

ROTHERHAM BOROUGH COUNCIL

COUNCIL SUMMONS

Notice is hereby given that the Annual Council Meeting of the Borough of Rotherham will be held at the Town Hall, Moorgate Street, Rotherham, on Friday, 20th May, 2011 at 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. To submit for approval the minutes of the Council Meeting held on 20th April, 2011 - Pages 66A to 73A (Section A)
5. Communications
6. To consider any questions from the Public.
7. To elect a Leader of the Council
8. Cabinet Arrangements - Leader to report
9. To receive a report from the Leader and to consider reports, minutes and recommendations of the Cabinet - Pages 163C to 173C (Section C) including the following recommendation to Council:-

Relocation of a Young Persons' Provision from the International Centre (Minute No. C221) (Pages 169C to 170C)
10. To put questions, if any, to Cabinet Members and Chairmen (or their representatives) under Standing Order No. 7(1) and 7(3).
11. To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police Authority, South Yorkshire Fire and Rescue Authority, South Yorkshire Integrated Transport Authority and South Yorkshire Pensions Authority, in accordance with Standing Order No. 7(5).

12. To consider Member Arrangements for 2011/12 (Schedule to be circulated at the meeting)
13. Delegation of Powers - Assistant Chief Executive, Legal and Democratic Services to report
14. Revised Constitution - Assistant Chief Executive, Legal and Democratic Services to report
15. To receive the report of the Returning Officer as to the persons elected Members of the Council at the election of Councillors held on 5th May, 2011 - report herewith
16. 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

12th May, 2011

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Annual Council Meeting
2.	Date:	20th May 2011
3.	Title:	Delegation of Powers
4.	Directorate:	Chief Executive's

5. Summary

The Council's Constitution includes the Scheme of Delegation for Members and Officers. The Scheme has been updated and it is proposed to make some changes as set out in the report.

Changes to the Scheme as regards executive functions may be made by the Leader and will be reported to all Members.

Copies of the full Scheme are available on the Intranet/Internet as part of the agenda for this meeting.

6. Recommendations

That the Scheme of Delegation for Members and Officers for 2011/12 be approved.

7. Proposals and Details

Appendix 9 to the Council's Constitution sets out the Council's Scheme of Delegation for Members and Officers.

The Council is required annually to approve the Scheme of Delegation in respect of non-executive functions such as planning and licensing. The delegated powers of the Licensing Board and the Licensing Committee have been updated so as to reflect current legislation and changes agreed by the Council as part of the statement of licensing principles approved at the last Council meeting.

Under the "Strong" Leader and Cabinet Model adopted by the Council last year, the Leader has become responsible for the delegation of executive functions. The Leader may discharge such functions, or may arrange for them to be discharged by the Cabinet, a Cabinet Member, a Committee of the Cabinet, an Area Assembly Co-ordinating Group, an officer or by joint arrangements.

The Scheme of Delegation has been prepared on the basis that there will be no changes to previous arrangements as regards the allocation of executive functions, except for those of a clerical nature and those which reflect organisational changes within the Council. The Leader may make a statement at the meeting as to any further amendments to be made to the scheme as regards executive functions. Any future changes will be notified to all Members of the Council directly they are made, formally reported to the next meeting of the Council and included in the Council's Scheme.

Changes to the Scheme include:-

- (a) Functions previously allocated to the Director of Culture and Leisure Services are now allocated either to the Director of Planning and Regeneration or the Director of Streetpride.
- (b) As regards Children and Young Persons' Services, the Schedule of Delegated Powers has been extended to include current statutory duties. Some of these are under review or due to be replaced or amended and potential changes have been annotated as part of the schedule.
- (c) In Neighbourhoods and Adult Services, functions previously discharged by the Director of Independent Living have now been allocated to the Director of Housing and Neighbourhoods.
- (d) The Scheme has been amended to reflect the appointment of the Director of Public Health as Proper Officer, with regard to the Council's statutory responsibility for public health functions in relation to infectious disease and environmental hazards.

8. Finance

There are no financial implications arising from this report.

9. Risks and Uncertainties

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

10. Policy and Performance Agenda Implications

There is a need for sound corporate governance and open and transparent decision making, which is assisted by clear delegation arrangements.

11. Background Papers and Consultation

The Council's Constitution.

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Appendix 9

PrintTrackChangesBrianPrintTrackChangeseseTHE SCHEME OF DELEGATION FOR MEMBERS AND OFFICERS

COUNCIL

Matters reserved to the Full Council

[Functions discharged by other Authorities](#)

Appeals and Grievance Panels, Appointments Panels, Early Release Panels and Staffing Committee

Introductory Tenancies – Review Panel

Planning Board

Licensing Board

Audit Committee

Standards Committee

CABINET

General functions to be discharged by Cabinet Members

The Leader

The Deputy Leader

[The Cabinet Member for Resources and Commissioning](#)

[The Cabinet Member for Safeguarding and Developing Learning Opportunities for Children](#)

Cabinet Member for Adult Independence, Health and Well Being

Cabinet Member for Safe and Attractive Neighbourhoods

[Cabinet Member for Regeneration and Environment](#)

[Cabinet Member for Town Centres](#)

[Cabinet Member for Culture, Lifestyle, Sport and Tourism](#)

[Cabinet Member for Community Development, Equality and Young People's Issues](#)

Delegation for Members and Officers attendance at seminars, conferences and national and international visits

OFFICERS

Delegation to Officers - General Principles

Borough Emergency Co-ordinators

Revised 12.01.11

All Strategic Directors

All Service Directors

DELEGATION OF FUNCTIONS BY DIRECTORATE

CHIEF EXECUTIVE'S

Chief Executive

Assistant Chief Executive (Legal and Democratic Services)

Democratic Services Manager

FINANCE

Strategic Director of Finance

RBT

Service Leader, Public Access

ENVIRONMENT AND DEVELOPMENT SERVICES

Strategic Director of Environment and Development Services

Director of Planning and Regeneration

Director of Streetpride

Director of Asset Management Services

~~Director of Culture and Leisure Services 58~~

CHILDREN AND YOUNG PEOPLE'S SERVICES

~~Strategic Director of Children and Young People's Services 60~~

~~Programme Director – BSF 63~~

(SCHEDULE A)

NEIGHBOURHOODS AND ADULT SERVICES

Strategic Director of Neighbourhoods and Adult Services

(SCHEDULE B)

~~Director of Public Health~~

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 plan and strategy for control of the Council's borrowing, investments or capital expenditure or for determining the Council's minimum revenue provision.
4. The adoption (with or without modification) of the Children and Young People's Plan (paragraph 1A of Schedule 2 to the Children Act 1989).
5. The preparation of strategic plans across the Neighbourhoods and Adult Services directorate which provide a long and medium term strategy for the development of Neighbourhoods and Adult Services, consistent with the overall policy framework of the Council.
6. The adoption (with or without modification) of the Sustainable Community Strategy (section 4 of the Local Government Act 2000).
7. The adoption (with or without modification) of the Corporate Plan.
8. The adoption (with or without modification) of the Crime and Disorder Reduction Strategy (sections 5 and 6 of the Crime and Disorder Act 1998).
9. The adoption (with or without modification) of the plans and strategies that together comprise the Local Development Framework.
10. The adoption (with or without modification) of the Licensing Authority Policy Statement.
11. The adoption (with or without modification) of the plan and strategy which comprises the Housing Investment Programme.
12. The adoption (with or without modification) of the Local Transport Plan (section 108 (3) of the Transport Act 2000).
13. The adoption (with or without modification) of the Youth Justice Plan (section 40 of the Crime and Disorder Act 1998).
14. (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.
15. 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

16. The authorisation of the making of an application to the Secretary of State for the approval of a disposals programme for 500 or more dwellinghouses (Housing and Regeneration Act 2008).
17. 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)).
18. 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.

19. 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).
20. 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

21. Duty to appoint an electoral registration officer (section 8(2) of the Representation of the People Act 1983).
22. Power to assign officers in relation to requisitions of the registration officer (section 52 (4) of the Representation of the People Act 1983).
23. Functions in relation to parishes and parish councils (Part II of the Local Government and Rating Act 1997 and the Local Government and Public Involvement in Health Act 2007 and subordinate legislation)
24. Power to dissolve small parish councils (section 10 of the Local Government Act 1972).
25. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups (section 11 of the Local Government Act 1972).
26. Duty to appoint returning officer for local government elections (section 35 of the Representation of the People Act 1983).
27. Duty to provide assistance at European Parliamentary elections (section 7 of the European Parliamentary Elections Act 2002)

28. Duty to divide constituency into polling districts (section 18 of the Representation of the People Act 1983).
29. Power to divide electoral divisions into polling districts at local government elections. (section 31 of the Representation of the People Act 1983).
30. Powers in respect of holding of elections (section 39 (4) of the Representation of the People Act 1983).
31. Power to pay expenses properly incurred by electoral registration officers (section 54 of the Representation of the People Act 1983).
32. Power to fill vacancies in the event of insufficient nominations (section 21 of the Representation of the People Act 1985).
33. Duty to declare vacancy in office in certain cases. (Section 86 of the Local Government Act 1972)
34. Duty to give public notice of a casual vacancy (section 87 of the Local Government Act 1972).
35. Power to make temporary appointments to parish councils (section 91 of the Local Government Act 1972).
36. 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).
37. 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

38. Power to change the name of a district (section 74 of the Local Government Act 1972).
39. Power to change the name of a parish (section 75 of the Local Government Act 1972).
40. Power to petition for a charter to confer borough status (section 245B of the Local Government Act 1972).
41. 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

42. 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).
43. 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).
44. 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).
45. Determination of the borrowing limit for a financial year (section 45 of the Local Government and Housing Act 1989).
46. 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).
47. The approval of the Audit Commission Relationship Manager's annual letter.
48. The approval of the medium term financial strategy.

DESIGNATED OFFICERS

49. 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).
50. Duty to designate officer as the section 151 officer (Section 151 of the Local Government Act 1972).
51. Duty to designate officer as the monitoring officer, and to provide staff, etc. (section 5 (1) of the Local Government and Housing Act 1989).
52. 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

53. 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

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

MISCELLANEOUS FUNCTIONS

55. 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).
56. The appointment of committees for the discharge of functions (section 102 of the Local Government Act 1972).
57. Power to make standing orders (section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972).
58. Power to make standing orders as to contracts (section 135 of the Local Government Act 1972).
59. 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).
60. Power to make payments or provide other benefits in cases of maladministration etc. (section 92 of the Local Government Act 2000).
61. 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 2006)
62. 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.
63. Power to discharge any other function which, by virtue of any Act of Parliament, regulation or local Act, may not be discharged by the executive.
64. The appointment of a Chief Executive (Head of the Paid Service).

FUNCTIONS BY OTHER AUTHORITIES

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.
2. That certain functions of the Council under the Consumer Credit Act 1974 be delegated to Birmingham City Council in the following terms:

“without prejudice to Rotherham Borough Council’s duty in its capacity as an enforcement authority to enforce the provisions of the Consumer Credit Act 1974, the functions conferred upon Rotherham Borough Council under Parts iii (licensing of credit and hire business) and Part xii (enforcement of act) of the 1974 Act be delegated to Birmingham City Council for the period commencing on 1st April 2009 and continuing for the life of the Birmingham Illegal Money Lending ~~staff team~~ or until Rotherham Borough Council withdraws.”

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 or Democratic Renewal 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 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 authorise to authorise entry onto land.
- 12.** Power to require the discontinuance of a use of land – section 102 of the Town and Country Planning Act 1990.
- 13.** 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.
- 14.** Power to issue an enforcement notice – section 172 of the Town and Country Planning Act 1990.
- 15.** Power to issue a temporary stop notice.

- 16.** Power to apply for an injunction restraining a breach of planning control – section 187B of the Town and Country Planning Act 1990.
- 17.** Power to determine applications for hazardous substances consent, and related powers – sections 9 (1) and 10 of the Planning (Hazardous Substances) Act 1990.
- 18.** 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.
- 19.** Power to require proper maintenance of land – section 215 (1) of the Town and Country Planning Act 1990.
- 20.** 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.
- 21.** 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.
- 22.** 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.
- 23.** 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.
- 24.** 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.
- 25.** 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.
- 26.** 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.
- 27.** Power to execute urgent works – section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- 28.** 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).
- 29.** Powers relating to the protection of important hedgerows – The Hedgerows Regulations 1997 (S.I. 1997/1160).
- 30.** Power to make limestone pavement orders – section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).

THE LICENSING BOARD

The Licensing Board is authorised to discharge the following functions:-

1. The determination of matters relating to the Councils Statutory Licensing Functions as set out below:-
 - (a) Hackney Carriage and Private Hire;
 - (b) Charitable collections (Street Collections and House to House Collections);
 - (c) Marriage and Civil Partnership Premises;
 - (d) Small Bus Permits;
 - (e) Scrap Metal Dealers;
 - (f) Motor Salvage Operators;
 - (g) Sex Establishment Licences (including variation and revocation);
 - (h) Hypnotism
 - (i) Cinemas
 - (j) Theatres
 - (k) Game Dealers
 - (l) Entertainment Licences
2. To determine any matters referred to the Licensing Board by the Director of Housing and Neighbourhoods in relation to 1a to e above;
3. To review and approve fees and charges in relation to any of the functions within the remit of the Board.
4. To review and approve terms and conditions (where appropriate) of any licence, permit, registration or consent or in relation to certificate any of the functions within the remit of the Board.
5. To consider and recommend to the Council, the making, amendment and revocation of Byelaws.
6. To determine and review in line with Government Guidance any Designated Public Places Orders which are in place within the Borough.

LICENSING COMMITTEE

The Licensing Committee is authorised to discharge the following functions:-

1. To consider and determine applications under the Licensing Act 2003:

- (a) for personal licences where there are unspent convictions or where relevant Police representations have been received;
 - (b) for the variation of a designated personal licence holder where relevant Police representations have been made;
 - (c) for the transfer of a premises licence where relevant Police representations have been made;
 - (d) for premises licences/club premises certificates, provisional statements and the variation of premises licences/club premises certificates where relevant representations have been made;
 - (e) to review a premises licence/club premises certificate;
 - (f) for determination of a Police representation to a temporary event notice;
 - (g) for a provisional statement where relevant representations have been made;
 - (h) for interim authorities where relevant representations have been made;
 - (i) for determination of an application for a summary review on the grounds of serious crime and/or disorder made by the Chief Officer of Police under Section 53(A) of the Licensing Act 2003;
 - (j) any other matter referred to the Sub Committee by the Director of Housing and Neighbourhoods.
2. To consider and determine applications under the Gambling Act 2005:
- (a) for a premises licence where relevant representations have been received and not withdrawn;
 - (b) for a variation to a premises licence where relevant representations have been received and not withdrawn;
 - (c) for a provisional statement where relevant representations have been received and not withdrawn;
 - (d) for club/gaming machine permits where objections have been received and not withdrawn;
 - (e) the cancellation of club/gaming machine permits;
 - (f) to give a counter notice to a temporary use notice;
 - (g) to attach/exclude a condition under Section 169(i)(a) or (b) of the Act where the consent of the applicant or interested party who has made relevant representations has not been given;
 - (h) for small lottery registrations where objections have been made and not withdrawn;
 - (i) for other permits where objections have been made and not withdrawn;
 - (j) any other matter referred to the Sub Committee by the Director of Housing and Neighbourhoods.
3. To review and approve fees and charges in relation to any of the functions within the remit of the Committee.

The Licensing Committee may appoint from time to time sub-committees in order effectively to discharge their functions.

STANDARDS COMMITTEE – TERMS OF REFERENCE

1. To promote and maintain high standards of conduct by the members and co-opted members of the Council.
2. To assist members and co-opted members of the Council to observe the Council's Code of Conduct.
3. To advise the Council on the adoption and revision of its Code of Conduct, taking into account the Model Code of Conduct, guidance from the Standards Board for England and elsewhere, and existing good practice within the Council.
4. To monitor the operation of the Code of Conduct and recommend revisions as appropriate, and to ensure that the Code is fully understood and applied throughout the Council.
5. To advise, train or arrange to train members and co-opted members of the Council on matters relating to the Code of Conduct.
6. To give dispensation to Members and Co-opted Members of the Council under the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002.
7. To carry out similar functions to those above in relation to the Parish Councils for which the Council is the responsible authority and the members of those Parish Councils.
8. To review arrangements as to the declarations of interest of members, co-opted members and officers, to monitor the operation of such arrangements and to offer advice on their application.
9. To review and recommend such other protocols, local codes and guidance as may be considered desirable to build upon the rules contained within the Code of Conduct whilst not forming part of it.
10. To establish Sub-Committees:-
 - (a) To carry out the initial assessment of written allegations that members of the Council or of a Parish Council have failed to comply with the Code of Conduct.
 - (b) To review at the request of the person making the allegation any decision to take no action.
 - (c) To receive the report of the Monitoring Officer (or person nominated by him) into any complaint referred to the Monitoring Officer and, following consideration of such report to take any action prescribed by the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.
11. To consider any report made to the Committee or the Monitoring Officer by an Ethical Standards Officer following an investigation into an allegation of a breach of the Code of Conduct and following consideration of such report to take any action prescribed by the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.

12. To consider any other recommendations, guidance or direction referred to the Committee or the Monitoring Officer by an Ethical Standards Officer or the Standards Board for England.
13. To provide any information required by the Standards Board for England regarding the exercise of the Committee's functions.
14. To consider any application for exemption from political restriction made to the Committee by the holder of any post under the Council and to give directions to the Council requiring it to include a post in the list of political restricted posts maintained by the Council.
15. To establish and monitor the operation of Complaints Procedures and Whistleblowing Procedures.
16. To review the application of the Council's Standing Orders, Financial Regulations, contract arrangements and other such provisions.
17. To review and comment upon the Council's procedures and Codes of Practice relating to public access to information, confidentiality and arrangements for data protection.
18. To review the procedures for appointment of Council representatives to outside bodies and to make recommendations to the Council or the Cabinet as necessary.
19. To consider reports arising from external inspections, audit investigations, Ombudsman investigations, legal challenges and other sources which cast doubt on the honesty or integrity of the Council, its members or officers, and to recommend action to the full Council or Cabinet as appropriate.
20. To consider and offer advice and guidance as appropriate on other matters which in the view of the Committee or the Council's Monitoring Officer could have a bearing on public perceptions of the honesty and integrity of the Council, its members, co-opted members and officers.
21. To consider and make recommendations on such other matters as the Committee itself thinks appropriate or which are referred for attention by the Council or the Cabinet which further the aim of promoting and maintaining the highest standards of conduct within the authority.

In these Terms of Reference "co-opted member of the Council" means a person who is not a member of the Council, but who:-

- (a) is a member of any Committee or Sub-Committee of the Council, or
- (b) is a member of and represents the Council on any Joint Committee or Joint Sub-Committee of the Council

and who is entitled to vote on any question which falls to be decided at any meeting of that Committee or Sub-Committee.

THE CABINET

The Cabinet has the following terms of reference and has power to determine all matters arising under these, save those which are reserved for approval by the full Council.

1. Providing a focus for community leadership in the Borough.
2. 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.
3. The preparation and submission of budget proposals for approval by the full Council.
4. The determination of the Council Tax base and recommendations to full Council as to the level of Council Tax.
5. The preparation and submission of the Capital Programme and any changes thereto for approval by full Council.
6. The recommendation of changes to the Council's Constitution, save where those are of a clerical or administrative nature.
7. Making recommendations to Council on other matters which are reserved to full Council, except where this is the specific responsibility of some other body on the Council, such as the Standards Committee or Audit Committee.
8. The approval of variations to strategies and policies, plans and programmes within the budgetary and policy framework as determined by full Council and in accordance with the Council's Constitution.
9. The approval of variations to the Capital or Revenue Programme budgets within the overall Capital Programme and budgetary framework determined by full Council and in accordance with Financial Regulations.
10. The taking of all key decisions*.
11. The adoption of Corporate Policies which assist in the preparation and delivery of service and business plans.
12. The overall co-ordination of the Council's business and the determination of any action required to implement plans and policies agreed by the Council.
13. The monitoring of the Council's performance including performance of the Council's land and property.
14. The determination of the future use of the Council's land and property.
15. The determination of schedules of maintenance and other expenditure upon property within the approved capital programme and revenue budget.
16. Agreement to the disposal by way of sale or lease of land and buildings, including disposal of land and buildings at less than best consideration.

17. The determination of the Council's response in discussions and dealings with the public, voluntary, business and community sectors.
18. The formation and monitoring of partnerships with other agencies.
19. Receiving references from Overview and Scrutiny Committees and Area Assemblies and approving any action required in response to these.
20. Responding to reports or recommendations received from Overview and Scrutiny Committees within two months of receipt.
21. Consideration of any recommendations from the Council's Standards Committee or Audit Committee.
22. Consideration of any motions or petitions referred from the full Council.
23. The receipt of and consideration of action consequent upon any report relating to any inspection of the whole or part of the Council.
24. The receipt of and consideration of action consequent upon any report concerning the inspection of any school within the Borough.
25. The approval of any submission or application to the Secretary of State regarding the formation of an education action zone within the Borough.
26. The approval of the exercise of any powers under sections 14 or 15 of the Schools Standards and Framework Act 1998 (Intervention by Local Education Authorities in Schools in Causing Concern) or any amendment or re-enactment thereof.
27. The exercise of any other executive function which the Leader or Cabinet determines shall be decided by the full Cabinet or which has been referred to the Cabinet by an individual Cabinet Member.

* "A key decision is:-

- (a) any recommendation to Council to approve or vary the revenue or capital budget, being outside approved virement limits.
- (b) any decisions that will result in income, expenditure or savings with a gross effect of £500,000 or greater (whether or not the item has been included in the relevant approved budget and including the provision by the Council of cashflow funding to third parties), with the exception of:-
 - (i) Decisions which are a direct consequence of implementing a previous key decision and were contemplated by the decision maker when the original key decision was made.
 - (ii) Bids by the Council for funding of £500,000 or more where, if the bid should be successful, a further report seeking approval of the scheme will be submitted to Cabinet.
 - (iii) Expenditure for the day to day provision of services that was in the contemplation of the Council when the revenue budget was approved and is in the opinion of the Strategic Director of Finance inevitable.

- (iv) Expenditure that must be incurred to comply with the terms of contracts won by the Council in competition.
- (c) Any decision relating to the approval or variation of policies which are reserved to the full Council.
- (d) Any decision that is likely to have a significant positive or negative impact on the people living or working in an area comprising two or more wards (or one ward if the effects are sufficiently significant) but not if the decision will apply throughout the whole borough."

GENERAL DELEGATIONS TO CABINET MEMBERS IN RESPECT OF THEIR OWN PORTFOLIOS

Cabinet members have delegated powers to make decisions regarding all executive functions within their portfolios (including but not limited to any function reserved to the Cabinet Member within the Schedule for each Directorate) with the following exceptions.

- a) Any issue that needs to be referred to the full Cabinet under the terms of reference for Cabinet. Should there be any conflict between these terms of reference and any allocation of functions to Cabinet Members elsewhere within the Scheme, then the requirement for the matter to be referred to Cabinet shall prevail.
- b) Any other decision which the Leader or the Cabinet has determined shall be made collectively by the full Cabinet.
- c) Any decisions specifically referred to officers under this Scheme of Delegation.

Cabinet Members may also elect to refer any decision to full Cabinet if they consider that the issue has serious implications in terms either of policy or impact upon the community, even though not amounting to a key decision.

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.

Cabinet Portfolios

1. **The Leader of the Council**

- Overall leadership of the Council
- Setting Corporate Policy
- Reputation Management
- External Affairs including sub-regional, regional, national and international partnerships and engagement
- Leading the Council's input to the Rotherham Partnership
- Overall responsibility for Corporate Governance
- Overall responsibility for ensuring the Council sets and delivers a balanced budget

Budget

The portfolio does not have direct budget responsibility for delivering services. However it does carry overall responsibility for working with Cabinet and Council to set and deliver a balanced budget. The net value of the budget in the 2010/2011 financial year is £216.9 million revenue and £106.8 capital.

2. **The Deputy Leader (and Organisational change and Governance)**

- To deputise for the Leader when required
- To lead on all matters relating to Legal and Democratic Services
- To lead on corporate governance and administration to ensure the Council's constitution remains efficient, effective and fit for purpose
- To lead on the Council's organisational development and change agenda
- To lead on Place based budget type initiatives to reduce duplication and unnecessary bureaucracy in the way we conduct our business and relate to partners
- To lead on the development of Human resource strategies, policies and procedures
- To act as Mentor for new Cabinet Members
- To lead on Member Development and Training

Budget

The portfolio has responsibility for a net budget of £8.5 million revenue.

3. **The Cabinet Member for Resources and Commissioning**

- RBT Client Function
- Financial Management
- Internal Audit and Risk Management
- External Funding
- Lead member for efficiencies
- Lead Member for developing shared service activity with external agencies
- Lead Member for procurement
- To have the oversight of efficiency initiatives across the Council;

Budget

The portfolio has a responsibility for a net budget of approximately £45.7 million revenue and £6.3 million capital

4. **The Cabinet Member for Safeguarding and Developing Learning Opportunities for Children**

- Lead Member for Integrated Children's Services
- Children's Social Care and Health
- Lead Member for Education & 14-19 Strategy including schools, special schools, and pupil referral units
- Lead Member for Early Years Strategy

Budget

The portfolio has responsibility for a net budget of approximately £36.9 million revenue and £19.34 capital

5. **The Cabinet Member for Adult Independence, Health and Well Being**

- Adult Social Services and Health
- Adult Social Care
- Lead Member for Public Health Strategy
- Older People's Strategy
- Lead Member for Lifelong Learning

Budget

The portfolio has responsibility for a net budget of approximately £72.6 million revenue and £1.9 million capital

6. **The Cabinet Member for Safe and Attractive Neighbourhoods**

- Streetpride Services (excluding car parking and highways)
- Waste Collection
- Housing Strategy and affordability including oversight of the ALMO
- Area Assemblies and neighbourhood Development and Management
- Community Safety and Crime Reduction
- Lead member for Housing Adaptations

(note: excludes responsibility for town centres)

Budget

The portfolio has responsibility for a net budget of approximately £17.9 million revenue and £41.3 million capital

7. **The Cabinet Member for Regeneration and Environment**

- Economic Development and Regeneration Strategy and Services
- Implementation of Economic Regeneration projects (excluding the town centre)

- Planning, Transportation and Development
- Highways schemes, repairs and maintenance
- Waste Management and Recycling Strategy
- Sustainability and Carbon reduction strategies
- Asset Management

Budget

The portfolio has responsibility for a net budget of approximately £14.2 million revenue and £19.4 million capital

8. **The Cabinet Member for Town Centres**

- Oversight and co-ordination of all town centre services impacting upon cleanliness, safety and accessibility
- Leading on initiatives to develop and implement a brand and identity for the town centre (in consultation with the Culture, Lifestyle, Sport and Tourism portfolio holder)
- Leading on marketing of the town centre as a place to visit, do business and invest (in consultation with the Culture, Lifestyle, Sport and Tourism portfolio holder)
- Leading on development and implementation of Town Centre economic regeneration projects
- Health, Welfare and Safety and emergency planning issues
- Car parking
- Waste Collection PFI

Budget

The portfolio has responsibility for a net budget of £4.8 million revenue and £15.6 million capital (excluding the value of the PFI waste procurement contract).

