

DECISION OF THE LEADER – 25th August 2020**Purpose of Decision**

To review the allocation of Executive functions in accordance with section 9E of the Local Government Act 2000.

Decision

That the amendments to the delegation of Executive functions to officers as attached in the appendix and set out in red to this decision be made.

Reason

To ensure that the allocation of Executive Functions meets the requirements of the Council in terms of effective decision making.

Background

Section 9E of the Local Government Act 2000 (as amended) ('the 2000 Act') gives authority to the Leader of the Council to arrange for Executive functions to be discharged by:

- himself or herself;
- the Cabinet;
- another member of the Cabinet;
- a committee of the Cabinet;
- an area committee, or
- an officer of the Council.

Councillor Jonathan Morgan was appointed as Leader of the Council on 21st May 2019 for the Council Term to 2019/23.

The Council's Constitution requires that any decision to change the allocation of Executive functions is reported for information to the next available meeting of the Council. In this particular case, it is anticipated that the matter will be reported to Council on 7th September 2020.

Proposals

Chapter 8.2 of the Constitution sets out the delegations of Council functions to officers.

Chapter 8.3 of the Constitution sets out the delegations of Executive Functions to officers. Under this chapter the Strategic Director of Corporate Services and Head of Finance and Property Services have various delegated powers that need to be transferred over to the newly appointed Strategic Director of Commercial Development.

This review of delegations also highlighted some inconsistencies in lease values and as such these have been made regularised.

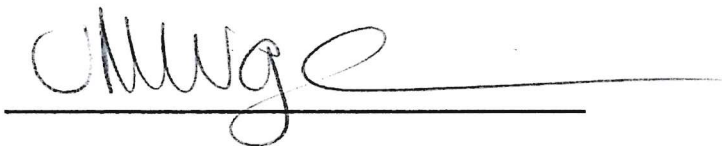
Financial Implications

None

Risk Management

No specific risks have been identified in connection with this decision.

Signed:

A handwritten signature in black ink, appearing to read 'J Morgan', is written over a horizontal line.

Councillor Jonathan Morgan, Leader of the Council

Date:

The date '25/08/20' is handwritten in black ink over a horizontal line.

Officer to Contact:

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Democratic Services Manager
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Key Decision:

No

Background Papers:

None

Chapter 8 SCHEME OF DELEGATION TO OFFICERS

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8.3 Delegation of Executive functions

Delegation to the Strategic Director (Corporate Services)

1. To act as the Council's Information Security Manager.
2. To authorise the carrying out of direct surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.
3. To set and maintain credit card surcharges at an appropriate percentage rate to offset the average costs charged to the Council for accepting credit card payments.
4. To determine appeals against the inclusion of assets on the list of assets of community value in accordance with the Council's process and policy
5. To approve Community Asset Transfers up to the value of £50,000, in consultation with the Strategic Director for the affected service
6. To enter into an agreement with other Leicestershire local authorities for the pooling of locally retained business rates, or to exit from any such agreement that the Council may have entered into, in consultation with the Chief Executive, Leader and Lead Member for Finance.
7. To make minor amendments to the Income and Charging Policy.
8. To exercise discretion in reimbursing staff for mileage incurred on Council business for vehicle types not currently covered by the existing allowance and expenses scheme with due regard to be taken of HMRC or other guidance once available.

Commented [WK1]: 4 & 5 moved to Strategic Director (Commercial Development)

Delegation to Strategic Director (Commercial Development) - Delegation to the Head of Finance and Property Services

Land/Property

1. To submit applications under Regulations 3 and 4 of the Town and Country Planning General Regulations 1992.
2. To process Right to Buy applications and dispose of council properties in accordance with the Right to Buy scheme under the Housing Act 1985.
3. To determine requests to extend the time period for responses from tenants exercising the Right to Buy under the Housing Act 1985.

4. To determine the actual amount of discount repayable in individual cases in respect of the sale of properties previously purchased under the Right to Buy scheme, including the determination of applications to waive repayment, in accordance with Section 155 of the Housing Act 1985, as amended and subject to the Council's Right to Buy Discount Policy.
5. To approve land and property disposals that have been undertaken in accordance with the Asset Management Strategy and the Land and Property Disposal Policy where either:
 - (a) the freehold value is £100,000 or less; or
 - (b) the leasehold value is £50,000 or less.
6. To approve the purchase of land or entering into a lease for the use of land by the Council where the value is under £50,000 (capital) or £420,000 per annum (periodic payment).
7. To obtain a District Valuer's report for any property within the Borough.
8. To determine applications for consent to release covenants in consultation with the relevant Head of Service.
9. To renew, terminate and vary leases.
10. To enter into new leases where the value is under £40,000 per annum.
11. To enter into licences and grants of other rights over land where Heads of Service consider the land is of insignificant current or foreseeable use to the Council or would not suffer significant detriment from the grants of rights and the value is under £50,000 (capital) or £420,000 per annum (periodic payment).

Commented [WK2]: Lease values made consistent at £40,000

Industrial Property

12. To authorise the phasing in of new licence fees for the Council's managed workspaces.
13. To select tenants and licensees and to grant, vary and terminate tenancies and licences of industrial units, compounds and workspaces.
14. To grant initial rent-free periods for industrial units of three months in appropriate cases or for an extended period following consultation with the Leader.
15. To extend licences at the Council's Managed Workspaces for a period of up to 12 months where an extension for that period is justified for properly establishing the business of the licensee.
16. To make available vacant industrial units for non-commercial uses at no rent for periods of fixed short-term duration.
17. To approve and pay fitting out grants for industrial unit's subject to approved limits.

Other:

18. To determine appeals against the inclusion of assets on the list of assets of community value in accordance with the Council's process and policy.
19. To approve Community Asset Transfers up to the value of £50,000, in consultation with the Strategic Director for the affected service.
20. To update and ensure compliance with the Council's Contracts Procedure Rules.

Commented [WK3]: Added to Strategic Director (Commercial Development)

Delegation to Head of Financial Services

Staffing

- ~~1.18.—To determine claims made by officers of the Council in respect of malicious damage to vehicles, arising from business usage in consultation with the Strategic Director concerned and subject to the Police being informed of the incident.~~
- ~~2.19.—To administer the employees' assisted car purchase scheme.~~

Finance

- ~~3.20.—To manage the Council's borrowing portfolio in the light of the Council's Treasury Policy Statement including: borrowing temporary loans up to the maximum permitted; raising money market long-term loans, as necessary; borrowing up to the maximum PWLB quota; and repaying PWLB and money market loans prematurely where in the Council's interest.~~
- ~~4.21.—To manage the investment of surplus funds in accordance with the Council's Treasury Policy Statement.~~
- ~~5.22.—To institute proceedings, excluding bankruptcy proceedings, to pursue debts owed to the Council of under £5,000.~~
- ~~6.23.—To submit annual returns and claims to the Government on behalf of the Council.~~
- ~~7.24.—To declare the local average rate(s) for mortgages and advances at six monthly intervals and applying, as soon as possible, any variation of interest rates occasioned by alterations of either the standard national rate or the local average rate in accordance with the Housing Act 1985.~~
- ~~25. To update and ensure compliance with the Council's Contracts Procedure Rules.~~

Commented [WK4]: Moved to Strategic Director
(Commercial Development)

