

DECISION OF THE LEADER – 28 JULY 2021**PARTICIPATION IN THE AFGHAN LOCALLY EMPLOYED STAFF (LES) RELOCATION SCHEME****Purpose of Decision**

To give delegated executive authority for the Head of Strategic and Private Sector Housing to pledge on behalf of the Council to house one family of up to 5 people in the private rented sector and participate in the Afghan LES Relocation Scheme.

Decision

That the following delegated executive authority be given to the Head of Strategic and Private Sector Housing with immediate effect:

- To house one family of up to 5 people in the private rented sector and participate in the new Afghan LES Relocation Scheme.

Reason

To enable the pledge to be made for the Council to participate in the Afghan LES Relocation Scheme.

Background

The UK has been running a scheme to support locally employed staff (LES) in Afghanistan, often in dangerous and challenging situations, in recognition of their commitment and bravery shown supporting UK forces since 2013.

The scheme currently consists of 2 elements:

- The ex-gratia scheme which will close in November 2022, and
- The Afghan Relocations and Assistance Policy which launched in April 2021, reflecting the changing situation in Afghanistan and consequent risk to LES

Both schemes are intended to support current and former LES who have worked for British Forces and to provide appropriate support that honours their service and properly reflects their work and risks involved. The schemes provide a range of in country packages of assistance in Afghanistan and, for those who meet the criteria, relocation to the UK with their dependents.

Those who qualify and choose to relocate to the UK with their families are not expected to return to Afghanistan. After completing 5 years limited leave, they can apply for permanent residence in the UK.

People coming to the UK under this scheme may arrive either as a whole family unit or with the lead person arriving first and their dependents joining them at a later point.

On 1st June 2021, the Secretary of State for Defence announced that following the decision to begin withdrawal of military forces from Afghanistan, the Prime Minister has agreed for a rapid acceleration of relocations through the scheme.

On 3rd June 2021, a letter was addressed to all Local Authority Chief Executives and Leaders seeking support in the acceleration relocation of LES who have been supporting the UK forces in Afghanistan.

The strategy is for approximately 600 families, comprising of around 5,000 individuals, to be relocated over the summer months.

Families will arrive on charter flights into commercial airports.

1,500 people will arrive before mid-July and the remainder will arrive before mid-September. The first charter flight arrived on 22nd June 2021.

The Afghan LES Relocation Scheme is being led by the Ministry of Defence with operational support from the Home Office, DfE, DWP and MHCLG.

People who are relocated under the scheme will be supported for a 12 month period by Local Authorities.

Participation in the Scheme will continue to be voluntary.

Financial Implications

The Afghan LES Relocation Scheme is funded by the Home Office at no cost to the Council. Funding for Local Authorities is for 12 months and includes an additional payment for ESOL provision for adults. The table below details the funding package:

Accommodation				
Rent (up to 4 months or when in receipt of benefit)	£15 per person, per day			
Integration				
To provide integration support (includes element for void and set up costs for accommodation)	£10,500 per person rate			
Cash support				
Weekly cash support rates (up to 4 months or when in receipt of benefit)	Single (under 25)	Single (25 or over)	Couples	Child (under 18)
	£59.20	£74.70	£117.40	£37.75
ESOL provision				
£850 per adult (who requires it)				

Risk Management

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

JMenge

Signed:

Councillor Jonathon Morgan, Leader of the Council

Date: 28.07.21

Officer to Contact: Alison Simmons
Head of Strategic and Private Sector Housing
01509 634780
Alison.simmons@charnwood.gov.uk

Key decision: No
Background papers: None

DECISION OF THE LEADER – 10 August 2021

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 14th September 2021.

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 it is proposed that the Head of Strategic and Private Sector Housing be given delegated authority to make amendments to the Houses in Multiple Occupation (HMO) scheme licence conditions and the selective licensing scheme conditions, in consultation with the Lead Member.

Financial Implications

None

Risk Management

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

A handwritten signature in black ink that reads "J Morgan". A horizontal line extends from the end of the "n" to the right.

