

Dear Members

Resources Scrutiny Committee

A meeting of the Resources Scrutiny Committee will be held on **Tuesday 7 November 2023 at 6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.



Head of Law and Governance

RESOURCES SCRUTINY COMMITTEE

7 NOVEMBER 2023

Chair - Councillor M J Winnington

AGENDA

- 1 Minutes of 22 June 2023 as previously published on the Council's website.
- 2 Apologies
- 3 Public Question Time - Nil
- 4 Councillor Session - Nil
- 5 Called in Items - Nil
- 6 Members' Items - Nil

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Membership

Chair - Councillor M J Winnington

E L Carter	A M Loughran
M G Dodson	B McKeown
F D J James	A Nixon
R A James	J S Powell
E G R Jones	M J Winnington

Agenda Item 7(a)**Final Accounts 2022/23**

Committee:	Resources Scrutiny Committee
Date of Meeting:	7 November 2023
Report of:	Deputy Chief Executive (Resources)
Portfolio:	Resources Portfolio

The following report is due to be considered by Cabinet at its meeting held on 2 November 2023 and is submitted to this Committee for consultation.

1 Purpose of Report

- 1.1 To present to the Cabinet the final outturn position for 2022/23.

2 Recommendations

- 2.1 That the final outturn position for the year ending 31 March 2023 be noted;
- 2.2 That the financing of the capital programme as outlined in the report be approved.

Reasons for Recommendations

- 2.3 The Budget report set out an indicative capital programme and financing, this report now sets out the actual capital spend and therefore financing to be approved.

3 Key Issues

- 3.1 The Budget for 2022/23 was revised as part of the Budget report to Cabinet on the 19 January 2023 which set out a forecast transfer to working balances of £0.025 million pounds.
- 3.2 The Portfolio outturn for 2022/23 shows a favourable variance of £0.307 million consisting of several variances, which are detailed in the report.
- 3.3 Investment income in year has increased by £0.354 million as compared to the Revised Budget reflecting the increase in interest rates available and strong investment performance.

- 3.4 The final contribution to working balances was £0.738 million a £0.713 million increase against the budgeted value. This was principally due to the portfolio variations, additional net investment income and one off additional grants from government.
- 3.5 Income from the Business Rates Retention Scheme was some £0.065 million higher than anticipated.

4 Relationship to Corporate Priorities

- 4.1 The final outturn for 2022/23 covers all of the Council's priorities.

5 Report Detail

- 5.1 This report provides an analysis of the final accounts position for 2022/23. It covers the following accounts: -
- General Fund Revenue account – which bears the net cost of providing day-to-day services.
 - Business Rates Retention
 - Capital expenditure and how it is financed.
 - Collection Fund.
- 5.2 Whilst the accounts are still subject to Audit, no changes to the below figures are anticipated that would impact upon Council Taxpayers due to the technical nature of the audit process.

General Fund Revenue Outturn

- 5.3 The table overleaf summarises the outturn position of the General Fund Revenue Account for the year compared with the budget position.
- 5.4 The Council's Net Expenditure (Portfolio Budgets) in relation to the Revenue Budget for 2022/23 financial year was set by the Council in February 2022 with a budget requirement of **£14.304 million**. In determining the 2023/24 Budget in January 2023 Council approved the Forecast Outturn for 2022/23 of **£13.995 million**, a reduction of £0.309 million as compared to the Original Budget.
- 5.5 The main change in the Revised Budget was a reduction in portfolio budgets of £0.278 million reflecting the spending / income levels to date and forecasts to the end of the year. Variances against this revised portfolio budget are set out in paragraph 5.6.

