

PART 18

SCHEME OF DELEGATIONS TO OFFICERS

WORCESTER CITY COUNCIL

SCHEME OF DELEGATION TO OFFICERS

1. This scheme has been adopted by Worcester City Council and sets out the extent to which the powers and duties of the Council are delegated to officers under the Local Government Act 1972, the Local Government Act 2000 and all other powers enabling delegations to officers. It is adopted with the intention of giving a clear and simple decision-making process and should be interpreted widely. This scheme should be read in conjunction with any scheme of delegation to elected member bodies approved by the Council from time to time.
2. When functions are delegated to an officer, the Council or the elected member body to which it has delegated those functions will retain concurrent powers where this is legally permissible.
3. The Managing Director shall have the responsibility to ensure that the Council's policies, practices and procedures are carried out in a corporate, consistent and co-ordinated manner.
4. Subject to Paragraph 6, the Managing Director and each Corporate Director shall have the following general responsibilities, powers and duties; where functions reside by law with the Managing Director as Head of Paid Service the Managing Director authorises the Corporate Directors to carry out these functions on behalf of the Head of Paid Service, subject always to compliance with Council policies and the law:
 - (a) to implement and act within the approved policies, plans, practices and procedures of the Council including service of statutory notices in accordance with approved policies, plans, practices and procedures and making planning applications to implement approved policies and plans;
 - (b) to delegate further, in writing, all or any of their delegated functions to other officers;
 - (c) in exercising delegated powers, to consult with such other officers as appropriate and to have regard to any advice given and, in particular, to seek appropriate advice in relation to a professional judgement required in any area in which they are not professionally qualified;
 - (d) to advise on policy development and formulation;
 - (e) to act in accordance with the Constitution's rules of procedure, regulations and codes and any arrangements approved in pursuance of them;
 - (f) to carry out any functions assigned in pursuance of the rules of procedure, regulations and codes and any approved policies, plans, practices and procedures of the Council;
 - (g) subject to paragraph 5 (d) below, to appoint, discipline, suspend or dismiss any officer below Corporate Director who is employed in the delivery of services for which they are responsible;
 - (h) to be responsible for the performance of those officers carrying out the functions for which they are responsible;

- (i) to make changes to the establishment of a department for which they are responsible subject to financial provision for the current and future years being available and the changes not amounting to a significant change to the structure of a department or service;
- (j) to approve the grading of new posts for which financial provision has been made and the regrading of existing posts;
- (k) to approve the temporary appointment of staff to cover absences of officers due to illness, maternity or other long term absence provided that the period of temporary employment does not exceed twelve months and the cost of doing so can be contained within existing departmental budgets;
- (l) to be responsible for the health and safety and welfare of those officers carrying out functions for they are responsible;
- (m) to authorise the acquisition of equipment or services necessary for the day to day performance of the Council's business or fulfilment of any matter authorised by the Council or an elected member body for which a budget has been approved;
- (n) to manage any physical assets, including land and buildings (except for the acquisition, appropriation or disposal of land and buildings), IT, vehicles and equipment generally, allocated to the service for which they are responsible;
- (o) to enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of either body;
- (p) to bid for grants and to award grants to recipients within criteria approved by the Council or an elected member body;
- (q) to keep the relevant Councillor(s) informed as appropriate of matters affecting their wards.

5. The following functions are not delegated to any officer:

- (a) any matters which the Council or an elected member body to which functions have been delegated has resolved shall be determined by itself;
- (b) any function which by law may not be delegated to an officer;
- (c) the adoption of new policy or significant variations to existing policies;
- (d) the appointment, terms and conditions, discipline, suspension or dismissal of the Managing Director/Corporate Director/Section 151 Officer/Monitoring Officer;
- (e) any function specifically delegated to another officer;
- (f) any matter involving finance which cannot be met from within the approved budget;
- (g) any matter which the Managing Director or a Corporate Director considers inappropriate to be dealt with under delegated powers or in which the officer concerned has an interest.

6. Where it is a legally permissible an officer may decide not to exercise any function in relation to a particular matter and to invite the Council, or the appropriate elected member body as appropriate to do so instead. It is open to an officer to consult with appropriate Councillors on the exercise of delegated powers or in deciding whether or not to exercise such powers.
7. The Monitoring Officer is authorised to make any minor variations to this Scheme of Delegation at any time as needs and circumstances change insofar as is necessary to provide clarity of interpretation or to include additional or changed wording to describe functions which are already delegated.
8. The Monitoring Officer shall be the final arbiter in relation to the interpretation and application of the Scheme of Delegation, in cases where a ruling is necessary so that a decision may be implemented effectively and without undue delay. Where the Monitoring Officer has made such a ruling, any Member or officer may ask the Monitoring Officer to report the matter to the next appropriate meeting of the Council.