Signed:

Councillor Jonathan Morgan, Leader of the Council

Date: 10th August 2021

Officer to Contact: Karen Widdowson
Democratic Services Manager
(01509) 634785
Karen.widdowson@charnwood.gov.uk

Key Decision: No

Background Papers: None

Chapter 8 SCHEME OF DELEGATION TO OFFICERS

8.1 Introduction	8.1
8.2 Delegation of Council functions	8.3
8.3 Delegation of Executive functions	8.15

8.3 Delegation of Executive functions

Delegation to the Head of Strategic and Private Sector Housing

Other

- 75. To arrange burials in accordance with the Public Health (Control of Diseases) Act 1984.
- 76. To issue a Community Protection Notice (CPN).
- 77. To serve a notice or carry out work to remedy a breach of a CPN.
- 78. To issue fixed penalty notices for failure to comply with a CPN.
- 79. To issue, cancel or vary a closure notice covering a period of up to 24 hours, in consultation with the Head of Strategic Support.
- 80. To apply for a closure order, in consultation with the Head of Strategic Support.
- 81. To enforce a closure order, in consultation with the Head of Strategic Support.
- 82. To apply for reimbursement of costs in respect of costs incurred in clearing, securing, or maintaining premises subject to a closure order, in consultation with the Head of Strategic Support.
- 83. To make amendments to the Houses in Multiple Occupation (HMO) scheme licence conditions and the selective licensing scheme conditions, in consultation with the Lead Member.

DECISION OF THE LEADER – 2nd September 2021

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 14th September 2021.

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 it is proposed that some of the individual delegations to the Head of Strategic Support be reallocated to Strategic Director - Environmental and Corporate Services to reflect changes in officer responsibilities.

Financial Implications

None

Risk Management

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

A handwritten signature in black ink, appearing to read "J Morgan".

Signed:

Councillor Jonathan Morgan, Leader of the Council

Date: 02.09.21

Officer to Contact: Karen Widdowson
Democratic Services Manager
(01509) 634785
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Key Decision: No

Background Papers: None

SCHEME OF DELEGATION TO OFFICERS

8.1 Introduction	8.1
8.2 Delegation of Council functions	8.3
8.3 Delegation of Executive functions	8.15

8.3 Delegation of Executive functions

Delegation to the Strategic Director (Environmental and 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.

Insurance

9. To manage the Council's insurance arrangements and determine whether to agree to the settlement of claims by the Council's insurer.

Other

10. To make minor amendments to the Council's Equalities strategies and policies in consultation with the relevant Lead Member.
11. To make minor changes to the Strategic Risk Register in consultation with the relevant Strategic Director and Lead Member.
12. To manage the Council's external communications and apply the Council's Corporate Identity Guidelines.

Delegation to the Head of Strategic Support

Democratic Services

1. To make arrangements for civic hospitality.
2. To authorise the attendance of individual councillors, at the request of the Group Leader (or Independent Councillor where appropriate), at talks, seminars and conferences at the Council's expense.
3. To make appointments to the Cabinet sub-committee to hear appeals in relation to the waiver of the repayment of Right to Buy discount decisions.
4. To make appointments to outside bodies to fill vacancies which arise during the course of a Council year following nomination by the Group Leader for the group of the previous appointee and to confirm nominations to sub-groups, in the case of outside bodies which require nomination to a sub-group, following consultation with the Council's appointed representative.
5. To receive nominations and to make appointments as appropriate to outside bodies, including partnership bodies, charities and management committees, where vacancies arise or other changes to representation are required, following Cabinet's annual consideration of appointments in consultation with the Leader.
6. To make appointments to member reference groups except where there are more nominees than appointments available.
7. To make minor amendments to the Role Profiles for Councillors, in consultation with the relevant Lead Member.

Legal Services

8. To approve contributions towards litigation costs where the case has a direct relevance to the Council.
9. To enter into routine maintenance and service agreements.
10. To prepare and execute documents, including the affixing of the common seal, to give effect to a decision made by the Cabinet or an officer in the exercise of delegated powers.
11. To serve requisitions for information except under Section 330 of the Town and Country Planning Act 1990 (see also Council delegations).
12. To institute, defend or settle legal proceedings, including bankruptcy action, on behalf of the Council, except those delegated to the Head of Paid Service in respect of employee claims against the Council, or any of its officers.
13. To issue formal cautions.
14. To authorise officers to prosecute, defend or appear in proceedings before a Magistrates Court in accordance with section 223 of the Local Government Act 1972 and before Community Charge and Council Tax Tribunals and in the County Court pursuant to section 60 of the County Courts Act 1984 and the Social Security Administration Act 1992 (as amended).
15. To obtain Counsel's opinion.

