

Solihull Metropolitan Borough Council

Arrangements for the Delegation of Executive Functions to Officers

Approved by Councillor Meeson, Leader of the Council on 19 November 2013

CONTENTS

1.	Commencement date.....	2
2.	Introduction	2
3.	Conditions for exercise of delegations.....	2
4.	The Statutory Officers	3
5.	Delegation to Other Local Authorities	3
6.	Delegation to Officers	4
(A)	Functions delegated to the Chief Executive, Corporate Directors, Strategic Directors, Service Directors, Heads of Service and senior managers.....	4
(B)	The Director of Business Transformation (Philip Mayhew).....	5
(C)	The Director of Resources (Paul Johnson).....	5
(D)	Director of Children's Services (Vacant - P Mayhew appointed as Interim DCS).....	6
(E)	Director of Adult Social Services (Ian James).....	6
(F)	Assistant Director - Learning and Achievement (Chris Palmer).....	7
(G)	Assistant Director (Interim) Children's Services (Gill Rigg).....	7
(H)	Corporate Director for Places (Anne Brereton).....	8
(I)	Assistant Director - Places Directorate (Vacant – delegations revert to Anne Brereton) Error! Bookmark not defined.	
(J)	Assistant Director – Places Directorate (Jim Harte).....	9
(K)	Places Directorate Heads of Services.....	13
(L)	Monitoring Officer.....	14
(M)	Authorisation of Legal and Other Proceedings	13
(N)	Civil Emergencies and Disasters	13
(O)	Delegation to Other Local Authorities	14

Solihull Metropolitan Borough Council

Arrangements for the delegation of executive functions to officers

1. Commencement date

19 November 2013

2. Introduction

The Officer Delegation Scheme provides a framework which ensures the efficient discharge of the Council'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 statutory functions and to deal with issues of strategic importance.

The scheme sets out those powers which, for the benefit of good practice, the Leader of the Council has delegated to officers. The Leader of the Council or any Cabinet Member may require that any matter delegated by them to an officer be referred to them for decision.

The Chief Executive, Corporate Directors, Assistant Directors and Heads of Service are authorised to carry out those functions of the Council, statutory duties and managerial responsibilities delegated to them as set out in this scheme.

The fact that a function has been delegated to the Chief Executive, a Director or any other Officer does not require the Chief Executive/ Director/Officer to give the matter his/her personal attention and he/she may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Chief Executive/Director/Officer remains responsible for any decision taken pursuant to such arrangements.

Functions exercised by the Committees of the Council including the Planning and Licensing Committees are the subject of separate delegations by the Council.

3. Conditions for exercise of delegations

1. Any decision which under the Council's Constitution is a "Key Decision" (see Article 12 – Part 2) shall not be taken under the powers delegated in this document.
2. The Chief Executive is authorised to exercise any of those functions delegated to the Corporate Directors, Assistant Directors and Heads of Service, provided he/she is not prohibited from doing so by any other legal or constitutional requirement.
3. The Corporate Directors are authorised to exercise any of those functions delegated to the Assistant Directors, Heads of Service and Officers within their directorates, provided they are not prohibited from doing so by any other legal or constitutional requirement.
4. Decisions shall be made having regard to the following matters:-
 - (a) Policies of the Council including emerging draft policies;
 - (b) Legislative requirements;
 - (c) The need for appropriate consultation;
 - (d) Advice or directions given by the Corporate Leadership Team and any of the statutory officers;
 - (e) The effect on individual rights under the Convention for the Protection of Human Rights and Fundamental Freedoms as applied by the Human Rights Act 1998;

- (f) The Council's duties under legislation relating to equalities;
 - (g) Staffing and financial implications including the rules for contracts and financial regulations.
5. An officer shall not make any decision in which he or she (or a relative or friend) has a personal interest in the outcome of that decision and declare any such interest under the Employees Code of Conduct.

4. The Statutory Officers

The following statutory roles have been assigned to the post holder of the positions named below. Where Officers hold statutory or proper officer positions they are authorised to exercise those statutory duties and responsibilities assigned to the positions by law.

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 – Director of Governance Responsible 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) – Director of Resources 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 Responsible 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 Responsible for discharging the education and children's social services functions of the local authority as set out in section 18(2) of the Children Act 2004.

4.6 Director of Public Health Responsible for the delivery of an effective public health strategy including health improvement, health protection and healthcare in accordance with the NHS Act 2006 and the Health and Social Care Act 2012 and related regulations.

5. Delegation to Other Local Authorities

In accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, the Leader of the Council or the Cabinet may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.

Powers which have been delegated to other authorities are set out at section N towards the end of this document.

