

**COUNCIL
28 APRIL 2004**

**SCHEME OF DELEGATION TO OFFICERS: INTERIM ARRANGEMENTS
(Director of Corporate Services)**

1. INTRODUCTION

1.1 The purpose of this report is to invite the Council to approve interim revisions to the scheme of delegations to officers and proper officer appointments, which take account of the departmental reorganisation of the Council, which becomes effective from 1 May 2004. A full revised scheme will be submitted to a later meeting of the Council for approval, after consideration by the Constitution Review Group, together with consequential changes to the Constitution.

1.2 In addition to the adjustments necessary in consequence of departmental restructuring the Council needs to make provision for the effective allocation of responsibilities under the Anti-Social Behaviour Act 2003 which is a major piece of legislation now coming into force in stages.

2. RECOMMENDATION

2.1 That

- (i) the former delegations to the Director of Environment and the Director of Leisure Services which relate to the functions undertaken in the new Environment and Leisure Department be delegated to the Director of Environment and Leisure;**
- (ii) the former delegations to the Director of Leisure Services which relate to functions undertaken in the new Education and Libraries Department be delegated to the Director of Education and Libraries;**
- (iii) the former delegation to the Director of Environment which relate to functions undertaken in the Corporate Services and Resources Department be delegated to the Director of Corporate Services and Resources;**
- (iv) the former delegations to the Director of Environment which relate to functions undertaken in the Social Services and Housing Department be delegated to the Director of Social Services and Housing; and**
- (v) the delegations to the Borough Finance Officer which relate to the exercise of all other powers and duties relating to Council Tax and the National Non-Domestic Rate collection be allocated to the Director of Corporate Services and Resources;**
- (vi) the proper officer functions be amended to reflect paragraphs (i) – (v) above;**

(vii) the Director of Corporate Services and Resources be delegated authority to take all operational decisions in relation to Bracknell Forest Services and the Director of Social Services and Housing be delegated authority in relation to all matters relating to the Crime and Disorder Reduction Act;

(viii) that the Director of Environment and Leisure be delegated those functions set out in Annexe B to this report

2.2 Part 3 of the Council's Constitution be amended to reflect the delegations set out in paragraph 2.1 above.

3. **ADVICE RECEIVED FROM STATUTORY OFFICERS**

Section 151 Officer

3.1 There are no financial implications arising from the recommendations in this report.

Borough Solicitor

3.2 The comments of the Borough Solicitor have been incorporated into this report.

Access Implications

3.3 There are no access implications arising from the recommendations in this report.

4. **SUPPORTING INFORMATION**

4.1 The Council is implementing a new departmental structure, which will be fully effective from 1 May 2004. Part 3 of the Council's Constitution includes a scheme of delegation to officers and a list of proper officer functions. In order that senior officers may continue to exercise the appropriate delegations, this report seeks the Council's confirmation that the former delegations be continued in the new departmental structure.

4.2 Following consideration by the Council's Constitution Review Group, a fully revised scheme will be submitted to a future meeting, together with other changes arising required to the Constitution following the departmental restructure. Attached as Annex A to this report is a list of functions undertaken in the four departments. Under Part 3 of the Constitution, each Director is responsible for maintaining a list of onward delegations made to specific officers within his/her department.

4.3 As part of the reorganisation a new post of Head of Customer Services, reporting to the Director of Corporate Services and Resources, has been created. This post will be responsible for the collection of Council Tax and National Non-Domestic Rates and all other powers and duties in that regard. However, hitherto this function has been specifically delegated to the Borough Finance Officer, (who together with the Borough Solicitor each fulfil a statutory officer function and thus have a separate list of delegations.) Thus, it is necessary to allocate this to the Director of Corporate Services and Resources.

4.4 In addition the existing scheme of delegation does not provide the Director of Corporate Services and Resources with any operational powers in relation to Bracknell Forest Services. Likewise the existing scheme of delegation does not include any provision for officers to make operational decisions in relation to the Council's Crime and Disorder Act functions (community safety). It is proposed to remedy these omissions by the inclusion of additional clauses in the scheme of delegation.

