

## **ANNUAL COUNCIL MEETING**

**Venue: Town Hall, Moorgate  
Street, Rotherham**

**Date: Tuesday, 29 May 2007**

**Time: 2.00 p.m.**

### **A G E N D A**

1. Election of Chairman
2. Vote of thanks to the Retiring Mayor
3. Election of Vice-Chairman
4. Council Minutes
5. To consider any communication received by the Mayor or the Chief Executive and to pass a resolution or resolutions thereon.
6. To consider any questions from the Public.
7. Cabinet Minutes
8. Standards Committee
9. Questions to Cabinet Members
10. Questions to Spokespersons
11. Election of Councillor (Pages 1 - 3)
12. Membership Arrangements for 2007/08 (Pages 4 - 9)
13. Delegation of Powers for 2007/08 (Pages 10 - 164)
14. To determine any item which the Mayor is of the opinion should be considered as a matter of urgency

**T. C. MUMFORD**

Assistant Chief Executive, Legal and Democratic Services

23rd May, 2007

**REPORT OF THE RETURNING OFFICER****To: The Chairman and members of the Council****ELECTION OF COUNCILLORS**

I can report that the persons indicated below were elected Members of the Council at the election held on Thursday 3rd May 2007:-

<b>Ward</b>	<b>Candidates</b>	<b>Votes</b>
Anston and Woodsetts No.1	Jacqueline Rose Brown	1,073
	Iain Glen Logan St. John	(Elected) 1,394
	Colin Edward Tawn	637
Boston Castle No. 2	Christian Carl Backer Kramer	831
	Kathleen Reeder	299
	Patricia Ann Shaw	572
	Valerie Irene Wilkinson	267
	Peter Anthony Wootton	(Elected) 1,282
Brinsworth and Catcliffe No. 3	Peter David Broomhead	1,149
	Reginald Godfrey Littleboy	(Elected) 1,515
	Kenneth Rodney Marshall	610
Dinnington No. 4	Jacqueline Margaret Falvey	(Elected) 1,080
	Jane Ann Havenhand	(Elected) 1,216
	Denise Margaret Hickson	570
	Keith Hunter	560
	Nigel Haywood Wilton Lee	789
Hellaby No. 5	Jennifer Mary Andrews	244
	Brian Cutts	(Elected) 1,516
	Brian Darby	819
	Keith Frederick Stringer	194
	John Wilkinson	472
Holderness No. 6	Jane Austen	(Elected) 1,801
	Roy Nuttall	1,088
Hooper No. 7	Jane Hamilton	(Elected) 1,531
	Brian Eastwood Taylor	919
Keppel No. 8	Marlene Guest	952
	Barry Arthur Kaye	(Elected) 1,190
	Christopher Norman Middleton	538
	Paul Andrew Shaw	655

Maltby No. 9	William Robert Blair Eric Broadhead Derek Anthony Norman Johnson Christopher McMahon Benjamin Slade	635 247 230 823 (Elected) 913
Rawmarsh No. 10	Neil Hamilton David Howard Palmer Tiptaft	(Elected) 1,495 822
Rother Vale No. 11	Raymond Oswald Fowler Phillips John Francis Swift Lynn Tomlinson	544 (Elected) 1,461 492
Rotherham East No. 12	Joe Clarke Barry Dodson Peter Crichton Griffith Mohd Ilyas	308 (Elected) 1,312 330 486
Rotherham West No. 13	David Cutts John Foden Doris Joan Hunter Caven Vines	356 (Elected) 1,305 282 936
Silverwood No. 14	Christine Carol Myers Melissa Parker Eric Anthony Shaw Roger Stone	590 871 494 (Elected) 1,088
Sitwell No. 15	John Gilding Denise Lelliott Steven Scutt	(Elected) 1,901 934 888
Swinton No. 16	John Doyle Stephen Handel Jones Shaun O'Dell	(Elected) 1,436 614 707
Valley No. 17	Lucie Helen Brittain Jacqueline Cashmore James Jopson Charters Paul Martin Lakin	603 491 445 (Elected) 1,271
Wales No. 18	Peter Harold Blanksby Audrey Gilbert Gavin Peter Sharp Simon Andrew Tweed	569 522 (Elected) 1,045 723
Wath No. 19	William Alexander Sangster Jennifer Cherry Tiptaft	(Elected) 1,641 924

Wickersley No. 20	Tina Charisse Dowdall Alan Derek Napper Martyn Lawton Parker Peter Thirlwall	512 375 1,096 (Elected) 1,329
Wingfield No. 21	Basil Charles Hammond Joanna Margaret Kirby Terence Richard Sharman	533 866 (Elected) 1,411

M.H. Cuff  
Returning Officer  
May 2007

**MEMBERSHIP ARRANGEMENTS FOR 2007/2008****THE CABINET****COUNCILLOR**

Leader (Chairman)	Stone
Deputy Leader (Vice-Chairman)	Sharman
Cabinet Member for Adult Social Care and Health	Kirk
Cabinet Member for Children and Young People's Services	S. Wright
Cabinet Member for Communities and Involvement	Hussain
Cabinet Member for Sustainability and Innovation	Wyatt
Cabinet Member for Regeneration and Development Services	Smith
Cabinet Member for Lifelong Learning	Rushforth
Cabinet Member for Neighbourhoods	Ellis
Cabinet Member for Streetpride	R. S. Russell

**Cabinet Advisers**

Leader and Deputy Leader – Councillor Littleboy (Senior Adviser) together with Councillor Robinson

Adult Social Care and Health – Councillor Gosling (Senior Adviser) together with Councillor P.A. Russell

Children and Young People's Services – Councillor Havenhand (Senior Adviser) together with Councillor Whelbourn

Communities and Involvement – Councillor Burton (Senior Adviser)

Sustainability and Innovation – Councillor Hodgkiss (Senior Adviser)

Regeneration and Development Services – Councillor Walker (Senior Adviser) together with Councillor Sangster

Lifelong Learning - Councillor Falvey (Senior Adviser) together with (1 vacancy)

Neighbourhoods – Councillor N. Hamilton (Senior Adviser) together with Councillor Kaye

Streetpride – Councillor J. Hamilton (Senior Adviser) together with (1 vacancy)

**AREA ASSEMBLIES****CHAIRMEN****VICE-CHAIRMAN**

Wentworth North (Hooper, Wath, Swinton)	Hodgkiss	J. Hamilton
Rotherham North (Keppel, Wingfield, Rotherham West)	Johnston	Goult
Rotherham South (Rotherham East, Boston Castle, Sitwell)	Dodson	McNeely
Wentworth South (Rawmarsh, Valley, Silverwood)	Lakin	Whelbourn
Rother Valley West (Brinsworth/Catcliffe, Rother Vale, Holderness)	Swift	F. Wright
Rother Valley South (Dinnington, Anston/Woodsetts, Wales)	Whysall	Havenhand
Wentworth Valley (Maltby, Hellaby, Wickersley)	Robinson	Rushforth

REGULATORY BOARDS

Standards Committee

Councillors Clarke, Hodgkiss,  
Robinson and Slade

Independent Members

Mr. M. Andrew  
Ms. J. Bartrop  
Mrs. A. Bingham  
Mr. I. Daines  
Mr. J. Maric  
Mr. P. Matthews

Parish Councils' Representative

Councillor A. Buckley

Licensing Board

Councillor Barron (Chairman)  
Councillor Binnie  
Councillor Dodson  
Councillor Doyle  
Councillor Falvey  
Councillor Foden  
Councillor Goulty  
Councillor Hamilton, J.  
Councillor Havenhand  
Councillor Jack  
Councillor Lakin  
Councillor McNeely  
Councillor Russell, P. A.  
Councillor St. John  
Councillor Sangster  
Councillor Slade  
Councillor Swift  
Councillor Wootton (Vice-Chairman)  
Councillor Wright, F.

(2 vacancies)

(21)

Licensing Committee

Councillor Barron (Chairman)  
Councillor Doyle  
Councillor Foden  
Councillor Goulty  
Councillor Hamilton, J.  
Councillor Havenhand  
Councillor Jack  
Councillor Lakin  
Councillor Russell, P. A.  
Councillor Sangster  
Councillor Swift  
Councillor Wootton (Vice-Chairman)  
Councillor Wright, F.

(2 vacancies)

(15)

Planning Board

Councillor Akhtar  
Councillor Atkin  
Councillor Billington  
Councillor Burton  
Councillor Dodson (Vice-Chairman)  
Councillor Kaye  
Councillor License  
Councillor Littleboy  
Councillor McNeely  
Councillor Nightingale  
Councillor Pickering (Chairman)  
Councillor Robinson  
Councillor Russell, G. A.  
Councillor Russell, R. S.  
Councillor Smith  
Councillor Turner  
Councillor Walker  
Councillor Wardle  
Councillor Whysall

(2 vacancies)

(21)



Audit Committee

Councillor Clarke  
Councillor Kaye (Vice-Chairman)  
Councillor License  
Councillor Sangster  
Councillor Wardle (Chairman)

(5)

SCRUTINY PANELS

Democratic Renewal

Councillor Austen (Vice-Chairman)  
Councillor Cutts  
Councillor Dodson  
Councillor Foden  
Councillor Hamilton, J.  
Councillor Johnston  
Councillor Littleboy  
Councillor Mannion  
Councillor Pickering  
Councillor Sangster  
Councillor Whelbourn (Chairman)

(11)

Sustainable Communities

Councillor Atkin  
Councillor Barton  
Councillor Cutts  
Councillor Falvey  
Councillor Goulty  
Councillor Havenhand  
Councillor Lakin  
Councillor Lee  
Councillor McNeely (Chairman)  
Councillor Nightingale  
Councillor Robinson  
Councillor Russell, P. A. (Vice-Chairman)  
Councillor Walker  
Councillor Wright, F.

(14)

Children and Young People's Services

Councillor Ali  
Councillor Barron  
Councillor Burton (Vice-Chairman)  
Councillor Dodson  
Councillor Kaye  
Councillor License  
Councillor Russell, G.A. (Chairman)  
Councillor Sharp  
Councillor Swift

(9)

Regeneration

Councillor Akhtar (Chairman)  
Councillor Barron  
Councillor Binnie  
Councillor Boyes (Vice-Chairman)  
Councillor Gilding  
Councillor Gosling  
Councillor Hamilton, N.  
Councillor Slade  
Councillor Swift  
Councillor Thirlwall  
Councillor Turner  
Councillor Whysall

(12)

Adult Services and Health

Councillor Billington  
Councillor Clarke  
Councillor Doyle (Chairman)  
Councillor Hodgkiss  
Councillor Jack (Vice-Chairman)  
Councillor Jackson  
Councillor St. John  
Councillor Sangster  
Councillor Turner  
Councillor Wootton  
Councillor F. Wright

(11)

Performance and Scrutiny Overview Committee

Councillor Stonebridge (Chairman)

Councillor Akhtar

Councillor Austen

Councillor Boyes

Councillor Burton

Councillor Clarke

Councillor Doyle

Councillor Jack

Councillor McNeely

Councillor Russell, G. A.

Councillor Russell, P. A.

Councillor Whelbourn

(12)

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
--

<b>1.</b>	<b>Meeting:</b>	<b>Annual Council Meeting</b>
<b>2.</b>	<b>Date:</b>	<b>18th May, 2007</b>
<b>3.</b>	<b>Title:</b>	<b>Delegation of Powers</b>
<b>4.</b>	<b>Programme Area:</b>	<b>Chief Executive's Directorate</b>

### **5. Summary**

The Council's Constitution includes at Appendix 10 the Council's Scheme of Delegation of Powers to Members and Officers.

It is proposed to update this Appendix to reflect recent changes to Member and Officer structures.

Copies of the revised document are available at the Town Hall reception and on the Intranet/Internet as part of the agenda for this meeting.

It is also proposed to undertake a more detailed review of delegated powers as part of the "Our Future" initiative.

### **6. Recommendations:-**

- 1. That the Delegation of Powers Scheme for 2007/08 be approved.**
- 2. That the Scheme be reviewed as part of the "Our Future" initiative.**

## **7. Proposals and Details**

Appendix 10 to the Council's Constitution includes a comprehensive series of reports setting out the Council's Delegation of Powers Scheme. This includes powers delegated to the various Members, Member meetings and officers.

The Annual Council Meeting is to consider revised portfolios for Cabinet Members. There has also been a recent change to the composition of the Council's Corporate Management Team and a number of revisions in senior management posts.

The opportunity has therefore been taken to update the reports and copies are available at the Town Hall for inspection and are also on the Intranet as part of the agenda for this meeting.

I attach at Appendix A that part of the Scheme that relates to Members. This form pages 9 – 31 of the proposals.

## **8. Finance**

There are no direct financial implications in this report.

## **9. Risks and Uncertainties**

Without a clear and specific Scheme of Delegation of Powers then there may be confusion and incorrect decision making.

## **10. Policy and Performance Agenda Implications**

Rotherham Proud requires sound corporate governance and open and transparent decision making.

## **11. Background Papers and Consultation**

The Council's Constituion.

**Contact Name :** *Lewis South, Democratic Services Manager, Ext. 2050*  
*lewis.south@rotherham.gov.uk*

## **THE SCHEME OF DELEGATION FOR MEMBERS AND OFFICERS**

<a href="#"><u>Matters reserved to the Full Council</u></a>	1
<a href="#"><u>Functions discharged by Anston Parish Council</u></a>	6
<a href="#"><u>Appeals and Grievance Panels, Appointments Panels, Early Release Panels and Staffing Committee</u></a>	7
<a href="#"><u>Introductory Tenancies – Review Panel</u></a>	8
<a href="#"><u>To the Cabinet</u></a>	9
<a href="#"><u>To the Planning Board</u></a>	10
<a href="#"><u>Licensing Board</u></a>	12
<a href="#"><u>Regeneration and Asset Board</u></a>	13
<a href="#"><u>Audit Committee</u></a>	14
<a href="#"><u>General functions to be discharged by Cabinet Members</u></a>	15
<a href="#"><u>The Leader</u></a>	16
<a href="#"><u>The Deputy Leader</u></a>	16
<a href="#"><u>The Cabinet Member for Sustainability and Innovation</u></a>	17
<a href="#"><u>The Cabinet Member for Adult Social Care and Health</u></a>	18
<a href="#"><u>Cabinet Member for Regeneration and Development</u></a>	19
<a href="#"><u>Cabinet Member for Streetpride</u></a>	23
<a href="#"><u>Cabinet Member for Lifelong Learning</u></a>	25
<a href="#"><u>Cabinet Member for Children and Young People’s Services</u></a>	27
<a href="#"><u>Cabinet Member for Neighbourhoods</u></a>	30
<a href="#"><u>Cabinet Member for Communities and Involvement</u></a>	31
<a href="#"><u>Delegation to Officers</u></a>	32
<a href="#"><u>General Principles</u></a>	32
<a href="#"><u>To the Chief Executive</u></a>	33
<a href="#"><u>To the Borough Emergency Co-ordinators</u></a>	34

<a href="#">To All Strategic Directors</a>	35
<a href="#">To the Strategic Director of Children and Young People’s Services</a>	36
<a href="#">To the Strategic Director of Neighbourhoods and Adult Services</a>	39
<a href="#">To the Strategic Director of Environment and Development Services</a>	40
<a href="#">To the Strategic Director of Finance</a>	41
<a href="#">To All Service Directors</a>	45
<a href="#">To the Assistant Chief Executive - Legal and Democratic Services</a>	49
<a href="#">To the Democratic Services Manager</a>	52
<a href="#">To the Service Leader, Public Access</a>	53
<a href="#">To the Director of Neighbourhood Development</a>	54
<a href="#">To the Director of Housing Services</a>	see attached schedule
<a href="#">To the Director of Neighbourhood Services</a>	55
<a href="#">To the Director of Adult Services</a>	see attached schedule
<a href="#">To the Director of Planning and Transportation</a>	56
<a href="#">To the Director of Streetpride</a>	66
<a href="#">To the Director of Rotherham Investment and Development Office</a>	70
<a href="#">To the Director of Asset Management Services</a>	73
<a href="#">To the Director of Culture and Leisure Services</a>	75
<a href="#">Additional Schedules</a>	77

**MATTERS RESERVED TO THE FULL COUNCIL**

1. The adoption (with or without modification) of the Adult Learning Plan (Learning and Skills Council initiative).
2. The adoption (with or without modification) of the Annual Library Plan (section 1 (2) of the Public Libraries and Museums Act 1964).
3. The adoption (with or without modification) of the Performance Plan. (section 6 (1) of the Local Government Act 1999).
4. The adoption (with or without modification) of the plan and strategy for control of the Council's borrowing, capital expenditure and treasury management.
5. The adoption (with or without modification) of the Children's Services Plan (paragraph 1A of Schedule 2 to the Children Act 1989).
6. The preparation of strategic plans across the Social Services directorate which provide a long and medium term strategy for the development of Social Services, consistent with the overall policy framework of the Council.
7. The adoption (with or without modification) of the Community Strategy (section 4 of the Local Government Act 2000).
8. The adoption (with or without modification) of the Corporate Plan.
9. The adoption (with or without modification) of the Crime and Disorder Reduction Strategy (sections 5 and 6 of the Crime and Disorder Act 1998).
10. The adoption (with or without modification) of the plans and strategies that together comprise the Development Plan.
11. The adoption (with or without modification) of the Education Development Plan (section 6 of the School Standards and Framework Act 1998).
12. The adoption (with or without modification) of the Behaviour Support Plan.
13. The adoption (with or without modification) of the plan and strategy which comprises the Housing Investment Programme.
14. The adoption (with or without modification) of the Lifelong Learning and Development Plan.
15. The adoption (with or without modification) of the Local Transport Plan (section 108 (3) of the Transport Act 2000).
16. The adoption (with or without modification) of the Youth Justice Plan (section 40 of the Crime and Disorder Act 1998).
17. (a) The approval of any plan or strategy (whether or not in the form of a draft) of which any part is required to be submitted to the Secretary of State or any Minister of the Crown for his approval; and



(b) the adoption (with or without modification) of the plan or strategy.

18. The adoption or approval of any plan or strategy (whether statutory or non-statutory) specifically reserved to the full Council.

**APPLICATIONS TO THE SECRETARY OF STATE FOR CONSENT TO DISPOSALS**

19. The authorisation of the making of an application to the Secretary of State for the inclusion of a disposal of one or more dwelling-houses in a disposals programme for a financial year (section 135 (5) of the Leasehold Reform, Housing and Urban Development Act 1993).
20. The authorisation of the making of an application to the Secretary of State for consent to dispose one or more dwelling-houses in a disposals programme for a financial year (section 32 of the Housing Act 1985 (power to dispose of land held for the purposes of Part II of the Housing Act 1985)).
21. The authorisation of the making of an application to the Secretary of State for consent to dispose of one or more dwelling-houses in a disposals programme for a financial year (section 43 of the Housing Act 1985 (consent required for certain disposals not within section 32 of the 1985 Act)).

**MEMBERS' ALLOWANCES, ETC.**

22. The making of any scheme for allowances for members of the Council, or the amending, revoking or replacing of any such scheme; and the determination of the amount of any allowance payable under a scheme, or the rates at which payments of an allowance are to be made (section 18 of the Local Government and Housing Act 1989 and regulations made under the 1989 Act).
23. The determination of the amount of any allowance payable in respect of –
- (a) chairman's expenses;
  - (b) vice-chairman's expenses;

**FUNCTIONS RELATING TO ELECTIONS**

24. Duty to appoint an electoral registration officer (section 8(2) of the Representation of the People Act 1983).
25. Power to assign officers in relation to requisitions of the registration officer (section 52 (4) of the Representation of the People Act 1983).
26. Functions in relation to parishes and parish councils (Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part)
27. Power to dissolve small parish councils (section 10 of the Local Government Act 1972).
28. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups (section 11 of the Local Government Act 1972).

29. Duty to appoint returning officer for local government elections (section 35 of the Representation of the People Act 1983).
30. Duty to provide assistance at European Parliamentary elections (section 7 to the European Parliamentary Elections Act 2002)
31. Duty to divide constituency into polling districts (section 18 of the Representation of the People Act 1983).
32. Power to divide electoral divisions into polling districts at local government elections. (section 31 of the Representation of the People Act 1983).
33. Powers in respect of holding of elections (section 39 (4) of the Representation of the People Act 1983).
34. Power to pay expenses properly incurred by electoral registration officers (section 54 of the Representation of the People Act 1983).
35. Power to fill vacancies in the event of insufficient nominations (section 21 of the Representation of the People Act 1985).
36. Duty to declare vacancy in office in certain cases. (Section 86 of the Local Government Act 1972)
37. Duty to give public notice of a casual vacancy (section 87 of the Local Government Act 1972).
38. Power to make temporary appointments to parish councils (section 91 of the Local Government Act 1972).
39. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents (rule 48 (3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48 (3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
40. Power to submit proposals for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 (section 10 of the Representation of the People Act 2000).

## **FUNCTIONS RELATING TO NAMES AND STATUS OF AREAS AND INDIVIDUALS**

41. Power to change the name of a district (section 74 of the Local Government Act 1972).
42. Power to change the name of a parish (section 75 of the Local Government Act 1972).
43. Power to petition for a charter to confer borough status (section 245B of the Local Government Act 1972).
44. Power to confer title of honorary alderman or to admit to be an honorary freeman (section 249 of the Local Government Act 1972).

**FUNCTIONS RELATING TO FINANCE**

- 45. The setting of the council tax for a financial year (sections 30 and 33 of the Local Government Finance Act 1992 and the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995).
- 46. Determination of the budget requirement for a financial year (section 32 of the Local Government Finance Act 1992 and the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995).
- 47. The approval (with or without modification) of the programme of capital expenditure for a financial year, and any variations to the programme during the year (Part IV of the Local Government and Housing Act 1989, DETR Circular 11/90 and the Guide to the Local Government Capital Finance System).
- 48. Determination of the borrowing limit for a financial year (section 45 of the Local Government and Housing Act 1989).
- 49. Duty to approve income and expenditure and balance sheet or record of payments and receipts (as the case may be) for a financial year (section 23 of the Local Government Finance Act 1982 and the Accounts and Audit Regulations 1996 (S.I. 1996/590)).
- 50. Duty to make arrangements for proper administration of financial affairs, including the making of financial regulations, etc. (section 151 of the Local Government Act 1972).
- 51. To approve the Audit Commission Relationship Manager's annual letter

**DESIGNATED OFFICERS**

- 52. Duty to designate officer as the head of paid service ("the Chief Executive"), and to provide staff, etc. (Section 4 (1) of the Local Government and Housing Act 1989).
- 53. Duty to designate officer as the section 151 officer (Section 151 of the Local Government Act 1972).
- 54. Duty to designate officer as the monitoring officer, and to provide staff, etc. (section 4 (1) of the Local Government and Housing Act 1989).
- 55. Power to appoint officers for particular purposes (appointment of "proper officers") (section 270 (3) of the Local Government Act 1972).

**POWER TO MAKE, AMEND OR RE-ENACT BYELAWS**

- 56. Power to make, amend, revoke or re-enact byelaws (any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978).

**POWER TO PROMOTE OR OPPOSE LOCAL OR PERSONAL BILLS**

- 57. Power to promote or oppose local or personal Bills (section 239 of the Local Government Act 1972).

