

# City Of Westminster

<b>Report to</b> <b>Cabinet</b> <b>Planning and City</b> <b>Development Committee</b> <b>General Purposes</b> <b>Committee</b>	<b>Date</b>	<b>Title of Report</b> Functions delegated to; Director of Environment & Leisure Director of Planning & City Development Director of Customer Services Director of Community Protection Chief Housing Officer
<b>Classification :</b> For General Release		<b>Report of :</b> 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>Officer Contact</b>	Peter Nixon, Legal & Administrative Services Directorate.	

## 1. Summary

- 1.1 On 19 December 2003 Cabinet Urgency Committee approved the abolition of the former Planning and Transportation Department and the creation of a new Planning and City Development Department. Cabinet also approved the transfer of several former Planning and Transportation functions to the Environment and Leisure and Customer Services Departments.
- 1.2 This report proposes revisions to existing schedules of delegations based on the changes to the departmental responsibilities outlined above and, in line with the requirement to regularly review and update delegated functions, proposes several new or revised delegations to reflect new legislation or to correct anomalies. For the purposes of review, the delegated functions of the Community Protection Department and the Housing Department have been examined at the same time.
- 1.3 The third column of each of the schedules gives the name of the Council body (Cabinet or a committee) which is responsible for delegating the function in question. Each of those bodies is being recommended to delegate the functions for which it is shown as being responsible in the third column. Under the Council's Constitution Cabinet is responsible for executive functions and various committees are responsible for non-executive functions.
- 1.4 The final column of each schedule explains the reason why Cabinet or the relevant committee, as the case may be, is being asked to delegate (or redelegate) the function in question. Most of the functions the subject of this report are simply transfers of existing functions from one department of the

Council to another (in almost all cases from the former Director of Planning and Transportation to whichever Director has assumed the responsibilities in question). A few of the proposed delegations are new, mostly to correct anomalies or to take account of new legislation.

## **2. Recommendations**

- 2.1 That Cabinet approve the delegation of the executive functions as indicated in column 4 of Appendices A to E pursuant to Section 15 of the Local Government Act 2000.
- 2.2 That the Planning and City Development Committee approve the delegation of the non executive planning functions as indicated in columns 3 & 4 of Appendices A and E pursuant to Section 101 of the Local Government Act 1972.
- 2.4 That the General Purposes Committee approve the delegation of the non executive miscellaneous and general functions as indicated in columns 3 & 4 of Appendices A and E pursuant to Section 101 of the Local Government Act 1972.
- 2.5 That the Cabinet, Planning and City Development Committee and the General Purposes Committee approve the cancellation of the Schedule of Functions delegated to the Director of Planning and Transportation.

## **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 a new Department of Planning and City Development, the transfer of Building Control, Emergency Planning and Transportation functions, along with responsibility for the Finance and Business Services Team, to the Environment & Leisure Department; and the transfer of Parking functions to the Director of Customer Services, there is now a need for corresponding changes to be made to the scheme of delegated functions in order that operational objectives be met.
- 3.3 The opportunity is also taken to update schedules of functions delegated to the departments in question in order to reflect new legislation or to correct anomalies. For the purposes of completeness, the delegated functions of the Community Protection Department and the Housing Department have been reviewed at the same time. However there has been insufficient time

available to permit a full review of all departments' delegations - this will be done at the appropriate time as part of the ongoing review of delegated powers.

## **4. Proposals**

- 4.1 Current delegations have been examined and revisions proposed to reflect the revised departmental responsibilities. The opportunity has also been taken to make amendments following changes to legislation and to seek some minor additional powers where appropriate. These are attached either in the form of an entirely new schedule (as in the case of Planning and City Development ) or as lists of transferred, updated or new powers.
- 4.1 For the purposes of completeness, the delegated functions of the Community Protection Department and the Housing Department have been reviewed at the same time. As functional and operational arrangements between City West Homes and the City Council have bedded down it has been possible to identify in the Chief Housing Officer schedule where omissions from the previous delegations have occurred and where new delegations are needed. The same is true in relation to the Director of Community Protection.
- 4.3 The proposed changes are detailed in Appendices A to E

## **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. Conclusions and Reasons for Decisions**

- 11.1 Following the transfer of responsibilities from the former Planning and Transportation Department to the Environment and Leisure and Customer Services Departments and new Planning and City Development Department, there is now a need to make consequential changes to the scheme of delegated functions. The opportunity is also taken to seek amendments and/or additions to the schedules of functions for the affected departments and for the Community Protection Department and Housing Department in order that operational objectives be met.

### **BACKGROUND PAPERS**

1. Report to Cabinet Urgency Committee 12 February 2003, Major Licensing Applications Committee 28 February 2003, General Purposes Committee 12 February 2003, Major Planning Applications Committee 30 January 2003.  
– Delegated Functions
2. Report to Cabinet Urgency Committee 19 December 2003 - Reorganisation of Departmental Responsibilities.

If you have any queries about this report or wish to inspect any of the background papers please contact Peter Nixon Legal Services Directorate x2715 or e mail [pnixon@westminster.gov.uk](mailto:pnixon@westminster.gov.uk)