SCHEDULE TO THE SCHEME OF DELEGATION TO OFFICERS

MANAGING DIRECTOR

- A1. To be Head of the Paid Service.
- A2. To be the Council's lead officer representative for emergency planning response functions, civil contingencies and civic duties.
- A3. Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council on all matters including those which have been delegated to any other officer provided that:
 - A3.1 the Managing Director may not exercise a power which is reserved by statute to another officer;
 - A3.2 before exercising the power of another officer, the Managing Director shall consult with that officer if available;
 - A3.3 the Managing Director, when exercising any powers, may authorise the incurring of expenditure in an emergency even if there is no specific provision in the budget of the Council.
- A4. In consultation with the Chair and Vice Chair of the relevant Committee or in their absence with the Leader and the Deputy Leader of the Council to act in a case of urgency in respect of any matter affecting the Council, subject to a report on the circumstances being made to the next available meeting of the relevant Committee.
- A5. To keep under constant review the needs of the City and its community in relation to all those services provided by the Council and to take all such action which in their judgement is necessary to ensure that those needs are met within the framework of any policies agreed by the Council.
- A6. To lead on strategies for change whether from within the authority or externally influenced.
- A7. To make arrangements for dealing with any matter raised by the Government or local authority associations calling for a view or decision by the Council.
- A8. To be responsible for the overall organisational structure of the Council.
- A9. To be responsible via the Corporate Director Planning and Governance for determining and issuing guidance to officers for the management of human resources, including recruitment, training, conditions of service, staff development/appraisal, disciplinary matters, health and safety, employee welfare and any other matter concerning staff.
- A10. To ensure the provision of professional advice to all parties in the decision-making process.
- A11. Together with the Corporate Director Planning and Governance to be responsible for a system of record-keeping for all local authority decisions.
- A12. To represent the Council on partnership and other bodies.

- A13. To be responsible for the health and safety of all officers of the Council and the health and safety working practices of the Council.
- A14. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
- A15. To ensure the Council's Members receive appropriate levels of support, advice and information from officers to enable them to discharge their duties effectively.
- A16. To be the Proper Officer of the Council, except where legislation or arrangements names another officer.
- A17. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the following functions of the Council:
 - A17.1 economic development;
 - A17.2 inward investment;
 - A17.3 regeneration;
 - A17.4 city centre and tourism management.
- A18. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the following functions of the Council:
 - A18.1 museums;
 - A18.2 arts and culture.

CORPORATE DIRECTOR FINANCE AND RESOURCES

- B1. To exercise the proper administration of, and be the Proper Officer for, the Council's financial affairs under Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988 and Regulation 5 of the Accounts and Audit Regulations 2003.
- B2. To be the Council's Electoral Registration Officer and Returning Officer.
- B3. To implement national and local pay awards.
- B4. To make finance leasing arrangements.
- B5. To manage the deployment of the Council's revenue and capital resources.
- B6. To determine arrangements for Treasury Management in accordance with the Treasury Policy Statement and any other arrangements approved by the Council.
- B7. To be responsible for the Council's systems, processes and policies for the making of payments including for payments under contracts, expenses and payroll.
- B8. To act as Registrar of bonds and mortgages and sign endorsements or extensions for the purposes of any regulation relating to local authority mortgages.
- B9. To sign cheques on behalf of the Council and to authorise other officers to do so.
- B10. To borrow in the name of the Council such money as is required pending the receipt of revenues or to financial capital expenditure which has been approved by the Council and in accordance with any policies approved by the Council.
- B11. To write off inappropriate circumstances debts not exceeding £2,500 (£5,000 in respect of Revenues and Benefits) in any individual case.
- B12. To authorise payment of subscriptions to local government associations, professional bodies and other organisations in accordance with the Council's policies and subject to budgetary provision having been made.
- B13. Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council on all matters relating to the discharge of the following functions of the Council:
 - B13.1 administration of Council Tax;
 - B13.2 administration of National Non-Domestic Rates;
 - B13.3 administration of Housing Benefit and Council Tax Support.
- B14. To authorise officers of the Council to make determinations, notify determinations, notify determinations of overpayment, review a determination or extension of time for making representations or further review in relation to legislation relating to Housing Benefit and Council Tax Benefit.
- B15. To manage and maintain any land or buildings belonging to the Council.