9. **The Cabinet Member for Culture, Lifestyle, Sport and Tourism**

- Culture and Leisure Services (libraries, museums, arts, recreation)
- Tourism strategy, promotion of the Borough as a place to visit and development of the tourism offer (in consultation with the Town Centre portfolio holder)
- Organisation of events (in consultation with Town Centre portfolio holder for town centre activity)
- Development and management of Parks, green spaces and sporting and recreational facilities
- Recreation and play strategies
- Lead member for promoting the Council (in consultation with the Leader and other portfolio holders)

Budget

The portfolio has responsibility for a net budget of approximately £12.9 million revenue and £2.6 million capital

10. **The Cabinet Member for Community Development, Equality and Young People's Issues**

- Social Inclusion
- Community Strategy
- Asylum Seekers

- Equalities and Diversity
- Consultation Strategy and Community Involvement
- Lead member for Anti-Social Behaviour Strategy (in consultation with Safe and Attractive Neighbourhoods portfolio holder)
- Parish Council network
- Liaison with the Voluntary and Community Sector
- Oversight of strategies to reduce the inequalities gap
- Young people's issues including Youth Offending Service
- Prevent strategy and initiatives and related activity.

Budget

The portfolio has responsibility for a net budget of approximately £3.1 million revenue, but also influences the spending programmes falling under other portfolios

Delegation Arrangements for Members and Officers attendance at Seminars, Conferences and National and International Visits

1. That Cabinet Members authorise attendance for Members on Council business related to their portfolios at locations within the UK.
2. That Strategic Directors authorise attendance for Officers on Council business related to their Directorates at locations within the UK, but where the Strategic Director is to attend, the Chief Executive, Strategic Director of Finance or the Assistant Chief Executive (Legal and Democratic Services) authorises his or her attendance.
3. That the Leader, in consultation with the Chief Executive, authorises Members and officers' attendance on Council business at locations outside the UK.
4. That the Deputy Leader, in consultation with the Chief Executive, authorises the Leader's attendance on Council business at locations outside the UK.
5. That where both the Leader and the Chief Executive propose to attend on Council business at a location outside the UK, the Deputy Leader, in consultation with the Strategic Director of Finance or the Assistant Chief Executive (Legal and Democratic Services), authorises their attendance.
6. That a record of the decision and the reasons for the decision be kept for at least six years, beginning with the date on which the decision was made.
7. That the Democratic Services Manager keep a record of decisions made by Members or by Members and officers and Strategic Directors keep a record of decisions made in relation to their officers.
8. That representatives on outside bodies be authorised to attend relevant meetings, seminars, conferencing and training events and the relevant Cabinet Member be kept informed.

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 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. Authorisation of virement of revenue budgets in accordance with Financial Regulations.
2. In accordance with Standing Orders and Financial Regulations, matters relating to the acceptance of tenders relating to contracts for works, goods and services in accordance with approved budgets or supplementary estimates, not otherwise delegated to Members or to the Service Director.
3. 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.
4. Authorisation of gifts legacies and hospitality offered to Service Directors within the directorate, in accordance with the Council's Code of Conduct.
5. Authorisation of requests from Service Directors to undertake additional outside employment in accordance with the Council's policies and procedures.
6. Aspects of the grievance procedure as permitted within Council Policy.
7. 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.
8. Overall monitoring within the Directorate of:-

Service Plans
Complaints
Performance Indicators
Sickness Absence
Overtime
Incidents of Violence.
9. Compensation payments, in accordance with the Council's Customer Complaints Code of Practice for Officers.
10. To determine service provision and operational matters within the agreed revenue budget for the Directorates.

All Service Directors

1. In respect of financial matters

Authorisation to spend within approved budgets subject to the policies, 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 works, goods and services, the seeking of estimates quotations and tenders, the evaluation of the same and acceptance of tenders relating to contracts for works, goods and services in accordance with approved budgets or supplementary estimates.

In respect of in-house service providers, 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 and the Assistant Chief Executive (Human Resources), for consideration by the SLT.

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 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.)

Appointment to posts below Service Director, within approved establishment. (Where Directors delegate this responsibility to senior managers, a list of authorised officers should be maintained by the Directorate HR Manager.)

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 (to satisfy equal pay requirements job grades are submitted via the Directorate HR Manager for assessment by the Corporate Pay & Grading Panel). 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. (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). Directorate HR Managers should be consulted and consistent guidelines for the Directorate established and maintained.

Consider personal applications for re-grading (under the advisement of a member of the Corporate Pay & Grading Panel)

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. (Directors may delegate this responsibility to appropriate 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. (Directors may delegate this responsibility to appropriate 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. (In accordance with corporate guidelines to ensure consistency and maintain equality.)

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 (Human Resources) with the Early Release panel making the decision.

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

DELEGATION OF FUNCTIONS BY DIRECTORATE

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 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 1-5, 7, 7A, B or C, 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.
8. The functions of the Council as Commons Registration Authority under the Commons Registration Act 1965 and the Commons Act 2006 to determine applications to register land as a town or Village Green or Common Land including the power to appoint an Independent Inspector and to convene a Public Inquiry into the application.
9. Authorising changes to polling stations, in consultation with Ward Members.

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 26th 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.
4. That Mr. Stephen Bryan Clarke and Ms. Sumera Shabir be authorised to prosecute or defend on behalf of the Council, or to represent the Council, in proceedings before a Court or Tribunal, pursuant to Part II of the Courts and Legal Services Act, 1990:-
 - (a) Section 27(b) in respect of:-
 - Section 223 of the Local Government Act 1972, in relation to the Magistrates' Court.
 - Section 60 of the County Courts Act 1984, in relation to local authority housing matters.
 - (b) Section 27(d), in relation to matters where the Council was to be represented as a party to proceedings.
 - (c) Section 27(e) and the Lay Representatives (Rights of Audience) Order 1999, in relation to civil matters heard in chambers or dealt with as a small claim in accordance with rules of court.
5. That the Proper Officer (Legal) have delegated powers to authorise all legal documentation relating to "Building Schools for the Future".

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 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 26th 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 2006.
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 Strategic Leadership 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 £25,000 and amounts above that level after consultation with the Strategic Leadership Team and Cabinet Member for Resources **and Commissioning**.
2. To approve, where appropriate the writing-off of irrecoverable payments of salaries and wages up to a value of £5,000 and above that amount after consultation with the Strategic Leadership Team.

Internal Funds

1. To approve, after consultation with the Strategic Leadership 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 £100,000, including the identification and allocation of budgets for previously unbudgeted expenditure but excluding the option of using Council balances, after consideration by the Strategic Leadership 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, the Director of Central Finance and the Director of Service 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. Robert Cutts
Mrs. Melanie Kennedy
Mr. Dave Morley
Mrs. Sally Olivia
Miss Suzanne Styring
Mrs. Diane Woolley

Mrs. Rachel Humphries
Mr. Robert McCormack
Mr. Alan Norcliffe
Mr. Peter Stringer
Mrs. Christy Knight
Mrs. Julie Chapman

RBT

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.

Environment and Development Services

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 and Business Continuity.
3. Implementation of capital projects within approved budgets.
4. Following annual budget and scheme allocation by the Cabinet Member – development and implementation of the Rotherham Economic Regeneration Fund (RERF) and other funding regimes and the approval of detailed spending on individual projects.
5. The functions of the Council as Commons Registration Authority under the Commons Registration Act 1965 and Commons Act 2006 (with the exception of the determination of applications to register land as a Town or Village Green or Common Land including the power to appoint an Independent Inspector and to convene a Public Inquiry into the application.)

The Director of Planning and Regeneration

The Director of Planning and Regeneration delegated powers are as follows:

A. Development Control

General

Approve applications within Sections 1 – 6A except where objections (other than anonymous objections) have been received, (see section 9.1 below).

Refuse applications within Sections 1 – 6A even where objections have been received, other than where application is retrospective (see section 9.2 below).

In consultation with the Chairman and Vice Chairman of the Planning Board, approve/refuse any application submitted by a Councillor or Officer of the Council, or by a relative thereof (see Section 9.3 below).

The approval/refusal of applications under Section 6 (B), irrespective of the number of letters of objection.

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 in accordance with the terms of the Order.

1. Applications for householder development:

- 1.1 Alterations or extension to dwelling houses.
- 1.2 Erection of buildings within the curtilage of residential properties, to include garages etc.
- 1.3 Erection of a fence, wall, gate, or other means of enclosure.
- 1.4 Formation of a vehicular access onto a classified road.
- 1.5 A minor householder development not falling within the above criteria.

2. Applications for residential development:

- 2.1 Conversion of a building to a dwelling house.
- 2.2 Conversion of a building to up to 9 flats.
- 2.3 The erection or conversion of up to 14 dwelling houses on land for which planning permission has been granted within the past 3 years.
- 2.4 The approval of reserved matters (up to 14 units) in respect of dwelling houses or of flats.

- 2.5 Erection of up to 9 dwellings or 9 flats within an area allocated for residential development in the Unitary Development Plan (including Mixed Use allocations that include C3 residential in the 'mix').
- 2.6 Outline applications where the accompanying Design and Access Statement indicates an upper limit of 9 dwellings 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:
 - 3.1 A modification or construction of a new shop front, including installation of security shutters.
 - 3.2 A minor change of use or other minor development.
 - 3.3 The display of an advertisement (Section 220 of the Town and Country Planning Act).
 - 3.4 Outline applications where the accompanying Design and Access Statement indicates an upper overall floorspace limit of 2,000 square metres, or changes of use of land with a site area up to 2 hectares, both where the site is allocated as such in the Unitary Development Plan (including Mixed Use allocations that includes the relevant use within the 'mix').
 - 3.5 The change of use of buildings or erection of new buildings and reserved matters relating to such development or related mixed use schemes, all 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').
 - 3.6 The alteration or extension (up to 2,000 square metres) of 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.
 - 3.7 The erection of overhead electricity lines up to 66KV, and installation of statutory undertakers equipment, which is not classed as permitted development.
 - 3.8 Any other minor development not referred to above.
- 4. Applications submitted by the Council
 - 4.1 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. Applications for Minerals and Waste:
 - 5.1 Except where reserved to the Planning Board, the determination or amendment of reserved matters, in an application for planning permission, relating to schemes of working, restoration and aftercare.

- 5.2 The 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.
- 5.3 The 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)
 - 6.1 Applications for Conservation Area Consent, relating to development falling within the scheme of delegation.
 - 6.2 Applications for Listed Building Consent for Grade 2 Listed Buildings for development falling within the scheme of delegation.
 - 6.3 Variation or discharge of conditions (Section 73 and Section 73A of the Town and Country Planning act 1990) on previous approvals not determined by the Planning Board.
 - 6.4 Applications to prune and fell trees covered by Tree Preservation Orders.
 - 6.5 Applications for prior approval (as set out in the Town and Country Planning (General Permitted Development) Order 1995) including those relating to agricultural development, demolition, and telecommunications apparatus.
 - 6.6 Applications for Hazardous Substance Consent, unless objection has been received from the Health and Safety Executive or Environment Agency and it is proposed to grant consent.
 - 6.7 Applications for non-material amendments
 - (B)
 - 6.8 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.
 - 6.9 Applications to prune and fell trees subject to 6 weeks notice within a Conservation Area
 - 6.10 Applications for works to, and the removal of historic hedgerows
- 7. Miscellaneous
 - 7.1 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 (as amended).
 - 7.2 The carrying out of statutory publicity and consultation.

- 7.3 The determination of whether an application constitutes a departure from the Development Plan.
- 7.4 The undertaking of negotiations to conclude an agreement under Section 106 or S106A of the Town and Country Planning Act 1990.
- 7.5 The making of Tree Preservation Orders under S198 of the Town and Country Planning Act 1990.
- 7.6 The confirmation of Tree Preservation Orders where no objections have been received.
- 7.7 Power to decline to determine applications for planning permission, under Section 70A and 70B or to decline to accept an application under Section 73 of the Town and Country Planning Act 1990.
- 7.8 The approval and discharge of details required by a planning condition, unless minuted by Planning Board that they wish to agree the details.
- 7.9 The taking of all necessary steps in relation to appeal proceedings, to include steps to settle the same.
- 7.10 Responses to consultations from other Local Planning Authorities on planning applications covered under this Scheme of Delegation.
- 7.11 The determination as to whether a planning application submitted constitutes permitted development.
- 8. Planning Enforcement (see also Section 9)
- 8.1 Power to authorise entry onto land (under Section 196A and S214B of the Town and Country Planning Act 1990).
- 8.2 Power to seek a warrant for entry into buildings in the magistrates court (Section 196B and S214C) of the Town and Country Planning Act).
- 8.3 Power to issue a requisition for information (Section 330 of the Town and Country Planning Act 1990).
- 8.4 Power to issue a planning contravention notice (Section 171C of the Town and Country Planning Act).
- 8.5 Power to issue a breach of condition notice (Section 187A of the Town and Country Planning Act).
- 8.6 Power to issue a tree replacement notice (Section 207 and 209 of the Town and Country Planning Act 1990).
- 8.7 Power to issue a hedgerow retention notice and a hedgerow replacement notice under the requirements of the Hedgerow Regulations 1997.
- 8.8 Where there is a breach of planning control, the determination as to whether it is expedient to take action.

- 8.9 Power to authorise compliance with Criminal Procedure and Investigations Act 1996 when pursuing prosecutions.
- 8.10 Power to issue a Discontinuance Notice pursuant to Regulation 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 8.11 Power to issue notice requiring land/buildings to be maintained (S215 of the Town and Country Planning Act).
- 8.12 Power to authorise surveillance under the Regulation of Investigatory Powers Act 2000 (this power only exercised by the Director of Planning or the Planning Manager).
- 8.13 Power to issue a Completion Notice under S94 of the Town and Country Planning Act 1990.
9. In consultation with the Chair and Vice Chair
- 9.1 The approval of an application under sections 1 - 7(A) of the Scheme of Delegation where no more than 5 objections have been received (separate objections from separate addresses – separate names on petitions are only counted if they are provided with an address).
- 9.2 The refusal of a retrospective application, 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.
- 9.3 Where the proposal would otherwise fall within the Scheme of Delegation, the approval or refusal of an application submitted by a Councillor or Officer of the Council or by any relative thereof.
- 9.4 The issue of a planning Enforcement Notice, Listed Building Enforcement Notice, Temporary Stop Notice or Stop Notice.
- 9.5 The pursuance or not of a prosecution in respect of:
- Failure to return a requisition for information (S330 Notice) or planning contravention notice.
 - Failure to comply with a planning/listed building enforcement notice/temporary stop notice/ stop notice or breach of condition notice.
 - The unauthorised display of advertisements.
 - Unauthorised works to listed buildings.
 - Unauthorised works to a protected tree/tree within a Conservation Area.
 - Failure to comply with requirements of a S215 Notice.
 - Any other offence under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990.
- 9.6 The authorisation of default works under relevant Sections of the Town and Country Planning Act.

- 9.7 To agree Section 106 Agreements of a minor nature (such as relinquishing an extant permission) and agree applications for amendments of a minor nature to completed S106 Agreements or amendments of a minor nature to the Heads of Terms of S106 Agreements endorsed by Board but not as yet signed.

(Note: Where agreement cannot be reached between Officers and Chairman and Vice Chairman under Section 9 the matter shall be referred to the Planning Board.)

B Building Control

1. 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.
2. Power to prosecute an offender for contravention of building regulations – Section 35 of the Building Act 1984 – Subject to consultation with Cabinet Member prior to commencement of proceedings.
3. 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 - Subject to consultation with Cabinet Member prior to service of notice.
4. Power to serve a notice and commence proceedings in respect of retaining walls – Section 34 of the South Yorkshire Act 1980 - Subject to consultation with Cabinet Member prior to service of notice and commencement of proceedings.
5. 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 and the discharge of any function of a regulatory nature.
6. 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.

C Transportation

1. In accordance with the South Yorkshire Local 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.
2. The implementation of traffic management, traffic calming and area safety schemes. The implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature and duties in relation to the Traffic Management Act 2004.
3. 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.
4. In accordance with the South Yorkshire Bus Investment Stakeholder Board discharge of any executive function in respect of highway schemes and quality bus corridors. The implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.

5. General

- 5.1 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.
- 5.2 The discharge and implementation of any decision in respect of the packaging of bids for transport monies.
- 5.3 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.
- 5.4 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.
- 5.5 The discharge (in consultation where appropriate with countryside and conservation bodies and the Cabinet Member) 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.
- 5.6 Power to name and alter the names of streets – Sections 17 & 18 of the Public Health Act.
- 5.7 Power to number and renumber streets – Section 15 of the South Yorkshire Act 1980.
- 5.8 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.
- 5.9 Any action in respect of the making of a Compulsory Purchase Order – Following any determination by the Cabinet Member and the discharge of any function of a regulatory nature.
- 5.10 Contracts Below £20,000 – External Public and Private Sector Work – Authority to bid to provide services and enter into contracts – in accordance with Financial Regulations.
- 5.11 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.

D Regeneration & Economic Development

1. Following annual budget and scheme level approval, development and implementation of Rotherham Economic Regeneration Fund (RERF), 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 external funding and grant aid, special financial packages for economic development/regeneration and submissions to awarding bodies in respect of capital schemes, including capital schemes for highways - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
5. The implementation of any determination of the Cabinet Member 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 European Regional Development Fund (ERDF) and Yorkshire Forward - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
7. In conjunction with the Government Departments or other bodies, the implementation of any decision in respect of the promotion of Economic Development and Regeneration - the implementation of any determination of the Cabinet Member 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 and the discharge of any function of a regulatory nature.
11. The implementation of any decision concerning markets and fairs, including landlord and tenant matters, in respect of market stalls or units - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
12. The implementation of any decision concerning new licensed markets, and licence conditions or regulations in respect of outdoor markets - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
13. The implementation of any decision in respect of any disturbance of the Council's markets' franchise - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.
14. The implementation of any decision in respect of any byelaws for markets or fairs - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.

Community Arts Unit, Public Art, Museum and Art Collections, letting of premises, engaging performers, crafts people, artists, stewards and all other necessary staff.

2. Management of Catering Services within designated venues.
3. Contract performers/exhibitors, etc. and programme professional performance in accordance with Council policies.
4. 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.
5. To accept loans to the Council of museum specimens and works of art.
6. To decide upon applications to reproduce museum specimens, works of art etc.
7. To arrange lectures, exhibitions, openings relating to the Council's Museum and Arts Collections.
8. To arrange holiday closing of all sites and services controlled by the Cultural Services Department.
9. Authorisation of grants to voluntary bodies up to a value of £500 according to the Council's criteria for Arts, Heritage grants.
10. To arrange hospitality for performers, exhibitors etc., and to negotiate with firms to sponsor performances.
11. Authorisation of reduced charges/hire fees up to a value of £500 according to the Council's criteria.
12. Management of all Capital Projects within Cultural Services.
13. To work in co-operation with Children and Young Peoples Services Directorate to provide a comprehensive cultural activity programme for children and young people.
14. To deliver a comprehensive and effective library service in line with government guidelines.
15. To act as the Council's contact point for all regional and cultural bodies e.g. Arts Council.

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. In accordance with the Barnsley, Doncaster and Rotherham Waste Partnership the discharge of any executive function, the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.

3. 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

4. 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

Traffic Management Act 2004 and Road Traffic Regulations Act 1984 – Director of Streetpride be appointed as an Authorising Officer to authorise cases for prosecution and authorise Civil Enforcement Officers to operate in accordance with the Act.

Water Industry Act 1991

5. 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 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

6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. In respect of Contracts:-

Below £100,000 – subject to compliance with the Council's Standing Orders and Financial Regulations, authority to open and accept tenders,

Below £20,000 – Private Sector Work – Authority to bid to provide services and enter into contracts.

Below £50,000 – External Public Work – Authority to bid to provide services and enter into contracts.
12. The implementation of submissions for grant aid, special financial packages for inward investment and submissions to awarding bodies in respect of capital schemes.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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 Streetpride and Director of Asset Management to consult Cabinet Member and Director of Planning and Regeneration prior to making representations or lodging objections.
18. 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 Streetpride and the Director of Asset Management to exercise function in conjunction with the Director of Planning and Regeneration Service.
19. Operational management and maintenance of Parks, Recreation Grounds, Play Areas, Camping, Caravan and Picnic Sites, Allotments, Leisure Facilities, Swimming Pools, Country parks, all land held by the Council specifically for public open space and recreation, Countryside Service and letting of land and premises.
20. Provision of floral decorations.
21. Management of Catering Services within designated venues.
22. Contract performers/exhibitors, etc. and programme professional performance in accordance with Council policies.
23. Letting of land controlled by the Environment and Development Services Directorate for fairs, circuses and travelling shows.
24. To arrange holiday closing of all sites and services controlled by Leisure and Green Spaces.
25. Authorisation of grants to voluntary bodies up to a value of £500 according to the Council's criteria Recreation grants.
26. Management of all Capital Projects within Leisure and Green Spaces.
27. To act as the Council Client for the PFI Leisure provision in Rotherham.
28. To act as the Council's contact point for all regional bodies e.g. Sports Council.

The Director of Asset Management Service

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 on real estate related matters.

To chair the Capital Strategy and Asset Review (Corporate) Team and make recommendations to the Cabinet 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 Service 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, assignments, lease renewals, ~~tenancies~~ licences, tenancies and consents ~~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.

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

Education Service Tenancies:- authority to authorise possession proceedings against caretakers in education service tenancies.

(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)

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.

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.

7. Approval of Hire and other Charges

Release of Restrictive Covenants, ground landlords' approval, easements or wayleaves.

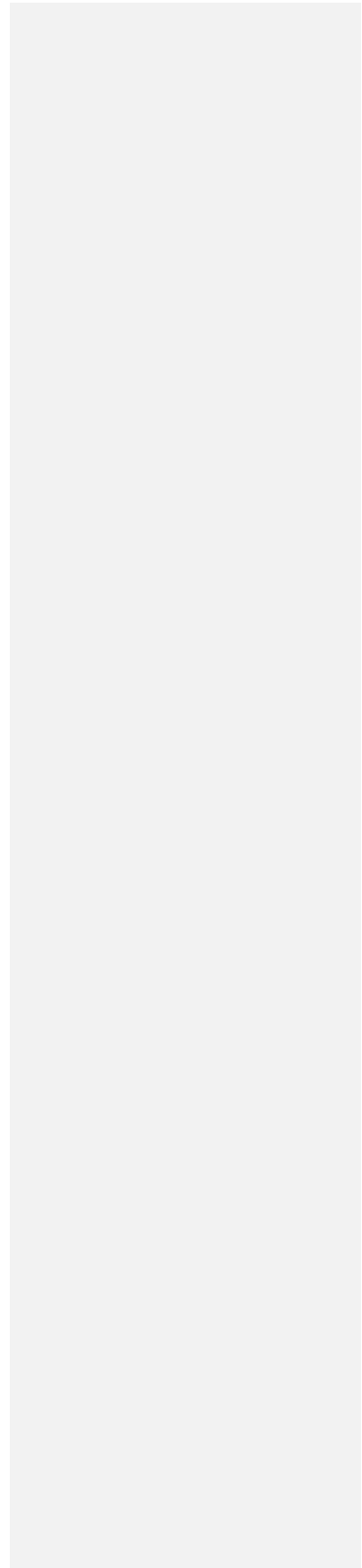
8. Approve variations to user clauses.

9. 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.

10. 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.

11. Determine the operational matters and priorities and resources allocation relating to Building Design and Construction, including the procurement of contractors and consultants (except H.R.A – Housing) and letting of contracts according to European law.

12. 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.



