

# Constitution

## Part 3.7

# Officer Delegation Scheme

**Date:** June 2019 **Version:** 15



## Version Control Sheet

This document (version 15, June 2019) supersedes the June 2018 Officer Delegation Scheme.

To maintain effective version control, this version control sheet will accompany any future issue of the Officer Delegation Scheme. The version number is shown in the bottom left hand corner of each page of the scheme.

**An up to date version of the Authority's Officer Delegation Scheme will be available on North Tyneside Council's intranet site. Any queries about version control should be directed to Democratic Services (telephone 0191 643 5358/5322) who will be pleased to assist.**

Description	Date	Most Recent Version
Officer Delegation Scheme	March 2009	Version 1
Changes agreed at Council on 18 June 2009		Version 1.1
Changes to delegations and structure of organisation	April 2010	Version 2
Changes to delegations	July 2010	Version 3
Changes to organisational structure of the Council	January 2011	Version 4
Changes agreed at Council on 28 July 2011	August 2011	Version 5
Changes agreed at Council on 4 July 2012 related to new Code of Conduct for Elected Members and Co-opted Members	August 2012	Version 6
Changes agreed at Council 26 September 2013	September 2013	Version 7
Changes to organisational structure of the Authority	November 2013	Version 8
Change of name of one of the Authority's strategic partners, Balfour Beatty Workplace, to Engie on 16.12.13.	November 2013	Version 8.1
Changes to organisational structure of the Authority and changes agreed at Annual Council on 5 June 2014	June 2014	Version 9
Changes to the senior organisational structure of the Authority	September 2014	Version 10

Amendment to delegation EL221 as legislation referred to revoked and reference to new legislation inserted	December 2014	Version 10.1
Various amendments to accommodate changes in legislation and provide clarification. Also increased thresholds relating to write-off of debts	June 2015	Version 10.2
Changes to the senior organisational structure of the Authority	September 2015	Version 11
Various changes following annual review	August 2016	Version 12
Various changes following annual review	June 2017	Version 13
Various changes following annual review	June 2018	Version 14
Various changes following annual review	June 2019	Version 15

### **Making Changes to the Officer Delegation Scheme**

The Head of Law and Governance is required to continuously review the operation of this scheme and for this purpose a review cycle has been established. For further details of the cycle, including how a member or officer can propose a change and the approval process, please see the review cycle guidance note or alternatively contact the Democratic Services Team, e-mail [democraticsupport@northtyneside.gov.uk](mailto:democraticsupport@northtyneside.gov.uk).

Every three years a comprehensive review of the Officer Delegation Scheme will be undertaken to ensure the document is still fit for purpose.

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**The Authority's Officer Delegation Scheme should be read in conjunction with other regulations and guidance published by the Authority, including but not limited to, the Constitution; Financial Regulations; Standing Orders with respect to Contracts; codes of conduct; computer security policy; and system user guidelines.**

**Each Head of Service is responsible for ensuring all staff are aware of the existence and content of such documents.**

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## 1. Foreword by the Head of Law and Governance

One of the key characteristics of high performing local authorities is the existence of good governance arrangements. North Tyneside Council (the Authority) has adopted a Local Code of Corporate Governance which outlines its governance arrangements, and one of the principles underpinning the Local Code is efficient and effective decision making.

The Officer Delegation Scheme provides a framework which ensures the efficient discharge of the Authority's business by allowing for decision making at the appropriate level. This in turn enables the Members of the Council to concentrate on carrying out their responsibilities and to deal with issues of strategic importance.

The scheme seeks to identify and clarify those powers which, for the benefit of good practice, the Authority has delegated to its officers. It also sets out any constraints on those powers, including requirements to consult with the relevant Cabinet member or chair of committee as appropriate.

The scheme also includes those services delivered on the Authority's behalf by its strategic partners Engie and Capita. The responsibility for providing such services remains with the Authority, even where delivery is through these partners.

An up to date copy of the scheme is always available on the Authority's intranet and website, or can be obtained from Democratic Services. If you have any queries on the scheme, or decision making processes generally, please contact Democratic Services, who will be pleased to help.

**Bryn Roberts**  
**Head of Law and Governance**

## 2. Introduction

- 2.1 Local authorities, like all public bodies, may only do things (functions) that the law specifically or generally allows for. It is important that local authorities put in place a system by which their functions can be directed and controlled. This is called corporate governance.
- 2.2 To conduct its business efficiently, the Authority can authorise officers to carry out functions on its behalf. These functions are commonly referred to as delegated powers.
- 2.3 The Authority must maintain a list of these delegated powers stating the title of the officer who is authorised to act. The list must be available for public inspection.
- 2.4 The Officer Delegation Scheme (“the scheme”) provides this list. It forms part of the Authority’s overall corporate governance framework laid down in the Constitution and it complements other governance documents such as Financial Regulations and Contract Standing Orders.
- 2.5 The delegated powers contained within the scheme fall broadly into three categories:
- 2.5.1 **Statutory duties.** In some instances, the law will require designated officers to carry out certain functions. In these circumstances the Authority does not have any discretion on whether to delegate these powers to an officer but it must designate an officer to carry out those functions. For example the Chief Executive is designated as the Head of Paid Service and as such s/he must undertake certain duties and responsibilities set out in the law.
- 2.5.2 **Delegated functions.** Some are clear and distinct functions of the Authority, where it would be impracticable for the Authority or one of its committees to make the type or frequency of decision required. In these circumstances the Authority can exercise its discretion and authorise an officer to make these decisions on its behalf. For example the Head of Environment, Housing and Leisure can approve the making of temporary traffic regulation orders.
- 2.5.3 **Managerial responsibilities.** Finally, the Chief Executive and Heads of Service have a range of managerial and professional responsibilities for their service areas drawn from the Authority’s own internal rules and regulations.
- 2.6 North Tyneside Council has entered into two partnership arrangements; one with Engie and one with Capita to deliver services on its behalf. Engie is the Business Services Partner and provides Finance services, Procurement, Revenue and Benefit Services, Information Communications Technology (ICT), Customer Services and Human Resources. Capita is

the Technical Services Partner for Engineering Services, Consumer Protection, Planning and Property Services.

- 2.7 It is of note that the Authority retains overall responsibility even where the Authority has secured the provision of the service through a strategic partner.
- 2.8 Each of these services has a retained client team which consists of officers employed by the local authority who ensure that the services provided by the strategic partners are provided in accordance with the partnership arrangements. Some services may be carried out on behalf of the Authority by the partners, such as parking control; other services may only be carried out by officers of the Authority. As a result certain officers are seconded to the partners; these officers continue to make decisions on behalf of the Authority in accordance with the Officer Delegation Scheme and exercise the functions sub-delegated to them by the appropriate Head of Service. For example, the Planning Manager exercises the delegated functions relating to planning and development control but the day to day work is undertaken on behalf of the Planning Manager by individuals employed by Capita. Further information is detailed in the relevant Head of Service's section.
- 2.9 For the purposes of clarity wherever there is reference to Heads of Service this includes reference to the Director of Public Health unless the context requires the DPH to be excluded from the interpretation/definition.

### 3. General Principles

- 3.1 The scheme is based on the following general principles which provide a set of rules within which officers **must** exercise delegated powers.
- 3.2 The Chief Executive and Heads of Service are authorised to carry out those functions of the Authority, statutory duties and managerial responsibilities delegated to them as set out in this scheme.
- 3.3 The Chief Executive is authorised to exercise any of those functions delegated to the Heads of Service, provided he/she is not prohibited from doing so by any other legal or constitutional requirement.

#### **Sub-delegation**

- 3.4 The Chief Executive and Heads of Service may authorise other officers to exercise their delegated powers and duties on their behalf. In these circumstances:
  - 3.4.1 documentary evidence of the authorisation **must** be kept;
  - 3.4.2 the Chief Executive or Head of Service with the original delegation shall remain accountable;
  - 3.4.3 the Chief Executive or Head of Service with the original delegation **must** ensure that the officer who has been authorised to act is not prohibited from doing so by any other legal or constitutional requirement and has the relevant skills, experience and qualifications to undertake the duties; and
  - 3.4.4 for delegated powers which are undertaken on behalf of the local authority by its strategic partners, Engie and Capita, the delegation remains with the officer although the work could be undertaken by another person employed by the partner organisation.

#### 3.5 Duties

In exercising delegated powers officers **must**:

- 3.5.1 act within the law, the Authority's Constitution, Contract Standing Orders, Financial Regulations and the Authority's approved budget, policies, plans and strategies;
- 3.5.2 not make decisions about matters in which they have a personal interest. If an officer has a personal interest, whether financial or not, which could overlap or bring about conflict with the Authority's work, it must be declared in accordance with the Employee Code of Conduct.
- 3.5.3 consult the relevant cabinet member (in relation to executive matters) and/or the chair of the relevant committee (in relation to non-executive matters) prior to taking action:



- a) where the taking of action has policy or significant financial implications; or
  - b) where the cabinet member or chair has given a prior indication that he/she wishes to be consulted on a matter or type of matter.
- 3.5.4 consult any other appropriate officer and/or ward members if appropriate;
- 3.5.5 keep documentary evidence of the exercise of the delegated power and the consultation undertaken; and
- 3.5.6 make the documentary evidence available on request to the public unless the document is exempt under a provision of the Freedom of Information Act 2000 or its disclosure would be a breach of the data Protection Act 1998.

### **Deputising**

- 3.6 Where the Chief Executive is absent or unable to act a Head of Service will be authorised to exercise the functions delegated to the Chief Executive provided they are not prohibited from doing so by any other legal or constitutional requirement.
- 3.7 Where a Head of Service is absent or unable to act, the Chief Executive will have the authority to delegate the function to another officer. In these circumstances:
- 3.7.1 documentary evidence of the authorisation **must** be kept; and
  - 3.7.2 the Chief Executive **must** be satisfied that the officer who has been authorised to act is not prohibited from doing so by any other legal or constitutional requirement and has the relevant skills, experience and qualifications to undertake the duties.

## 4. The Statutory Officers

The following statutory roles have been assigned to the post holder of the positions named below with the authority to exercise the duties and responsibilities associated with those positions.

### 4.1 Head of Paid Service – Chief Executive

Responsible for the corporate and overall strategic management of the authority's staff in accordance with section 4 of the Local Government and Housing Act 1989.

### 4.2 Monitoring Officer - Head of Law and Governance

Responsibility for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law or maladministration to the full Council and/or to the Cabinet as set out in section 5(1) of the Local Government and Housing Act 1989.

### 4.3 Chief Finance Officer (also known as the Section 151 Officer) – Head of Finance

Statutory duties in relation to the financial administration and stewardship of the authority arising from section 151 of the Local Government Act 1972.

### 4.4 Director of Adult Social Services – Head of Health, Education, Care and Safeguarding

Responsibility for delivering those local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended) in respect of adults.

### 4.5 Director of Children's Services – Head of Health, Education, Care and Safeguarding

Responsible for ensuring that there is a clear strategy developed in order to improve outcomes for children and young people as set out in the Children's Act 2004.

### 4.6 Director of Public Health

Responsible for all of the public health functions of the authority in accordance with the Health and Social Care Act 2012.

### 4.7 Scrutiny Officer - Democratic and Electoral Services Manager

Responsible for promoting the role of the authority's overview and scrutiny committee or committees; providing support to the authority's overview and scrutiny committee or sub-committees and its members and to provide support and guidance to:

- a) members of the authority;
- b) members of the executive of the authority; and
- c) officers of the authority,

in relation to the functions of the authority's overview and scrutiny committee or committees in accordance with the Localism Act 2011.

## 5. General Delegations

### **The Chief Executive is authorised to:**

- GD1 Ensure that all staff are aware of the existence and content of the Officer Delegation Scheme and they comply at all times with the general principles set out in section 3.
- GD2 Where a Head of Service is absent or unable to act, to delegate the function to another officer. In these circumstances:
- a) documentary evidence of the authorisation **must** be kept; and
  - b) the Chief Executive **must** be satisfied that the officer who has been authorised to act is not prohibited from doing so by any other legal or constitutional requirement and has the relevant skills, experience and qualifications to undertake the duties.
- GD3 In consultation with the Head of Law and Governance, to take decisions on managing access to the Authority in the event of unacceptable behaviour in accordance with Authority policy.

### **The Chief Executive and all Heads of Service are authorised to exercise the functions listed below:**

#### **General**

- GD4 To carry out those functions of the Authority delegated to them as set out in this scheme.
- GD5 Where the Chief Executive, the Director of Public Health and Heads of Service hold statutory or proper officer positions (as set in section 4 of the scheme), to exercise those statutory duties and responsibilities assigned to the positions by law.
- GD6 To take decisions on behalf of the Authority on all matters where they have managerial or professional responsibilities for their service areas. A summary of the scope of each Head of Service's responsibility is set out at the beginning of each service area's section in the scheme.
- GD7 To serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licenses in the exercise of any discretionary power or in complying with any duty of the Authority delegated to them.
- GD8 To seek any formal regulatory approval which may be required for a project, scheme or programme which has been approved by the Cabinet, Council or any officer acting under delegated powers.

- GD9 In consultation with the relevant Head of Service, Monitoring Officer and chair and deputy chair of the relevant committee, to make urgent decisions in relation to any of those functions which are the responsibility of regulatory or other committees as set out in Part 3 of the Constitution, where it is not practical to convene a quorate meeting of the relevant committee.
- GD10 In consultation with the Information Governance Manager and, where appropriate the Head of Law and Governance and the Chief Finance Officer, to make payments up to £5,000 or provide benefits in cases of maladministration under section 92 of the Local Government Act 2000.

### **Contracts**

- GD11 To procure goods, works and services and undertake other associated functions in accordance with the duties and responsibilities laid down in Contract Standing Orders.
- GD12 In consultation with the Head of Law and Governance to submit tenders to other public bodies, as defined by the Local Authorities Goods and Services Act 1970, for work falling within the capability of the Authority and if successful to authorise the Head of Law and Governance to complete the appropriate contract documents.
- GD13 In consultation with the relevant Cabinet Member, Chief Finance Officer and the appropriate Head of Service to approve all significant variations which cannot be contained within building and civil engineering contracts, after an allowance has been made for inflationary increases in fluctuating price contracts. (sections 5.9, 5.10 and B21 to B26 of Financial Regulations also refer.)
- GD14 To sign agreements on behalf of the Authority in circumstances in which the agreement need not be under seal, there is no requirement under the Authority's Constitution, Contract Standing Orders, Financial Regulations or any other provisions of this scheme that the agreement requires the signature of a specified officer, the agreement is in a standard form to which no variation would be permitted and no negotiations or discretion would be permitted on levels of service or payments to be made following the signing.

### **Emergency Planning and Business Continuity**

- GD15 In consultation with the Chief Finance Officer to authorise expenditure without recourse to the provisions of Financial Regulations and/or Contract Standing Orders in accordance with the Authority's business continuity and emergency planning policies and procedures.

### **Fees and charges**

- GD16 To set fees and charges for the delivery of services in accordance with the Authority's policy.

**Financial management**

- GD17 To exercise the functions, duties and responsibilities relating to the financial management of their service areas as set out in Financial Regulations.
- GD18 To ensure that all staff in their service area are aware of the existence and content of the Financial Regulations.

**Grants**

- GD19 To award grants to voluntary and community organisations and individuals in accordance with financial regulations, delegated budgets and Authority policy.

**Human Resources**

- GD20 To appoint (below the level of Head of Service), dismiss and deploy staff and deal with other employment matters in accordance with human resources policy, procedure and guidelines, subject to their actions being within their approved budget.

**Licensing and gambling**

- GD21 To make representations or applications to the Licensing Authority under the Licensing Act 2003 where permitted by the Act.
- GD22 To make representations or applications to the Licensing Authority under the Gambling Act 2005 where permitted by the Act.

**Outside Bodies**

- GD23 To represent the Authority at meetings, as appropriate, of any organisations where the Authority has an involvement or interest subject to:
- a) a record being kept when a representation is likely to be for a significant period; and
  - b) consultation with the Head of Law and Governance in respect of any formal indemnification that may be necessary.

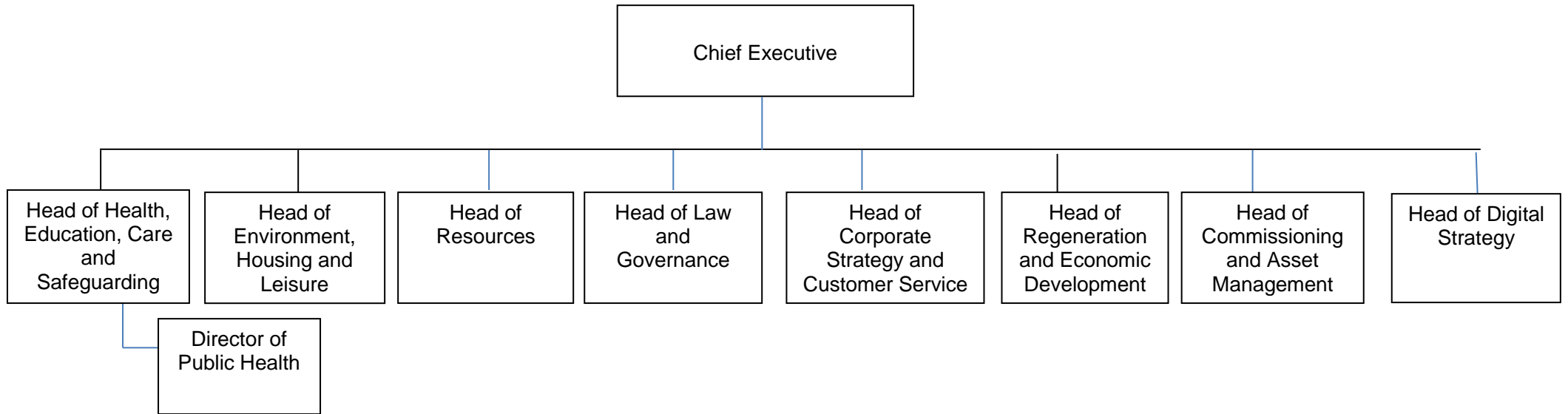
**Partnerships**

- GD24 To enter into partnership agreements/arrangements with other bodies to work collectively to achieve joint objective(s). When entering into partnership agreements/arrangements Heads of Service will ensure the appropriate policies and procedures are followed including the Constitution, the other provisions of the Officer Delegation Scheme, Contract Standing Orders and Financial Regulations.
- GD25 To monitor the effectiveness of partnerships.

**Right of Entry and Authorisations**

- GD26 To appoint officers as authorised officers of the authority and to sign warrant and authorisation cards enabling staff to undertake their duties and enter land and premises pursuant to statute.

### Senior Leadership Structure



## 7. Chief Executive

The Chief Executive leads, manages and directs the senior leadership team to promote a corporate, co-ordinated, cross-functional approach towards strategy and policy development and the delivery of services for North Tyneside. The Chief Executive is responsible and accountable to the Authority and provides clear leadership in order to maintain and achieve sustained improvement in Authority performance, efficiency and service delivery. He represents the Authority within the local community and at a regional and national level to promote the social, economic and environmental well-being of North Tyneside.

In addition to the general delegations set out in section 5 of the scheme, the Chief Executive is authorised to exercise the following specific functions:

### **Head of Paid Service**

- CE1 To act as the Authority's Head of Paid Service and to undertake the associated duties set out in section 4 of the Local Government and Housing Act 1989.
- CE2 To review the Whistleblowing Procedure for Employees.
- CE3 To review the Employee Code of Conduct.
- CE4 To deal with the grant and supervision of exemptions from political restrictions in respect of all relevant Authority posts.

### **General**

- CE5 To exercise any function delegated to Heads of Service, provided s/he is not prohibited from doing so by any other legal or constitutional requirement.
- CE6 To approve and make necessary in-year changes to the annual plans following sign-off by Council unless the change would:
  - a) have a budgetary impact outside of the financial regulations framework;
  - b) have an impact on other strategic plans; and / or,
  - c) involve the insertion or deletion of a key objective from the plan.
- CE7 In consultation with the Monitoring Officer, to determine reviews of decisions taken by Heads of Service in accordance with the Authority's guidance on dealing with unreasonable complaints and/or complainants who display unacceptable behaviour.
- CE8 To confirm the appointment of Remuneration Panel Members.
- CE9 To designate the Authority's Scrutiny Officer.
- CE10 In consultation with the Monitoring Officer, to determine the

appropriateness of petitions in accordance with the Authority's Petitions Scheme.