- B16. Together with the Corporate Director Planning and Governance, to authorise the acquisition, re-use, appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves or other property rights and variations of rent of the Council's land and buildings.
- B17. To maintain an adequate and effective system of internal audit in accordance with Financial Regulations and to appoint an Internal Auditor.
- B18. To make arrangements for external audit in accordance with the requirements of the Audit and Governance Committee.
- B19. To be responsible for corporate communication, including responsibility for media and public relations and for customer consultation and engagement.
- B20. To manage the administration of complaints against the Council and together with the Corporate Director Planning and Governance to manage issues of maladministration and complaints referred to the Local Government Ombudsman and to agree ex gratia remedies for complaints up to a value of £250.
- B21. To be responsible for the Council's systems, processes and policies for the management of performance, risk, business efficiency and service improvement, customer service and organisational development.
- B22. To be responsible for the Council's systems, processes and policies for the management of emergency planning and emergency response.
- B23. To be responsible for the Council's information technology systems.
- B24. To be responsible for information management and information governance and to appoint a Data Protection Officer to perform the functions set out in the General Data Protection Regulation.
- B25. To make arrangements for the delivery of the Council's policies on environmental sustainability.

CORPORATE DIRECTOR OPERATIONS, HOMES AND COMMUNITIES

- C1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the following functions of the Council:
 - C1.1 refuse collection;
 - C1.2 kerbside and other recycling arrangements;
 - C1.3 street cleaning;
 - C1.4 cleaning of public conveniences;
 - C1.5 grounds maintenance.

- C2. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the following functions of the Council:
 - C2.1 allotments;
 - C2.2 parks, play areas and open spaces;
 - C2.3 sports and leisure centres and facilities;
 - C2.4 cemeteries and crematorium;
 - C2.5 off-street car parking.

- C3. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the following functions of the Council:
 - C3.1 licensing;
 - C3.2 environmental and public health;
 - C3.3 health and safety at work;
 - C3.4 control of pollution;
 - C3.5 food safety;
 - C3.6 trading;
 - C3.7 abandoned vehicles;
 - C3.8 road closures.

- C4. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the following functions of the Council:
 - C4.1 community safety;
 - C4.2 safeguarding;
 - C4.3 domestic abuse and hate crime;
 - C4.4 the control of anti-social behaviour;
 - C4.5 civil enforcement including littering and waste, traffic penalties;
 - C4.6 community engagement;
 - C4.7 community development including with charitable and voluntary bodies;
 - C4.8 community health and wellbeing.

- C5. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council in all matters relating to the discharge of the following functions of the Council:
 - C5.1 prevention of homelessness;
 - C5.2 provision of social and affordable housing;
 - C5.3 housing allocation policies, processes and systems;

- C5.4 housing and welfare advice services;
- C5.5 housing related support and adaptations for vulnerable people;
- C5.6 regulation of private sector housing.

- C6. To authorise the issue of statutory notices and actions, civil penalties and Public Spaces Protection Orders, under the relevant legislation relating to the functions delegated including (but not limited to) environmental and public health, trading, off-street parking, control of anti-social behaviour and regulation of private sector housing and together with the Corporate Director Planning and Governance to authorise the prosecution of offences under the relevant legislation relating to the functions delegated.
- C7. To be the Proper Officer for authorisations for surveillance under the Regulation of Investigatory Powers Act 2000.
- C8. To issue and ensure compliance with licenses on whatsoever nature other than where such matters are specifically reserved to the Licensing Committee including where there are objections to the granting of a licence or there is a proposal to refuse a licence or revoke or suspend an existing licence.
- C9. In consultation with the Chair and Vice Chair of the Licensing Committee to suspend a hackney carriage/private hire vehicle driver's licence with immediate effect for good cause.
- C10. To update and amend information of a minor nature or to correct typographical errors, or to reflect changes in legislation, to be included in the Hackney Carriage and Private Hire Handbook
- C11. To grant an application for the renewal of a hackney carriage/private hire vehicle driver's licence which was initially granted by a Sub-Committee for a limited period, subject to no further recorded offences, cautions or matters of concern having arisen during the period of the current licence.
- C12. To grant exemptions on medical grounds to private hire and hackney carriage drivers from the list of designated vehicles requirement to carry wheelchair bound passengers.
- C13. To grant or refuse applications for hackney carriage and private hire vehicle licences where the vehicle does not comply with the Council's policy.
- C14. To determine applications for minor variations to premises licences or club premises certificates under the Licensing Act 2003.
- C15. To suspend Premises Licences and Club Premises Certificates following non-payment of annual fees.
- C16. To approve applications for licenses under the Gambling Act 2005 in accordance with the delegations set out in the Council's adopted Gambling Act 2005 Policy.