SCHEDULE A

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
1 Strategic Planning				
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		
2 Performance Review				
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	
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

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
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	Service Provision - General			
3.1	To agree policy and objectives for the delivery of Children and Young People's Services.	Decision		
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		

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
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
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 consider representations concerning any aspect of Service provision including appeals against the ability to pay charges.			Decision
3.13	To initiate Court proceedings in respect of non-payment of charges.		Decision	
3.14	After consulting with the Service Director concerned the Strategic Director of finance may (a) Write off debts due to the Council of up to £5,000 (b) Write off debts due to the Council of £5,000.01 or more after consulting the Strategic Management Team.			Decision
3.15	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
3.16	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
3.17	To determine appropriate programmes for the efficient operation, maintenance and protection of buildings within the service.			Decision
3.19	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
3.20	To receive and consider issues arising from complaints.	Decision		

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
3.21	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		
4 Service Provision – Schools and Lifelong Learning Services				
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		
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) and the Education and Inspection Act 2008 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"> - 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; 		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	

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
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	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	
4.10	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		
4.11	The approval of any fixing, review or variation of the standard number of any school.	Decision		
4.12	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		
4.13	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		
4.14	The determination of any policy or arrangement adopted by the Authority in relation to the provision of meals at schools (including free meals).	Decision		

Children and Young People's Services Functions					
Reference		Cabinet	Cabinet Member	Strategic Director	Service Director
4.15	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		
4.16	The determination of school terms and holidays.		Decision		
4.17	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	
4.18	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"> - 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. 			Decision	
4.19	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	
4.20	Any steps required to constitute or, following constitution, support governing bodies.			Decision	

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
4.21	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	
4.22	The discharge of the Authority's functions relating to the employment of staff within schools maintained by the Authority.		Decision	
4.23	The discharge of any of the Authority's functions relating to the appraisal of teachers or head teachers.		Decision	
4.24	The issue of advice to governing bodies concerning the use of school premises.		Decision	
4.25	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	
4.26	The discharge of the Authority's functions relating to pupils with special educational needs, including: <ul style="list-style-type: none"> - 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. 		Decision	

Children and Young People's Services Functions					
Reference		Cabinet	Cabinet Member	Strategic Director	Service Director
4.27	<p>The discharge of the Authority's functions relating to the admission of pupils to schools, including:-</p> <ul style="list-style-type: none"> - 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. 			Decision	
4.28	<p>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	
4.29	<p>The discharge of the Authority's functions relating to the attendance of pupils at schools.</p>			Decision	

Children and Young People's Services Functions					
Reference		Cabinet	Cabinet Member	Strategic Director	Service Director
4.30	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	
4.31	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	
4.32	The discharge of any functions of the Authority relating to baseline assessments.			Decision	
4.33	The discharge of any of the Authority's functions in relation to the provision of advice on careers.			Decision	
4.34	The preparation of statements setting out the Authority's plans for reducing infant class sizes.			Decision	
4.35	The implementation of a system to elect parent governors as representatives on education committees.			Decision	
4.36	The operational management and publication of the Authority's arrangements for providing transport for persons attending schools or other educational institutions.			Decision	
4.37	The preparation and review of a statement setting out the Authority's arrangements in connection with the education of children with behavioural difficulties.			Decision	
4.38	The publication of a disability statement pursuant to Section 528 of the Education Act 1996, or any amendment or re-enactment thereof.			Decision	
4.39	Any submission relating to Education Action Zones within the area of the Authority.			Decision	

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
4.40	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		Decision	
4.41	The establishment and support of a School Organisation Committee and Admissions Forum.		Decision	
4.42	The preparation and review of a School Organisation Plan and Admissions Forum.		Decision	
4.43	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		Decision	

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
	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			
4.44	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		
5 Service Provision - Safeguarding and Corporate Parenting Services				
5.1	The approval of any policy, strategy or arrangement relating to statutory requirements regarding children looked after by the Local Authority	Decision		
5.2	The approval of any policy, strategy or arrangement relating to statutory requirements regarding the adoption service for children provided through the Rotherham Adoption agency.	Decision		
5.3	The approval of any policy, strategy or arrangement relating to statutory requirements regarding safeguarding the wellbeing of children in need.	Decision		
5.4	To be a board partner of the Local Safeguarding Children Board and 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		

Children and Young People's Services Functions				
Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
5.6	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		
5.7	To receive and consider reports relating to the provision and inspection of community homes, voluntary homes and registered children's homes.	Decision		
6 Service Provision - Community Services				
6.1	The approval of any policy, strategy or arrangement regarding the Youth Offending Service in accordance with Criminal Justice legislation and the National Standards associated with that legislation.	Decision		
6.2	The approval of any policy, strategy or arrangement relating to statutory requirements regarding service provision for children with disabilities and their families / carers.	Decision		
6.3	The approval of any policy or strategy relating to Youth Services.	Decision		
6.4	The approval of any policy or strategy relating to Early Intervention and Prevention Services.	Decision		
6.5	To maintain a register of children with disabilities			Decision
6.6	To maintain a database of Common assessment Framework referrals.			Decision

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Children and Young People's Services Directorate Responsibilities					
Accountability					
Children Act 2004 Section 18	Duty to appoint a Director of Children's services to fulfil the functions of the local authority as they relate to children and young people, including education, children's social care and local partnerships. To provide a single line of accountability within the local authority for services to children and to promote co-operation to improve children's well-being among partners in the local area		Decision		
Children Act 2004 Section 19	Duty to designate a Lead Member for Children's Services to discharge functions of the local authority as they relate to children and young people, including education, children's social care and local partnership. To provide a single line of political accountability within the local authority for services to children and to promote co-operation to improve children's well-being among partners in the local area	Decision			
Children Act 2004 Section 10 (1)	Duty to co-operate' – to make arrangements to promote co-operation between the local authority; each of the authority's relevant partners, and such other persons or bodies the authority consider appropriate. Working among the various agencies which provide or commission services for children (and families) at every organisational level from strategic planning to front line multi agency team work to improve outcomes for children.			Decision	
Children Act 2004 Section 12A as amended by the Apprenticeship, Skills, Children and Learning Act 2009 The Government has announced its intention to repeal this requirement.	Duty to establish a Children's Trust Board as part of the wider co-operation arrangements. To standardise existing arrangements by creating a statutory body in every local authority area to oversee the co-operation arrangements to improve children's well-being	Decision			

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Children Act 2004, sections 13. (Sections 14 - 16 refer to the functions, procedure and funding of Local Safeguarding Children Boards). Secondary - Local Safeguarding Children Boards Regulations 2006, SI 2006/90.	Local authority duty to establish a Local Safeguarding Children Board (LSCB), to ensure representatives of various bodies and of the local community are included on it, and to co-operate with the "Board partners". The LSCB co-ordinates what is done by partners to safeguard and promote the welfare of children. The LSCB has a range of specific functions including serious case reviews, reviews of child deaths and the production of an annual report.			Decision	
Children Act 2004 Section 11	To ensure that safeguarding is integral to all that local authorities do. Duty to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children; and applies where services provided through a third party.			Decision	
Children Act 1989 Section 22 including 22(3) (a) and 22(3A) as amended by Section 52 of the Children Act 2004.	To ensure local authorities as 'corporate parents' focus on improving the safeguarding, welfare and educational achievement of the children in their care. The duty to take account of the wishes and feelings of the child is important to ensure that children have a say in key decisions about their life and that the plan for the child's care is appropriate to their needs.		Decision		
Safeguarding Vulnerable Groups Act 2006 This is currently subject to a review	Imposes various requirements on (among other bodies) local authorities, including requirements: not to employ barred people to do 'regulated activity'; to check that their employees/volunteers are subject to monitoring (Independent Safeguarding Authority -registered (ISA) before permitting them to engage in regulated activity; to refer individuals to the ISA (e.g. where they are removed from regulated activity); and to give information to the ISA on request.			Decision	
Apprenticeships Skills Children and Learning Act 2009 Sections 251 and 252	Local authorities must provide information about their planned and actual expenditure (annual budget and outturn statements) on their education functions and their children's social services functions, in accordance with directions given by the Secretary of State.			Decision	

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Local Authority accountability: (1) s20 Children Act 2004 and The Children Act 2004 (Joint Area Reviews) Regulations 2005 (2) s137 Education & Inspections Act 2006 and The Education & Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007(3) s.141 Education & Inspections Act 2006 There is no current programme of full joint area reviews, however, the legislation is used for the programme of 3 yearly inspections of safeguarding and looked after children. There is no current programme of s136 inspections of local authorities, but the legislation could be used for ad hoc inspections	(1) Joint Area Reviews: regulations require the local authority to distribute the report and produce and distribute a post inspection action plan (2) Reports of inspections under section 136: requires the LA to distribute the report and produce and distribute a post inspection action plan as specified in regulations. (3) Power to require information etc: requires the local authority to provide the Chief Inspector with any information or document she requires in relation to local authority performance of its functions or in connection with her own functions.			Decision	
Child Poverty Act 2010	Duties of local authorities and other bodies in England: requires local cooperation arrangements to be made to reduce and mitigate the effects of child poverty in local areas; and the arrangements to include arrangements to prepare and publish local child poverty needs assessments, and to prepare joint child poverty strategies for local areas.	Decision			
Children Act 1989 S.29 (Charging for Services)	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			
Criminal Justice Act 2003 S325	To co-operate with the responsible authority (ie. police, prisons and probation acting jointly) on MAPPAs (multi-agency public protection arrangements) to assess and manage the risks posed in that area by relevant sexual and violent offenders, and other persons who are considered by the responsible authority to be persons who may cause serious harm to the public, to the extent that such co-operation is compatible with the exercise by the local authority of its functions under any other enactment.			Decision	
Children Act 2004 Section 10(3)	Duty to have regard to the importance of parents and carers in improving children's wellbeing.			Decision	

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Local Government and Public Involvement in Health Act s.116 2007 A revision of Section 116 in the Health and Social Care Bill 2011 in Parliament will reflect the new National Health Service and local government system, structures, and responsibilities with regards to health and wellbeing.	To prepare and publish joint strategic needs assessments. Common assessment of need; joined up and integrated working; identify opportunities for early intervention and prevention; encourage pooled budgets and risk sharing			Decision	
National Health Service Act 2006 Section 24(3) This is being repealed in the Health and Social Care Bill 2011 in Parliament. The Health and Social Care Bill will reflect the new NHS and local government system, structures and responsibilities with regards health and care including health improvement	Local Authorities working with Primary Care trusts to produce Plans to improve health.			Decision	
Local Government and Public Involvement in Health Act s.223 2007 The Health and Social Care Bill 2011 transfers this duty for service-providers to allow entry to LINKs to allowing entry to a Local Health Watch organisation.	Duty on the Secretary of State to make regs imposing requirements on s.221 arrangements. Places a duty on LA (if a service provider of Health or Social care services) to allow a LINK to enter and view service-providers premises, apart from premises and areas of premises that are excluded by regulation. This allows for independent public and patient assessment of services provided.			Decision	
Local Government and Public Involvement in Health Act s.226 2007 The Health and Social Care Bill 2011 transfers this duty for OSCs to acknowledge and respond to Local Involvement Networks transfers to allowing Local Health Watch organisations. Also as there is no longer a statutory duty for OSCs this may not apply in all Local Authorities.	Duties on local authority overview and scrutiny committees in relation to social care matters referred by Local Involvement Networks.			Decision	

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Data Protection					
Data Protection Act 1998 Section 1(1)(e)	The wording in section 1(1)(e) of the Data Protection Act broadens the definition of personal data for public authorities to include all personal information held by a "public authority", no matter in what form it is held. The definition is narrower for other organisations. This broader definition was introduced to ensure consistency with the Freedom of Information Act 2000.				Decision
Equalities					
Disability Discrimination Act 1995 Sections 49A - 49D	Public Authorities: General duty to promote equality and fairness, and make access to public services, and employment in the public sector, fair for disabled people. The duty requires public authorities, when carrying out their public functions, to have due regard to eliminating discrimination and harassment against disabled people; promote equality of opportunity between disabled people and others; take steps to take account of disabled people's disabilities; promote positive attitudes towards disabled people; and encourage their participation in public life.				Decision
Race Relations Act 1976 Sections 71 - 71B	Specified authorities: general statutory duty to promote equality and fairness, and make access to public services, and employment in the public sector, fair for people of different racial groups. The duty requires public authorities, when carrying out their public functions, to have due regard to eliminating racial discrimination, and to promoting equality of opportunity and good relations between persons of different racial groups.				Decision
Sex Discrimination Act 1975 Section 76A - 76C	Public authorities: general statutory duty to promote equality and fairness, and make access to public services, and employment in the public sector, fair for both men and women. The duty requires public authorities, when carrying out public functions, to have due regard to eliminating discrimination and harassment, and to promoting equality of opportunity between men and women.				Decision

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Disability Discrimination (Public Authorities) Statutory Duties) Regulations 2005	Disability Equality Scheme The regulations require public bodies to prepare (with the involvement of disabled people) and publish, implement, and review and revise (every three years) a Disability Equality Scheme and publish an annual report of action it has taken. The scheme should show how the general and specific duties will be fulfilled, and state arrangements for information gathering and use; methods for assessing impact of policies and practices; and steps proposed to be taken. The steps set out should be taken within three years unless it is unreasonable to do so.				Decision
Race Relations Act 1976 (Statutory Duties) Order 2001)	Race Equality Schemes, Educational Bodies and Monitoring by Employees. The order requires public bodies to publish a Race Equality Scheme showing how the general and specific duties will be fulfilled; arrangements for assessing and consulting on the impact of policies and practices; arrangements for monitoring of impact, publishing results of assessments, consultation and monitoring; ensuring public access to information and services; and the training of staff. The assessment of relevant functions, policies and proposed policies should be reviewed every three years. The order also requires specified employers to monitor and publish certain workforce data broken down by race; and requires certain educational bodies to assess policies, and monitor pupils, parents, students and staff by race, and report its results.				Decision
Sex Discrimination Act 1975 (Public Authorities) Statutory Duties) Order 2006	Gender Equality Scheme The order requires public bodies to prepare (in consultation with employees, service users and others), publish, implement and review (every three years) a Gender Equality Scheme, and publish an annual report of action it has taken. The scheme should show how the general and specific duties will be fulfilled, taking into account information on the effect of policies and practices on men and women; and set out the overall objectives necessary for performance of the duties.				Decision

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Equality Act 2010 Section 149 Due to come into effect from April 2011	Public Sector Equality Duty The duty will repeal and replace the separate public sector duties relating to race, disability and sex. The simplified duty is intended to promote equality and fairness, and make access to public services, and employment in the public sector, fair for all. The duty requires public authorities, when carrying out their public functions, to have due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations between different groups.				Decision
Freedom of Information Act 2000	When public authority receives a request for information they have two duties under the Freedom of Information Act: 1)The duty to inform the requestor whether or not they hold the requested information 2) and if they do hold the information, the duty to provide the information to the requestor.				Decision
Community Services Directorate Responsibilities					
Youth Justice					
Crime and Disorder Act 1989 Section 42(3)	Local Authorities and other bodies who carry out youth justice duties are required to act in accordance with any guidance given to them by the Secretary of State			Decision	
Crime and Disorder Act 1989 Section 39(1)	Duty of every LA acting in co-operation with partner agencies (who are under a duty to co-operate with the LA) to establish for their area one or more Youth Offending Teams			Decision	
Crime and Disorder Act 1989. Section 39(5)	Sets out the statutory membership of the YOT (statutory partners are social services, police, probation, education, health). LAs may also include other persons as appropriate			Decision	
Crime and Disorder Act 1998 Sections 39(7) and 40 set out the broad functions of a Youth Offending Team	Sets out the general duties of a Youth Offending Team - co-ordinate provision of youth justice services etc. Section 40 states that it is the duty of every Local Authority to produce a youth justice plan				Decision
Children Act 2004 s10(4)	Youth Offending Teams have a duty to co-operate with children's services authority to improve the well being of children				Decision
Criminal Justice Act 2003 s325	Youth Offending Teams have a duty to co-operate with other agencies to ensure there are arrangements for assessing whether a person is a relevant sexual or violent				Decision

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
	offender				
Children Act 2004 s 11	To make arrangements to promote safeguarding and welfare of children				Decision
Children Act 2004 Section 13(3) (d)	Youth Offending Teams for local areas is a board partner of the Local Safeguarding Children Board				Decision
Sentencing Act S18 and 29	Youth Offending Teams must establish and support youth offender panels. Including the provision of staff and accommodation as well as supervision of youth offender contract				See Schedule Delegation to Officers
Children Act 1989 S2 Para 7	The Local Authority is under a duty to "reduce the need to bring criminal proceedings against children within their area" "encourage children within their area not to commit criminal offences" and "avoid the need for children within their area to be placed in secure accommodation" [secure accommodation means secure children's homes				See Schedule Delegation to Officers
Crime and Disorder Act 1998 Section 37(1) and section 37(2) and 42(1)	Sets out the principle aim of the youth justice system which is to prevent offending by children and young persons and that bodies carrying youth justice functions are under a duty to have regard to that aim				See Schedule Delegation to Officers
Crime and Disorder Act 1989 Section 38	Places a duty on Local Authorities, in co-operation with other named agencies to secure that youth justice services are available in their area. Section 38(3) lists a large number of items which are within the meaning of youth justice services. These are; Provision of reprimands and final warnings, provision of support for children and young persons remanded or committed on bail, placement in Local Authority accommodation of children and young people remanded or committed to secure accommodation, provision of court reports, the performance of youth offending teams, performance of supervision, implementation of referral orders,				See Schedule Delegation to Officers
A range of references to the Youth Offending Team and/or a member of the Youth Offending Team that underpin these provisions. These are set out in various Acts	These set out specific duties and responsibilities of the Youth Offending Team and individual members of the Youth Offending Teams. For example the role of Youth Offending Teams in delivering various court orders, e.g. parenting				See Schedule Delegation to Officers

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
post 1998 and are too numerous to reference here	orders				
Education and Skills Act (2008) s16/s77	Youth Offending Teams may supply information to a provider of education services				See Schedule Delegation to Officers
Children and YP Act 1969 s23AA(5)	Where a child or young person is remanded to Local Accommodation and no security requirement is imposed but Electronic Monitoring is imposed - the Youth Offending Team has to confirm availability				See Schedule Delegation to Officers
Children and YP Act 1969 s23(3)	Where a child or young person is remanded to Local Accommodation & after consultation with the Youth Offending Team it shall remand the young person to local authority accommodation and require it to be secure				See Schedule Delegation to Officers
Bail Act 1976 s 3 AA and 3AB	Youth Offending Teams must inform court that electronic monitoring is suitable when imposing bail on a person aged between 12 and 17				See Schedule Delegation to Officers
Crime and Disorder Act 1998 s66	Where a constable warns a child or young person he shall refer the matter to the Youth Offending Team. The Youth Offending Teams is required to assess the young person and arrange for him/her to participate in a rehabilitation programme if appropriate				See Schedule Delegation to Officers
Anti Social Behaviour Act 2003 s 25	Youth Offending Teams may apply to the court for parenting contract where a young person has engaged in Anti Social Behaviour. Where a young person has been referred to the Youth Offending Teams as a result of such activity the Youth Offending Teams may apply to the court for a parenting order				See Schedule Delegation to Officers

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Support for Parents of Disabled Children					
Children Act 1989 as amended by Sections 17A (inserted by the Health and Social Care Act 2001) and 17B (inserted by the Carers and Disabled Children Act 2000). Secondary - The Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009 and the Carers and Disabled Children (Vouchers) (England) Regulation 2003.	Section 17A provides power to make regulations requiring local authorities to offer to make direct payments to parents of disabled children and disabled 16 and 19 year olds, rather than provide services under section 17 of the Children Act 1989. The 2009 Regulations set out the details of that duty. Section 17B provides power to make regulations to enable local authorities to issue vouchers to parents of disabled children to exchange for short breaks. The 2003 Regulations set out details of the scheme.				Decision
Children Act 1989, as amended by Section 25 of the Children and Young Persons Act 2008, Paragraph 6(1)(c) of Schedule 2. It is proposed to bring this amendment into force on 1 April 2011. Secondary -The Breaks for Carers of Disabled Children Regulations 2010, which have been laid before Parliament and should come into force on 1 April 2011.	Local authorities must provide services designed to minimise the effect on disabled children within their areas of their disabilities and give such children the opportunity to lead lives which are as normal as possible. The Short Breaks duty requires local authorities to provide, as part of the range of services they provide for families, breaks from caring to assist parents and others who provide care for disabled children to continue to do so, or to do so more effectively.				Decision
Children and Disabilities Chronically Sick and Disabled Persons Act 1986 Representation Act 1986 Children Act 1989 The Carers (Recognition and Services) Act 1995 Carers and Disabled Children Act 2000	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.				See Schedule Delegation to Officers
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 Delegation to Officers
National Assistance Act 1948 Sections 29, 30, 41, 48 and 49)	Local Authorities must arrange certain welfare services for disabled people who have been assessed as needing them. These include:- - practical assistance in the home - meals - assistance in carrying out adaptations to disabled people's				See Schedule Delegation to Officers

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>home</p> <ul style="list-style-type: none"> - provision of extra facilities in the home for safety, comfort or convenience - 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 - social work, advice and support - facilities for social rehabilitation and adjustment - facilities for occupational, social, cultural and recreational - activities, including payments to people for work. <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>				
Schools and Lifelong Learning Service Directorate Responsibilities					
Educational Provision					
Education Act 1996 Section 507B- introduced through section 6 of the Education and Inspections Act 2006.	The duty to secure access to positive activities.			Decision	
Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 44 inserts section 51A into Further and Higher Education Act 1992	Local authorities, if necessary, can require a provider to make provision for a named individual			Decision	
Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 45, inserts section 17A - 17D in the Education Act (1996)	Duties in relation to the core and additional entitlements			Decision	
Apprenticeships, Skills, Children and Learning Act (2009) Part 2 sections 56-57 Brings section 16 and 18 of the Education Act (1996) into effect	Power of Local Education Authorities to arrange provision of education at non-maintained schools			Decision	

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Education Act 1996 Section 3A, as amended by Section 3 of the Children and Families Act 2010 - not yet commenced.	Full time education in alternative provision.			Decision	
Education Welfare					
Children and Young Persons Act 1963 Section 37. Secondary - The Children (Performances) Regulations 1968. This legislation is currently being reviewed to see how it can be updated, streamlined and made more proportionate to risk.	Duty on local authority to consider licence applications for children to take part in performance or take part in paid sports or paid modelling work.				See Schedule Delegation to Officers
Education Act 1996 Section 447	Duty for local authorities to consider an Education Supervision Order instead or alongside a prosecution under section 36 of the Children Act 1989 before prosecuting a parent under section 444 of the Education Act 1996.			Decision	
Education Act 1996 Section 437.	If it appears to the local authority that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, they must begin procedures for issuing a School Attendance Order.			Decision	
Education, Employment & Training					
Education and Skills Act 2008 Section 68. The Government announced on 4 November 2010 the establishment of an all-age careers service by April 2012. These new arrangements will mean local authorities no longer provide a universal careers guidance offer, but they will retain responsibility for providing targeted support for vulnerable young people and have greater flexibility to do so.	To make available to young people and relevant young adults such services as they consider appropriate to encourage, enable or assist them to engage and remain in education or training. The services are currently known as Connexions services. Local authorities must: have regard to any guidance issued by the Secretary of State; comply with any directions given by the Secretary of State relating to the exercise of their functions under section 68; and can fulfil the duty to make services available either by providing them itself or by making arrangements with others which could include other local authorities.			Decision	

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Education and Skills Act 2008 Section 69. The establishment of an all-age service will impact on the use of this power, as local authorities will no longer be required to provide careers guidance when supporting young people not in education, employment, or training. Local authorities' use of client management systems to support the work of lead professionals working with young people will continue.	Secretary of State has the power to issue directions to local authorities relating to the exercise of its duty to make support services available for effective participation. Directions may specify the services to be made available to young people and relevant young adults and the descriptions of individuals who may be involved in ways specified in the direction in providing services. This may include: specifying minimum qualifications for personal advisers; requiring the local authority to secure that it, or its service providers, co-operate with the provider of the national telephone helpline and internet based service for young people, currently known as Connexions Direct; cooperating with those exercising functions or providing services relating to social security or connected with finding suitable employment, education or training, such as JobCentre Plus; requirements about the use of the Connexions brand; requirements as to record keeping and the provision of information.			Decision	
Education and Skills Act (2008) chapter 2 section 10	Required to promote the effective participation in education or training of the young people in their area to 18 (or 25 for those with learning difficulties or disabilities). The duty is already enacted but comes into force in June 2013.			Decision	
Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 41 inserts sections 15ZA and 15ZB into the Education Act (1996)	Duty in respect of education and training for persons over compulsory school age: That local authorities act as the strategic commissioner of provision for young people aged 16-19 (and those aged up to 25 who are subject to a learning difficulty assessment).			Decision	
Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 42 inserts section 15ZC into Education Act (1996)	Encouragement of education and training for persons over compulsory school age.				Decision
Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 47 inserts section 560A into the Education Act (1996)	Work experience for persons over compulsory school age: England				Decision

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Education of Looked After Children					
Children Act 1989 as amended by section 52 of the Children Act 2004 Section 22(3)a. Secondary - Section 22(3)a of the Children Act 1989 placed a duty on local authorities to safeguard and promote the welfare of a child looked after by them. Section 52 of the Children Act 2004 amended that to include a particular duty on local authorities to promote their educational achievement.	Promoting the educational achievement of looked after children. Addressing the significant degree of educational underachievement of looked after children compared to all children.				Decision
Public Health					
Health Protection (Local Authority Powers) 2010	Regulation 2 - various duties to notify and review where Local Authority has served notice requiring child to be kept off school for public health reasons				Decision
Safeguarding Children in Education Settings					
Education Act 2002 (introduced 1 June 2004) Section 175	Duty on local authorities in relation to their education functions to ensure that these functions are exercised with a view to safeguarding and promoting the welfare of children. The authority must have regard to guidance given by the Secretary of State (in England)/ Welsh Ministers (in Wales).			Decision	
The Local Safeguarding Children Boards (Amendment) Regulations 2010 - SI 2010/622 (under Children and Young Persons Act 2009)	To ensure local authorities take reasonable steps to ensure representation of schools (maintained and independent) and further education institutions on the Local Safeguarding Children Boards			Decision	
Education Act 1996 Section 436A.	Duty on all local authorities to make arrangements to enable them to establish (so far as it is possible to do) the identities of children residing in their area who are not receiving suitable education by attendance at school or otherwise				Decision

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Special Education Needs					
Education Act 1996 Part IV, Chapter 1 (sections 312-332B) and Schedules 26 and 27 . Secondary - The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (SI 2001/3455). Subject to proposals in the SEN Green Paper	Children with Special Educational Needs Identifying and assessing Special Educational Needs, making and reviewing Special Educational Needs statements and a transition plan from age 14. Keeping arrangements for Special Educational Needs provision under review. Making arrangements for an advice and information service and a dispute resolution service for parents of children with Special Educational Needs. More recent legislation has made minor amendments to the Education Act 1996.				See Schedule Delegation to Officers
Education Act 1996 Section 14 . Subject to proposals in the SEN Green Paper	Functions in respect of provision in primary and secondary schools. In carrying out their duty to provide sufficient schools for the area local authorities must have particular regard for the need to secure Special Educational Needs provision for pupils with Special Educational Needs.			Decision	
The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 (SI 2001/2218).	Publishing information on the local authority's Special Educational Needs policies and the arrangements and activities in carrying them out.				See Schedule Delegation to Officers
The Education (Special Educational Needs) (City Colleges) (England) Regulations 2002 (SI 2002/2071).	SEN payments to Academies in relation to pupils with statements. Sets out arrangements whereby local authorities may make payments to an approved Academy in respect of a child for whom a statement is made. Local authorities are required to review the payment arrangements, in consultation with governing bodies.			Decision	
Learning and Skills Act 2000 Section 139A (as amended by Education and Skills Act 2008, Section 80)	Expands and transfers to the local authorities the duty currently on the the Secretary of State to arrange for assessments of a person's educational and training needs in certain circumstances, and his power to arrange such assessments. The duty on local authorities is to arrange for an assessment of a person in respect of whom it maintains a statement of Special Educational Needs - who is either in his or her last year of compulsory schooling or is over compulsory school age but still at school - at some time during the person's last year of schooling. To ensure young people with a learning difficulty or disability are able to secure appropriate learning provision in the Further Education Sector			Decision	