6. Delegation to Officers

The delegations to officers are set out in the table below.

A	<p>Functions delegated to the Chief Executive, Corporate Directors, Assistant Directors, Heads of Service and senior managers</p> <p>(See Appendix A for the full list of posts to which this delegation applies) in respect of matters for which they are the authorised or proper officer (referred to in this scheme as “authorised officers”)</p>
A1	The power to take any action in the name of the Council which is required to be taken to implement any decision of the Cabinet or any Cabinet Member including entering into contracts and incurring expenditure;
A2	The determination of all operational, administrative and professional matters which relate to the day to day running of services in accordance with the Council's policy framework and approved budgets, virements, including the control, discipline and direction of staff and the provision of equipment, repairs, minor works and maintenance of premises;
A3	To participate in partnership arrangements in relation to the implementation of the Sustainable Community Strategy, the promotion of well being powers under the Local Government Act 2000 and statutory duties under the Local Government and Public Involvement in Health Act 2007;
A4	To approve minor restructurings in accordance with guidelines issued by the Leader of the Council from time to time;
A5	To approve extensions to occupational sick pay in accordance with guidelines issued by the Cabinet Member.
A6	To approve training and development plans for employees including the attendance of employees at events relating to their training and development and training courses;
A7	To approve the advance of training course fees where employees are funding their own training courses;
A8	The granting of minor easements or licences or the leasing of commercial or industrial properties for periods not exceeding 21 years;
A9	To authorise works to be carried out by the Council in default of compliance with a notice served on an owner, occupier or other party and to recover the costs involved;
A10	To authorise possession proceedings for rent arrears;
A11	To serve any notice required or authorised by law to be given by or on behalf of the Council or in the name of an authorised or proper officer;
A12	Subject to the statutory Codes of Practice and corporate policies, to grant authorisations under the Regulation of Investigatory Powers Act 2000 in respect of covert surveillance and the use or conduct of covert human intelligence sources;
A13	To fully comply with the requirements of the Freedom of Information Act 2000 and in relation to requests for information, to confirm or deny whether the Council holds information in response to a person making a request and where required by the Act to communicate that information to such person;
A14	To fully comply with the requirements of the Data Protection Act 1998 and in relation to requests for the disclosure of personal information to ensure that they are processed in accordance with the provisions of the Act;
A15	To serve Notices under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976;
A16	<p>In relation to any functions for which they are responsible, authorised officers may:-</p> <ul style="list-style-type: none"> (a) act as an authorised or proper officer where qualified to do so and where no other officer has been appointed; (b) appoint officers to act as an authorised or proper officer for the purpose of legislation and for the purpose of giving statutory notices on behalf of the Council; (c) reserve to themselves for decision or referral to the Cabinet or Cabinet Member any decision which is delegated to another officer; and (d) shall have power to give to officers within their Directorate such directions as to the exercise of delegated powers as they shall determine.

A17	To negotiate the settlement of valid claims against the Council to a value of £15,000 in cases where it would not be viable to continue legal action; and
A18	To undertake investigations and collect evidence in relation to all legislation which the Council has a power or duty to enforce.
B	Director of Business Transformation (Philip Mayhew)
B1	To prepare the Council Plan and Council Annual Report
B2	To ensure that systems are in place for meeting all the Council's statutory equality duties, including those relating to or arising from contracts, partnerships and other legal commitments made in the Council's name.
B3	Approval of statements and policies complying with statutory requirements, for example, the Equality Duty
C	Director of Resources (Paul Johnson)
C1	To determine the method of financing capital expenditure in respect of strategic land purchases;
C2	The determination of the methods of financing capital and revenue expenditure, except where such expenditure is not within the budget estimates as originally approved;
C3	To approve the attendance of officers at the Magistrates' Court, County Court and Valuation and Council Tax Tribunal;
C4	The management of the Council's loan debt including the investment of surplus funds and capital receipts;
C5	To approve grants of up to 50% of the cost of installing and purchasing signs and other material in connection with Neighbourhood Watch Schemes;
C6	To approve applications from mortgagees to make interest only payments on their mortgages for a maximum period of six months;
C7	To approve such applications in respect of periods in excess of six months, but only after consultation with the relevant Cabinet Member;
C8	To declare the rate of interest on Council mortgages under the Housing Acts;
C9	To approve transfers of equity between mortgagors in cases of changes in family circumstances
C10	To approve amendments required to the Council's bank mandate;
C11	To approve the establishment of joint accounts with Solihull Community Housing;
C12	To approve the writing off of debts in respect of Council tenancies up to £10,000, subject to a quarterly progress report being submitted to the Cabinet Member. Proposals for writing off amounts over £10,000 to be referred to the relevant Cabinet Member.
C13	To determine non-routine changes of use of Town Centre shop units;
C14	To determine fees for pavement cafes in Solihull Town Centre;
C15	To determine routine applications for change of use of Town Centre shop units;
C16	To appoint agents where desirable to act for the Council in negotiating claims for compensation arising from sewerage, land drainage and highway schemes;
C17	To approve the acquisition of land necessary to enable a scheme to be carried out which has been approved in detail by the Cabinet or a Cabinet Member on being satisfied that the purchase price represents best value to the Council;
C18	To approve payments of compensation to landowners and professional fees to agents in respect of claims arising under sewerage, land drainage and highway schemes in accordance with the recommendations of the Council's Agent;
C19	To approve the payment of death gratuities under the Council's scheme;
C20	To approve the write off of overpayments of salary for individual cases not exceeding £10,000 in any case, subject to a quarterly report on decisions made being submitted to the relevant Cabinet Member.
C21	Approval of late applications for Council Tax and housing benefits;
C22	To authorise further proceedings for the recovery of Council Tax rates and community charge due and not paid, including applications to the Magistrates for committal;
C23	To issue Summonses and obtain Liability Orders (and issue Liability Orders to Bailiffs in accordance with guidelines approved by the Cabinet) as part of the routine procedure for recovery of rates community charges and Council tax due and unpaid and to exercise all powers and responsibilities under the provisions of the Local Government Finance Acts