- CE11 In consultation with the Mayor and the Head of Law and Governance, to approve the payment of indemnity to any Member or Officer up to a maximum of £50,000 where such indemnity is not covered by insurance; sums in excess of that figure to be referred to Cabinet for approval.



## 8. Director of Public Health

The Director of Public Health provides leadership, expertise and advice to elected members and officers on a range of issues, from outbreaks of disease and emergency preparedness through to improving local people's health, addressing health inequalities and responding to concerns around access to health services. They aim to improve the population's health by understanding the factors that determine health and ill health and lead on commissioning a range of services to promote health and wellbeing and reduce inequalities in health in the population.

The Director of Public Health provides the public with expert advice on health matters and works with local authority, NHS colleagues and wider partners in relation to maximising opportunities to improve health and wellbeing and address health inequalities in the local population as well as protecting the population from risks to their health.

In addition to the general delegations set out in section 5 of the scheme, the Director of Public Health is authorised to exercise the following specific functions:

### **General**

- DPH1 To be an active member of the Health and Wellbeing Board advising on and contributing to the development of Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies and commission appropriate services accordingly.
- DPH2 To take responsibility for the management of the Authority's Public Health Services, with professional responsibility and accountability for their effectiveness, availability and value for money.
- DPH3 To take part in the Authority's action to meet the needs of vulnerable children for example linking effectively with the Local Safeguarding Children Board.
- DPH4 To contribute to and influence the work of the NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS commissioners receive the public health advice they need.
- DPH5 To provide leadership, expertise and advice to Senior Officers and Elected Members on a range of issues from outbreaks of disease and emergency preparedness through to improving local people's health concerns around access to health services.
- DPH6 To improve the population's health by understanding the factors that determines health and ill health, by knowing how to change behaviour and promote both health and wellbeing in ways that reduce inequalities in health.
- DPH7 To provide the public with expert, objective advice on health matters.

- DPH8 To promote action across the life course, working together with local authority colleagues such as the Head of Health, Education, Care and Safeguarding and with NHS colleagues.
- DPH9 To work through local resilience forums to ensure effective and tested plans are in place for the wider health sector to protect the local population from risk to public health and including exercising functions in planning for and responding to emergencies that present a risk to public health.
- DPH10 To work with local Criminal Justice Partners and Police and Crime Commissioners to promote safer communities, including cooperating with the police, the probation service and the prison service to assess the risk posed by violent or sexual offenders.
- DPH11 To work with wider civil society to engage local partners in fostering improved health and wellbeing.
- DPH12 Under the NHS Act 2006 and the Health and Social Care Act 2012, to discharge any functions in relation to the corporate public health duties of the Authority including responsibility for writing the annual report on the health of the local population. (The Local Authority have a duty to Publish this report under section 73B (5) and (6) of the 2006 Act and Section 31 of the 2012 Act).
- DPH13 Under Section 73A(1) of the 2006 Act inserted by section 30 of the 2012 Act responsibility for:
- a) Undertaking duties to take steps to improve public health
  - b) Undertaking such other public health protection or health improvement functions that the Secretary of State delegates to Local Authorities either by arrangement or under regulations- these include services mandated by regulations under Section 6C of the 2006 Act Inserted by section 18 of the 2012 Act
  - c) Responding as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications
  - d) The provision of Healthy Start Vitamins (under the Healthy Start and Welfare Food Regulations 2005 ) for maternity or child health clinics
  - e) To act as a Local Authority Chief Officer
  - f) Consulting and making decisions on Fluoridation Schemes
- DPH14 Under section 6C of the NHS Act 2006 responsibility for:
- a) Ensuring appropriate access to sexual health services
  - b) The National Child Measurement Programme
  - c) The NHS Health Check Assessment
- DPH15 To contribute to the Northumbria Local Health Resilience Partnership (LHRP), either as lead Director of Public Health who co-chairs the LHRP or supporting Director of Public Health.

- DPH16 To ensure oversight of the NHS screening programmes, both cancer and non-cancer, ante-natal and children's screening programmes, ensuring the health of the population is adequately protected and raising issues and concerns appropriately.
- DPH17 To ensure oversight of the NHS immunisation programmes including children 0-5 years, the human papilloma virus and seasonal flu and any other that the Secretary of State instructs, including catch up programmes, raising issues and concerns appropriately.
- DPH18 To be a member of appropriate committees and Forums established locally that have regard to protecting the health of the population.
- DPH19 To discharge the Local Authority responsibilities in relation to communicable and infectious diseases, including healthcare acquired infections.
- DPH20 To be responsible for effective management of the Local Authority's ring-fenced public health grant, ensuring commissioned services meet the health needs of the population, are cost effective and that monitoring returns are accurate and timely.

## 9. Head of Regeneration and Economic Development

The Head of Regeneration and Economic Development has managerial and professional responsibility for the service area that includes Regeneration and Business and Enterprise.

In addition to the general delegations set out in section 5 of the scheme, the Head of Regeneration and Economic Development is authorised to exercise the following specific functions:

### **Employment**

RED1 In consultation with the Cabinet Member for Economic Development and the Chief Executive to determine all applications for financial assistance to businesses from North Tyneside Council for economic development purposes.

RED2 In consultation with the Mayor and Chief Executive to:

- a) approve visits by Members and officers to industrialists, companies and individuals with a view to attracting new industries;
- b) deal with all matters in connection with the position of the Borough as a location for investment, economic development and/or business development; and
- c) authorise site investigations at potential employment sites provided that the cost thereof can be met from the annual budget allocation.

### **Funding**

RED3 In relation to all projects and programmes, to authorise the entering into of agreements with other funding organisations where the purpose of the agreement is to enable that organisation to provide funding support for projects within any of the programmes delivered or managed by the Authority.

RED4 In consultation with the Mayor to develop and submit expressions of interest for funding programmes and opportunities that will assist the delivery of Authority's priorities.

## 10. Head of Commissioning and Asset Management

The Head of Commissioning and Asset Management has managerial and professional responsibility for the following service areas as well as a number of statutory functions in relation to school finance, school organisation and access services.

Areas of responsibility:

- Catering services
- Independent Reviewing Officers
- Capital Planning and Fair Access Service
- Commissioning
- Strategic Property

In addition to the general delegations set out in section 5 of the scheme, the Head of Commissioning and Asset Management is authorised to exercise the following specific functions:

### **Alternative provision**

CAM1 To make arrangements for the provision of suitable education at school or otherwise for each child of compulsory school age who, for reasons of illness, exclusion or otherwise, would not receive it unless such arrangements were made in accordance with the Education Act 1996 Sections 3A and 19 and schedule 1, amended by section 3 of the Children Schools and Families Act 2010.

Local authorities may establish pupil referral units to discharge their duty but do not have a duty to do so.

CAM2 Ensure that pupils in alternative provision receive full-time education unless it is not in the child's interests.

### **Child poverty and social mobility**

CAM3 Have local co-operation arrangements to reduce and mitigate the effects of child poverty in local areas.

### **Childcare**

CAM4 To secure sufficient childcare for working parents, so far as is reasonably practicable, and those making the transition to work, including some "free to charge" provision.

CAM5 To produce a childcare assessment at intervals not exceeding 3 years.

CAM6 To provide information, advice and training to childcare providers including registration advice, business planning, financial management, marketing, discrimination legislation and use of the Common Assessment Framework in accordance with the provisions of the

Childcare Act 2006.

### **Commissioning**

- CAM7 To secure sufficient children's centres to meet local need, so far as this is reasonably practicable according to the Children's Act 2006, Section 5a
- CAM8 To liaise with private, voluntary and community sector partners in planning, commissioning and providing children's services.
- CAM9 To act in relation to the duty to co-operate with the NHS in accordance with section 22 of the National Health Service Act 1977 and amended by section 27 of the Health Act 1999 and to enter into agreements with the NHS to provide services under section 28A of the Act as amended by sections 29-31 of the Health Act 1999, subject to such agreements being reported to Cabinet.

### **Early Years Foundation Stage**

- CAM10 To assess childcare provision in accordance with the Childcare Act 2006, Section 11.

### **Employment and performances**

- CAM11 To grant employers permits for the employment of children under byelaws made under the Children and Young Persons Act 1993.
- CAM12 To grant licences for children to take part in public performances, to grant exemption from such licences and to grant licences for children to be trained for taking part in performances of a dangerous nature.

### **Excluded children**

- CAM13 To ensure that appropriate education provision is in place for any children or young people excluded from school or for any other reason without a school place.
- CAM14 To follow prescribed duties of the local authority with regard to an exclusion from a school and review of exclusion according to the Education Act 2002 and the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.
- CAM15 To ensure that full time education is provided from the sixth day of exclusion for pupils permanently excluded or excluded for a fixed term of more than 5 days.

The Education Act 1996 Section 19 (3A) and (3B).

Secondary: Education Provision of Full-Time Education for Excluded Pupils) England Regulations 2007 (SI 2007/1970).

### **Home to school transport**

- CAM16 To make provision for transport between school and home for children.

- CAM17 To promote Sustainable Modes of Travel to assess general school travel needs and to publish a strategy to promote the use of sustainable modes of travel to meet the school travel needs of the area and publish a summary each academic year. (Education Act 1996, section 508A. Statutory Instrument 2008 No 3093. The School Information Act 2008).
- CAM18 The local authority may make school travel schemes according the Education Act 1996 Section 508E as inserted by section 78 of the Education and Inspections Act.
- CAM19 To specify to what extent the arrangements included in the annual transport policy statement facilitate the attendance of disabled persons and persons with learning difficulties as stated in the Education Act 1996 Section 509AD.
- CAM20 To publish an annual Post 16 Transport Policy Statement setting-out arrangements for the provision of transport and financial assistance towards travel costs considered necessary to facilitate students of sixth form age. (Education Act 1996, Section 509AA, amended with additional criteria for local authority post 16 transport policy statements in Education and Skills Act 2002, Education and Inspections Act 2006, Education and Skills Act 2008 and Apprentices, Skills, Children and Learning Act 2009).
- CAM21 To comply with the requirements for Post 16 Transport Policy Statements including:
- a) Linking consideration of transport arrangements to commissioning duty (15ZA(1));
  - b) Re-enacting Adult Transport Duty (section 509 of Education Act 1996);
  - c) Adding young people of sixth form age and their parents to the list of named stakeholders local authorities have to consult in drawing up their statements;
  - d) The power to amend and republish their statement in year in response to complaints or direction from the Secretary of State.

(Education Act 1996 as amended by sections 54-57 of the Apprenticeships Skills, Children and Learning Act 2009).

### **Home tuition**

- CAM22 To authorise home tuition.

### **Independent Review Officers**

- CAM23 To review looked after children's cases and appoint an independent reviewing officer (IRO) for each looked after child.

(The Children Act 1989 sections 25A, 25B and 25C, inserted by Children and Young Persons Act 2008, came into force on 1 April 2011 and replaces the duty under section 26. Care Planning, Placements and

Case Review (England) Regulations 2010).

CAM24 To review looked after children's cases and appoint an Independent Review Officer as set-out in the Care Planning, Placement and Case Review (England) Regulations 2010.

#### **Non-attendance at school**

CAM25 To deal with all cases of non-attendance at school.

CAM26 To grant leave of absence to pupils in special cases.

CAM27 To approve action to:

- a) apply to Court for Attendance Orders under section 437 of the Education Act 1996 in cases where children are not registered at any school;
- b) apply for Education Supervision Orders under section 36 of the Children Act 1989 in cases where ongoing statutory involvement with the children concerned is indicated; and
- c) bring proceedings against parents under section 444 of the Education Act 1996 where they fail to send their children to school.

#### **Play**

CAM28 To secure access for young people to sufficient educational and recreational leisure-time activities and facilities for the improvement of their wellbeing and personal and social development according to the Education Act 1996 Section 507B - introduced through section 6 of the Education and Inspections Act 2006.

#### **School admissions**

CAM29 To carry out any future review of school catchment areas.

CAM30 To administer and review the admissions procedures for mainstream schools in accordance with the Authority's admission policy and to determine admissions in accordance with that policy and the School Standards and Framework Act 1998.

CAM31 To delegate the administration of admissions to individual schools where he/she is satisfied as to the arrangements in such schools for undertaking this duty.

CAM32 To produce a report for the Schools Adjudicator on admission arrangements in their area.

CAM33 To direct the admission of looked after children to the school that best meets their needs.

CAM34 To prepare and to present the case for the Authority, as admissions



authority, at admission appeals hearings.

CAM35 To promote choice and diversity through the Authority's strategic duties in relation to school places.

CAM36 To publish annually the prescribed information about the admissions arrangements for each mainstream school in the area and, if regulations so provide, such maintained schools outside the area. (The Schools Standards and Framework Act 1998, Section 92).

### **School capacity**

CAM37 In consultation with the Head teacher and the Governing Body of the school concerned to make decisions with regard to admission numbers for primary schools.

CAM38 In consultation with the relevant Cabinet Member to consider urgent applications for increases in a schools admission limit where other circumstances apply. (For example, if the increase were in excess of the capacity of the school).

CAM39 In consultation with the relevant Cabinet Member, to determine the number of planned places in special schools on an annual basis.

CAM40 To agree any future applications for increases in a school's admission limit where the application is in accordance with the school's physical capacity.

CAM41 To restrict class sizes for pupils aged 4-7 to thirty per class in accordance with the School Standards and Framework Act 1998 Sections 1 and 138(7). Secondary legislation – Education (Infant Class Sizes) (England) Regulations 1996 and The Education (Infant Class Sizes) (England) Regulations 1998.

CAM42 To follow the prescribed statutory process when proposing alterations to existing schools: Education and Inspections Act 2006 Section 19. Secondary legislation - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.

### **School Holidays**

CAM43 In consultation with the Cabinet Member for Children, Young People and Learning to determine when the school terms and holidays are to begin and end in consultation with community, voluntary controlled, community special and maintained nursery schools. (Education Act 2002, Section 32).

### **School meals**

CAM44 To provide school lunches upon request for pupils eligible for free school meals and for those pupils for whom it would not be unreasonable to provide lunches. (Education Act 1996. Section 512(3) as amended by Education Act

2002)

CAM45 Ensure that food provided by the local authority for pupils (where the school meals budget has not been delegated to the school) is nutritious. (School Standards and Framework Act 1998 section 114A, Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007.

#### **School organisation**

CAM46 To consult on the specification for any new school and invite promoters to bring forward proposals to set up the school.

CAM47 To plan local school provision including decisions about the establishment, alteration and closure of maintained mainstream, special and nursery schools.

CAM48 To set minimum standards for school premises. (Education Act 1996, The Education School Premises) Regulations 1996).

CAM49 To maintain schools in the area. In accordance with the School Standards and Framework Act 1998 Section 22, as amended by Education Act 2002 and Education and Inspections Act 2006 but to cease to maintain schools once it becomes an academy in accordance with the Academies Act 2010 section 6, amended by Education Act 2011 section 58.

CAM50 To regard legislation governing disposal of land on schools sites. (School Standards and Framework Act 1998 Section 77 as amended by schedule 4 to the Education and Inspections Act 2006).

CAM51 To pay the proprietor of an academy any surplus in a school's budget when it converts. (Academies Act 2010 section 7, amended by Education Act 2011 section 57)

CAM52 To regard the Education Act 2006 when transferring land on the change of a school category. (The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 and the Academies Act 2010 section 8 and schedule, amended by Education Act 2011 sections 59 and 63 and schedule 14).

CAM53 To determine whether to pay the cost of board and lodging at an academy in accordance with the Education Act 2011 section 61 inserts section 10A into Academies Act 2010.

#### **Strategic Property**

CAM54 Approval of plans and specifications as far as the Authority is concerned as vendors or lessors of land.

CAM55 To approve actions or the giving of consent where required under the

terms of an agreed lease, including but not limited to consent for alterations and changes to user clauses contained in leases, tenancy agreements, licences and other agreements and any payments or receipts arising therefrom.

- CAM56 Approval of reviewed rents under leases, tenancies, licences and other agreements.
- CAM57 To accept surrenders of leases, tenancies, licences and other agreements where considered appropriate.
- CAM58 To repossess Authority owned land and property following liquidation, bankruptcies and breaches of terms.
- CAM59 Approval to the terms of assignments, sub-lettings and other forms of sharing of property.
- CAM60 To seek arbitration or independent expert opinion in relation to property matters.
- CAM61 Approval of licence terms, easements, wayleaves and standages.
- CAM62 To accept offers for the purchase of Authority owned self-build housing plots.
- CAM63 Minor land sales (up to £10,000) – approval to declare surplus to the Authority's requirements and to terms of disposal of land for garden, garage, conservatory, porch or similar use as extensions to privately owned dwelling houses or for leasehold enfranchisements.
- CAM64 The granting of consent to potential purchasers of Authority property to take entry for the purpose of undertaking investigations (eg. This may include site investigations prior to a sale).
- CAM65 Approval to the letting of any property from the Authority at a rent of not less than the open market rental or for a premium at no less than market rate and to agree rent free periods where applicable.
- Approval to the letting of any property to the Authority at a rent not greater than the open market rental value or for a premium at no more than market rate and to agree appropriate rent-free periods where applicable.
- CAM66 Approval to the grant of an appropriate rent-free period in circumstances where a tenant undertakes repair works to premises with the agreement of the Council and where the repair works are the Council's obligation under the terms of the letting.
- CAM67 Approval to declare as surplus to the Authority, market and sell any land or property where the capital value is up to £250,000, in consultation

with the Head of Resources, the Head of Law and Governance, the Elected Mayor, the Cabinet Member for Finance and Resources and other relevant Cabinet Portfolio Holders.

Approval to the purchase by the Authority of any land or property where the capital value is up to £250,000, in consultation with the Head of Resources, the Head of Law and Governance, the Elected Mayor, the Cabinet Member for Finance and Resources and other relevant Cabinet Portfolio Holders.

- CAM68 Approval of terms for the acquisition of land or properties acquired as a consequence of the exercise of compulsory purchase powers.
- CAM69 To agree expenditure in accordance with contractual obligations in leases, tenancy, licences and other agreements.
- CAM70 To serve Notices under the Landlord and Tenant Act 1954.
- CAM71 In consultation with the Head of Law and Governance to determine from the following options the remedies most appropriate in commercial rent arrears cases, where action to recover or minimise the accumulation of debt is considered necessary:
- a) forfeiture by peaceable re-entry;
  - b) forfeiture by possession proceedings;
  - c) distress; and
  - d) suing.
- CAM72 Approval to vary or release covenants and agree any payments or receipts arising therefrom.
- CAM73 To approve the terms for the supply of gas to premises where the consumption is in excess of 25,000 therms per annum.
- CAM74 To maintain municipal buildings and offices and all miscellaneous properties of the Authority subject to expenditure being within the amount allowed in the estimates.
- CAM75 To repair and maintain Authority owned public clocks.
- CAM76 To approve alterations within approved schemes within the Investment Plan which relate to property or buildings which are the responsibility of the Authority or schemes of planned maintenance for such buildings where such alterations are necessary for avoiding delays in implementing capital schemes. Reports on any action under this delegation will be submitted to the relevant Cabinet Member.
- CAM77 In relation to all projects and programmes, to authorise, the entering into of agreements with other funding organisations where the purpose of the agreement is to enable that organisation to provide funding support

for projects within any of the programmes delivered or managed by the Authority.

CAM78 To approve the terms of a Deed of Variation of an existing lease granted to or by the Authority.

CAM79 In consultation with the relevant Cabinet Member, to approve the award of a community discount on rent paid by a community organisation occupying property belonging to the Authority and following the completion of a community audit under the Authority's Community Discount Policy.

## 11. Head of Corporate Strategy and Customer Service

The Head of Corporate Strategy and Customer Service has managerial and professional responsibility for the service area which provides the Authority's strategic lead in relation to national policy, strategy and associated plans. The Head of Service will provide proactive responses to national and local policy issues and policy announcements; ensure the authority has a robust performance management framework; and provide leadership and direction in the following areas:

- Marketing, Communications and Advertising
- Elected Mayor and Cabinet Support
- Participation, Advocacy and Engagement
- Policy, Performance and Research
- Customer Service

In addition to the general delegations set out in section 5 of the scheme, the Head of Corporate Strategy and Customer Service is authorised to exercise the following specific functions:

### **Advocacy**

- CS1 To promote young people's participation in public decision-making so they can influence local commissioning.
- CS2 To make arrangements for the provision of advocacy services for care leavers and children who make or intend to make representations in accordance with the Children Act 1989 Section 26A.
- CS3 To prepare and publish "a local child poverty needs assessment" and a Joint Child Poverty Strategy for local area. (The Child Poverty Act 2010, sections 21-23)

## 12. Head of Digital Strategy

The Head of Digital Strategy has managerial and professional responsibility to lead the Authority's Digital Strategy. The Authority's ICT operational services are undertaken on behalf of the Authority by the Business Services partner, Engie.