**MISCELLANEOUS FUNCTIONS**

58. The making of arrangements for the discharge of functions by a committee, officer, another local authority or by a joint committee of two or more authorities (section 101 of the Local Government Act 1972).
59. The appointment of committees for the discharge of functions (section 102 of the Local Government Act 1972).
60. Power to make standing orders (section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972).
61. Power to make standing orders as to contracts (section 135 of the Local Government Act 1972).
62. Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal) (section 112 of the Local Government Act 1972).
63. Power to make payments or provide other benefits in cases of maladministration etc. (section 92 of the Local Government Act 2000).
64. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be) (The Accounts and Audit Regulations 1996 (S.I. 1996/590)).
65. Pursuant to an order of a Minister made under section 70 Of the Deregulation and Contracting Out Act 1994, the power:–
  - (i) to authorise a person to exercise a function specified in the order; and
  - (ii) to revoke the authorisation, to the extent that the discharge of the function is not the responsibility of the executive.
66. Power to discharge a function which, by virtue of any Act of Parliament, regulation or local Act, may not be discharged by the executive.
67. The appointment of a Chief Executive (Head of the Paid Service).

**DELEGATED POWER TO ANSTON PARISH COUNCIL**

1. The discharge by Anston Parish Council of the power to declare a local nature reserve under section 21 of the National Parks and Access to the Countryside Act 1949 in respect of Anston Stones Local Nature Reserve and to administer it.

**APPEAL AND GRIEVANCE PANEL**

1. The determination of an appeal against any decision made by or on behalf of the Council (no member of the executive or other member of the Council who was involved in making the decision appealed against may sit on the panel that considers the appeal).
2. Appeal and Grievance Panels shall comprise three members of the Council selected from a pool of six members (two of whom shall be Cabinet members and four of whom shall be Scrutiny Panel members), who have received appropriate training on employment related issues.

**APPOINTMENTS PANEL**

1. The power to appoint strategic directors and service directors.
2. The Panel shall comprise the Leader and Deputy Leader, the relevant Cabinet member and two representatives from the scrutiny panels nominated by the chairman of the Performance and Scrutiny Overview Committee.

**EARLY RELEASE PANEL**

1. The power to determine applications for early retirement.
2. The Panel shall comprise the Leader, Deputy Leader and the relevant Cabinet Member from the employing area.

**STAFFING COMMITTEE**

1. The Committee shall comprise the Leader, Deputy Leader, Leader of the Majority Opposition and other Cabinet Members whose portfolios are affected by the issues to be considered.
2. The Committee shall be empowered to determine:-
  - conditions of service and remuneration of the Chief Executive and chief officers.
  - Employment policies and procedures
  - Response to consultations
  - Responding to emergency staffing matters

**NEGOTIATING PANEL**

1. The Panel be authorised to negotiate with Trades Unions on employment matters, determine appropriate responses and direct officers accordingly.
2. The Panel shall comprise the Leader, Deputy Leader and relevant Cabinet Member.

**INTRODUCTORY TENANCY – REVIEW PANEL**

1. The Panel shall comprise at least three elected members from the Sustainable Community Scrutiny Panel and a housing policy advisor.
2. The Panel and the senior officers in Neighbourhoods Management may review and confirm, confirm with conditions attached or not confirm notices of proceedings for possession in respect of breaches of tenancy agreements.

## **THE CABINET**

The Cabinet has the following terms of reference in relation to functions of the executive:-

1. Responsibility for all and delegated powers in respect of all executive functions not specifically delegated to others.
2. The determination of all service delivery issues not delegated to others.
3. The development of plans and strategies for approval by the full Council, and the determination and approval of plans and strategies which do not require the approval of the full Council.
4. The determination of action required to implement plans and policies agreed by the Council.
5. The adoption of corporate policies which assist in the delivery of service and business plans.
6. The determination of any transfer of resources within and across the directorates as required by financial regulations.
7. The monitoring of policy development by each directorate to ensure consistency where appropriate of policy development between directorates.
8. The monitoring of all policy development to ensure consistency with overall council policy.
9. The receipt of and consideration of action consequent upon any report relating to any inspection of the whole or part of the Council.
10. The receipt of and consideration of action consequent upon any report concerning the inspection of any school within the borough.
11. The approval of any submission or application to the Secretary of State regarding the formation of an Education Action Zone within the borough.
12. The approval of the exercise of any powers under sections 14 or 15 of the School Standards and Framework Act 1998 (intervention by LEAs in schools causing concern) or any amendment or re-enactment thereof.



## **THE PLANNING BOARD**

The Planning Board has the following terms of reference in relation to non-executive planning functions –

- 1.** Power to determine applications for planning permission – sections 70 (1) (a) and (b) and 72 of the Town and Country Planning Act 1990.
- 2.** Power to determine applications to develop land without compliance with conditions previously attached – section 73 of the Town and Country Planning Act 1990.
- 3.** Power to grant planning permission for development already carried out – section 73A (a) of the Town and Country Planning Act 1990.
- 4.** Power to decline to determine an application for planning permission – section 70A of the Town and Country Planning Act 1990.
- 5.** Power to determine application for planning permission made by a local authority, alone or jointly with another person – section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
- 6.** Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights – Parts 6,7,11,17,19,20,21 to 24,26,30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
- 7.** Power to enter into agreement regulating development or use of land –section 106 of the Town and Country Planning Act 1990.
- 8.** Power to issue a certificate of existing or proposed lawful use or development – sections 191 (4) and 192 (2) of the Town and Country Planning Act 1990.
- 9.** Power to serve a completion notice – section 94 (2) of the Town and Country Planning Act 1990.
- 10.** Power to grant consent for the display of advertisements – section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
- 11.** Power to require the discontinuance of a use of land – section 102 of the Town and Country Planning Act 1990.
- 12.** Power to serve a planning contravention notice, breach of condition notice or stop notice – sections 171C, 187A and 183 (1) of the Town and Country Planning Act 1990.
- 13.** Power to issue an enforcement notice – section 172 of the Town and Country Planning Act 1990.
- 14.** Power to apply for an injunction restraining a breach of planning control – section 187B of the Town and Country Planning Act 1990.

- 15.** Power to determine applications for hazardous substances consent, and related powers – sections 9 (1) and 10 of the Planning (Hazardous Substances) Act 1990.
- 16.** Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject – paragraph 2 (6) (a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9 (6) of Schedule 13 to the Environment Act 1995 and paragraph 6 (5) of Schedule 14 to that Act.
- 17.** Power to require proper maintenance of land – section 215 (1) of the Town and Country Planning Act 1990.
- 18.** Power to determine application for listed building consent, and related powers – sections 16 (1) and (2), 17, 27 (2) and 33 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 19.** Power to determine applications for Conservation Area Consent – section 16 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74 (3) of that Act.
- 20.** Duties relating to applications for Listed Building Consent and Conservation Area Consent – sections 13 (1) and 14 (1) and (4) of the Planning (Listed Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.
- 21.** Power to serve a Building Preservation Notice, and related powers – sections 3 (1) and 4 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 22.** Power to issue an enforcement notice in relation to the demolition of an unlisted building in a conservation area – section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 23.** Powers to acquire a listed building in need of repair and to serve a repairs notice – sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 24.** Power to apply for an injunction in relation to a listed building – section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 25.** Power to execute urgent works – section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 26.** Powers relating to the preservation of trees – sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).
- 27.** Powers relating to the protection of important hedgerows – The Hedgerows Regulations 1997 (S.I. 1997/1160).
- 28.** Power to make limestone pavement orders – section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).

### **THE LICENSING BOARD**

The determination of all matters relating to the Council's statutory licensing functions as set out below –

1. Street and house to house Collections.
2. Amusements with prizes.
3. Operation of the Theatres Act 1968.
4. Applications for additional hackney carriage plates, granting of hackney carriage drivers' licences and transfer of hackney carriage plates from one vehicle to another within the same ownership.
5. Applications for extensions of hours of opening for cinemas.
6. The control of Hackney Carriage and Private Hire Licences under Part II of the Local Government (Miscellaneous Provisions) Act 1976, including the determination of hackney carriage fares and licence fees.
7. Operation of sections 19 to 21 of the Transport Act 1985 (grant of permits in relation to small buses).
8. Public entertainment licences (including open-air musical entertainment); private places of entertainment licences.
9. Operation of the Cinemas Act 1985.
10. Late night refreshment house licences.
11. Sex establishments – grant, renewal, transfer and variations of licenses.
12. Game dealers.
13. Registration of small lotteries under the Lotteries and Amusements Act 1976.
14. Exhibitions of hypnotism.
15. Marriage Act 1949 – applications for approval of premises.
16. Gaming Act 1968 – amusement arcade and AWP applications – grant of licences.
17. The Motor Salvage Operators Regulations 2002 – registration.

### **THE LICENSING ACT 2003 COMMITTEE**

1. The Licensing Act 2003 Committee shall comprise not more than 15 members and may appoint from time to time sub-committees in order to effectively discharge the functions delegated to the Board by the Council in relation to the 2003 Act.
2. The Licensing Act 2003 Committee is responsible for the discharge of non-executive functions under the Licensing Act 2003.

**THE REGENERATION AND ASSET BOARD**

The Regeneration and Asset Board has the delegated power to determine the following -

1. To agree to the disposal by way of sale or lease of land and buildings.
2. To develop and approve the Corporate Property Strategy.
3. To develop, approve and monitor the Corporate Asset Management Plan.
4. To approve the Acquisition and Disposal Plan.
5. To approve the construction procurement strategy.
6. To approve the prioritisation methodology on property spending.
7. To monitor property performance and expenditure and recommend adjustments.
8. To determine the future use of land and property.
9. To approve property bids to the capital programme.
10. To develop, implement and monitor the Regeneration Plan.
11. Re; Maintenance Capital Investment:- expenditure schedules to be agreed by the Regeneration and Asset Board
12. Schemes within Categories 1 & 2 be evaluated and agreed by the Regeneration and Asset Board with a costing of £1.5 million per annum and over the next 3 years funded via capital receipts.
13. To agree to the disposal of land at less than market value.

(Minutes Nos. B60(3) of the Cabinet held on 20<sup>th</sup> June, 2005 and B108 of the Cabinet held on 21<sup>st</sup> September, 2005 refer)

**THE AUDIT COMMITTEE**

The Audit Committee has the delegated power to determine the following –

- approve the internal auditor’s annual plan
- approve revisions to the internal auditor’s plan
- approve the internal auditor’s annual report
- approve the annual review of the effectiveness of internal audit
- approve the external auditor’s annual plan
- approve revisions to the external auditor’s plan
- approve the external auditor’s annual report
- approve the statement on internal control
- approve the draft statement of accounts for audit
- receive and respond to the external auditor’s ISA260 (International Standards on Auditing) report on the accounts
- approve the final audited statements of accounts

**GENERAL DELEGATIONS TO CABINET MEMBERS IN RESPECT OF THEIR OWN PORTFOLIOS AND TO THE LEADER AND DEPUTY LEADER IN RESPECT OF FUNCTIONS NOT ALIGNED TO A PARTICULAR PORTFOLIO**

1. The power to approve representation on any outside body discharging executive functions
2. The power to authorise attendance at any conference or course
3. Powers in relation to contracts

Please see the Council's Standing Orders and Financial Regulations.

4. Power to determine appropriate levels of charging for services.
5. With regard to Performance Review, power –
  - To approve Directorate and Service Plans which will form the basis for budget planning and monitoring
  - To adopt and maintain a plan and procedure for monitoring and reviewing Service activity/outcomes in fulfilling the terms of the Directorate and Service Plans.
  - To be responsible for the monitoring and review of Service performance in the use of allocated resources against strategic objectives as outlined in the Directorate and Service Plans.
  - To determine any transfer of resources in accordance with financial regulations.
  - To be responsible for the monitoring and review of service performance across the Directorate to ensure consistency in the delivery of outputs and outcomes against Service Plans.
  - To ensure consistency, where necessary, of policy development between the Services.
  - To ensure all policy development is consistent with overall Council policy and national priorities.
  - To monitor and review activity across the Directorate with respect to complaints and determine action in response.
  - To monitor and review activity across the Directorate with respect to workforce development and staff care.

6. To declare land and premises surplus to requirements, subject to reporting to the Regeneration and Asset Board.

In respect of any matter which is delegated to a Cabinet Member, if he or she is absent or has an interest in a particular item of business then the Leader is authorised to substitute.

If the above circumstances arise and the Leader is unavailable, then the Deputy Leader is authorised to substitute.

If either the Leader or Deputy Leader is absent or has an interest to declare in respect of business delegated to them, or if both are unavailable to substitute for another Cabinet Member then any other available Cabinet Member be authorised to substitute.

## **THE LEADER**

The Leader's portfolio is as follows –

- Overall leadership of the Council
- Strategic Corporate policy (the Corporate Plan) & Community Strategy (in consultation with the Cabinet Member for Communities and Involvement)
- External Affairs (sub-regional, regional, national and international partnerships and engagement)
- Leadership in relation to the Rotherham Partnership
- Overall responsibility for Corporate Governance

### **DELEGATIONS**

- To sign the statement on internal control.
- Authority to determine the general arrangements of the Council including links with the Local Strategic Partnership and overall responsibility for the Chief Executive's Directorate.

## **THE DEPUTY LEADER**

The Deputy Leader's portfolio is as follows –

- To deputise for the Leader when required
- Human resources
- Member Development and Training
- Legal and Democratic Services
- Performance Management and Best Value
- RBT Client Function (in consultation with the Cabinet Member for Sustainability and Innovation)
- Financial Management
- Internal Audit and Risk Management
- External Funding
- Lead member for Innovation and Service Re-Engineering (linked to the Gershon review and savings)
- Strategic Partnerships linked to the above agendas

### **DELEGATIONS**

- To agree third party funding under the Landfill Tax Credits Scheme
- To agree applications for rate relief, with power to refer to full Cabinet in particular cases
- To sign the statement on internal control in the absence of the Leader

**THE CABINET MEMBER FOR SUSTAINABILITY AND INNOVATION**

The Cabinet Member for Sustainability and Innovation’s portfolio is as follows –

- Sustainable Development and Strategy
- Innovation and Service Re-Engineering (in consultation with the Deputy Leader)
- Customer Services Strategy and Access Policy (including one-stop shops)
- Procurement Strategy
- RBT Client Function (in consultation with the Deputy Leader)
- PFI and Strategic Partnerships
- Communications and Marketing Strategy
- E-Government, Data Protection and Freedom of Information
- It Strategy and Management
- Strategic Partnerships linked to the above agendas

**DELEGATIONS**

- To agree liaison and consultation arrangements with RBT.
- To agree policy and strategic direction in relation to E Government, ICT, Procurement and Communications and Marketing.
- To agree policy and strategic direction in relation to the Customer Services Strategy and Access Policy.
- To agree policy and strategic direction in relation to Sustainable Communities.
- To agree the submission and acceptance of tenders within this portfolio.



**THE CABINET MEMBER FOR ADULT SOCIAL CARE AND HEALTH**

**PORTFOLIO**

The Cabinet Member for Adult Social Care and Health's portfolio is as follows –

- Adult Social Services and Health
- Adult Social Care
- Lead Member for Public Health Strategy (in consultation with the Cabinet Member for Children and Young People's Services in relation to children's health and the Cabinet Member for Neighbourhoods)
- Older People's Strategy
- Lead member for Housing Adaptations and Supporting people (in consultation with the Cabinet Member for Neighbourhoods)
- Strategic partnerships linked to the above agendas

DELEGATIONS

SEE ATTACHED SCHEDULE C

## **THE CABINET MEMBER FOR REGENERATION AND DEVELOPMENT**

### PORTFOLIO

The Cabinet Member for Regeneration and Development's portfolio is as follows –

- Economic Development and Regeneration Strategy and Services
- Rotherham Renaissance
- Culture and Leisure Services (libraries, museums, arts, recreation, green spaces)
- Corporate Property and Asset Management
- Planning, Transportation and Development
- Tourism
- Emergency Planning
- Health, Welfare and Safety Issues
- Waste Management and Recycling Strategy
- Strategic Partnerships linked to the above agendas

### DELEGATIONS

#### **1. *Plans and strategies***

The formulation, or preparation, and review of the draft Airport Surface Access Strategies.

The formulation, or preparation, of the draft plans and strategies that together comprise those local development documents (Unitary Development Plan/Local Development Framework), other than development plan documents (section 17 Planning and Compulsory Purchase Act 2004). The Cabinet will recommend approval or adoption of the draft plans or strategies that together comprise those development plan documents, the approval or adoption of which is reserved to the full Council.

The formulation, or preparation, of the draft Regeneration Plan (development, implementation and monitoring delegated to the Regeneration and Asset Board).

The formulation, or preparation, of the draft Economic, Regeneration and Development Strategy.

The formulation, or preparation, of the Tourism Strategy.

The formulation, or preparation, and review of the Freight Movement Strategy.

The formulation, or preparation, of the Environment and Sustainability 21 Strategy insofar as it concerns the Environment and Development Services Directorate.

The formulation, or preparation, and review of the Local Transport Plan (in consultation with the Cabinet Member for Streetpride).

(The Cabinet as a whole will recommend approval, or adoption, of the draft plan or strategy; approval or adoption of the plan (with or without modification) reserved to the full Council)

The formulation, or preparation, of the Local Transport Plan Annual Progress Report (in consultation with the Cabinet Member for Streetpride).

The formulation, or preparation, and review of the Parking Strategy.

The formulation, or preparation, and review of the Road Safety Plan.

The formulation, or preparation, of the draft Travel Plan.

The formulation, or preparation, and review of the Walking, Cycling and Bus Strategies.

The formulation, or preparation, of the Countryside Traffic Management Strategy.

The formulation, or preparation, and review of the Powered Two Wheeler Strategy.

The formulation, or preparation, of any plan or strategy (whether or not in the form of a draft), of which any part is required to be submitted to the Secretary of State or any Minister of the Crown for his approval, that is allocated to the particular member of the executive. (The Cabinet as a whole will recommend approval or adoption of the draft plan or strategy; approval or adoption of the plan (with or without modification) reserved to the full Council.)

The formulation, or preparation, of any plan or strategy, in relation to the Directorate, (whether statutory or non-statutory).

**2. *Economic development and Regeneration Strategies and Services, and inward investment***

The discharge of any executive function in relation to submissions for grant aid, special financial packages for inward investment and submissions to awarding bodies in respect of capital schemes, including capital schemes for highways. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

The discharge of any executive function in connection with the Rotherham Local Strategic Partnership, and functions associated with any grant regime, including Single Regeneration Budget (SRB6 – up to March 2008), Rotherham Economic Regeneration Fund (REFR), European Regional Development Fund (ERDF) and Objective 1 (or its successor fund). (The consideration and determination of any strategic or policy issue in connection with this function.)

**3. *Rotherham Renaissance***

Implementation and monitoring of the Town Centre Renaissance Masterplan.

**4. *Regional Planning, Planning, Transportation and economic development***

Regional Planning Transportation:-

The discharge of any executive function in connection with regional planning transportation. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

Regional Economic Development:-

Regional economic development guidance, including responding to and liaising with other interested parties and representing the Council at meetings at which such guidance is considered.

Planning:-

The discharge of any executive function in respect of the consideration and determination of any development control policy or strategic guidance not related to individual applications. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

The discharge of any executive function in connection with urban design schemes. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

The discharge of any executive function in respect of the designation of any area as a conservation area and the amendment of such areas. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

The discharge (in consultation where appropriate with countryside and conservation bodies) of any function in connection with countryside planning matters, including functions in respect of:-

- (i) the South Yorkshire Community Forest; the Trans-Pennine Trail; the Chesterfield Canal; the Dearne Valley and Creswell Groundworks and like schemes.
- (ii) the preparation of specific schemes and applications for grants in connection with such schemes.

(The consideration and determination of any strategic or policy issue in connection with the particular function.)

#### Transport and highways

In accordance with the South Yorkshire Transport Plan, and other policy documents, the discharge of any executive function in connection with transport policies and programmes. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

The discharge of any executive function in respect of the packaging of bids for regeneration and transport monies. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

The discharge of any executive function in respect of guidance on residential and industrial estate layouts. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

The discharge of any executive function in respect of traffic management, traffic calming and area safety schemes. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

In accordance with the South Yorkshire Strategic Quality Partnership the discharge of any executive function in respect of highway schemes and quality bus corridors. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

#### Building Control

The discharge of any executive function in respect of disabled access and associated matters in relation to applications for building regulations consent. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

#### Compulsory Purchase Orders

The discharge of any executive function in respect of the making of a compulsory purchase order. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

#### Markets and Fairs

The discharge of any executive function concerning markets and fairs, including landlord and tenant matters, in respect of indoor market stalls or units, including rent reviews. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

The discharge of any executive function concerning new licensed markets, and licence conditions or regulations in respect of outdoor markets. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

The discharge of any executive function in respect of any disturbance of the Council's markets' franchise, (including Car Boot Sales). (The consideration and determination of any strategic or policy issue in connection with the particular function.)

The discharge of any executive function in respect of any byelaws for markets or fairs. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

### **5. Culture and Leisure Services**

The discharge of any executive function in respect of Libraries, museums and arts, recreation and green spaces. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

### **6. Tourism**

The discharge of any executive function in relation to tourism. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

### **7. Emergency Planning**

The discharge of any executive function in relation to emergency planning. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

### **8. Health and Safety**

The discharge of any executive function in relation to health, welfare and safety. (The consideration and determination of any strategic or policy issue in connection with the particular function.)

### **9. Waste Management and Recycling Strategy**

The formulation, or preparation, of the Waste Management and Recycling Strategy.

### **10. Strategic Partnerships related to any of the above including:-**

- Flood Alleviation – in conjunction with the Environment Agency and other parties.
- M1 Corridor Air Quality – in conjunction with Sheffield City Council

**CABINET MEMBER FOR STREEPRIDE**

PORTFOLIO

The Cabinet Member for Streetpride portfolio is as follows –

- Streetpride Services
- Waste Management
- Strategic Partnerships linked to the above agendas

DELEGATIONS

***Plans and strategies***

- 1 The formulation, preparation, and review of the Highway Asset Management Plan.
- 2 The formulation, preparation, and review of the Rights of Way Improvement Plan.
- 3 The formulation, preparation, and review of the Winter Service Plan.
- 4 The formulation, preparation, and review of the Municipal Waste Plan.
- 5 The formulation, preparation, and review of the Recycling Plan.
- 6 The formulation or preparation, of any plan or strategy (whether or not in the form of a draft), of which any part is required to be submitted to the Secretary of State or any Minister of the Crown for his approval, that is allocated to the particular member of the executive. (The Cabinet as a whole will recommend approval or adoption of the draft plan or strategy; approval or adoption of the plan (with or without modification) reserved to the full Council.)
- 7 The formulation, or preparation, of any plan or strategy (whether statutory or non-statutory) relevant to the portfolio.
- 8 The formulation, or preparation, of any plan or strategy (whether statutory or non-statutory) in respect of management or maintenance of the highway network.
- 9 The formulation, or preparation, of any plan or strategy (whether statutory or non-statutory) in respect of management or maintenance of any other Streetpride service including street cleansing, grounds maintenance, the Council's woodland estate, trees, land drainage and community engagement.

***Other plans and strategies***

- 10 To be a consultee and assist the Cabinet Member for Regeneration and Development in the formulation, or preparation, and review of the Local Transport Plan. (The Cabinet as a whole will recommend approval or adoption of the draft plan or strategy; approval or adoption of the plan (with or without modification) reserved to the full Council.

- 11 To be a consultee and assist the Cabinet Member for Regeneration and Development in the formulation and preparation of the Local Transport Plan Annual Progress Report.

**Planning**

- 12 To be a consultee and assist the Cabinet Member for Regeneration and Development in the discharge of any function in connection with countryside planning matters, including functions in respect of –
- (i) the South Yorkshire Community Forest; the Trans-Pennine Trail; the Chesterfield Canal; the Dearne Valley and Creswell Groundworks and like schemes;
  - (ii) the preparation of specific schemes and applications for grants in connection with such schemes.