	1988 and 1992 as amended and regulations made thereunder in connection with the collection and receipt of Council Tax, community charges and rates, including applications to the Magistrates for committal in those cases approved by the relevant Cabinet Member;
C24	To make applications to the County Court for summonses in respect of sundry debts;
C25	To approve applications for mandatory rate relief;
C26	To determine applications for discretionary rate relief within the approved criteria;
C27	To write off overpayments of salary not exceeding £10,000, except for rents for housing accommodation, subject to a quarterly progress report being submitted to the relevant Cabinet Member.
C28	To authorise proceedings to obtain possession and sell properties in respect of mortgage arrears and for the recovery of arrears;
C29	To determine the maximum amount payable as a relocation allowance to eligible employees;
C30	To approve the restructuring of posts, the establishment of new posts and the award of market supplements within approved budgets.
C31	To authorise payments to early leavers (ie in the event of redundancy or Business Efficiency Retirement/ Early Retirement/Flexible Retirement) except where the gross additional cost to the Council for any early leaver is greater than the annual cost of the post being deleted.
C32	To determine requests for consent to assign leases of commercial properties;
C33	To approve revised rents and the renewal of leases of commercial properties;
C34	To determine routine applications for alterations and extensions to properties subject to lease or covenants in freeholds;
C35	To make arrangements for the letting and management of agricultural land;
C36	To make arrangements for the letting of agricultural land on 364 day licences;
C37	To grant leases and easements to statutory undertakers on terms that represent best value to the Council;
C38	To determine applications to purchase or licence small areas of land;
C39	To determine applications for change of use of commercial premises in the Council's capacity as Landlord;
C40	To authorise action under the Tort (Interference with Goods) Act 1977 in relation to Council owned land.
C41	To approve the acquisition by the Council of small areas of land up to a value of £5,000.
C42	Subject to the relevant Cabinet Member or Cabinet wishing to make the decision, at the conclusion of an appropriate procurement process to enter into such agreements with preferred contactors, provided that the contractual spend is within approved budgets
D	Director of Children's Services (Vacant – interim Philip Mayhew)
D1	To safeguard and promote the welfare of children within the Borough who are "in need" and so far as is consistent with this duty, to promote the upbringing of such children by their families and ensure the provision of a range and level of services appropriate to their needs;
D2	To take such steps as may be required under Section 62 of the School Standards and Framework Act 1998 (reserve power to prevent a breakdown of discipline);
D3	To undertake the functions of the Council as Head of the Adoption Agency;
D4	To approve applications from schools for occasional days holidays;
D5	To approve applications from schools for occasional and unavoidable closures.
E	Director of Adult Social Services (Ian James)
E1	To undertake the Statutory DASS role in accordance with the Statutory Guidance on the Role of the DASS;
E2	To have overall responsibility for and to ensure the discharge of the functions as prescribed in Section 6 and Schedules 1 & 2 of the Local Authority Social Services Act 1970 (as amended) relating to adult social services and subsequent ministerial guidance on role and responsibilities and to ensure compliance with Directions and any management protocol;
E3	To prepare and where appropriate authorise agreements under Section 75 of the