CORPORATE DIRECTOR PLANNING AND GOVERNANCE

- D1. To exercise the proper administration of, and be the Proper Officer for, the Council's legal affairs and ethical standards and be the Monitoring Officer under s5 Local Government and Housing Act 1989.
- D2. To be responsible for the provision of services to Members and to the Mayoralty.
- D3. To approve the use of the Council's coat of arms.
- D4. To be responsible for the administration of meetings of the Council and elected member bodies and provide information and training to Members to enable them to discharge their functions effectively.
- D5. To act as Solicitor to the Council and in consultation with the Managing Director/relevant Corporate Director to authorise the institution, defence, withdrawal, compromise or any other action relating to civil or criminal claims, legal proceedings or prosecutions and to settle on appropriate terms any litigation or claim taken by or against the Council.
- D6. To authorise officers of the Council to appear before Courts and Tribunals.
- D7. To issue or serve statutory notices on behalf of the Council in relation to any of its functions.
- D8. Together with the Corporate Director Finance and Resources to manage issues of maladministration and complaints referred to the Local Government Ombudsman and to agree ex gratia remedies for complaints up to a value of £250.
- D9. Together with the Corporate Director Finance and Resources, to authorise the acquisition, re-use, appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves or other property rights and variations of rent of the Council's land and buildings.
- D10. Together with the Corporate Director Finance and Resources, to take such action as is considered appropriate in relation to advance payments, blight notices, home loss payments under the Land Compensation Act 1973, notices to quit, purchase notices and other notices.
- D11. Together with the Managing Director to be responsible for a system of record keeping for all the local authority decisions.
- D12. To be responsible for determining and issuing guidance to officers for the management of human resources, including recruitment, training, conditions of service, staff development/appraisal, disciplinary matters, employee welfare and any other matter concerning staff.
- D13. To be responsible for the provision of guidance to officers relating to health and safety.
- D14. To make arrangements for the delivery of the Council's policies on equality, diversity and inclusion.
- D15. To be responsible for providing a general customer enquiry service for the Council's customers through a range of different channels.

- D16. Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council on all matters relating to the discharge of the following functions of the Council:
- D16.1 town and country planning including development management, planning enforcement and planning policy;
 - D16.2 building control;
 - D16.3 heritage conservation and archaeology;
 - D16.4 tree preservation orders;
 - D16.5 hedgerows;
 - D16.6 local land charges.
- D17. To determine planning applications in accordance with the scheme of delegation of planning decisions set out in Appendix A attached.
- D18. To authorise the issue of statutory notices and actions including Planning Contravention Notices, Enforcement Notices, Listed Building Enforcement Notices and Breach of Condition Notices under the relevant legislation relating to town and country planning, building control and heritage conservation.
- D19. To authorise the issue of any documentation necessary for the proper implementation and enforcement of the contaminated land provisions of the Environmental Protection Act 1990.
- D20. To make arrangements for the preparation, adoption and review of a planning policy framework including a Local Development Plan and Supplementary Planning Documents.
- D21. To respond to consultations on planning applications for neighbouring authorities and the County Council, in consultation with the Chair and Vice Chair of the Planning Committee, in cases where the application has been referred to the Planning Committee.
- D22. To issue any notices or take any action in respect of trees or hedgerows under the relevant legislation relating to tree preservation, hedgerow preservation and high hedgerows.
- D23. To be the Registrar of Local Land Charges.
- D24. To make arrangements for the views of the Council or an elected member body to be formally given on:
- D24.1 responses to the County Council's strategic plan consultation;
 - D24.2 responses to neighbouring districts on their emerging local plan;
 - D24.3 proposals for Supplementary Planning Guidance and Planning Briefs;
 - D24.4 responses to the Government on proposed changes to Planning Legislation and Guidance; and
 - D24.5 responses to consultation from neighbouring districts on planning applications in their area.