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The Education School Information (England) Regulations 2008 Regulation 8 of SI 2008/3093.	Places a duty on local authorities to publish miscellaneous information annually (including the making of educational grants, Special Educational Needs provision, school transport strategies, school uniform policies etc). The amendments to these regulations (SI 2010/1006), which came into force on 1 September 2010, do not amend this duty.				See Schedule Delegation to Officers
Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 46 inserts section 514A - in the Education Act (1996)	Provision of boarding accommodation for persons subject to learning difficulty assessment			Decision	
Youth Offender Education					
Apprenticeships, Skills, Children and Learning Act (2009) Part 2 sections 48-52 insert various clauses into the Education Act (1996)	Provision of education for persons subject to youth detention			Decision	
Education Act 1996 S18, as inserted by S48 (1) Apprenticeships, Skills, Children and Learning Act 2009	Local education authorities in England and Wales (LAs) with custodial establishments in their area ("host authorities") must secure that suitable education and training is provided to meet the reasonable needs of young people in custody.			Decision	
Education Act 1996 Section 562 , as inserted by S49 of the Apprenticeships, Skills, Children and Learning Act 2009	Section 562 of the Education Act 1996, says that certain provisions in the Education Act 1996 do not apply in relation to young people in custody. Section 49 reverses this and means that functions of Local Authorities, and others under the 1996 Act will now apply in respect of young people in custody. To give young people in custody the same right to education as young people in the community.			Decision	
Education Act 1996 Section 562 , as inserted by S50 of the Apprenticeships, Skills, Children and Learning act 2009	Section 562B provides that the home Local Authority must take such steps as they consider appropriate to promote fulfilment of a young person's learning potential while they are in custody, and on their release.				See Schedule Delegation to Officers
Education Act 1996 Section 562C, as inserted by S50 of the Apprenticeships, Skills, Children and Learning act 2009	Section 562C provides that the host Local Authority must use its best endeavours to ensure that appropriate special educational provision is made for the young person in custody.				See Schedule Delegation to Officers

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Education Act 1996 Section 562E, as inserted by S50 of the Apprenticeships, Skills, Children and Learning Act 2009	Section 562E provides that the host authority must arrange for the detained person's literacy and numeracy skills to be assessed as soon as reasonably practicable after the person arrives in custody, unless the authority is satisfied that it already has evidence of the current level of the person's literacy and numeracy skills.				See Schedule Delegation to Officers
Education Act 1996 Section 562F, as inserted by S50 of the Apprenticeships, Skills, Children and Learning Act 2009	Section 562F makes provision for the transfer of information relating to a detained person's education or training from their school or previous place of learning to the home and host Local Authority, and to providers of education in custody.				See Schedule Delegation to Officers
Education Act 1996 Section 562G, as inserted by S50 of the Apprenticeships, Skills, Children and Learning Act 2009	Section 562G says that the home Local Authority must notify the host Local Authority about any statement of special educational needs, when the person becomes detained. When the person is released, the host Local Authority must notify the home Local Authority.				See Schedule Delegation to Officers
Education Act 1996 Section 562H, as inserted by S50 of the Apprenticeships, Skills, Children and Learning Act 2009	Section 562H ensures that upon young person's release, the host Local Authority informs the home Local Authority if they believe the person has special educational needs or a learning difficulty which should be assessed.				See Schedule Delegation to Officers
Education Act 1996 Section 312A, as inserted by S52 of the Apprenticeships, Skills, Children and Learning Act 2009	Section 312 relates to young people who had a statement of Special Educational Needs prior to their detention. The Local Authority must revive the statement on the person's release and make sure it is transferred to the authority that will be responsible for maintaining it.				See Schedule Delegation to Officers
Education Act 1996 Section 328(5), as inserted by S52 of the Apprenticeships, Skills, Children and Learning Act 2009	Section 328(5) requires the local authority maintaining the statement to review the child's statement of Special Education Needs on their release.				See Schedule Delegation to Officers

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Schools Related Functions					
Admissions					
<p>School Standards and Framework Act (SSFA) 1998 Section 84 - the School Admissions Code and School Admissions Appeal Code - duty on governing bodies to act in accordance with the Codes. Secondary legislation - The School Admissions (Admission Arrangements) (England) Regulations 2008 ('the Admission Arrangements Regulations'); The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 ('the Co-ordination Regulations'); The School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008 ('the Local Authority Reports Regulations'); The Education (Admissions Appeals Arrangements) (England) (Amendment) Regulations 2008 which amend the Education (Admissions Appeals Arrangements) (England) Regulations 2002 ('the Appeals Regulations'); The School Information (England) Regulations 2008 ('the School Information Regulations'); The Education (School Sessions and Charges and Remissions Policies) (Information) (England) Regulations 1999; The Information as to Provision of Education (England) Regulations 2008. The Schools Admissions Code 2010 and the School Admissions Appeal Code 2009 are to be reviewed.</p>	<p>To comply with the legislative Code on Admissions in exercise and discharge of local authority functions in relation to admissions under the School Standards and Framework Act (SSFA) 1998. The SSFA and relevant regulations confers a number of duties which require the LA to carry out different functions at different times of the admissions cycle.</p>			Decision	

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School Standards and Framework Act 1998 Section 86(1A) as amended by section 42 of the Education and Inspections Act 2006. The Schools Admissions Code 2010 and the School Admissions Appeal Code 2009 are to be reviewed.	To provide advice and assistance to parents when deciding on a school place and allow parents to express a preference.				See Schedule Delegation to Officers
School Standards and Framework Act 1998 Section 88P . School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008. Subject to change through the Education Bill.	Reports by local authority to adjudicator about matters relevant to schools admission as may be prescribed			Decision	
School Standards and Framework Act 1998 Section 92.	For each school year, the local authority must publish the prescribed information about the admission arrangements for each of the maintained schools in their area, and if regulations so provide, such maintained schools outside their area. To provide local parents with a collated set of admission arrangements for schools in their area.				See Schedule Delegation to Officers
School Standards and Framework Act 1998. School Admission Appeals Code Section 94. The Schools Admissions Code 2010 and the School Admissions Appeal Code 2009 are to be reviewed.	A local authority shall make arrangements for enabling the parent of a child to appeal against admissions decisions. To impose a duty on governing bodies for schools that are their own admission authorities and local authorities to act in accordance with any relevant provisions of the Appeals Code			Decision	
The Information as to Provision of Education (England) Regulations 2008 No. 4	Local authorities must provide the Secretary of State with a report on secondary school admissions on 1st March (or in any year which 1st March is not a working day, on the next working day.)				See Schedule Delegation to Officers
Assessment					
The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (article 6) (made under section 87 of the Education Act 2002). There is a commitment in the White Paper 'The Importance of Teaching' to review	Key Stage 1: Local authorities must make provision for moderating teacher assessments in respect of the schools which they maintain in relation to at least 25% of all relevant schools.				Decision

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Assessment and reporting arrangements for Early Years Foundation Stage and Key Stage 1 – document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783, but also includes non-statutory guidance.	Key Stage 1: Local authorities should offer schools training and advice on all aspects of teacher assessment at Key Stage 1 and ensure they have an electronic system to submit Key Stage 1 data.				Decision
Assessment and reporting arrangements for Early Years Foundation Stage and Key Stage 1 – document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783, but also includes non-statutory guidance. There is a commitment in the White Paper 'The Importance of Teaching' to review	Key Stage 1: Local authorities should ensure schools are aware of the need to store Key Stage 1 task and test materials responsibly; and inform Qualifications and Curriculum Development Agency of any irregularities.				Decision
The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 (article 6) (made under section 87 of the Education Act 2002 and article 11 of the Order).	Key Stage 2: Local authorities must visit 10% of schools administering National Curriculum Tests (NCTs) for monitoring purposes.				Decision
Assessment and reporting arrangements for Early Year Foundation Stage and Key Stage 1 – document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783, but also includes non-statutory guidance to local authorities There is a commitment in the White Paper 'The Importance of Teaching' to review	Key Stage 1: Local authorities must collect teacher assessment information from their maintained schools, quality assure it and submit it to the Department for Education.				Decision
Charges					
Education Act 1996 Section 457	Charges and remissions policies required by all governing bodies. To provide clarity about what can and cannot be charged for.		Decision		

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Complaints					
Education Act 2005 Sections 11B and 11	Power of Chief Inspector to investigate complaints about schools: Duty on local authority, if requested to do so by the Chief Inspector, to (1) provide information relevant to an Ofsted investigation of a parental complaint about a school maintained by the local authority; (2) make arrangements for meeting for parents to be held (where the school does not have a delegated budget); (3) provide a copy of the Chief Inspector's report to parents (where the school does not have a delegated budget).			Decision	
Education Act 1996 Section 409 & Part 10, Chapter 2 of the Apprenticeships, Skills, Children & Learning Act (ASCL) 2009. When provisions in the Apprenticeships, Skills, Children and Learning Act 2009 are implemented in 2011, local authorities will have no statutory role in curriculum complaints	To consider curriculum complaints if referred to local authorities after complaints have been determined by school governing bodies. Curriculum complaints are treated in the same way as other complaints against the school where the governing body determines them and, if the complainants are not satisfied, they can refer their complaint to the local ombudsman.			Decision	
Curriculum					
Education Act 2002 Section 88(1A). There is a commitment in the White Paper 'The Importance of Teaching' to review.	Key Stage 1: Local authorities must ensure head teachers fulfil their statutory duty in implementing and administering Key Stage assessment arrangements.				Decision
Education Act 2002 Section 79	Local authorities, governing bodies and head teachers have a duty to exercise their curriculum functions with a view to securing that the curriculum in their school satisfies the requirements of section 78 of the Education Act 2002 The curriculum provided by maintained primary and secondary schools is broad based and balanced and that it comprises the National Curriculum and provision for religious education and, for pupils in secondary school, sex education.				Decision in conjunction with Head Teachers and Governors
Education Act 2002 Section 85(9) Plans are in place to abolish QCDA and a curriculum review is taking place next year so it is not known if any guidance will be issued.	The local authority, governing body or head teacher shall have regard to any guidance issued by the Secretary of State or the Qualifications and Curriculum Development Agency (QCDA).				Decision in conjunction with Head Teachers and Governors

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Education Act 2002 Section 85A(5) Plans are in place to abolish QCDA and a curriculum review is taking place next year so it is not known if any guidance will be issued..	The local authority, governing body or head teacher shall have regard to any guidance relating to work-related learning or the entitlement areas which is issued by the Qualifications and Curriculum Authority (QCA).				Decision in conjunction with Head Teachers and Governors
Education Act 2002 Section 88	The local authority and governing body of each school is required to exercise their functions with a view to securing, and the head teacher must secure, that the National Curriculum for England and the assessment arrangements specified in the National Curriculum, are implemented.				Decision in conjunction with Head Teachers and Governors
Education Act 2002 Section 88(2)	In relation to any maintained school and any school year, the local authority, the governing body and the head teacher shall exercise their functions with a view to securing that courses of study within all of the entitlement areas specified by the Secretary of State by order for the purposes of section 85A(1)(b) ("the specified entitlement areas") are made available by or on behalf of the school, unless the local authority determine that the making available of a course of study within a particular specified entitlement area would involve disproportionate expenditure.				Decision in conjunction with Head Teachers and Governors
Education Act 2002 Sections 79 (6) and (7).	To have regard to statutory guidance on sex education issued by the Secretary of State when exercising any function that may affect the provision of sex education in maintained schools			Decision	
Equality Act 2010 Section 88 and Schedule 10. This came into force on 1 October 2010, replicating duties under the Disability Discrimination Act 1995. The Disability Discrimination (Prescribed Times and Periods for Accessibility Strategies and Plans for Schools).	To develop accessibility strategies to facilitate better access to education for disabled pupils. Schools also have to develop access plans which build upon the local authority access strategy.			Decision	

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Exclusion					
Education Act 1996 Section 19 and schedule 1. Secondary - Enactment regulations apply other areas of education law to Pupil Referral Unit (PRU). (Section 19 has been amended by section 3 of the Children Schools and Families Act 2010 but this is not yet in force).	To make arrangements for the provision of suitable education at school or otherwise for each child of compulsory school age who, for reasons of illness, exclusion or otherwise, would not receive it unless such arrangements were made. Local authorities may establish pupil referral units to discharge their duty but do not have a duty to do so.				Decision
Education Act 1996 Section 494. Section 47 of the Schools Standards and Framework Act 1998. Secondary - The School Finance (England) Regulations 2008 (No. 228). The School Finance (England) (Amendment) Regulations 2007 (No. 365). The Education (Amount to Follow Permanently Excluded Pupil) (Amendment) (England) Regulations 2001 (No. 870). Secondary - The School Finance (England) Regulations 2006 (No. 468). The School Finance (England) (Amendment) Regulations 2007 (No. 365).	Determination of schools' budget shares in the case of excluded pupils and determination of the amount to be paid by one local authority to another when a pupil permanently excluded from a school maintained by one local authority is, in the same financial year, admitted by a school maintained by another authority. Redetermination of a school's budget share where a permanently excluded pupil is subsequently reinstated in a maintained school.			Decision	
Education Act 2002 section 52. Secondary - The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 (No. 3178). The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002.	Prescribes the duties of the local authority with regard to an exclusion from a school and appeals against exclusions. Duties include: receiving information from schools on exclusions (permanent and fixed term); passing this information to the Secretary of State for Education when prescribed; and establishing appeal panels.			Decision	
Education Act 1996 Section 19 (3A) and (3B). Secondary: Education (Provision of Full-Time Education for Excluded Pupils) England Regs 2007(SI 2007/1870)	Statutory duty for the local authority to provide full time education from the sixth day of exclusion for permanently excluded pupils and for pupils who are excluded from a pupil referral unit for a fixed period of more than 5 days.			Decision	

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Pupil Referral Units					
Education Act 1996, schedule 1. Secondary - Education (Pupil Referral Units) (Management Committees etc.) England Regulations 2007. Education (Pupil Exclusions and Appeals) (Pupil Referral Units) England Regulations 2008.	Duties in relation to pupil referral units : Determine and review a curriculum policy; that the curriculum should be balanced and broadly based; set up a complaints procedure in relation to the curriculum; make information available to parents in relation to the unit; establish management committees and appoint first members for all PRUs. Local authorities must delegate some of their functions in relation to pupil referral units to the management committee but must not delegate functions in relation to staffing and finance of the unit, health and safety issues, control of premises and a reserve power in relation to prevention of a breakdown of discipline.			Decision	
Religious Education					
Education Act 1996 Section 390-391, Schedule 31. Section 375, Education Act 1996.	Every local authority is required to establish and support an occasional body called an agreed syllabus conference (ASC), whose job is to design a locally agreed syllabus. The locally agreed syllabus is a statutory syllabus of religious education prepared under Schedule 31 to the Education Act 1996 and adopted by the local authority under that schedule. A local authority must institute a review of the locally agreed syllabus every five years, Every locally agreed syllabus must reflect that the religious traditions of Great Britain are in the main Christian, while taking account of the teaching and practices of the other principal religions represented in Great Britain. Parents have the right to withdraw their children from all or any part of religious education.				Decision
Education Act 1996 Section 390	A Standard Advisory Council for Religious Education (SACRE) (convened by the LA) must consider and approve applications for a determination from a school to modify the type of collective worship (CW) provided to reflect the backgrounds and traditions of the school community.		Decision		

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
School Standards and Framework Act 1998 Section 69.	<p>Duty to secure due provision of religious education. Subject to section 71, in relation to any community, foundation or voluntary school—</p> <p>(a)the local education authority and the governing body shall exercise their functions with a view to securing, and</p> <p>(b)the head teacher shall secure, that religious education is given in accordance with the provision for such education included in the school's basic curriculum by virtue of section 80(1)(a) or 101(1)(a) of the Education Act 2002].</p> <p>(2)Schedule 19 has effect for determining the provision for religious education which is required by section 80(1)(a) or 101(1)(a)] of that Act to be included in the basic curriculum of schools within each of the following categories, namely—</p> <p>(a)community schools and foundation and voluntary schools which do not have a religious character,</p> <p>(b)foundation and voluntary controlled schools which have a religious character, and</p> <p>(c)voluntary aided schools which have a religious character.</p> <p>(3)For the purposes of this Part a foundation or voluntary school has a religious character if it is designated as a school having such a character by an order made by the Secretary of State.</p> <p>(4)An order under subsection (3) shall state, in relation to each school designated by the order, the religion or religious denomination in accordance with whose tenets religious education is, or may be, required to be provided at the school in accordance with Schedule 19 (or, as the case may be, each such religion or religious denomination).</p> <p>(5)The procedure to be followed in connection with—</p> <p>(a)the designation of a school in an order under subsection (3), and</p> <p>(b)the inclusion in such an order, in relation to a school, of the statement required by subsection (4), shall be specified in regulations.</p>				Decision

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
School Standards and Framework Act 1998 Section 70.	All registered pupils attending a maintained school should take part in a daily act of collective worship which is wholly or mainly of a broadly Christian character. The local authority must exercise its functions with a view to securing this.				Decision
School Budget and Financial Reporting					
School Standards and Framework Act 1998 Sections 45A, 45AA, 47, 47ZA, 47A and 48 and Schedule 14 . Secondary - School Finance (England) Regulations 2008 (as amended), School Finance (England) Regulations 2011 - due to come into force 28/2/11, Schools Forums (England) Regulations 2010. The Education Bill proposes that the Secretary of State may issue directed revisions to local authority schemes, including directions to remove particular provisions in schemes.	Local authorities must determine their school budgets and school budget shares in accordance with the school finance regulations. They must establish a schools forum for their area in accordance with the schools forums regulations and maintain a scheme for financing their maintained schools in accordance with the school finance regulations.			Decision	
Education Act 2002 Section 44enables the Secretary of State to make regulations to: require maintained schools to supply accounting information to the LA which maintains them; and to require Local authorities to provide accounting information provided by the schools to the Secretary of State. Secondary - The Consistent Financial Reporting (England) Regulations 2003 (made under section 44) came into force on 1 April 2003. Several minor changes have been made to them since then.	Consistent Financial Reporting (CFR) in Schools – the CFR Regulations require all maintained schools in England (other than maintained nursery schools or pupil referral units) o report on their income and expenditure to a common framework. All publicly funded schools need to keep accounts for reasons of public accountability.			Decision	
School Governors					
Education Act 1996 Section 499. Secondary - Parent Governor Representatives (England) Regulations 2001	To appoint Parent Governor Representatives to local authority committees dealing with education.			Decision	

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Education Act 2002 section 19(2)c. Secondary - School Governance (Constitution) (England) Regulations 2007. There is a proposal in the current Education Bill to remove the requirement for governing bodies to include a local authority representative; this should in turn remove the requirement on local authorities to appoint them.	To appoint (local) authority governors to all maintained school governing bodies.			Decision	
Section 22 of the Education Act 2002.	To provide training and information for school governors.				See Schedule Delegation to Officers
Education Act 2002 section 34. Secondary - School Governance (New Schools) (England) Regulations 2007.	To set up temporary governing bodies for new maintained schools.			Decision	
School Improvement					
The 2006 Education and Inspections Act Section 5 There are proposals to repeal this in the Education Bill.	Places a duty on Local authorities to appoint an accredited School Improvement Partner (SIP) to each maintained school and to ensure each of their school have a SIP				Decision
School Meals					
School Standards and Framework Act 1998 Section 114A. Secondary - Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007.	Food provided to pupils by local authorities, where the school meals budget has not been delegated to the school, must comply with the standards and requirements specified in the regulations regarding nutrition.				See Schedule Delegation to Officers
Education Act 1996 Section 512(3) as amended by Education Act 2002.	To provide school lunches (upon request) to those eligible for free lunches and to those pupils for whom it would not be unreasonable to provide lunches.				See Schedule Delegation to Officers
School Transport					
Education Act 1996 Section 508A . Secondary - Statutory Instrument 2008 No 3093 The School Information (England) Regulations 2008.	Duty on Local Authorities to Promote Sustainable Modes of Travel to assess general school travel needs. The Local Authority must publish each academic year a document containing their strategy to promote the use of sustainable modes of travel to meet the school travel needs of their area and must also publish a summary.				Decision in conjunction with EDS Transport Service

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Education Act 1996 Section 509AD as inserted by section 84 of the Education and Inspections Act 2006. A review of home to school transport is under consideration.	Duty to have regard to religion and belief in exercise of travel functions.				Decision in conjunction with EDS Transport Service
Education Act 1996 Section 508E and Schedule 35C as inserted by section 78 of the Education and Inspections Act 2006. This is expected to be repealed in the current Education Bill	Requirements on Local Authorities to give effect to school travel schemes should they choose to make one.				Decision in conjunction with EDS Transport Service
Education Act 1996 Section 509AB.	Further provision about transport policy statements. Requires local authorities to specify to what extent the arrangements they include in their annual transport policy statement facilitate the attendance of disabled persons and persons with learning difficulties.				Decision in conjunction with EDS Transport Service
Education Act 1996 Section 509AA. Amended with additional criteria for local authority post 16 transport policy statements in Education & Skills Act 2002, Education and Inspections Act 2006, Education and Skills Act 2008 and Apprenticeships, Skills, Children and Learning Act 2009	Duty on local authorities to publish annual Post 16 Transport Policy Statement. Statement must set out the arrangements for the provision of transport, and for financial assistance towards transports costs, it considers necessary to facilitate attendance of students of 6th form age.				Decision in conjunction with EDS Transport Service
Education Act 1996 Section 508B. Inserted by section 77 of the Education and Inspections Act 2006.	Requirement for the Local Authority to make provision for suitable home to school travel arrangements for eligible children of compulsory school age (5-16) to facilitate attendance at a relevant educational establishment. Travel arrangements are provided free of charge.				Decision in conjunction with EDS Transport Service
Education Act 1996 as amended by the sections 54-57 of the Apprenticeships, Skills, Children and Learning Act 2009. The ASCL transport provisions are under review	New additional requirements for Post 16 Transport Policy Statements for 2011/12 academic year and thereafter including: linking consideration of transport arrangements to commissioning duty (15ZA(1)); re-enacting Adult Transport Duty (section 509 of Education Act 1996); adding young people of sixth form age and their parents to the list of named stakeholders local authorities have to consult in drawing up their statements; and power for Local authorities to amend and republish their statement in year in response to complaints or direction from the Secretary of State.				Decision in conjunction with EDS Transport Service

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School Organisation and Planning					
Education Act 2002 section 20 . Secondary - School Governance (Constitution) (England) Regulations 2007. School Governance (Federations) England Regulations 2007.	To make the Instrument of Government for all maintained schools and federations of maintained schools		Decision		
Education Act (EA) 1996 Section 14 . General duty on local authorities to secure sufficient schools in their area. Section 14 (3A) added by Section 2 of Education and Inspections Act (EIA) 2006 – to secure diversity of provision of schools and increasing opportunities for parental choice. Secondary legislation - The Information as to Provision of Education (England) Regulations 2008	Referred to as place planning duty but is in fact general duty to secure sufficient primary and secondary schools. To complete the annual Surplus Places Survey (renamed for 2010 as the School Capacity Collection).			Decision	
Education Act (EA) 1996 Section 14A, added by Section 3 of Education and Inspections Act (EIA) 2006.	Local authorities to consider and respond appropriately to parental representations about school provision in relation to local authorities' functions under Section 14 of the Education Act 1996.			Decision	
Education Act (EA) 1996 Section 13A. Section 13A added by Section 5 of the School Standards and Framework Act (SSFA) 1998 – to ensure that in exercising education and training general functions (e.g. section 13 EA 1996) local authorities promote high standards of education and ensure fair access to education . Section 13A was inserted by Section 1 of Education and Inspections Act (EIA) 2006 – duty to promote high standards and the fulfilment of potential. – Amended by Para 3, Schedule 2 of Apprenticeship, Skills, Children and Learning Act (ASCL) 2009.	For local authorities to be responsible for securing that sufficient education is available to meet the needs of the population in their area.		Decision		

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Education Act 2002 Section 32	Responsibility for fixing dates of school terms and holidays in community, voluntary controlled, community special; and maintained nursery schools. Fixes the minimum number of sessions which schools must hold in a year and requires governing bodies to set the times of the school sessions.		Decision		
The Education School Information (England) Regulations 2008 SI 2008/3093 Regulation 5.	Places a duty on local authorities to publish annually, and make available to parents, a composite prospectus which includes all local primary and secondary schools. Amendments to these Regulations (SI 2010/1006), intended to broaden the range of statutory information to be included in composite prospectuses, came into force 1 September 2010.				See Schedule Delegation to Officers
Education and Inspections Act 2006 Section 15 . Secondary legislation - The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007. (applies to Local authorities).	Local authorities to follow the prescribed statutory process when proposing the closure of existing maintained schools. Local authorities are able to take an overview to plan the provision of schools to meet local needs		Decision		
Education and Inspections Act 2006 Sections 7, 10 and 11. Secondary legislation - The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007.	Local authorities to follow the prescribed statutory process and local decision making arrangements when proposing to establish new schools		Decision		
Education and Inspections Act 2006 Section 19 . Secondary legislation - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.	Local authorities to follow the prescribed statutory process when proposing alterations to existing maintained schools.		Decision		
School Standards and Framework Act 1998 Sections 1 and 138(7). Secondary legislation - Education (Infant Class Sizes) (England) Regulations 1998.	Duty placed upon local authorities and other relevant bodies to restrict class sizes for pupils aged 4-7 to thirty pupils per class.		Decision		
The Education (Infant Class Sizes) (England) Regulations 1998.	Limits the size of an infant classes (4 to 7 year olds) to 30 pupils per school teacher to improve teaching and learning		Decision		