	National Health Service Act 2006 (arrangements between NHS bodies and local authorities); and
E4	To authorise Approved Social Workers (or approved mental health professionals) under the Mental Health Act 2007.
F	Assistant Director - Learning and Achievement (Chris Palmer)
F1	Subject to reports being submitted to the relevant Cabinet Member at regular intervals, to make small donations and grants to individuals and organisations;
F2	Payments of grants of not more than £500 to outside bodies for which there is already approval for inclusion in Estimates;
F3	To determine applications for discretionary awards in accordance with guidelines approved by the relevant Cabinet Member;
F4	In consultation with the Cabinet Member for Children and Young People to determine applications for discretionary awards not falling within the approved guidelines but where there is a clear precedent for decision within established policies.
F5	To approve applications for secondment by teaching staff not in schools to attend recognised courses of one term and one year (the latter to gain an additional qualification).
F6	To approve the relocation and disposal of temporary classrooms and the programme of minor works and improvements;
F7	To approve the payment of increases in fees at Independent and Boarding Special Schools at which Solihull pupils are maintained;
F8	To approve proposals from schools for work requiring planning permission and to submit applications for consent pursuant to the Town and Country Planning General Regulations 1992;
F9	To approve the programme of minor works and improvement; and
F10	To approve applications for parties of pupils to make visits abroad.
G	Assistant Director for Children's Services (Interim - Gill Rigg)
G1	To provide a range of family support services as appropriate to children in need and their families, including financial assistance where this will promote the child's welfare and enable their upbringing by their family and placement in residential family centres;
G2	To take steps to prevent children suffering ill treatment or neglect and bring children before the court who are suffering or are likely to suffer significant harm, where this is due to the child being beyond parental control or inadequate care being offered by parents;
G3	To act as custodian of the child protection register on behalf of the Local Safeguarding Children Board;
G4	To identify the extent to which children are "in need", publish information about services provided under Sections 17, 18, 20 and 24 of the Children Act 1989 (local authority support for children and families) and take practicable steps to ensure such information reaches those who may benefit from it;
G5	To maintain a register of disabled children;
G6	To secure provision of appropriate accommodation and maintenance for all children being looked after;
G7	To recruit, approve, train and support foster parents for children looked after, to pay all appropriate expenses including pocket money, birthday and Christmas presents, clothing allowance, transport costs, holiday expenses, board and lodgings and any special payments considered necessary to promote and protect the welfare of individual children;
G8	To carry out functions in relation to the Adoption and Children Act 2002 and regulations made under that Act including related Directions and guidance;
G9	To recruit and train adoptive parents and to accept children to be placed for adoption;
G10	To review and approve as appropriate recommendations of the Adoption Panel;
G11	To approve payments for assisted adoption and assisted residence orders;
G12	To pay legal fees in adoption cases and residence orders in accordance with agreed policy;
G13	To agree financial assistance to enable visits to or by children who are being looked

	after, and ensure the promotion and maintenance of contact between such children and their families;
G14	To appoint independent visitors for children being looked after as required, and where this is consistent with their best interests and welfare;
G15	In relation to children in the care of the Council, to consent to emergency medical treatment, sign passports and agree to children leaving the country (but not to live) in circumstances where the assumption of this degree of parental responsibility is in the child's best interests;
G16	To institute in consultation with the Director of Governance wardship proceedings necessary to promote and protect the welfare of children;
G17	To make application to a Court for permission to restrict the liberty of a child or a warrant authorising a constable to enter premises and search for a child missing from care or believed to be at risk;
G18	To provide advice and assistance (including financial assistance) to children who qualify for such assistance to help them, after they have left care, to become independent and/or pursue a course of education or find employment;
G19	To establish and maintain complaints and representations procedures for children, to identify and appoint "independent persons" as required, and to investigate and respond to complaints and representations;
G20	To provide or secure the provision of full day and sessional care for children as appropriate;
G21	To make arrangements for the provision of services by others and to promote and protect the welfare of children through voluntary organisations;
G22	To grant or refuse consent for the marriage of any young person under the age of 18 where the Council has parental responsibility;
G23	To carry out local authority information, advice and training functions under Part VI of the Care Standards Act 2000 (information and advice about child minding and day care and training for persons who provide or assist in providing child minding or day care) and related regulations and guidance;
G24	To make applications for child assessment, emergency protection and recovery orders and to make or cause to be made such enquiries and actions considered necessary to decide what action should be taken to safeguard and promote a child's welfare;
G25	To make ex-gratia payments to foster carers in respect of claims and excess payments not exceeding £500;
G26	To waive parental contributions for children in exceptional circumstances;
G27	To approve parenting orders and parenting contracts under Part 3 of the Anti-social Behaviour Act 2003;
G28	To approve the issue of penalty notices under Section 23 of the Anti-social Behaviour Act 2003 in respect of truancy and to approve prosecution in cases of non-payment; and
G29	To undertake functions under the Crime and Disorder Act 1998 in relation to youth offending, "YOT" management and the prevention of crime and disorder.
H	Corporate Director for Places (Anne Breton)
H1	To approve the taking of steps including legal proceedings under Sections 77 and 78 of the Criminal Justice and Public Order Act 1994 to deal with unauthorised encampments and to respond on behalf of the Council to consultation by the Police in cases where the Police propose to exercise powers to remove trespassers under 62A of the Criminal Justice and Public Order Act 1994;
H2	To determine applications for access to private property through parks and open spaces;
H3	To accept the dedication of land for open space or public recreation;
H4	To approve applications for the renewal of leases to allotment associations.
H5	To discharge the relevant functions of the Council under the Crime and Disorder Act 1998, including the authorisation of applications for Anti-social Behaviour Orders and to ensure inter-agency collaboration in the reduction of crime and disorder;
H6	To monitor the discharge of functions under the Crime and Disorder Act 1998 and other legislation to reduce offending and anti-social behaviour;
H7	Approval of consents on behalf of the Council to the following matters under the Anti-social Behaviour Act 2003:-