Stafford Preliminary Outturn 2022/2023				
		Revised Budget	Actual	Variance to Revised
		£'000	£'000	£'000
<u>Portfolios</u>				
1	Community	895	942	(47)
2	Environment	4,027	3,833	194
3	Leisure	2,116	2,013	103
4	Planning & Regen	797	748	49
5	Resources	7,362	7,354	8
6	Total Portfolios	15,197	14,890	307
7	Investment Income	(689)	(1,043)	354
8	Technical Items	1,531	1,531	-
9	Net Expenditure	16,039	15,378	661
10	Use of Government Grants	(2,044)	(2,165)	121
11	Net Revenue Budget	13,995	13,213	782
Financed by:				
Business Rates				
12	Core funding	(2,824)	(2,824)	0
13	Growth	(1,790)	(1,705)	(84)
14	S&SOT Redistribution	(931)	(950)	19
15	Collection fund surplus	-	(53)	53
16	Lower tier Grant	(455)	(398)	
17	Council Tax	(8,020)	(8,020)	-
18	Total Financing	(14,020)	(13,951)	69
19	Trf to/(from) working balances	25	738	713
20	Net Revenue Budget	(13,995)	(13,213)	782

- 5.6 The table above shows that net expenditure including Investment Income, Technical financing adjustments and use of government grants was **£13.213 million, £782,000** (5.6%) less than the budget.
- 5.7 The actual expenditure on portfolio budgets was £0.307 million (2%) lower than anticipated with Investment Income being £0.354 million higher than expected due to the increased interest rates. There was also £0.121 million of additional government grants, the majority of which is a one off receipt.
- 5.8 Business rates incomes shows additional receipts of £0.065 million with the overall position, actual net expenditure and financing, resulting in a transfer to working balances of £0.738 million. This was as compared to the budgeted figure of £0.025 million.

Net Portfolio expenditure

5.9 Net portfolio expenditure was £0.307 million lower than the budget. The principal cost variations, on each portfolio are as follows ((-) is an unfavourable variance (+) is a favourable variance):

Community

- Private Sector Housing - additional income £4,000 (+), supplies and services costs £22,000 (+), staffing variations £4,000 (-). Set up of disabled facility grants in house £40,000 (-) and minor variations
- Homelessness & Housing advice - Staffing variations £57,000 (+), supplies and services £16,000, additional income £4,000 (+), net additional bed and breakfast costs £112,000 (-) and minor variations

Environment

- Management and Support - staffing variations £67,000 (+)
- Partnership Environmental Management - reduced income £5,000 (-)
- Waste - reduced income £82,000 (-), staffing variations £10,000 (-) and underspends on supplies and services £45,000 (+) and contract payments £38,000 (+)
- Bereavement - staffing variations £31,000 (+), additional income £60,000 (+), reduced utility costs £4,000 (+), additional supplies and services £73,000 (-) and minor variations
- Regulatory Services - staffing savings £20,000 (+), underspends on supplies and services and professional fees £22,000 (+) and additional income £9,000 (+)
- Strategic health delivery - staffing variations £21,000 (+)
- Dog Warden - reduced collection cost £8,000 (+)
- Pest Control - staffing variation £9,000 (+), underspend supplies and services £7,000 (+) and reduced income £8,000 (-)
- CCTV - additional camera repairs £10,000 (-)
- Other - reduced net expenditure in relation to Streetscene £40,000 (+)

Leisure

- Leisure Section - Reduced income £32,000 (-), staffing variations £3,000 (+) and underspend on supplies and services £10,000 (+)
- Parks and Open Spaces - Staffing variations £35,000 (+), reduced utility costs £18,000 (+), various underspends £40,000 (+) and additional income £8,000 (+)
- Other - reduced public buildings across leisure contract operated sites £11,000 (+)

Planning and Regeneration

- Management and Support - reduced supplies and services £35,000 (+) and staffing variations £27,000 (-)
- Development Management - staffing variations £148,000 (-), net additional planning income £55,000 (+), reduced operational costs £8,000 (+) and reserve funding for agency £56,000 (+)
- Forward planning - staffing variations £42,000 (+)
- Land charges - one off variation supplies £70,000 (+) and additional income £9,000 (+)
- Off street parking - reduced income £44,000 (-), additional operational costs £49,000 (-) and staffing variations £3,000 (-)
- Land and properties - reduced income £12,000 (-), reduced supplies and services £3,000 (+)
- Economic growth and projects - reclassified capital costs £62,000 (-) reduced supplies and services £44,000 (+) and reduced public buildings £4,000 (+)
- Markets - staffing variations £22,000 (+), reduced operational costs £29,000 (+)