Areas of responsibility:

- Digital Strategy

The Head of Digital Strategy is authorised to exercise the general delegations set out in section 5 of the scheme.

**(Note: the Head of Resources is currently responsible for the Authority's digital strategy)**

## 13. Head of Environment, Housing and Leisure

The Head of Environment, Housing and Leisure has managerial and professional responsibility for the service area which is responsible for delivering a wide range of activities, services and information that meet the needs of the people of North Tyneside. These include:

### Group 1

- Maintenance of Street Environment
- Management of Waste
- Bereavement Services
- Garage and Fleet Management
- Resilience Management
- Horticulture and Parks Management
- Street Lighting

### Group 2

- Sport and Leisure
- Arts, Museums and Heritage
- Tourism and Events
- Library Services and Customer First Centres
- Community Centres

### Group 3

The delivery of the Authority's Strategic Housing Service and housing services to the Authority's tenants; this includes:

- Repairs and maintenance
- Capital Improvements
- Development of new Council housing
- Lettings and rent collection
- Right to buy and leasehold management
- Estate management
- Cross tenure anti-social behaviour
- Tenant liaison
- Furnished tenancies and care taking services

In addition the service manages homelessness and the Authority's temporary accommodation for homeless people, supported house projects and is responsible for the Authority's Housing Revenue Account.

Note – the above services are delivered in partnership with a range of providers in the statutory and voluntary sectors.

The following areas are undertaken on behalf of the Authority through the Technical Services partnership with Capita:

- Public Protection, including:
  - Building Control



- Environmental Health (Animal Health and Welfare, Health and Safety, Food Safety, Housing and Pollution)
- Licensing
- Trading Standards
- Planning Applications
- Transport (Engineering Services, Highways, Parking Control)

In addition to the general delegations set out in section 5 of the scheme, the Head of Environment, Housing and Leisure is authorised to exercise the following specific functions:

### **Business Continuity and Emergency Planning**

EHL1 To discharge the Authority's responsibilities as a category 1 responder under the Civil Contingencies Act 2004.

EHL2 To act as the proper officer for civil emergencies.

EHL3 To approve and maintain emergency planning arrangements and procedures on behalf of the Authority under the statutory guidance of the Civil Contingencies Act 2004, such procedure to include, amongst other matters, the appointment of appropriate officers involved in the process and:

- Convene the Emergency Response Leadership Group (ERLG).
- Ensure the Authority's Emergency Response Leadership Group (ERLG) confirms plan priorities.
- Implement the suite of emergency plans and arrangements.
- If necessary, designate who leads the strategic response to:
  - a) response to incident
  - b) business continuity
  - c) recovery issues
  - d) ensure Elected Members are kept fully informed.
- Seek assurance on behalf of the Authority that stakeholders can effectively discharge statutory responsibilities as a category 1 responder.

EHL4 To act as the proper officer for business continuity management.

EHL5 As the proper officer for business continuity management to approve and maintain an effective business continuity management procedure on behalf of the Authority under the statutory guidance set out in the Civil Contingencies Act 2004, including the appointment of appropriate officers involved in the process.

### **General**

EHL6 To enter into negotiations with persons who lease premises from the Authority, to incorporate a covenant into such contracts forbidding tenants from having in possession or supplying combat knives or other offensive weapons.

- EHL7 To negotiate with other land and property owners, with a view to persuading them to cease having in possession or supplying combat knives and offensive weapons by retail trade.
- EHL8 To extend the provision of Authority services into new developments within the Borough.
- EHL9 To issue simple cautions in line with Ministry of Justice guidance.
- EHL10 In consultation with the Head of Law and Governance to exercise discretion to determine whether prosecution of alleged offences under trading standards and consumer protection legislation and related environmental protection and anti-social behaviour legislation following formal investigations should be undertaken.
- EHL11 To serve Street Litter Control Notices and Litter Control Notices pursuant to sections 93 and 94 of the Environmental Protection Act 1990 and sections 20 and 21 of Clean Neighbourhoods and Environment Act 2005.
- EHL12 To designate land and set fees to control the free distribution of printed matter under section 23 of Clean Neighbourhoods and Environment Act 2005.
- Consumer Protection - Animal Health and Welfare**
- EHL13 To exercise all powers and duties under the provisions of the Pet Animals Act 1951.
- EHL14 To exercise all powers and duties under the provisions of the Animal Boarding Establishments Act 1963.
- EHL15 To exercise all powers and duties under the provisions of the Riding Establishment Acts 1964 and 1970.
- EHL16 To exercise all powers and duties under the provisions of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- EHL17 To determine the level of fees required to implement the provisions of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 following consultation with the Cabinet Member for Community Safety and Engagement, the Head of Resources and the Head of Law and Governance.
- EHL18 To exercise all powers and duties under the provisions of the Slaughter of Poultry Act 1967.
- EHL19 To exercise all powers and duties under the provisions of the Prevention of Damage by Pests Act 1949.

- EHL20 To exercise all powers and duties under the provisions of the Performing Animals (Regulations) Act 1925.
- EHL21 To exercise all powers and duties under the provisions of Part IV of the Agriculture Act 1970.
- EHL22 To exercise all powers and duties under the provisions of the Animal Health Act 1981 and the Animal Welfare Act 2006.
- EHL23 To exercise all powers and duties under the provisions of the Bluetongue Regulations 2008.
- EHL24 To exercise all powers and duties under the provisions of the Animal By-products (Enforcement) (England) Regulations 2011 and Trade in Animals and Related Products Regulations 2011.
- EHL25 To exercise all powers and duties under the provisions of the BSE Monitoring (England) Regulations 2001.
- EHL26 To exercise all powers and duties under the provisions of the Cattle Identification Regulations 2007.
- EHL27 To exercise all powers and duties under the provisions of the Horse Passports Regulations 2009.
- EHL28 To exercise all powers and duties under the provisions of the Non Commercial Movement of Pet Animals (England) Regulations 2004.
- EHL29 To exercise all powers and duties under the provisions of the Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers)(England) Regulations 2006.
- EHL30 To exercise all powers and duties under the provisions of the Transmissible Spongiform Encephalopathies (England) Regulations 2010.
- EHL31 To execute and enforce all animal health and welfare and animal feed related orders, rules, regulations and other subordinate instruments made under section 2(2) of the European Communities Act 1972 and paragraph 1A of Schedule 2 of that Act.
- EHL32 To exercise all powers and duties under the provisions of the Guard Dogs Act 1975.
- EHL33 To exercise all powers and duties under the provisions of the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.
- EHL34 To exercise all powers and duties under the provisions of the Avian Influenza (Preventative Measures)(England) Regulations 2006.

EHL35 To exercise all powers and duties under the provisions of the Avian Influenza (Vaccination)(England) Regulations 2006.

**Consumer Protection - Building Control**

EHL36 To act as the Appointing Officer for the Local Authority in relation to section 10(8) of the Party Wall Etc. Act 1996 relating to the selection of an independent surveyor to act in the resolution of disputes in party wall matters.

EHL37 To exercise powers and duties under the provisions of the Public Health Acts 1936 and 1961 and the Building Act 1984 with respect to the enforcement of satisfactory drainage of existing buildings.

EHL38 To take action in cases of emergency in accordance with section 29 of the Local Government (Miscellaneous Provisions) Act 1982 for the boarding up of premises which are the subject of a Closing Order.

EHL39 To authorise emergency action for the purpose of preventing unauthorised entry to a building or preventing it becoming a danger to the Public Health in accordance with the provisions of sections 29 of the Local Government (Miscellaneous Provisions) Act 1982.

EHL40 The service of statutory notices and all actions and proceedings in connection with the abatement of nuisances under the Public Health Act 1936 and sections 1 and 2 of the Clean Air Act 1956; Defective Premises under section 76 of the Building Act 1984; and the Environmental Protection Act 1990. All subsequent proceedings to be subject to consultation with the Head of Law and Governance.

EHL41 To approve or vary the period of approval of temporary permission granted under the Building Regulations and Building Acts (with the exception of any temporary permission within approved redevelopment schemes) and to make recommendations where appropriate to the Planning Committee for the grant of permanent approval in appropriate cases at present subject to temporary permission.

EHL42 To deal with applications and plans received under the Building Act 1984 and current Building Regulations including the determination of charges under the current Building (Local Authority Charges) Regulations and the North Tyneside Council Building Control Scheme of Charges subject to:

- a) Details of the applications, decisions and current scheme of charges being available at the offices of the Head of Environment, Housing and Leisure for information and record purposes; and
- b) Cases of special classes of development where the Local Authority could exercise a discretion under the Building Regulations being dealt with in consultation with the Chair and Deputy Chair of the Planning Committee.

EHL43 To serve appropriate notices under the provisions of section 32 of the Building Acts 1984 for the withdrawal of approval from plans deposited with the Authority (in accordance with Building Regulations) where the work involved has not commenced within a period of three years from the deposit of the plans where the plans have either:

- a) been passed; or
- b) a notice of rejection has not been issued within the prescribed period.

Any decisions made to serve a notice under this delegation must be made in accordance with the Authority's declaration on this matter.

EHL44 To exercise the Authority's private act powers, for the time being in force, in relation to:

- a) the charging of the costs of weatherproofing adjacent buildings to the owners of demolished properties under section 4 of the Tyne and Wear Act 1980 where such weatherproofing is necessary as a result of the exercise of one of the Authority's statutory powers to demolish a building.
- b) the securing of derelict unoccupied buildings against unauthorised entry, including the serving of notices under section 6 of the Tyne and Wear Act 1980 and to consider the carrying out of said works in default, subsequent recovery of expenses incurred and interest incurred in executing the works.
- c) the rejection of plans submitted under the Building Regulations, which do not show adequate means of access for the fire service under section 24 of the Tyne and Wear Act 1980 and the notification of applicants for planning permission of the requirements.

EHL45 To deal with applications for relaxation of Building Regulations made under section 8 of the Building Act 1984 and current Building Regulations.

EHL46 To exercise the powers of the Authority under section 81 of the Building Act 1984 in respect of notification of intended demolitions or to ensure the proper execution of demolition work.

EHL47 In consultation with the Chair and Deputy Chair of the Regulation and Review Committee to:

- a) issue preliminary determination and safety certificates pursuant to the Fire Safety and Safety of Places of Sport Act 1987 and to take all necessary action in connection therewith, with reports back to the Regulation and Review Committee.

- b) after consultation with the Head of Law and Governance to serve Prohibition Notices where it is considered that there is a serious risk to spectators at any sports ground, with reports back to the Regulation and Review Committee.

EHL48 To exercise the powers of the Authority under section 78 of the Building Act 1984 with regard to emergency measures in respect of dangerous buildings.

EHL49 To serve notice under section 77 of the Buildings Act 1984 with respect to executing works to potentially dangerous buildings/structures.

EHL50 To execute and enforce breaches of the current Building Regulations in accordance with section 35 and 36 of the Building Act 1984.

EHL51 To execute and enforce the powers of the Authority under section 72 of the Building Act 1984 in relation to buildings with inadequate means of escape in case of fire.

#### **Consumer Protection - Environmental Health**

EHL52 Appoint Proper officer of the Authority under the Public Health (Control of Diseases) Act 1984.

EHL53 To exercise all powers and duties under the provisions of the Public Health (Control of Diseases) Act 1984.

EHL54 To make requests for information under section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976.

EHL55 To serve abatement notices where the Authority is satisfied that a statutory nuisance exists or is likely to occur or re-occur.

#### **Consumer Protection - Food Safety**

EHL56 To inspect food premises for the purpose of the Food Safety Act 1990.

EHL57 To appoint a public analyst for the purposes of the Food Safety Act 1990.

EHL58 To execute and enforce all food and feed related orders, rules and regulations and other subordinate instruments made under section 2(2) of the European Communities Act 1972 and paragraph 1A of Schedule 2 of that Act and in particular:

- a) to apply official controls on feed and food of non-animal origin from third countries as provided by the Official Feed and Food Controls (England) Regulations 2009;
- b) to apply official controls to verify compliance of feed and food law, animal health and animal welfare rules using powers in the Official Controls (Animals, Feed and Food) (England) Regulations 2006;

- c) to deal with illegally imported products of animal origin using powers in the Trade in Animals and Related Products Regulations 2011;
- d) to inspect food premises and ensure their compliance with the Food Safety and Hygiene (England) Regulations 2013;
- e) to maintain a register of food business premises under the Food Safety and Hygiene (England) Regulations 2013;
- f) to approve, when required, food establishments handling products of animal origin under the Food Safety and Hygiene (England) Regulations 2013;
- g) to deal with food contravening the Transmissible Spongiform Encephalopathy (England) Regulations 2010 as amended;
- h) to execute powers contained in the General Food Regulations 2004;
- i) to execute powers contained in the feed (Hygiene and Enforcements) (England) Regulations 2005; and
- j) to execute powers contained in the Food Information Regulations 2014.

EHL59 To inspect food premises in order to verify compliance with the compositional and labelling requirements of the Food Safety Act 1990 and regulations made thereunder.

EHL60 To deal with food not meeting food safety requirements and other non-conforming food under the Food Safety Act 1990 and regulations made thereunder.

EHL61 To implement, administer and deal with all ancillary matters, including the appeals process associated with the Food Standards Agency national 'Food Hygiene Rating Scheme'.

#### **Consumer Protection - Health and Safety**

EHL62 In consultation with the Head of Law and Governance to serve notices and institute proceedings under section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (Provision of Sanitary Appliances at Places of Entertainment).

EHL63 To agree the transfer or assignment of premises between the Health and Safety Executive and the Authority under the Health and Safety (Enforcing Authority) Regulations 1998.

EHL64 To undertake those functions under any of the 'relevant statutory provisions' within the meaning of Part 1 (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that these



functions are discharged otherwise than in the Authority's capacity as an employer.

- EHL65 After consultation with the Head of Law and Governance discretion as to whether or not to commence proceedings under the Health and Safety at Work etc. Act 1974.
- EHL66 To exercise all powers and duties under the relevant requirements of the Working Time Regulations 1998.
- EHL67 To deal with applications for the registration of persons and premises relating to the practice of acupuncture, tattooing, skin piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982.
- EHL68 To exercise all powers and duties under the provisions of Part 1 of the Health Act 2006 and all smoke-free regulations made under the Act.
- EHL69 To exercise all powers and duties under the provisions of the Sunbeds (Regulation) Act 2010.

#### **Consumer Protection - Housing**

- EHL70 To exercise the Authority's powers under section 33 of the Local Government (Miscellaneous Provisions) Act 1976 to ensure the continuation or restoration of water, gas or electricity to private residential dwellings where the failure of the landlord to pay the bills results in the threat of or the actual disconnection of supplies and to recover the costs incurred and interest accrued in taking any such action.
- EHL71 To approve applications for grants relating to private sector housing which comply with the provisions of the Housing Acts, Housing Grants, Construction and Regeneration Act 1996 and the Housing Assistance (England and Wales) Regulatory Reform Order 2002 within the scheme laid down by the Authority and the Department of Communities and Local Government.
- EHL72 To approve in whole or in part the removal of the conditions imposed by an Improvement Grant under the Housing Grants, Construction and Regeneration Act 1996 and the Housing Assistance (England and Wales) Regulatory Reform Order 2002 where there is a repayment of an amount which reflects that proportion of the condition period remaining unexpired plus compound interest.
- EHL73 To serve notices under the provisions of Part 1 of the Housing Act 2004 in connection with housing disrepair; to consider the carrying out of works in default; the execution of such works in default and the recovery of expenses incurred and interest accrued in executing such works.
- EHL74 To carry out inspections and submit reports in connection with the



provisions of the Housing Acts so far as they relate to houses in accordance with the provisions relating to repair, the closing and demolition of houses unfit for human habitation and the abatement of overcrowding.

- EHL75 To arrange for the restoration of water supplies to premises where it has been discontinued because of the absence or defective state of any apparatus by the carrying out of works of renewal and repair and the recovery of expenses up to £200.
- EHL76 To serve all necessary notices under the Housing Act 2004 to ensure that houses in multiple occupation are provided with adequate means of escape from fire and adequate other fire precautions and in consultation with the Head of Law and Governance to exercise discretion to take action to ensure that such notices are complied with either by the institution of any court proceedings or the acceptance of undertakings on behalf of the Authority under the Housing Act 2004.
- EHL77 In respect of grants relating to private sector housing improvement to determine when a contractor other than one whose estimate accompanied the application be allowed to undertake the work and the circumstances when grant shall be paid direct to any applicant in preference to the contractor.
- EHL78 To exercise all powers and duties of the Authority under the provisions of the Housing Act 2004 and associated regulations with respect to housing conditions (Part 1), licensing of houses in multiple occupancy (Part 2), selective licensing of other residential accommodation (Part 3), additional control provisions in relation to residential accommodation (Part 4), miscellaneous provisions (Part 6) and supplementary and final provisions (Part 7).
- EHL79 To issue licences authorising the use of land as a caravan site under the Caravan Sites and Control of Development Act 1960 including setting fees where appropriate, service of notices and to carry out works when required as stipulated in the amendments to the Act made by the Mobile Homes Act 2013.

#### **Consumer Protection – Licensing: Gambling and Licensing**

- EHL80 To register societies wishing to promote lotteries in accordance with Part 5 of Schedule 11 of the Gambling Act 2005.
- EHL81 To nominate authorised persons to carry out inspections under the Gambling Act 2005 and the Licensing Act 2003.
- EHL82 To set fees for premises licence applications and for permits made under the Gambling Act 2005 within bands recommended by the relevant Government Department.
- EHL83 To determine applications for premises licences and for variations under

the Gambling Act 2005 where no representations have been received or where representations have been withdrawn to enable gambling to be provided at establishments in North Tyneside.

- EHL84 To determine applications for club gaming permits or other permits under the Gambling Act 2005 where no representations have been received or where representations have been withdrawn to enable gambling to be provided at establishments in North Tyneside.
- EHL85 To determine applications for the transfer of licences under the Gambling Act 2005 where no representations have been received from the Gambling Commission and/or Responsible Authorities.
- EHL86 To determine applications for provisional statements under the Gambling Act 2005 where no representations have been received or where representations have been withdrawn.
- EHL87 To consider Temporary Use Notice and Occasional Use Notices received under Gambling Act 2005.
- EHL88 To determine the cancellation of licensed premises gaming machine permits if no request for a sub-committee decision has been made by the licence holder.
- EHL89 Any other licensing functions under the Gambling Act 2005 except those not capable of such delegation.
- EHL90 To issue premises licences under Licensing Act 2003 where no representations have been received to enable licensable activities to be provided at establishments in North Tyneside.
- EHL91 To issue personal licences under Licensing Act 2003 where no representations have been received.
- EHL92 To decide whether a representation is irrelevant, frivolous or vexatious.
- EHL93 To issue, under Section 19 (2) of the Criminal Justice and Police Act 2001, a Closure Notice to premises when satisfied that the premises are being, or have been within the last 24 hours, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises.
- EHL94 To authorise officers to act in accordance with section 25 of the Criminal Justice and Police Act 2001 and to enter premises and do all that is reasonably necessary for the purpose of securing compliance with a closure order.
- EHL95 To issue, under section 22 of the Criminal Justice and Police Act 2001, a certificate that a need for a closure order has ceased.
- EHL96 To determine transfers, variations, provisional statements and variations

of designated premises supervisors under Licensing Act 2003 where no representations have been received to enable licensable activities to be provided at establishments in North Tyneside.

