

APPENDIX 2

Summary of the more significant changes proposed in the revised scheme of delegation listed by Directorate.

This does not include the "common parts" of the scheme where the main changes are summarised in the report itself i.e. -
Section 1 - Introduction & Ground Rules,
Section 8 – General Delegations and
Section 9 – Proper and Specified Officer Delegations

Section 2 - Chief Executive's Service

- (i) New power to Chief Executive to determine when an "emergency" has occurred. This is subject to the London-wide arrangements for delegation to a "Gold" Chief Executive in the event of a catastrophic incident or other major emergency declared by Central Government.
- (ii) New power for any Chief Officer to exercise the Chief Executive's emergency powers if the Chief Executive is absent or unable to act.
- (iii) New definitions of the broad functional delegated powers of the Assistant Chief Executives (ACE-POD & ACE-PPPC).
- (iv) New powers of the Head of Human Resources to authorise recruitment and retention terms and also flexible retirement terms for posts below Deputy Chief Officer level.
- (v) Clarification that the powers of the Head of Human Resources to agree appropriate settlements at the termination of employment only apply to posts below Deputy Chief Officer level. Senior management posts have settlements agreed by the General Purposes Committee.
- (vi) New power to authorise expenditure on projects within the "Making the Difference Budget" up to a limit of £10K per project in accordance with the wishes of the Area Assembly. Area Assemblies do not have formal decision-making powers themselves.
- (vii) Statutory delegations to the Youth Offending Service have been revised so that the more important decisions are restricted to service managers and team leaders while more routine powers are extended down to case-workers.
- (viii) Powers to promote social, economic and environmental well-being are extended to the Head of Safer & Stronger Communities and her team managers for Voluntary Sector and Drug & Alcohol Action.
- (ix) Emergency planning powers under the Civil Contingencies Act 2004 are granted to the Emergency Planning & Business Continuity Manager.
- (x) The existing power of the Head of Local Democracy & Member Services to correct obvious errors and inconsistencies in specified parts of the Constitution is extended to the whole document.
- (xi) New powers to promote compliance with Youth Rehabilitation Orders under the Criminal Justice and Immigration Act 2008 are granted to the Youth Offending Service.

Section 3 - Directorate of Corporate Resources

(i) Clarification of the powers of the Risk & Insurance Manager to settle any claims against the Council in line with legal advice and to arrange insurance cover within the financial limits delegated to officers in Contract Standing Orders.

(ii) Clarification that the powers of the Chief Financial Officer (CFO) to approve terms of release for officers with claims on the pension fund apply to officers below Deputy Chief Officer level and only when the terms are in accordance with Council policies. Senior management posts have terms agreed by the General Purposes Committee.

(iii) Clarification that the CFO has power to act on behalf of the Council as the "corporate member" of Alexandra Palace Trading Limited. This would be useful as a reserve power but in practice decisions will continue to be taken by the Directors of APTL.

(iv) New power to CFO and Head of Corporate Finance to certify grant claims and statutory returns to Central Government and EU bodies.

(v) Expanded power to Head of Procurement to remove a contractor from the approved list in the event of a serious breach of contract pending final decision by Cabinet Procurement Committee.

(vi) Inclusion in the non-statutory delegations to Head of Corporate Property of powers in relation to licences to occupy land, as well as leases, and powers to refer disputes to Alternative Dispute Resolution i.e. mediation outside Court proceedings.

(vii) Extension of the powers of the Head of Legal Services to approve applications by owners to use their premises for marriage/civil partnership ceremonies.

(viii) Adding power for Head of Corporate Property to agree with a commercial lessee that a proposed lease should be outside statutory protection under the Landlord & Tenant Act 1954.

(ix) Including the duty under the Disability Discrimination Act 1995 (as amended) to take reasonable steps to make adjustments to Council premises and services for disabled Members.

(x) Expanding the duties under the Data Protection Act 1998 to give the Assistant Director Access & Customer Focus the functions of the Council's "data controller" under the Act.

(xi) Extending the power of the Head of Legal Services to make arrangements for licensing appeals remitted to the Council from the Magistrates Court. This now applies to appeals under the Licensing Act 2003 and should extend to appeals under the Gambling Act 2005.

Section 4 - Directorate of Urban Environment

(i) This is the longest and most complex section in the whole scheme of delegation. The internal arrangement of this section has been simplified to correspond more closely to that for the other Directorates. The schedule of non-executive licensing powers and the list of "public protection statutes" have both been deleted and their contents incorporated within the main schedule of statutory delegations. Where there is a particularly long and complex division of powers between Members and officers this is dealt with in an Appendix at the end of the DUE section i.e. Appendix 1 for Planning powers delegated to officers and Appendix 2 for those licensing and gambling decisions reserved to Members.

(ii) New non-statutory power to Assistant Director Planning & Regeneration to make holding

representations to the Mayor of London on any proposed exercise of the Mayor's Planning functions pending confirmation of the representation or otherwise by Haringey Members.

(iii) Clarification of the power of the Director to act as the Council member representative at Board meetings of Homes for Haringey subject to this being in accordance with Cabinet decisions.

(iv) Clarification under several licensing Statutes of the distinction between the powers of the Member Miscellaneous Sub-Committee to determine applications subject to objection and the powers of the Enforcement Service to inspect premises and prosecute offences.

(v) Addition of powers for the Enforcement Service under the Criminal Damage Act 1971, Theft Acts 1968-1978 and Fraud Act 2006 to prosecute criminal offences related to their service responsibilities.

(vi) Addition of powers under section 222 Local Government Act 1972 for the Head of Enforcement to bring or defend any legal proceedings expedient for the promotion or protection of the interests of the Borough's inhabitants within the remit of the Service's responsibilities

(vii) Addition of powers under the Control of Pollution Amendment Act 1989 for the Head of Enforcement to enforce against unregistered carriers of controlled waste.