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Powers to set these regulations were set out in the Education Act 1996. Secondary - The Education (School Premises) Regulations 1999.	Sets minimum standards for school premises.			Decision	
Education Act 1996 Section 543. Secondary - The Education (School Premises) Regulations 1999.	Local authorities must secure that schools maintained by them comply with the standards prescribed to have a minimum playing field area.			Decision	
School Standards and Framework Act 1998 Section 77 as amended by schedule 4 to the Education and Inspections Act 2006	Protection of School Playing Fields Legislation governing disposal of land on schools sites.			Decision	
Education and Inspections Act 2006. Secondary - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.	Transfer of land on the change of a school category			Decision	
School Standards and Framework Act 1998 Section 22, as amended by Education Act 2002 and Education and Inspections Act 2006.	Duty for local authorities to maintain schools in their areas.			Decision	
Schools Causing Concern / Intervention					
Education and Inspections Act 2006 Section 60	If an LA issues a performance, standards and safety Warning Notice (WN) to a governing body of a school it must comply with a set of statutory requirements (e.g. WN must be in writing; it must set out the matters which have caused concern, the action which the governing body is required to take to remedy those matters, the initial period when they must remedy the concerns or make representations to Ofsted and the action the LA are minded to take if the governing body fail to take the required action).			Decision	

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Education and Inspections Act 2006 Section 63	If a local authority requires a school eligible for intervention (other than where a warning notice has been given under section 60A) to enter in to 'arrangements' (e.g. collaboration/federation etc), the local authority must consult the Governing Body of the school and, in the case of foundation or voluntary schools, the appropriate diocesan or appointing authority. If the school is eligible for intervention because a warning notice has been given under section 60 of the Act, the power must be exercised within 2 months following the end of the compliance period.			Decision	
Education and Inspections Act 2006 Section 64	If a local authority appoints additional governors to a school eligible for intervention where a warning notice has been given, it must do so within 2 months following the end of the compliance period.			Decision	
Education and Inspections Act 2006 Section 65	If local authorities want to put in place an Interim Executive Board (IEB) in a school eligible for intervention, they must apply to the Secretary of State for consent and before doing so, must consult the Governing Body and in the case of foundation or voluntary schools, the appropriate diocesan or appointing authority.			Decision	
Education and Inspections Act 2006 Section 66	If a local authority decides to give notice to a governing body of a school eligible for intervention that it is suspending its right to a delegated budget, the power must be exercised within 2 months following the end of the defined compliance period where it is eligible for intervention for failing to comply with a warning notice.			Decision	
Education Act 2005 Section 15	If after a section 5 inspection the Chief Inspector considers a school to require special measures or significant improvement, local authorities are required to prepare a written statement of action they propose to take in light of the report and to send a copy to the Chief Inspector, and in the case of a voluntary aided school, the person who appoints the foundation governors and the appropriate appointing authority.			Decision	

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Teachers Workforce Planning					
Teaching and Higher Education Act 1998.	Sets out the requirements for registration of teachers, the need to serve induction periods, the background and regulatory powers of the General Teaching Council. Relates to local authorities as employers of teachers in maintained schools.			Decision	
Teaching and Higher Education Act 1998 Section 19. Secondary - The Education (Induction Arrangements for School Teachers) (England) Regulations 2008.	Duty to act as Appropriate Body in statutory induction process for maintained schools and non-maintained special schools, which includes: joint responsibility with the head teacher for the supervision and training of Newly Qualified Teachers (NQTs) during their induction; responsibility for deciding whether or not NQTs have passed induction; where they are the employer, responsibility for terminating the employment of NQTs who have failed their induction; responsibility for granting extensions or reductions to the induction period in certain circumstances; and where they are the employer, responsibility for terminating the employment of NQTs who have failed their induction.			Decision	
Education Act 2002 Sections 21, 131 and 210 . Secondary - 'The Education (School Teacher Performance Management) (England) Regulations 2006'.	The local authority has to establish a performance management policy and is responsible for establishing a written policy. Prior to the policy being established or revised, there must be consultation with all unattached teachers and the recognised unions. The local authority must appoint a reviewer for unattached teachers		Decision		
The Education (School Teachers Qualifications) (England) Regulations 2003	Require maintained and non maintained special schools in England to check that their teachers have Qualified Teacher Status or fall within the special categories outlined in the regulations. Relates to local authorities in their capacity as employers of teachers in maintained schools.				Decision
The Education (Health Standards) (England) Regulations 2003	Require schools to ensure that staff involved in relevant activity or teaching meet the necessary health and physical capacity required to do their job. Relates to local authorities in their capacity as employers of teachers in maintained schools.				Decision

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
The Education (Specified Work and Registration) (England) Regulations 2003	Require schools to check that teachers they employ are registered with the General Teaching Council for England (unless they are exempt from the requirements to have Qualified Teacher Status.) Relates to local authorities in their capacity as employers of teachers in maintained schools.				Decision
Education Act 2006 Sections 60A and 69B.	The Secretary of State may direct the local authority to give a warning notice to the governing body under section 60A if the local authority decides not to do so. The local authority must comply with that direction. (Section 60A confers power on local authorities to give a warning notice (a teacher's pay and conditions warning notice) to a governing body where it is satisfied that the governing body have failed to comply with any provision of a School Teachers' Pay and Conditions Order which applies to teachers or the governing body has failed to secure that the head teacher complies with any such provision.) Section 72 of the 2006 Act imposes a duty on local authorities to have regard to guidance.		Decision		
The Education (Induction Arrangements for School Teachers) (England) Regulations 2008	Sets out the regulations relating to the need for registered teachers to complete formal induction periods and for schools not to employ a person as a teacher unless they have satisfactorily completed their induction period. This relates to local authorities in their capacity as employers of teachers in maintained schools.			Decision	
The School Staffing (England) Regulations 2009.	The appointment, management and dismissal of staff. Relates to local authorities in their capacity as employers of teachers in maintained schools.				In conjunction with Human Resources
School Staffing (England) Regulations 2009	Require schools in England to keep a register or single central record of the recruitment and vetting checks carried out on staff. Relates to local authorities in their capacity as employers of teachers in maintained schools.				In conjunction with Human Resources

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Education Act 2002, Part 8 s122 gives the Secretary of State a power to prescribe pay and conditions for teachers in maintained schools by Order. Secondary - The School Teachers' Pay and Conditions Order makes provision for the pay and conditions of teachers by reference to a document entitled "The School Teachers' Pay and Conditions Document" (STPCD). The Government has made a commitment to give more freedoms and flexibilities over teachers' conditions and pay.	The STPCD imposes various duties on relevant bodies in relation to the determination of teachers' pay. The local authority is the relevant body where the school does not have a delegated budget or where the teacher is an unattached teacher (Part 1 of the STPCD).			Decision	
Teachers' Pensions Regulations 2010 Regulation 3.	Local Authority is regarded as the employer for pension purposes for all teachers in schools maintained by them (Local authorities). These specific duties are related to service and contribution remittance.			Decision	
Sixth Form College					
Apprenticeships, Skills, Children and Learning Act - Schedule 8 - para 8	Sets out the local authority role and responsibilities in relation to intervening in sixth form colleges and making appointments to their governing bodies.		Decision		
Early Years					
Childcare					
Childcare Act 2006 Section 6	Duty to secure sufficient childcare for working parents (or parents in education / training)				Decision
Childcare Act 2006 Section 7	Duty to secure prescribed early years nursery provision free of charge for all 3 and 4 year olds.				Decision
Childcare Act 2006 Section 11	Duty to assess childcare provision to ensure local authorities undertake an assessment to childcare provision in their area to enable them to meet their duty to secure sufficient childcare for working parents (s6 Childcare Act 2006)				See Schedule Delegation to Officers
Childcare Act 2006 Section 13	Duty to provide information, advice and training to childcare providers, and prospective providers.				See Schedule Delegation to Officers
Childcare Act 2006 Section 12. Secondary - SI 2007 No 3490: Children and Young Persons, England – The Childcare Act	Duty to provide information, advice and assistance for parents and prospective parents with information on the provision of childcare and on other services or facilities, or				See Schedule Delegation to Officers

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2006 (Provision of Information to Parents (England) Regulations 2007.	publications, that may benefit them or children or young people. They should also provide particular help to parents from groups likely to find it more difficult to access suitable childcare, e.g. parents of disabled children.				
Childcare Act 2006 Section 1	Places a duty on local authorities to improve the outcomes of all children under 5 and close the gaps between groups with the poorest outcomes and the rest by ensuring early years' services are accessible to all families.			Decision	
Childcare Act 2006 Section 1(3) and (4). Secondary - Local Authority Targets (Well-Being of Young Children) Regulations 2007 (SI 2007 / 1415). The Secretary of State no longer sets any such targets so this duty has no practical effect.	Local authorities are required to act in manner best calculated to meet targets set for them by the Secretary of State.			Decision	
Childcare Act 2006 Section 3	Specific duties in relation to early years services. Includes duties to: make arrangements to ensure integrated provision of early years services; take steps to identify parents not using services and to encourage them to do so; take reasonable steps to encourage the involvement of various interested parties in the making and implementation of arrangements made under this section of the Act; have regard to such information about the views of young children as is available; and have regard to statutory guidance.				See Schedule Delegation to Officers
Childcare Act 2006 Section 4	Duty to make arrangements to work with the Primary Care Trust (PCT) and Job Centre Plus in performance of the local authority's early years outcome duties under sections 1 and 3 of Childcare Act 2006				Decision
Childcare Act 2006 Section 99 . Secondary - The Childcare (Provision of Information About Young Children) Regulations 2009 (SI 2009 / 1554).	Annual collection of Early Years Foundation Stage Profile data. Set out information that local authorities need to collect from Early Years providers and exchange with the Secretary of State.				See Schedule Delegation to Officers

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Childcare Act 2006 Section 99. Secondary - the Childcare (Provision of Information about Young Children) (England) Regulations 2009	This duty underpins various information collections and enables the Secretary of State to obtain information collected by local authorities from childcare providers to help compile Early Years Foundation Stage Profile data and the Early Years Census returns. Local authorities need a range of information to exercise their roles and responsibilities effectively. They are required to provide information to parents and families in their areas about provision.				See Schedule Delegation to Officers
Children's Centres					
Childcare Act 2006 Section 5A	Duty to secure sufficient children's centres to meet local need, so far as this is reasonably practicable				Decision
Childcare Act 2006 Section 5C	Duty to secure that each children's centre is within the remit of an advisory board				Decision
Childcare Act 2006 Section 5D	Duty to secure that consultation is carried out before children's centres are opened or closed or have significant changes made to services				Decision
Childcare Act 2006 Section 5E(2)	Duty to consider whether early childhood services provided by local authorities. Primary Care Trusts and Job Centres Plus should be delivered through one of the children's centres in the area				Decision
Childcare Act 2006 Section 98C(3)	Duty to produce and publish an action plan after an Ofsted inspection				Decision
Foundation Stage					
The Early Years Foundation Stage (Learning and Development Requirements) Order 2007 Plans are in place to abolish QCDA and a curriculum review is taking place next year so it is not known if any guidance will be issued.	Early Years Foundation Stage: local authorities must make provision to ensure the accuracy and consistency of the assessments made by early years providers in their area, and have regard to any guidance given by the Qualifications and Curriculum Development Agency				See Schedule Delegation to Officers
The Early Years Foundation Stage (Learning and Development Requirements) Order 2007	Places a duty on local authorities to make provision to ensure that early years foundation profile assessments made by providers in their areas are accurate and consistent.				See Schedule Delegation to Officers

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Safeguarding and Corporate Parenting directorate Responsibilities					
Adoption					
Adoption and Children Act 2002 Section 3. Secondary - Adoption Agencies Regulations 2005 (SI 2005/389). Local Authority Adoption Service (England) Regulations 2003 (SI 2003/370)	A general duty on the local authority to maintain an adoption service within their area which must include making arrangements for the adoption of children and the provision of adoption support services. As part of this, local authority must complete a statement of purpose and a children's guide. Also a related duty to set up an adoption panel.			Decision	
Adoption and Children Act 2002 Sections 2, 18, 19, 22, 30-35 . Secondary - Adoption Agencies Regulations 2005 (SI 2005/351) (made under s.9 of the 2002 Act)	To ensure that adoption processes are undertaken efficiently and effectively - including matching and decision making - in the best interests of the child. Also ensuring that the local authority only places a child for adoption where they are satisfied that the child ought to be placed for adoption, either with parental consent or a placement order (an order of the court authorising an LA to place a child for adoption).			In the absence of the Service Director the Strategic Director performs this function	The Service Director will reach decisions relating to the placement of children looked after for adoption - following recommendations made by the Adoption Panel
Adoption and Children Act 2002 Sections 42, 43, 44	Making an assessment/investigation in relation to applications for adoption orders. The local authority must provide a report to the court where that child has or has not been placed for adoption by the local authority.				See Schedule Delegation to Officers
Children Act 1989 sections 30-35	The local authority may remove a child who has been placed for adoption from the prospective adopters and duties on the local authority where the parent wishes to recover the child or the potential adopters wish to return the child.				See Schedule Delegation to Officers
Adoption and Children Act 2002 Section 3 . The Adoption Support Services Regs (SI 2005/691) set out which types of support services must be extended to which categories of persons.	Where the local authority decides to provide adoption support services, they have a duty to prepare a plan and keep this under review and to appoint an adoption support services adviser There is a duty on the local authority to review the provision of support services / financial support where, for example, there is a change in that person's circumstances, or annually.				See Schedule Delegation to Officers

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Adoption and Children Act 2002 Sections 4(1). Secondary - The Adoption Support Services Regulations (SI 2005/691) - set out procedure for assessment	Carrying out an assessment for adoption support services where specified parties request this.				See Schedule Delegation to Officers
Adoption and Children Act 2002 Section3(2). Secondary - The Adoption Support Services Regs 2005 (SI2005/691).	Making arrangements for the provision of adoption support services. Adoption Support Services are defined in section 2(6) of the 2002 Act. By virtue of the Adoption Support Services Regs 2005 the LA may provide these facilities by securing their provision by e.g. registered adoption societies, another LA, a registered adoption support agency.				See Schedule Delegation to Officers
Adoption and Children Act 2002 section 56. Secondary - (see the Disclosure of Adoption Information (Post-Commencement Adoptions) Regs 2005 (SI 2005/888).	Access to Information and Intermediary Services - Duty on LA's in their capacity as adoption agencies to keep prescribed information in relation to an adopted person .				See Schedule Delegation to Officers
Adoption and Children Act 2002 Sections 61, 62 Secondary (post commencement) - Adoption Agencies Regulations 2005- duty to keep child/prospective adopter (PA) case records. Disclosure of Adoption Information (Post-Commencement Adoptions) Regs 2005 . Secondary (pre-commencement) - Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regs 2005. Adoption Agencies Regulations 1983.	Disclosing, where appropriate, 'protected information' about adults/children following an application, and obtaining the views of the person the information is about (or parent/guardian/child if the information is about a child) before doing so. Retaining adoption information for certain periods and keeping it secure and confidential.				See Schedule Delegation to Officers
Adoption and Children Act 2002 Section 58, 60.	Disclosing information to adopted adult if requested and to a prescribed person in prescribed circumstances.				See Schedule Delegation to Officers
Adoption and Children Act 2002 Section 2(8).	Providing facilities for inter-country adoption within adoption service.				See Schedule Delegation to Officers
Adoption and Children Act 2002 Act Sections 83 Secondary - Adoptions with a Foreign Element Regulations 2005 ('FERs'): <i>Non-Hague Convention (s.83) cases</i>	Responsibility to assess prospective adopters before the child can be brought into the UK in relation to inter-country adoption. In non Convention cases, a duty to review and visit a child once it has been brought into the country.				See Schedule Delegation to Officers

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Adoption and Children Act 2002 Section 84. Secondary - Adoptions with a Foreign Element Regulations 2005.	Preparing reports for the court in relation to applications for parental responsibility orders where a child is being taken out of the UK for the purposes of adoption. In Convention cases, providing counselling and information, undertaking assessments and reports, and exchanging relevant documents.				See Schedule Delegation to Officers
<i>Hague Convention cases</i>	Adoption agency duties to: provide counselling (reg 14); carry out assessment and prepare potential adopters' report; make a decision as to the potential adopters' suitability to adopt (reg 17); send all relevant information to central authority; consider Article 16 information and discuss with the potential adopter; notify the central authority that procedures have been followed and content for adoption to proceed; inform of proposed placement; where notice of intention to adopt – duties to monitor/review in reg 5 apply (see above); various duties imposed on the local authority if the placement breaks down.				See Schedule Delegation to Officers
Borders and Immigration					
Immigration and Asylum Act 1999 S116	Amendment to National Assistance Act 1948 To provide that persons subject to immigration control may not qualify for local authority care and attention if their need arises solely from the effects of destitution				See Schedule Delegation to Officers
Nationality, Immigration & Asylum Act 2002 S54 and Schedule 3	Withholding and withdrawal of support To prevent categories of migrant, including European Economic Area nationals, those with refugee status overseas, failed asylum seekers, and illegal migrants from receiving a range of local authority support under various provisions				See Schedule Delegation to Officers
Care leavers					
Children Act 1989 Paragraphs 19A, 19B and 19C of Schedule 2. Secondary - Children (Leaving Care) England) Regulations 2001 but from the 1 April 2011 this group of children will be covered in the Care Planning, Placement and Case Review (England) Regulations 2010.	Duties on local authorities in relation to children about to leave care (eligible children). To ensure good pathway planning for the child so that from the age of 16 the local authority, in full consultation with the child, develops a pathway plan that identifies the needs of the child and how they relate to their future requirements as they approach adulthood.				See Schedule Delegation to Officers

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Children Act 1989 Sections 23A to 24B Secondary - Children (Leaving Care) (England) Regulations 2001 which are to be replaced from 1 April 2011 with new Care Leavers (England) Regulations 2010.	Care Leavers - Supporting 'relevant children' and 'former relevant children' (care leavers) to achieve positive outcomes in adulthood – e.g. stable accommodation, financial assistance and an up to date pathway plan. A relevant child is defined as a child who is aged 16 or 17, who is no longer looked after, and who was, before last ceasing to be looked after, an "eligible child". A former relevant child is defined as (i) a person who was a relevant child (and would be one if he was still under 18) or (ii) a person who was an eligible child when, at the age of 18, he ceased to be looked after. These duties continue until the former relevant child reaches 21 and in some cases beyond that age.				See Schedule Delegation to Officers
Children Act 1989 sections 23C and 24B	Duties on Local authorities in relation to former relevant children: to keep in touch; to continue with the pathway plan and the personal adviser; to give financial assistance related to the child living near the place where he is or will be employed, so far as his welfare requires it; and to give financial assistance to the extent his welfare and his educational or training needs require. These duties continue until the former relevant child reaches the age of 21, except in the case of a former relevant child whose pathway plan sets out a programme of education or training which extends beyond his 21st birthday in which case the duties to continue with related financial assistance, the pathway plan, and the personal adviser continue for as long as he pursues that programme.				See Schedule Delegation to Officers
Children Act 1989 Section 24C	Providing information to another local authority if a care leaver or person qualifying for advice and assistance proposes to live or is living in the area of that other local authority .				See Schedule Delegation to Officers
Children Act 1989 section 23 Due to come into force on 1 April 2011	Adds a further class of former relevant child` - one who is under 25, to whom section 23C no longer applies, and who has informed his local authority that he wishes to pursue a programme of education or training. Duties: to provide a personal adviser; to carry out an assessment of needs, to prepare a pathway plan; and to provide financial assistance				See Schedule Delegation to Officers

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
	to the extent his educational or training needs require it.				
Children Act 1989 Section 23A(3). Secondary - Regulation 4 of the Children (Leaving Care) (England) Regulations 2001. From 1 April 2011 this group of children will be covered in the Care Leavers (England) Regulations 2010.	Care leaver support for former looked after children who reach age 16 when in custody or in hospital. To provide this group of young people with the same care leaving entitlements as "relevant children"				See Schedule Delegation to Officers
Children Act 1989 Section 23C(5A), amended by the Children and Young Persons Act 2008, which came into force in August 2009. Secondary - The Children (Leaving Care) (England) Regulations 2001 [from 1 April 2011, the Care Leavers (England) Regulations 2010] and The Children Act 1989 (Higher Education Bursary) (England) Regulations 2009.	Paying a higher education bursary to a former "relevant child" who pursues higher education in accordance with their pathway plan.				See Schedule Delegation to Officers
Care Planning					
Children Act 1989 Section 20.	Providing accommodation for any child in need in their area who appears to require accommodation because there is no person with parental responsibility for them, they are lost or abandoned, or the person who has been caring for them being prevented (permanently or not, for whatever reason) from providing them with care.				See Schedule Delegation to Officers
Children Act 1989 section 22	Places a duty on the local authority to apply for a placement order in certain circumstances.				See Schedule Delegation to Officers
Children Act section 25. Secondary - Children (Secure Accommodation) Regulations 1991 (SI 1991/1505) and Children (Secure Accommodation) (No. 2) Regulations (SI 1991/2034).	Allows a local authority to make an application to the Court to seek a secure accommodation order.				See Schedule Delegation to Officers

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Children Act 1989 Section 31	The Children Act 1989 provides that the court may make a care or supervision order on the application of any local authority. Where an application is made on which a care order might be made, section 31A provides that it is for local authorities to prepare care plans for the future care of the child.				See Schedule Delegation to Officers
Child Protection					
Children Act 1989 Section 21	Accommodation for children in police protection or detention or on remand (Local authority duty to provide)				See Schedule Delegation to Officers
Children Act 1989 sections 44, 44A, 44B and 45	Allows the Court to make emergency protection orders on the application of a local authority (or other authorised body).				See Schedule Delegation to Officers
Children Act 1989 Section 47	Local authority's duty to investigate: the local authority is required to make enquiries when it is suspected that a child may be suffering harm and to decide whether they should take action to safeguard or promote the child's welfare.				See Schedule Delegation to Officers
Child Trust Fund					
Child Trust Fund Act 2004 S16 & Reg 33 SI 2004/1450	Child Trust Fund - provision of information to HM Revenue & Customs relating to children in care.				See Schedule Delegation to Officers
Children in Need					
Children Act 1989 Section 16 The Family Justice System is currently under review.	Court Orders: Power for the court to make a family assistance order requiring the Children and Family Court Advisory and Support Service or a local authority to appoint an officer to advise or assist anyone such as a parent or guardian named in the order.				See Schedule Delegation to Officers
Children Act 1989, Section 17 (and related duties in Schedule 2 to the Act)	Places a duty on local authorities to safeguard and promote the welfare of children in their area who are in need. And, so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.			Decision	

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Children Act 1989 Section 27	Family law private and public: Imposes a general duty on local authorities to safeguard and promote the welfare of children in need in their area and so far as is consistent with that duty to promote the upbringing of children by their families by providing a range and level of services appropriate to those children's needs.			Decision	
Children Act 1989 Section 37	Court orders: The Children Act 1989 provides that a court, in any family proceedings, may direct a local authority to undertake an investigation of a child's circumstances. The local authority must consider whether they should initiate care or supervision proceedings, provide services or assistance or take any other action with respect to the child.				See Schedule Delegation to Officers
Complaints					
Children Act 1989 and those in Parts 4 and 5 under section 24D Sections 26(3) and 24D Secondary - Children Act 1989 Representations Procedure (England) Regulations 2006.	Complaints procedures for looked after children, children in need, care leavers and others about the discharge of LA functions under Part 3 of the Children Act. Regulations extend the right to make complaints about other LA functions, including in respect to adoption and special guardianship.			Decision	
Long Term Residential Care					
Children Act 1989 Sections 85, 86 and 86A of, and paragraph 8A of Schedule 2, amended by Children and Young Persons Act 2008. Secondary - The Visits to Children in Long-Term Residential Care Regulations 2011 (due to come into force on 1 April 2011).	Ensuring local authorities, when they are notified that children have been accommodated under health or education legislation, visit the child and take such steps as are reasonable to determine the child's welfare is adequately safeguarded and promoted. This is not yet in force.				See Schedule Delegation to Officers
Looked After Children					
Children Act 1989 section 22 Required for compliance with articles 12&13 of United Nations Human Rights Charter.	Duties on local authorities in relation to looked after children: duty to safeguard and promote their welfare; duty to ascertain wishes and feelings of child/parents before making any decision; and in making any decision to give due consideration to those wishes and feelings and to the child's religious persuasion, racial origin and cultural and linguistic background.				See Schedule Delegation to Officers

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Children Act 1989 Section 22C, 22D, 23 Secondary - Arrangements for Placement of Children (General) Regulations 1991 (SI 1991/890) . Placement of Children with Parents etc Regulations 1991 (SI1991/893) Fostering Services Regulations 2002 (SI 2002 /57) - Parts 4,5 and 6.	Providing accommodation for looked after children and ensuring that the child's case is reviewed prior to making such arrangements. A child may be placed back with their parents, with local authority foster parents (which could be family/friend), in a children's home or through other arrangements.				See Schedule Delegation to Officers
Children Act 1989 Section 22G	Securing sufficient accommodation within the local authority's area to meet the needs of their looked after children. To increase the number and range of placements available within the local authority area and so reduce the use of out of area placements, unless they are the most appropriate for the child.			Decision	
Children Act 1989 Section 53 . Part 2 of the Care Standards Act 2000. Secondary - Children's Homes Regulations 2001 (soon to be replaced by the Children's Homes 2001 Amendment Regulations).	Securing sufficient children's homes for the care and accommodation of children looked after by the local authority. As a provider of children's homes, a local authority must be registered in respect of the home under the Care Standards Act 2000, and manage the home in accordance with the Children's Homes Regulations, which impose various obligations on providers.			Decision	
Care Standards Act 2000. Secondary - Includes regulations governing children's homes and secure units (e.g. Children's Homes Regulations 2001).	Places duty of care on local authorities to ensure decent standards in children's homes are maintained			Decision	
Children Act 1989 Sections 25A, 25B and 25C , inserted by Children and Young Persons Act 2008, coming into force on 1 April 2011 – to replace the duty under section 26 Secondary - Care Planning, Placements and Case Review (England) Regulations 2010	Extending the duties in relation to Independent Reviewing Officers (IRO) including their appointment, qualifications and responsibilities.				See Schedule Delegation to Officers