- EHL97 To acknowledge a Temporary Event Notice received under Licensing Act 2003.
- EHL98 To issue a counter notice in response to the receipt of a Temporary Event Notice under section 107 of the Licensing Act 2003 where permitted limits have been exceeded and under Section 104A of the Licensing Act 2003 following an objection to a late Temporary Event Notice.
- EHL99 To determine an application for a Minor Variation.
- EHL100 Anti-Social Behaviour, Crime and Policing Act 2014:
- a) To issue a Closure Notice under section 76 of the Anti-Social Behaviour, Crime and Policing Act 2014.
  - b) To issue a Cancellation Notice under section 78 of the Anti-Social Behaviour, Crime and Policing Act 2014.
  - c) To authorise officers to enter premises for which a Closure Order is in force and/or to do anything necessary to secure the premises against entry.
  - d) To issue a Community Protection Notice under section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014.
  - e) To issue Fixed Penalty Notices under sections 52 and 68 of the Anti-Social Behaviour, Crime and Policing Act 2014 for failure to comply with a Community Protection Notice or Public Spaces Protection Order.
  - f) To delegate authorised officers to utilise the Anti-Social Behaviour, Crime and Policing Act 2014 with regard to issuing and enforcement of community protection orders and Fixed Penalty Notices.
  - g) To authorise officers to take enforcement action and enter premises for which a Community Protection Notice Order is in force and/or to do anything necessary to secure the premises against entry.
  - h) To discharge all other functions under the Anti-Social Behaviour, Crime and Policing Act 2014 except those not capable of delegation.

**Consumer Protection – Licensing: Private hire and Hackney carriages**

- EHL101 To undertake all routine matters concerning private hire and hackney

carriage licensing, in accordance with the appropriate legislation and the approved hackney carriage and private hire policy.

- EHL102 To determine the grant, refusal, revocation and suspension of all licences in accordance with the approved hackney carriage and private hire policy.
- EHL103 To take appropriate disciplinary action against licensees in accordance with the approved hackney carriage and private hire policy.
- EHL104 To attach additional conditions where appropriate to the grant of licences.
- EHL105 To appoint stands for hackney carriages in accordance with the statutory procedure (pursuant to section 63 Local Government (Miscellaneous Provisions) Act 1976) and following appropriate consultation with the Cabinet Member for Community Safety and Engagement and Regulation and Review Committee.
- EHL106 Fixing the fares for hackney carriages in accordance with the statutory procedure (pursuant to section 65 Local Government (Miscellaneous Provisions) Act 1976) and following appropriate consultation with the Cabinet Member for Community Safety and Engagement and Regulation and Review Committee.
- EHL107 To refer any matter to Committee for consideration.
- EHL108 To investigate complaints and offences and provide instructions to the Head of Law and Governance to consider commencing legal proceedings.

**Consumer Protection – Licensing: Scrap Metal**

- EHL109 All licensing functions in accordance with the Scrap Metal Dealers Act 2013 that are capable of such delegation.
- EHL110 To determine the grant, renewal or variation of a scrap metal licence in accordance with the Scrap Metal Dealers Act 2013.
- EHL111 To attach conditions to a scrap metal licence under section 4 of the Scrap Metal Dealers Act 2013.
- EHL112 To impose conditions prior to revocation of a scrap metal licence under section 4 (7) of the Scrap Metal Dealers Act 2013.
- EHL113 To revoke a scrap metal licence in accordance with the Scrap Metal Dealers Act 2013.
- EHL114 To issue or cancel a Closure Notice in accordance with the Scrap Metal Dealers Act 2013.

**Consumer Protection – Licensing: Sex Establishments**

- EHL115 To authorise officers to enter and inspect any sex establishment in respect of which a licence is in force in accordance with paragraph 25 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- EHL116 To determine applications for the grant, renewal or transfer of Sex Establishment Licences, if no relevant objection is made.
- EHL117 To determine, if minded to grant, applications to vary Sex Establishment Licences.
- EHL118 To determine, if a holder of licence does not wish to appear before the Licensing Sub-committee or to make written representations, the possible revocation of a Sex Establishment Licence.
- EHL119 To determine the cancellation of a Sex Establishment Licence.
- EHL120 To set fees for Sex Establishment Licences.
- EHL121 All licensing functions relating to Sexual Entertainments in connection with Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 except those not capable of such delegation.

**Consumer Protection – Licensing: Street trading/collections**

- EHL122 To issue street collection permits subject to consultation with the Chair and Deputy Chair of Regulation and Review Committee should the Head of Environment, Housing and Leisure consider the application to be controversial or should the organisation requesting the collection already have had a collection within the calendar year in question.
- EHL123 To determine the grant, renewal or variation of street trading licences/consents.
- EHL124 To determine the revocation or cancellation of street trading licences/consents.
- EHL125 To prescribe/amend standard conditions for street trading licences/consents.
- EHL126 To instruct the Head of Law and Governance to prosecute for contraventions of matters in connection with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- EHL127 All licensing functions in connection with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 except those not capable of such delegation.
- EHL128 In consultation with the Chair and Deputy Chair of the Regulation and Review Committee, to set fees for street trading licences/consents.

EHL129 In consultation with the Chair and Deputy Chair of the Regulation and Review Committee to determine applications for and to issue house to house collection licences under the House to House Collections Act 1939 subject to such applications being reported to the Regulation and Review Committee.

**Consumer Protection – Licensing: General**

EHL130 The licensing of houses for the public performance of stage plays under the Theatres Act 1968 for short periods.

EHL131 In consultation with the Chair and Deputy Chair of the Licensing Committee to issue cinema and cinema club licences under the Cinemas Act 1985.

EHL132 In consultation with the Chair and Deputy Chair of the Licensing Committee, to authorise performances of hypnotism at premises licensed under the provisions of the Licensing Act 2003.

EHL133 To determine applications for licences under the Authority's scheme for licensing pleasure craft under section 94 of the Public Health Acts Amendment Act, 1907 subject to appeals against any refusal being referred to the Regulation and Review Committee.

EHL134 To license the use of moveable dwellings and camping sites under section 269 of the Public Health Act 1936.

**Consumer Protection – Pollution**

EHL135 To serve notices under sections 60 and 61 of the Control of Pollution Act 1974 (Prevention of Noise) and 79 and 80 of the Environmental Protection Act 1990.

EHL136 The inspection of premises and the taking of all necessary action in connection with furnaces and fuel and to deal with the control of chimney heights under the clean air legislation.

EHL137 To consider and decide upon applications under section 61 of the Control of Pollution Act 1974 (consent to work on construction sites).

EHL138 To carry out the various duties as contained in sections 6 to 20 of the Environmental Protection Act 1990 involving the: a) determination, grant, inclusion and variation of conditions; b) revocation, enforcement and prohibition; and c) the maintenance of a register in connection with authorisations to carry out the prescribed processes defined in section 2 of the Act.

EHL139 To determine whether abatement notices should be fixed to vehicles, machinery or plant contravening the Noise and Statutory Nuisance Act 1993.

- EHL140 To determine applications for permits for the operation of loud speakers in streets or roads in accordance with the Noise and Statutory Nuisance Act 1993.
- EHL141 To determine the validity of an application for deemed consent under the Planning (Hazardous Substances) Act 1990.
- EHL142 To serve notices under section 85 of the Water Industry Act 1991.
- EHL143 To inspect, determine, consult and remediate contaminated land within North Tyneside under section 57 of the Environment Act 1995 and Part 2A of the Environmental Protection Act 1990.
- EHL144 To enable powers of entry, work to be carried out in default and to seize equipment under section 81(3) of the Environmental Protection Act 1990 and section 10 of the Noise Act 1996.
- EHL145 To enforce the prohibition of dark smoke from any chimney, prohibition of dark smoke from industrial or trade premises under sections 1 and 2 respectively of the Clean Air Act 1993 and enforce the prohibition of smoke in smoke control areas and the acquisition and sale of unauthorised fuel and all other pollution issues referred to under the Clean Air Act 1993.
- EHL146 To police and enforce those industrial premises regulated under the Pollution Prevention and Control Act 1999 (PPCA) and Environmental Permitting (England and Wales) Regulations 2010 (as amended) by inspection and service of statutory notices when deemed necessary.
- EHL147 To control noise on construction sites by service and enforcement of section 60 notices under Control of Pollution Act 1974.
- EHL148 Permit the authorisation of officers to enforce legislation relating to idling offences under Road Traffic (Vehicle Emissions) (Fixed Penalty)(England) Regulations 2002.
- EHL149 To enable the monitoring, review and assessment of air quality under Part IV of the Environment Act 1995 and the consultation and declaration of areas as Air Quality Management Areas.
- EHL150 To take action under the Noise Act 1996 to abate and control noise complaints from domestic and licensed premises.
- EHL151 To designate alarm notification areas under sections 69-72 of the Clean Neighbourhoods and Environment Act 2005.
- EHL152 To take action as necessary under the Clean Neighbourhoods and Environment Act 2005 in relation to audible intruder alarms including powers of entry to abate the sounding of alarms and service of fixed penalty notices.



EHL153 To carry out local authority duties stipulated in the Environmental Damage Regulations 2009, including the serving of notices.

### **Consumer Protection - Trading Standards**

EHL154 To exercise all the powers and functions of the Authority relating to trading standards, weights and measures, consumer protection, public safety and other related legislation, including powers of enforcement, issuing suspension notices and prosecution and civil action.

EHL155 To enforce, and with the Head of Law and Governance to institute proceedings, in relation to the sale of combat knives and offensive weapons under the Criminal Justice Act 1988, Part XI and any subsidiary legislation made thereunder.

EHL156 To undertake the duties of the Authority as Weights and Measures Authority including the appointment of the Chief Inspector of Weights and measures, approving the Annual Report of the Chief Inspector of Weights and Measures and all legislative requirements that apply to the Authority in that capacity including any functions performed under the Licensing Act 2003 and the Violent Crime Reduction Act 2006.

EHL157 The Inspector of Weights and Measures has authority to issue a closure notice to premises under section 169A of the Licensing Act 2003 (or any subsequent amendments) where deemed appropriate.

EHL158 To determine applications for consent to permit loading and unloading at large shops before 9.00 am on Sunday mornings within a loading control area under Schedule 3 of the Sunday Trading Act 1994, subject to such conditions considered appropriate.

EHL159 To appoint appropriate officers of the trading standards section as inspectors under the provisions of the Sunday Trading Act 1994.

EHL160 To keep a list of those persons who are entitled to sell non-medicinal poisons under the Poisons Act 1972.

EHL161 To renew arrangements to secure the provision of the trading standards metrology laboratory services, subject to their being no material changes to the arrangement agreed in May 2007.

### **Culture and Leisure**

EHL162 To determine applications relating to sites for circuses and caravan rallies.

EHL163 To determine applications received from persons suffering a learning difficulty or physical disability for a reduced cost of admission to leisure facilities.

EHL164 To determine applications from voluntary and charitable organisations,



for reduced charges for leisure facilities for fund raising events.

- EHL165 In consultation with the relevant Cabinet Member to determine requests to hold open-air services of a religious or similar nature, except for marriages, should such a request be of a controversial nature.
- EHL166 To negotiate terms for the letting of appropriate sites under the control of Environment and Leisure services for fairs and circuses.
- EHL167 To agree to the letting of any leisure and community facilities under the control of Environment and Leisure services.
- EHL168 To determine applications for the use of metal detectors on land under the control of Environment and Leisure services.
- EHL169 To determine requests for financial assistance from talented athletes and cultural performers.

### **Fleet Management**

- EHL170 To dispose of redundant vehicles, plant and workshop equipment in accordance with the Authority's Financial Regulations.
- EHL171 To hire transport from outside sources for use by service areas.
- EHL172 To select and purchase vehicles, plant and workshop equipment in accordance with the Authority's Contract Standing Orders.
- EHL173 To provide driver training and the assessment of driving standards of Authority employees who operate vehicles and plant belonging or on hire to the Authority.

### **Housing**

- EHL174 The management of all matters required to ensure the Authority carries out its statutory duties as a local housing authority as prescribed in:
- Housing Act 1985
  - Housing Act 1996
  - Housing Act 2004
  - Local Government and Housing Act 1989 and
  - Any other relevant statute or government guidance relating to the management and provision of social housing and related facilities.
- EHL175 In accordance with the Authority's Affordable Rent Policy and in consultation with the Head of Resources and the Cabinet Member(s) with responsibility for Housing and Finance, to take any decisions on the selection of property appropriate for affordable rent.
- EHL176 Exercising the management of functions of the Authority in relation to dwellings owned by the Authority but not held under Part IV of the

Housing Act 1985.

EHL177 Without prejudice to the foregoing delegations, to exercise the following functions of the Authority:

- a) authorising the allocation and granting of tenancies and licenses in accordance with the Authority's allocation scheme;
- b) approving rents in specific cases;
- c) serving notices, to quit, of termination or seeking possession;
- d) maintaining properties and estates;
- e) granting consent or otherwise to the assignment of a tenancy where statute allows and in line with the Authority's policy;
- f) granting consent to mutual exchanges, imposing conditions to that consent where appropriate or refusing such consent with reference to Schedule 3 of the Housing Act 1985;
- g) granting consent or otherwise to tenants' requests to carry out improvements or alterations;
- h) granting consent or otherwise in any other matter where the Authority's tenancy agreement including introductory tenancy agreement or licensees requires that permission is sought by the tenant or licensee;
- i) authorising compensation for tenants' improvements be they statutory or discretionary (Housing Act 1985 sections 99a and 100);
- j) settling any claims by tenants for disrepair;
- k) taking action under sections 1 and 115 of the Crime and Disorder Act 1998, Part V of the Housing Act 1996, Anti Social Behaviour Act 2003 and Housing Act 2004;
- l) taking action to secure the eviction of trespassers;
- m) undertaking consultation with tenants and / or social landlords where required by statute or government guidance or where otherwise appropriate e.g. section 105 of the Housing Act 1985; and
- n) authorise the granting of licences for the use of garages, reviewing licence conditions and subsequent termination of licences where necessary.

EHL178 Carry out the Authority's statutory responsibilities under Part V of the Housing Act 1985 (Right To Buy).

- Authorising service of statutory notices, admitting/denying the right to buy, withdrawing or requiring completion.
- Authorising sales of freehold or otherwise granting of long leases

Freehold:

In consultation with the Head of Law and Governance, enforcing covenants including those relating to repayment of discount, use of shared areas and letting of whole.

Leasehold:

- a) Agreeing variations to the terms of individual leases.
- b) Granting/refusing permission to requests on various matters, by leaseholders, where the lease requires consent of the landlord. e.g. requests to sublet whole.
- c) In consultation with the Head of Law and Governance, authorising action on breaches of covenants.

- EHL179 Exercising the Authority's responsibilities towards homeless people, including the Authority's functions under Part VII Housing Act 1996 and the Homelessness Act 2002.
- EHL180 Exercising the functions of the Authority in relation to the provision of advice in connection with housing and the prevention of homelessness.
- EHL181 Exercising the functions of the Authority under Part X of the Housing Act 1985 and Part IV, Chapter 3, and Part VII of the Housing Act 2004 in relation to overcrowding.
- EHL182 Exercising the functions of the Authority under the Protection from Eviction Act 1977, the Protections from Harassment Act 1997 and all other enabling powers to regulate and control private landlords.
- EHL183 Exercising the functions of the Authority under the Landlord and Tenant Act 1985 (landlord's obligations etc).
- EHL184 In consultation with the Head of Resources, write off irrecoverable debt due from former tenants in compliance with the Authority's write off policy. The following officers have delegated powers to write off former tenant rent arrears owed to the Authority:
- a) Former tenant rent arrears of up to £250 should be authorised by the Team Leader Debt Recovery and Direct Debit and countersigned by the Welfare Reform and Income Manager.
  - b) Former tenant rent arrears with a value between £250 and £1,500 should be authorised by the Team Leader Debt Recovery and Direct Debit and countersigned by the Housing Operations Manager.
  - c) Former tenant rent arrears with a value over £1,500 but under £3,000 must be authorised by the Head of Service and

countersigned by the Head of Resources.

- d) Write off of bad debts between £3,000 and £50,000 must be authorised by the Head of Service, countersigned by the Chief Finance Officer and approved by the Cabinet Member with responsibility for Housing.
- e) Write off of bad debts over £50,000 must be authorised by the Head of Service, countersigned by the Chief Finance Officer and approved by Cabinet.

All write-offs will be evidenced by the appropriate paperwork, signed by the appropriate officer, countersigned by the manager/Cabinet Member as above.

The above levels of write-off also apply to Bankruptcy/Debt Relief Order/Individual Voluntary Arrangement/Sundry Debts (for example rechargeable repairs)/Statute barred court costs where appropriate.

EHL185 In consultation with the Head of Resources, write off irrecoverable debt due from current tenants in compliance with the Authority's write off policy. The following officers have delegated powers to write off irrecoverable current tenant rent arrears owed to the Authority:

- a) Current tenant rent arrears of up to £250 should be authorised by the Neighbourhood Team Leader and countersigned by the Neighbourhood Manager.
- b) Current tenant rent arrears with a value between £250 and £1,500 should be authorised by the Neighbourhood Team Leader and countersigned by the Housing Operations Manager.
- c) Current tenant rent arrears with a value over £1,500 but under £3,000 must be authorised by the Head of Service and countersigned by the Head of Resources.
- d) Write off of bad debts between £3000 and £50,000 must be authorised by the Head of Service, countersigned by the Chief Finance Officer and approved by the Cabinet Member with responsibility for Housing,
- e) Write off for bad debt over £50,000 must be authorised by the Head of Service, countersigned by the Chief Finance Officer and approved by Cabinet.

All write offs will be evidenced by the appropriate paperwork, signed by the appropriate officer, countersigned by the manager/cabinet member as above.

The above levels of write off also apply to Bankruptcy/Debt Relief

Order/Individual Voluntary Arrangement/ Sundry Debts (for example rechargeable repairs) / Statute barred Court costs when appropriate.

- EHL186 In consultation with the Head of Resources, write off Credit balances associated with untraceable former tenants in compliance with the Authority's write off policy. The following officers have delegated powers to write off former tenant credits held by the Authority:
- a) Former tenant credits of up to £250 should be authorised by the Team Leader Debt Recovery and Direct Debit and countersigned by the Welfare Reform and Income Manager.
  - b) Former tenant credits with a value between £250 and £1,500 should be authorised by the Team Leader Debt Recovery and Direct Debit and countersigned by the Housing Operations Manager.
  - c) Former tenant credits with a value over £1,500 but under £3,000 must be authorised by the Head of Service and countersigned by the Head of Resources.
  - d) Write off of credits between £3,000 and £10,000 must be authorised by the Head of Service, countersigned by the Head of Resources and approved by the Cabinet Member with responsibility for Housing.
  - e) Write off of credits over £10,000 must be authorised by the Head of Service, countersigned by the Head of Resources and approved by Cabinet.
- All write-offs will be evidenced by the appropriate paperwork, signed by the appropriate officer, countersigned by the manager/Cabinet Member as above.
- EHL187 To determine disturbance payments and applications for home loss payments in accordance with the Land Compensation Act 1973.
- EHL188 Undertaking and determining reviews under the Introductory Tenants (Review) Regulations 1997.
- EHL189 To authorise payments to tenants for decoration and removal expenses or approve ex-gratia payments (not exceeding £500).
- EHL190 Agreeing terms with private landlords and registered social landlords to lease accommodation for the purposes of providing temporary housing for homeless households.
- EHL191 To approve the re-acquisition of former Council houses which fall within the terms of the Authority's reacquisition policy, subject to the necessary finance being available.
- EHL192 To consider any matters relating to the Housing Act 1985 (as amended)

in respect of Right to Buy including the repayment of discount and right of first refusal.

- EHL193 To ensure compliance with all Authority policies relating to the provision and management of Council owned residential properties. Authority to make changes to all such policies where provision of service would be improved or necessity arises or to recommend such changes to Cabinet where appropriate.
- EHL194 To establish such arrangements as appropriate to ensure effective engagement of tenants and leaseholders in the setting, monitoring and review of housing and related services including holding meetings, organising consultation events, surveys and newsletters.
- EHL195 To consider and respond to requests from Northumbria Police in respect of the designation of dispersal areas under the provisions of the Anti-Social Behaviour Act 2000.

### **Library Services**

- EHL196 To approve the closure of libraries in cases of emergency.
- EHL197 To determine issues relating to the management and control of libraries including the purchase, hire, sale and disposal of books and other material.

### **Planning**

- EHL198 To serve Planning Contravention Notices under section 171C of the Town and Country Planning Act 1990.
- EHL199 Serve Requisition for Information Notices under section 330 of the Town and Country Planning Act.
- EHL200 In consultation with the Chair and Deputy Chair of the Planning Committee to consider and determine applications for grant assistance under the Authority's approved conservation grant assistance scheme.
- EHL201 To take all necessary action with regard to the parking of caravans on unlicensed areas of the Borough.
- EHL202 Following consultation with the appropriate ward councillors, to approve proposals for new or altered street names and/or numbering schemes for new and existing streets.