(the consideration and determination of any strategic or policy issue in connection with the particular function.)

**Transport and highways**

- 13 To be a consultee and assist the Cabinet Member for Regeneration and Development in accordance with the South Yorkshire Transport Plan, and other policy documents, the discharge of any executive function in connection with transport policies and programmes.

(The consideration and determination of any strategic or policy issue in connection with the particular function.)

- 14 The discharge of any executive function in respect of the packaging of bids for highway management and maintenance monies.

(The consideration and determination of any strategic or policy issue in connection with the particular function.)

- 15 The discharge of any executive function in respect of the management and maintenance of the highway network.

- 16 The discharge of any executive function in respect of highway schemes beyond those contained within the Local Transport Plan programme.

- 17 The discharge of any executive function in respect of any other Streetpride service including street cleansing, grounds maintenance, the Council's woodland estate, trees, land drainage and community engagement.

**Waste**

- 18 To be the Council's representative on the South Yorkshire Waste Issues Board and to represent the Council on all matters in connection with the Waste into Authority Agreement.

**THE CABINET MEMBER FOR LIFELONG LEARNING**

PORTFOLIO

The Cabinet Member for Lifelong Learning's portfolio is as follows –

- Education Strategy (in consultation with the Cabinet Member for Children and Young People's Services)
- Early Years Programme and Strategy (in consultation with the Cabinet Member for Children and Young People's Services)
- Lifelong Learning Services, including schools, special schools, pupil referral units, colleges, further and higher education, vocational training
- Schools Performance and Governors
- Schools Music Service
- Schools Catering Service
- Strategic partnerships linked to the Lifelong Learning agenda and governance

DELEGATIONS

SEE ALSO ATTACHED SCHEDULE A

1. To determine any significant change in character of schools maintained by the Authority; School Organisation and Planning (in consultation with the Cabinet member for Children and Young People's Services)
2. Securing sufficient school places to provide primary and secondary education and any other education for which the Authority has responsibilities, including:-
  - nursery education;
  - any residual responsibilities for providing further education which are not the responsibility of the Further Education Funding Council;
  - any exceptional provision required for the children of compulsory school age who, by reason of illness, exclusion or otherwise may not receive suitable education;
  - facilities for recreation and social and physical training;
3. The implementation of any policy or strategy in relation to any statutory requirements regarding the curriculum in schools, including the implementation of the National Curriculum and the securing of due provision of religious education; and monitoring schools' performance and school improvement;
4. The implementation of any policy or arrangement relating to the admission of pupils to schools for which the Authority is the admission authority.
5. The approval of any arrangements for the preservation of the character of aided or special agreement schools [foundation or voluntary aided schools upon implementation of the School Standards and Framework Act 1998].
6. The approval of any fixing, review or variation of the standard number of any school.
7. The approval of any Statement setting out the arrangements which the Authority intends to make in order to comply with any limit imposed by Section 1 of the School Standards and Framework Act 1998 (or any amendment thereof) in relation to infant classes at schools maintained by the Authority.



8. The determination of any policy or arrangements which the Authority might wish to adopt to determine eligibility for transport to be provided by the Authority for persons attending schools or other educational institutions.
9. The implementation of any policy or arrangement adopted by the Authority in relation to the provision of meals at schools (including free meals).
10. The determination of any Statement setting out the arrangements the Authority proposes to make in connection with the education of children with behavioural difficulties (made pursuant to Section 527A of the Education Act 1996, or any amendment or re-enactment thereof).
11. The determination of school terms and holidays.
12. The determination of school governor appointments and support arrangements.
13. The approval of arrangements relating to the School Music Service.
14. The determination of matters relating to the Rockingham Professional Development Centre.
15. Monitor and Review arrangements in respect of the Get Real Team.
16. Monitor and Review aspects relating to PFI Operations (Building Learning Communities).
17. Monitor operational issues in schools relating to Health, Welfare and Safety.
18. Monitor and review Emergency Planning in Schools, including Risk Management issues.
19. The approval of arrangements relating to Student Support.
20. The determination (in consultation with Cabinet Member for Children & Young Peoples Services) of policy and strategies in respect of the Inclusions Support Service, Special Schools, PRUs and the Welcome Centre.

**THE CABINET MEMBER FOR CHILDREN AND YOUNG PEOPLE'S SERVICES**

PORTFOLIO

The Cabinet Member for Children and Young People's Services portfolio is as follows –

- The statutory duties attaching to the designated lead member for Children's Services under the Children Act 2004 (The consideration and determination of any strategic or policy issue in connection with Children & Young Peoples Services other than those delegated to Cabinet Member for Lifelong Learning.)
- The development of integrated Children's Services in accordance with the requirements of the Children Act 2004 and statutory guidance relating to it.
- Children's Social Care and Health.
- Youth Offending Service.
- Strategic partnerships linked to the Children and Young People's agenda and governance.
- Lead Member for Education & 14-19 Strategy (in consultation with the Cabinet Member for Lifelong Learning)
- Lead Member for Early Years Strategy (in consultation with the Cabinet Member for Lifelong Learning)
- Youth Services

DELEGATIONS

SEE ALSO ATTACHED SCHEDULE A

(In conjunction as appropriate with the Cabinet Member for Adult Social Care and Health and the Cabinet Member for Lifelong Learning)

1. To be responsible for the operation of the Council's statutory obligation for the delivery of Children And Young People's Services as delegated by the Cabinet, Policy and Planning for services, ensuring policies are developed in line with legislative, regulatory and Council policy requirements.
2. To monitor and review the performance, management and effectiveness of individual services within the Directorate including an annual report from each sub-division of the service, in fulfilling terms of the Service Plan.
3. To determine the eligibility criteria for service provision and to retain the discretion to determine individual service provision where appropriate.
4. To determine grants to voluntary organisations in accordance with the overall budgetary provision for grant aid.
5. To determine commissioning /contract terms and conditions for services.
6. To receive and consider reports relating to the inspection of Local Authority residential homes, childminding and day care provision.
7. To ensure that appropriate arrangements are made in accordance with legislation for children looked after by the Local Authority.

8. To ensure that appropriate arrangements are made relating to, the adoption service for children provided through the Rotherham Adoption Agency, and to fostering provisions.
9. To determine requests for financial write-offs for residential care and non-residential services following consultation with the Strategic Director of Finance.
10. To monitor and review activity across the Directorate with respect to workforce development and staff care.
11. To contribute to the approach and prioritisation of application for external funding, including Government grants.
12. To receive and consider reports relating to the work of the Local Safeguarding Children Board, linked to the Every Child Matters Agenda.
13. To determine matters relating to issues in respect of Children in Need.
14. To receive and consider reports and determine issues relating to :-
  - Parent Partnerships and Communities.
  - Education Welfare Service.
  - Homeless Children and Young People.
  - Children's Project.
  - Youth Offending Services.
  - Youth Service.
  - Education Psychology.
  - Educational buildings and assets.
  - Emergency Planning and Risk Management Strategies.
  - Finance and Resources issues in relation to Children & Young Peoples Services including approving schemes of delegation prepared by the Strategic Director in relation to the delegation of funding to schools in the Authority's area.
  - Equalities issues.
  - Ethnic and Cultural Diversity Services.
  - Quality Assurance aspects of services.
  - ICT in Children and Young People's Services.
28. To be kept informed of, monitor and review, activities relating to preparations for inspections.

29. To be responsible, in consultation with Cabinet Member for Lifelong Learning for Education Strategy, including the 14-19 Strategy and Extended Services.
30. To be responsible for and approve arrangements in respect of Early Years and Childcare.
31. To be responsible for and determine matters relating to Children's Health Policy and Services.
32. To approve and monitor the Catering Strategy.
33. To approve the making of guardianship applications in respect of a patient of over 16 years suffering from a mental disorder where it is in the interests of the patient's welfare or for the protection of others.

**THE CABINET MEMBER FOR NEIGHBOURHOODS**

PORTFOLIO

The Cabinet Member for Neighbourhoods' portfolio is as follows –

- Housing Strategy and accountability with the ALMO and other housing providers
- Neighbourhoods (Environmental Health) Services and Regulation
- Neighbourhood Strategy Development and Management
- Community Safety and Crime Reduction
- Housing adaptations and supporting People (in consultation with Cabinet Member for Adult Social Care)
- Area Assembly Development
- Strategic partnerships linked to the above agendas

DELEGATIONS

SEE ATTACHED SCHEDULE B

**THE CABINET MEMBER FOR COMMUNITIES AND INVOLVEMENT**

PORTFOLIO

The Cabinet Member for Communities and Involvement's portfolio is as follows –

- Social Inclusion
- Community Strategy (in consultation with the Leader)
- Asylum Seekers (in consultation with the Deputy Leader)
- Equalities and Diversity
- Community Planning and Community Leadership
- Consultation Strategy
- Consultation and Community Involvement
- Lead member for Anti-Social Behaviour Strategy (in consultation with the Cabinet Member for Neighbourhoods)
- Parish Council Liaison
- Liaison with the Voluntary and Community Sector
- Strategic Partnerships linked to the above agendas

DELEGATIONS

1. Recommend policy and strategic direction in relation to Community Planning, Community Leadership, Community Cohesion and Social Inclusion.
2. Strategic direction in the development and implementation of a corporate approach to Consultation and Community Involvement to improve the consultation and engagement of citizens, communities and service users in Council activity.
3. Approval of new bids for external funds and match funding for new projects and the extension of existing projects within Social Inclusion
4. Decisions on the transfer of management responsibilities for resources from the Directorate to Community Trusts, the Voluntary Sector and other external bodies.
5. Agreement to accept responsibility to act as the sponsor or agent to Community Trusts, the voluntary sector and other external organisations in accessing external funds.
6. Recommend policy and strategic direction in the delivering of good practice on equality and diversity.
7. To provide strategic direction on the partnership with local communities whilst balancing the needs of the wider community.
8. Approval of the Community Empowerment Network Service Plan and the release of Community Empowerment Network Funding, subject to satisfactory performance reports.

**DELEGATIONS TO OFFICERS**

***General Principles***

Where decisions are taken or powers exercised by the officers under delegated powers, the following principles shall apply:-

1. Whether specifically stated or not, delegated powers shall be exercised in accordance with the Council's Standing Orders and Financial Regulations and relevant Codes of Practice approved by the Council, and for the time being in force.
2. Where an officer is authorised to take decisions, the decision shall be taken in the name of, but not necessarily personally, by that officer. It shall be the responsibility of each officer to whom powers are delegated to identify and record the names of staff and the classes of decision they are authorised to take in his or her name. However, actions and decisions under that authority must be taken in the name of the officer to whom the power is delegated, and remain his or her responsibility.
3. Where delegated powers are to be exercised personally by the officer concerned, then in his or her absence the power shall be exercised by any other officer named in the delegation or failing that by the Strategic Director for the directorate concerned.

**The Chief Executive**

1. Power to authorise any act necessary to give effect of any decision to the Council, the Cabinet or any Board, Committee or Sub-Committee.
2. To take such action as he considers appropriate in an emergency in consultation with such Members and Officers as he considers circumstances will allow.
3. To deal with all press releases and media enquiries on behalf of the Council and to implement the Council's public relations strategy.
4. Authorisation of gifts, legacies and hospitality offered to Strategic Directors in accordance with the Council's Code of Conduct.
5. Power, in consultation with the Leader of the Council, to deal with Single Regeneration Project approvals, following Rotherham Partnership approvals, as appropriate.

**Proper Officer Provisions**

1. The Chief Executive be confirmed as the head of paid service in accordance with Section 4 of the Local Government Housing Act 1989.
2. That under the provisions of Sections 8 and 35 of the Representation of the People Act 1983 the Chief Executive be appointed as

Registration Officer for any constituency or part of a constituency in the District of Rotherham and

Returning Officer for the elections of Councillors of the District and for elections of Councillors of Parishes within the District.

3. That the Chief Executive be appointed the Proper Officer in relation to Section 83 of the Local Government Act 1972 (Declaration of Acceptance of Office) - Witness and Receipt of Declarations of Acceptance of Office.
4. That the Returning Officer be designated Proper Officer to receive notifications and to whom documents must be delivered for District Council elections.



**The Borough Emergency Co-ordinators**

1. Power to sanction expenditure up to a maximum of £500,000 in order to facilitate the Council's response to an emergency incident in which the Emergency Plan is activated.

**All Strategic Directors**

1. The determination of the discharge of any function in a local act, to enforce other contraventions in relation to matters for which an approval or consent has been set.
2. Authorisation of virement of revenue budgets in accordance with Financial Regulations.
3. In accordance with Standing Orders and Financial Regulations, matters relating to the acceptance of tenders relating to contracts for works of improvement, repair or maintenance of Council properties, other supplies, services goods and equipment in accordance with approved budgets or supplementary estimates, not otherwise delegated to Members or to the Service Director.
4. In the absence of a Service Director within the directorate, or if a Service Director has a conflict of interest in relation to any matter concerning him/her, any power delegated to him/her.
5. Authorisation of gifts legacies and hospitality offered to Service Directors within the directorate, in accordance with the Council's Code of Conduct.
6. Authorisation of requests from Service Directors to undertake additional outside employment in accordance with the Council's policies and procedures.
7. Aspects of the grievance procedure as permitted within Council Policy.
8. Powers in respect of staffing and establishment and departmental assets identical to those delegated to the Service Director appearing below in respect of staff reporting directly to the Strategic Director.  
  
Under £500,000 – Approval of Select Lists of Tenderers.
9. Overall monitoring within the Directorate of:-  
  
Business Plans  
Complaints  
Performance Indicators  
Sickness Absence  
Overtime  
Incidents of Violence.
10. Compensation payments, in accordance with the Council's Customer Complaints Code of Practice for Officers.
11. To determine service provision and operational matters within the agreed revenue budget for the Directorates.

**The Strategic Director of Children and Young People's Services**

1. The duty to secure the operational management of the provision of all services made by the Authority in the discharge of its functions as a local education authority.
2. The operational role relating to the securing of sufficient school places to provide primary and secondary education and any other education for which the Authority has responsibility, including:-
  - nursery education;
  - any residual responsibilities for providing further education which are not the responsibility of the Further Education Funding Council;
  - any exceptional provision required for those children of compulsory school age who, by reason of illness, exclusion or otherwise may not receive suitable education;
  - facilities for recreation and social and physical training.
3. All operational requirements relating to the establishment, discontinuance and significant change in character of schools maintained by the Authority, including the preparation of any submissions to Government or other offices.
4. Any steps required to constitute or, following constitution, support governing bodies.
5. Any steps required to discharge the Authority's obligations with respect to the financing or funding of schools, including the preparation and review of schemes of delegation and the power to act where the Strategic Director considers that suspension of the delegated budget of a school is necessary.
6. The discharge of the Authority's functions relating to the employment of staff within schools maintained by the Authority.
7. The discharge of any of the Authority's functions relating to the appraisal of teachers or head teachers.
8. The issue of advice to governing bodies concerning the use of school premises.
9. The discharge of the Authority's functions relating to discipline in schools, including: any reserve powers vested in the Authority relating to the prevention of a breakdown of discipline in schools.
10. The discharge of the Authority's functions relating to pupils with special educational needs, including:
  - the assessment, where necessary, of any child's special educational needs;
  - the issue and maintenance of any Statement of special educational needs relating to a pupil;
  - the defending of any appeal to the Special Educational Needs Tribunal against a decision by the Authority.

11. The discharge of the Authority's functions relating to the admission of pupils to schools, including:-
  - the implementation of the fixing, review and variation of standard numbers and admission numbers;
  - the publication of the Authority's admission arrangements, including any arrangements to preserve the character of aided or special agreement schools [foundation or voluntary aided schools upon implementation of the School Standards and Framework Act 1998];
  - the making of arrangements to enable parents to express a preference as to the school at which they wish their child to be educated;
  - the administration of a system to enable parents, and governing bodies where appropriate, to appeal against a decision of the Authority in relation to the admission of a child, including the duty to advertise for lay members to sit on appeal committees [panels upon implementation of the School Standards and Framework Act 1998];
  - the issuing of any directions to a governing body to admit a pupil to its school.
12. The operational management of the Authority's functions relating to the curriculum in schools, including the implementation of the National Curriculum and the securing of due provision of religious education.
13. The discharge of the Authority's functions relating to the attendance of pupils at schools.
14. The discharge of the Authority's functions relating to the inspection of schools or the inspection of the local education authority, including:-
  - the preparation and distribution of any written statement of action;
  - the publication of any written statement of action or report;
15. The power to order an inspection of any school for a specific purpose by the Authority pursuant to Section 25 of the School Inspections Act 1996, or any amendment or re-enactment thereof.
16. The discharge of any functions of the Authority relating to baseline assessments.
17. The discharge of any of the Authority's functions in relation to the provision of advice on careers.
18. The preparation of statements setting out the Authority's plans for reducing infant class sizes.
19. The implementation of a system to elect parent governors as representatives on education committees.
20. The operational management and publication of the Authority's arrangements for providing transport for persons attending schools or other educational institutions.
21. The preparation and review of a statement setting out the Authority's arrangements in connection with the education of children with behavioural difficulties.

22. The publication of a disability statement pursuant to Section 528 of the Education Act 1996, or any amendment or re-enactment thereof.
23. Any submission relating to Education Action Zones within the area of the Authority.
24. The discharge of any powers of intervention in schools exercisable by the Authority, including:
  - the power to issue a warning notice to a governing body;
  - the power to appoint additional governors;
  - the power to suspend the school's delegated budget
25. The establishment and support of a School Organisation Committee and Admissions Forum.
26. The preparation and review of a School Organisation Plan and Admissions Forum.
27. The following Proper Officer roles:-
  - (a) Duly authorised officer for making Statements of Special Educational Needs
  - (b) Duly authorised officer for commencing prosecutions under Section 444 of the Education Act 1996, or any amendment or re-enactment thereof (school attendance)
  - (c) Duly authorised officer for commencing proceedings relating to the service of and prosecution for failure to comply with School Attendance Orders under Part VI, Chapter II of the Education Act 1996, or any amendment or re-enactment thereof.
  - (d) Duly authorised officer for commencing proceedings under Section 36 of the Children Act 1989, or any amendment or re-enactment thereof (Education Supervision Orders).
  - (e) Duly authorised officer for commencing prosecutions under Section 547 of the Education Act 1996 or any amendment or re-enactment thereof (nuisance on educational premises).
  - (f) Duly authorised officer for the non-executive function of issuing licences for and prohibition and restriction of the employment of children, together with powers of entry to inspect the place of employment, under byelaws made in pursuance of the Education Act 1996, the Children and Young Persons' Acts 1933-1969, the Children Act 1989 and any regulations made thereunder or any amendments and re-enactments thereof.

(see attached Schedule A)

**The Strategic Director of Neighbourhoods and Adult Services**

1. The power to determine the content of the preparation programme, changes to the co-ordinating team or minor changes to the partnership arrangements in connection with the South Yorkshire Housing Low Demand Pathfinder.

Also see Schedule B

**The Strategic Director of Environment and Development Services**

1. To determine operational matters relating to Health and Safety.
2. To determine operational matters relating to Emergency Planning.
3. Implementation of capital projects within approved budgets.
4. Following annual budget and scheme level approval, by the Cabinet Member for Regeneration and Development Services, development and implementation of Rotherham Economic Regeneration Fund (RERF) and Single Regeneration Budget (SRB – up to March 2008) and other funding regimes and the approval of detailed spending on individual projects.

**The Strategic Director of Finance**

1. In accordance with the provisions of Section 151 of the Local Government Act 1972 (Financial Administration) to be responsible for the administration of the financial affairs of the Council.

Duties extended by S114 of the 1988 Local Government Finance Act and The Accounts and Audit Regulations 2003.

2. In accordance with Section 115 of the Local Government Act 1972 (Accountability of Officers) to be responsible for the receipt of money due from Officers.
3. In accordance with Section 146 of the Local Government Act 1972 (Transfer of Securities on Alteration of Area etc.) to be responsible for the declarations and certificates with regard to securities.
4. As Proper Officer of the Council for the purpose of Section 228(3) of the Local Government Act 1972 (Accounts of "any Proper Officer" to be open to inspection by any member of the Authority).
5. As Proper Officer of the Council in relation to any reference in any enactment passed before or during the 1971/72 Session of Parliament other than the Local Government Act 1972, or in any instrument made before 26<sup>th</sup> October 1972 to the Treasurer of a Council or a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.
6. As the Officer responsible on behalf of the Authority for maintaining an adequate and effective system of Internal Audit as required by the Accounts and Audit Regulations 2003.
7. The power to declare a rate of interest applicable to the advances and transfers mentioned in sub-section 1(a) and (c) of Section 110 of the Housing Act 1980 and a rate of interest applicable to the sums left outstanding as mentioned in sub-section 1(b) of the said Section 110, the power to vary the rate of interest and the periodic payments referred to in sub-section 3 of the said Section 110 the power to serve notices relating to the variations and to take all necessary action to implement changes in the rates of interest.

**Cheques**

1. To sign cheques and to approve the list of Officers and signatories for the transfer of funds and other transactions on the online banking system.
2. To make arrangements for the encashment of open cheques in agreement with the Council's bankers.

**Bank Overdraft Facilities**

1. To borrow on overdraft from the Authority's approved bankers such sums as may be from time to time required (but so that the amount outstanding at any one time shall not exceed £2 million).



Leasing

1. To negotiate leasing finance, as required, through brokers or other financial institutions.

Mortgage Interest Relief at Source

1. To act as approved signatory for repayment claims under the Finance Act 1982:-  
Director of Central Finance  
Director of Service Finance

National Non-Domestic Rates

1. To determine applications for mandatory relief from National Non-Domestic Rate in accordance with Section 43(5) of the Local Government Finance Act 1988.

Minute C469 - National Non-Domestic Rates - Discretionary Powers

1. To request certificates under Section 44A of the Local Government Finance Act 1988 in respect of allowances granted for temporary periods when business premises are only partly occupied.

Banking Arrangements

1. Subject to the prevailing procurement arrangements for the Authority, to negotiate or put out to tender Banking Arrangements including service developments and the authority to appoint Consultants to assist in the process.

Insurance Arrangements

1. Subject to the prevailing procurement arrangements for the Authority, to negotiate or put out to tender the Council's insurance arrangements including service developments and the authority to appoint Consultants to assist in the process.
2. To operate the Council's Insurance arrangements.

Virements

1. To approve Virements after consultation with the Corporate Management Team for amounts above those delegated to the Strategic Director.

Write-Offs

1. To approve, where appropriate, the writing-off of Sundry Debtor, Community Charge, Non-Domestic Rates, Council Tax and Former Tenants Arrears to a maximum of £5,000 and amounts above that level after consultation with the Corporate Management Team.
2. To approve, where appropriate the writing-off of irrecoverable payments of salaries and wages up to a value of £1,000 and above that amount after consultation with the Corporate Management Team.

Internal Funds

1. To approve, after consultation with the Corporate Management Team, advances from internal funds which have been created to provide advances to Directorates.
2. To authorise requests from the Strategic Director of Environment and Development Services, to replace damaged vehicles having made the necessary financial arrangements for their replacement.

Budgets

1. To deal with in year budget issues of less than £50,000, including the identification and allocation of budgets for previously unbudgeted expenditure but excluding the option of using Council balances, after consideration by the Corporate Management Team.

Council Tax and Housing Benefit Fraud - Prosecution

1. To instigate legal proceedings, against false claimants for Council Tax and Housing Benefit (Minute B107 - September 2002).