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Children Act 1989. Section 26 Secondary - the Review of Children's Cases Regulations 1991 (SI 1991/895). [From 1 April 2011, the duty to appoint an IRO is set out in Section 25A of the Children Act 1989, as amended by Children and Young Persons Act 2008. Part 6 of the Care Planning, Placement and Case Review (England) Regulations 2010 will replace the 1991 Regulations in respect of looked after children case reviews.]	Reviewing looked after children's cases and appointing an independent reviewing officer (IRO) for each looked after child.				See Schedule Delegation to Officers
Children Act 1989 Section 26A Secondary - Advocacy Services and Representations Procedure (Children) Amendment Regulations 2004.	Making arrangements for the provision of advocacy services for care leavers and looked after children who make or intend to make representations.			Decision	
Children Act 1989 Section 33.	Where a care order is made with respect to a child, the local authority designated by the care order must receive the child into care and keep them in care while the order is in force.				See Schedule Delegation to Officers
Children Act 1989. Section 34 Secondary - Contact with Children Regulations 1991 (SI1991/891) . From 1 April 2011, provision is made in Care Planning, Placements and Case Review (England) Regulations 2010.	Duty on local authority to allow the child, subject to a care order, reasonable contact with his family where the local authority refuse contact for welfare reasons. The regulations set out what information must be given to the child, parents and others where contact is refused and the circumstances where a section 34 order may be departed from.				See Schedule Delegation to Officers
Children Act 1989 Schedule 2 paragraph 15.	Promoting contact between the child and his family.				See Schedule Delegation to Officers
Children Act 1989 Section 23ZA, inserted by Children and Young Persons Act 2008. Secondary - Care Planning, Placement and Case Review (England) Regulations 2010 and Visits to Former Looked After Children in Detention (England) Regulations 2010 Both to come into force on 1 April 2011	Visits to and contact with looked after children and certain children who cease to be looked after. New arrangements to ensure visits take place for children who cease to be looked after as a result of being detained in custody.				See Schedule Delegation to Officers

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Children Act 1989 Schedule 2, paragraph 17 has been replaced by section 23ZB inserted by the Children and Young Persons Act 2008. Secondary - The Definition of Independent Visitors (Children) Regulations 1991 (SI 1991 892) - replaced by regulation 47 of The Care planning, Placement and Case Review (England) Regulations 2010.	Appointing an independent visitor for a looked after child in circumstances where communication or visits between the child and family are infrequent. This duty is to be repealed with effect from 1 April 2011 and when the new duty in Section 23ZB comes into force. From 1 April 2011, appointing an independent visitor to visit, advise and befriend a looked after child of a prescribed description and in any other case in which it appears to the LA it would be in child's interests to do so.				See Schedule Delegation to Officers
Section 23ZB inserted by the Children and Young People's Act (this replaces Schedule 2, paragraph 17)	A duty on local authorities to appoint an independent visitor to visit, advise and befriend a looked after child of a prescribed description/in any other case it appears to the local authority it would be in child's interests to do so.				See Schedule Delegation to Officers
Children Act 1989 Schedule 2, paragraph 19.	Making arrangements for a looked after child to live outside England and Wales.			Decision	
Children Act 1989 Sections 62, 64.	Ensuring that the welfare of children in voluntary and private children's homes in their area is being safeguarded and arranging for children to be visited.				See Schedule Delegation to Officers
Mental Health					
Mental Health Act 1983, s27	Local Authority can be designated to be nearest relative of certain children and young people in Local Authority care				See Schedule Delegation to Officers
Mental Health Act 1983, s116	Duty of Local Authority to arrange visits to certain hospital patients and to take such other steps as would be expected to be taken by the patient's parents. To ensure that certain patients in respect of whom Local Authorities have particular responsibilities (under child protection legislation or the Mental Health Act itself) are visited and supported while in hospital.				See Schedule Delegation to Officers
Mental Health Act 1983 S.7 and 8 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983	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.				See Schedule Delegation to Officers

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Mental Health Act 1983 S.7 and 8 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983	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.				See Schedule Delegation to Officers
Mental Health (Hospital, Guardianship and Treatment) (England) Regulations 2008, regs 5, 7, 8, 11, 13, 14, 15, 21, 22, 23, 24 & 26	To ensure that: (i) Local Authorities use statutory forms when making and recording certain decisions under the Mental Health Act; (ii) there are duties on Local Authorities to give information to patients and their nearest relatives about the effects of guardianship and their legal rights; (iii) Local Authorities arrange for guardianship patients to be visited periodically .				See Schedule Delegation to Officers
Mental Health Act 1983 S.2, 3 and 4 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983	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				See Schedule Delegation to Officers
Private Fostering					
Children Act 1989 Part 9 of, and Schedule 8. Secondary - The Children (Private Arrangements for Fostering) Regulations 2005.	For local authorities to safeguard privately fostered children in their area To assess and monitor private fostering arrangements to ensure that they are safe and suitable for children.				See Schedule Delegation to Officers
Special Guardianship					
Children Act 1989 Section 14A(8) subsection(9) Secondary - Special Guardianship Regulations 2005 (SI 2005/1109).	Investigating and preparing a report on the suitability of applicants for a Special Guardianship Order on receipt of notice of an individual's intention to apply.				See Schedule Delegation to Officers

Schedule of Powers and Statutory Duties	Summary Description of Powers /Statutory Duties	Cabinet	Cabinet Member	Strategic Director	Service Director
Children Act 1989 Section 14F. Secondary - The Special Guardianship Regulations 2005.	Making arrangements for provision of special guardian support services (including financial support). Ensuring that local authorities provide support to those involved in special guardianship. Local authorities may provide these services by securing their provision by another local authority or a registered adoption society/registered adoption support agency/registered fostering agency.			Decision	

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

NEIGHBOURHOODS AND ADULT SERVICES DIRECTORATE

Schedule B

The Statutory Role of the Director of Adult Social Services

Responsibilities	Cabinet	Strategic Director
1. ACCOUNTABILITY for assessing local needs and ensuring availability and delivery of a full range of services		
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		Responsible

Responsibilities	Cabinet	Strategic Director
effectively.		
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
2. PROFESSIONAL LEADERSHIP		
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
3. LEADING THE IMPLEMENTATION OF STANDARDS		
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 Care Quality Commission 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 in line with the 'No Secrets' Modernising Social Services 1998, Safeguarding		Responsible

Responsibilities	Cabinet	Strategic Director
Adults 2005 guidance.		
3.6 To ensure that the local Safeguarding Board 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
4. MANAGING CULTURAL CHANGE		
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
5. PROMOTING LOCAL ACCESS AND OWNERSHIP AND DRIVING PARTNERSHIP WORKING		
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		Responsible

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Responsibilities	Cabinet	Strategic Director
other statutory agencies.		
6. DELIVERING AN INTEGRATED WHOLE SYSTEMS APPROACH TO SUPPORTING COMMUNITIES		
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	
7. PROMOTING SOCIAL INCLUSION AND WELLBEING		
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

Neighbourhoods and Adult Services Function

Appendix B

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
8. Strategic Planning (see 1.1; 2.5; 2.6; 4.3; 5.3; 6 and 7.1 – Statutory Role of the Director of Adult Social Services(DASS))				
8.1 To prepare strategic plans across the Directorate which provide a long and medium-term strategy for the development of Housing, Neighbourhoods and 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		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
8.5 To approve development and changes to the Resource Allocation System in accordance with approved Service Plans		Decision		
8.6 To adopt housing and neighbourhood services and Corporate Adult Services policies which assist in the delivery of Service Plans.	Decision			
9. Performance Review (see 1.2; 1.3; 1.10; 2.7; 3.1; 3.2; 3.3; 3.4; and 5.3 1 – Statutory Role of the Director of Adult Social Services)				
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 a) To determine any transfer of resources within and across the Directorate consistent with the maintenance of effective performance and a balanced budget. b) Transfer of resources between Directorates.	Report to SLT and then Cabinet for final decision.		Up to £100k across Services in accordance with financial regulations and should also be reported to Cabinet Member.	Up to £100k re own Service in accordance with financial regulations and should also be reported to Strategic Director and Cabinet Member.

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
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 housing, neighbourhoods services and social care.			Decision	
9.6 To ensure that adequate arrangements are in place for managing information relating to the Neighbourhoods and Adult Services function, including the provision of information required by all statutory and local scrutiny arrangements. (see 3.3 DASS)			Decision	
9.7 To monitor and review activity across the Directorate with respect to complaints. (see 1.7 DASS)		Decision		
9.8 To monitor and review activity across the Directorate with respect to workforce development and staff care. (see 2.2 and 2.3 DASS)			Decision	

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10. Service Provision				
General				
10.1 To ensure the development of policy and objectives for the delivery of housing services, neighbourhood services and 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. (see 1.1 DASS)	Decision			
10.4 To ensure appropriate Delivery Plan detailing the provision of housing management and maintenance services by 2010 Rotherham Ltd is in place and monitored.		Decision		
10.5 To determine the strategic framework for contracting and partnerships and market development, including the relationship with the Council's "in-house" provider units and external service providers. (see 1.2 DASS)	Decision			

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.6 To determine contract terms and conditions for services and the letting of specific contracts.		Decision (over £500 k)	Decision (under £500 k)	
10.7 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). (see 1.3 DASS)	Decision			
10.8 To determine grants to voluntary organisations in accordance with the overall budgetary provision for grant aid.		Decision		
10.9 To be responsible for the operation of the Council's statutory obligation for the delivery of housing services, neighbourhood services and adult social care services as delegated by the Cabinet, ensuring policies are developed in line with legislative, regulatory and Council policy requirements. (see 1.1 DASS)		Decision		
10.10 To ensure appropriate arrangements are made for the safeguarding of adults in line with the 'No Secrets' guidelines				Director of Health and Wellbeing
10.11 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. (see 1.2 DASS)			Decision	

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.12 To determine the eligibility criteria for service provision. (see 1.4 DASS)	Decision			
10.13 To apply the eligibility criteria but retain the discretion to determine individual service provision where appropriate. (see 1.4 DASS)			Decision Up to £100,000 annually	Director Health and Wellbeing
10.14 To ensure the full assessment of social care needs for Service Users and their carers is undertaken. (see 1.1; 1.4; 1.5; and 1.8 DASS)				Director Health and Wellbeing
10.15 To be responsible for the appropriate targeting of resources ensuring needs are most appropriately met through the balanced provision of care and support. (see 4.2 DASS)				Director Health and Wellbeing
10.16 To determine appropriate levels of charging for services.		Decision		
10.17 To initiate Court proceedings in respect of non-payment of charges.				Partnerships Director Health and Wellbeing

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.18 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. (see 1.9; 2.4; 2.5; 2.6; 5.3; 6.1; 6.2 and 6.3 DASS)			Decision	
10.19 To develop and maintain forums for consultation with providers for delivery of adult social care services. (see 5.2 and 7.1 DASS)				Director of Commissioning, Policy and Performance
10.20 Arrange and conduct a Joint Strategic Needs Assessment of the local adult population in line with the Guidance. DH Guidance on Joint Strategic Needs Assessment Dec 2007			Decision	Director of Commissioning, Policy and Performance
10.21 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. (see 4.3; 5.1; and 5.2 DASS)				Director of Commissioning, Policy and Performance
10.22 To contribute to the approach and prioritisation of application for external funding, including government grants.		Decision		
10.23 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.				All Service Directors

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.24 To determine appropriate programmes for the efficient operation, maintenance and protection of buildings within the service.				All Service Directors
10.25 To receive inspection reports and service responses in respect of housing and neighbourhood services and of provision of residential and nursing care and to ensure appropriate action has been taken in respect of recommendations from these reports.		Decision		
10.26 To receive and consider reports relating to the inspection of Local Authority residential homes.		Decision		
10.27 To authorise the temporary closure or suspension of admissions of local authority residential or day care unit on grounds other than financial viability.			Decision	
10.28 To authorise the temporary suspension of admissions to independent sector residential, nursing home or day units on grounds other than financial viability.				Director Health and Wellbeing Director of Commissioning, Policy and Performance

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.29 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		
10.30 To consider representations concerning any aspect of Service provision including appeals against the ability to pay charges.				All Service Directors Director Health and Wellbeing(for Appeals against ability to pay charges)
10.31 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. (see 1.7 DASS)				All Service Directors
10.32 To consider implications arising out of complaints review procedure.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
10.33 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. (see 2.4; 2.6 and 5.3 DASS)	Decision			
10.34 To ensure the provision of appropriate support in respect of services to Rotherham's N.H.S. partners.				All Service Directors
10.35 To ensure in co-operation with other appropriate Committees that arrangements are made for the undertaking of assessments and provision of adaptations.		Decision		
11 Strategy and Policy				
To determine policy and procedures in the following matters:-		Decision		
11.1 The tenancy agreement for tenants of dwellings within the Housing Revenue Account.		Decision		
11.2 Renovation, Home Repair Assistance, Group Repair and Disabled Facilities Grants.		Decision		
11.3 The role of Housing in regeneration and sustainability		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
11.4 Strategies and policies arising from the estimation of general housing need , special housing need and stock condition within the Borough.		Decision		
11.5 The Housing Investment Programme Strategy and Budget.		Decision		
11.6 Any matter arising from the Councils complaints procedure or any matter recommended by the Ombudsman where the matter is a question of policy.		Decision		
11.7 The approval of supplementary estimates to be funded from balances within any General Fund account under the control of Neighbourhoods and Adult Services.		Decision		
11.8 The tendering strategy for the maintenance of all Council owned properties.		Decision		
11.9 <ul style="list-style-type: none"> ▪ The closure, clearance and improvement of dwellings whether individually or in respect of areas of housing, ▪ the making of Compulsory Purchase Orders in relation to housing matters, ▪ the authorisation of discretionary home loss and disturbance payments and ▪ the payment of vendor's fees prior to the declaration of a compulsory purchase order or clearance area. 		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
11.10 The Council's enabling role and partnerships with other agencies, tenants and tenants groups insofar as it applies to housing.		Decision		
11.11 Tenant and resident consultation and involvement in the formulation and implementation of Council's Housing, Housing Management and Housing Regeneration strategies.		Decision		
11.12 Mortgage advances and improvement loans.		Decision		
11.13 The approval of supplementary estimates to be funded from balances within the Housing Revenue Account.		Decision		
11.14 Any matter relating to the functions of any unit within the Neighbourhood and Adult Services Directorate.		Decision		
11.15 The role of the Directorate in Local Agenda 21 and Sustainability.		Decision		
12. Enforcement, Operations and Service Matters				
To determine the following matters:		Decision		
12.1 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		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
12.2 Policy in connection with the allocation and letting of property held within the Housing Revenue Account.		Decision		
12.3 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"> ▪ The approval of grant. ▪ The payment of grants ▪ Interim payments and unforeseen works 		Decision		
13. Miscellaneous				
Determination of the following matters:				
13.1 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		
13.2 The fixing of fees and charges for services provided.		Decision		

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
13.3 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		
13.4 Applications for extensions, adaptations grants or awards in the private and public sectors in excess of £25,000, to be submitted for approval.		Decision		
13.5 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		
13.6 Employee/Trainee awards made within the Directorate and/or Business Units.		Decision		
13.7 Applications for all seminars and conferences to be submitted for approval.			Decision	
13.8 The implementation of National Conditions of Service and Local Joint Agreements in accordance with Corporate policy and procedure.		Decision		
14. Contracting and Best Value				
The determination of the following matters:				

Reference	Cabinet	Cabinet Member	Strategic Director	Service Director
14.1 Policy and procedures and matters arising in connection with the conduct and performance of a contractor, including the Council's own workforce.		Decision		
14.2 Future procurement strategy, contract packaging and market analysis.		Decision		
14.3 Measures necessary to achieve 'best value' in the functions of the programme area and high standards of performance and quality of service delivery.		Decision		
14.4 Policy and procedures to improve service delivery, efficiency and effectiveness.		Decision		
15. Service Provision				
General				
15.1 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	

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
A. Service Provision					
Complaints and Representations Local Authority Social Services Act 1970 S.7B Local Authority Social Services (Complaints Procedure) Order 1990, Care Standards Act 2000	<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>See Schedule of delegation to officers</p> <p>Director of Commissioning, Policy and Performance</p>
National Care Standards Act, 2000 Health & Social Care Act 2008) Regulated Activities) Regulations 2010 Care Quality Commission (Registration) Regulations 2009	<p>Local Authorities must have arrangements in place that will ensure it complies with regulations and the National Minimum Standards.</p> <p>This require local authorities to ensure the essential standards of quality and safety that people who use health and Adults Social Cares Services have a right to expect.</p>				<p>Decision</p> <p>Director of Commissioning, Policy and Performance</p> <p>Director Health and Wellbeing</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
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 All Service Directors
A. Adult Services					
1. Community Care:					
Community Care Services N.H.S. and Community Care Act 1990	Community Care Services are defined as:- (a) Part III of the National Assistance Act, 1948 (b) Section 45 of Health Services and Public Health Act 1968.				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	(c) Section 21 of and Schedule 8 to the National Health Service Act 1977. (d) Section 117 of the Mental Health Act 1983.				Director Health and Wellbeing Director Health and Wellbeing
Assessment N.H.S. and Community Care Act 1990 S.47(1) Places a duty on local councils to carry out assessment of need for community care services	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.				See Schedule of delegation to officers
	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.				

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(2002)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.	Decision		Decision on level of FACS	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"> - meals and recreation - information about services - transport to and from services - social work, visiting and advice - practical assistance with adaptations and provision of extra facilities for greater safety, comfort or convenient warden services - assistance in finding suitable households for boarding 				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

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>General Services National Health Service Act 1977 Sched. 8 National Assistance Act 1948 Part III</p>	<p>Local Authorities must arrange a home help service on such a scale as is adequate for the needs of people in their area.</p> <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>				<p>See Schedule of delegation to officers</p>
<p>Prevention, Care and After-Care N.H.S. Act 1977 Sched. 8</p>	<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"> - day centres - meals on wheels for housebound people - social services to prevent break-up of families due to the ill health of the adults in that family - night sitter services - recuperative holidays - services specifically for people who are dependent on alcohol and drugs - social and recreational activities. 				<p>See Schedule of delegation to officers</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Community Care (Delayed Discharges)Act 2003	Legislation introduced the system of reimbursement on a 'per day' basis for delays in hospital where patients are fit for discharge but unable to be discharged due to social services being unable to provide assessment and provision of community care services as the sole reason for delay				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 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. Determines welfare services in respect of which Supporting People Grants for excellent authorities are paid.	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 All Service Directors
<p>Carers Assessment The Carers (Recognition and Services) Act 1995</p> <p>Disabled Persons(Services Consultation and Representation) Act 1986 – Section 8</p> <p>Carers and Disabled Childrens Act 2000 Section 1</p> <p>Carers and Disabled Childrens Act 200 Section 2</p> <p>Carers and Disabled Childrens Act 200 Section 5</p>	<p>Carers may request an assessment of their ability to provide and continue to provide care for an ill or disabled person.</p> <p>We must consider the ability of the carer to provide care when deciding what services to provide</p> <p>Gives carers aged 16 and over who are caring for a service user aged 18 or over, the right to an assessment (independent of that of the service user) of their ability to provide or continue to provide care</p> <p>We can provide services such as physical help, training or counselling for carers</p> <p>Extends Direct Payments to carers aged 16 and over who care for a person aged 18 and over</p>				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>Carers (Equal Opportunities) Act 2004</p> <p>Health and Social Care Act 2008 section 148 section 146</p> <p>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.</p>	<p>We must inform Carers of their rights to assessment under the CDC Act 2000 and the C(R&S) Act 1995</p> <p>Section 146 allows regulations to be made to permit direct payments to a third party on condition they are used to purchase the community care services needed by a person who lacks the mental capacity to consent to direct payments. The local authority concerned will normally have to approve a recipient as suitable.</p> <p>Local Authorities responsible for community care services may make direct payments to persons in respect of their securing the provision of such services.</p>				<p>See Schedule of delegation to officers</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>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 LAC(2004)20(replaces The National Assistance Act 1948 (Choice of Accommodation)Directions 1992</p>	<p>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.</p>				<p>See Schedule of delegation to officers</p>
<p>Ordinary Residence Determination – Section 24(3) D(6), National Assistance Act 1948.</p>	<p>Local Authorities have a financial responsibility for providing community care services for persons deemed 'ordinary residents in their area'.</p>				<p>See Schedule of delegation to officers</p>
<p>Cross Border disputes National Assistance Act 1948</p>	<p>Authority can arrange for people to receive residential care outside their boundaries but this can lead to disputes about ordinary residence about which authority should pay for care. Act provides a dispute resolution mechanism whereby the Secretary of State for Health could make a determination of ordinary residence.</p>				

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Section 31 Health Act 1999 and N.H.S. Bodies and Local Authorities Partnership Arrangements Regulations, 2000 NHS Act 2006	Entering into Partnership arrangements with N.H.S. partners Partnership arrangements	Decision			
Health and Social Care Act 2001, Section 49 Section 49 Health and Social Care Act 2008	Requires local authorities to agree local arrangements for the implementation of free N.H.S. nursing care and Continuing Health funding arrangements. Excludes nursing care from community care services Ordinary residence				Decision Director Health and Wellbeing

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>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</p> <p>Charges for Residential Care 2009 LAC(2005)7: Charges for residential accommodation LAC(2005)18: LAC DH (2009):3</p>	<p>Local Authorities should charge for the residential care it arranges in accordance with the national regulations.</p> <p>Charges for residential accommodation – Charges for Residential Amendment Guide amendment 24</p>		Decision		
<p>Deferred Payments Section 55 of Health and Social Care Act, 2001</p> <p>LAC (2001)25,LAC(2001)29, LAC (2002)11</p>	<p>Enter into agreement to defer payment for charges on property until the property is sold.</p>				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<p>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)</p> <p>NHS and Community Care Act 1990 Section 47(1)</p>	<p>Local Authorities should secure community care services for people who have preserved rights. This includes residential accommodation where appropriate.</p> <p>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.</p> <p>LA to carry out assessment of need for community care services</p>				See Schedule of delegation to officers
<p>3. Community Care: People with Disabilities</p>					
<p>Assessment Disabled Person (Services, Consultation and Representation) Act 1986 – Section 2 N.H.S. and Community Care Act 1990 S.47(2) 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>				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Disability Discrimination Act 2005	<p>The Disability Discrimination Act (DDA) defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities</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>				

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Section 4	Services under Section 2 of the 1970 Act – Duty to consider the needs of Disabled People.				
Section 5	Persons leaving Special Education.				
Section 8	Duty of the Local Authority to take into account abilities of carers.				
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
Services for Disabled People National Assistance Act 1948 Sections 29, 30, 41, 48 and 49) Chronically Sick & Disabled Persons Act 1970 Updated 1986 Disabled Persons (Services and Consultation and Representation) Act 1986 section 4	Local Authorities must arrange certain welfare services for disabled people who have been assessed as needing them. These include:- <ul style="list-style-type: none"> - practical assistance in the home - meals - assistance in carrying out adaptations to disabled people's home - provision of extra facilities in the home for safety, comfort or convenience - provision of (or help in obtaining) telephones (including related 				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	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				
	<ul style="list-style-type: none"> - social work, advice and support - facilities for social rehabilitation and adjustment - facilities for occupational, social, cultural and recreational activities, including payments to people for work. <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)	<p>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.</p> <p>Information about the services on offer should be published.</p>				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
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
Disability Discrimination Act 2005	Disability Equality Duty – eliminate unlawful discrimination, reasonable adjustments , access to goods, services, employment etc				See schedule of delegation to officers
					See Schedule of delegation to officers
4. Mental Health					
Care in Scotland Mental Health (Scotland) Act 2003 Guardianship Orders Mental Health Act 1983 S.7 and 8 Mental Health Act (2007) Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983	Welfare of certain persons whilst in hospital in Scotland. 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. 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.			Decision	Decision Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Mental Capacity Act 2005 Deprivation of Liberty Safeguards	Provide arrangements and processes to ensure the proper implementation of the Mental Capacity Act (2005) Code of Practice Deprivation of Liberty Safeguards. Provide Best Interest Assessors in conjunction with partners.				
Court Of Protection Mental Capacity Act 2005	The provision to apply for court of protection to make decisions, for people who lack the capacity to do this for themselves relating to their property and financial matters.				See Schedule of delegation to officers
Emergency Admission to Hospital Mental Health Act 1983 S.2, 3 and 4 Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983M Mental Health Act 2007 S114	Requires two registered medical practitioners – Approved Mental Health Professionals. In any case of urgent necessity, an Approved Mental Health Practitioner 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.				See Schedule of delegation to officers
Mental Health Act 1983 S.11	Before or within a reasonable time after an application of admission for assessment is made by an Approved				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>Mental Health Practitioner, 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> <p>It is the duty of an Approved Mental Health Practitioner to make an application for admission to hospital or for guardianship where he is satisfied that an application ought to be made.</p>				
<p>Social Reports Mental Health Act 1983 S.14</p> <p>Mental Health Act 2007 S 14</p>	<p>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.</p> <p>Approved Mental Health Professional replaces Approved Social Worker</p>				See Schedule of delegation to officers
<p>Approved Social Workers Mental Health Act 1983 S.114</p> <p>Mental Health Act 2007 S.114</p>	A local Social Services Authority shall appoint sufficient Approved Mental Health Practitioners for the purposes of discharging the mental health functions.				See Schedule of delegation to officers
<p>Power of entry and Inspection Mental Health Act 1983 S.115</p>	An Approved Mental Health Practitioner may enter and inspect any premises within this area in which a mentally disordered person is living if he has reasonable cause to believe				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Mental Health Act 2007	the patient is not under proper care.				
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(2) (see also N.H.S. Act 1997 Sched. 8) Mental Health Act 1983 S.117	It shall be the joint 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. Requires an Approved Social Worker (MH Act 2007 – replaces Approved Social Worker with AMHP) to assess a person's mental health, along with key health colleagues, when providing aftercare services for people leaving hospital after being compulsory detained.				See Schedule of delegation to officers
Mental Health Act 1983 S.117(2)	There is a joint duty on Health and Social Services to provide after care services for ex-patients such as accommodation problems, family relationships, and the provision of domiciliary services and day centres				
Supervised Discharge Mental Health (Patient in the Community) Act 1995	Extension of duties under S.117 of 1983 Mental Health Act. Formal arrangements for supervision which can require a user to reside in a specified place and to undertake specific medical treatment,				See Schedule of delegation to officers