### **Planning Applications Exceptions**

- EHL203 Determine applications, notifications, consultations, discharge of conditions, screening and scoping requests, enforcement and all other matters within the terms of the Planning Committee (please see Part 3.5 of the Constitution) and in respect of High Hedge complaints under Part 8 of the Anti-Social Behaviour Act 2003, subject to the exceptions specified below:

- a) Applications (other than those for the discharge and variation of conditions and extensions of time not including the discharge of reserved matters) for major development as defined for the purposes of the government PS2 statistical return i.e.:
- residential development of 10 or more dwellings or, where numbers not specified, the site area is more than 0.5 hectares;
  - other development where the floor space is 1000 sq metres or more or the site is 1 hectare or more; and
  - where a major development is subject to a change of use, it will be classed as a major development and not as a change of use.
- b) Mineral applications (other than those for the discharge of conditions) as defined for the purposes of the government PS2 statistical returns.
- c) Applications which are a departure from the Development Plan and which would need to be notified to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 (or any Direction replacing or re-enacting this Direction) if the Authority was minded to grant permission for them.
- d) Applications which are subject to an objection from a statutory consultee (as defined in Schedule 4 of the Town and Country Planning (Development Management Procedure) Order 2015 (or any Order replacing or re-enacting this Order) which has not been resolved by negotiation or the imposition of conditions.
- e) Applications for extensions to or change of use to gambling establishments (including amusement arcades, betting shops and casinos).
- f) Applications (other than those for PS2 defined minor and other development or the discharge of conditions) submitted by or on behalf of the Authority for its own development which are the subject of objections which have not been resolved by negotiation or the imposition of conditions.
- g) Applications submitted by or on behalf of a North Tyneside Councillor or their spouse/partner.
- h) Applications submitted by or on behalf of any member of staff of the Planning Team or any Head of Service or their spouse/partner or any member of staff directly involved in the progressing/determination of any application.
- i) Applications classified as major or minor developments (as defined for the purposes of the government PS2 statistical return) where a Councillor, applicant or other person with a material planning interest has, within the statutory publicity period or prior to the determination of the application, requested in writing that the application be



determined by Planning Committee and has also given substantial reasons why the application should be determined by Planning Committee and not under the Officer Delegation Scheme.

- j) Applications for other developments (including householder developments, as defined for the purposes of the government PS2 statistical return) where a Councillor has, within the statutory publicity period or prior to the determination of the application, requested in writing that the application be determined by Planning Committee and has also given reasons as to why the application is so significant or contentious that it should be determined by Planning Committee and not under the Officer Delegation Scheme and that request has been accepted by the Chair and/or Deputy Chair of the Planning Committee.
- k) Applications where written representations for and/or against a development proposal have been made and speaking rights have been requested and granted in accordance with the scheme for speaking at Planning Committee.
- l) Applications that the delegated officer considers should be determined by Planning Committee, having regard to approved guidance on this matter.
- m) To enter land in Part 2 of the brownfield land register, and thus grant permission in principle, for major development as defined for the purposes of the government PS2 statistical return.

This delegation can be undertaken by any post designated by the Head of Environment, Housing and Leisure, subject to that post being held by a member of the Royal Town Planning Institute of Planning Officer status or above and being senior to the specific case officer except where the delegation being exercised is for the discharge of planning conditions other than for the discharge of reserved matters.

### **Street Environment**

- EHL204 To issue penalty and fixed penalty notices, penalty charge notices and fixed monetary penalties for all offences under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005, Dog Byelaws, The Dogs (Fouling of Land) Act 1996, Anti-Social Behaviour Act 2003, Control of Pollution (Amendment) Act 1989, Refuse Disposal (Amenity) Act 1978, Noise Act 1996 and Housing Act 2004 and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 made under the Energy Act 2013 and any amendments under those Orders.
- EHL205 To determine upon the waiving of charges for the treatment of bees and wasps' nests in cases of hardship or as a matter of urgency.
- EHL206 To act as the Proper Officer under section 149(1) of the Environmental



Protection Act 1990 for the purpose of discharging the Authority's functions for dealing with stray dogs.

- EHL207 To deal with dangerous trees under the provisions of section 23 of the Local Government (Miscellaneous Provisions) Act 1976, in cases of emergency.
- EHL208 To take all necessary action with regard to the service of notices and the execution of works and the recovery of costs under legislation relating to injurious weeds.
- EHL209 To take all necessary action with regard to unauthorised dumping under section 33 of the Environmental Protection Act 1990.
- EHL210 To designate "appointed officers" in accordance with the Dutch Elm Disease (Local Authorities) Order 1984.
- EHL211 In consultation with the Head of Resources to deal with the provision of Christmas trees and associated arrangements.
- EHL212 To take all necessary action, including issuing any instructions for prosecution, in connection with those sections of the Clean Neighbourhoods and Environment Act 2005 and associated regulations which relate to highways, nuisance and/or abandoned vehicles, fly-posting, transport of waste materials, noise nuisance and abandoned shopping trolleys.
- EHL213 To be responsible for the control, management, inspection and letting of allotments including the authority to issue and sign allotment agreements.
- EHL214 To serve Notices to Quit in relation to the removal of dilapidated structures from allotments.
- Transport (Engineering Services)**
- EHL215 To issue permits under section 19 of the Transport Act 1985 and the Section 19 Permit Regulations 2009 (or any amended Section 19 Permit Regulations) in relation to minibuses.
- EHL216 To submit on behalf of the Authority observations on traffic regulation conditions in relation to bus service registrations made under the Transport Act 1985.
- EHL217 To approve the making of Traffic Regulation Orders where there are no objections and the issue of Notices under the Road Traffic Regulation Act 1984.
- EHL218 To approve applications for permission to place public kiosks, feeder pillars, electric pillars, clocks and any other similar structures on or over public highways.

- EHL219 To determine requests for the repositioning of street furniture to allow access to private premises.
- EHL220 To object where necessary on behalf of the Authority as Highway Authority to the granting or renewal of a vehicle operators' licence and to authorise the Head of Engineering, to appear before the Licensing Authority to support such objection if considered necessary.
- EHL221 To carry out minor traffic management measures not requiring Traffic Regulation Orders and costing less than £10,000 subject to the necessary finance being available in the approved budget.
- EHL222 To manage the use and enforcement of on and off street parking, waiting and loading restrictions, bus lane enforcement and other items under the Traffic Management Act 2004, the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of North Tyneside) Order 2007, the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007, the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, the Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007, the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) 2007 and the Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) (No 3) Order 2007, the 2015 Deregulation Bill and any subsequent amending legislation or further legislation regarding parking contraventions.
- EHL223 To serve notices under section 112 of the Road Traffic Regulation Act 1984 on registered keepers of vehicles requiring them to notify the Authority of the name and address of the driver.
- EHL224 To decide upon applications for the issue of parking permits for the parking of vehicles in "permit holders only" parking places established by the Authority under the Road Traffic Regulation Act.
- EHL225 To take all necessary action with regard to the parking of caravans on unlicensed areas of the Borough.
- EHL226 To sign orders with public utilities.
- EHL227 To grant Street Works Licences under section 50 of the New Roads and Street Works Act 1991.
- EHL228 To determine the priority for the surfacing of roads.
- EHL229 Alteration to existing highways and adoption of new streets as highways repairable at the public expense in accordance with the Highways Act 1980 (and amendment).

- EHL230 To determine applications for licences to display goods in accordance with section 20 Schedule 5, of the Local Government (Miscellaneous Provisions) Act 1982.
- EHL231 The following functions under the Highways Act:
- a) To consent to the deposit of building materials and making excavations in streets (section 171);
  - b) To consent to hoardings being set up during building operations (section 172);
  - c) To permit the deposit of a builder's skip on a highway under section 139 and to impose a charge for this under section 140A;
  - d) To serve Notices regarding vehicular crossings over footways;
  - e) To grant Licences regarding the placing of apparatus in or under highways;
  - f) To exercise the Authority's powers to enter land for purposes of a survey;
  - g) Control of scaffolding on highways;
  - h) To remove unauthorised signs on the highway;
  - i) To authorise the erection of stiles on footpaths or bridleways (section 147);
  - j) To license planting, retention and maintenance of trees etc in part of a highway (section 142);
  - k) To licence works in relation to building etc. which obstruct the highway (section 169);
  - l) To restrict the placing of rails, beams etc. over highways (section 178);
  - m) To consent to the construction of cellars etc. under streets (section 179);
  - n) To consent to the making up of openings into cellars etc. under streets and pavement lights and ventilators (section 180);
  - o) To authorise the serving of a notice under section 154 requiring the cutting or felling of trees which overhang or are a danger to highways;
  - p) To serve notices under section 151 on owners or occupiers of land to execute works to prevent soil or refuse from that land from falling or being washed on to the street;

- q) To exempt new buildings from the Advance Payments Code under sub-sections (c), (f), (h) and (k) of section 219;
- r) To serve notices under section 220 requiring payment of appropriate private street works charges;
- s) To make refunds under sections 221 and 222 of the Act on the works being wholly or in part carried out;
- t) In consultation with the Head of Law and Governance to deal with all matters in relation to any proposal to close or divert highways, footpaths and bridleways in accordance with sections 116, 117, 118, 119 and section 25 & 26 (creating footpaths, bridleways and restricted byways).
- u) To serve any notices under section 130A in response to receipt of notices to enforce duty regarding public paths.
- v) To serve a notice on an occupier of land under section 134 to make good the surface of a path or way to not less than its minimum width and to comply with other requirements of the notice.
- w) On application, granting an extension to the relevant period given to an occupier to make good the surface of a path or way under section 134.
- x) To Authorise works disturbing a footpath, bridleway or restricted byway and making an order (with or without conditions) authorising such work under section 135.
- y) To Authorise the making good of any damage or removal of any obstruction under section 135B.
- z) To serve a notice on an occupier of land under section 137A ensuring that the line on the ground of any relevant highway is indicated to not less than its minimum width and to prevent crops from encroaching on any relevant highway as to render it inconvenient for the exercise of the public right of way.
- aa) To be given authority to require the owner of a skip to remove or reposition it or cause it to be removed or repositioned under section 140 and to serve any notices in accordance with this section and to recover reasonable expenses for the removal or repositioning of the skip.
- bb) To authorise the serving of a notice under section 141 requiring the owner or occupier of land in which a tree or shrub is planted to remove it.
- cc) To license (with or without conditions) planting, retention and maintenance of trees etc. in part of a highway under section 142.

- dd) To authorise the serving of a notice under section 143 requiring the removal of structures from a highway.
- ee) To authorise the serving of a notice under section 145 requiring the owner of a gate to enlarge the gate or remove it.
- ff) To authorise the serving of a notice under section 147 requiring the owner or occupier to repair or make good a stile, gate or other works and to recover from the owner or occupier any amount reasonably incurred by the Authority in exercising its powers under this section.
- gg) To authorise the entering into an agreement under section 147ZA.
- hh) To authorise the serving of a notice under section 149 requiring the removal of things deposited on a highway.
- ii) To authorise the serving of a notice under section 152 requiring the removal of a projection from a building.
- jj) To authorise the serving of a notice under section 163 in relation to the prevention of water falling on or flowing on to a highway.
- kk) To authorise the serving of notices under sections 164, 165 and 166 in relation to danger or annoyance to users of highways or streets.
- ll) To set charges for work undertaken under section 169 or section 171.
- mm) To grant a licence in relation to the construction of a bridge or buildings over a highway (sections 176 and 177).
- nn) To give consent to the placing of rails, beams etc. over highways (section 178).
- oo) To give consent and serve notices in relation to cellars etc. (sections 179 and 180).
- pp) Following consultation with the Cabinet Member for Environment and Transport, to authorise the serving of notices, undertake works and recover any amount reasonably incurred by the Authority in relation to vehicle crossings over footways and verges (section 184).
- qq) To authorise the carrying out of any works under Schedule 12A and the recovery of expenses incurred by the Authority in undertaking any such works.
- rr) To serve any other notices that may be required to be served under the Highways Act 1980 that are not referred to above.

- EHL232 To determine applications received for permission to display temporary advertisements on selected street lighting columns within the Authority's policy of permitting such advertising for charitable and suitable non-commercial events only.
- EHL233 To arrange for the removal of vehicles under section 3 of Refuse Disposal (Amenity) Act 1978, section 99 of the Road Traffic Regulation Act 1984, Part II of the Removal and Disposal of Vehicles Regulations 1986 and section 11 of Clean Neighbourhoods and Environment Act 2005 that are illegally, obstructively or dangerously parked, abandoned or broken down on a road and the removal and disposal of abandoned vehicles generally.
- EHL234 To make application to the Department for Transport in respect of the closure or diversion of a highway that is consequential of planning permission for development in accordance with section 247 of the Town and Country Planning Act 1990.
- EHL235 To deal with all matters in relation to the closure of highways as a consequence of planning permission for development in accordance with section 257 of the Town and Country Planning Act 1990.
- EHL236 To make all necessary arrangements to convert a footway to a cycle track with a right of way on foot under sections 65 and 66 of the Highways Act 1980.
- EHL237 To make all necessary arrangements in respect of Orders under section 3 of the Cycle Tracks Act 1984 for the conversion of all or any part of a footpath to a Cycle Track.
- Waste management**
- EHL238 To inspect premises for the assessment of charges for refuse collection and waste disposal, in accordance with the Control of Pollution Act (COPA) 1974, Environmental Protection Act 1990 and Controlled Waste (England and Wales) Regulations 2012.
- EHL239 To determine waste disposal licences and resolutions under the Waste Disposal Regulations, section 34 of the Environmental Protection Act 1990.
- EHL240 To extend the provision of Authority services into new developments within the Borough, as required by the Control of Pollution Act (COPA) 1974, and section 46 of the Environmental Protection Act 1990.
- EHL241 To make arrangements for the separate collection of recyclable waste under the Household Waste recycling Act 2003, and Waste (England and Wales) (Amendment) Regulations 2012.
- EHL242 To exercise the powers and duties of the Authority under Parts II and IV of the Environmental Protection Act, 1990.

## 15. Head of Resources

The Head of Resources provides senior leadership on: issues of effective resource allocation; financial planning and management; maximising income for the Authority through effective Council Tax and Business Rates collection; and ensuring that services are corporate, integrated and provided in accordance with Authority policy and any relevant statutory duties.

The Head of Resources is the Council's 'Responsible Financial Officer' (sometimes known as the 'Chief Finance Officer' or 'Section 151 Officer') as defined by the Accounts and Audit Regulations (England) 2011. The responsibilities and powers of this officer derive from statute (Section 151 of the Local Government Act 1972), which provide that every local authority shall appoint one officer who has an overall duty to "make arrangements for the proper administration of [the Council's] financial affairs". The Head of Resources is thus 'head of profession' for the financial arrangements of the Council and has a managerial and professional responsibility in this regard.

The Head of Resources also acts in the capacity of Senior Client for the Business Services Partnership.

Areas of responsibility:

- Finance Service
- Revenues, Benefits and Customer Services
- Internal Audit and Risk Management
- Human Resources and Organisational Development
- ICT and Management Information Systems

Operational services comprising financial management, financial processing, customer services and revenues and benefits are undertaken on behalf of the Authority by the Business Services partner, Engie.

The Head of Resources has managerial and professional responsibility for the overall policy and procedure in relation to all employment related matters, including training and workforce development and health and safety.

The Head of Resources also ensures the HR and Health and Safety services delivered by the Authority's strategic partner, Engie, are fit for purpose and is the Authority's lead officer for the delivery of services and performance in relation to these contracts with Engie.

Internal Audit and Risk is also a part of this service area. The Public Sector Internal Audit Standards (PSIAS) 2013 state the requirement for organisational independence of the Chief Internal Auditor. The PSIAS require that 'the Chief Internal Auditor must report functionally to the Board. The Chief Internal Auditor must also establish effective communication with, and have free and unfettered access to, the Chief Executive and the Chair of the Audit Committee'. For the purposes of compliance with the PSIAS, the 'board' of the organisation is defined



as the Senior Leadership Team. The Chief Internal Auditor will therefore be line managed by the Head of Resources, and report functionally to the Senior Leadership Team.

The Head of Resources provides senior leadership and direction to the Authority's retained ICT function ensuring that these services are corporate, integrated and provided in accordance with the authority's policy and any relevant statutory duties.

The Head of Resources also ensures the services delivered by the Authority's strategic partner, Engie, are fit for purpose and is the Authority's lead officer for the delivery of services and performance in relation to the contracts with Engie.

(Note: the Head of Resources is also currently responsible for the Authority's digital strategy – see section 12: Head of Digital Strategy).

In addition to the general delegations set out in section 5 of the scheme, the Head of Resources is authorised to exercise the following specific functions:

- R1 To disburse monies from funds and accounts of the Authority as required for the lawful discharge of the Authority's functions.
- R2 To enter into Treasury Management transactions in the name of the Authority as may be required to meet the needs of both revenue and capital accounts subject to any statutory limitations, the provisions of the Treasury Management Strategy or the provisions of the Authority's Budget and Policy Framework.
- R3 To negotiate and enter into leasing agreements as a means of financing capital expenditure.
- R4 To vary the mortgage interest rate under section 110 of the Housing Act 1980 as directed by the Secretary of State.
- R5 To vary the mortgage interest rate on pre 3rd October 1980 mortgages as directed by circular 20/64.
- R6 To suspend Financial Regulations in extreme circumstances.
- R7 To maintain a continual review of the Financial Regulations and submit any additions or changes necessary to full Council for approval.
- R8 To make any grammatical or textual alterations to the Financial Regulations that do not alter their sense or purpose.
- R9 To respond to external consultation documents in respect of appropriate technical releases.
- R10 In consultation with the Head of Law and Governance:
  - a) to deal with the settlement of insurance claims under £61,500 on



- risks being carried by the Authority's Insurance Fund with the exception of all contract guarantee claims; and
- b) to take all decisions in order to balance the risks included in the Insurance Fund.

- R11 To receive, investigate and pay the Coroner's accounts, fee and related expenses and to take any other action in relation to those items.
- R12 To act as Trustees of the W C Armstrong Trust Fund and the Howard Trust Fund.
- R13 To determine the Authority's pension discretions pursuant to Regulations made under Sections 7, 12 and 24 of the Superannuation Act 1972.
- R14 To consider and determine applications made by employees who are members of the Local Government Pension Scheme who seek the application of the Authority's pension discretions under the relevant Pension Scheme Regulations.

#### **Revenues and Benefits**

- R15 To serve notices, enter into agreements, give receipts, make adjustments, institute proceedings and take any action available to the Authority to collect or enforce the payment of the National Non-Domestic Rate and the Council Tax from those persons liable.
- R16 On the Authority's behalf, to prosecute or defend or to appear in any proceedings before a Magistrates Court and to conduct any such proceedings in respect of unpaid Council Tax or National Non-Domestic Rate payable to the Authority and to discontinue such proceedings if considered necessary.
- R17 In relation to the recovery of general debts and overpaid housing benefits:
- a) to issue County Court summonses;
  - b) to deal with all matters arising from the issue of County Court summonses;
  - c) to seek Judgement Orders in cases where the summons is undefended;
  - d) to issue enforcement proceedings in relation to cases where a judgement has been made but the order not complied with; and
  - e) in cases where the debt is no greater than £5,000 (or the applicable limit at any given time for cases which can be pursued through the small claims court) and a defence is submitted, to attend small claims arbitration hearings on behalf of the Authority.

(The Head of Law and Governance has also been delegated this power.)

R18 The following officers have delegated powers to write off bad debts as indicated:

- a) For sundry debts- Team Leader Sundry Income Collections up to £250. A schedule must be signed by the Senior Client Manager, Revenues, Benefits and Customer Services.
- b) For local taxation debts – Corporate Debt Manager up to £250. A schedule must be countersigned by the Senior Client Manager, Revenues, Benefits and Customer Services.
- c) For sundry and local taxation debts – Corporate Debt Manager up to £1500. A schedule must be countersigned by the Senior Client Manager, Revenues, Benefits and Customer Services.
- d) For sundry and local taxation debts with a value of over £1500 but under £3000, these must be authorised by the Senior Client Manager Revenues, Benefits and Customer Services and countersigned by the Chief Finance Officer.

Write off for bad debts between £3,000 and £50,000 requires approval from the Cabinet Member with responsibility for finance.

Write off for bad debts above £50,000 requires a Cabinet decision.