Visa/Credit Cards

1. To make arrangements for the use of Visa and credit/debit cards in relation to all transactions including foreign travel.

Inflationary Increases

1. To implement the annual increases in Long Service Awards and Non-Contributory Pension Scheme (Rotherham County Borough) in accordance with the approved inflationary procedure.

General

1. The Director of Internal Audit and Governance and the Director of Central Finance are hereby appointed to act in the event of the Strategic Director of Finance being absent or unable to act as the Proper Officer in respect of all the above delegated powers.

The Prudential Code – Prudential Factors (Minute No. 253 of 25/2/04)

1. Authority is delegated to the Strategic Director of Finance, within the total limit for any individual year, to effect movement between the separately agreed limits for borrowing and other long term liabilities, in accordance with option appraisal and best value for money for the authority. Any such changes will be reported to the Council at its next meeting following the change.
2. That with regard to the Operational Boundary for External Debt (Section 5), authority is delegated to the Strategic Director of Finance, within the total Operational Boundary for any individual year, to effect movement between the separately agreed figures for borrowing and other long term liabilities, in a similar fashion to the authorised limit. Any such changes will be reported to the Council at its next meeting following the change.

That the undermentioned officers be authorised:-

1. Under the provisions of Sections 101 and 223 of the Local Government Act 1972 to institute, carry on, prosecute and defend proceedings in relation to the recovery of Council Tax, Community Charge, National Non-Domestic Rates and General Rates which the Council, as Billing, Charging, Collecting and formerly Rating Authority, is itself authorised to institute, carry on, prosecute and defend.
2. To act on behalf of the Billing, Charging and Collecting Authority in the execution of all or any Warrants which may from time to time be granted under the Local Government Finance Act 1988 (as amended) and the Local Government Finance Act 1992.
3. To act on behalf of the Billing, Charging and Collecting Authority in proceedings undertaken at the Valuation Tribunal in respect of Council Tax, Community Charge and National Non-Domestic Rate Appeals:-

Mr. Dave Morley  
Mr. Peter Stringer  
Mr. Robert Cutts  
Mrs. Brenda Hadfield  
Mrs. Jillian Ansell  
Mr. Michael Ripley  
Mrs. Susan Duty  
Mr. Andrew Bray  
Mrs. Susan Grattan

Mrs. Karen Wilkes  
Mr. Alan Norcliffe  
Mr. Robert McCormack  
Mr. Peter Turner  
Mr. David Nuttall  
Mr. Steven Ward  
Miss Sharon Coombs  
Mrs. Julie Chapman  
Mr. Robert Cooper  
Mrs. Diane Woolley

**All Service Directors**

1. In respect of financial matters

Authorisation to spend within approved budgets subject to the policy, standing orders and financial regulations of the Council.

Authorisation for the virement of revenue budgets in accordance with Financial Regulations.

2. In respect of Departmental Assets

The purchase of replacement vehicles, plant or equipment, including computer hardware and software for which financial provision has been made in accordance with the Financial Regulations and Standing Orders of the Council.

Declaring obsolete furniture and equipment, and other materials surplus to requirements provided that the estimated value of any one item or group of items shall not exceed £1000.

3. In respect of Procurement Contract Administration and Best Value

In accordance with standing orders and financial regulations, matters relating to the specification for goods and services, the seeking of estimates quotations and tenders, the evaluation of the same and acceptance of tenders relating to contracts for works, other supplies, services, goods and equipment in accordance with approved budgets or supplementary estimates.

In respect of DSO's the authorisation of individual variations.

4. Proper Officer

Appoint as Proper Officer in relation to items of business originating within the service for the purposes of the following: provisions of the Local Government Act 1972:

Section 100 D(1)(a) - Compilation of lists of background papers

Section 100 D(5)(a) - Identification of background papers.

5. Issues delegated to Service Director/Strategic Directors

All the HR elements listed below, are delegated fully to Service Directors/Strategic Directors who have a responsibility to seek guidance from Directorate HR Managers in ensuring that any decisions are in line with national/local agreements, equal pay requirements, are consistent and accord with the philosophy of a single employer.

The list refers to delegations where the issues concerned are within Council policy. Where, on any of these items, a decision would not be within Council policy, a report will be prepared, in conjunction with Directorate HR Managers\*, for consideration by the CMT.

Establishment of posts/changes to establishment/restructuring/transfer of posts between sections and units.

Approval to fill vacant posts within approved establishment including posts externally funded. (Where Service Directors delegate this responsibility to senior managers in the Service a list of Authorised Officers for this purpose should be maintained by the Directorate HR Manager\*.) (A copy of this list should be forwarded to the Business Unit Manager in Strategic HR\* in order that AP6 forms can be processed and vacant posts advertised.)

Appointment to posts below Service Director, within approved establishment. (Where Service Directors delegate this responsibility to senior managers, a list of authorised officers should be maintained by the Directorate HR Manager\* with a copy forwarded to the Business Unit Manager in Strategic HR. Services should use the AP8 Form to initiate the production of an appointment letter/ contractual statement by the Business Unit within Strategic HR\*.)

Use of the re-location scheme for new appointments. (The standard pro-forma should be used.)

Transfer of staff internally to equivalently graded posts.

Approval to recruit additional temporary staff for maternity leave cover.

Approval to recruit additional temporary staff to meet work demands/seasonal fluctuations. (All arrangements should be registered and recorded appropriately by the Service.)

Agree applications for Job Share and filling of resultant vacancies. (The standard pro- forma should be used by Services and retained as a record of an agreed job share arrangement. )

Agree Work Experience Placements for students NOT employed by the Council. (There is a standard form for this purpose which should be used by Services.)

Agree the transition of employees from probationary to permanent employment status.

Grading of new posts/changes to existing grades. (This will include mechanisms such as the Job Evaluation Scheme for the former manual conditioned employees, Directorate Grading Assessment Schemes and may, in future, include any new processes for job evaluation(yet to be determined). Also covered by this delegation will be other payments for non-regular working for all staff, including, for example, standby payments and in addition, the application of the Council's grading protection scheme.)

Agree appropriate starting salaries. (Service Directors have full delegated powers (Effective date 11.12.01) to determine the salary necessary to attract candidates (within the grade determined for the job). In respect of Sc1/2 posts, this is limited to appointments commencing at scp 6 or above. Directorate HR Managers\* should be consulted and consistent guidelines for the Directorate established and maintained.)

Consider personal applications for re-grading. (There is a joint procedure agreed with the trade unions which requires that the Directorate HR Manager\* reports on the application and makes a recommendation to the Programme Director/Service Director.)

Approval of honoraria/ex-gratia payments in appropriate circumstances. (In accordance with Corporate guidelines to ensure consistency of approach and maintain equality.)

The conduct of the disciplinary procedure with power to initiate investigation and undertake disciplinary procedures up to and including dismissal. (Where there is a need to re-consider the list of named officers, this should be done in consultation with the Directorate HR Manager\* to ensure a consistent approach.)

The conduct of the Grievance procedure with power to initiate Investigations and undertake first stage grievance hearings. (Where there is a need to re-consider the list of named officers, this should be done in consultation with the Directorate HR Manager\* to ensure a consistent approach.)

Monitoring of sickness procedures.

Ill Health Terminations.

Approval of attendance on full time training courses, conferences etc. or to give lectures (not exceeding one week duration.

Authorisation of gifts/legacies and hospitality offered to staff.

Authorisation of requests from staff to undertake additional employment. (The authority delegated to Service Directors allows them to authorise additional employment for staff above scp28.)

Authorisation of overtime payments to staff below SCP28.

Authorisation of overtime payments to staff above SCP28. (In accordance with corporate guidelines to ensure consistency and maintain equality.)

Approval of telephone/car allowances (including assisted car purchase scheme) for appropriate posts.

Granting of special leave without pay.

Granting of special leave with pay including TU time off.

Consider applications to extend the period of paid sickness absence. (This relates to the extension of the period of half pay. It is only at the point when employees are reaching the end of the period of half pay that such consideration can be given.)

Early release of pension benefits – Ill-health Retirement. (Subject to the appropriate medical approval and in consultation with the Strategic Director and the Cabinet Member with responsibility for employment issues.)

Payment of 'buy-out' compensation. (Any 'buy-out' arrangements will need to be consistently applied in line with the philosophy of a single employer.)

Issue of compulsory redundancy notices. (In consultation with Strategic HR.)

Approval of excess travel expenses (Where Council Policy is not appropriate. (Any arrangements should be consistently applied in line with the philosophy of a single employer.)

Requests for re-employment from persons having *previously taken early release from the Council's employment.*

6. Powers not delegated to Service Directors/Strategic Directors

Process of requests for Early Release from the Council's employment - This power is delegated only to the Assistant Chief Executive, Strategic HR.

*\*This may change as a result of the impact of the Joint Venture Partnership on the operational and strategic HR functions.*

7. Compensation payments not exceeding £500, in accordance with the Council's Customer Complaints Code of Practice for Officers.

**The Assistant Chief Executive - Legal and Democratic Services**

1. That the Assistant Chief Executive - Legal and Democratic Services be appointed the Monitoring Officer for the purposes under Section 5 of the Local Government Housing Act 1989.
2. Designation as Deputy Electoral Registration Officer to deputise for the Electoral Registration Officer under Section 52 of the Representation of the People Act 1983.
3. The granting of wayleaves and consents to public utility undertakings in consultation with the appropriate Director of Service.
4. Decision as to whether a Member has a right to see a report containing exempt information, as defined in the Local Government Act 1972, Schedule 12A, Part 1, paragraphs 1-6, 9, 11, 12 and 14, because he/she has a right to know information it contains. In the event of a disagreement, the matter be referred to the Cabinet for a decision.
5. In consultation with the Strategic Director of Finance, to authorise expenditure under the statutory costs head of account.
6. To institute and defend matters on behalf of the Council in respect of legal proceedings in any court or tribunal.
7. Authority to authorise the use of the Council's coat of arms by external bodies or organisations where appropriate.

Proper Officer

1. The Assistant Chief Executive - Legal and Democratic Services be appointed Proper Officer in relation to:

Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any Instrument made before 26<sup>th</sup> October, 1972 to the Clerk of a Council or the Town Clerk of a Borough which by virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council.

Any reference in any local statutory provision to the Clerk of a specified Council or the Town Clerk of a specified Borough in respect of powers which pass to the Rotherham District Council.

The following provisions in the Local Government Act 1972 namely:

Section 84 (Resignation) Receipt of declaration of resignation of office.

Section 13 (Constitution of Parish meeting etc.) – Parish Trustee

Section 88 (Filling of Casual Vacancy in case of Chairman etc.) – Convening of Meeting of Council to fill the Casual Vacancy in the office of Chairman

Section 89 (Filling of Casual Vacancy in case of Councillors) – Receipt of notice of casual vacancy from two local government electors.



Section 210 (Charities) – Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to proper officers.

Section 225 (Deposit of documents with proper Officer of authority etc.) – Deposit of Documents.

Section 229 (Photographic copies of documents) – Certification of photographic copies of documents.

Section 234 (Authentication of documents)

Section 236 (Procedure etc. for Byelaws) – To send copies of byelaws for Parish records.

Section 238 (Evidence of Byelaws) - Certification of Byelaws.

Schedule 12 (Meetings and Proceedings of Local Authorities) Paragraph 4(2)(b) – Signature of summonses to Council Meetings – Receipt of notices regarding address to which summons to meetings is to be sent.

Schedule 14 (Public Health Acts 1875 to 1925) – Certification of resolutions under Paragraph 25 of Schedule 14.

Proper officer for the purposes of Article 9 of the Local Authorities etc. (Miscellaneous Provisions) Order 1974 to enable the production in Court of certified copies of Byelaws made by a predecessor authority as evidence of the Byelaws

Proper officer to whom a request should be delivered for a casual vacancy in the office of parish councillor to be filled by election.

In the absence of the Chief Executive, proper officer in relation to Section 83 of the Local Government Act 1972 (Declaration of acceptance of office), that is to say the witnessing and receipt of declarations of acceptance of office.

Proper officer in relation to Section 19 of the Local Government and Housing Act 1989 (general notices of members' interests).

In relation to Section 81 of the Local Government Act 2000 (Disclosure and Registration of Members' Interests etc.) for receipt of notices from members and co-opted members of their financial and other interests and to maintain the register of such interests required under Section 81(1).

2. The Team Manager (Non-Contentious), or in his absence the Team Manager (Contentious), be appointed to act in the event of the Assistant Chief Executive - Legal and Democratic Services being absent or otherwise unable to act as Proper Officer in relation to all the above-mentioned matters other than those relating to elections.

3. That Lorraine Cuthbert-Hoyle, Senior Legal Officer, and Dawn Armstrong, Legal Clerk in the Contentious team of the Legal Services Division be authorised, under the provisions of Section 223(1) of the Local Government Act 1972, to prosecute, defend and appear on the Council's behalf in proceedings before the Magistrates' Court and to conduct any such proceedings.

**The Democratic Services Manager**

1. In consultation with the Leader and Deputy Leader be responsible for the provision of accommodation and hospitality for all special events.
2. In consultation with the Leader, be authorised to determine overnight use of ET1.

Proper Officer

1. The Democratic Services Manager be responsible for the following provisions of the Local Government Act 1972:

Section 100b(2)	- circulation of reports and agendas,
Section 100b(7)c	- supply of papers to the press,
Section 100c(2)	- summaries of minutes,
Section 100f(2)	- papers not available to Members,
Section 248	- keeping the roll of freemen

**The Service Leader, Public Access**

The Service Leader Revenues Connect and Development Services be appointed proper officer under paragraph 41 of schedule 29 to the Local Government Act 1972, in exercise of functions under sections 9 (1) and (2), 13 (2) (h) and 13 (3) (b) and 20 (b) of the Registration Service Act 1953.

**The Director of Neighbourhood Management Services**

1. In respect of **Group Repair Schemes** –
  - Approval of individual phases provided for within a framework contract
  - Project management
  - Authorisation of payment for unforeseen works and variations provided always that such matters are in accordance with the Council's Standing Orders, Capital Project procedures and the terms and conditions of the contract
2. In respect of **housing operational and procedural matters** –
  - Disposal of small areas of land to council tenants for the purposes of garden extensions, car parking or to assist the general care and aspect of the area, provided local ward members concur and in accordance with the Council's land disposal procedures.
  - Authorisation of mandatory payments in respect of the Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994.
  - Authorisation of mandatory financial compensation in respect of the Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994.
3. Authority to represent the Council at any general meeting of 2010 Rotherham limited.

(also see attached schedule)

**To the Director of Neighbourhood Services**

(also see attached schedule)

## **The Director of Planning and Transportation**

### **Development Control**

#### **Scheme of delegation to the Director of Planning and Transportation Service**

The Director of Planning and Transportation Service's delegated powers are exercised by the Planning Manager, Assistant Development Control Managers and Major Applications, Minerals and Waste Manager in his absence.

The powers are limited to the following extent

Determination, except where;

- Objections have been received.
- Where objections have been received, apart from retrospective applications.
- Refuse an application where the plans are inadequate or supporting information is insufficient and this is the primary reason for refusal.
- Under Article 25 of the General Development Procedure Order 1995, to 'finally dispose of' applications where further information has been requested and the time period for appealing against non-determination of the application has elapsed.

#### **1. Applications for householder development**

1. Alterations or extension to dwellinghouses
2. Erection of buildings within the curtilage of residential properties, to include garages etc.
3. Erection of a fence, wall, gate, or other means of enclosure
4. Formation of a vehicular access onto a classified road
5. A minor householder development not falling within the above criteria

#### **2. Applications for residential development**

6. Conversion of a building to a dwellinghouse
7. Conversion of a building to flats.
8. The erection or conversion of up to 10 dwellinghouses on land for which planning permission has been granted within the past 3 years.
9. The approval of reserved matters (up to 25 units) in respect of dwellinghouses or of flats.
10. Erection of up to five dwellings or five flats within an area allocated for residential development in the Unitary Development Plan (including Mixed Use allocations that include C3 residential in the 'mix').
11. Outline applications with a site area up to 0.2 hectares in area within an area allocated for residential development in the Unitary Development Plan (including Mixed Use allocations that include C3 residential in the 'mix').

#### **3. Applications for commercial, industrial, retail, leisure or recreation development**

12. A modification or construction of a new shop front, including installation of security shutters
13. A minor change of use or other minor development.
14. The display of an advertisement, including on Listed buildings.

15. Outline applications with a site area up to 2 hectares where the site is allocated as such in the Unitary Development Plan (including Mixed Use allocations that includes the relevant use within the 'mix').
16. The erection of new commercial, industrial, leisure or recreation development and reserved matters relating to such development or related mixed use schemes where the total floor area proposed is under 2,000 square metres, on land either currently used for that purpose, or allocated as such within the Unitary Development Plan (including Mixed Use allocations that includes the relevant use within the 'mix').
17. The alteration or extension (up to 2,000 square metres) of commercial, industrial, retail, leisure or recreation premises within an area allocated for such use in the Unitary Development Plan (including Mixed Use allocations that includes the relevant use within the 'mix') or in an existing area or complex containing such uses.
18. The erection of overhead electricity lines up to 66KV, and installation of statutory undertakers equipment, which is not classed as permitted development.

#### **4. Applications submitted by the Council**

19. Applications submitted by the Council, either solely or in conjunction with a partnership body, for small scale development, such as small new buildings/extensions to Council buildings (up to a floor area limit of 300 square metres), formation of related parking areas, temporary buildings, fencing, etc.

#### **5. Minerals and Waste**

20. Except where reserved to the Planning Board, the approval or amendment of reserved matters, in an application for planning permission, relating to schemes of working, restoration and aftercare.
21. The approval of siting of plant, machinery, buildings, structures or erections, proposed by a minerals undertaker under Part 19 of Class B of the Town and Country Planning (General Permitted Development) Order 1995.
22. The approval of siting of plant, machinery, buildings, structures or erections, proposed by the Coal Authority or a licensed operator on an authorised site under Part 20 of Class C of the Town and Country Planning (General Permitted Development) Order 1995.

#### **6. Other Application Types**

(A)

23. Applications for Conservation Area Consent, relating to development falling within the scheme of delegation.
24. Applications for Listed Building Consent for Grade 2 Listed Buildings for development falling within the scheme of delegation.
25. Variation of conditions on previous approvals not determined by the Planning Board.
26. Applications to prune and fell trees covered by Tree Preservation Orders.
27. Applications for prior approval for agricultural development and demolition.

(B)

28. Power to determine certificates of lawfulness of existing and proposed use/operations in respect of Sections 191 and 192 of the Town and Country Planning Act 1990.
29. Applications to prune and fell trees subject to 6 weeks notice within a Conservation Area



30. Applications for works to, and the removal of historic hedgerows
31. Applications for prior approval for telecommunications apparatus.

## **7. Planning Enforcement**

32. Power to seek a warrant for entry in the magistrates court (Section 196B of the Town and Country Planning Act).
33. Power to serve a requisition for information (Section 330 of the Town and Country Planning Act).
34. Power to serve a planning contravention notice (Section 171C of the Town and Country Planning Act).
35. Power to serve a breach of condition notice (Section 187A of the Town and Country Planning Act).

## **8. Miscellaneous**

36. The determination of the need for an Environmental Impact Assessment and screening and scoping, in accordance with the Town and Country Planning ( Environmental Impact Assessment)( England and Wales) Regulations 1999.
37. The carrying out of statutory publicity.
38. The agreeing of minor amendments to approved plans.
39. The determination of whether an application constitutes a departure from the Development Plan.
40. The undertaking of negotiations to conclude an agreement under Section 106 of the Town and Country Planning Act 1990.
41. The making of Tree Preservation Orders.
42. The confirmation of Tree Preservation Orders where no objections have been received.
43. Power to decline to determine applications for planning permission, under Section 70A of the Town and Country Planning Act.
44. The approval of details required by a planning condition.

## **9. In consultation with the Chair and Vice Chair of the Planning Regulatory Board**

46. The service of a planning enforcement or (Temporary) Stop notice.
47. The pursuance of a prosecution in respect of:-
  - Failure to return a requisition for information/planning contravention notice.
  - Failure to comply with an enforcement notice.
  - Failure to comply with a Breach of Condition Notice.
  - The unauthorised display of signage.
  - Unauthorised works to listed buildings.
  - Unauthorised works to a protected tree.
48. The authorisation of default works under Section 178 of the Town and Country Planning Act.
49. The approval of an application under sections 6.2 - 6.7 (A) of the Scheme of Delegation where no more than 5 objections have been received (separate objections from separate addresses).
50. The approval/refusal of applications under section 6.7 (B), irrespective of the number of letters of objection.

51. The refusal of a retrospective applications, irrespective of whether objections have been received, to allow possible enforcement action to be considered, other than proposals falling within Schedule 1 of the Environmental Impact Assessment Regulations.
52. Responses to consultations from other Local Planning Authorities on planning applications covered under this scheme of delegation.
53. To agree amendments of a minor nature to completed S106 Agreements.

1. Power to determine applications for planning permission - powers of determination limited to extent specified in Part I of the Annex.
2. Duties relating to the making of determinations of planning applications – Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8,10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
3. Power to make determinations, give approvals and agree certain other matters relating to the exercise of Permitted Development Rights – Parts 6,7,11,17,19,20,21 to 24,26,30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) - powers of determination limited to extent specified in Part I of the Annex.
4. Power to enter into agreement regulating development or use of land – Section 106 of the Town and Country Planning Act 1990 - power limited to extent specified in Part I of the Annex.
5. Power to grant consent for the display of advertisements – Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 - power limited to extent specified in Part I of the Annex.
6. Power to authorise entry onto land – Section 196A of the Town and Country Planning Act 1990.
7. Power to serve a planning Contravention Notice, Breach of Condition Notice or Stop Notice – Sections 171C, 187A and 183 (1) of the Town and Country Planning Act 1990 - power limited to service of a planning Contravention Notice or Breach of Condition Notice.
8. Power to issue an enforcement notice – Section 172 of the Town and Country Planning Act 1990 - power limited to extent specified in Part I of the Annex.
9. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject – Paragraph 2 (6) (a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9 (6) of Schedule 13 to the Environment Act 1995 and paragraph 6 (5) of Schedule 14 to that Act - powers limited to extent specified in Part I of the Annex.

10. In conjunction with the Director of Neighbourhood Services power to require proper maintenance of land – Section 215 (1) of the Town and Country Planning Act 1990 .
11. Power to determine application for listed building consent, and related powers – Sections 16 (1) and (2), 17, 27 (2) and 33 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 - powers limited to extent specified in Part I of the Annex.
12. Power to determine applications for conservation area consent – Section 16 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by Section 74 (3) of that Act - powers limited to extent specified in Part I of the Annex.
13. Duties relating to applications for Listed Building Consent and Conservation Area Consent – Sections 13 (1) and 14 (1) and (4) of the Planning (Listed Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and Paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97 - powers limited to extent specified in Part I of the Annex.

(Limits on delegation are set out in the attached Annex)

14. The discharge of any executive function in connection with regional planning transportation - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
15. The discharge and implementation of any decision in respect of the packaging of bids for transport monies.
16. The discharge of any executive function in respect of the consideration and determination of any development control policy or strategic guidance not related to individual applications - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
17. The discharge of any executive function in connection with urban design schemes - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
18. The discharge (in consultation where appropriate with countryside and conservation bodies and the Cabinet Member for Regeneration and Development Services) of any function in connection with countryside planning matters, including functions in respect of:-
  - the South Yorkshire Community Forest; the Trans-Pennine Trail; the Chesterfield Canal, and like schemes

the preparation of specific schemes and applications for grants in connection with such schemes – Regarding (ii) the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
19. Power to name and alter the names of streets – Sections 17 & 18 of the Public Health Act.