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	occupation, education or training. Includes power to require entry to place of residence and power to convey the patient.				
5. Financial Write-Offs	<p>After consulting with the Service Accountant on behalf of the Strategic 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 £5000</p> <p>(c) Write off debts £5001 and over</p>			<p>Decision</p> <p>Decision in consultation with Cabinet Member and Strategic Director Of Finance. Amounts over £5000 shall be communicated to Senior Leadership Team</p>	<p>See Schedule of delegation to officers</p> <p>Decision</p> <p>Director Health and Wellbeing</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Housing and Neighbourhood 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 Provisions	<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 following:–</p> <p>Homelessness Act 2002</p>				Decision
Statutory Provisions cont...	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				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>the Service Director for Housing and Neighbourhoods.</p> <p>The powers conferred include: Instigation of Legal Proceedings Authorisation of Information 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</p>				
Renovation, Home Repair Assistance and disabled Facilities Grants	<p>Grants where the value of works is assessed by the Service Director for Housing and Neighbourhoods as being less than or equal to £30,000 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</p>				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<p>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. All agreed claims for unforeseen works subject to a maximum of £500 in respect of any single grant.</p> <p>All agreed claims for unforeseen and additional works be delegated to the Housing Access Manager.</p> <p>Approval of interim payments up to 90% legislative maximum be delegated to the Housing Access Manager.</p>				
Renovation, Home Repair Assistance and disabled Facilities Grants cont...	<p>Authorisation of extensions of time in respect of grant aided works. 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>				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<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 for fixtures and fittings beyond that approved by the Council.</p>				
Housing Operational and Procedural Matters	<p>Delegated to Housing Choices Manager:-</p> <p>Homelessness determinations in accordance with the Housing Act 1985 and the code of guidance</p>				

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<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>Delegated to 2010 Rotherham Ltd:-</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.</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>				
Housing Operational and Procedural Matters cont...	Permitting tenants to resume their tenancy if the request is within a reasonable time from receipt of vacant possession.				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	<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.</p> <p>Authority to decant tenants of the Council to alternative accommodation provided the period is not likely to exceed 12 weeks.</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 – Offences relating to advertisements</p>				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	displayed in contravention of regulations; and Removal of placards or posters displayed in contravention of regulations.				
High Hedges 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.					Decision
Introductory Tenancies	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.				Decision
Group Repair Scheme	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				Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
	procedures and the terms and conditions of the contract.				
In respect of 2010 Rotherham Ltd.	<p>Authority to represent the Council at any general meeting of 2010 Rotherham Ltd.</p> <p>Discharge responsibilities of the Council's representative as determined in the Management Agreement.</p>				Decision
<p>Statutory Provisions</p> <p>Administration of Justice Act 1970, As Amended Agriculture Act 1970 Agriculture Produce (Grading and Marking) Acts 1928 and 1931 Agriculture (Safety, Health and Welfare Provisions) Act 1956 Animal Boarding Establishments Act 1963 Animal By-Products Regulations 2005 Animal By-Products (Enforcement) (England) 2011 Animal Health Act 1981 Animal Health and Welfare Act 1984 Animal Welfare Act 2006 Anti-Social Behaviour Act 2003 Avian Influenza (Preventive Measures) (England) Regulations 2006 Beef and Veal Labelling Regulations 2010</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 Housing and</p>				<p>Decision</p> <p>Director of Housing and Neighbourhood Services</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Bluetongue Regulations 2008 Breeding of Dogs Act 1973 and 1991 Broadcasting Act 1990 Building Act 1984 Burial Act 1857 Business Names Act 1985 Cancellation of Contracts Made in a Consumer's Home or Place of Work etc Regulations 2008 Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Cattle Identification Regulations 2007 Children and Young Persons Act 1933 Children and Young Persons (Protection from Tobacco) Act 1991 Clean Air Act 1993 Clean Air & Neighbourhood Act 2004 Clean Neighbourhoods and Environment Act 2005 Companies Act 1985 Consumer Arbitration Agreements Act 1988 Consumer Credit Act 1974 Consumer Protection (Distance Selling) regulations 2000 Consumer Protection from Unfair Trading Regulations 2008 Consumer Protection Act 1987 Contaminants in Food (England) Regulations 2010 Control of Pollution Act 1974 Copyright, Designs and Patents Act 1988 Copyright etc and Trademarks	Neighbourhood Services. 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 Issuing of Statutory Documents Granting, suspension and refusal of licences, authorisations and registrations for persons, premises or processes Authorisation to Carry out Work in Default Appointment of Inspectors and Officers Appointment of Chief and Deputy Chief Inspector of Weights and				Via Written Authorisation to approve on behalf of Director of Housing and Neighbourhood Services: Safer Neighbourhood Manager Business Regulation Manager Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
(Offences and Enforcement) Act 2002 Cremation Acts 1902 and 1952 Cremation Regulations (England and Wales) 2008 Crime & Disorder Act 1998 Criminal Justice Act 1988 Criminal Justice and Police Act 2001 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 Enterprise Act 2002 Environmental Protection Act 1990 Estate Agents Act 1979 Explosives Acts 1875 and 1923 Explosives (Age of Purchase) Act 1976 Equalities Act 2010 European Communities Act 1972 Factories Act 1961 Fair Trading Act 1973 Farm and Garden Chemicals Act 1967 Financial Services and Markets Act 2000 Fire Safety and Safety of Places of Sport Act 1987 Food Act 1984 Food and Environment Protection Act 1985 Food Hygiene (England) Regulations	Measures Authorisation of Officers Appointment of Official and Authorised Veterinary Officers, Public Analysts. Formal transfer / assignment or enforcement responsibilities				

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
2006 Food Labelling Regulations 1996 Food Safety Act 1990 Forgery and Counterfeiting Act 1981 Fraud Act 2006 Gambling Act 2005 General Food Regulations 2004 Guard Dogs Act 1975 Hallmarking Act 1973 Harris Tweed Act 1993 Health Act 2006 Health and Safety at Work etc Act 1974 Health Protection (Local Authority Powers) Regulation 2010 Health Protection (Notification) Regulations 2010 Health Protection (Part 2A Orders) Regulations 2010 Highways Act 1980 Hire Purchase Act 1965 Horse Passports Regulations 2009 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 2003 Limitation Act 1980 Local Authorities Cemeteries Order					Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
1977 Local Government Act 1972 Local Government Act 1894 Local Government (Miscellaneous Provisions) Acts 1976, 1987 and 1982 Malicious Communications Act 1988 Marriage Act 1949 Materials and Articles in Contact with Food (England) Regulations 2010 Measuring Instruments (Taximeters) Regulations 2006 Medicines Acts 1968 and 1971 Minors Contracts Act 1987 Misrepresentations Act 1967 Mock Auctions Act 1961 Motor Salvage Operators Regulations 2002 Motor Vehicles (Safety Equipment for Children) Act 1991 National Assistance Acts 1948 and 1951 Noise and Statutory Nuisance Act 1992 Non Commercial Movement of Pet Animals (England) Regulations 2004 Offices, Shops and Railway Premises Act 1963 Official Food and Feed Controls (England) Regulations 2009 Organic Product Regulations 2004 Performing of Animals (Regulation) Act 1925 Pet Animals Act 1911 and 1951 Poisons Act 1972 Police, Factories (Miscellaneous					Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Provisions) Act 1916 Prevention of Damage by Pests Act 1949 Prices Acts 1974 and 1975 Proceeds of Crime Act 2002 Products of Animal Origin (Disease Control) (England) Regulations 2008 Products of Animal Origin (Import and Export) Regulations 1996 (as amended) Products of Animal Origin (Third Country Imports)(England) Regulations 2006 (as amended) Property Misdescriptions Act 1991 Protection of Children (Tobacco) Act 1986 Public Health Acts 1875, 1925, 1936 and 1961 Public Health Amendment Act 1907 Public Health (Control of Diseases) Act 1984 Registration of Establishments (Laying Hens) (England) Regulations 2003 Regulatory Reform (Fire Safety) Order 2005 Rehabilitation of Offenders Act 1974 (exceptions) order 1975 Refuse Disposal (Amenity) Act 1978 Restrictive Trade Practices Act 1976 Riding Establishments Acts 1964 and 1970 Road Safety Act 2006 Road Traffic Acts 1988 and 1991 Road Traffic (Consequential Provisions) Act 1988					

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Road Traffic (Foreign Vehicles) Act 1972					Decision
Road Traffic Offenders Act 1988					
Safety of Sports Grounds Act 1975					
Sale of Goods Act 1979					
Sale and Supply of Goods Act 1994					Decision
Scotch Whisky Act 1980					
Scrap Metal Dealers Act 1964					
Slaughter of Poultry Act 1967					
Smoke-free (Premises and Enforcement) Regulations 2006					
Solicitors Act 1974					
South Yorkshire Act 1980					
Sunbeds (Regulations) Act 2010					
Sunday Trading Act 1994					
Supply of Goods (Implied terms) Act 1973					
Supply of Goods and Services Act 1982					
Swine Vesicular Disease Regulations 2009					
Taximeters (EEC requirements) Regulations 1979					
Telecommunications Act 1984					
Theft Acts 1968 and 1978					
Timeshare Act 1992					
Torts (Interference with Goods) Act 1977					
Town Police Clauses Act 1847					
Town Police Clauses Act 1889					
Trade Descriptions Act 1968					
Trade Marks Act 1994					
Trading Representations (Disabled Persons) Acts 1958 and 1972					
Transmissible Spongiform					

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Encephalopathies (England) regulations 2010 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 Violent Crime Reduction Act 2006 Water Act 1945 Water Industry Act 1991 (As amended by the Water Consolidation (Consequential Provisions) Act 1991) Welfare of Racing Greyhounds Regulations 2010 Welfare of Farmed Animals (England) Regulations 2007 Weights and Measures Act 1976 Weights and Measures Act 1985 Wildlife and Countryside Act 1981 Working Time Regulations 1998 Young Persons (Employment) Acts 1938 and 1964 Zoo Licensing Act 1981					
Miscellaneous Statutory Provisions The service of Notice and the carrying out of works under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (vacant houses).	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				Decision Via written Authorisation to approve on behalf of

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<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>future modifications or enlargements thereof be delegated to the Service Director for Housing and Neighbourhood Services and officers empowered by the Service Director for Housing and Neighbourhood Services from time to time:-</p>				<p>Director of Housing and Neighbourhood Services: Safer Neighbourhood Manager</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>Decision</p>

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<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>					
<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>					Decision

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
<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> <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>					Decision
Standards in private sector housing					Decision Director of

Schedule of Powers Act	Summary Description of Powers	Cabinet	Cabinet Member	Strategic Director	Service Director
Delegated powers under Part 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					Housing and Neighbourhood Services
Schedule of Powers Act	Summary Description of Powers	Cabinet	Director	Cabinet Member	Head of Function
Standards in private sector housing					Decision
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.					
Provision of Sheltered Housing Wardens Service				Decision	Decision

Director of Public Health

Appointment as Proper Officer to act in accordance with the following statutory instruments for public health and health protection:

The Health Protection (Local Authority Powers) Regulations 2010.

The Health Protection (Part 2A Orders) Regulations 2010.

The Health Protection (Notification) Regulations

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Council
2.	Date:	20th May, 2011
3.	Title:	Constitution
4.	Directorate:	Chief Executive's

5. Summary

At the meeting on 27th April, 2011, the Council approved changes to the role and function of Overview and Scrutiny in Rotherham. Following this, the Overview and Scrutiny Procedure Rules have been amended.

6. Recommendations

That the revised Overview and Scrutiny Procedures and the amended wording to Article 8 of the Constitution be approved.

7. Proposals and Details

At its meeting on 27th April, 2011, the Council approved Minute C203 relating to the role and function of Overview and Scrutiny in Rotherham – “improving lives, improving places”. Following this decision, amendments are necessary to the Council’s Constitution and to the Overview and Scrutiny Procedure Rules.

Principal changes concern the replacement of the Performance and Scrutiny Overview Committee and five Scrutiny Panels with a new Overview and Scrutiny Management Board and four Overview and Scrutiny Select Commissions. The suggested Terms of Reference for the new Board and Commissions are set out at Schedules 1 and 2 to the Rules.

The further change is that call-ins which relate to an education function will in future be considered by the Overview and Scrutiny Management Board, in place of the former Children and Young Peoples’ Services Scrutiny Panel. In the event of such a call-in, the co-opted education representatives would be invited to the meeting of the Overview and Scrutiny Management Board where the call-in will be considered.

Amendments to Article 8 of the Constitution and amended Overview and Scrutiny Procedure Rules are attached to this report for approval. References elsewhere in the Constitution to the Performance and Scrutiny Overview Committee and to Scrutiny Panels will be amended to take account of the revised arrangements.

8. Finance

There are no financial implications arising from this report.

9. Risks and Uncertainties

There is a need for the Council’s Constitution to be amended to reflect the revised Overview and Scrutiny arrangements which were agreed by the Council at its last meeting. The Constitution and supporting documents should be regularly updated to reflect changes in legislation and changes in Council Governance.

10. Policy and Performance Agenda Implications

The changes take account of the findings and recommendations of Scrutiny Review into the role and function of Overview and Scrutiny in Rotherham. The review concluded that Overview and Scrutiny was a valuable part of the governance arrangements of the Council and had widespread support from Members and officers. However, scrutiny needed to be different, both in approach and arrangements in light of the changing local government landscape.

11. Background Papers and Consultation

Report to Cabinet, 6th April, 2011 – The Role and Function of Overview in Scrutiny in Rotherham..Future Arrangements.

Contact Name : T. C. Mumford, Assistant Chief Executive (Legal and Democratic Services).
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ARTICLE 8

8 Overview and scrutiny committees

Terms of reference

(1) The Council will appoint the overview and scrutiny committees specified in Schedules 1 and 2 to the *Overview and Scrutiny Procedure Rules* to discharge between them the functions conferred by section 21 of the Local Government Act 2000, namely –

- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;
- to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the executive;
- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
- to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the executive;
- to make reports or recommendations to the Council or the Cabinet on matters which affect the borough or the inhabitants of the borough.

General role

(2) Within their terms of reference, overview and scrutiny committees will between them –

- review or scrutinise decisions or review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- make reports or recommendations to the full Council or the Cabinet (or both) and to a joint committee, area assembly or area assembly co-ordinating group in connection with the discharge of any of the Council's functions;
- consider any matter affecting the borough or its inhabitants;
- exercise in the case of the Overview and Scrutiny Management Board right to call-in for reconsideration decisions made but not yet implemented by the executive or an area assembly co-ordinating group (if applicable);
- under the Council's scheme for handling petitions,
 - i make reports or recommendations in response to petitions referred by the Council;
 - ii question senior officers in response to qualifying petitions holding officers to account;

- iii review the Council's response to petitions upon request by the petition organiser.

Policy development and review

(3) Overview and scrutiny committees may –

- assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- conduct research and consult with local communities and others, in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the Cabinet and committees and chief officers about their views on issues and proposals affecting the borough; and
- liaise with other external organisations operating in the borough, whether national, regional or local, to ensure that the interests of local communities are enhanced by collaborative working.

Scrutiny

(4) Overview and scrutiny committees may between them –

- review and scrutinise the decisions made by, and performance of, the executive and committees and council officers both in relation to specific decisions and generally;
- review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and particular service areas;
- question members of the Cabinet and committees and chief officers about their decisions and performance, whether generally (in comparison with service plans and targets over a period of time) or in relation to particular decisions, initiatives or projects;
- make recommendations to the Cabinet, the committees and the Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies (including health authorities) in the borough and invite reports from them by requesting them to address the particular overview and scrutiny committee and local people about their activities and performance;
- scrutinise issues affecting the well-being of the population of the borough
- question and gather evidence from any person (with their consent);
- consider any requests submitted by a member of the Council under the councillor call for action procedure.

Finance

(5) Overview and scrutiny committees may exercise overall responsibility for any finances made available to them.

Annual report

(6) The Overview and Scrutiny Management Board will report annually to the full Council on the operation of overview and scrutiny committees and make recommendations where appropriate for future work programmes and amended working methods.

Officers

(7) Overview and scrutiny committees may exercise overall responsibility for the work programme of the officers employed to support their work.

Proceedings of overview and scrutiny committees

(8) Overview and scrutiny committees will conduct their proceedings in accordance with the *Overview and Scrutiny Procedure Rules*.

ROTHERHAM BOROUGH COUNCIL
OVERVIEW AND SCRUTINY PROCEDURE RULES

ARRANGEMENT OF RULES

PART I
APPOINTMENT AND TERMS OF REFERENCE ETC OF OVERVIEW
AND SCRUTINY COMMITTEES

Rule

1. Appointment of overview and scrutiny committees
2. Terms of reference
3. Membership
4. Meetings
5. Quorum

PART II
ADMINISTRATIVE MATTERS AND BUDGET AND POLICY REVIEW AND
DEVELOPMENT

6. Administration
7. Budget, policy framework, and related matters

PART III
REFERRAL, CONSIDERATION AND RESPONSE TO REPORTS

8. Reports from overview and scrutiny committees
9. Ensuring consideration of reports
10. Cabinet's response to reports

PART IV
ACCESS TO DOCUMENTS AND ATTENDANCE OF CABINET MEMBERS
AND OFFICERS ETC. AT COMMITTEE MEETINGS

11. Access to documents, etc
12. Attendance of members and officers, etc at committee meetings

PART V
CALL-IN

- 13 Call-in
- 14 Call-in and urgency

PART VI
PETITIONS

- 15 Petitions

PART VII

PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

16 Order of business at committee meetings

17 The party whip

18 Councillor Call for Action

Schedule 1 Performance and Scrutiny Overview Committee

Schedule 2 Terms of Reference for Scrutiny Panels

OVERVIEW AND SCRUTINY PROCEDURE RULES

PART I

APPOINTMENT AND TERMS OF REFERENCE ETC OF OVERVIEW AND SCRUTINY COMMITTEES

1. Appointment of overview and scrutiny committees

- 1) The Council's overview and scrutiny committees are set out in the Schedule to these Rules, and the Council will appoint to them from time to time as it considers appropriate and those committees may appoint sub-committees.
- 2) Overview and scrutiny review groups may also be appointed on an ad hoc basis for a fixed period with clear terms of reference, on the expiry of which they shall cease to exist.
- 3) In these Rules, unless the context otherwise requires, the term "overview and scrutiny committee" means –
 - the Overview and Scrutiny Management Board (OSMB),
 - the overview and scrutiny select commissions appointed annually by the Council, and any of its or their Review Groups.
- 4) The Council may appoint from time to time informal select commissions or working groups, comprising members, council officers and others, such as representatives from local communities and businesses, to assist in the overview and scrutiny process.

2. Terms of reference

- 1) The terms of reference of the OSMB are set out in paragraph 1 of Schedule 1.
- 2) The terms of reference of overview and scrutiny select commissions are set out in paragraph 1 of Schedule 2.
- 3) The specific areas for scrutiny by each select commission are set out in Schedule 2.

3. Membership

Appointment of members to overview and scrutiny committees

- 1) All councillors except members of the Cabinet may be members of an

overview and scrutiny committee, but no member may be involved in scrutinising a decision in which he or she has been directly involved.

- 2) All members of overview and scrutiny committees will be appointed annually by the Council, and each committee will be empowered to appoint members of the committee to its Review Groups.

Co-optees

- 3) An overview and scrutiny select commission may appoint a number of people as non-voting co-optees of the select commission, as set out in paragraph 2 of Schedule 2.

Education representatives

- 4) The Improving Lives Select Commission shall include in its membership the following voting representatives (“the education representatives”) –
 - at least one Church of England diocese representative;
 - at least one Roman Catholic diocese representative;
 - between two and five parent governor representatives; and
 - at the direction of the Secretary of State for Education representatives of other faiths or denominations.
- 5) The education representatives shall also be invited to attend the Self-Regulation Select Commission when it deals with education matters
- 6) Where the Improving Lives Select Commission deals with other than educational matters, the education representatives shall not vote on those other matters, though they may stay in the meeting and speak to them.

Membership of particular committees

- 7) The membership of the OSMB is set out in paragraph 2 of Schedule 1.
- 8) The membership of the overview and scrutiny select commissions are set out in paragraph 2 of Schedule 2.

4. Meetings

- 1) The OSMB will hold ordinary meetings of the board at the frequency specified in paragraph 3 and at the place specified in paragraph 4 of Schedule 1 to the Rules, and, in addition, extraordinary meetings may be called from time to time as and when appropriate.

- 2) Each overview and scrutiny select commission will hold ordinary meetings at the frequency specified in paragraph 3 and at the place specified in paragraph 5 of Schedule 2 to the Rules, and, in addition, extraordinary meetings may be called from time to time as and when appropriate.
- 3) The chairman and vice-chairman of an overview and scrutiny select commission may call an extraordinary meeting of the committee.

5. Quorum

The quorum for an overview and scrutiny select commission meeting will be one-third of its Members.

PART II

**ADMINISTRATION, BUDGET AND POLICY REVIEW AND
DEVELOPMENT AND ACCESS TO DOCUMENTS**

6. Administration

Chairmen of committees

- 1) The chairmen and vice-chairmen of overview and scrutiny select commissions will be appointed at the Annual Council meeting from the Councillors appointed to the committee.

Work programme

- 2) Overview and scrutiny select commission work programmes will be set subject to any direction of the OSMB, taking into account the wishes of all members of the select commission including those who are not members of the largest political group on the Council.

Agenda items

- 3) A member of an overview and scrutiny select commission may notify the Statutory Scrutiny Officer that he or she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the commission.
- 4) The Statutory Scrutiny Officer will inform the chairman of the particular overview and scrutiny select commission of the request at the earliest opportunity, and make arrangements for the matter to be considered by the select commission for inclusion on a future agenda.
- 5) Any member of the Council who is not a member of an overview and scrutiny select commission may give written notice to the Statutory Scrutiny Officer that he or she wishes an item to be considered for inclusion on the agenda of a particular overview and scrutiny select commission.
- 6) The Statutory Scrutiny Officer will inform the chairman of the OSMB and the Chairman of the particular overview and scrutiny select commission of the notice at the earliest opportunity, and make arrangements for the matter to be considered for inclusion on a future agenda of that overview and scrutiny select commission

Expeditious response to requests for reviews

- 7) OSMB and overview and scrutiny select commissions must respond, as soon as their work programme permits, to requests from the Council or the Cabinet or both, as the case may be, to review particular areas of Council activity.
- 8) On completion of a review, an overview and scrutiny select commission must report its findings and any recommendations to OSMB within one month. The findings and recommendations will then be referred to the

Cabinet or the Council as appropriate within a further month.

- 9) The Council or the Cabinet or both must consider the report of an overview and scrutiny select commission and respond to the recommendations within two months of receiving it.
- 10) The chairman of the OSMB and the Chair of the Scrutiny Review Group shall attend the meeting of the Cabinet which considers the findings and recommendations.

7. Budget, policy framework, and related matters

Policy review and development

- 1) The role of overview and scrutiny select commissions in relation to the development of the Council's budget and policy framework is set out in detail in the Council's *Financial Regulations* and in Part V of the *Executive Procedure Rules*.
- 2) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview and scrutiny select commissions may make proposals to the Cabinet for policy developments in so far as they relate to matters within their terms of reference.
- 3) Overview and scrutiny select commissions may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process.

Site visits, public surveys, etc. and attendance of witnesses

- 4) Overview and scrutiny select commissions may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- 5) Overview and scrutiny select commissions may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for so doing.

PART III

REFERRAL, CONSIDERATION AND RESPONSE TO REPORTS

8. Reports from overview and scrutiny select commissions

Referral of report

- 1) Once it has formed recommendations on proposals for development,

an overview and scrutiny select commission will prepare a formal report and submit it for consideration initially by OSMB and then by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the approved budget and policy framework).

Consideration of report

- 2) The Council or Cabinet must consider the report of the overview and scrutiny select commission and respond to the recommendations within two months of it being submitted.

9. Ensuring consideration of reports

Making sure that overview and scrutiny select commission reports are considered by the Cabinet

- 1) The Cabinet will consider an overview and scrutiny select commission report within two months of the review group reporting.

Time limit for responding to report

- 2) If for any reason the Cabinet does not consider a report within two months of its completion, the matter will be referred to the Council for review, and the Statutory Scrutiny Officer will arrange for the report to be considered at the next following Council meeting.

10. Cabinet's response to reports

Cabinet's response to overview and scrutiny select commission reports

- 1) When the Council meets to consider a referral from an overview and scrutiny select commission on a matter that would impact on the budget and policy framework, it will also consider the response of the Cabinet to the select commission's proposals.
- 2) Where an overview and scrutiny select commission prepares a report for consideration by the Cabinet, in relation to a matter which has been delegated to an individual member of the Cabinet, the Statutory Scrutiny Officer will also send a copy of the report to that member for consideration.

Time limit for responding to report

- 3) The Cabinet must consider the report and respond in writing to the OSMB within two months of receiving it.
- 4) A copy of the Cabinet's response to the report must be sent to the Statutory Scrutiny Officer, and those members of the Cabinet with responsibility for that/those particular subject(s) to which the report relates will be invited to attend a future meeting of the overview and

scrutiny select commission to present their responses

PART IV

ACCESS TO DOCUMENTS AND ATTENDANCE OF CABINET MEMBERS AND OFFICERS ETC. AT COMMITTEE MEETINGS

11. Access to documents, etc

Rights of overview and scrutiny select commission members to documents

- 1) In addition to their rights as councillors, members of overview and scrutiny select commissions have the additional right to documents and to notice of meetings, as set out in the *Access to Information Procedure Rules*.
- 2) Nothing in this rule prevents more detailed liaison between the Cabinet and an overview and scrutiny select commission, as appropriate, depending on the particular matter under consideration.