R19 The following officers have delegated powers to write off bad debts as indicated:

- a) For housing benefit overpayments of up to £250 these should be authorised by the Benefit Manager and countersigned by the Senior Client Manager Revenues, Benefits and Customer Services.
- b) For housing benefit overpayments of up to £1500 these should be authorised by the Benefit Manager and countersigned by the Senior Client Manager Revenues, Benefits and Customer Services.
- c) For housing benefit overpayments with a value of over £1500 but under £3000 these must be authorised by the Senior Client Manager Revenues, Benefits and Customer Services and countersigned by the Chief Finance Officer.

R20 To deal with all matters relating to the issues of Completion Notices for Council Tax and National Non-Domestic Rating purposes and the administration of appeals against any such notices.

R21 To determine all applications for the apportionment of rateable value of partly occupied hereditaments under section 44A of the Local Government Finance Act 1988.

R22 To deal with all matters relating to Housing Benefit, Universal Credit

elements relevant to the local authority and the Local Council Tax Support scheme as set out in the relevant regulations.

- R23 To administer any Council Tax transition scheme and to determine any appeals submitted under the provisions of any such scheme.
- R24 To determine applications for any form of discretionary rate relief which meet the relevant legislative requirements and satisfies the criteria set out in the Authority's policy for dealing with such applications.
- R25 In consultation with the Senior Client Manager Revenue, Benefits and Customer Services and the Head of Regeneration and Economic Development, to review the Authority's policy on the granting of discretionary relief of business rates and to implement any changes to policy.
- R26 The following officers to act on behalf of the Authority, as required under section 16 of the Local Government Finance Act 1992, to appear before and conduct proceedings at any Valuation tribunal on any appeal relating to Council Tax or Local Council Tax Support:
- Appeals and Development Officer
  - Benefit Manager
  - Manager Council Tax Service
  - Corporate Debt Manager
  - Team Leader Council Tax
  - Revenue and Benefits Manager
- R27 The following officers to act on the Authority's behalf as required by section 223 of the LGFA 1992 in respect of the collection and recovery of any Council Tax or National Non-Domestic Rate payable to the Authority. To prosecute or defend, or to appear in a Magistrates Court or to conduct any such proceedings in respect of Council Tax and National Non-Domestic Rates payable to the Authority:
- Revenue and Benefits Manager
  - Corporate Debt Manager
  - Manager Council Tax Service
  - Manager Business Rates Service
  - Senior Recovery and Enforcement Officer
  - Manager Recovery and Enforcement Service
  - Business Rates Officer
- R28 The following officers be authorised to execute distress on the Authority's behalf for any amount due in respect of Council Tax or National Non-Domestic Rate:

Manager Recovery and Enforcement Service  
Senior Recovery Officer  
Enforcement Agent  
Senior Recovery and Enforcement Officer

- R29 In consultation with the Head of Health, Education, Care and Safeguarding, to agree criteria under which applications for hardship rate relief may be made and to determine those applications, with each case being considered on its merits and applications from eligible businesses only being considered where there are overriding social and economic benefits accruing from the business concerned being assisted.
- R30 To issue, sign and maintain a register of badges issued to display on motor vehicles used by disabled persons under section 21 of the chronically sick and Disabled Persons Act 1970. To authorise the Service Manager of Customer Services to act on the Authority's behalf in relation to this matter.
- R31 To deal with the management of mortgages (including action on mortgage arrears) obtained under the Right to Buy provisions of the Housing Act 1980 as well as the management of mortgages under the Housing (Financial Provisions) Act 1958.
- R32 To institute possession proceedings in cases of mortgage arrears.
- R33 To deal with:
- a) the transfer of mortgages in the event of divorce, etc;
  - b) adding/removing other household members as mortgagors;
  - c) requests for interest only payments;
  - d) requests to extend the term of the mortgage; and
  - e) unusual requests.
- R34 To provide an adequate and effective system of internal audit.

### **Local Management of Schools**

- R35 To prepare and publish, under section 251 of the Apprenticeship, Skills, Children and Learning Act 2009, annual budget and outturn financial statements.
- R36 To prepare a financial scheme for schools maintained by the authority and to allocate individual schools' budgets to maintained schools each year.
- R37 To determine the local authority's school budgets and determine the budget shares in accordance with school finance regulations.
- R38 To establish a schools' forum for their area in accordance with the schools forums regulations and maintain a scheme for financing maintained schools according to the School Standards and Framework Act 1998 sections 45A, 45AA, 47, 47ZA, 47A and 48 and Schedule 14. Secondary - School Finance (England) Regulations 2008 (as amended), School Finance (England) Regulations 2011 and Schools Forums (England) Regulations 2010.

- R39 To ensure Consistent Financial Reporting (CFR) in Schools – CFR returns – are completed for all maintained schools (other than maintained nursery schools or pupil referral units) according to the Education Act 2002 Section 44. Consistent Financial Reporting (England) Regulations 2003 (made under section 44).
- R40 To determine the schools' budget shares for excluded pupils and determine the amount to be paid by one local authority to another when a pupil is permanently excluded from a maintained local authority and is subsequently re-instated by another according to the Education Act 1996, Section 494. Section 47 of the Schools Standards and Framework Act 1998 and secondary regulations: The School Finance (England) Regulations 2008 (No. 228), the School Finance (England) (Amendment) Regulations 2007 (No. 365), the Education (Amount to Follow Permanently Excluded Pupil) (Amendment) (England) Regulations 2001 (No. 870); Finance (Secondary - The School Finance (England) Regulations 2006 (No. 468). The School Finance (England) (Amendment) Regulations 2007 (No. 365).

#### **Human Resources**

- R41 In consultation with the Chief Executive and Heads of Service as appropriate, to develop, implement and monitor human resources policy, procedure and guidelines on a corporate basis.
- R42 In consultation with the Chief Executive and Heads of Service as appropriate, to receive notification of new posts; to determine grades and appropriate allowances for those posts; to amend establishments; and to deal with the re-grading of posts or review of grading of posts.

## 16. Head of Health, Education, Care and Safeguarding

The Head of Health, Education, Care and Safeguarding has managerial and professional responsibility for the service area which is responsible for meeting the eligible social care needs of adults and their carers over the age of 18 living within North Tyneside. It supports people to maintain their independence, enable them to play a fuller part in society and to protect them in vulnerable situations and manage complex relationships. In providing and commissioning a wide range of services such as day care, home care, community meals, direct payments and respite and residential care, the service area links with its partners in the National Health Service, independent and third sectors.

The Head of Health, Education, Care and Safeguarding is the Director of Adult Social Services (DASS) and is responsible for delivering those local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended) other than those for which the Director of Children's Services is responsible, in respect of adults.

The Head of Health, Education, Care and Safeguarding also supports children, young people and adults to access learning opportunities, realise their potential and develop the skills and attributes needed for life and work in the twenty-first century, including:

- Schools
- School improvement
- Education to employment
- Children's Workforce Development
- Adult Learning, employment and skills
- Vulnerable Learners
- Careers advice and guidance
- Disability and Additional Needs Service.

The Head of Health, Education, Care and Safeguarding is the Local Authority's designated Director of Children's Services (DCS). The DCS provides strategic leadership on the development and delivery of Children's and Young People's services and adult learning and skills provision delivered by the Authority, its schools and partners in order to deliver Authority policy and any relevant statutory duties, and to lead on performance, financial and workforce issues. This includes directing the preparation and delivery of the Children and Young People's Plan on behalf of the Children's Trust for North Tyneside and in accordance with the Authority's Constitution. The Designated Director of Children's Services will also have a key reporting role within the North Tyneside Corporate Assurance Group for the safeguarding of children.

Latest Department for Education statutory guidance for Directors of Children's Services will be observed:

- [Statutory Duties List \(March 2012\)](#) - over 200 local authority duties relating to education and children and young people's services.
- [Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services \(April 2013\)](#).
- ['More freedom and flexibility – a new approach for Children's Trust Boards' \(Feb 2012\) gives a summary of changes relating to Children's Trust Boards](#) - a summary of changes relating to Children's Trust Boards, the Lead Member and DSC roles.

## Local Management of Schools

The conduct and control of schools is under the direction of the particular school governing body. The Head teacher is responsible for the internal organisation and management of the school and for exercising supervision over the teaching and non-teaching staff (other than the clerk to the governing body).

The Head of Health, Education, Care and Safeguarding has delegated power on behalf of the Local Authority for the management of schools as set out in the Scheme for Financing Schools, unless stated otherwise in the scheme. For detailed information reference should be made to the Scheme for Financing Schools and the Articles of Government for the particular type of school and not the Officer Delegation Scheme.

In addition to the general delegations set out in section 5 of the scheme, the Head of Health, Education, Care and Safeguarding is authorised to exercise the following specific functions:

### **Director of Adult Social Services**

HECS1 To be the Director of Adult Social Services.

The responsibilities include:

Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services.

Professional leadership, including workforce planning.

Leading the implementation of standards.

Managing cultural change.

Promoting local access and ownership and driving partnership working.

Delivering an integrated whole systems approach to supporting communities.

Promoting social inclusion and wellbeing.

### **Care Management**

HECS2 Provide protection of property of persons referred to in sections 47 and 48 of the National Assistance Act 1948 to prevent loss or damage to it if no arrangements have been made to protect it and recover any reasonable expenses incurred.



- HECS3 To approve applications for disabled facilities grants.
- HECS4 With the appropriate officials to determine the provisions of adaptations under section 2 of the Chronically Sick and Disabled Persons Act 1970, where expenditure on a service does not exceed £30,000.
- HECS5 To approve adaptation schemes for the improvement of houses for persons suffering from disability and in this connection to approve schemes up to a maximum cost of £30,000.
- HECS6 To determine individual cases involving persons being offered subsidised holidays at less than 2 yearly intervals on the basis of need under the Chronically Sick and Disabled Persons Act 1970.
- HECS7 To agree to the cost of social work services provided to North Tyneside residents who are in-patients in hospitals outside of the borough and to agree for social work assessments and reviews for those North Tyneside residents who choose to live in residential or nursing care homes in other parts of the country to be undertaken by those authorities on behalf of North Tyneside.
- HECS8 To act in all cases of emergency and in all cases to make suitable arrangements for the provision of accommodation and assistance for persons for whom the Authority is under a duty to provide such accommodation and assistance under the provisions of any of the Acts specified in Schedule 1 to the Local Authority Social Services Act 1970 and to exercise discretion with any emergency admission case where a person is an owner/occupier and is to be admitted into a Residential Home and leaves a relative in the property.
- HECS9 To nominate appropriate officers for appointment by the NHS (or such other body as may be authorised by the Secretary of State for Health) to a Continuing Care Review Panel operated by the NHS to review decisions about assessment of patients' continuing care needs and application of eligibility criteria.
- HECS10 The Head of Service or his/her duly authorised nominee to sign individual placement agreements called the 'Residents' Agreement' made under pre-placement or block contracts for residential care for older people.
- HECS11 The Head of Service or his/her duly authorised nominee to sign individual placement agreements called the 'Residents Agreement' made under pre-placement or block contracts for residential care for adults, learning disabilities, mental health and physical disabilities.
- HECS12 The Head of Service or his/her duly authorised nominee to sign individual placement agreements called the 'Individual Service Agreement' made under pre-placement or block contracts for domiciliary care packages.
- HECS13 The Head of Service or his/her duly authorised nominee to sign individual



placement agreements called the 'Individual Service Agreement' made under pre-placement or block contracts for day care, community support, enablement or supported employment packages

### **Commissioning contracts**

HECS14 To act in relation to the duty to co-operate with the NHS in accordance with section 22 of the National Health Service Act 1977 and amended by section 27 of the Health Act 1999 and to enter into agreements with the NHS to provide services under section 256 of the NHS Act 2006 as amended by section 75 of the NHS Act 2006, subject to such agreements being reported to Cabinet.

### **Financial**

HECS15 To instruct the Head of Law and Governance to recover any sum obtained or expenditure incurred through misrepresentation or non-disclosure pursuant to section 45 of the National Assistance Act 1948.

HECS16 With respect to the cost of residential care to take such action which is deemed necessary to ensure that agreements in relation to agreed "top up" payments are carried out and to recover any debt which may arise through the failure to make such payments.

HECS17 To determine the appropriate amount of money which "less dependent" individuals can retain as part of the financial assessment to meet the costs of residential care under the National Assistance Act 1948 and the National Assistance (Assessment of Resources) Regulations 1992.

HECS18 To grant the remission of charges for light duties performed by residents in residential care or nursing homes provided by the local authority.

HECS19 Where assets have been transferred by a person in accommodation in the circumstances referred to in the provisions of section 21 of the Health and Social Services and Social Security Adjudication Act 1983, to seek reimbursement of the contributions due to the Authority from the person or persons to whom the assets have been transferred.

HECS20 To enter into a Deferred Payments Agreement under section 55 of the Health and Social Care Act 2001 in respect of a resident who is willing to pay their assessed charge but who, following an assessment of resources has insufficient income and capital (that is below the upper capital limit) excluding their property to meet their care homes fees.

HECS21 To create a charge against properties under sections 34-36 of the Care Act 2014 and the Care and Support (Deferred Payment) Regulations 2014.

HECS22 Where an individual was admitted to care who was the main source of income and their partner was then entitled to claim income support, then within the financial assessment, to disregard an amount equivalent to the earnings entitlement of someone claiming income support.

- HECS23 Where an individual was admitted to care who was the main source of income and their partner had no entitlement to income support due to the level of their own assets, then within the financial assessment, to allow the partner remaining at home an amount equivalent to the earnings entitlement of someone claiming income support.
- HECS24 Where an individual admitted to residential or nursing home care had a partner whose income or assets were such that they should make a liable relative contribution to the maintenance of the person in care, to determine an appropriate liable relative charge based upon the individual circumstances.
- HECS25 To charge an economic cost for social care services arising from an act of third party negligence where the person is in receipt of a compensatory award as a result of that negligence.
- HECS26 To agree to waive/reduce fees for residential or non-residential services dependent upon the special circumstances of an individual.
- HECS27 Discretion to disregard the value of a property for the purposes of financial assessment, in circumstances where the local authority considers it reasonable to do so and which are not covered by paragraphs 7.002 – 7.006 of the Charging for Residential Accommodation Guide (CRAG).
- HECS28 To act in the capacity of agent and collect benefits on behalf of a claimant who has the requisite mental capacity but who is unable to collect their own benefits.
- HECS29 To act in the capacity of appointee in accordance with regulation 33 of the Social Security (Claims and Payments) Regulations 1987 and collect benefits on behalf of a claimant who 'is unable for the time being to act'.
- HECS30 To set the standard rate for local authority homes at an amount equivalent to the full cost to the authority of providing the accommodation. (National Assistance Act 1948, section 22(2)).
- HECS31 To agree the standard rate for accommodation in homes not managed by the local authority but provided under contract with the independent and voluntary sectors. (National Assistance Act 1948, section 26(2).)
- HECS32 To sign agreements to allow the recovery of payments made under the Charging for Residential Accommodation Guidance (CRAG) and section 55 of the Health and Social Care Act 2001, requiring local authorities to make available deferred payments.
- HECS33 To agree to register a legal charge against a property owned by an individual, under section 22 of the Health and Social Services and Social Security Adjudications Act 1983, in those circumstances where an individual fails to pay an assessed charge.

**Mental health**

- HECS34 To receive patients into guardianship under the provisions of section 7 and 37 the Mental Health Act 1983.
- HECS35 To appoint and approve Approved Mental Health Professionals under section 114 of the Mental Health Act 1983 to carry out statutory functions under the Act, such appointments to be made within the criteria contained in Directions issued from time to time by the Secretary of State for Social Services under the said section.
- HECS36 To deal with all matters not otherwise delegated connected with the Mental Health Act 1983 in respect of section 25 agreements, section 117 and section 27 nearest relative and the Mental Capacity Act 2005.
- HECS37 To identify suitable officers who will make decisions and where appropriate authorise a Deprivation of Liberty under the terms of the Mental Capacity Act 2005.

**Protection**

- HECS38 To apply to the Court of Protection for appointment and to act as Deputy for property and financial affairs and to apply to the court for appointment and to act as Deputy for personal welfare, including treatment in accordance with the provisions of the Mental Capacity Act 2005, with the Authority exercising its ancillary powers under section 49 of the National Assistance Act 1948 as amended by section 6 of Schedule 6 of the Mental Capacity Act 2005. For those cases where the Head of Health, Education, Care and Safeguarding has been acting as Receiver under Part VII of the Mental Health Act 1983, the Head of Health, Education, Care and Safeguarding continues to have the authority to act under the transitional provisions of Schedule 5 despite the repeal of Part V11 of the Mental Health Act 1983.
- HECS39 To determine the Authority's response to the recommendations of Complaints Review Panels under the Authority's social services complaints procedure in accordance with the Local Authority Social Services Complaints (England) Regulations 2006.

**Director of Children's Services**

- HECS40 To undertake the associated duties as set out in section 18 of the Children's Act 2004 including those listed below.
- HECS41 To contribute to the development of the Joint Strategic Needs Assessment and joint health and wellbeing strategy as a strategic member and ensure effective working relationships between the Health and Wellbeing Board and Local Safeguarding Children Board.
- a) To help join up local commissioning plans for clinical and public health services, with children's social care and education, where appropriate, to address the identified local needs.
  - b) To be responsible for any agreements made under section 75 of

the National Health Service (NHS) Act 2006 between the local authority and NHS relating to children and young people – for example, pooling budgets for commissioning and/or delivering integrated services covering children’s health, social care and education.

- HECS42 With the relevant Cabinet Member, to ensure that there are clear and effective arrangements to protect children and young people from harm (including those attending independent schools).
- HECS43 To make and sustain arrangements to promote co-operation between the authority and its partner organisations to improve the well being of children in the authority’s area in accordance with section 10 of the Children’s Act 2004.
- HECS44 To make arrangements to ensure the authority’s functions are discharged having regard to the need to safeguard and promote the welfare of children in accordance with section 11 of the Children’s Act 2004.
- HECS45 To safeguard and promote the welfare of children in need in the area, consistent with that duty to promote the up-bringing of children by their families by providing a range and level of services appropriate to those children’s needs in accordance with the Children’s Act 1989 Section 17.
- HECS46 To establish, maintain and operate a database of basic information on all children in the authority or, if the duty to create a database or databases is placed on another body, to participate in its operation in accordance with section 12 of the Children’s Act 2004.
- HECS47 To establish a Local Safeguarding Children Board (LSCB) to co-ordinate and ensure the effectiveness of board members’ activities for the purpose of safeguarding and promoting the welfare of children in the authority’s area in accordance with sections 13, 14, 15 and 16 of the Children’s Act 2004 and Local Safeguarding Children Boards Regulations 2006, SI 2006/90.
- HECS48 The DCS will be a member of the Local Safeguarding Children Board and will be held to account for the effective working of the LSCB by their Chief Executive, including where the LSCB has an independent chair in accordance with the Statutory Guidance on the Roles and Responsibilities of the Director of Children’s Services and the Lead Member for Children’s Services 2013.
- HECS49 To ensure local authorities take reasonable steps to ensure representation of schools and further education institutions on the Local Safeguarding Children Boards in accordance with the Local Safeguarding Children Boards (Amendment) Regulations 2010 - SI 2010/622 (under Children and Young Persons Act 2009).

- HECS50 To require a provider to make provision for a named individual, where necessary, for a person who is in the authority's area and over compulsory school age but under the age of 19 in accordance with the Apprenticeships, Skills, Children and Learning Act (2009) Part 2 Section 44 inserts Section 51A into Further and Higher Education Act 1992).
- HECS51 To prepare and publish a Children and Young People's Plan (CYPP).
- HECS52 In consultation with partners, to coordinate statements of proposed action in light of the framework and evaluation schedule for the inspection of services for children in need of help and protection, looked after children and care leavers. (Review of Local Safeguarding Children Board under section 136 (2) of the Education and Inspections Act 2006 (as amended)).
- HECS53 To monitor and evaluate the implementation of the Local Safeguarding Children's Board's responsibilities for safeguarding and promoting the welfare of children.
- HECS54 To second at least one children's social worker and at least one education professional to the Youth Offending Team in accordance with section 39(5) of the Crime and Disorder Act 1998 as amended by schedule 2 of the Children's Act 2004.
- HECS55 To promote the educational achievement of looked after children in accordance with section 22(3A) of the Children Act 1989 as amended by section 52 of the Children's Act 2004.
- HECS56 To provide the Secretary of State, if he/she so directs an authority, with information on individual children in accordance with section 83(4A) of the Children Act 1989 as amended by section 54 of the Children Act 2004.
- HECS57 To determine the Authority's response to the recommendations of Complaints Review Panels under the Authority's social services complaints procedure in accordance with the Local Authority Social Services Complaints (England) Regulations 2006 and the Children Act 1989 Representations Procedure (England) Regulations 2006.
- Adoption**
- HECS58 In relation to Inter-Country Adoption Home Study Fees, to vary the charges for residents of North Tyneside in cases of significant hardship.
- HECS59 To make applications for Placement Orders made in accordance with the Adoption Act 2004.
- HECS60 In connection with the Authority's functions as an Adoption Agency and the operation of the Adoption Panel and in every case after consultation with the Panel to:

- a) exercise the Authority's functions as an Adoption Agency under the Adoption Acts 1958 to 1976, the Adoption Agencies Regulations 1983 (except the making and terminating of appointments to the Permanent Placement Panel) and the Children Act 1989;
- b) approve applications by foster carers to adopt children placed with them by the Authority under the Foster Placement (Children) Regulations 1991;
- c) approve the payment of adoption allowances in accordance with the Authority's Approved Adoption Allowance Scheme;
- d) approve payment of legal and medical expenses incurred in adoption proceedings; and
- e) to determine applications for Residence Orders and Special Guardianship Orders from foster carers and the payment of a Residence Order and Special Guardianship Order payment, either as a regular allowance, at irregular intervals or in a single lump sum, as appropriate, in accordance with the criteria approved by the Authority.