	Closure of premises under Part 1 of the Act; and Dispersal Areas under Part 4 of the Act;
H8	To undertake functions in relation to the management of the Drugs Action Team.
I	Assistant Director - Places Directorate (Vacant – delegations revert to Anne Brereton)
I1	To approve applications for Disabled Facilities Grants;
I2	To approve applications for home renovation grants;
I3	To authorise legal action or, where sound economic or operational reasons exist, make an offer to settle claims (up to £15,000) against the Council under Section 82 of the Environmental Protection Act, 1990 (summary proceedings by persons aggrieved by statutory nuisances);
I4	To determine matters and give such consents as may be required under the Management Agreement with Solihull Community Housing provided that the financial implications concerned do not exceed £50,000 and are met from within the Housing Revenue Account;
I5	To appropriate land to the General Fund to provide parking areas on housing estates;
I6	To grant, but not refuse, routine applications for housing advances;
I7	To determine offers to sell back to the Council former Council houses in accordance with the terms of the pre-emption clause; and
I8	To give any approval required in relation to action to be undertaken by or on behalf of the Council under Part 2 of the Anti-social Behaviour Act 2003 (Injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing accommodation, breach of tenancy agreement and demotion of tenancy).
I	The following matters are delegated to the Head of Development Management (Martin Taylor) (See also Terms of Reference of the Planning Committee which sets out the Committee's delegation of non-executive functions)
I9	In urgent cases only and subject to legal advice to make a Direction under Article 4 of the Town & Country Planning General Development Order 1988 in cases where a Direction may be made without approval of the Secretary of State for the Environment under Article 5(4) of that Order on the grounds that to delay making a Direction would be prejudicial to the proper planning of the area or constitute a threat to the amenities of the area;
I10	Decisions under the Building Regulations, including applications for relaxation;
I11	To take appropriate action under Sections, 72, 77, 78, 80, 81, 82 and 83 of the Building Act 1984; and
I12	To exercise the powers of the proper officer in respect of the provisions of Section 37 of the Public Health Acts Amendment Act 1890 (safety of platforms etc. erected or used on public occasions).
J	Assistant Director - Places Directorate (Jim Harte)
J1	To approve the taking of enforcement action in respect of excess penalty tickets in off-street car parks;
J2	To agree the adoption of roads and sewers;
J3	The naming and numbering of streets;
J4	To take appropriate action to prevent obstruction of the highway in shopping centres;
J5	To enter into road making agreements under Section 38 Highways Act, 1980 and sewer construction agreements under Section 104 Water Industry Act 1991;
J6	The serving of notices concerning overgrown hedges and trees obstructing a highway;
J7	To authorise enforcement of any matter which under Part IX of the Highways Act 1980 (Lawful and Unlawful Interference with Highways and Streets) and Section 69 of the Road Traffic Regulation Act 1984 (removal of inappropriate signage) is an executive matter.
J8	To implement arrangements for civil parking enforcement.
J9	To consider any objection(s) received as a result of advertising a Permanent or Experimental Traffic Regulation Order on the highway, made under the:

