

REPORT TO: Council

DATE: 13 July 2022

REPORTING OFFICER: Operational Director – Legal & Democratic Services

SUBJECT: Strategic Director Enterprise, Community and Resources Delegations

WARDS: Borough-wide

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to ensure the key responsibilities of the post of Strategic Director – Enterprise Community & Resources (SD ECR) are picked up following the recent retirement of the previous incumbent.

2.0 RECOMMENDATION:

It is recommended that:

- (1) the allocations to the individuals identified in this report be approved; and**
- (2) these allocations be reviewed following any future restructuring undertaken by the Chief Executive**

3.0 BACKGROUND

3.1 The previous postholder of SD ECR retired from the Council on 31 May 2022. The Chief Executive has decided that he wishes to review the Council's senior management structure and therefore no immediate replacement will be appointed to this position.

3.2 There are clearly roles and responsibilities attached to this post that need to be covered in an interim period and this report identifies these roles and responsibilities and suggests where/who they should be undertaken by during an interim period. The previous SD ECR made appropriate sub-delegations as required by the Constitution whilst still in post, thereby providing for continuity. This report is brought to Council to draw attention to those matters and to seek appropriate approval. It is divided into:

- (i) Formal statutory roles
- (ii) Powers delegated to the SD ECR role

(iii) Other matters

(i) Formal Statutory Roles

a) Statutory Scrutiny Officer (Section 31) and Support/advice to the Council's Scrutiny Coordinator.

Suggested Lead:

Principal Committee Services Officer.

The Operational Director – Legal and Democratic Services cannot be by law be the Section 31 Officer but he will provide the support required by the Scrutiny Co-ordinator

b) Senior Information Risk Owner (SIRO).

Suggested Lead:

Operational Director – IT and Administrative Services.

c) Operator's Licence (Traffic Commissioner).

Operational Director – Environment Services.

Operational Director – Policy, Planning and Transportation.

(ii) Powers Delegated to the SD ECR Post

Attached as Appendix A to this report is a list of delegations to the SD ECR post, as outlined in the Council's Constitution, most of which do not require further delegation and are already effectively dealt with by the relevant Operational Director

The most significant delegation is No 14 on Appendix A, which relates to the delivery of the Mersey Gateway Project and is exercised in consultation with the Environment and Urban Renewal Portfolio Holder. There are two regular activities that will need to continue:

- The authorisation of payments to Emovis and Merseylink. Some of these payments can be over £1m and therefore exceed the current authorisation level in the Constitution for Operational Directors.

Suggested Lead:

Operational Director – Financial Services.

- The authorisation of the administrative changes to the business rules that govern the charging regime on the Mersey Gateway.

These are exercised in consultation with the Environment and Urban Renewal Portfolio Holder, and done via recommendations from the Company Secretary to the Mersey Gateway Crossings Board.

Suggested Lead:

Operational Director – Legal and Democratic Services.

It is suggested that any further matter falling within Paragraph 14 which may arise are dealt with by the Operational Director – Financial Services and Operational Director Legal & Democratic Services in consultation with the Environment and Urban Renewal Portfolio Holder.

- The authorisation of projects to be funded by the “INEOS” Environmental Fund, in consultation with the three member panel.

Suggested Lead

Operational Director – Planning, Policy and Transportation
Current delegation arrangements already allow for this.

It is suggested that the other delegations on the list be dealt with on a ‘needs must’ basis, as they are generally already implemented by the relevant Operational Director or rarely exercised.

- Amendments to the Establishment and other HR Authorisations.

Suggested Lead:

Operational Director – Policy, People, Performance & Efficiency.

(iii) Other matters

As indicated above, it should be noted that the previous SD ECR had already made effective sub-delegations of the functions contained in this report whilst still in post in compliance with paragraph 3 of Delegations to Officers within Appendix 4 of the Constitution, allowing them to be carried out following his retirement.

There are a number of other functions previously carried out by SD ECR including chairing of internal meetings etc which are now being carried out by the relevant Operational Directors under the sub-delegation and need not form part of this report.

4.0 POLICY IMPLICATIONS

4.1 It is important that delegations are up to date and kept under review.

5.0 FINANCIAL IMPLICATIONS

5.1 None arising from this report

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 All of the Council's priorities are served by having up to date delegations.

7.0 RISK ANALYSIS

7.1 There are no specific risks arising from this report.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 There are no direct implications arising from this report.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 There are no background papers within the meaning of the Act.

