

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

01 SEPTEMBER 2015

REPORT OF THE ASSISTANT CHIEF EXECUTIVE – LEGAL & REGULATORY SERVICES

AMENDMENT TO THE SCHEME OF DELEGATION

1. Purpose of Report

- 1.1 The purpose of the report is to seek Cabinet approval for a series of amendments which have been made to the Schemes of Delegation of Functions relating to their functions within the scheme.

2. Connection to Corporate Improvement Objectives / Other Corporate Priorities

- 2.1 The amendment of the Scheme of Delegations will support effective decision making and the achievement of all the Corporate Priorities.

3. Background

- 3.1 A number of administrative amendments have been made in the last few months and this report consolidates those updates and advises of the outcomes of the subsequent review of the Scheme of Delegations which was undertaken.

4. Current situation / proposal

4.1 Changes to the titles and responsibilities of Corporate Directors.

- 4.1.1 Earlier this year the titles and responsibilities of the Corporate Directors were revised. The functions allocated to each Corporate Director required some amendments to be made particularly in Scheme B2 to reflect the changes to their responsibilities accordingly.

4.2 Changes to the titles and responsibilities of Cabinet Member Portfolios

- 4.2.1 In May 2015 the Cabinet Member titles and portfolios were revised. The revised portfolio's no longer follow the remits of the Corporate Directors roles and responsibilities. Therefore:

- Scheme A
 - has required the separation of the functions previously undertaken by the Cabinet Member for Children and Young People into those relating to Children's Social Services for the Cabinet Member Children's Social Services and Equalities and those functions which are for the Cabinet Member with the responsibility for education (currently the Deputy Leader).

- Paragraph 6 has been added specifically for the Cabinet Member with the responsibility for education and appropriate functions have been allocated as necessary. (Paragraph 6.1 and 6.2 refers)
- Scheme B1
 - With the Cabinet Portfolios being more cross-cutting the Cabinet consultees have been allocated as “The Cabinet Member with the relevant function”. This will ensure that the appropriate Cabinet Member can be consulted without having a specific list of functions attached within the paragraph in the scheme.

4.3 Desktop Review

- 4.3.1 Once these initial amendments had been made a desktop review was undertaken to ensure that the Scheme was up-to-date and fit for purpose. Some revisions were required and are identified below.
- 4.3.2 Paragraph 2.36 of Scheme B2 was identified as a duplicated entry and removed. The paragraph number was marked as “intentionally blank” to avoid the need for a renumbering of the scheme which may cause significant confusion.
- 4.3.3 Paragraph 6.43 referred to discussions with the Head of Street Scene a post which no longer exists. This post was replaced by the Head of Neighbourhood Services and the delegation amended as follows:

6.43	To appoint, following discussions with the Head of Neighbourhood Services and the Bridgend Local Access Forum Secretary appropriate applicants to be members of the Bridgend Local Access Forum.
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- 4.3.4 The explanation of the Chief Officer roles to which the Scheme of Delegation related to was added for clarity.
- 4.3.5 As a result of the implementation of the Joint Regulatory Service, the functions within the collaboration agreement that are reserved to the Authority shall remain within the scheme but the Assistant Chief Executive Legal and Regulatory Services will provide appropriate delegations.
- 4.3.6 Following the desktop review the updated scheme was circulated to Corporate Directors for comment.

4.4 Updated legislation

- 4.4.1 Paragraph 1.13 of the General Powers has been updated to reflect the introduction of the Housing (Wales) Act 2014” as follows:

1.13	To determine applications for assistance by homeless persons and persons threatened with homelessness pursuant to Part 2 of the Housing (Wales) Act 2014 and to secure temporary accommodation as appropriate.
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4.5 Operational Requirements

4.5.1 To meet operational requirements it is proposed that:

- a. a new paragraph 2.63 be added to the Cabinet functions of Scheme B2 of the Scheme of Delegations for the Assistant Chief Executive – Legal & Regulatory Services as follows:

2.63	To apply to the Magistrates' Court for a warrant to enter land under s.196B of the Town and County Planning Act 1990.
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- b. that a new paragraph 6.58 be added to the Council functions of Scheme B2 of the Scheme of Delegations for the Corporate Director - Communities as follows:

6.58	To authorise officers to have power of entry, issue prohibition notices under Section 10 and undertake responsibilities as to implementation and enforcement under paragraphs 10B and 11 of the Safety of Sports Grounds Act 1975.
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4.5.2 Under the current scheme all Chief Officers may authorise in writing any other Officer or Officers of the Council, specified either by name, or by designation and post reference, either generally or specifically for the purpose, to exercise any or all of the powers authorised to be exercised by them, (General Powers, Scheme B1 & B2) provided that:

- (a) officer reports to or is responsible to the delegator;
- (b) the officer is appropriately qualified, trained and experienced;
- (c) the functions to be exercised are within that officer's area of responsibility;
- (d) it is necessary or desirable for the effective performance of the day to day operation of a service, and
- (e) It is lawful to do so.

4.5.3 Assistance can be provided to Chief Officers with the completion of their Register of Delegation as necessary.

4.6 A full version of the Scheme of Delegation has been attached at **Appendix A** of this report.

4.7 Following approval of the amendments to Cabinet functions a subsequent report will be submitted to Council to request approval of the Scheme of Delegations of Functions for those functions which relate to Council. Once approval has been received and the call in process has been completed, the scheme will be updated and published. Corporate Directors will be requested to update their Register of Delegations accordingly to reflect these changes.

5. Effect upon Policy Framework & Procedure Rules

5.1 There is no effect upon the Policy Framework and Procedure Rules.

6. Equality Impact Assessment

6.1 There are no equality implications arising from this report.

7. Financial Implications.

7.1 There are no financial implications.

8. Recommendation.

8.1 Cabinet is recommended to approve the Schemes of Delegation of Functions relating to its Cabinet Functions as attached at Appendix A.

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Background documents: - None