4.5 The Anti-Social Behaviour Act 2003 is a significant piece of new legislation which both strengthens existing legislation in a number of areas (for example, Anti-Social Behaviour Orders and seeking possession of Council housing on the basis of anti-social behaviour) and confers new powers and duties on local authorities. Amongst the most significant of the latter are:-

- an owner of a domestic property will now be able to complain to the Council about a hedge on adjoining land if it exceeds 2 metres in height. The Council must decide if the hedge affects the complainant's reasonable enjoyment of his/her property and if so are required to issue a notice requiring remedial measures
- power to issue fixed penalty notices for graffiti and fly posting where occurring on specified categories of land
- power to issue notices requiring the removal of graffiti from specified categories of buildings/other surfaces
- a new offence is created of selling an aerosol paint container to a person under the age of sixteen

It is appropriate that these new powers should be delegated to the Director of Environment and Leisure

Background Papers - Nil

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Functions by Department

Director of Corporate Services and Resources

- (1) Arrangements for the Appointment of Local Education Authority Governors
- (2) Bracknell Forest Services
- (3) Building Surveying and Valuation Services
- (4) Corporate Asset Management
- (5) Corporate Financial Control and Budgeting Arrangements
- (6) Corporate Human Resources
- (7) Corporate Information and Communications Technology
- (8) Council Tax and National Non Domestic Rate Powers and Duties
- (9) Democratic Services
- (10) Depot Management
- (11) Electoral Services
- (12) Legal Services
- (13) Member Services
- (14) Overview and Scrutiny Arrangements, including health scrutiny
- (15) Property Management
- (16) Registration of Births, Deaths and Marriages and functions under the Marriage Act 1994
- (17) School Admission and Exclusion Appeal Arrangements
- (18) Vehicle Fleet Management

Director of Education and Libraries

- (1) Education Authority (with the exception of Admission and Exclusion Appeal Arrangements and appointment of local education authority governors on school governing bodies)
- (2) Home to School Transport
- (3) Library Service
- (4) Services to Schools
- (5) Youth Service

Director of Environment and Leisure

- (1) Abandoned Vehicles
- (2) Air Quality and Clean Air
- (3) Arts, Culture and Heritage
- (4) Bracknell Market
- (5) Building Control Functions under the Building Act 1984 and the Building Regulations
- (6) Cemetery and Crematorium Service
- (7) Countryside Act
- (8) Emergency Planning
- (9) Environmental Health and Public Health Act
- (10) Environmental Protection Act
- (11) Food Safety
- (12) Health and Safety
- (13) Highway and Street Authority
- (14) Licensing
- (15) Parks and Open Spaces
- (16) Public Rights of Way

- (17) Rent Officer Appointment Arrangements
- (18) Sport and Leisure Centres
- (19) Town and Country Planning
- (20) Trading Standards and Weights & Measures
- (21) Transportation
- (22) Waste Management and Recycling
- (23) Water Quality

Director of Social Services and Housing

- (1) All housing authority functions
- (2) All social services functions
- (3) Crime & Disorder Act and related functions
- (4) Forestcare
- (5) Housing and council tax benefit functions
- (6) Liaison and Partnership Arrangements with Health Service Partners

ANNEX B

ADDITIONAL DELEGATIONS TO THE DIRECTOR OF ENVIRONMENT AND LEISURE

1. Issue of fixed penalty notices for graffiti and fly-posting (Section 43) by an “authorised officer”. Delegation of power to designate persons as “authorised officers”.
2. Graffiti Removal Notices (Sections 48 and 49).
3. Powers in respect of high hedges (Part 8), including authorisation for persons to exercise powers of entry (Sections 74 and 77) and instructing the Borough Solicitor to issue a remedial notice (Section 69) and to prosecute.
4. Section 54 (sale of aerosol paints to children) – power to instruct the Borough Solicitor to prosecute.