16. To take immediate legal action to enforce rights or obligations when he or she considers it to be in the interests of the area or its inhabitants so to do.
17. To negotiate and settle claims without recourse to court proceedings including the use of alternative dispute resolution.
18. To prosecute for failure to comply with a Community Protection Notice (CPN).
19. To prosecute for the offence of failure to comply with a requirement in breach of a prohibition under a (Public Spaces Protection Order) PSPO.
20. To prosecute for contravention of a closure order.
21. To seek a Civil Injunction in accordance with Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014.
22. To request a Criminal Behaviour Order alongside a criminal conviction.

Land/Property

23. To purchase interests in properties included in a compulsory purchase order or other approved scheme together with payment of compensation at or below the District Valuer's valuation, disturbance allowances, surveyor's and legal costs on the usual scales.
24. To approve and issue consent to assignments of leases and sub-lettings subject to the usual investigation and the giving of landlord's consent to small alterations and minor changes of use (subject to the obtaining of any necessary planning permission or consents).
25. To renew, terminate and vary leases.
26. 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 £20,000 per annum (periodic payment).
27. To serve notices to quit and re-entry on allotment tenants.
28. To adopt for a nominal consideration recreation/amenity/water balancing areas on new developments subject to consultation with the relevant Head of Service.
29. To adopt play equipment provided by private developers in accordance with planning requirements.
30. To complete easements for flood alleviation projects pursuant to notices served under the Land Drainage Act 1991 in consultation with the relevant Head of Service.

Insurance

31. ~~To manage the Council's insurance arrangements and determine whether to agree to the settlement of claims by the Council's insurer.~~

Other

32. To manage the local land charges function.
33. ~~To make minor amendments to the Council's Equalities strategies and policies in consultation with the relevant Lead Member.~~
34. To undertake the Council's duties under the Civil Contingencies Act 2003.

35. To make minor amendments to the Memorandum of Understanding for mutual support in a major emergency approved by the District Chief Executives Group, in consultation with the relevant Lead Member.
36. To co-ordinate and oversee compliance with the Regulation of Investigatory Powers Act 2000 (RIPA) and to act as or appoint the Council's RIPA monitoring officer.
37. To make minor amendments to the Whistleblowing Policy and Anti-fraud and Corruption Strategy.
38. ~~To make minor changes to the Strategic Risk Register in consultation with the relevant Strategic Director and Lead Member.~~
39. ~~To manage the Council's external communications and apply the Council's Corporate Identity Guidelines.~~
40. To determine the level of fixed penalty notices for failure to comply with a CPN.
41. To determine the level of fixed penalty notices for failure to comply with a PSPO.
42. In consultation with the Cabinet Lead Member for Housing make amendments to the Tenancy Strategy in response to future legislative changes, changes at Local or Regional level, or Government Guidance.

DECISION OF THE LEADER – 30th July 2021

Purpose of Decision

To delegate all Executive functions and decision making for a further three-month period from the date of this decision to the Leader of the Council, in accordance with section 9E of the Local Government Act 2000.

Decision

That all Executive functions and decision making be delegated to the Leader for a further period of three months from the date of this decision.

Reason

To enable the Leader of the Council to take Executive decisions that have been considered at informal virtual Cabinet meetings.

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 2023.

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.

Background

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 expired on 6th May 2021. Primary legislation is required to allow local authority "meetings" under the 1972 Act to take place remotely.

Where it is not possible to convene a face to face in person meeting then Cabinet will meet informally via virtual meetings. In such circumstances it is necessary for Executive decisions to be delegated to the Leader, as Executive decisions cannot lawfully be made at any virtual Cabinet meetings.

Under section 9E of the Local Government Act 2000, the Leader of the Council can take all Executive decisions, or they can be taken by Members of the Executive or by officers, to whom Executive powers have been delegated.

The Leader is able to change the scheme of Executive delegations at any time. Chapter 4 (Section 4.5) of the Constitution explains that all Executive decisions which are not delegated to officers, a single Cabinet member or a committee of the Cabinet must be agreed by the Cabinet.

Given that the Cabinet may need to meet informally due to the raising rates of Covid infection in the UK and across Leicestershire it is therefore prudent that Leader decision taken on 30th April 2021 be extended for a further 3-month period.

It is intended that decision making by the Leader in such situations will be after consultation with other Cabinet members at virtual informal meetings, which will be open to virtual observance by other Councillors and by members of the public, except that members of the public will be excluded when exempt matters are being considered.

Financial Implications

None arising directly from this decision. The financial implications associated with any single executive decisions will be identified in the reports and documents relevant to the delegated decision.

Risk Management

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



Signed:

Councillor Jonathan Morgan, Leader of the Council

Date: 30 07 2021

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Key Decision: No

Background Papers: None