20. Power to number and renumber streets – section 15 of the South Yorkshire Act 1980.
21. In accordance with the South Yorkshire Transport Plan, and other policy documents, the discharge of any executive function in connection with transport policies and programmes - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
22. The discharge of any executive function in respect of the packaging of bids for regeneration and transport monies – the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
23. The discharge of any executive function in respect of guidance on residential and industrial estate layouts - the implementation of any determination of the Cabinet member and the discharge of any function of a regulatory nature.
24. The discharge of any executive function in respect of traffic management, traffic calming and area safety schemes - the implementation of any determination of the Cabinet Member for Regeneration and Development Services and the discharge of any function of a regulatory nature and duties in relation to the Traffic Management Act.
25. Power to pass or reject plans for a proposed work – Section 16 of the Building Act 1984 and building regulations made under the 1984 Act.
26. Power to prosecute an offender for contravention of building regulations – Section 35 of the Building Act 1984 – The Director of Planning and Transportation Service to consult Cabinet Member for Regeneration and Development Services prior to commencement of proceedings.
27. Power to serve a Section 36 notice requiring removal or alteration of any work that contravenes building regulations – Section 36 of the Building Act 1984 - The Director of Planning and Transportation Service to consult Cabinet Member for Regeneration and Development Services prior to service of notice.
28. Power to serve a notice and commence proceedings in respect of retaining walls – Section 34 of the South Yorkshire Act 1980 - The Director of Planning and Transportation Service to consult Cabinet Member for Regeneration and Development Services prior to service of notice and commencement of proceedings.
29. The discharge of any executive function in respect of disabled access and associated matters in relation to applications for building regulations consent - the implementation of any determination of the Cabinet Member for Regeneration and Development Services and the discharge of any function of a regulatory nature.
30. Any action in respect of dangerous buildings or structures under the South Yorkshire Act 1980, the Building Act 1984 or the Highways Act 1980 - the consideration and determination of any matter of a regulatory nature in connection with the discharge of the particular function under the South Yorkshire Act 1980 or the Building Act 1984.
31. Any action in respect of the making of a Compulsory Purchase Order – Following any determination by the Cabinet Member for Regeneration and Development Services and the discharge of any function of a regulatory nature.

32. Liaising with the Regional Assembly for Yorkshire & the Humber, the Regional Development Agency, the South Yorkshire Passenger Transport Authority and the public transport operators serving South Yorkshire.
33. Representing the Council at meetings of the Yorkshire and Humber Regional Aggregate Working Party (strategic minerals and waste matters).
34. Contracts

Below £20,000 – External Public and Private Sector Work – Authority to bid to provide services and enter into contracts in consultation with the Strategic Director of Environment and Development Services.

**THE ANNEX**

LIMITS ON DELEGATION

Part I

**Director of Planning and Transportation Service**

The Director of Planning and Transportation Service's delegated powers are limited to the following extent: –

**Applications for domestic development**

1. An extension to a dwelling house.
2. The construction of a garage, conservatory or small incidental building within the curtilage of the property.
3. The erection of a fence, wall or gate.
4. The construction of a vehicular access on a classified road.
5. The conversion of a building to a dwelling house.
6. The conversion of a dwelling house to a flat.
7. The erection or conversion of a dwelling house on land for which planning permission has [previously] been granted for that purpose.
8. The approval of reserved matters in respect of a dwelling house.
9. A minor householder development not falling within 1 to 8 above.

**Applications for commercial development**

10. A modification to or construction of a new shop front.
11. A minor change of use where the use is appropriate to the area concerned.
12. The display of an advertisement.
13. The alteration or extension of commercial or industrial premises within an existing industrial complex, providing adjoining or adjacent property will not be prejudicially affected by the alteration or extension.
14. The erection of new commercial or industrial plant or premises either –
  - (a) on land for which planning permission has previously been granted for that purpose, or
  - (b) on land for which planning permission has not previously been granted, where adjoining or adjacent property will not be prejudicially affected by the erection of the plant or premises or both.

15. The erection of overhead electricity lines up to 66kv, and installation of statutory undertakers' equipment, which is not classified as permitted development.

### **Minerals and waste**

16. Except where reserved to the Planning Board, the approval or amendment of reserved matters, in an application for planning permission, relating to schemes of working, restoration and aftercare.
17. Subject to there being no significant impact on local amenity, the approval of the siting of plant, machinery, buildings, structures or erections, proposed by a mineral undertaker under Part 19 of Class B of the Town and Country Planning (General Permitted Development) Order 1985.
18. Subject to there being no significant impact on local amenity, the approval of the siting of buildings, structures, erections or extensions, proposed by the Coal Authority or a licensed operator, on an authorised site under Part 20 of Class C of the Town and Country Planning (General Permitted Development) Order 1995.

### **Miscellaneous**

19. In conjunction with an application for planning permission, the determination of the need for an environmental impact assessment and screening and scoping, in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
20. The determination of the effect on the character or appearance of a conservation area of a proposed development, and the publicising of the proposal under section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
21. The determination of the effect on the character or appearance of a listed building of a proposed development, and the publicising of the proposal under section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
22. In consultation with the Chair and Vice-Chair of the Planning Board, the service of an enforcement notice under section 172 of the Town and Country Planning Act 1990.
23. In respect of planning applications, the carrying out of statutory and public consultations and the determination of publicity requirements under Circular 15/92 and the Town and Country Planning (General Development Procedure) Order 1995.
24. The agreeing of amendments to submitted plans, providing there is no adverse effect on either adjoining property or the area generally.
25. The determination of whether an application constitutes a departure from the Development Plan under the Town and Country Planning Direction 1992 and whether to advertise and refer the application to the Secretary of State.
26. The renewal of an unimplemented planning permission, providing the permission has not lapsed previously and the circumstances in which the permission was originally granted have not changed.

27. Applications for minor development not otherwise specified in this Annex.
28. Except where reserved to the Planning Board, the approval of reserved matters in an application for planning permission.
29. In compliance with a decision of the Planning Board, the undertaking of negotiations with a developer and appropriate agencies to conclude an agreement made under section 106 of the Town and Country Planning Act 1990.
30. The making of tree preservation orders under sections 198 and 201. Of the Town and Country Planning Act 1990.
31. The determination of certain reserved matters, namely –
  - (a) the siting, design and external appearance of agricultural structures categorised as permitted development in accordance with Part 6 of Class A of the Town and Country Planning (General Permitted Development) Order 1995;
  - (b) the siting and appearance of telecommunications apparatus categorised as permitted development in accordance with Part 24 of Class A of the 1995 Order;
  - (c) the method of development (demolition) and restoration work categorised as permitted development in accordance with Part 31 of Class A of the 1995 Order.
32. The giving of technical advice to members of the public in response to requests for information, and engaging in pre-application discussions as a preliminary to an application for permission or consent.

### **Overriding proviso**

Under this scheme of delegation, the Director of Planning and Transportation Service:–

- (a) will not refuse an application without first consulting the Chair and Vice-Chair of the Planning Regulatory Board.
- (b) will obtain the prior agreement of the Chair and Vice-Chair of the Planning Regulatory Board to his determining an application that raises significant issues of planning policy; and
- (c) will not determine an application for which objections have been received without first consulting the Chair and Vice-Chair of the Planning Regulatory Board.



**The Director of Streetpride**

1. Any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority.
2. Any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in respect of the following:-

Building Act 1984  
Clean Neighbourhoods and Environment Act 1995  
Companies Act 1985  
Control of Pollution Act 1974  
Countryside Act 1968  
Countryside and Rights of Way Act 2000  
Cycle Tracks Act 1984  
Dogs (Fouling Of Land) Act 1996  
Environment Act 1995  
Environmental Protection Act 1990  
Factories Act 1961  
Health and Safety at Work etc Act 1974  
Highways Act 1980  
Local Government Act 1972  
Local Government Act 1894  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
National Parks and Access to the Countryside Act 1949  
New Roads and Street Works Act 1991  
Public Health Acts 1936 and 1961  
Refuse Disposal (Amenity) Act 1978  
Rights of Way Act 1990  
Road Traffic Acts 1988 and 1991  
Road Traffic (Consequential Provisions) Act 1988  
Road Traffic Regulations Act 1984  
Solicitors Act 1974  
South Yorkshire Act 1980  
Supply of Goods and Services Act 1982  
Traffic Management Act 2004  
Transport Act 1985  
Video Recordings Acts 1984 and 1993  
Waste and Emissions Trading Act 2003  
Water Act 1945  
Wildlife and Countryside Act 1981

3. To undertake all duties on behalf of the Council and to authorise prosecution proceedings for failure to comply with the following Acts:-

Building Act 1984 Section 59 – Power to require owner or occupier of buildings to make satisfactory provision for drainage/to repair drainage which is prejudicial to health

Clean Neighbourhoods and Environment Act 2005 Sections 2, 3, 4, 6, 7, 10, 11, 12 and 99

Contravention of Traffic Regulation Orders and Off Street Parking Places Orders

Environmental Protection Act 1990 Section 80 – Power to serve an abatement notice where a statutory nuisance exists; Section 89(1) – Power to keep the land clear of litter and refuse

Heavy Goods Vehicle Operators Licences – Powers to lodge objections and make representations to the Traffic Commissioners

Highways Act 1980

Land Drainage Act 1991

Local Government (Miscellaneous Provisions) Act 1976 Section 35 – Power to require obstructions to be removed from a private sewer

Mines and Quarries (Tips) Act 1969 Sections 12, 141(1), 17(3) and 18(1)

New Roads and Street Work Act 1991

Prevention of Damage by Pests Act 1949 Section 4 – Power to require work to keep property free from rats

Public Health Act 1936 Sections 262, 263 and 264

Public Health Act 1961 Section 17 – Power to serve notice on persons requiring sewers etc. to be repaired or to release a stoppage

Refuse Disposal (Amenity) Act 1978 as amended by the Clean Neighbourhoods and Environment Act 2005 – Dealing with abandoned vehicles

Water Industry Act 1991

4. That the Council's powers relating to the above acts and any orders, regulations, statutory instruments, statutory Codes of Practice and/or Bylaws made thereunder and any future modifications, enlargements or amendments thereof be delegated to the Director of Rotherham Streetpride.

The powers conferred include:-

Instigation of Legal Proceedings  
Service of Statutory Notices  
Granting and Refusal of Licences  
Authorisation to Carry Out Work in Default

5. Power to apply to the Secretary of State for an order stopping up or diverting any highway under the Town and Country Planning Act 1990:-

Section 247 Highways affected by development.

Section 248 Highways crossing or entering route of proposed new highway.

Section 249 Order extinguishing right to use vehicles on highway.

6. Powers to make order under the Town and Country Planning Act 1990:-

Section 257 Footpaths and bridleways affected by developments: Stopping up or diversion.

Section 258 Extinguishment of public rights of way over land held for planning purposes.

Section 261(2) Temporary stopping up of highways for mineral workings.

Section 278 Contributions towards Highway Works by persons deriving special benefit from them.

7. In respect of Controlled Waste:-

Issue "Duty of Care" Controlled Waste Transfer Notes for the transfer of commercial waste and commercial clinical waste from the holder of the waste to the person/organisation collecting the waste.

Issue "Duty of Care" controlled Waste Transfer Notes for the transfer of controlled waste from the holder of the waste to the person/organisation processing/disposing if the waste.

8. In respect of Commercial Waste:-

Enter into an agreement on behalf of the Council to collect commercial and commercial clinical waste from the holder of the waste, for which a reasonable charge may be made.

9. Authority to negotiate and enter into agreements for rights to utilise highway structures for the purposes of carrying statutory undertaker's apparatus and similar facilities.

Contracts

1. Below £100,000 – subject to compliance with the Council's Standing Orders and Financial Regulations, authority to open and accept tenders,
2. (a) Below £20,000 – Private Sector Work – Authority to bid to provide services and enter into contracts.  
  
(b) Below £50,000 – External Public Work – Authority to bid to provide services and enter into contracts.
3. The implementation of submissions for grant aid, special financial packages for inward investment and submissions to awarding bodies in respect of capital schemes, including capital schemes for highways and in respect of woodland management.
4. In accordance with the South Yorkshire Transport Plan, and other policy documents, the discharge of any executive function in connection with transport policies and programmes – Regarding (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
5. The implementation of the packaging of bids for regeneration and transport monies – Regarding (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
6. The implementation of traffic management, traffic calming and area safety schemes – Regarding (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
7. In accordance with the South Yorkshire Strategic Quality Partnership the discharge of any executive function in respect of highway schemes and quality bus corridors – Regarding (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.

8. Power to make representations to and lodge objections with the Traffic Commissioners in relation to an application for the renewal of a bus operator's licence – Director of Rotherham Streetpride and Director of Asset Management Services to consult Cabinet Member and Director of Planning and Transportation Service prior to making representations or lodging objections.
9. The implementation of the removal of graffiti from private property – section 92 of the National Parks and Access to the countryside Act 1949 – Director of Rotherham Streetpride and the Director of Asset Management Services to exercise function in conjunction with the Director of Planning and Transportation Service and the Director of Rotherham Investment and Development Office.

**The Director of Rotherham Investment and Development Office**

1. Following annual budget and scheme level approval, development and implementation of Rotherham Economic Regeneration Fund (RERF), Single Regeneration Budget (SRB – until March 2008), and other funding regimes and the approval of detailed spending on individual projects.
2. Lettings of Managed Business Units in accordance with an agreed schedule of rents.
3. The delegation of the above matters will not apply where any applicant is, or has a business relationship with an elected member/senior officer of the Council
4. The implementation of submissions for grant aid, special financial packages for inward investment and submissions to awarding bodies in respect of capital schemes, including capital schemes for highways - the implementation of any determination of the Cabinet Member for Regeneration and Development Services and the discharge of any function of a regulatory nature.
5. The implementation of any determination of the Cabinet Member for Regeneration and Development Services and the discharge of any function of a regulatory nature.
6. The implementation of any decision in connection with the Rotherham Local Strategic Partnership, and functions associated with any grant regime, including Single Regeneration Budget (SRB – until March 2008), European Regional Development Fund (ERDF) and Objective 1 (and its successor) - the implementation of any determination of the Cabinet Member for Regeneration and Development Services and the discharge of any function of a regulatory nature.
7. In conjunction with the Regional Development Agency, Government Departments or other bodies, the implementation of any decision in respect of the promotion of inward investment - the implementation of any determination of the Cabinet Member for Regeneration and Development Services and the discharge of any function of a regulatory nature.
8. Regional economic development guidance, including responding to and liaising with other interested parties and representing the Council at meetings at which such guidance is considered.
9. The implementation of any decision in respect of the packaging of bids for regeneration monies - the implementation of any determination of the Cabinet Member for Regeneration and Development Services and the discharge of any function of a regulatory nature.
10. The implementation of any decision in respect of guidance on industrial estate layouts – the implementation of any determination of the Cabinet Member for Regeneration and Development Services and the discharge of any function of a regulatory nature.
11. The implementation of the Tourism Strategy.



Rival Markets

Authority to take appropriate action including the instruction of Legal Proceedings

Car Boot Sales

Administration and licensing of Car Boot Sales for Charitable purposes

Shops/Offices

Grant/Assignment/Surrender of Leases

Variation to user clauses

19. Fairs

Approval to hold a fair on Council Land – on consultation with the Director of Culture and Leisure Services

Approval of rent consequent on above

Bylaws

20. Contracts

Below £20,000 – External Public and Private Sector Work – authority to bid to provide services and enter into contracts in consultation with the Strategic Director, Environment and Development Services – in accordance with Financial Regulations.

21. That the Director of Rotherham Investment and Development Office be delegated powers to agree terms and conditions of any disposal of land or buildings in furtherance of the regeneration objectives of that service subject to the confirmation of the Director of Asset Management Services, of those terms.

**The Director of Asset Management Services**

1. Determine the operational matters and priorities and resources allocation relating to Health and Safety according to the adopted Health and Safety policy.
2. Determine the operational matters and priorities and resources allocation relating to Emergency Planning.
3. Capital Strategy and Asset Management

To be lead operational officer, in the absence of the Strategic Director, in providing advice to the Regeneration and Asset Board on real estate related matters.

To chair the Capital Strategy and Asset Review (Corporate) Team and make recommendations to the Regeneration and Asset Board on the future use of all or any land and property assets (real estate) in the possession of the Council and conduct Council wide reviews as required to enable recommendations to be made.

The implementation of any matter not otherwise specified in this Table that concerns the Environment and Development Services Directorate Area and that has been allocated to the particular member of the executive.

4. Implementation of the capital projects within approved budgets in accordance with the Council's Capital Project Procedures.
5. Land and Property

That the Director of Asset Management Services has delegated powers to agree terms and conditions of any disposal or acquisition of land and buildings, and

Authority to approve the terms of rent reviews and

Authority to approve new leases and

Authority to refuse consent to assign leases, sub-lettings, ground landlord approval, user clauses, release of restrictive covenants, easements and wayleaves.

6. Contracts Above £20,000 – External Public and Private Sector Work – authority to bid to provide services and enter into contracts – in accordance with Financial Regulations.

Authority to assign leases, approve sub-lettings, change user clauses and grant landlords approvals.

(The delegation on the above matters will not apply where any applicant is, or has a business relationship with an elected member/senior officer of the Council)

7. Approval of Hire and other Charges  
Release of Restrictive Covenants, ground landlords' approval, easements or wayleaves.
8. Shops/Offices



Grants/Assignments/Surrender of Leases

Variation to user clauses

9. Contracts Below £20,000 – External Public and Private Sector Work – Authority to bid to provide services and enter into contracts in consultation with the Strategic Director of Environment and Development Services – in accordance with Financial Regulations.
10. The Implementation of any decision in respect of the making of a Compulsory Purchase Order – the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
11. Determine the operational matters and priorities and resources allocation relating to Facilities Management and Services, land ownership records and energy and property related environmental management.
12. Determine the operational matters and priorities and resources allocation relating to Building Design and Construction, including the procurement of contractors and consultants (except Housing Revenue Account – Housing) and letting of contracts according to European law.
13. Determine the operational matters and priorities and resources allocation relating to the Corporate Transport Unit, and includes the procurement, of vehicles, maintenance of vehicles, effective implementation of the Vehicle Operators Licence in accordance with European Law and Transport Policy.

**To the Director of Culture and Leisure Services**

1. Operational management and maintenance of Parks, Recreation Grounds, Play Areas, Camping, Caravan and Picnic Sites, Allotments, Leisure Facilities, Swimming Pools, Commercial and Promotional Services, Country parks, all land held by the Council specifically for public open space and recreation, Countryside Service, Art Galleries, Museums, Designated Heritage Site(s), Theatre, Arts Centre, Community Arts Unit, Public Art, Museum and Art Collections, letting of land and premises, engaging performers, crafts people, artists, stewards and all other necessary staff.
2. Provision of floral decorations.
3. Management of Catering Services within designated venues.
4. Contract performers/exhibitors, etc. and programme professional performance in accordance with Council policies.
5. Letting of land controlled by the Environment and Development Services Directorate for fairs, circuses and travelling shows.
6. To accept offers of museum artefacts, works of art, etc. being gifts or bequests according to the Council's acquisition and disposal policy for Museums and Arts.
7. To accept loans to the Council of museum specimens and works of art.
8. To decide upon applications to reproduce museum specimens, works of art etc.
9. To arrange lectures, exhibitions, openings relating to the Council's Museum and Arts Collections.
10. To arrange holiday closing of all sites and services controlled by the Culture and Leisure Services Department.
11. Authorisation of grants to voluntary bodies up to a value of £500 according to the Council's criteria for Arts, Heritage and Recreation grants.
12. To arrange hospitality for performers, exhibitors etc., and to negotiate with firms to sponsor performances.
13. Authorisation of reduced charges/hire fees up to a value of £500 according to the Council's criteria.
14. Management of all Capital Projects within Culture and Leisure Services.
15. To act at the Council Client for the proposed PFI Leisure provision in Rotherham.
16. To work in co-operation with Children and Young Peoples Services Directorate to provide a comprehensive Cultural activity programme for children and young people.
17. To deliver a comprehensive and effective library service in line with government guidelines.

18. To act as the Council's contact point for all regional and cultural bodies e.g. Sports Council, Arts Council.
19. The development and implementation of the PFI (Leisure) Programme.