(viii) Clarification of the powers of the Assistant Director Planning & Regeneration to enter into or vary section 106 Planning Agreements. There is full delegation for technical amendments to agreements already authorised by Planning Committee but the consent of the Chair will be needed for amendments to the heads of terms or substantive benefits previously authorised by Planning Committee.

(ix) Amending the power under s.247 of the Town & Country Planning Act 1990 so as grant power to the Assistant Director Planning & Regeneration, Transportation Team Leader and also the Head of Sustainable Transport to submit holding objections to highway stopping up proposals in other London Boroughs (not now within the remit of the Secretary of State). In addition there will be power granted to these officers to authorise highway stopping up and diversion within Haringey when necessary to implement a planning permission.

(x) Inclusion of powers for the Head of Enforcement and Head of Environmental Resources in relation to the collection of commercial and industrial waste under the Environmental Protection Act 1990.

(xi) Addition of powers for the Head of Enforcement under the Food Standards Act 1999 relating to the inspection, sampling and enforcement of food safety regulations under the direction of the Food Standards Agency.

(xii) Addition of powers for the Head of Enforcement under the Vehicles Crime Act 2001 relating to powers to regulate motor salvage operators.

(xiii) Clarification under the Planning and Compulsory Purchase Act 2004 of the division of responsibilities for approving planning policy documents between the Assistant Director Planning & Regeneration, and Member bodies namely, the Planning Committee, Cabinet and full Council.

(xiv) Clarification under the Traffic Management Act 2004 of the powers of the Assistant Director Frontline Services and Head of Parking to appoint civil enforcement officers and the functions of these officers in relation to parking and road traffic contraventions.

(xv) Recent legislation and delegations to the Head of Enforcement have been added namely that Animal Welfare Act 2006, Charities Act 2006 and the Health Act 2006. Miscellaneous powers have also been delegated under the London Local Authorities Acts 2007 and 2008.

(xvi) In Appendix 1 there have been no changes proposed to the categories of application delegated to Planning officers. In category (r) applications in accordance with agreed planning policy are delegated to senior Planning officers for decision but in consultation with the Chair of the Planning Committee or, it is proposed, in the Chair's absence, the Deputy Chair. It is also proposed that only a more significant level of objection will require any policy compliant application to be referred to the Planning Committee i.e. objection from all 3 Ward Councillors, a local residents association or at least 10 individual local residents.

Section 5 - Children and Young People's Service

(i) Inclusion of delegated powers granted to the Assistant Director Children's Networks and the Attendance & Welfare Strategy Officers to secure school attendance by pupils.

(ii) Inclusion of delegated powers granted to the Assistant Director Children's Networks in relation to childcare and early years provision, recreation and leisure facilities for pupils and the regulation of public performances by children.

(iii) Powers in the Adoption Act 1976 repealed and replaced by powers in the Adoption and Children Act 2002 which follows the Children Act 1989 in making the child's welfare the paramount consideration in adoption and requires all local authorities to maintain an adoption service.

(iv) Addition of new powers inserted into the Education Act 1996 by subsequent legislation in relation to the maintenance of schools, provision of primary and secondary education, assessment of special educational needs, school attendance, recreation and leisure facilities, school transport policies and ancillary service provision. These functions are delegated to the Assistant Director Children's Networks and the Deputy Directors for School Standards, Business Support & Development and Children & Families as appropriate.

(v) Clarification of delegations under the Education Act 2002 to include provision of support and training for the governors of maintained schools, the handling of pupil exclusion appeals and the appraisal of teachers' performance.

(vi) New powers under the Anti-Social Behaviour Act 2003 for the Assistant Director Children's Networks to enter into parenting contracts in cases of school exclusions and truancy and to apply to the Magistrates for parenting orders.

(vii) New powers under the Childcare Act 2006 in relation to childcare provision delegated to Deputy Director School Standards, Deputy Director Business Support & Development and the Assistant Director Children's Networks.

(viii) Clarification of Director's powers under the Education and Inspections Act 2006 to give warning notice to the governors of a failing maintained school and to appoint interim executive members to the governing body of a maintained school eligible for intervention. The other powers to intervene in failing schools are reserved to the Cabinet Member or Cabinet meeting.

(ix) New powers under the Education and Skills Act 2008 delegated to the Assistant Director Children's Networks to secure that all young people participate in education or training including the provision of support services and enforcement powers.

Section 6 - Directorate of Adult, Culture and Community Services

(i) Inclusion of additional express powers for the Assistant Director Culture, Libraries & Learning to provide a comprehensive library service and to enforce library byelaws.

- (ii) Clarification that the Assistant Director Culture, Libraries & Learning and the Assistant Director Recreation & Leisure Services have powers to provide indoor and outdoor recreational facilities but subject to the charges for such services being approved by the Cabinet Member.
- (iii) Inclusion of powers to secure part time or full time education for persons of 19 or over under the Education Act 1996 to be delegated to the Assistant Director Culture, Libraries & Learning.
- (iv) Extending existing powers under the Care Standards Act 2000 and the Health and Social Care Act 2001 to the Assistant Director Commissioning and Strategy as well as the Assistant Director Adults.
- (v) New powers granted to the Director under the Health and Social Care Act 2003 to make arrangements for handling complaints.
- (vi) New powers granted to the Assistant Director Adults and Assistant Director Commissioning and Strategy under the NHS Act 2006 to enter into joint procurement and other prescribed arrangements with Health Service bodies.
- (vii) New powers to the Director and above-mentioned Assistant Directors under the Health and Social Care Act 2008 relating to application for registration with the Care Quality Commission as a social care provider/manager.