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| <b>Committee:</b><br>Cabinet Urgency Committee<br>Major Planning Applications Committee<br>Major Licensing Applications Committee<br>General Purposes Committee | <b>Date:</b><br>12 February 2003<br>30 January 2003<br>28 February 2003<br>12 February 2003  | <b>Title of Report:</b><br>Schedules of Functions delegated to:<br>Director of Environment & Leisure<br>Director of Planning & Transportation<br>Director of Community Protection |
| <b>Classification:</b><br>For General Release   |  | <b>Report of :</b><br>Director of Legal & Administrative Services   |
| <b>Wards involved:</b>  | All Wards  |   |
| <b>Policy context:</b>  | Supporting the development of effective management and service delivery in the City Council. |   |
| <b>Financial Summary:</b>   | Colin Wilson, Director of Legal & Administrative Services                                    |   |
| <b>Officer Contact:</b>   |  |   |

## 1. Summary

- 1.1 The Annual Council meeting on 15<sup>th</sup> May 2002 was informed of the revised portfolios for Cabinet Members notified by the Leader and established Overview & Scrutiny Committees with terms of reference to reflect these. A concurrent Cabinet Urgency Committee report details revised officer responsibilities and departmental structures to reflect these changed portfolios and the creation of the Community Protection Department.
- 1.2 Detailed consideration has now been given to the revised schedules of functions to be delegated to the Directors of Environment & Leisure, Planning & Transportation and Community Protection in order to meet operational objectives and this report proposes new schedules based on the changes to the departmental responsibilities outlined above.
- 1.3 The opportunity is also taken to update the references to relevant legislation, to delete obsolete references and, where necessary, to clarify or correct titles within the schedule.

## **2. Recommendations**

- 2.1 That the Cabinet Urgency Committee approve the delegation of the executive functions contained in the revised schedules of functions delegated to Chief Officers attached at Appendices A, B and C pursuant to Section 15 of the Local Government Act 2000.
- 2.2 That the Major Planning Applications Committee approve the delegation of the non executive planning functions, with the exception of those referred to in paragraph 2.4 below, contained in the revised schedules of functions delegated to Chief Officers attached at Appendices A, B and C pursuant to Section 101 of the Local Government Act 1972.
- 2.3 That the Major Licensing Applications Committee approve the delegation of the non executive Licensing functions, with the exception of those referred to in paragraph 2.4 below, contained in the revised schedules of functions delegated to Chief Officers attached at Appendices A, B and C pursuant to Section 101 of the Local Government Act 1972.
- 2.4 That the General Purposes Committee approve the delegation of the non executive functions against which asterisks are placed in the revised schedules of functions delegated to Chief Officers attached at Appendices A, B and C pursuant to Section 101 of the Local Government Act 1972.

## **3. Background**

- 3.1 In accordance with Section 15 of the Local Government Act 2000 and Section 101 of the Local Government Act 1972, Cabinet and Council Committees approve from time to time a scheme of delegation of functions to the relevant Chief Officer. The full scheme covering all Chief Officers and all Cabinet Portfolios, and including non-executive functions delegated by the full Council and its committees and sub-committees, is included as an appendix to Standing Orders. Local Authorities have a statutory responsibility to maintain up to date schedules of functions delegated to officers and to keep a copy available for public inspection.
- 3.2 Following the creation of the Department of Community Protection and the changes to departmental responsibilities occasioned by the changes to Cabinet Member portfolios, there is now a need for corresponding changes to be made to the scheme of delegated functions in order that operational objectives be met.

## **4. Proposals**

- 4.1 In general current delegations have been examined and revisions proposed to reflect the revised departmental responsibilities following the changes to Cabinet Member portfolios and the creation of the Community Protection Department. Licensing delegations, however have been comprehensively reviewed in order to clearly differentiate between licensing enforcement functions, now the responsibility of Community Protection Department, and licence processing functions which remain within the Planning and Transportation Department.

4.2 Approval is also sought for a new delegation concerning procedures relating to Environmental Impact Assessment (EIA) in July 2002, the office of the Deputy Prime Minister issued further advice relating to the 1999 Environmental Impact Assessment Regulations. This reminded local authorities that if a decision not to require an EIA, or to identify the relevant issues and potential impacts that needed to be addressed in an Environmental Statement, was taken by an officer, then it is important to ensure that they have delegated authority to do so. If the relevant procedures are not followed correctly, there is a risk of individuals complaining to the European Commission, which can increase uncertainty for developers and planning authorities.

4.3 All other amendments are the result of updating the references to relevant legislation, the deletion of obsolete references or the correction of titles within the schedule.

## **5. Financial Implications**

5.1 No financial implications arise directly from this report.

## **6. Staffing Implications**

6.1 There are no staffing implications arising from this report.

## **7. Performance Plan Implications**

7.1 There are no performance plan implications arising from this report.

## **8. Legal Implications**

8.1 Section 101 of the Local Government Act 1972 and Section 15 of the Local Government Act 2000 allow a local authority to delegate functions to committees and sub-committees and to officers. Where functions are delegated, the delegatee has all the powers of the original person or body in whom the power originally vested. The City Council has resolved to indemnify officers against any claims which may be made against them arising from the exercise of delegated powers in the ordinary course of their duties.

## **9. CSi Implications**

9.1 There are no CSi implications arising from this report.

## **10. Ward Member Comments**

10.1 The issues referred to in this report affect all wards, and no individual ward members have been consulted.

## **11. Reasons for Decisions**

11.1 Following the creation of the Department of Community Protection and the changes to departmental responsibilities occasioned by the changes to Cabinet Member portfolios, there is now a need to make consequential changes to the scheme of delegated functions in order that operational objectives be met.

## BACKGROUND PAPERS

1. Report to Cabinet Urgency Committee establishing Community Protection Department – July 2002.
2. Re-organisation of the Planning & Licensing; Transportation & Infrastructure; Environment & Leisure Departments – concurrent report to Cabinet Urgency Committee.

If you have any questions about this report, or wish to inspect one of the background papers, please contact Colin Wilson, Director of Legal Services x2710 or email: [cwilson@westminster.gov.uk](mailto:cwilson@westminster.gov.uk)