<b>Children and Young People’s Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
<b>1. Strategic Planning</b>					
1.1	To approve strategic plans across the Directorate which provide a long and medium-term strategy for the development of Children and Young People’s Services, consistent with the overall policy framework of the Council.	Approval or recommendation to Council			
1.2	To approve Directorate and Service Plans, as required by the Council, which will form the basis for budget planning and monitoring.		Decision		
1.3	To ensure the Services’ approved Business Plans which set out the framework for the delivery of services are consistent with the short, medium and long-term plans of the Children and Young People’s Services Directorate.			Decision	
1.4	To approve financial plans for the Children and Young People’s Services Directorate and allocate resources to Services in accordance with approved Service Plans.	Decision			
1.5	To adopt Corporate Children and Young People’s Services policies which assist in the delivery of Service Plans.	Decision			
<b>2. Performance Review</b>					
2.1	To adopt and maintain a plan and procedure for monitoring and reviewing Service activity/outcomes in fulfilling the terms of the Service Plans.			Decision	

<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
2.2.	To be responsible for the management of Service performance in the use of allocated resources against strategic objectives as outlined in the Service Plans and to ensure consistency in the delivery of outputs and outcomes against Service Plans.			Decision	
2.3	To determine any transfer of resources within and across the Directorate consistent with the maintenance of effective performance and a balanced budget.			Up to £100k across Services in accordance with financial regulations	Up to £100k re own Service in accordance with financial regulations
2.4	To ensure all policy development is consistent with overall Council policy and national priorities in respect of Children and Young People's Services.			Decision	
2.5	To ensure that adequate arrangements are in place for managing information relating to the Children and Young People's Services functions, including the provision of information required by all statutory and local scrutiny arrangements.			Decision	
2.6	To monitor and review activity across the Directorate with respect to workforce development and staff care.			Decision	
3.	<b>Service Provision</b>				
	<b>General</b>				
3.1	To agree policy and objectives for the delivery of Children and Young People's Services.	Decision			

<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
3.2	To ensure appropriate arrangements are made for the commissioning, purchasing and delivery of services and advise the Cabinet member of any issues arising.			Decision	
3.3	To determine the strategic framework for contracting and market development, including the relationship with the Council's "in-house" provider units.	Decision			
3.4	To determine the process of tendering and letting of contracts, ensuring that contract compliance is maintained by the application of appropriate monitoring arrangements (in accordance with Standing Orders).	Decision			
3.5	To determine grants to voluntary organisations in accordance with the overall budgetary provision for grant aid.		Decision		
3.6	To be responsible for the operation of the Council's statutory obligations for the delivery of Children and Young People's Services as delegated by the Cabinet.			Decision	
3.7	To receive an annual report from each sub-division of the service.		Decision		
3.8	To determine the eligibility criteria for service provision.	Decision			
3.9	To apply the eligibility criteria but retain the discretion to determine individual service provision where appropriate.		Decision Over £3000 annually	Decision Up to £3000 annually	
3.10	To ensure the full assessment of welfare needs for Service Users and their carers is undertaken.				Decision

<b>Children and Young People's Services Functions</b>				
<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
3.11 To be responsible for the appropriate targeting of resources ensuring needs are most appropriately met through the balanced provision of care and support.				Decision
3.12 To initiate Court proceedings in respect of non-payment of charges.			Decision	
3.13 To ensure consultation with the public, service users and carers and the provision of information concerning Local Authority priorities for the provision of Children and Young People's Services.				Decision
3.14 To ensure that appropriate arrangements are made to safeguard the Health and Safety of service users and staff in accordance with statutory requirements and Council policy.				Decision
3.15 To determine appropriate programmes for the efficient operation, maintenance and protection of buildings within the service.				Decision
3.16 To receive inspection reports and service responses in respect of provision of childminding and day care provision and to ensure appropriate action has been taken in respect of recommendations from these reports.		Decision		
3.17 To receive and consider reports relating to the provision and inspection of community homes, voluntary homes and registered children's homes.		Decision		

<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
3.18	To authorise the temporary closure of or suspension of admissions to a school, pupil referral unit or children's home on grounds other than financial viability.			Decision	
3.19	To consider representations concerning any aspect of Service provision including appeals against the ability to pay charges.				Decision
3.20	To assist in the monitoring of complaints and ensure the policy and procedure for handling complaints is in accordance with the Directorate's complaints procedure.				Decision
3.21	To receive and consider issues arising from complaints.		Decision		
3.22	To delegate to the Cabinet Member powers and duties arising from the agreed terms of reference for the Cabinet Member and the associated Schedule of Delegation of Powers and Duties.	Decision			
<b>Service Provision</b>					
4.1	The receipt of and consideration of action consequent on any report concerning the inspection of any school within the borough, or the inspection of the local education authority.	Decision			
4.2	The approval of any submission or application to the Secretary of State regarding the formation of an Education Action Zone within the borough.	Decision			



<b>Children and Young People's Services Functions</b>				
<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
4.3 The approval of the exercise of any powers under sections 14 or 15 of the School Standards and Framework Act 1998 (intervention by LEAs in schools causing concern) or any amendment or re-enactment thereof.	Decision			
4.4 To determine any significant change in character of schools maintained by the Authority;		Decision		
4.5 Securing sufficient school places to provide primary and secondary education and any other education for which the Authority has responsibilities, including:-  <ul style="list-style-type: none"> <li>- nursery education;</li> <li>- any residual responsibilities for providing further education which are not the responsibility of the Further Education Funding Council;</li> <li>- any exceptional provision required for the children of compulsory school age who, by reason of illness, exclusion or otherwise may not receive suitable education;</li> <li>- facilities for recreation and social and physical training;</li> </ul>		Decision		
4.6 Approving schemes of delegation prepared by the Strategic Director in relation to the delegation of funding to schools in the Authority's area.		Decision		

<b>Children and Young People's Services Functions</b>				
<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
4.7 The approval of any policy or strategy in relation to the implementation of any statutory requirements regarding the curriculum in schools, including the implementation of the National Curriculum and the securing of due provision of religious education.		Decision		
4.8 The approval of any policy or arrangement relating to the admission of pupils to schools for which the Authority is the admission authority.		Decision		
4.9 The approval of any arrangements for the preservation of the character of aided or special agreement schools [foundation or voluntary aided schools upon implementation of the School Standards and Framework Act 1998].		Decision		
4.10 The approval of any fixing, review or variation of the standard number of any school.		Decision		
4.11 The approval of any Statement setting out the arrangements which the Authority intends to make in order to comply with any limit imposed by Section 1 of the School Standards and Framework Act 1998 (or any amendment thereof) in relation to infant classes at schools maintained by the Authority.		Decision		
4.12 The approval of any policy or arrangements which the Authority might wish to adopt to determine eligibility for transport to be provided by the Authority for persons attending schools or other educational institutions.		Decision		

<b>Children and Young People's Services Functions</b>				
<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
4.13 The determination of any policy or arrangement adopted by the Authority in relation to the provision of meals at schools (including free meals).		Decision		
4.14 The determination of any Statement setting out the arrangements the Authority proposes to make in connection with the education of children with behavioural difficulties (made pursuant to Section 527A of the Education Act 1996, or any amendment or re-enactment thereof).		Decision		
4.15 The determination of school terms and holidays.		Decision		
4.16 The duty to secure the operational management of the provision of all services made by the Authority in the discharge of its education functions.			Decision	

<b>Children and Young People's Services Functions</b>				
<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
4.17 The operational role relating to the securing of sufficient school places to provide primary and secondary education and any other education for which the Authority has responsibility, including:- <ul style="list-style-type: none"> <li>- nursery education;</li> <li>- any residual responsibilities for providing further education which are not the responsibility of the Further Education Funding Council;</li> <li>- any exceptional provision required for those children of compulsory school age who, by reason of illness, exclusion or otherwise may not receive suitable education;</li> <li>- facilities for recreation and social and physical training.</li> </ul>			Decision	
4.18 All operational requirements relating to the establishment, discontinuance and significant change in character of schools maintained by the Authority, including the preparation of any submissions to Government or other offices.			Decision	
4.19 Any steps required to constitute or, following constitution, support governing bodies.			Decision	
4.20 Any steps required to discharge the Authority's obligations with respect to the financing or funding of schools, including the preparation and review of schemes of delegation and the power to act where the Executive Director considers that suspension of the delegated budget of a school is necessary.			Decision	
4.21 The discharge of the Authority's functions relating to the employment of staff within schools maintained by the Authority.			Decision	

<b>Children and Young People's Services Functions</b>				
<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
4.22 The discharge of any of the Authority's functions relating to the appraisal of teachers or head teachers.			Decision	
4.23 The issue of advice to governing bodies concerning the use of school premises.			Decision	
4.24 The discharge of the Authority's functions relating to discipline in schools, including: any reserve powers vested in the Authority relating to the prevention of a breakdown of discipline in schools.			Decision	
4.25 The discharge of the Authority's functions relating to pupils with special educational needs, including: <ul style="list-style-type: none"> <li>- the assessment, where necessary, of any child's special educational needs;</li> <li>- the issue and maintenance of any Statement of special educational needs relating to a pupil;</li> <li>- the defending of any appeal to the Special Educational Needs Tribunal against a decision by the Authority.</li> </ul>			Decision	

<b>Children and Young People's Services Functions</b>				
<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
<p>4.26 The discharge of the Authority's functions relating to the admission of pupils to schools, including:-</p> <ul style="list-style-type: none"> <li>- the implementation of the fixing, review and variation of standard numbers and admission numbers;</li> <li>- the publication of the Authority's admission arrangements, including any arrangements to preserve the character of aided or special agreement schools [foundation or voluntary aided schools upon implementation of the School Standards and Framework Act 1998];</li> <li>- the making of arrangements to enable parents to express a preference as to the school at which they wish their child to be educated;</li> <li>- the administration of a system to enable parents, and governing bodies where appropriate, to appeal against a decision of the Authority in relation to the admission of a child, including the duty to advertise for lay members to sit on appeal committees [panels upon implementation of the School Standards and Framework Act 1998];</li> <li>- the issuing of any directions to a governing body to admit a pupil to its school.</li> </ul>			Decision	
<p>4.27 The operational management of the Authority's functions relating to the curriculum in schools, including the implementation of the National Curriculum and the securing of due provision of religious education.</p>			Decision	

<b>Children and Young People's Services Functions</b>				
<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
4.28 The discharge of the Authority's functions relating to the attendance of pupils at schools.			Decision	
4.29 The discharge of the Authority's functions relating to the inspection of schools or the inspection of the local education authority, including:-  - the preparation and distribution of any written statement of action; - the publication of any written statement of action or report;			Decision	
4.30 The power to order an inspection of any school for a specific purpose by the Authority pursuant to Section 25 of the School Inspections Act 1996, or any amendment or re-enactment thereof.			Decision	
4.31 The discharge of any functions of the Authority relating to baseline assessments.			Decision	
4.32 The discharge of any of the Authority's functions in relation to the provision of advice on careers.			Decision	
4.33 The preparation of statements setting out the Authority's plans for reducing infant class sizes.			Decision	
4.34 The implementation of a system to elect parent governors as representatives on education committees.			Decision	
4.35 The operational management and publication of the Authority's arrangements for providing transport for persons attending schools or other educational institutions.			Decision	

<b>Children and Young People's Services Functions</b>				
<b>Reference</b>	<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
4.36 The preparation and review of a statement setting out the Authority's arrangements in connection with the education of children with behavioural difficulties.			Decision	
4.37 The publication of a disability statement pursuant to Section 528 of the Education Act 1996, or any amendment or re-enactment thereof.			Decision	
4.38 Any submission relating to Education Action Zones within the area of the Authority.			Decision	
4.39 The discharge of any powers of intervention in schools exercisable by the Authority, including: <ul style="list-style-type: none"> <li>- the power to issue a warning notice to a governing body;</li> <li>- the power to appoint additional governors;</li> <li>- the power to suspend the school's delegated budget</li> </ul>			Decision	
4.40 The establishment and support of a School Organisation Committee and Admissions Forum.			Decision	
4.41 The preparation and review of a School Organisation Plan and Admissions Forum.			Decision	
4.42 The following Proper Officer roles:- <ul style="list-style-type: none"> <li>(a) Duly authorised officer for making Statements of Special Educational Needs</li> <li>(b) Duly authorised officer for commencing prosecutions under Section 444 of the Education Act 1996, or any amendment</li> </ul>			Decision	



<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
	<p>or re-enactment thereof (school attendance)</p> <p>(c) Duly authorised officer for commencing proceedings relating to the service of and prosecution for failure to comply with School Attendance Orders under Part VI, Chapter II of the Education Act 1996, or any amendment or re-enactment thereof.</p> <p>(d) Duly authorised officer for commencing proceedings under Section 36 of the Children Act 1989, or any amendment or re-enactment thereof (Education Supervision Orders).</p> <p>(e) Duly authorised officer for commencing prosecutions under Section 547 of the Education Act 1996 or any amendment or re-enactment thereof (nuisance on educational premises).</p> <p>(f) Duly authorised officer for the non-executive function of issuing licences for and prohibition and restriction of the employment of children, together with powers of entry to inspect the place of employment, under byelaws made in pursuance of the Education Act 1996, the Children and Young Persons' Acts 1933-1969, the Children Act 1989 and any regulations made thereunder or any amendments and re-enactments thereof</p>			Decision	
<b>Service Provision</b>					
5.1	To ensure that appropriate arrangements are made in accordance with legislation for children looked after by the Local Authority.		Decision		

<b>Children and Young People's Services Functions</b>					
<b>Reference</b>		<b>Cabinet</b>	<b>Cabinet Member</b>	<b>Strategic Director</b>	<b>Service Director</b>
5.2	To ensure that appropriate arrangements are made relating to the adoption service for children provided through the Rotherham Adoption Agency.		Decision		
5.3	To maintain a register of children with disabilities.				Decision
5.4	To contribute towards the maintenance of joint agency regulations to meet the requirements of an effective child protection service.				Decision
5.5	To receive and consider reports related to the work of the Local Safeguarding Children Board.		Decision		
5.6	To ensure the provision of a Youth Offending Service in accordance with Criminal Justice Legislation and the National Standards associated with that legislation.			Decision	
5.7	To be responsible for receiving and considering reports in connection with complaints and representations activities arising out of the Local Authority Social Services Act 1970, the Local Authority Social Services (Complaints Procedure) Order 1990, Complaints Procedure Directions 1990, Representations Procedure (Children) Regulations 1991 and the Children's (Representations, Placements and Reviews) (Miscellaneous Amendments) Regulations 1991.		Decision		

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
A. Service Provision					
<p>Complaints and Representations Local Authority Social Services Act 1970 S.7B</p> <p>Local Authority Social Services (Complaints Procedure) Order 1990, Representations Procedure (Children) Regulations 1991, Children's (Representations, Placements and Reviews (Miscellaneous Amendments) Regulations 1991</p> <p>Care Standards Act 2000</p> <p>Children (Leaving Care) Act 2000</p> <p>National Care Standards Act, 2000</p> <p>Rotherham Local Safeguarding Children Board, Working Together under the Children Act 1989, the Children Act 2004 and the Adoption and Children Act 2002.</p>	<p>Every Local Authority must establish a procedure for considering any representations (including complaints) in the relation to the discharge, or any failure to discharge, its social service functions.</p> <p>Local Authorities should attempt to resolve complaints informally. When this is not to the satisfaction of the complainant, they should be informed of the formal procedure. Formal complaints should be heard by a panel of three persons, at least one of whom should be an independent person.</p> <p>Local Authorities must have arrangements in place that will ensure it complies with regulations and the National Minimum Standards.</p> <p>The Authority is responsible to establish and maintain Local Safeguarding Children Board with responsibility for developing, monitoring and reviewing child protection policies.</p>			Decision	<p>See Schedule of delegation to officers</p> <p>See Schedule of delegation to officers</p>
Children's Act 2004	Each Authority shall prepare and publish a Children and Young Peoples Plan.				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Data Protection Act 1998 D.P.A. Guidance to Social Services 2000	Generally, individuals have a right to access to information maintained in relation to themselves and to obtain copies and require amendment of any inaccurate information.				Decision
A1. Children and Families Services General Duty of Care Children Act 1989 S.17  Residential Care Children Act 1989 S.20 and 23	The Local Authority has a general duty to safeguard and promote the welfare of children in their area who are in need and to promote the upbringing of children by their families by providing a range and level of services appropriate to those children's needs.  Local Authorities must provide or arrange accommodation for a child in need in their area who appears to require it because there is no person with parental responsibility for the child, the child is lost or abandoned, or the person who has been caring for the child is prevented from providing accommodation.				See Schedule of delegation to officers  See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>Accommodation can be provided by placement with a suitable person or in a Local Authority residential home, or a voluntary or privately owned registered children's home.</p> <p>When accommodation is to be provided for siblings they should be kept together where reasonably practicable. The accommodation provided for any child should, where practicable, be near his or her home.</p>				See Schedule of delegation to officers
<p>Secure Accommodation Children Act 1989 Criminal Justice and Public Order Act 1993 Criminal Justice Act 1991 Children (Secure Accommodation) Regulations 1991 Children (Secure Accommodation No. 2) Regulations 1991</p>	<p>Provision for the use of secure accommodation against set criteria.</p> <p>It is the duty of every Local Authority to comply with any security requirement placed upon them and it must provide or arrange with another Authority the provision of sufficient secure accommodation.</p>				See Schedule of delegation to officers
Adoption and Children Act 2002	Every Local Authority will establish and maintain an adoption service, which must include making and participating in arrangements for the adoption of children and for the provision of adoption support services.				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Private Fostering Children Act 1989 S.67 as amended by Children Act 2004 Foster Placement (Children) Regulations 1991 Placement of Children with Parents, etc. Regulations 1991 Children (Private Arrangements for Fostering) Regulations 1991	Local Authorities have a duty to satisfy themselves as to the welfare of privately fostered children. The Authority will visit privately fostered children as laid down in regulations.				See Schedule of delegation to officers
Consideration of a Child's Wishes Children Act 1989 S.22	When making a decision about a child they are looking after, the Local Authority must take into account the wishes and feelings of the child, his or her parents and any other significant person in relation to the child.				See Schedule of delegation to officers
Advise, Assist and Befriend Children Act 1989 S.24 Children (Leaving Care) Act, 2000	It is the duty of the Local Authority to safeguard and promote the needs of care leavers and advise, assist and befriend any child looked after by the Authority with a view to promoting the child's welfare when and after he or she leaves the Authority's care.				See Schedule of delegation to officers
Contact with a Child in Care Children Act 1989 S.34 Contact with Children Regulations 1991	A Local Authority must allow reasonable contact between a child in its care and the parents, guardian and previous carer of that child (unless a Court Order to the contrary has been obtained.)				Decision
Investigation and Social Reports Children Act 1989 S.7, 37 and 47	At the request of the Courts, the Local Authority must investigate the child's circumstances and report to the Courts.				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Children Act 1989	Local Authorities must make, or cause to be made, enquiries into the circumstances of any child in Police custody or subject to an Emergency Protection Order or, where they have reasonable grounds to believe that the child may be suffering significant harm, to allow them to decide what action they should take to promote the welfare of the child.				See Schedule of delegation to officers
Care Orders Children Act 1989 Part IV, S.31	The Courts can make a number of Orders with respect to a young person which require action by the Local Authority. These range from Care Orders, under which the Authority assume parental responsibility for the child, to Family Assistance Orders requiring an officer of the Authority to be made available to assist any person named in the Order.				See Schedule of delegation to officers
Review of Children's Cases Children Act 1989 Review of Children's Cases Regulations 1991	Local Authorities are required to review the cases of children looked after by them. The first review must take place within four weeks of a child being provided with accommodation or looked after by the Authority. The second review must take place within a further three months, followed by six monthly reviews.				See Schedule of delegation to officers
Charging for Services Children Act 1989 S.29	Some Local Authority services for children can be charged for. However, the charges must not be more than the individual can reasonably be expected to pay.	Decision			

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Children and Disabilities Chronically Sick and Disabled Persons Act            Disabled Persons (Services Consultation and Representation Act 1986            Children Act 1989            Carers Assessment            The Carers (Recognition and Services) Act 1995            Carers and Disabled Children Act 2000</p>	<p>It is the duty of every Local Authority to establish and maintain a register of children with disabilities. Every Local Authority also had a duty to assess and consider need of children with a disability and the needs of children leaving special education provision. Carers may request an assessment of their ability to provide and continue to provide care for an ill or disabled person. This can include young people (under 18) who are acting as carers.</p>				<p>See Schedule of delegation to officers</p> <p>See Schedule of delegation to officers</p>
<p>Youth Crime            Children Act 1989            Criminal Justice Act 1991, 1994            Police and Criminal Evidence Act            Crime and Disorder Act 1998</p>	<p>The Local Authority must make arrangements to provide advice and guidance in relation to young people appearing before the Youth Court. There is also a duty to supervise young people made the subject of Supervision Orders by the Court. The Local Authority has a duty under the Police and Criminal Evidence Act to act as an appropriate adult for children being interviewed by the Police where it is not possible for the parent to undertake this task.</p> <p>The Local Authority must make applications to the Family Proceedings Court to place a child (under 10) under the Supervision of a "responsible officer" and requires the child to comply with such requirements as are specified.</p> <p>The Local Authority, after consultation with the Police, and with the support of the local community, will submit a scheme for approval to the Home Office.</p>				<p>See Schedule of delegation to officers</p> <p>Decision</p> <p>Decision</p>



Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	Each Local Authority must establish youth offending teams for their area in accordance with the Criminal Justice legislation.				Decision
Direct Payments Carers and Disabled Children Act 2000	Local Authorities responsible for children's disability services may make direct payments to disabled 16 and 17 year olds in respect of their securing the provision of such services.				Decision
Adoption	The Service Director will reach decisions relating to the placement of children looked after for adoption – following recommendations made by the Adoption Panel. In the absence of the Head of Service the Executive Director performs this function.				Decision
Financial Write-Offs	After consulting the Service Director concerned, the Strategic Director of Finance may:- (a) write off debts due to the Council of upto £5,000 (b) write off debts due to the Council of £5,000.01 or more after consulting the Corporate Management Team, Financial Regulations 17(21).				Decision Decision
Disabled Young People Leaving Full-Time Education Disabled Person (Services, Consultation and Representation) Act 1986 S.5(5)	Having received notification from an L.E.A. that a disabled young person is shortly to leave full-time education, the Local Authority must carry out an assessment of the young person's need for statutory welfare services.				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Services for Disabled People National Assistance Act 1948 Sections 29, 30, 41, 48 and 49)</p>	<p>Local Authorities must arrange certain welfare services for disabled people who have been assessed as needing them. These include:-</p> <ul style="list-style-type: none"> <li>- practical assistance in the home</li> <li>- meals</li> <li>- assistance in carrying out adaptations to disabled people's home</li> <li>- provision of extra facilities in the home for safety, comfort or convenience</li> <li>- provision of (or help in obtaining) telephones (including related special equipment), television, radio, library or similar facilities, holidays, recreation, assistance to allow that person to take advantage of educational facilities, transport to or from services</li> <li>- social work, advice and support</li> <li>- facilities for social rehabilitation and adjustment</li> <li>- facilities for occupational, social, cultural and recreational activities, including payments to people for work.</li> </ul> <p>Local Authorities may also contribute to the cost of warden services and provide holiday homes, workshops, free or subsidised transport, help in obtaining accommodation and instruction about methods of overcoming disability.</p>				<p>See Schedule of delegation to officers</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Guardianship Orders Mental Health Act 1983 S.7 and 8 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983	<p>Local Social Service Authorities may make a guardianship application in respect of a patient of over 16 years suffering from a mental disorder where it is in the interest of the patient's welfare or for the protection of others that the patient is received into guardianship.</p> <p>The Authority granted a Guardianship Order can require the patient to reside at a specified place, require the patient to attend medical treatment, education, occupation or training and require access to the patient to be given to a Medical Practitioner or Approved Social Worker.</p>		Decision		Decision
Emergency Admission to Hospital Mental Health Act 1983 S.2, 3 and 4 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983	<p>In any case of urgent necessity, an Approved Social Worker may make an emergency application of admission for assessment. A written recommendation from a registered Medical Practitioner is required to support the application. This emergency application will allow compulsory admission to hospital for a period of up to 72 hours. A second medical recommendation must be obtained within those 72 hours if the patient is to be detained for an assessment period of up to 28 days.</p>				See Schedule of delegation to officers

**Neighbourhood Services Functions**

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
1. <b>Strategy and Policy</b>				
To determine policy and procedures in the following matters:-				
1.1 The tenancy agreement for tenants of dwellings within the Housing Revenue Account		Decision		
1.2 Renovation, Home Repair Assistance, Group Repair and Disabled Facilities Grants		Decision		
1.3 The role of Housing in regeneration and sustainability		Decision		
1.4 Strategies and policies arising from the estimation of general housing need , special housing need and stock condition within the Borough.		Decision		
1.5 Any matter arising from the Councils complaints procedure or any matter recommended by the Ombudsman where the matter is a question of policy.		Decision		
1.6 The approval of supplementary estimates to be funded from balances within in any General Fund account under the control of Housing and Environmental Services		Decision		
1.7 The tendering strategy for the maintenance of all Council owned properties.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
1.8 <ul style="list-style-type: none"> <li>▪ The closure, clearance and improvement of dwellings whether individually or in respect of areas of housing,</li> <li>▪ the making of Compulsory Purchase Orders in relation to housing matters,</li> <li>▪ the authorisation of discretionary home loss and disturbance payments and</li> <li>▪ the payment of vendor's fees prior to the declaration of a compulsory purchase order or clearance area.</li> </ul>		Decision		
1.9 The Council's enabling role and partnerships with other agencies, tenants and tenants groups insofar as it applies to housing.		Decision		
1.10 Tenant and resident consultation and involvement in the formulation and implementation of Council's Housing, Housing Management and Housing Regeneration strategies.		Decision		
1.11 Mortgage advances and improvement loans.		Decision		
1.12 The approval of supplementary estimates to be funded from balances within the Housing Revenue Account.		Decision		
1.13 Any matter relating to the functions of any unit within the Neighbourhood and Adult Services Directorate.		Decision		
1.14 The role of the Directorate in Local Agenda 21 and Sustainability.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
2. <b>Enforcement, Operations and Service Matters</b>				
To determine the following matters:				
2.1 In respect of the Allocation Scheme for Council Housing under the Housing Act 1996, related legislation, and relevant codes of guidance, Transfers of Tenancy and Nominations to Registered Social Landlords		Decision		
2.2. Policy in connection with the allocation and letting of property held within the Housing Revenue Account.		Decision		
2.3 Save in so far as delegated to the Service Director for Neighbourhood Services, in respect of Renovation Grants and Home Repair Assistance and Disabled facilities Grants under the Housing Grants, Construction and Regeneration Act, 1996 or related legislation secondary legislation or Government Circulars, whether mandatory or discretionary; <ul style="list-style-type: none"> <li>▪ The approval of grant.</li> <li>▪ The payment of grants</li> <li>▪ Interim payments and unforeseen works</li> </ul>		Decision		

