Enterprise (including regeneration skills and learning)
6. To support the Strategic Directors the Assistant Directors cover a range of activity areas that operate as separate business units.
7. The ten Assistant Directors cover the following specific areas:-
 - Corporate Services (Section 151 Officer)
 - Governance (Monitoring Officer)
 - City Services
 - Children and Family Support
 - Health and Wellbeing
 - Adult Social Care and Housing Support
 - Leisure and Communities
 - Prosperity
 - Promotions and Partnerships and,
 - Schools, skills and learning

The Assistant Directors Portfolio of Responsibilities are:-

Corporate Services (Section 151 Officer)

- Financial Services (Deputy Section 151 Officer)
- HR
- Building Services
- Corporate Asset Management

- Document Centre & Graphics

Governance (Monitoring Officer)

- Legal & Electoral services (Deputy Monitoring Officer)
- Democratic Services
- Member Services & Scrutiny
- Equalities
- Health and Safety
- Business Continuity & emergency planning

City Services

- City Direct (front office for revs and benfs)
- Waste & Recycling
- Grounds Maintenance
- Catering, cleaning, facilities management
- Highways maintenance, Street care & cleaning
- Parking (permits, charges, fines, blue badges on and off street)
- Bereavement Services
- Fleet Services

Children and Family Support

- Children and Family Support
- Looked after children
- Child Protection
- Disabled Children
- Youth Offending
- Children's Centres
- Social Inclusion Services

Health and Wellbeing

- Care and Support Commissioning Strategy – Adults and Children
- Joint Commissioning and JSNA
- Safeguarding – Adults and Children
- Health and Wellbeing Board
- Contract Monitoring
- Regulation and Performance

Adult Social Care and Housing Support

- Homelessness, Asylum and Tenancy Support
- Adult Protection
- Self directed support, Personal budgets and reviews
- Welfare benefits and financial assessment
- Telecare equipment and adaptations
- Reablement
- Provider services – younger adults and older people

Leisure and Communities

- Libraries
- Community Centres and the development of community capacity
- Sport and recreation
- Parks Strategy
- Youth
- Play
- Community Initiatives

Prosperity

- Economic Development
- Regulatory Services
- Physical Regeneration and Utilising the Council's physical assets
- Transport Strategy & Development
- Strategic housing and housing market intervention
- Delivery of the Council's capital programme

Promotion and Partnerships

- Partnerships eg LSP, Wolverhampton Homes, Black Country Consortium
- Neighbourhood working
- Civic Halls/Museums
- Visitor economy/Marketing/City Centre Management

Schools Skills and Learning

- BSF
- Schools Service including admissions, SLA's etc
- Schools Improvement and enrichment activities
- Pupil Referral Units
- Adult Education
- SEN

Assistant Chief Executive

- Corporate Policy
- Programmes and Projects
- Internal Audit
- Transformation
- ICT
- Performance Management
- Community Safety

8. The Assistant Directors provide operational leadership across all service areas and are accountable to the Strategic Executive Board for delivery.

9. The Director for Pensions arranges for the Council's responsibilities to manage the West Midlands Metropolitan Authorities Pension Fund to be discharged this includes the investment and general management of the fund and to provide services to the West Midlands Integrated Transport Authority Pension Fund.