	<p>Road Traffic Regulation Act 1984; Traffic Management Act 2004; Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Solihull) Order 2007; Road Traffic Act 1988; and all other enabling powers</p> <p>and to take one of the following decisions:</p> <ol style="list-style-type: none"> a. To implement the Traffic Regulation Order as advertised; b. To implement an amended Traffic Regulation Order with a lesser restriction; c. To re-advertise an amended Traffic Regulation Order; d. To abandon a Traffic Regulation Order and not progress an advertised scheme any further.
J10	<p>To consider any objection(s) received as a result of advertising proposals to install temporary or permanent vertical traffic calming features on the highway under Section 90 of the Highways Act 1980 and all other enabling powers and to make one of the following decisions:</p> <ol style="list-style-type: none"> a. To implement the proposals as advertised; b. To implement amended proposals; c. To re-advertise amended proposals; d. To abandon the proposals and not progress a scheme any further.
J11	<p>To make Local Transport Plan Programme scheme budget changes of up to £50,000 and to introduce, defer or delete schemes in accordance with the prioritisation framework approved by the Cabinet Member for Transport and Highways on 20 January 2011.</p>
J12	<p>To approve Local Transport Plan Programme scheme implementation, where there is all 3 Ward Member support and 70% community support from those that responded, with a 20% response rate.</p>
J13	<p>To exercise enforcement powers under the Floods and Water Management Act 2010.</p>
J14	<p>To authorise the taking of all necessary actions including the serving of notices required to discharge the Councils responsibilities under the provisions of Part II of the Land drainage Act 1991 and the Highways Act 1980</p>
J15	<p>To authorise the conversion of existing footways to shared use un-segregated routes in accordance with the North Solihull Strategic Cycle Network scheme.</p>
J	<p>The following matters are delegated to the Head of Highway Services (Ashley Prior)</p>
J16	<p>To authorise the advertising of all proposed Permanent and Experimental Traffic Regulation Orders on the highway, made under the: Road Traffic Regulation Act 1984; Traffic Management Act 2004; Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Solihull) Order 2007; Road Traffic Act 1988; and all other enabling powers.</p>
J17	<p>To authorise the implementation of all Permanent and Experimental Traffic Regulation Orders where no objections to the proposals have been received.</p>
J18	<p>To authorise the advertising of proposals to install temporary or permanent vertical traffic calming features on the highway, under Section 90 of the Highways Act 1980 and all other enabling powers.</p>
J19	<p>To authorise the implementation of vertical traffic calming features where no objections to the proposals have been received.</p>
J20	<p>To authorise the advertising and making of temporary Traffic Regulation Orders on the highway, made under the:</p>

	Road Traffic (Temporary Restrictions) Act 1991; Road Traffic Regulation (Special Events) Act 1994; Town Police Clauses Act 1847; Road Traffic Act 1988; and all other enabling powers.
J21	To authorise the advertising of proposals to install temporary or permanent vertical traffic calming features on the highway, under Section 90 of the Highways Act 1980 and all other enabling powers.
J22	Enforcement of Section 132 Highways Act 1980 (unauthorised marks on highways);
J23	Powers of entry under all relevant legislation including part XIV of the Highways Act 1980;
J	Head of Development Management (Public Protection Functions) (Martin Taylor)
J24	To prepare and revise a Rabies Contingency Plan;
J25	To exercise functions relating to stray dogs and to waive charges in whole or in part in cases of hardship or other exceptional circumstances;
J26	To authorise appropriate officers to enforce the relevant provisions of the Food and Environmental Protection Act 1985 and delegated legislation;
J27	To appoint proper officers for the purposes of Sections 11, 18, 20, 21, 22, 24, 29, 31, 32, 36, 40, 42, 43 and 48 of the Public Health (Control of Diseases) Act 1984 and regulations 6, 8, 9 and 10 and Schedules 3 and 4 of the Public Health (Infectious Diseases) Regulations 1988;
J28	To exercise the functions of Section 39 of the West Midlands County Council Act 1980 (Safety of Stands);
J29	To appoint doctors as Port Medical Officers under the provisions of the Public Health (Control of Disease) Act 1984 and Public Health (Aircraft) Regulations 1979;
J30	To take action to protect damaged buildings and to secure unoccupied buildings;
J31	To take action on all matters connected with houses in multiple occupation and overcrowding;
J32	To enforce legislation relating to abandoned vehicles including the power to remove and destroy vehicles;
J33	To serve notices under Part VI of the Housing Act 1985;
J34	To serve notices requiring the provision of means of escape from houses in multiple occupation;
J35	To cancel Demolition and Closing Orders and Undertakings not to occupy properties, upon being satisfied that the dwellings have been made fit for human habitation;
J36	To lodge objections or make representations in respect of applications for goods vehicle operators' licences;
J37	To authorise officers to enforce (a) The Food Safety Act 1990; and (b) any Orders, or Regulations or other instruments (i) made thereunder or (ii) relating thereto, or (iii) having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuffs; and (c) any modification or re-enactment of the foregoing.
J38	To make appointments under Regulation 6 of the Products of Animal Origin (Third Country Imports) (England) Regulations 2006 and to implement and enforce the provisions of those Regulations;
J39	To appoint a Public Analyst under section 27 the Food Safety Act 1990;
J40	To exercise the powers of the Council under the Sunday Trading Act 1994 and the Christmas Day (Trading) Act 2004 and to appoint officers for that purpose;
J41	To consider and determine complaints under Part 8 of the Anti-social Behaviour Act 2003 (high hedges) and to issue, amend and withdraw remedial notices and respond to appeals;
J42	To exercise the powers of entry under Section 74 of the Anti-social Behaviour Act 2003 and authorise persons to enter land for the purposes of that section;
J43	To exercise enforcement of The Control of Pollution (Amendment) Act 1989 (fly tipping);
J44	Other powers in Part IX of the Highways Act 1980 as they relate to environmental crime;
J45	Section 19 of the Public Health Act 1925 (street signs);
J46	The enforcement of all legislation within the responsibility of the Cabinet Portfolio Holder for Safer Communities;