APPENDIX A
SCHEME OF DELEGATION OF PLANNING DECISIONS

1. The powers delegated shall only be exercised after ensuring that all statutory requirements have been complied with and after considering all representations received.
2. The powers delegated shall be to determine any prior notification, applications for certificate of Lawfulness under S.191 or S.192 of the Town and Country Planning Act 1990 (The Planning Act), applications for non-material amendments and applications for approval of conditions.
3. The powers delegated shall be to determine all other types of applications, submitted under town and country planning and heritage legislation, that are not included in paragraph 2 above, except where;
 - 3.1 the proposal is contrary to a specific land use allocation in an adopted development plan document and approval is recommended.
 - 3.2 except in the case of advertisement consents or householder applications, the recommendation for a planning application conflicts with a representation from a statutory consultee received within the specified consultation period, which is not outside the scope of planning law.
 - 3.3 an application is recommended for approval and a request by a third-party objector has been made to speak at the Planning Committee, within the consultation period referred to in paragraph 4 below, and as provided for in Committee Procedure Rules.
 - 3.4 except in the case of applications under S.73 of the Planning Act where the nature of the original development permitted remains substantially unaltered, any application with a net increase of ten or more residential units or, in the case of non-residential application, 1000 square metres of floorspace and approval is recommended.
 - 3.5 the Corporate Director Planning and Governance does not consider it prudent to exercise their delegated authority, in which case they shall report the matter to the Planning Committee.
4. The Corporate Director Planning and Governance shall prepare and circulate to Members of the Council each week a list of registered applications. Any Member of the Council may within 21 days from the date of issue of any weekly list by written notification to the Corporate Director Planning and Governance require any application, except for those applications listed in paragraph 2, or matter to the Planning Committee for determination, and the Corporate Director Planning and Governance shall not make a decision in respect of any such application or matter before the expiration of that period of 21 days. Any notification of 'call in' shall include a brief summary of the planning reasons as to why the application should be considered by the Planning Committee.

5. The Corporate Director Planning and Governance may bring before the Planning Committee any application, and request that it be delegated on a 'case by case' basis for determination by them. Any such delegation may be subject to the receipt and resolution of specified outstanding matters, including receipt of consultees views, expiry of statutory notices and expiry of consultation periods, and on the basis that the outstanding matters referred to, when resolved, did not give rise to any new issue or objection.

6. Subsequent to a resolution of approval by the Planning Committee power is delegated, subject to consultation with the Chair and Vice Chair of the Planning Committee, to modify the wording of, or include additional conditions prior to the issuing of the Permission or Consent provided that such modifications or additions do not undermine the resolution of the Planning Committee and the principle of the development remains unaffected.

7. Subsequent to a resolution of the Planning Committee to grant Planning Permission subject to the completion of a S106 Agreement under the Planning Act in accordance with approved Heads of Terms, power is delegated, subject to consultation with the Chair and Vice Chair of the Planning Committee, to modify the Heads of Terms provided such modifications do not contravene the principles contained in paragraph 8 below.

8. Subsequent to the completion of a S106 Agreement under the Planning Act power is delegated, subject to consultation with the Chair and Vice Chair of the Planning Committee, to vary such agreements following an application under S.106A or S.106B of the Planning Act subject to the following criteria:-

8.1 In respect of variations relating to contributions:-

8.1.1 The variation should only permit a variation in terms of the use of the contribution for the specific use to which the contribution originally relates. For example, an allotment contribution for use on allotments in a particular location might be varied to allow that contribution to be used on allotments in a wider geographical area provided that that wider geographical area still benefits the development to which the contribution originally related. However, the allotment contribution could not be used for public open space.

8.1.2 The variation should not increase or decrease the contribution available to a specific use. For example, a contribution of £50,000 for public open space could not be reduced to £25,000.

8.1.3 The variation should not divert a contribution from one recipient to another. For example, an education contribution due to the County Council should not be varied to allow that contribution to be paid to the City Council to be used for public open space.

8.2 In respect of variations relating to affordable housing provisions:-

8.2.1 The variation should not decrease the total number of affordable housing units on the site.

8.2.2 The variation should only permit a variation of the tenure mix of the affordable housing units if the proposals are supported by the Strategic Housing Services Manager.

8.3 In respect of variations to restrictions on goods that can be sold from premises, the variations shall not amount to or require a change of use under the Use Classes Order

8.4 The variation should be consistent with the CIL Regulations.

8.5 The variation should not materially change the intention of the S106 agreement.

8.6 Any variation shall be subject to a formal legal agreement to the satisfaction of the Corporate Director – Planning and Governance.