- HECS61 To carry-out an assessment for adoption support services where specified parties request this in accordance with Adoption and Children Act 2002 Sections 4(1).
- HECS62 To investigate and prepare a report on the suitability of applicants for a Special Guardianship Order on receipt of notice of an individual's intention to apply according to Children Act 1989 Section 14A(8) subsection (9). (Special Guardianship Regulations 2005 (SI 2005/1109)).
- HECS63 To make arrangements for provision of special guardian support services (including financial support) and carry-out an assessment for Special Guardianship Support where specified parties request this, preparing a support plan and keeping it under review according to the Children Act 1989 Section 14F.
- HECS64 To ensure detailed provision in relation to functions and duties of adoption agencies at various stages of the adoption process. (The Adoption and Children Act 2002 Sections 2, 18, 19, 22, 30-35. Adoption Agencies Regulations 2005 (SI 2005/351) (made under s.9 of the 2002 Act)).
- HECS65 To ensure that the Adoption Agency meets the objectives of the Hague Convention to protect and safeguard children (according to Hague Convention cases).
- HECS66 Refer to the Exchange Resource Service of the British Agencies for Adoption and Fostering or to the North Region Adoption Consortium in



respect of children needing adoptive or permanent family placement.

HECS67 To disclose information to adopted adult if requested and to a prescribed person in prescribed circumstances in accordance with Adoption and Children Act 2002 Section 58 and 60.

HECS68 To make an assessment/investigation in relation to applications for adoption orders where a child has not been placed for adoption by the local authority in accordance with the Adoption and Children Act 2002 Sections 42, 43, 44.

### **Children in need**

HECS69 Services provided to children in need under section 17 of the Children's Act 1989.

### **Children's Centres**

HECS70 The provision of children's centres in accordance with the Childcare Act 2006.

### **Domestic Violence Response**

HECS71 Provide the services required under the Domestic Violence Strategy.

### **Early Help and Support Services**

HECS72 The development of the North Tyneside Supporting Families Programme incorporating North Tyneside's response to the Troubled Families initiative.

HECS73 To deliver free Early Education for 3 and 4 year olds according to local authorities' duties under sections 6, 7 and 11 of the Childcare Act 2006.

HECS74 To deliver free Early Years education to 2 years olds from disadvantaged backgrounds from 2013 (Education Act 2011).

### **Fostering**

HECS75 To deal with payments of special allowances to foster carers who perform exceptional duties.

### **Human Resources - schools**

HECS76 To recognise previous service, training or experience for the purposes of determining the starting point within the appropriate salary scales for all teaching posts where this power has not been delegated to governing bodies. Where this is the case, to give advice to governing bodies on these matters.

HECS77 To accept resignations from holders of teaching posts.

HECS78 To grant leave of absence to holders of teaching posts in accordance with any general scheme approved by, or on behalf of, the Authority, where this power has not been delegated to Governing Bodies. (See Statement on delegation to schools under the Local Management of

Schools provisions at the beginning of this section).

- HECS79 To receive, on behalf of the Authority, the recommendations of governing bodies on teaching appointments and to implement those where they appear to be in order.
- HECS80 To require schools to check that teachers they employ are qualified (unless they are exempt from the requirements to have Qualified Teacher Status.) The Education (Specified Work) (England) Regulations 2012.
- HECS81 To act as Appropriate Body in the statutory induction process for teachers in maintained schools and non-maintained special school, including:
- a) joint responsibility with the head teacher for the supervision and training of Newly Qualified Teachers (NQTs) during their induction;
  - b) responsibility for deciding whether or not NQTs have passed induction;
  - c) terminating the employment of NQTs who have failed their induction; granting extensions or reductions to the induction period in certain circumstances – where the local authority is the employer.

The Education (Induction Arrangements for School Teachers) (England) Regulations 2012.

- HECS82 To provide the Secretary of State with any information necessary for school workforce training under Education Act 2005 Section 94, as amended by Education Act 2011 section 15.
- HECS83 The School Teachers' Pay and Conditions Order (STPCD) imposes various duties on relevant bodies in relation to the determination of teachers' pay. The local authority is the relevant body where the school does not have a delegated budget or where the teacher is an unattached teacher (Part 1 of the STPCD).

Education Act 2002, Part 8 s122 gives the Secretary of State a power to prescribe pay and conditions for teachers in maintained schools by Order.

Secondary – The School Teachers' Pay and Conditions Order makes provision for the pay and conditions of teachers by reference to "The School Teachers' Pay and Conditions Document" (STPCD).

#### **Information Service**

- HECS84 To establish and maintain an information service for parents, children and young people on services, facilities and publications that might assist them.



HECS85 To ensure the information service is established and maintained in a manner which is best calculated to facilitate access to the service by all, particularly those who might have difficulty in taking advantage of the service.

HECS86 To ensure children, young people and families have access to the appropriate advice, information and guidance.

#### **Information Sharing**

HECS87 In consultation with the Head of Law and Governance to approve information sharing protocols with agencies (e.g. Health) that promote good and effective safeguarding practice.

HECS88 To ensure appropriate arrangements are in place with respect to private fostering The Children Act 1989 Part 9 of, and Schedule 8 and The Adoption and Children Act 2002 Sections 2, 18, 19, 22, 30-35. Secondary - Adoption Agencies Regulations 2005 (SI 2005/351) (made under s.9 of the 2002 Act).

#### **Inspection of child safeguarding arrangements**

HECS89 Where an inspection under section 136 (Education and Inspection Act 2006) takes place and the authority receives a copy of the report they must publish the report and prepare and publish a written statement of:

- (i) the action which they propose to take in the light of the report, and
- (ii) the period within which they propose to take that action.

#### **0-25 Integrated Disability and Additional Needs Service**

The Integrated Disability and Additional Needs service has been established to promote the development of inclusion and support for children and young people with special educational needs and/or disabilities. The services provided include a range of children and families' disability services, accessibility, special educational needs learning support and behaviour support. Including the following specific functions:

HECS90 To ensure that statutory assessment and review for children and young people with special educational needs is carried out in accordance with statutory requirements and that appropriate educational provision is in place for all children and young people with special educational needs and/or disabilities according to the Education Act 1996 Part IV, Chapter 1 (sections 312-332B) and Schedules 26 and 27 and The Education Act (Special Educational Needs) (England) (Consolidation) Regulations 2001 (SI 2001/3455).

HECS91 To ensure that appropriate support is in place to support children and young people with disabilities and their families including access to short break care according to Children Act 1989, as amended by Section 25 of the Children and Young Persons Act 2008.

- HECS92 To provide boarding accommodation for persons subject to learning difficulty assessment according to the Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 46 inserts section 514A - in the Education Act (1996).
- HECS93 To develop accessibility strategies to facilitate better access to education for disabled pupils. Schools will develop access plans which build upon the local authority access strategy according to the Equality Act 2010 Section 88 and Schedule 10.
- HECS94 To ensure that young people with a learning difficulty or disability are able to secure appropriate learning provision in the Further Education Sector and to arrange for assessments of a person's educational and training needs in certain circumstances according to the Further Education Sector under the Learning and Skills Act 2000, Section 139A (as amended by Education and Skills Act 2008, Section 80).
- HECS95 To fulfil duties relating to provision for children and young people with Special Educational Needs according to the Children and Families Act 2014 and ensure that the requirements of statutory codes of practice and other regulations are complied with.
- HECS96 To review, with governing bodies, arrangements for Special Educational Needs payments to approved Academies for pupils according to the Education (Special Educational Needs) (City Colleges) (England) Regulations 2002 (SI 2002/2071).
- HECS97 To publish information about the local authority's Special Educational Needs (SEN) policies and the arrangements for activities according to the Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 (SI 2001/2218).
- HECS98 To make direct payments for services for children with special educational needs where agreed. The Education Act 2011 section 75 inserts sections 532A, 532B and 532C into Education Act 1996.
- HECS99 To ensure that parents of disabled children and disabled 16 and 19 year olds are offered direct payments and that vouchers are issued to parents of disabled children to exchange for short breaks according to the Children Act 1989 as amended by Sections 17A (inserted by the Health and Social Care Act 2001) and 17B (inserted by the Carers and Disabled Children Act 2000) and related regulations.
- Integrated early years service**
- HECS100 To encourage the involvement of parents, prospective parents, early years providers (including those in the private and voluntary sectors) in the establishment of integrated early years services.
- HECS101 To improve the well-being of children under five and reduce inequalities according to the Childcare Act 2006 Section 1.

HECS102 To act in manner best calculated to meet targets set for them by the Secretary of State in accordance with the Childcare Act 2006 Section 1 and 3.

**Looked after children and care leavers**

HECS103 To receive children with a care order into care and keep them in care while the order is in force according to the Children Act 1989 Section 33.

HECS104 To safeguard and promote the welfare of looked after children. To ascertain the wishes and feelings of child/parents before making any decision and give due consideration to those wishes and feelings and to the child's religious persuasion, racial origin and cultural and linguistic background.

(Children Act 1989, Section 22 including 22(3)(a) and 22(3A) as amended by Section 52 of the Children Act 2004.  
United Nations Human Rights Charter, articles 12 and 13)

HECS105 A child may be placed back with their parents, with local authority foster parents (which could be family/friend), in a children's home or through other arrangements). (Children Act 1989 Section 23).

HECS106 To secure sufficient accommodation within the local authority's area to meet the needs of their looked after children in accordance with the Children Act 1989 Sections 22C, 22D, 22G and 23.

HECS107 To provide accommodation for looked after children and ensuring that the child's case is reviewed prior to making such arrangements.  
Children Act 1989 Section 22C, 22D, 23.

HECS108 To provide accommodation for any child in need in their area who appears to require accommodation because there is no person with parental responsibility for them, they are lost or abandoned, or the person who has been caring for them being prevented (permanently or not, for whatever reason) from providing them with care. The Children Act 1989 Section 20.

HECS109 To determine requests for looked after children to be given permission to marry.

HECS110 To determine requests for children to have a passport and to go on holiday, including holidays abroad where the Authority has parental responsibility.

HECS111 To permit the return home on trial of a child subject to a care order (or interim care order) and in council accommodation in accordance with the provisions of the Children Act 1989. (In cases where child abuse has been the reason for the child coming into care the relevant Cabinet Member must be informed.)

- HECS112 To promote contact between a child and his family (Children Act 1989 Schedule 2 paragraph 15).
- HECS113 To allow a child, who is subject to a care order, reasonable contact with his family where the local authority refuse contact for welfare reasons in accordance with the children Act 1989 Section 34 and Care Planning, Placement and Case Review (England) Regulations 2010.
- HECS114 To appoint an independent visitor to visit, advise and befriend a looked after child of a prescribed description (and certain children who have ceased to be looked after) and in any other case in which it appears to the local authority it would be in child's interests as set out in the Children Act 1989 Section 23ZA and 23ZB.
- (Care Planning, Placement and Case Review (England) Regulations 2010 and Visits to Former Looked After Children in Detention (England) Regulations 2010.
- HECS115 To have a complaints procedure for looked after children, children in need, care leavers and others under Part 3 of the Children Act 1989.
- HECS116 In accordance with section 34(6) of the Children Act 1989, to refuse to allow parental contact etc. with looked after children in care where it is necessary to do so in order to safeguard or promote the child's welfare and where such refusal is decided upon as a matter of urgency and does not last more than seven days.
- HECS117 To give consent to medical treatment (where the birth parents are not contactable) including medically necessary and appropriate cosmetic surgery and emergency medical treatment in respect of looked after children (those on care orders and those under section 20 of the Children's Act 1989).
- HECS118 To give consent to a child being placed with a parent or other person with parental responsibility for the child (including a person who had a residence order in respect of the child, prior to any care order being made) under the provisions of the Care Planning, Placement and Case Review Regulations 2010.
- HECS119 To apply to the Criminal Injuries Compensation Board for compensation, in appropriate cases on behalf of looked after children.
- HECS120 To deal with the assessment of parental or other maintenance contributions, requests to vary Contribution Notices under paragraph 21 of Schedule 2 of the Children Act 1989, and the revision of charges for accommodation for children admitted into care or being looked after by the Authority under the provisions.
- HECS121 In consultation with the Head of Law and Governance:

- a) to make application for orders under section 31 of the Children Act 1989 (the 1989 Act);
- b) to make applications for the variation, discharge or revocation of any order made under section 31 of the 1989 Act. (Where the application would result in a child who has been the subject of abuse being no longer in the care of the Authority the relevant Cabinet Member must be notified); and
- c) to defend applications for the variation, discharge or revocation of orders made under section 31 of the 1989 Act which are instigated by or on behalf of other persons.

HECS122 Following consultation with the Head of Law and Governance:

- a) to make applications for orders under sections 8, 34, 43, 44, 45, 50 and Paragraph 19 of Schedule 2 to the Children Act 1989;
- b) to apply for the variation, discharge or revocation of orders made under those sections of the 1989 Act referred to above; and
- c) to defend proceedings instigated by or on behalf of others under the above mentioned sections of the 1989 Act.

HECS123 To make enquires when there are suspicions that a child may be suffering harm and to decide whether action should be taken to safeguard or promote the child's welfare. (The Children Act 1989 section 47).

HECS124 To make an application to the court for a care or supervision order. (The Children Act 1989 section 37).

HECS125 To make an application to the court for a family assistance order. (Children Act 1989 section 16.)

HECS126 To safeguard and visit children placed in long-term placements who are not looked after in accordance with the Children Act 1989 Section 31.

HECS127 To issue care plans for looked after children in accordance with section 31 of the Children Act 1989.

HECS128 To determine whether to exercise the right of appeal in respect to court decisions on looked after children.

HECS129 To approve out of borough specialist placements for a looked after child.

HECS130 To seek a mental health detention order under the Mental Health Act 1959 in respect to a looked after child.

HECS131 Approval to seek a secure order under section 25 of the Children Act

1989 in relation to a looked after child.

- HECS132 Approval for a looked after child to have an age determination and a DNA test. The Children Act 1989, section 25,
- HECS133 To support 'relevant children' and 'former relevant children' (care leavers)  
(Children Act 1989 Sections 23A, 23 B and 24C. Care Planning, Placement and Case Review (England) Regulations 2010 and Visits to Former Looked After Children in Detention (England) Regulations 2010.
- HECS134 To add a further class of former relevant child in accordance with the Children Act 1989 section 23CA, namely - one who is under 25, to whom section 23C no longer applies, and who has informed this local authority that he or she wishes to pursue a programme of education or training according to the Children Act 1989, Sections 23-24.
- HECS135 To pay higher education bursaries to care leavers in accordance with their pathway plan in accordance with the Children Act 1989 Section 23C(5A), amended by the Children and Young Persons Act 2008. The Care Leavers (England) Regulations 2010 and The Children Act 1989 (Higher Education Bursary) (England) Regulations 2009.
- HECS136 To appoint officers for the purpose of discharging the authority's duty to promote the educational attainment of looked after children. Section 22 of the Children Act 1989 amended by Children and Families Act 2014.

### **Post-16 Learning and training**

- HECS137 To encourage education and training for persons over compulsory school age.  
Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 42 inserts section 15ZC into Education Act (1996).
- HECS138 To secure services to 'assist, encourage and enable young people aged 13-19 (and young adults with a learning difficulty and/or disability up to the age of 25) to participate in education or training. Also to make support services available for their effective participation.  
Education and Skills Act 2008, Section 68 -69 and Chapter 2, Section 10.
- HECS139 To secure core and additional entitlements.  
(Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 45, inserts section 17A - 17D in the Education Act (1996))
- HECS140 To take the role of strategic commissioner of provision for young people aged 16-19 (and those aged up to 25 who are subject to a learning difficulty assessment).  
(Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 41 inserts sections 15ZA and 15ZB into the Education Act (1996)).



- HECS141 To secure work experience for young people aged 16-19 (25).  
(Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 47 inserts section 560A into the Education Act (1996)).
- HECS142 To carry-out the role and responsibilities to intervene in sixth form colleges and make appointments to their governing bodies.  
(Apprenticeships, Skills, Children and Learning Act - Schedule 8 - paragraph 8).
- HECS143 To act as the local authority as a consultee for a Sixth form college before it offers or participates in secondary education under the Further and Higher Education Act 1992 section 33E, amended by the Apprenticeships, Skills, Children and Learning Act 2009 Schedule 8.
- HECS144 To establish management committees in each pupil referral unit and appoint first members for all Pupil Referral Units.  
(The Education Act 1996, Schedule 1, Education (Pupil Referral Units) (Management Committees etc) England Regulations 2007. Education Regulation 1996.)
- HECS145 To provide independent careers guidance to all pupils in Pupil Referral Units from the ages of 14 to 16 according to Education Act 1997 section 42A, inserted by Education Act 2011 section 29.
- Residential units**
- HECS146 To carry out the Authority's functions under the Children Act 1989 in relation to children resident in voluntary homes.
- HECS147 To submit an application to OFSTED to open or close a children's residential unit.
- HECS148 To approve an action plan following an OFSTED inspection of a children's residential unit.
- HECS149 To act in all cases of emergency to make suitable arrangements for the provision of accommodation in accordance with those Acts specified in Schedule 1 to the Local Authority Social Services Act 1970.
- HECS150 To deal with the general domestic administration of residential homes provided under the Child Care Act 1980.
- HECS151 To appoint "independent persons" to act as visitors, where appropriate, within the terms and conditions laid down by section 23 and paragraph 17 of Schedule 2 of the Children Act 1989 and to arrange for the payment of any reasonable expenses incurred by such persons.
- HECS152 To ensure standards in children's homes are maintained to a specified level. Care Standards Act 2000.
- HECS153 To ensure that the welfare of children in voluntary and private children's homes in their area is being safeguarded and arranging for children to

be visited. Children Act 1989 Sections 62, 64.

### **School Governors**

- HECS154 In consultation with the Cabinet Member for Children, Young People and Learning, to:
- a) appoint, re-appoint or remove the Authority's representatives on school governing bodies; and
  - b) appoint, re-appoint or remove the Authority's representatives on Pupil Referral Unit management committees.
- HECS155 To undertake all necessary arrangements in respect of the election of parent governor representatives in accordance with the Parent Governor Representatives (England) Regulations 2012.
- HECS156 To provide clarity about charges and remissions to all governing bodies as set out in the Education Act 1996 section 457.
- HECS157 To set up temporary governing bodies for new maintained schools according to Education Act 2002 section 34. (School Governance (New Schools) (England) Regulations 2007).

### **School Inspections**

- HECS158 To ensure that the local authority takes action when a school goes into an Ofsted category. (Education Act 2005 Section 15).
- HECS159 To apply to the Secretary of State for consent to an Interim Executive Board (IEB) in a school eligible for intervention and, before that, to consult the Governing Body and in the case of foundation or voluntary schools, the appropriate diocesan or appointing authority. (Education and Inspections Act 2006 Section 65).
- HECS160 The local authority will decide whether to give notice to a governing body of a school eligible for intervention that it is suspending its right to a delegated budget, the power must be exercised within 2 months following the end of the defined compliance period where it is eligible for intervention for failing to comply with a warning notice. See the Education and Inspections Act 2006 Section 66.  
The Secretary of State has the power to require a local authority to give a warning notice to a maintained school under the Apprenticeships, Skills, Children and Learning Act 2009 Schedule 13 which inserts section 69A into the Education and Inspections Act 2006, amended by Education Act 2011 section 44.
- HECS161 To monitor at least 10% of relevant schools to ensure the Year 1 phonics screening check is being administered correctly.  
The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 article 6A, inserted by the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Amendment) Order 2011 (made under



section 87 of the Education Act 2002).