J47	To appoint authorised officers for the purposes of Section 10 of the Health Act 2006; and
J48	Enforcement functions under the Health Act 2006 and subordinate legislation.
J49	The powers of a chief inspector of weights and measures under section 72 of the Weights and Measures Act 1985;
J50	To approve the making of Orders for the extension of opening hours of retail trades or businesses carried on as subsidiary activities to exhibitions;
J51	To authorise appropriate officers to check weigh vehicles carrying goods intended for delivery to the Council;
J52	To authorise appropriate officers to weigh vehicles and for ancillary purposes;
J53	To issue certificate of competence to public weighbridge operators (this function being exercised by the person designated by the Council as Chief Inspector of Weights and Measures);
J54	To exercise the powers under Section 14 of the Consumer Protection Act 1987 (suspension notices);
J55	To exercise the functions under the Children and Young Persons (Protection from Tobacco) Act 1991 and under the Tobacco Advertising and Promotion Act 2002;
J56	To exercise the functions under the Motor Vehicles (Safety Equipment for Children) Act 1991;
J57	To exercise the functions under the Vehicles (Crime) Act 2001;
J58	To exercise the powers of the Council under the Intoxicating Substances (Supply) Act 1985;
J59	To exercise the powers of the Council under the Timeshare Act 1992;
J60	To enforce the requirements of the Trade Marks Act 1994 on behalf of the Council;
J61	To authorise an application for an injunction under the Fair Trading Act 1973 for the purpose of Stop Now Orders (EC Directive) Regulations 2001;
J62	To exercise powers of enforcement under Section 31 of the Explosives Act 1875;
J63	To exercise powers of enforcement of the Energy Efficiency (Ballasts for Fluorescent Lighting) Regulations 2001;
J64	To exercise powers of enforcement of the Passenger Car (Fuel Consumption and Carbon Dioxide Emissions Information) Regulations 2001;
J65	To authorise appropriate officers to enforce the relevant provisions of the Food and Environmental Protection Act 1985 and delegated legislation;
J66	To authorise officers and to exercise powers of enforcement in the Criminal Justice and Police Act 2001 relating to under age alcohol sales, test purchasing of alcohol and the power to close premises;
J67	To authorise officers and to exercise powers of enforcement in relation to the Fireworks Act 2003;
J68	To authorise enforcement of Section 54 of the Anti-social Behaviour Act 2003 (sale of spray paint);
J69	To authorise enforcement under Section 141 and Section 141A of the Criminal Justice Act 1988 (as amended by Section 6 of the Offensive Weapons Act 1996 (sale of knives and other articles).
J70	To take all action necessary for the enforcement of the provisions of the Enterprise Act 2002 including applications for enforcement orders, interim enforcement orders and injunctions and approval of the terms of any undertaking sought or offered during the course of those proceedings.
J71	To take all action necessary for the enforcement of the Proceeds of Crime Act 2002.
J72	To exercise the powers of the Council under the Obscene Publications Act 1959
J73	To carry out the duties of a Local Authority under the Sunbed Regulations Act 2010, including the power of entry, the right to carry out inspections, the right to request documents and records, require any person to give information and make test purchases.
J	Head of Environmental Protection (Public Protection Functions) (Alan Brown)
J74	Burial or cremation of persons found dead in the area and the administration of their estates;
J75	To authorise officers to serve notices under the Dogs (Fouling of Land) Act 1996;