3.	<b>Miscellaneous</b>			
Determination of the following matters:				
3.1	Matters relating to the submission and acceptance of tenders relating to contracts for the procurement of goods and services in accordance with standing orders and financial regulations.		Decision	
3.2	The fixing of fees and charges for services provided.		Decision	
3.3.	Applications in respect of mortgage advances which fall within the Council's approved scheme and loans for house purchase or for the adaptation, improvement, conversion or repair of houses.		Decision	
3.4	Applications for extensions, adaptations grants or awards in the private and public sectors in excess of £25,000, to be submitted for approval.		Decision	
3.5	Disposal of Council owned housing, i.e. acquired property or system built or otherwise defective property by means of sale on the open market or deed of gift or long lease to a registered social landlord, provided local ward members concur and in accordance with the Council's land disposal procedures.		Decision	
3.6	Employee/Trainee awards made within the Directorate and/or Business Units.		Decision	
3.7	The implementation of National Conditions of Service and Local Joint Agreements in accordance with Corporate policy and procedure.		Decision	

<b>4. Contracting and Best Value</b>				
The determination of the following matters:				
4.1 Policy and procedures and matters arising in connection with the conduct and performance of a contractor, including the Council's own workforce.		Decision		
4.2 Future procurement strategy, contract packaging and market analysis.		Decision		
4.3 Measures necessary to achieve 'best value' in the functions of the Directorate and high standards of performance and quality of service delivery.		Decision		
4.4 Policy and procedures to improve service delivery, efficiency and effectiveness.		Decision		
4.5 Proposals for variations to the works programme in excess of £100,000 in value or relating to 10 or more properties, upon report by the Board of 2010 Rotherham Ltd.		Decision		



5. <b>Service Provision</b>				
<b>General</b>				
5.1 The Strategic Director of Neighbourhoods and Adult Services be delegated the power to determine the content of the preparation programme, changes to the co-ordinating team or minor changes to the partnership arrangements in connection with the South Yorkshire Housing Low Demand Pathfinder.			Decision	
5.2 The discharge of:-  <ul style="list-style-type: none"> <li>▪ Any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority and,</li> <li>▪ Any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with the executive arrangements made by the Council in respect of all the relevant Acts.</li> </ul>				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Neighbourhood Development Group Repair Scheme	<ul style="list-style-type: none"> <li>▪ Approval of individual phases provided for within a framework contract</li> <li>▪ Project management</li> <li>▪ Authorisation of payment for unforeseen works and variations provided always that matters are in accordance with the Council's Standing Orders, Capital Project procedures and the terms and conditions of the contract</li> </ul>				Decision
2010 Rotherham Ltd	Authority to represent the Council at any general meeting of 2010 Rotherham Ltd.				Decision
Housing Operational and Procedural Matters	Disposal of small areas of land to Council tenants for the purposes of garden extensions, car parking or to assist the general care and aspect of the area, provided local ward members concur and in accordance with the Council's land and disposal procedures.				Decision

Housing Services					
Housing Operational and Procedural Matters	<p>Authorisation of mandatory payments in respect of the Secure Tenants of Local Authorities (compensation for improvements) Regulations 1994.</p> <p>Authorisation of mandatory financial compensation in respect of the Secure Tenants of Local Housing Authorities (right to repair) Regulations 1994.</p>				Decision

Statutory Provision	<p>That the Council's powers relating to the above acts and any orders, regulations, statutory instruments, statutory Codes of Practice and/or Bylaws made there under and any future modifications, enlargements or amendments thereof be delegated to the Service Director for Housing Services.</p> <p>The powers conferred include:  Instigation of Legal Proceedings  Authorisation of Informations and Summonses  Authorisation of Applications for a Warrant to Enter Premises  Service of Statutory Notices  Granting and Refusal of Licences  Authorisation to Carry out Work in Default  Appointment of Inspectors and Officers  Appointment of Chief and Deputy Chief Inspector of Weights and Measures  Authorisation of Officers  Appointment of Official and Authorised Veterinary Officers, Public Analysts</p>				Decision
---------------------	--	--	--	--	----------

<p>Renovation, Home Repair Assistance and disabled Facilities Grants</p>	<p>Grants where the value of works is assessed by the Service Director for Neighbourhood Services as being less than or equal to £6,000 in respect of Disabled Facilities Grants and £7,500 in respect of Renovation Grants and all home repair assistance grants. N.B. there is no delegated power to officers in respect of an application from a private landlord for a discretionary grant.</p> <p>Interim payments in respect of Home Renovation, Renovation and Disabled Facilities Grants up to a maximum of 50% of the value of completed work provided at least 50% of the total anticipated works have been satisfactorily completed. Where the payment involves disbursements to the Utilities Companies and any services provided by the Local Authority, such disbursements shall be included within this power but shall be additional to the percentages applied within this paragraph and may be made at any time after the approval of the grant.</p> <p>Additional payments for unforeseen works subject to a maximum of £500 in respect of any single grant.</p>				<p>Decision</p>
--	---	--	--	--	-----------------

<p>Renovation, Home Repair Assistance and disabled Facilities Grants cont...</p>	<p>Authorisation of extensions of time in respect of grant aided works.</p> <p>In respect of applicants using the agency service, authorisation of the payment of fees to persons or agencies in the preparation of plans, reports or other inspections prior to the award of a grant.</p> <p>In respect of applicants using the agency service, the maintenance of a list of approved contractors.</p> <p>Monies by way of loan, the amount being the difference between the value of approved renovation, disabled facilities or public sector adaptation works and the amount of grant payable, subject to specific provisions of Council policy.</p> <p>Variation of the grant payable in such instances where the final accounts show reductions to the amount of grant approved, or where, owing to circumstances beyond the control of the applicant, the eligible works cannot be carried out on the basis of the determined expenses or failure to complete by contractor or other appropriate instances.</p> <p>Approval subject to any necessary conditions, where grant applicants wish to vary the standard specification</p> <p>For fixtures and fittings beyond that approved by the Council.</p>				<p>Decision</p>
--	--	--	--	--	-----------------

Adaptations	<p>Applications for adaptation grants or awards in the private and public sectors in excess of £25,000 (with the exception of extension adaptations).</p> <p>All agreed claims for unforeseen and additional works be delegated to the Principal Grants Officer.</p> <p>Approval of interim payments up to 90% legislative maximum be delegated to the Principal Grants Officer.</p>				Decision
-------------	--	--	--	--	----------

<p>Housing Operational and Procedural Matters</p>	<p>Homelessness determinations in accordance with the Housing Act 1985 and the code of guidance.</p> <p>Authorisation of mandatory payments in respect of the Secure Tenants of Local Authorities (compensation for improvements) Regulations 1994.</p> <p>Authorisation of mandatory payments in respect of the Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994.</p> <p>Determination of such costs as are reasonably rechargeable to tenants in respect of repairs necessitated by factors other than fair wear and tear on the Council's property and fixtures.</p> <p>Service of appropriate notices in respect of unauthorised occupation of land or dwellings.</p> <p>Allocation and letting of vacant dwellings and garages provided they are within the policy of the Council otherwise in consultation with the Cabinet Member.</p> <p>Approval of successions and assignments meeting the statutory requirements and the policy of the Council. Approval of second successions and commencement of possession proceedings in accordance statutory provision and Council policy.</p>				<p>Decision</p>
---	--	--	--	--	-----------------



<p>Housing Operational and Procedural Matters cont...</p>	<p>Permitting tenants to resume their tenancy if the request is within a reasonable time from receipt of vacant possession.</p> <p>Admitting the right to buy in accordance with the Housing Act 1985. Determining boundaries for dwellings prior to conveyancing upon a right to buy claim. Authority to decant tenants of the</p> <p>Council to alternative accommodation provided the period is not likely to exceed 12 weeks.</p>				<p>Decision</p>
<p>Introductory Tenancies</p>	<p>Delegation of powers to the Anti-Social Behaviour Review Panel and Senior Officers in Housing Management to review and confirm, confirm with conditions attached and not confirm Notices of Proceedings for possessions on cases of breaches of the Tenancy Agreement.</p>				<p>Decision</p>

Neighbourhood Services					
<p>Statutory Provisions</p> <p>Abandonment of Animals Act 1960  Administration of Justice Act 1970, As Amended  Agriculture Act 1970  Agricultural (Miscellaneous Provisions) Act 1968  Agriculture Produce (Grading and Marking) Acts 1928 and 1931  Agriculture (Safety, Health and Welfare Provisions) Act 1956  Animal Boarding Establishments Act 1963  Animal Health Act 1981  Animal Health and Welfare Act 1984  Anti-Social Behaviour Act 2003  Breeding of Dogs Act 1973 and 1991  Broadcasting Act 1990  Building Act 1984  Business Names Act 1985  Children and Young Persons Act 1933  Children and Young Persons (Protection from Tobacco) Act 1991  Clean Air Act 1993  Clean Air &amp; Neighbourhood Act 2004  Companies Act 1985  Consumer Arbitration Agreements Act 1988  Consumer Credit Act 1974</p>	<p>The discharge of –  any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, and any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in respect of the Acts in column one.</p> <p>That the Council's powers relating to these acts and any orders, regulations, statutory instruments, statutory Codes of Practice and/or Bylaws made there under and any future modifications, enlargements or amendments thereof be delegated to the Director of Neighbourhood Services.</p> <p>The powers conferred include:  Instigation of Legal Proceedings  Authorisation of Informations and Summonses  Authorisation of Applications for a Warrant to Enter Premises  Service of Statutory Notices  Granting and Refusal of Licences  Authorisation to Carry out Work in Default</p>				Decision

Statutory Provisions cont...					Decision
<p>Consumer Protection Act 1987  Control of Pollution Act 1974  Copyright, Designs and Patents Act 1988  Cremation Acts 1902 and 1952  Cremations Regulations 1930, 1952, 1965, 1979  Cremations (Amendment) Regulations 1985  Crime &amp; Disorder Act 1998  Criminal Justice Act 1988  Criminal Justice and Public Order Act 1994  Dangerous Dogs Acts 1989 and 1991  Dangerous Wild Animals Act 1976  Development of Tourism Act 1969  Dogs Acts 1871 and 1906  Dogs (Fouling of Land) Act 1996  Education Reform Act 1988  Environment Act 1995  Environmental Protection Act 1990  Estate Agents Act 1979  European Communities Act 1972  Factories Act 1961  Fair Trading Act 1973  Farm and Garden Chemicals Act 1967  Fire Safety and Safety of Places of Sport Act 1987  Food Act 1984  Food and Environmental Protection Act 1985</p>	<p>Appointment of Inspectors and Officers  Appointment of Chief and Deputy Chief  Inspector of Weights and Measures  Authorisation of Officers  Appointment of Official and Authorised  Veterinary Officers, Public Analysts and  ?</p>				

<p>Food Safety Act 1990  Forgery and Counterfeiting Act 1981  Gambling Act 2006  Game Act 1831  Guard Dogs Act 1975  Hallmarking Act 1973  Harris Tweed Act 1993  Health and Safety at Work etc. Act 1974  Highways Act 1980  Hire Purchase Act 1965  House to House Collections Act 1939  Housing Act 1985  Housing Act 1996  Housing Act 2004  Insolvency Act 1986  Insurance Brokers (Registration) Act 1977  Insurance Companies Act 1981  Intoxicating Substances (Supply) Act 1985  Licensing Act 1964  Licensing Act 2003  Limitation Act 1980  Local Authorities Cemeteries Order 1977  Local Government Act 1972  Local Government Act 1894  Local Government (Miscellaneous Provisions) Acts 1976 and 1982  Malicious Communications Act 1988  Medicines Acts 1968 and 1971  Minors Contracts Act 1987  Misrepresentations Act 1967  Mock Auctions Act 1961</p>					Decision
---	--	--	--	--	----------

<p>Motor Vehicles (Safety Equipment for Children) Act 1991  National Assistance Acts 1948 and 1951  Noise and Statutory Nuisance Act 1993  Performing of Animals (Regulation) Act 1925  Pet Animals Act 1911 and 1951 Poisons Act 1972  Prevention of Damage by Pests Act 1949  Prices Acts 1974 and 1975  Property Misdescriptions Act 1991  Protection of Animals Act 1911  Protection of Children (Tobacco) Act 1986  Public Health Acts 1936 and 1961  Public Health (Control of Diseases) Act 1984  Rag Flock and Other Filling Matter Act 1951  Refuse Disposal (Amenity) Act 1978  Restrictive Trade Practices Act 1976  Riding Establishments Acts 1964 and 1970  Road Traffic Acts 1988 and 1991  Road Traffic (Consequential Provisions) Act 1988  Road Traffic (Foreign Vehicles) Act 1972  Road Traffic Offenders Act 1988  Safety of Sports Grounds Act 1975  Sale of Goods Act 1979  Sale and Supply of Goods Act 1994</p>					Decision
--	--	--	--	--	----------

<p>Scotch Whisky Act 1980  Scrap Metal Dealers Act 1964  Slaughter of Poultry Act 1967  Solicitors Act 1974  South Yorkshire Act 1980  Sunday Trading Act 1994  Supply of Goods (Implied terms) Act 1973  Supply of Goods and Services Act 1982  Telecommunications Act 1984  Theft Acts 1968 - 1978  Timeshare Act 1992  Torts (Interference with Goods) Act 1977  Town Police Clauses Act 1847  Trade Descriptions Act 1968  Trade Marks Act 1994  Trading Representations (Disabled Persons) Acts 1958 and 1972  Trading Stamps Act 1964, as amended  Transport Act 1985  Unfair Contract Terms Act 1977  Unsolicited Goods and Services Acts 1971 and 1975  Vehicle (Excise) Act 1971  Vehicle (Crime) Act 2001  Vehicle Emissions Testing – Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002  Video Recordings Acts 1984 and 1993  Water Act 1945</p>					Decision
---	--	--	--	--	----------

<p>Water Industry Act 1991 (As amended by the Water Consolidation (Consequential Provisions) Act 1991)  Weights and Measures Act 1976  Weights and Measures Act 1985  Wildlife and Countryside Act 1981  Young Persons (Employment) Acts 1938 and 1964  Zoo Licensing Act 1981</p>					Decision
--	--	--	--	--	----------

Miscellaneous Statutory Provisions					Decision
<p>The service of Notice and the carrying out of works under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (vacant houses).</p> <p>The instigation of proceedings under the Protection from Eviction Act 1977.</p> <p>The service of Repair Notices upon Private Sector Landlords under the provisions of Section 189(1) and Section 190(1) of the 1985 Housing Act.</p> <p>The service of Statutory Notices under the relevant provisions of Section 352, 372, 354 and 358 of the 1985 Housing Act in respect of Houses in Multiple Occupation.</p> <p>The service of a Notice under the provisions of 364 of the Housing Act 1985 requiring occupancy details in respect of a House in Multiple Occupation.</p> <p>The service of Notices under the provisions of Section 194 and 374 of the 1985 Housing Act in respect of entry to premises to carry out works in default.</p>	<p>That the Council's powers relating to the following Acts and any Orders, regulations, statutory instruments, statutory Codes of Practice and/or Bylaws made there under and any future modifications or enlargements thereof be delegated to the Service Director for Housing Services and officers empowered by the Service Director for Housing Services from time to time:-</p>				



<p>The service of a Notice under the provisions of Section 335 of the 1985 Housing Act requiring the occupier to provide a statement of numbers, ages, sexes of persons sleeping in the dwelling.</p> <p>The service of a Notice under the provisions of Section 338 of the 1985 Housing Act in respect of the abatement of overcrowding.</p> <p>The service of a Statutory Notice under the provisions of Section 80 of the 1990 Environmental Protection Act in respect of statutory nuisance.</p> <p>The service of Statutory Notice under the provisions of Section 76 of the Building Act 1984 in respect of statutory nuisance.</p> <p>The service of Statutory Notice under the provisions of Section 59 of the Building Act 1984 in respect of drainage.</p> <p>The service of Statutory Notice under the provisions of Section 79 of the Building Act in respect of ruinous and dilapidated buildings.</p> <p>The service of Notice under the provisions of Section 84 of the Building Act 1984 in respect of defective yard paving.</p>					Decision
---	--	--	--	--	----------

<p>The service of Notice under the provisions of Section 4 of the Prevention of Damage by Pests Act 1949 in respect of accumulations liable to provide harbourage for rodents.</p> <p>The service of Notice under the provisions of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requiring ownership details in respect of a premise.</p> <p>The service of Notice under the provisions of Section 45 of the Public Health Act 1936 in respect of repairs to W.Cs.</p> <p>The service of Notice under the provisions of Section 83 and 84 of the 1936 Public Health Act in respect of verminous premises, articles and persons.</p> <p>The service of Notice under the provisions of Section 287 of the 1938 Public Health Act, power to enter premises in respect of investigation of statutory nuisances.</p>					Decision
---	--	--	--	--	----------

<p>Empowerment of qualified Environmental Health Officers to serve the above notices for and on behalf of the Service Director for Neighbourhood Services, designated as Proper Officer of the Council in relation to any notice, demand or other written document.</p>					<p>Decision</p>
---	--	--	--	--	-----------------

<p><b>Housing operational and procedural matters</b></p>	<p>Authorise appropriate legal action in respect of breaches of the Council's tenancy agreements and other legal measures against the perpetrators of harassment, crime and anti-social behaviour and racial harassment against tenants and residents. Examples of such legal action is among but not limited to injunctions and anti-social behaviour orders.</p> <p>Authorise appropriate publicity by the Council for the purposes of advising members of the public that anti-social behaviour orders and injunctions have been made and in assisting in the enforcement of anti-social behaviour orders and injunctions, by encouraging the reporting of any breaches.</p> <p>The power to prosecute an offender in respect of –</p> <ul style="list-style-type: none"> <li>• offences relating to advertisements displayed in contravention of regulations; and the</li> <li>• removal of placards or posters displayed in contravention of regulations.</li> </ul>				<p>Decision</p>
--	---	--	--	--	-----------------

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p><b>High hedges</b></p> <p>Delegated powers under Part 8 of the Anti Social Behaviour Act 2003 and any orders, regulations, statutory instruments all statutory codes of practice made there under.</p>					Decision
<p><b>Standards in private sector housing</b></p> <p>Delegated powers under Parts 1, 2, 3, 4 and 7 of the Housing Act 2004 and any orders, regulations, statutory instruments or statutory codes of practice made there under.</p>					Decision

**The Statutory Role of the Director of Adult Social Services**

Responsibilities	Cabinet	Strategic Director
1. <b>ACCOUNTABILITY</b>		
1.1 To be responsible for assessing, planning and commissioning adult social care and well-being services to meet the needs of all adults with social care needs in the authority's area (including the specific needs of carers, people from ethnic minority backgrounds and people living in rural communities)		Responsible
1.2 To be responsible for the efficiency, effectiveness and value for money of the adult social care services provided or commissioned by the local authority. Those responsibilities extend to residents receiving services out of the council area.		Responsible
1.3 To ensure there are robust arrangements for supervising contracts, where services have been outsourced, and in monitoring those services in respect of quality standards and timely delivery.		Responsible
1.4 To ensure that all people with social care needs are assessed by the local authority, that all people who meet eligibility criteria are provided with suitable services and that there is appropriate provision of low-level and preventative services.		Responsible
1.5 To ensure that targeted case-finding takes place to identify people at risk from social exclusion.		Responsible
1.6 To support the health and adult social care scrutiny functions of elected members.		Responsible
1.7 To ensure that procedures for handling complaints from users of social care, their families and carers are working effectively.		Responsible

Responsibilities	Cabinet	Strategic Director
1.8 To ensure arrangements for assessing and meeting the needs of people with a range of long-term conditions and disabilities in the local authority's area are in place which ensure individuals do not fall between services, including, having a named manager responsible for assessing and meeting the needs of such individuals.		Responsible
1.9 To ensure his or her staff work with neighbouring local authorities and relevant specialist national service providers to meet specialist, low-incidence need.		Responsible
1.10 To monitor the effectiveness and efficiency of the service where commissioned from another agency, to require improvements to be made where the service falls short of the performance standards, quality or efficiency specified and to be provided with such monitoring and improvement information as he or she may require.		Responsible
<b>2. PROFESSIONAL LEADERSHIP</b>		
2.1 To provide leadership, creating conditions for others to perform and to innovate, to be responsible for creating the framework for the effective delivery of adult social services.		Responsible
2.2 To be responsible for the management, welfare and professional development of all local authority staff involved in planning, commissioning and/or providing social services.		Responsible
2.3 To ensure relevant professional and occupational standards and standards of conduct are maintained across adult social care services provided by or commissioned.		Responsible
2.4 To be responsible for undertaking a strategic needs assessment for adults and families with actual or potential social care needs across the local authority area, in partnership with the Strategic Director of Children and Young People's Services, the Director of Public Health and other statutory agencies/or organisations, and in consultation with the wider community.		Responsible

Responsibilities	Cabinet	Strategic Director
2.5 To be responsible for strategic workforce planning (in relation to the local authority's social services functions) for the adult social care workforce. To include working in partnership with the Strategic Director of Children and Young People's Services to jointly plan the social care workforce needed to meet the needs of families and the community.		Responsible
2.6 To develop, in conjunction with the PCT, a strategic workforce development plan forming an integral part of local delivery plans, giving consideration to the quality and competencies of the social care workforce as a whole.		Responsible
2.7 To be responsible for the delivering services to relevant national and local standards, including monitoring the resource levels for adult social services needed to maintain standards.		Responsible
<b>3. LEADING THE IMPLEMENTATION OF STANDARDS</b>		
3.1 To implement national and local standards in respect of corporate governance, probity, workforce and all aspects of the business of adult social services.		Responsible
3.2 To ensure services are regularly monitored and remedial action taken.		Responsible
3.3 To ensure high quality information about adult social services and progress against targets is provided to Government and regulatory bodies as and when required.		Responsible
3.4 To be responsible for supporting the performance assessment process run by the Commission for Social Care Inspection and for taking forward the commission's findings/recommendations.		Responsible
3.5 To ensure there is a clear organisational and operational focus on safeguarding vulnerable adults in vulnerable situations, ensuring clear protocols are in place for dealing with adults identified as being at risk.		Responsible



Responsibilities	Cabinet	Strategic Director
3.6 To ensure that the local Adult Protection Committee or similar arrangements are working effectively and that POVA requirements are met.		Responsible
3.7 To ensure staff providing care services exercise a duty of care and that the personal dignity of service users is upheld.		Responsible
<b>4. MANAGING CULTURAL CHANGE</b>		
4.1 To be responsible for managing a process of cultural change to ensure the scope for personal choice is maximised with services moving towards a model that promotes the well-being of individuals, is person centred, and supports independent living and social inclusion.		Responsible
4.2 To ensure an appropriate balance between low-level and preventative services and services designed to meet the needs of people that are higher.		Responsible
4.3 To ensure the cultural needs of communities are taken into account in strategic planning and commissioning.		Responsible
<b>5. PROMOTING LOCAL ACCESS AND OWNERSHIP AND DRIVING PARTNERSHIP WORKING</b>		
5.1 To be responsible for effectively communicating information about services available in the local authority area, eligibility criteria and charging policies to service users.		Responsible
5.2 To be responsible for ensuring appropriate involvement of, and consultation with service users, their families and carers and the wider community in planning, design and provision of adult social care services, and for considering how accessible services are.		Responsible
5.3 To be responsible for maintaining clear and effective arrangements to support the joint planning, monitoring and delivery of local authority social services with the NHS, housing authorities, Supporting People programme and other statutory agencies.		Responsible