HECS162 To visit at least 10% of relevant schools before, during and / or after the phonics screening check, and submit information / data to the Department. (Assessment and reporting arrangements for Year 1 phonics screening check in Section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783 as amended by article 7 of SI 2011/3057).

#### **School standards**

HECS163 To promote high standards and ensure that every child fulfils their educational potential.

HECS164 To respond to representations from parents who are not satisfied with the local provision of schools as set out in the Education Act 1996, section 14A.

HECS165 To utilise powers to intervene in schools causing concern.

#### **Social work services**

HECS166 The provision of social work services in accordance with the Children's Act 1989, Children's Act 2004 and relevant guidance.

#### **Students**

HECS167 To determine any matter relating to the child guidance service or the school health service.

HECS168 To determine future action in relation to local authority initiatives of the kind introduced to improve reading standards, subject to any such initiatives being contained within existing budget provision.

HECS169 To grant expenses for special courses for pupils.

HECS170 To determine any matters relating to school journeys and events.

HECS171 To determine applications for university and further education discretionary awards in accordance with any general scheme approved by, or on behalf of, the Authority, except that in relation to complex applications this authorisation be exercised in consultation with the relevant Cabinet Member.

HECS172 To collect information about individual children receiving early years provision and to supply that information to the Secretary of state if requested in accordance with the Childcare Act 2006, Section 99.

#### **Substance Misuse Services**

HECS173 Formulate the Young People's Substance Misuse Treatment Plan, in consultation with the relevant Cabinet member, and take associated action.

**Transformation**

- HECS174 To lead on the transformation of children's services, creating a sharper focus on prevention and early intervention, while strengthening protection and improving achievement and attainment for all children and young people.

**Transition from children's to adult services**

- HECS175 To make arrangements, with the Head of Health, Education, Care and Safeguarding, for the transition from childhood to adulthood of those young people with social care needs.

**Well being**

- HECS176 To reduce inequalities between young children in the local authority area in relation to "well-being". Well-being in the Childcare Act means children's physical and mental health and emotional well-being, protection from harm and neglect, education, training and recreation, contribution made by them to society and their social and economic well-being.

**Worship**

- HECS177 Establish a permanent body called a standing advisory council on religious education as set out in the Education Act 1996 Section 309-391 Schedule 31. Section 375 and the School Standards and Framework Act 1998 Section 69.

- HECS178 To exercise functions so that all registered pupils attending a maintained school take part in a daily act of collective worship which is wholly or mainly of a broadly Christian character in accordance with School Standards and Framework Act 1998 Section 70.

- HECS179 To consider and approve applications to modify the type of collective worship provided to reflect the backgrounds and traditions of the school community.

**Youth detention**

- HECS180 To ensure that there is coherent planning between all agencies providing services for children involved in the youth justice system. To understand local need and secure provision of services taking account of the benefits of prevention and early intervention and the importance of co-operating with other agencies to offer help to children, young people and families.

- HECS181 To secure education for persons subject to youth detention as noted in the Apprenticeships, Skills, Children and Learning Act (2009) Part 2 sections 48-52 and various clauses inserted into the Education Act 1996.

- HECS182 To provide accommodation for children in police protection or detention or on remand - Children Act 1989 Section 21

HECS183 To make an application to the Court to seek a secure accommodation order according to The Children Act section 25.

**Youth Offending Service**

HECS184 Formulate the Youth Justice Plan, in consultation with the relevant Cabinet Member, and take associated action.

## 17. Head of Law and Governance

The Head of Law and Governance has managerial and professional responsibility for the service area and is the Solicitor to the Council and the Authority's Monitoring Officer. The Head of Law and Governance is also the Authority's Electoral Registration Officer and Returning Officer.

The service, which provides a direct service to the public and supports all service departments in the effective consideration of formal complaints, maintains the corporate governance arrangements in the Authority and standards in decision-making, prepares the register of electors and conducts elections and referenda, maintains and deals with searches of the local land charges register and other property related enquiries, provides legal advice and assistance to the Council, provides direct administrative support for the Authority's elected members and registers births, deaths, still-births, marriages and civil partnerships.

The responsibilities and powers of the Authority's Monitoring Officer derive from legislation contained in section 5 and section 5A of the Local Government and Housing Act 1989 and provide that the designated Monitoring Officer must report to the relevant body any proposal, decision or omission which is likely to be unlawful, or any finding of maladministration by the Local Government Ombudsman.

In addition to the general delegations set out in section 5 of the scheme, the Head of Law and Governance is authorised to exercise the following specific functions:

### **Alcohol in public places**

- LG1 To designate public places for the control of alcohol consumption pursuant to sections 12-16 of the Criminal Justice and Police Act 2001, where no objections are received in consultation with the Chair of Regulation and Review Committee and the Head of Environment, Housing and Leisure.

### **Authorised officers**

- LG2 To authorise the relevant officers of the Authority for the purposes of any matter coming within appropriate legislation, bye-laws, regulations and orders.

### **Births, deaths, marriages and civil partnerships**

- LG3 To give approval to premises for the purposes of the Marriage and Civil Partnership (Approved Premises) Regulations 2000 and to give views on the suitability of premises for reasons other than reasons of fire safety and health and safety, with the Superintendent Registrar being authorised to act in the absence of the Head of Law and Governance or if the Head of Law and Governance should be unable to act for any other reason.

- LG4 To determine the level of the fee for applications for the grant or renewal of approved premises status, in consultation with the Superintendent Registrar and the other Authority and statutory officers to be involved in

the determination of applications; and to annually review the fee to take into account the official rate of inflation and the fee levels in other Tyne and Wear Council areas.

LG5 To determine discretionary conditions to be attached to grants or renewals of approved premises status.

LG6 To take action to revoke any approval of approved premises status.

LG7 To manage the scheme covering the registration of births, deaths and marriages.

#### **Child and adult protection**

LG8 To institute legal proceedings and make all necessary applications under the Children Act 1989 and Adoption and Children Act 2004.

LG9 In consultation with the Head of Health, Education, Care and Safeguarding to make wardship applications to the High Court and any applications for variation, discharge or revocation of any such order.

LG10 To deal with all matters in connection with requests for disclosure of documentation etc. made in criminal proceedings where public interest immunity is a consideration.

LG11 To prepare and seal change of name deeds on behalf of children in the care of the Authority and file appropriate documents with the Court.

LG12 To represent approved social workers in court proceedings, except in such cases where the Head of Law and Governance determines that there is a conflict of interest (or potential for conflict of interest to arise) between the approved social worker and the Authority.

LG13 To apply to the Court of Protection for appointment and to act as deputy for property and financial affairs and for personal welfare, including treatment in relation to individuals.

#### **Corporate and statutory social services complaints**

LG14 To administer the operation of the Authority's corporate and 'social services' complaints procedures.

LG15 To discontinue the consideration of any complaint under the Authority's procedure in situations where it appears that the complaint is solely an appeal against a decision dictated by Authority policy, properly established and administered, or by statute.

LG16 To appoint panellists to serve on, and make all necessary arrangements to convene and clerk, Complaint Review Panels established to consider complaints under The Local Authority Social Services Complaints (England) Regulations 2006 and The Children Act 1989 Representations Procedures (England) Regulations 2006.

**Counsel's opinion and representation**

- LG17 To obtain Counsel's opinion where it is considered to be in the Authority's interests, and to instruct Counsel to represent the Authority in any court or tribunal or other appropriate circumstance.

**Court and tribunal proceedings**

- LG18 To bring all appropriate legal proceedings under all relevant legislation.
- LG19 Apply to the Magistrate' Court under section 20 of the Criminal Justice and Police Act 2001 for a closure order.
- LG20 To make any application or defend any application or appeal, or take any other steps as required under the Anti-Social Behaviour, Policing and Crime Act 2014.
- LG21 To exercise discretion and to institute proceedings (both civil and criminal) on behalf of the Authority in the appropriate court or tribunal, including any steps in relation to recovery, enforcement or bankruptcy proceedings.
- LG22 To exercise discretion to appeal against decisions of all courts and tribunals.
- LG23 To exercise discretion to defend proceedings and resist appeals in all courts and tribunals.
- LG24 To exercise discretion, in consultation with the Head of Finance, to settle court and tribunal proceedings or any other potential proceedings.
- LG25 To authorise staff pursuant to section 223 of the Local Government Act 1972 to appear on behalf of the Authority in proceedings before a Magistrates Court where those staff members would otherwise not have rights of audience before the Court.

**Deceased person's estate**

- LG26 To release property exceeding £200 in value but not exceeding £5,000 in value which is held by the Authority on behalf of the estate of a deceased person to entitled persons without requiring the production of a grant of probate of the will or letters of administration.
- LG27 To serve any notices which may be required under the provisions of the Dutch Elm Disease (Local Authorities) Order 1984 subject to consultation with the Head of Environment, Housing and Leisure.

**Education appeals**

- LG28 To appoint panels of persons from whom Education Appeals Panel can be constituted.
- LG29 To constitute and to act as Clerk to Education Appeals Panels to consider admission appeals and exclusion reviews in accordance with

the School Standards and Framework Act 1998 and the Education Act 2002 as amended.

#### **Local Government Ombudsman**

- LG30 In consultation with the Mayor and the Chief Executive to consider any report by the Local Government Ombudsman which finds that injustice has been caused to a person aggrieved in consequence of maladministration by the Authority and to notify the Local Government Ombudsman of the action which the Authority proposes to take.

(Note - Copies of the Local Government Ombudsman's report and response of the Authority will be circulated to all Members of the Council).

#### **Land use and ownership**

- LG31 To make requests for information relating to land use and ownership under section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976.

- LG32 To serve notices under section 146 of the Law and Property Act 1925 (notice before forfeiture requiring breach of covenant to be remedied).

#### **Mayor and Members - conferences**

- LG33 To approve attendances at conferences for the Mayor and Elected Members.

#### **Monitoring Officer**

- LG34 As Monitoring officer, and in consultation with the Chief Executive, to determine the appropriateness of petitions in accordance with the Authority's Petitions Scheme.

- LG35 In consultation with the Chair of the Constitution Task Group, to make minor changes to the Constitution and its associated documents to reflect organisational or legislative change when the power remains unaltered.

- LG36 To make any textual or grammatical corrections to the Constitution and its associated documents.

- LG37 To act as the Proper Officer to receive and acknowledge receipt of complaints of failure to comply with the Code of Conduct for Members and Co-opted Members in accordance with the Authority's adopted arrangements.

- LG38 a) To review complaints received in respect of any alleged breach by any elected or co-opted Member of the Council of the Code of Conduct for Members and Co-opted Members and determine, in consultation with the Independent Person:

- i) whether the allegation, if proven, would constitute a failure to observe the Code of Conduct; and



- ii) if it would constitute such a failure, determine (applying the Authority's adopted assessment criteria), whether the complaint should be investigated or referred for local resolution, and following such determination to refer the complaint for either purpose.
  - b) To refer the review of any such complaint received to the Standards Committee where the Monitoring Officer considers it inappropriate for him/her to take the decision as to whether a complaint should be accepted as a complaint and/or investigated or referred for informal resolution.
  - c) To determine requests for anonymity received from a complainant in relation to a complaint that a Member has failed to comply with the Code of Conduct for Members and Co-opted Members.
  - d) Where a request for anonymity has been granted, to determine when the identity of the complainant will be provided to a Member who is the subject of a complaint that he/she has failed to comply with the Code of Conduct for Members and Co-opted Members.
- LG39 To undertake informal/local resolution with respect to complaints that a Member has failed to comply with Code of Conduct for Members and Co-opted Members, in consultation with the Independent Person and/or the Chair of Standards Committee as appropriate in accordance with the Authority's adopted arrangements.
- LG40 To appoint an Investigating Officer to investigate a complaint that a Member has failed to comply with the Code of Conduct for Members and Co-opted Members.
- LG41 To submit the report of the Investigating Officer where no breach of the Code of Conduct for Members and Co-opted Members has been found, or where breach has been found but informal resolution of the complaint is inappropriate or has not proved possible, to the Standards Committee.
- LG42 To undertake, in consultation with the Chair of the Standards Committee, the pre-hearing process in advance of a hearing of a complaint by the Standards Committee in accordance with the authority's adopted arrangements, and to make all arrangements associated with the administration of such hearings.
- LG43 To receive and if appropriate accept, in accordance with the authority's adopted arrangements, any request from a Member subject to a decision of the Standards Committee where breach of the Code of Conduct for Members and Co-opted Members has been found, and to refer the decision to the Independent Person of another authority for review.



- LG44 To provide reports to the Standards Committee in relation to the number and nature of complaints received, advice on the progress of any investigations and to advise the committee of matters where training or other action may lead to the promotion or maintenance of high standards of conduct by the authority's elected or co-opted Members.
- LG45 To undertake any other necessary or appropriate actions to facilitate the administration of the authority's adopted arrangements in relation to the Code of Conduct for Members and Co-opted Members.
- LG46 To undertake, in consultation with the Independent Persons and the Chair of the Standards Committee, reviews of assessment decisions where the complainant is dissatisfied with the initial decision of the Monitoring Officer not to refer a complaint for investigation.
- LG47 To refer the report of the Investigating Officer which identifies a breach of the Code of Conduct, where informal/local resolution of a complaint is unsuccessful, to the Standards Committee/Sub-Committee for a formal hearing and determination.

**Parent Governor Representatives**

- LG48 To appoint Parent Governor representatives to local authority committees dealing with education as set-out in the Education Act 1996 Section 499 Secondary - Parent Governor Representatives (England) Regulations 2012.

**Planning**

- LG49 In consultation with the Chair and Deputy Chair of Planning Committee to:
- a) serve, vary or withdraw Planning Enforcement Notices;
  - b) serve, vary or withdraw Stop Notices;
  - c) serve, vary or withdraw notices requiring the proper maintenance of waste land or buildings;
  - d) serve, vary or withdraw Breach of Conditions Notices;
  - e) serve, vary or withdraw Planning Contravention Notices;
  - f) serve, vary or withdraw Temporary Stop Notices;
  - g) serve, vary or withdraw Advertisement Discontinuance Notices;
  - h) serve, vary or withdraw Advertisement Action Notices;
  - i) serve, vary or withdraw Advertisement Removal and Defacement Notices;

- j) serve, vary or withdraw Building Preservation Notice;
  - k) serve, vary or withdraw Listed Building Enforcement Notice;
  - l) serve, vary or withdraw Repair Notices pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended);
  - m) serve, vary or withdraw Urgent Work Notices pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended);
  - n) seek injunction with regard to unauthorised works or uses to listed buildings/buildings in a conservation area;
  - o) instigate prosecution proceedings against non-compliance in relation to all notices and injunctions listed above;
  - p) make applications to the Magistrates Court to apply for a Planning Enforcement Order in relation to any act of concealment of a breach of planning control;
  - q) take all forms of enforcement and proceedings in respect of contraventions of hazardous substances control under powers contained in the Planning (Hazardous Substances) Act 1990;
  - r) make and confirm Tree Preservation Orders where there have been no objections to the order;
  - s) undertake all forms of enforcement and other proceedings in respect of unauthorised works to or the felling of protected trees.
  - t) To revoke tree preservation orders in the following circumstances:
    - A new tree preservation order has replaced an existing tree preservation order; or
    - All trees within the tree preservation order have been felled and not replaced.
  - u) To vary tree preservation orders in the following circumstances:
    - A tree or trees within a tree preservation order have been felled; or
    - A tree or trees have been planted to replace a tree or trees felled.
- LG50 To issue decision notices on applications for works to trees subject to a Tree Preservation Order.
- LG51 In consultation with the Chair and Deputy Chair of the Planning Committee to authorise applications to the Magistrates' Court for orders

in respect of buildings considered to be dangerous to persons in the street or in such buildings and to issue notices to expedite the carrying out of appropriate remedial measures to buildings considered to be in a dilapidated or derelict condition under the appropriate provisions of the Building Act and other relevant legislation.

- LG52 In consultation with the Chair and Deputy Chair of the Planning Committee to serve notices where considered appropriate under section 215 of the Town and Country Planning Act 1990 requiring steps to be taken to improve the condition of a property and/or land in its curtilage.

#### **Procurement**

- LG53 In consultation with any of the Authority's representatives on the North Eastern Procurement Organisation to accept tenders obtained on the Authority's behalf by the North Eastern Procurement Organisation.

#### **Regulation of Investigatory Powers Act**

- LG54 To act as the Authority's Senior Responsible Officer under the Regulation of Investigatory Powers Act (RIPA) 2000 and be responsible for maintaining effective procedures on behalf of the Authority under this Act. Such procedures to include the appointment of authorising officers, the maintenance of a list of authorising officers, the maintenance of a register of authorisations and ensuring appropriate training provision. A report to be submitted to Cabinet annually on the operation of a RIPA policy and to the Regulation and Review Committee at least annually on the Authority's use of the powers.

#### **Returning Officer**

- LG55 To act as the Authority's Returning Officer in accordance with section 35(1) of the Representation of the People Act 1983.

- LG56 To act as the Authority's Electoral Registration Officer in accordance with section 8(2)(a) of the Representation of the People Act 1983.

- LG57 Other than in relation to any formal review of polling places, to identify and agree future changes to polling places, in consultation with Ward Members in whose wards the places are located, and to report any such changes to the next ordinary meeting of Council.

#### **Right to buy and housing defects**

- LG58 To serve all notices on behalf of the Authority under Part V of the Housing Act 1985 and to take all necessary action in connection therewith in connection with tenants right to buy.

- LG59 In consultation with the Head of Environment, Housing and Leisure and the Head of Resources determine the area and curtilage of dwellings to be conveyed to tenants exercising the Right to Buy under the Housing Act 1985 (as amended), in accordance with legislation and any scheme laid down by the Authority.

LG60 In consultation with the Head of Resources to determine applications for the sale of the freehold reversion of Authority flats where both the tenants in the property are exercising their Right to Buy their respective leasehold interest.

LG61 In consultation with the Head of Resources to take all necessary action with regard to the implementation of the provisions of the Housing Defects Act 1984 and orders made thereunder.

LG62 In consultation with the Head of Resources and the Cabinet Member for Housing to approve all valuations for Right to Buy and to exercise any discretionary powers of the Authority in relation thereto.

**War charities**

LG63 To deal with all matters in connection with the registration of war charities.

**Wildlife and Countryside Act 1981 and Hedgerows Regulations 1997**

LG64 In consultation with the Head of Environment, Housing and Leisure to authorise the making of "legal event" modification orders under section 53(2) of the Wildlife and Countryside Act 1981, which are consequential on events listed in section 53(3)(a) of the Act and take effect on being made, namely the coming into operation of any enactment or instrument, or any other event, whereby:

- a) A highway shown or required to be shown in the map and statement has been authorised to be stopped up, diverted, widened or extended;
- b) A highway shown or required to be shown in the map and statement as a highway of a particular description has ceased to be a highway of that description; or
- c) A new right of way has been created over land in an area to which the map relates, being a right of way such that the land over which the right subsists is a public path.

LG65 In consultation with the Head of Environment, Housing and Leisure to exercise the duty to reclassify roads used as public paths under section 54 of the Wildlife and Countryside Act 1981.

LG66 In consultation with the Head of Environment, Housing and Leisure to make limestone pavement orders under section 34(2) of the Wildlife and Countryside Act 1981.

LG67 In consultation with the Head of Environment, Housing and Leisure to exercise powers relating to the protection of important hedgerows under the Hedgerows Regulations 1997.

## 18. List of Postholders

As at 1 June 2019 the following positions were held by the following people.

<b>Post</b>	<b>Name</b>
Chief Executive	Paul Hanson
Director of Public Health	Wendy Burke
Head of Regeneration and Economic Development	John Sparkes
Head of Commissioning and Asset Management	Mark Longstaff
Head of Corporate Strategy and Customer Service	Jacqueline Laughton
Head of Digital Strategy	Vacant
Head of Environment, Housing and Leisure	Phil Scott
Head of Resources	Janice Gillespie
Head of Health, Education, Care and Safeguarding	Jacqui Old
Head of Law and Governance	Bryn Roberts

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