12. Attendance of members and officers, etc at overview and scrutiny select commission meetings

Members and officers giving account

- 1) In fulfilling its scrutiny role, an overview and scrutiny select commission may require any member of the Cabinet, the Chief Executive, who is the head of paid service, and any senior officer to attend before it to explain in relation to matters within the commission's remit -
 - any particular decision or series of decisions,
 - the extent to which the actions taken implement Council policy,
 - his, her or their performance,
 - and it is the duty of those persons to attend if so required.
- 2) Where any member or officer is required to attend an overview and scrutiny select commission under this provision, the chairman of that commission will inform the Statutory Scrutiny Officer.
- 3) The Statutory Scrutiny Officer will inform the member or officer in writing that the commission requires their attendance, giving at least 10 working days' notice of the meeting at which he or she is required to attend.
- 4) The notice to the member or officer will state the nature of the matter on which he or she is required to attend to give account and whether any papers are required to be produced to the commission.
- 5) Where the account to be given to the commission will require the

production of a report, the member or officer concerned will be given sufficient notice to allow for preparation of the report.

- 6) If in exceptional circumstances the member or officer is unable to attend on the required date, the commission must, in consultation with the member or officer, arrange an alternative date for attendance or acceptable substitute.

Attendance by others

- 8) An overview and scrutiny select commission may invite other persons, such as residents, stakeholders, contractors and members and officers in other parts of the public sector, to address it and discuss issues of local concern or answer questions, criticisms or complaints. Those asked to address any panel will have access to support and guidance from the Statutory Scrutiny Officer.

PART V
CALL-IN

13. Call-in

Publication of Cabinet decisions

- 1) A decision of the Cabinet, a committee of the Cabinet, or an individual member of the Cabinet will be published, including where possible by electronic means, and be available for inspection at the Town Hall ordinarily within three working days of the decision being made.
- 2) At the same time as decisions made in accordance with subparagraph (1) are published, all of the members of the Council and the education representatives will be notified and sent copies of the records of the decisions by the Democratic Services Manager.
- 3) A notice sent under subparagraph (2) will bear the date on which it is published and state that any decision specified in the notice will come into force on the expiry of 7 working days after its publication ("the notification period"), and may then be implemented, unless the decision is called-in.

Decisions that may be called-in

- 4) Any decision of the Cabinet may be called-in unless it is –
 - in the form of a recommendation to the full Council;
 - an urgent decision (as defined by rule 14 (2)) and the reason for urgency is recorded in the body of the decision;
 - a decision of the Adoption Panel;
 - concerned with procedural matters; or

- in connection with an appeal.
- 5) Where a Cabinet decision takes the form of an approval of details only, the principle having been established by an earlier Cabinet decision, then call-in shall be confined to those details.

Call-in of decision for scrutiny

- 6) During the notification period –
- in the case of a decision that does not relate to an education function, a member of the Council who is supported by at least five other members may request the chairman of OSMB to call-in the decision for scrutiny by that board; and
 - in the case of a decision that relates to an education function, a member or education representative who is supported by five members or five education representatives (or a combination of both members and education representatives) may request the chairman of the OSMB to call-in the decision.
- 7) If the decision relates to an education function, the education representatives will be invited to the meeting of the OSMB where the call-in will be considered.
- 8) The chairman of the OSMB will record –
- the decision to which the call-in relates;
 - the name of the member, or in the case of a decision that relates to an education function the name of the member or education representative, requesting call-in of the decision;
 - the names of the members, or in the case of a decision that relates to an education function the names of the members or education representatives or members and representatives, supporting the request;
 - the reason for the call-in; and provide the Statutory Scrutiny Officer with those details and request him or her to confirm that the decision is subject to call-in.
- 9) The Statutory Scrutiny Officer will notify the decision-maker and the strategic director of the directorate concerned of the call-in request and advise him or her that implementation of the decision be delayed until conclusion of the call-in process.
- 10) Where appropriate and after consulting the chairman of the OSMB, the Statutory Scrutiny Officer will add the call-in request to the agenda for the next following meeting of the board.

Refer back of decision

- 11) Where having considered the decision the OSMB is still concerned about it, the board may refer it back to the decision-maker for reconsideration, setting out in writing the nature of its concerns, or refer the decision for consideration by the full Council.
- 12) If the decision is referred back to the decision-maker, he, she or they must reconsider the decision within ten working days and either amend it or not amend it before making a final decision, which will come into force and take effect on that date.

Date on which decision to come into force and take effect

- 13) If after deciding to call-in a decision, the OSMB–
 - does not consider the decision at the next following meeting of the board or commission, or
 - meets to consider the decision called-in but does not refer the decision for consideration by the full Council or back for reconsideration by the decision-maker,

the decision shall come into force and take effect on the date of the board or commission's meeting.

- 14) If the full Council –
 - meets but does not object to a decision called-in and referred by the OSMB
 - meets but does not refer the decision back for reconsideration by the decision-maker

the decision shall come into force and take effect on the date of the Council meeting.

Decision referred back by Council

- 15) If the full Council objects to a decision called-in and referred to it by the OSMB the Council will refer the decision back to the decision-maker together with the Council's views on the decision, and the decision-maker may amend the decision or not before reaching a final decision and implementing it.
- 16) If the Cabinet as a whole or a committee or sub-committee of the Cabinet made the called-in decision, a meeting of the Cabinet or committee or sub-committee (as the case may be) will be convened within ten working days of the Council's request to reconsider it.
- 17) If an individual made the called-in decision, that individual will reconsider the decision within ten working days of the Council's request to reconsider it.

14. Call-in and urgency

Urgent Cabinet decisions

- 1) The call-in procedure shall not apply where the decision being taken by the Cabinet is urgent.
- 2) A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- 3) The record of the decision, and notice by which it is made public shall state whether, in the opinion of the decision-maker, the decision is an urgent one and therefore not subject to call-in.
- 4) The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 5) In the absence of the Mayor, the Deputy Mayor's consent must be obtained, and in the absence of both the Chief Executive's consent, or his nominee's consent in his absence, must be obtained.

Reporting and monitoring urgent Cabinet decisions

- 6) Where the Mayor, Deputy Mayor or Chief Executive consents to exempting a decision from call in on grounds of urgency, the Chairman of the OSMB and Statutory Scrutiny Officer will be informed as soon as possible after the decision is made.
- 7) Decisions taken as a matter of urgency must be reported to a meeting of the full Cabinet, together with the reasons for urgency.
- 8) The operation of the procedures relating to scrutiny, call-in and urgency will be monitored annually, and a report submitted to the full Council with proposals, if necessary, for review of the procedures.

PART VI

PETITIONS

15. Petitions

The Council's scheme for handling petitions

- 1) Overview and scrutiny select commissions have the following responsibilities in respect of petitions submitted under the above scheme.

Petitions referred by the Council

- 2) The Council may refer to an overview and scrutiny select commission a petition received or debated at the Council meeting.

- 3) The petition will be reported to the next convenient meeting of the commission. The commission shall consider the petition and make a report in response to the Council or to Cabinet. The report may make recommendations as to the steps to be taken by Council or Cabinet in response to the petition.

Petitions calling officers to account

- 4) Petitions to hold an officer to account which meet the qualifying threshold under the Scheme shall be reported to the next convenient meeting of the relevant overview and scrutiny select commission.
- 5) The Statutory Scrutiny Officer shall in advance of the meeting notify the petition organiser of the date and time of the meeting and invite him or her to submit a list of questions which he or she would like to be put to the officer at the meeting. The petition organiser may submit such questions up to three working days before the meeting.
- 6) At the meeting, the chair may invite the petition organiser if present to address the commission on the issues raised in the petition. The chair shall then ask the officer to report to the commission on the matters raised by the petition. Members of the commission may question the officer and such questions may include any questions submitted prior to the meeting by the petition organiser. However, the petition organiser shall not put questions directly to the officer.
- 7) After the officer has attended before the commission, the commission shall make a report or recommendations to the Council or the Cabinet and shall send a copy of that report or those recommendations to the petition organiser.

Review of steps

- 8) A petition organiser may request an overview and scrutiny select commission to review the adequacy of the steps proposed to be taken by the Council in response to a petition.
- 9) Notice of such a request shall be submitted to the Statutory Scrutiny Officer who shall determine which is the relevant overview and scrutiny select commission and shall notify the petition organiser of the time, date and place of the next convenient meeting of that overview and scrutiny select commission. Such notification shall also be given to the Cabinet Member whose portfolio includes the subject matter of the petition.
- 10) At the meeting, the chair shall invite the petition organiser, if present, to address the commission on why he or she considers that the Council's decision on the petition is inadequate. The chair may also invite the Cabinet Member, if present, to make representations.
- 11) The commission shall make a report as to its findings under the review and may make recommendations to the Council, the Cabinet or the

relevant Cabinet Member.

- 12) The petition organiser shall be notified of the results of the review within five working days of the meeting of the commission. The results of the review shall be published on the Council's website unless the commission considers that in all the circumstances it would be inappropriate to do so.

PART VII

PROCEDURE AT OVERVIEW AND SCRUTINY MEETINGS

16. Order of business at overview and scrutiny committee meetings

Order of business

- 1) The order of business at overview and scrutiny committee meetings will be determined in accordance with the Council's *Procedural Standing Orders*.

Questions from the public and Press

- 2) An overview and scrutiny committee will allocate time at its meetings for questions from members of the Press and public on matters within the committee's remit

Investigations

- 3) Where an overview and scrutiny committee conducts investigations (for example with a view to policy development), the committee may invite persons to attend to give evidence at panel meetings.
- 4) In conducting an investigation, a committee will ensure that
 - the investigation is conducted fairly and that all members of the committee are given the opportunity to ask questions of attendees and to contribute and speak;
 - those assisting the committee by giving evidence are treated with respect and courtesy; and
 - the investigation is conducted so as to maximise the efficiency of the investigation or analysis.
- 5) Following an investigation or review, the committee will prepare and submit a report to the Cabinet or full Council or both, as appropriate, and shall make the report and findings public.

Conflicts of interest – membership of area assembly co-ordinating groups and overview and scrutiny committee

- 6) Where an overview and scrutiny committee is scrutinising items of business in relation to the specific decisions or proposals of an area assembly co-ordinating group, a member of the committee who is also a member of the particular area assembly co-ordinating group may not,

Speak to or vote on those items and shall withdraw.

- 7) Sub-paragraph (6) does not apply if:
 - the member concerned attends the meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action; or
 - the member concerned has been given a dispensation to speak or vote (or both) on the items by the Council's Standards Committee.

General policy reviews

- 8) Where a committee is reviewing policy generally, a member of an area assembly co-ordinating group must declare his interest before the relevant agenda item is reached but need not withdraw from the meeting and may speak to and vote on the item.

17. The party whip

- 1) When considering any matter, in respect of which a member of a committee is subject to the operation of a party whip, the member must declare the existence of the whip and the nature of it before the commencement of the committee's deliberations on the matter.
- 2) The declaration and the detail of the operation of whipping arrangements will be recorded in the minutes of the meeting.

18. Councillor Call for Action

In accordance with Section 119 of the Local Government and Public Involvement in Health Act 2007 and Sections 19 and 20 of Part 3 of the Police and Justice Act 2006, any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter. This is intended only to be used when all the usual channels for resolving such issues have been exhausted.

Referral is by way of notice to the Statutory Scrutiny Officer that an item be placed on the next available meeting of the OSMB and will be dealt with under the procedure set out in these Rules.

- 1) Any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter.
- 2) A local government matter means a matter which:
 - a) relates to the discharge of any function of the Council;
 - b) affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and;

c) is not an excluded matter.

- 3) A local crime and disorder matter, in relation to a member of a local authority, means a matter concerning:
- a) Crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
 - b) The misuse of drugs, alcohol and other substances.

which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.

- 4) Specifically excluded from becoming a CCfA is:
- a) any matter relating to a planning decision;
 - b) any matter relating to a licensing decision;
 - c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
 - d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the OSMB or at a meeting of a sub-committee of the OSMB.
- 5) A matter does not fall within a description in paragraph 4 (a) – (d), if it consists of an allegation that a function for which the Council is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding the fact that the allegation specifies or refers to a planning decision, a licensing decision or a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment.
- 6) Unless specifically excluded, with regard to crime and disorder matters, the OSMB has the power to:
- a) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities* of their crime and disorder functions;
 - b) to make reports or recommendations to the Crime and Disorder Reduction Partnership with respect to the discharge of those functions.

Notes:

A licensing decision means any decision in relation to:

- An application for any authorisation within the meaning of section 2 of the Licensing Act 2003 (b), or
- A request for a review of any such decision, or
- Any enforcement decision made under that Act or subordinate legislation made under that Act.

Planning decision means:

- Any decision on an application under the Planning Acts or subordinate legislation made under those Acts for any agreement, approval, consent or permission, or
- Any enforcement decision relating to any development within the meaning of those Acts(a); and
- 'right of recourse to a review' does not include any right to make a complaint to the Commission for Local Administration pursuant to the Local Government Act 1974.

*Responsible authorities means the bodies or persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998. Namely:

- (i) The council for the area;
- (ii) The police and police authority for the area;
- (iii) The fire and rescue service and fire and rescue authority for the area;
- (iv) The NHS.

Schedule 1

Overview and Scrutiny Management Board

Terms of reference

- 1) The OSMB's terms of reference are as follows to –
 - consider matters relating to the conduct, structure and procedures of overview and scrutiny;
 - provide overview and scrutiny of the Council's values, plans and strategies and to make recommendations for improvements as it considers appropriate;
 - co-ordinate and prioritise the overview and scrutiny work programme and assign work, as it considers appropriate, to the various select commissions
 - establish task-finish scrutiny working groups; this includes:-
 - determining their size and membership; and,
 - approving their terms of reference;
 - suggest a list of individuals who could become co-opted members of overview and scrutiny select commissions, or a list of organisations that could be invited to nominate representatives as possible co-opted members;
 - liaise with the Leader and Cabinet to regularly attend the OSMB to assist in consideration of the scrutiny work programme,
 - co-ordinate respective work programmes with the Chair of the Audit Committee, Chairs of Area Assemblies and Parish Councils to identify areas of joint working as appropriate and minimise areas of duplication,
 - consider a request made for the call-in of an executive decision.
 - consider a request made under a Councillor Call for Action in relation to a local government matter (under the powers outlined in Section 119 of the Local Government and Public Involvement in Health Act 2007)
 - consider a request made under a Councillor Call for Action in relation to crime and disorder issues (under the powers outlined in the Police and Justice Act 2006).
 - act as the designated Crime and Disorder Committee under powers outlined in the Police and Justice Act 2006.
 - consider matters relating to equalities and diversity and the

Council's specific initiatives to promote them;

- make recommendations to the Cabinet, partners or to any organisation on issues scrutinised relevant to those bodies, and where appropriate, direct to Council
- co-ordinate for joint scrutiny activity with other authorities and non-executives/scrutineers from other bodies

Annual overview and scrutiny work programmes

- To approve an annual overview and scrutiny work programme, including the programme of any sub-committees it appoints.
- To ensure that there is efficient use of the board's and overview and scrutiny select commission's time, and that the potential for duplication of effort is minimised.
- To ensure that members of the board and overview and scrutiny select commissions may efficiently carry out their work.
- To prepare and approve an annual overview and scrutiny work programme for implementation by the select commissions or their review groups, including –
 - liaison with the Cabinet and Senior Leadership team,
 - service reviews conducted on the basis of a scheduled programme of reviews or in response to a matter brought to the committee's attention by –
 - an area assembly,
 - an overview and scrutiny select commission ,
 - an organisation with which the Council is in partnership, or
 - the public as a result of a public consultation exercise; or
 - the Forward Plan;
- Reviews in consequence of the Council's Corporate Plan and Sustainable Community Strategy.
- Performance reviews of joint authorities, committees and other bodies whose activities concern the borough and its inhabitants (eg the Police, and public transport operators).
- Reviews under the statutory powers to scrutinise the health service.
- Reviews under the Council's general power of competence and power to promote the well-being of the citizens of Rotherham.

- To monitor and review the implementation of changes made following the acceptance by the Council of recommendations in earlier scrutiny reports.
- To submit an annual report to the Council on the operation of overview and scrutiny select commissions and recommendations for future work, in accordance with article 8(6) of the Constitution.

Cross-cutting issues and resolution of disputes

- To determine which overview and scrutiny select commission will assume responsibility for any particular issue, where matters fall within the remit of more than one select commission and to resolve any issues of dispute between them.

Requests for reports from Cabinet and management of referrals to Cabinet

- To receive requests from the Cabinet and the full Council or both for reports from a select commission and to allocate them as appropriate
- To put in place and maintain a system to ensure that referrals from select commissions to the Cabinet, either by way of report or for reconsideration, are managed efficiently.

Prioritising referrals to Cabinet

- To make decisions at the Cabinet's request about the priority of referrals to overview and scrutiny if the volume of referrals creates difficulty for the management of Cabinet business, threatens the effective working of the overview and scrutiny process, or jeopardises the efficient running of council business.

Powers of call-in

- To have the powers of call-in of an overview and scrutiny committee, in relation to an executive decision made but not implemented, as set out in section 21(3) of the Local Government Act 2000, that is to say the power –
 - to recommend reconsideration of the decision, or
 - to arrange for the decision to be considered by the full Council.

Review or scrutiny of Cabinet and regulatory committees

- To review or scrutinise decisions or actions taken by the executive in the discharge of executive functions.
- To make reports or recommendations to the executive or the full Council in respect of functions which are the responsibility of the executive.

- To review or scrutinise decision making processes or actions taken in connection with the discharge of functions which are not the responsibility of the executive.
- To make reports or recommendations to the full Council in respect of functions which are not the responsibility of the executive.

Matters affecting the borough or its inhabitants

- To make reports or recommendations to the full Council or the Cabinet on matters which affect the borough or the inhabitants of the borough.
- To arrange public consultation exercises for the purpose of assessing public satisfaction with current policies or to assist in the development of new policies.

Membership of OSMB

2) The membership of the OSMB shall comprise –

- a chairman who shall be a councillor appointed by the Council;
- a vice-chairman who shall be appointed by the Council; and
- the chairmen and vice-chairmen of the overview and scrutiny select commission who shall be councillors appointed by the Council
- one Opposition councillor nominated by Opposition councillors and appointed by the Council.

Committee meetings

- 3) Ordinary meetings of the OSMB shall be set for 9.30 am on Fridays the week after the Cabinet meets.
- 4) Meetings of the OSMB will normally be held at the Town Hall, Rotherham, Moorgate Street, Rotherham, S60 2TH but may be held at other venues around the Borough as appropriate

Schedule 2

TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY SELECT COMMISSIONS

1) SELF-REGULATION

- To carry out in depth overview and scrutiny of issues as directed by the OSMB. This shall include, to:

- scrutinise the Council's self assessment processes as part of the self-regulation framework
- scrutinise issues and actions emerging from external assessments (peer review, inspection etc)
- monitor and hold to account the performance of service delivery within RMBC and its partners etc with particular reference to the Corporate Plan and Sustainable Community Strategy
- scrutinise and monitor whether efficiency savings are achieved or exceeded
- co-ordinate the carrying out of value for money reviews
- scrutinise the annual budget setting process
- monitor the Council budget and MTFS

2) HEALTH

- To carry out in depth overview and scrutiny of issues as directed by the OSMB
- To be the Council's designated scrutiny body for any issue relating to health and the public health agenda

The work of the Health Overview and Scrutiny Select Commission will include scrutiny of:

- Health services commissioned for the people of Rotherham (under the powers of health scrutiny as outlined in the Health and Social Care Act 2001);
- Partnerships and commissioning arrangements in relation to health and well-being and their governance arrangements
- Health improvements and the promotion of wellbeing for adults and children of Rotherham.
- Measures to address health inequalities
- Public health
- Food law and environmental health
- Issues referred to it by the Local Involvement Network (or successor body)

The Commission will also act as a consultee in respect of those matters of 'substantial variation' on which NHS bodies must consult with the Council's health scrutiny function.

Regional and specialist health services. Health issues that affect residents of two or more local authorities within Yorkshire and the Humber, will be scrutinised according to the Protocol for the Yorkshire and the Humber Council's Joint Health Scrutiny Committee.

3) IMPROVING LIVES

The Improving Lives Overview and Scrutiny Select Commission will carry out overview and scrutiny of issues as directed by the OSMB. These issues shall relate to

- the Every Child Matters agenda (note Health Overview and Scrutiny Select Commission responsibilities)
- the 'Think Family' and early intervention/ prevention agendas
- other cross-cutting services provided specifically for children and young people
- employment and skills development.
- non-health related adult social care

4) IMPROVING PLACES

The Improving Places Overview and Scrutiny Select Commission will carry out overview and scrutiny of issues as directed by the OSMB. These issues shall relate to:

- community cohesion and social inclusion and the Council's specific initiatives to promote them;
- tourism, culture and leisure services and strategies
- borough Wide Housing and Neighbourhood Strategies
- economic development and regeneration strategies;
- environment and sustainable development

Annual overview and scrutiny work programmes

- To carry out the annual overview and scrutiny work programme set for the particular select commissions by the OSMB, including—

- service reviews conducted on the basis of a scheduled programme of reviews or in response to a matter brought to the commission's attention by an area assembly, petition, overview and scrutiny select commission, organisation with which the Council is in partnership, referral from tenant or user group bodies (for example Area Housing Panels or Rotherham Youth Cabinet) or as a result of a public consultation exercise;
- reviews in consequence of the Cabinet's annual work plan or Forward Plan;
- performance reviews of joint authorities, committees and other bodies whose activities concern the borough and its inhabitants (eg the Police, and public transport operators).

Requests for reports from OSMB

- To prepare reports commissioned by the OSMB in response to requests from the Cabinet and the full Council (or both) for reports from overview and scrutiny select commissions.

Reports and recommendations in respect of Cabinet functions

- To make reports or recommendations to Cabinet or the full Council in respect of functions which are the responsibility of the executive and which fall within the remit of the particular select commission.

Review and scrutiny of non-executive decisions

- To review or scrutinise decisions made or actions taken in connection with the discharge of functions which are not the responsibility of the executive but which fall within the remit of the particular select commission
- To make reports or recommendations to the full Council in respect of functions which are not the responsibility of the executive but which fall within the remit of the particular select commission.

Matters affecting the borough or its inhabitants

- To prepare reports or recommendations commissioned by the OSMB on matters that affect the borough or the inhabitants of the borough for submitting to the Council or the Cabinet.
- To arrange public consultation exercises for the purpose of assessing public satisfaction with current policies or to assist in the development of new policies.

Membership of Overview and Scrutiny Select Commissions

- 1) The membership of each of the Council's overview and scrutiny select commissions shall comprise –
 - a chairman and vice-chairman, who shall be councillors appointed annually by the Council;
 - other councillors appointed annually by the Council;
 - any non-voting co-optees appointed from time to time by each commission; and
 - in the case of the Improving Lives Overview and Scrutiny Select Commission, and where appropriate, the Self-Regulation Overview and Scrutiny Select Commission, , the education representatives appointed by the Council.

Overview and scrutiny select commission meetings

- 1) Subject to paragraph 4, overview and scrutiny select commissions must meet at least once every six weeks but may otherwise determine the dates, times and frequencies of their meetings.
- 2) In consideration of its workload, including any annual overview and scrutiny work programme allocated to it by the OSMB, each overview and scrutiny select commission shall review from time to time the frequency of its meetings.
- 3) Meetings of overview and scrutiny select commissions will normally be held at the Town Hall, Rotherham, Moorgate Street, Rotherham, S60 2TH but may be held at other venues around the Borough as appropriate.

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 5th May 2011

Ward	Candidates	Votes
Anston & Woodsetts	Judith Oliver Dalton Simon Paul Edmundson Charles David Foulstone Denise Margaret Hickson Clive Robert Jepson Stuart Alwyn Thornton	1562 (elected) 965 164 326 462 406
Boston Castle	Chris James Edward Bingham Ashiq Hussain Eric Anthony Shaw Harry Wooffenden Peter Anthony Wootton	211 1156 303 606 1836 (elected)
Brinsworth & Catcliffe	Michael Cooke Terry Robert Fieldhouse Andrew Scott Roddison	668 581 2147 (elected)
Dinnington	Patricia Mary Beighton Jane Ann Havenhand Martin Deric Hickson David Smith	761 1725 (elected) 324 465
Hellaby	Jennifer Mary Andrews Brian Cutts Douglas Fairfax	1638 (elected) 1550 664
Holderness	Keith Hunter Lyndsay Pitchley	1089 2450 (elected)
Hooper	Jane Hamilton Michael John Pallant Steven Scutt Brian Eastwood Taylor	1948 (elected) 572 155 549
Keppel	David Cutts Barry Arthur Kaye Janice Middleton Michael Edward Robinson	866 1812 (elected) 314 699
Maltby	Christine Beaumont Michael John Burke Michael James Conlon Derek Anthony Norman Johnson John Cyril Kirk	1881 (elected) 388 215 322 370

Ward	Candidates	Votes
Rawmarsh	William George Baldwin Neil Hamilton Mathew Andrew Nichols Josephine Taylor	327 1911 (elected) 470 446
Rother Vale	Doris Joan Hunter David Ridgway John Francis Swift	562 628 1884 (elected)
Rotherham East	Barry Dodson Mohammed Ilyas Christian Carl Backer Kramer Barry Ross Matthew Stevenson	1951 (elected) 328 269 128 369
Rotherham West	John Foden Anne Middleton Caven Vines	2130 (elected) 368 941
Silverwood	Stephen Handel Jones Roger Stone John Wilkinson	750 1700 (elected) 1079
Sitwell	John Gilding Tajamal Khan Valerie Irene Wilkinson	1899 (elected) 1545 938
Swinton	Beryl Charlotte Brown John Doyle Shaun O'Dell	463 2135 (elected) 823
Valley	Paul Martin Lakin Jason Paul Pearson Valerie Michele Todd	2034 (elected) 468 639
Wales	Dominic Edward Beck Dennis Flynn Gillian Mavis Shaw	2089 (elected) 600 1160
Wath	Brian Albert Bailey Linda Elizabeth Higgins William Alexander Sangster	917 524 2080 (elected)
Wickersley	Tina Charisse Dowdall Robert Foulds Christopher Read Donald Bruce Ross	483 1058 1717 (elected) 596
Wingfield	Marlene Guest Basil Charles Hammond Terence Richard Sharman Maureen Vines	514 363 1648 (elected) 481

Martin Kimber
Returning Officer
9 May 2011