APPENDIX A

STANDING ORDERS RELATING TO DUTIES OF PROPER OFFICERS AND DELEGATION TO OFFICERS

Provisions of the Local Government Act 1972

Schedule 29 para. 41	Exercise of functions under Section 9 (1) and (2), 13 (2) (h) and 3 (b) and 20 (b) of the Registration Services Act 1953.	SD-ECR
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Local Democracy, Economic Development and Construction Act 2009

Section 31	Statutory Scrutiny Officer	SD-ECR
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Housing Benefit and Council Tax Benefit Regulations 2001 Discretionary Support Scheme, Discretionary Housing Payment and Discretionary Reduction in Liability

SI no 2002 (amended)	To carry out a review of initial decision	SD-ECR or nominee
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Local Government Finance Act 1988

Section 47	Discretionary Rate Relief – Charitable Occupation and amended scheme	SD-ECR rec to Executive Board
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Section 49	Discretionary Rate Relief – Hardship Relief	SD-ECR rec to Executive Board
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Local Government Finance Act 1992

Section 13A	Discretionary Reduction in Liability	SD-ECR or nominee
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Section 1A	Council Tax Reduction Schemes(Prescribed SD-ECR (or Requirements) (England) Regulations 2012	SD-ECR or nominee
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Anti-Social Behaviour, Crime and Policing Act 2014

Part 4 Chapter 3	Closure of premises associated with nuisance or disorder	SD-ECR
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Matters relating to Council Policy

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| 12. To implement the Council's Procurement Strategy. | SD-ECR |
| 13. To implement the Council's Accommodation Strategy. | SD-ECR in consultation with the Executive Board Member for Resources |
| 14. To take steps to implement the Mersey Gateway Project | SD-ECR in consultation with the Executive Board Member for Transportation |
| 15. To implement the Council's Equal Opportunities Policy. | All SD's |
| 16. To implement the Council's Strategic Risk Management Strategy. | All SD's |
| 18. To take such decisions as may be necessary under Part 1 Chapter 2 of the Localism Act 2011 (Community Right to Challenge) | SD-ECR |
| 24. To approve and amend the Publication Scheme under section 19 Freedom of Information Act 2000. | SD-ECR |
| 27. To appropriate Council land from one local authority purpose to another under section 122 Local Government Act 1972. | SD-ECR |
| 28. Regulation Of Investigatory Powers Act 2000 (RIPA) and Investigatory Powers Act 2016 | Chief Exc or in his absence SD-ECR, SD-P (subject to the Independence requirements of the ICCO circular of 1 June 15 |
| 28a RIPA Designated Persons involving employment of juveniles or vulnerable CHIS or the acquisition of confidential information. | |

Matters relating to Economic Development and Regeneration

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| 29. To implement the Council's Regeneration Strategy. | SD-ECR |
| 30. To implement the Council's involvement in its various Joint Venture Companies. | SD-ECR in consultation with the OD-LD |
| 31. To take all necessary administrative and executive steps to implement the Council's strategies in relation to the economic and social development of the Borough. | All SD's |
| 32. To approve payments made pursuant to aid programmes and to issue grants funded by any governmental agency whether regional or national. | All SD's |

Matters relating to Finance

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| 49. To implement annual wage/salary increases in accordance with National Conditions | SD-ECR |
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Matters relating to Personnel

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| 62. To grant concessionary leave on compassionate grounds up to seven days a year, in respect of any employee. | SD-ECR |
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Matters relating to Culture and Leisure Services

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| 86. To manage and regulate the use of public libraries. | SD-ECR |
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Matters relating to Licensing, Environmental Health and Trading Standards

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| 147. To exercise the functions of the Council under Part 1 (Injunctions) of the Anti-Social Behaviour Crime and Policing Act 2014. | SD-ECR |
| 171. To exercise all powers and functions conferred, imposed on, or transferred to the Council under the Pollution Prevention and Control Act 1999, and any regulations made under the Act, to respond to statutory consultations from the Environment Agency on Integrated Pollution Prevention and Control Permits, and to appoint authorised officers under Section 108 of the Environment Act 1995 to enter premises and exercise the powers for the purposes of Regulations made under the Pollution Prevention and Control Act 1999. | SD –ECR/OD – PPT/
OD-LD/D of PH |
| 178. To recommend any future changes to Fixed Penalty Notice amounts and early payment discounts as may be required and implement decisions made. | SD-ECR and
D of PH |
| 189. To exercise the powers and duties of the Council in relation to the burial and cremation of the dead. | SD-ECR |