J76	To take action in respect of rats and mice under the Prevention of Damage by Pests Act 1949.
J77	To issue and enforce by legal proceedings fixed penalty notices under Section 43 of the Anti-social Behaviour Act 2003 and to authorise officers to issue such fixed penalty notices;
J78	The provisions of the Anti-social Behaviour Act 2003 (as amended) relating to fly posting;
J79	All parts of the Clean Neighbourhoods and Environment Act 2005, the Town and Country Planning Act 1990 and the Town and Country Planning (Advertisement) Regulations 1992 relate to environmental crime;
K	Corporate Director for Places - Places Directorate Heads of Services The following functions shall be delegated to the relevant Head of Service:-
K1	The serving of notices concerning overgrown hedges and trees obstructing a highway;
K2	The allocation of tenancies of allotments and leisure gardens;
K3	To enforce the provisions of the Weeds Act;
K4	Determination of applications to use the Central Library forecourt and similar areas;
K5	To write off damaged or lost library stock;
K6	To sell withdrawn stock either within or outside the libraries; and
K7	To approve applications for lettings of rooms under their control and of the Library Theatre, Exhibition Hall, and Art Gallery, and to agree hire charges within approved guidelines.
L	Monitoring Officer
L1	To determine, in consultation with the Leader, a response to any representations received about why a Cabinet meeting should be open to the public following publication of a notice of intention to meet in private.
M	Authorisation of Legal and Other Proceedings
M1)	Other than for those matters reserved to the full Cabinet, the Chief Executive, and authorised officers (being any of the officers listed in the Appendix) may authorise legal proceedings to be brought or other appropriate action to be taken in respect of legislation which is within the responsibilities of the Cabinet or respective Cabinet Members subject in all cases to prior consultation with, and the evidence being to the satisfaction of, the Director of Governance;
M2)	The Director of Governance may instigate such proceedings as necessary in the discharge of the Councils functions
M3)	Any officer referred to in paragraph (L1) above shall in relation to any matter authorised by him, also have authority to lay informations in the Magistrates Court;
M4)	The Director of Governance may take all necessary steps, including laying informations in the Magistrates Court:- 1. in relation to the commencement and conduct of all legal proceedings, authorised by the Council or under delegated powers, and 2. to defend any legal proceedings brought against the Council.
M5)	The Chief Executive and authorised officers may, in consultation with the relevant Cabinet Member if available, authorise the issue of legal proceedings for the purposes of obtaining injunctions in all matters relating to the Council's statutory powers and duties, including matters relating to the Council as landowner.
M6)	The Director of Governance to be the Council's legal authority in meeting all the Council's statutory equality obligations.
N	Civil Emergencies and Disasters
	The Chief Executive, and authorised officers shall where an emergency or disaster requires an immediate response have power to exercise the Council's functions under Section 138(1) of the Local Government Act 1972 (Powers of principal Councils with respect to emergencies or disasters) and to take any action required to be taken by the

	<p>Council under civil contingencies legislation and to make decisions in consultation with the Leader or Deputy Leader of the Council if they are immediately available and if not available the Chief Executive and authorised officers shall have power to make decisions and shall report to the Leader of the Council as soon as practicable, decisions taken and expenditure incurred.</p>
N	<p>Delegation to Other Local Authorities</p>
	<p>Delegated to the Executive of Birmingham City Council (BCC) (to be carried out under delegated powers by Officers of the BCC Illegal Money Lending Unit):</p> <p>The functions under the enforcement of Part III of the Consumer Credit Act 1974 to be carried out in the Solihull Metropolitan Borough by IMLU operated by Birmingham City Council.</p> <p>The power of prosecution for any matters associated with or discovered during an investigation by the illegal money lending team, in pursuance of Section 101(1)(b) of the Local Authority Act 1972.</p> <p>The above delegations to remain in effect until 31 March 2015 subject to continuing government funding of the IMLU.</p>

Appendix A

List of Posts Included in Delegation under Paragraph A above

Post Title	Post Holder
Chief Executive	Mark Rogers
Director of Business Transformation	Philip Mayhew
Director of Governance (Monitoring Officer)	Philip Lloyd-Williams
Director of Resources	Paul Johnson
Director of Public Health	Stephen Munday
Director for Places	Anne Brereton
Assistant Director Places Directorate	Jim Harte
Director of Adult Social Services	Ian James
Director of Childrens Services	Vacant
Assistant Director – Learning and Achievement	Chris Palmer
Assistant Director (Interim) – Children, Young People and Families	Gill Rigg
Assistant Director - Performance, Planning and Commissioning	Karen Murphy
Assistant Director - Adult Social Care	Sharon Bailey
Assistant Director – Provider Services	Fiona McGill

References to post holders includes officers holding posts in an acting capacity