Responsibilities	Cabinet	Strategic Director
<b>6. DELIVERING AN INTEGRATED WHOLE SYSTEMS APPROACH TO SUPPORTING COMMUNITIES</b>		
6.1 To ensure adequate partnership working arrangements are in place between the Strategic Directors of Neighbourhoods and Adult Services and Children and Young People's Services to enable a whole systems approach to social care to be taken.	Responsible	
6.2 To ensure arrangements are in place to ensure that the contribution of all local authority services to meeting the needs of adults with social care needs is maximised.	Responsible	
6.3 To ensure the Strategic Directors of Neighbourhoods and Adult Services and Children and Young People's Services have adequate arrangements in place to ensure that all young people with long-term social care needs have been assessed and where eligible, receive a service which meets their needs throughout their transition to becoming adults.	Responsible	
6.4 To ensure all services falling within the remit of the Strategic Director of Neighbourhoods and Adult Services remain focused appropriately on safeguarding both adults and children.	Responsible	
<b>7. PROMOTING SOCIAL INCLUSION AND WELLBEING</b>		
7.1 To ensure arrangements are in place to promote social inclusion and wellbeing, including consideration of the needs of families and carers in the planning and delivery of the full range of services provided by the local authority.		Responsible
7.2 To champion the needs of adults beyond the organisational boundaries of adult social care.		Responsible
7.3 To promote equality of opportunity and eliminating discrimination in respect of adult social care services.		Responsible

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

NEIGHBOURHOODS AND ADULT SERVICES DIRECTORATE

**Adult Services Functions**

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
8. <b>Strategic Planning</b> <b>(see 1.1; 2.5; 2.6; 4.3; 5.3; 6 and 7.1)</b>				
8.1 To prepare strategic plans across the Directorate which provide a long and medium-term strategy for the development of Adult Services, consistent with the overall policy framework of the Council.	Recommendation to Council			
8.2 To approve Directorate and Service Plans, as required by the Council, which will form the basis for budget planning and monitoring.		Decision		
8.3 To ensure the Services approved Service Plans which set out the framework for the delivery of services are consistent with the short, medium and long-term plans of the Neighbourhoods and Adult Services Directorate.		Decision		
8.4 To approve financial plans for the Neighbourhoods and Adult Services Directorate and allocate resources to Services in accordance with approved Service Plans.		Decision		
8.5 To adopt Corporate Adult Services policies which assist in the delivery of Service Plans.	Decision			

9.	<b>Performance Review (see 1.2; 1.3; 1.10; 2.7; 3.1; 3.2; 3.3; 3.4; and 5.3)</b>				
9.1	To adopt and maintain a plan and procedure for monitoring and reviewing Service activity/outcomes in fulfilling the terms of the Directorate and Service Plans.		Decision		
9.2	To be responsible for the monitoring and review of Service performance in the use of allocated resources against strategic objectives as outlined in the Directorate and Service Plans.		Decision		
9.3	To determine any transfer of resources within and across the Directorate consistent with the maintenance of effective performance and a balanced budget.			Up to £100k across Services in accordance with financial regulations	Up to £100k re own Service in accordance with financial regulations
9.4	To be responsible for the monitoring and review of service performance across the Directorate to ensure consistency in the delivery of outputs and outcomes against Service Plans.		Decision		
9.5	To ensure all policy development is consistent with overall Council policy and national priorities in respect of social care.			Decision	
9.6	To ensure that adequate arrangements are in place for managing information relating to the Adult Services function, including the provision of information required by all statutory and local scrutiny arrangements. <b>(see 3.3)</b>			Decision	
9.7	To monitor and review activity across the Directorate with respect to complaints. <b>(see 1.7)</b>		Decision		

9.8	To monitor and review activity across the Directorate with respect to workforce development and staff care. <b>(see 2.2 and 2.3)</b>			Decision	
10.	<b>Service Provision</b>				
	<b>General</b>				
10.1	To ensure the development of policy and objectives for the delivery of personal adult social services.	Decision			
10.2	To be responsible for the development, delivery and monitoring of arrangements made for the provision of the service specific plans, purchasing strategies and resultant Service Plans.			Decision	
10.3	To ensure appropriate arrangements are made for the commissioning, purchasing and delivery of services. <b>(see 1.1)</b>			Decision	
10.4	To determine the strategic framework for contracting and market development, including the relationship with the Council's "in-house" provider units. <b>(see 1.2)</b>	Decision			
10.5	To determine contract terms and conditions for services and the letting of specific contracts.		Decision (over £500 k)	Decision (under £500 k)	
10.6	To determine the process of tendering and letting of contracts, ensuring that contract compliance is maintained by the application of appropriate monitoring arrangements (in accordance with Standing Orders). <b>(see 1.3)</b>	Decision			

10.7	To determine grants to voluntary organisations in accordance with the overall budgetary provision for grant aid.		Decision		
10.8	To be responsible for the operation of the Council's statutory obligation for the delivery of adult social care services as delegated by the Cabinet, ensuring policies are developed in line with legislative, regulatory and Council policy requirements. <b>(see 1.1)</b>		Decision		
10.9	To monitor and review the effectiveness of individual services within the Neighbourhoods and Adult Services Directorate including an annual report from each sub-division of the service. <b>(see 1.2)</b>			Decision	
10.10	To determine the eligibility criteria for service provision. <b>(see 1.4)</b>	Decision			
10.11	To apply the eligibility criteria but retain the discretion to determine individual service provision where appropriate. <b>(see 1.4)</b>		Decision Over £3000 annually	Decision Up to £3000 annually	
10.12	To ensure the full assessment of social care needs for Service Users and their carers is undertaken. <b>(see 1.1; 1.4; 1.5; and 1.8)</b>				Decision
10.13	To be responsible for the appropriate targeting of resources ensuring needs are most appropriately met through the balanced provision of care and support. <b>(see 4.2)</b>				Decision
10.14	To determine appropriate levels of charging for services.		Decision		

10.15	To initiate Court proceedings in respect of non-payment of charges.			Decision
10.16	To ensure the development and maintenance of necessary partnerships with other agencies and Directorates within Rotherham Metropolitan Borough Council for the efficient and effective delivery of community care services to adults consistent with Government direction and guidance. <b>(see 1.9; 2.4; 2.5; 2.6; 5.3; 6.1; 6.2 and 6.3)</b>		Decision	
10.17	To develop and maintain forums for consultation with providers for delivery of adult social care services. <b>(see 5.2 and 7.1)</b>			Decision
10.18	To ensure consultation with the public, service users and carers and the provision of information concerning Local Authority priorities for the provision of adult social care services. <b>(see 4.3; 5.1; and 5.2)</b>			Decision
10.19	To contribute to the approach and prioritisation of application for external funding, including government grants.		Decision	
10.20	To ensure that appropriate arrangements are made to safeguard the Health and Safety of service users and staff in accordance with statutory requirements and Council policy.			Decision
10.21	To determine appropriate programmes for the efficient operation, maintenance and protection of buildings within the service.			Decision

10.22	To receive inspection reports and service responses in respect of provision of residential and nursing care and to ensure appropriate action has been taken in respect of recommendations from these reports.		Decision	
10.23	To receive and consider reports relating to the inspection of Local Authority residential homes.		Decision	
10.24	To authorise the temporary closure or suspension of admissions of local authority residential or day care unit on grounds other than financial viability.			Decision
10.25	To authorise the temporary suspension of admissions to independent sector residential, nursing home or day units on grounds other than financial viability.			Decision
10.26	To be responsible for receiving and considering reports in connection with complaints and representations activities arising out of the Local Authority Social Services Act 1970, the Local Authority Social Services (Complaints Procedure) Order 1990, Complaints Procedure Directions 1990, Representations Procedure (Children) Regulations 1991 and the Children's (Representations, Placements and Reviews) (Miscellaneous Amendments) Regulations 1991.		Decision	
10.27	To consider representations concerning any aspect of Service provision including appeals against the ability to pay charges.			Decision
10.28	To assist in the monitoring of complaints and ensure the policy and procedure for handling complaints is in accordance with the Directorate's complaints procedure. To receive and consider issues arising from complaints. <b>(see 1.7)</b>			Decision



10.29	To consider implications arising out of complaints review procedure.		Decision		
10.30	To delegate to the Cabinet Member powers and duties arising from the agreed terms of reference for the Cabinet Member and the associated Schedule of Delegation of Powers and Duties. <b>(see 2.4; 2.6 and 5.3)</b>	Decision			
10.31	To ensure the provision of appropriate support in respect of services to Rotherham's N.H.S. partners.				Decision
10.32	To ensure in co-operation with other appropriate Committees that arrangements are made for the undertaking of assessments and provision of adaptations.		Decision		

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<b>A. Service Provision</b>					
Complaints and Representations Local Authority Social Services Act 1970 S.7B  Local Authority Social Services (Complaints Procedure) Order 1990, Care Standards Act 2000	Every Local Authority must establish a procedure for considering any representations (including complaints) in the relation to the discharge, or any failure to discharge, its social service functions.  Local Authorities should attempt to resolve complaints informally. When this is not to the satisfaction of the complainant, they should be informed of the formal procedure. Formal complaints should be heard by a panel of three persons, at least two of whom should be an independent person.				See Schedule of delegation to officers
National Care Standards Act, 2000	Local Authorities must have arrangements in place that will ensure it complies with regulations and the National Minimum Standards.				Decision
Community Care Plans, N.H.S. and Community Care Act 1990, S.46, Community Care Plans Direction 1991, Community Care Plans (Consultation) Directions 1993, Community Care Plans (Independent Sector Non-Residential Care) Direction 1994	Each Authority shall prepare and publish and plan for the provision of community care services in its areas. Consult the relevant N.H.S. partners, voluntary organisations and representatives of provider organisations (who made their wish to be consulted known to Local Authorities) and when carrying out their functions with regard to Community Care Plans, and the Better Care, Higher Standards Charter.				See Schedule of delegation to officers
Data Protection Act 1998 D.P.A. Guidance to Social Services 2000	Generally, individuals have a right to access to information maintained in relation to themselves and to obtain copies and require amendment of any inaccurate information.				Decision
<b>A. Adult Services</b>					

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
1. Community Care:					
Community Care Services N.H.S. and Community Care Act 1990	<p>Community Care Services are defined as:-</p> <p>(a) Part III of the National Assistance Act, 1948</p> <p>(b) Section 45 of Health Services and Public Health Act 1968.</p> <p>(c) Section 21 of and Schedule 8 to the National Health Service Act 1977.</p> <p>(d) Section 117 of the Mental Health Act 1983.</p>				Decision
Assessment N.H.S. and Community Care Act 1990 S.47	<p>Local Authorities are required to assess people whom they think may require community care services, and decide on the basis of that assessment what, if any, services they should arrange to meet those needs.</p>				See Schedule of delegation to officers
	<p>When they carry out the assessment they must inform the Housing and Health Authorities if they think there are also health or housing needs, and must invite those Authorities to become involved in the assessment. The services that are likely to be available from those Authorities should be taken into account.</p>				

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Fair Access to Care Health Act 1999 S.31 Fair Access to Care Services [LAC(2202)13] NHS & Community Care Act 1990 S47	Local Authorities are required to make only one eligibility decision with respect to adults seeking social care support. This decision should be made following an assessment of an individual's presenting needs. Based on the outcomes of this assessment, Local Authorities should prioritise individual eligibility of needs according to the risks to their independence in both the short and long-term if help were not provided.				See Schedule of delegation to officers
Services for Older People Health Services and Public Health Act 1968 S.45	Local Authorities may arrange services to promote the welfare of older people. Such services include:- <ul style="list-style-type: none"> <li>- meals and recreation</li> <li>- information about services</li> <li>- transport to and from services</li> <li>- social work, visiting and advice</li> <li>- practical assistance with adaptations and provision of extra facilities for greater safety, comfort or convenient warden services</li> <li>- assistance in finding suitable households for boarding</li> </ul>				See Schedule of delegation to officers
Burial Public Health (Control of Disease) Act 1984 Section 46 (2) and (5)	Burial and cremation of persons dying in accommodation provided under Part III of the National Assistance Act 1948 or dying in the community and recovery of expenses from his estate.				See Schedule of delegation to officers
General Services National Health Service Act 1977 Sched. 8 National Assistance Act 1948 Part III	Local Authorities must arrange a home help service on such a scale as is adequate for the needs of people in their area.				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>Local Authorities may arrange laundry services to those households for which home help is to be or could be provided.</p> <p>Local Authorities may arrange care for nursing or expectant mothers.</p>				
Prevention, Care and After-Care N.H.S. Act 1977 Sched. 8	<p>Local Authorities may provide services to prevent illness, or for people who are ill or who have been ill, including:-</p> <ul style="list-style-type: none"> <li>- day centres</li> <li>- meals on wheels for housebound people</li> <li>- social services to prevent break-up of families due to the ill health of the adults in that family</li> <li>- night sitter services</li> <li>- recuperative holidays</li> <li>- services specifically for people who are dependent on alcohol and drugs</li> <li>- social and recreational activities.</li> </ul>				See Schedule of delegation to officers
Charging for Services National Assistance Act 1948 Health and Social Services and Social Security Adjudications Act 1983 (Section 17)	Local Authorities may charge for most of the above services. In the case of non-residential services the charges must be reasonable and not be more than reasonably practical for the individual user to pay.	Decision			
Fairer Charging Policies for Home Care and Other Non-Residential Social Services S.7, LASS Act 1970 and LAC (2001)32, and Supporting People, Section 93 of the Local Government Act 2000.	Local Authorities have a duty to provide appropriate Welfare Benefits advice at the time of the charge assessment and to undertake financial assessments to arrive at a charge according to statutory guidance. Delivering policy on financial assessment schemes.	Decision			See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Co-operation with Health Authorities N.H.S. Act 1977 S.22 and 28	Local Authorities are required to ensure effective co-operation with Health Authorities. Local Authorities should make the services of Social Services staff available to the Health Authority to enable that Authority to discharge its community care functions, so far as is reasonably necessary and practical.				Decision
Carers Assessment The Carers (Recognition and Services) Act 1995	Carers may request an assessment of their ability to provide and continue to provide care for an ill or disabled person.				See Schedule of delegation to officers

2. Community Care: Adult Residential Care					
Provision of Residential Care National Assistance Act 1948 Part III Residential Accommodation (Relevant Premises, Ordinary Residence and Exemptions) Regulations 1993	Local Authorities have a duty to make arrangements for residential care for those (over 18) who required care and attention otherwise unavailable to them.  Residential care can be provided directly by the Local Authority or in premises provided by another Authority. Residential care can also be provided by arrangements with the independent sector.  Responsibility for emergency closure and procedures for continued provision.				See Schedule of delegation to officers  See Schedule of delegation to officers
Choice of Care Home The National Assistance Act 1948 (Choice of Accommodation) Directions 1992 The National Assistance Act 1948 (Choice of Accommodation) (Amendment) Directions 1993	If, after assessing an individual as requiring residential care, a particular care home is preferred by the individual, then they should be placed in their preferred home (subject to certain factors such as suitability and expense). Establishing placement in excess of the Authority's usual price/ guide price.				See Schedule of delegation to officers
Ordinary Residence Determination – Section 24(3) D(6), National Assistance Act 1948	Local Authorities have a financial responsibility for providing community care services for persons deemed 'ordinary residents in their area'.				See Schedule of delegation to officers
Section 31 Health Act 1999 and N.H.S. Bodies and Local Authorities Partnership Arrangements Regulations, 2000	Entering into Partnership arrangements with N.H.S. partners	Decision			

Health and Social Care Act 2001, Section 49	Requires local authorities to agree local arrangements for the implementation of free N.H.S. nursing care to nursing home residents who receive Council support from 1st April, 2003. The N.H.S. will become responsible for arranging the care from this date.				Decision
Charges for Residential Care National Assistance Act 1948 The Health and Social Services and Social Security Adjudications Act 1983 S.21, 24 The National Assistance (Assessment of Resources) Regulations 1992 and subsequent amendments National Assistance (Sums for Personal Requirements) Regulations 1995	Local Authorities should charge for the residential care it arranges in accordance with the national regulations.	Decision			
Deferred Payments Section 55 of Health and Social Care Act, 2001	Enter into agreement to defer payment for charges on property until the property is sold.				See Schedule of delegation to officers
Section 50 – 52 of Health and Social Care Act, 2001 and the Preserved Rights (Transfer of Responsibilities to Local Authorities) Regulations 2001 (S.I. No. 2001/3776)	Local Authorities should secure community care services for people who have preserved rights. This includes residential accommodation where appropriate.  Local Authorities should, therefore, assess the care needs of the residents concerned; legislation placed an obligation on Local Authorities to identify people with preserved rights and to carry out an appropriate care assessment.				See Schedule of delegation to officers



3. Community Care: People with Disabilities					
<p>Assessment Disabled Person (Services, Consultation and Representation) Act 1986 N.H.S. and Community Care Act 1990 S.47 The Local Authority Social Services (Designation of Functioning Order) 1989</p>	<p>Local Authorities are required to assess the needs of people with disabilities for certain welfare services (see below) with or without request. This means people who are "blind, deaf or without speech, or who suffer from mental disorder of any description, or are substantially and permanently disabled by their illness, injury or congenital deformity."</p> <p>This assessment can be requested by disabled people themselves or by their carers. The assessment must take into account any carers' ability to continue providing care on a regular basis (S.8).</p>				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Section 4</p> <p>Section 5</p> <p>Section 8</p>	<p>Services under Section 2 of the 1970 Act – Duty to consider the needs of Disabled People.</p> <p>Persons leaving Special Education.</p> <p>Duty of the Local Authority to take into account abilities of carers.</p>				
<p>Disabled Young People Leaving Full-Time Education Disabled Person (Services, Consultation and Representation) Act 1986 S.5(5)</p>	<p>Having received notification from an L.E.A. that a disabled young person is shortly to leave full-time education, the Local Authority must carry out an assessment of the young person’s need for statutory welfare services.</p>				<p>See Schedule of delegation to officers</p>
<p>Services for Disabled People National Assistance Act 1948 Sections 29, 30, 41, 48 and 49) Chronically Sick &amp; Disabled Persons Act 1970 S1(2)</p>	<p>Local Authorities must arrange certain welfare services for disabled people who have been assessed as needing them. These include:-</p> <ul style="list-style-type: none"> <li>- practical assistance in the home</li> <li>- meals</li> <li>- assistance in carrying out adaptations to disabled people’s home</li> <li>- provision of extra facilities in the home for safety, comfort or convenience</li> <li>- provision of (or help in obtaining) telephones (including related special equipment), television, radio, library or similar facilities, holidays, recreation, assistance to allow that person to take advantage of educational facilities, transport to or from services</li> </ul>				<p>See Schedule of delegation to officers</p>

	<ul style="list-style-type: none"> <li>- social work, advice and support</li> <li>- facilities for social rehabilitation and adjustment</li> <li>- facilities for occupational, social, cultural and recreational activities, including payments to people for work.</li> </ul> <p>Local Authorities may also contribute to the cost of warden services and provide holiday homes, workshops, free or subsidised transport, help in obtaining accommodation and instruction about methods of overcoming disability.</p>				
Registers and Information National Assistance Act 1948 S.29 and 29A	Local Authorities must compile registers of disabled people.				See Schedule of delegation to officers
Chronically Sick and Disabled Persons Act 1970 S.1 (Sections 1, 2 and 18)	Local Authorities must take steps to establish the number of disabled people living in their areas and the need for welfare services for these people.  Information about the services on offer should be published.				See Schedule of delegation to officers
Employment Disabled Persons (Employment) Act 1958	Local Authorities may, with the approval of the Secretary of State for employment, arrange for the provision of facilities for employment and training for registered persons who are seriously disabled.				See Schedule of delegation to officers
Direct Payments Community Care (Direct Payments) Act 1996 and Practice Guidance 2000. Community Care, Services for Carers and Children's Services (Direct Payments) Guidance 2003.	Local Authorities responsible for community care services may make payments to persons in respect of their securing the provision of such services.				See Schedule of delegation to officers

4. Mental Health					
<p>Care in Scotland Mental Health (Scotland) Act 1984 Guardianship Orders Mental Health Act 1983 S.7 and 8 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983</p>	<p>Welfare of certain persons whilst in hospital in Scotland.</p> <p>Local Social Service Authorities may make a guardianship application in respect of a patient of over 16 years suffering from a mental disorder where it is in the interest of the patient's welfare or for the protection of others that the patient is received into guardianship.</p> <p>The Authority granted a Guardianship Order can require the patient to reside at a specified place, require the patient to attend medical treatment, education, occupation or training and require access to the patient to be given to a Medical Practitioner or Approved Social Worker.</p>			Decision	Decision
<p>Emergency Admission to Hospital Mental Health Act 1983 S.2, 3 and 4 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983</p>	<p>In any case of urgent necessity, an Approved Social Worker may make an emergency application of admission for assessment. A written recommendation from a registered Medical Practitioner is required to support the application. This emergency application will allow compulsory admission to hospital for a period of up to 72 hours. A second medical recommendation must be obtained within those 72 hours if the patient is to be detained for an assessment period of up to 28 days.</p>				See Schedule of delegation to officers
<p>Mental Health Act 1983 S.11</p>	<p>Before or within a reasonable time after an application of admission for assessment is made by an Approved Social Worker, that Social Worker shall take any practical action to ensure the nearest relative of the patient is aware of the application and of his or her powers as the nearest relative.</p>				See Schedule of delegation to officers

	It is the duty of an Approved Social Worker to make an application for admission to hospital or for guardianship where he is satisfied that an application ought to be made.				
Social Reports Mental Health Act 1983 S.14	Where a patient is admitted to hospital under an application of admission, the managers of the hospital shall inform the local Social Services Authority who will then interview the patient and provide the managers with a report of his/her social circumstances.				See Schedule of delegation to officers
Approved Social Workers Mental Health Act 1983 S.114	A local Social Services Authority shall appoint sufficient Approved Social Workers for the purposes of discharging the mental health functions.				See Schedule of delegation to officers
Inspection Mental Health Act 1983 S.115	An Approved Social Worker may enter and inspect any premises within this area in which a mentally disordered person is living if he has reasonable cause to believe the patient is not under proper care.				Decision
Hospital Visits Mental Health Act 1983 S.116	When a young person in the Authority's care or a person subject to the guardianship of the Authority is admitted to a hospital or nursing home, the Authority shall arrange for visits to be made to the patient.				Decision
After Care Mental Health Act 1983 S.117 (see also N.H.S. Act 1997 Sched. 8)	It shall be the duty of the Health Authority and the Local Authority to provide, in co-operation with voluntary organisations, after-care for certain categories of discharged mentally disordered patients.				See Schedule of delegation to officers
Supervised Discharge Mental Health (Patient in the	Extension of duties under S.117 of 1983 Mental Health Act. Formal				See Schedule of delegation to

Community) Act 1995	arrangements for supervision which can require a user to reside in a specified place and to undertake specific medical treatment, occupation, education or training. Includes power to require entry to place of residence and power to convey the patient.				officers
5. Financial Write-Offs					
	<p>After consulting with the Finance and Accountancy Manager on behalf of the Executive Director of Finance:-</p> <p>(a) Write off debts due to the Council of up to £500</p> <p>(b) Write off debts £501 to £1000</p> <p>(c) Write off debts £1001 to £5000 after consulting with the Strategic Director of Finance and the Corporate Management Team.</p>				<p>See Schedule of delegation to officers</p> <p>Decision</p> <p>See Schedule of delegation to officers</p>