Resources

- Public Buildings - Additional one off income £72,000 (+), staffing variations £7,000 (+), reduced utility and supplies and services £46,000 (+) and public buildings £26,000 (-)
- Executive Management - staffing variations re sharing of post £29,000 (+)
- Law and Administration - staffing variations £41,000 (+), various underspends £37,000 (+) and reduced income £6,000 (-)

- Finance - staffing variations and epayments system upgrade £55,000 (-)
- Human resources - general underspends £27,000 (+)
- Technology - minor variations £15,000 (+)
- Revenues and Benefits - net additional income of £119,000 (+), reduction in supplies and services £29,000 (+)
- Additional cost of Board and Lodgings borne by authority re rent allowances and reduction in subsidy receivable overall £280,000 (-)
- Corporate and Democratic core - Increase in bad debts provision £59,000 (-), net increase in audit fees £5,000 (-) and reduced bank charges £19,000 (+)
- Facilities management - staffing variations £10,000 (+)
- Corporate Business and Partnerships - staffing variations £4,000 (+) and reduced supplies and services £6,000 (+)
- Non distributed costs - reduced pension act increases £10,000 (+)
- Communications - reduced supplies and services £10,000 (+)
- Customer services - staffing variations £16,000 (+) and reduced supplies and services £7,000 (+)
- Items to be allocated - corporate provision for staff turnover £ 66,000 (-) and minor variations

5.10 A summary of performance of the main streams of income against budget is set out in the following table:

Main Streams of Income			
	Revised	Actual	Variance
	£'000	£'000	£'000
Waste & Recycling	(2,935)	(2,854)	(82)
Bereavement Services	(1,741)	(1,800)	60
Borough Markets	(134)	(138)	4
Regulatory Services	(243)	(243)	1
Development Management	(963)	(1,061)	98
Land Charges - Local Searches	(89)	(98)	9
Off Street Parking Services	(2,293)	(2,211)	(81)
Public Buildings	(582)	(654)	72
Revenues and Benefits	(212)	(400)	189
Parks & Open Spaces	(86)	(85)	1
Total Main Sources	(9,276)	(9,544)	269

- 5.11 Overall income levels were £0.269 million higher than the revised budget. The major variations relate to Revenue and Benefits (court fees), Waste and Recycling, Development Management and Bereavement services.,
- 5.12 More detailed explanations for all expenditure and income variances greater than £10,000 and 10% are attached for each portfolio at **APPENDIX 1**.

Working Balances

- 5.13 The final outturn shows a contribution to working balances to the General Fund of £0.738 million with a resultant £2.569 million balance as at the 31 March 2023. As the Council policy is to retain a working balance of £1.0 million the £1.569 million transfer will be used to support service delivery and council priorities. Work is being undertaken with members as part of budget setting to identify specific programmes that they would like to see some of these monies allocated to.

Business Rates Retention

- 5.14 The Business Rates Retention Scheme forms part of the current Funding regime for Local Government and incentivises Councils to promote economic growth in their area as they are entitled to retain a share of business rates growth.
- 5.15 The scheme came into operation with effect from April 2013; therefore 2022/23 is the tenth year of operation. Income being shared between central government, the Council, Staffordshire County Council, Staffordshire Commissioner Fire and Rescue Service and the Stoke on Trent and Staffordshire Business Rates Pool.
- 5.16 The business rates growth figure was £0.084 million lower than anticipated, of this amount £0.460 million related to growth being lower than anticipated, partly offset by additional business rates grants.
- 5.17 The business rates pool balance was also £0.019 million higher than anticipated due partly to one off balances £0.081 million, higher allowance from the pool than envisaged at budget setting time partly offset by the reduction in business rates growth.

Capital Outturn

- 5.18 The Council approves the Capital Programme for the financial year as part of the budget process and the amount that can be spent is limited by the amount of capital resources available to the Council. The 2022/23 capital programme was approved in February 2022 and updated as part of the revised budget set as part of the 23/24 budget cycle.

- 5.19 Many of the schemes within the Capital Programme take some time to develop and implement so the detailed programme can experience many changes. Considerable variation will therefore arise over the 18 month period from the time the Capital Programme for the financial year is initially considered, right through to the end of March of the relevant year.
- 5.20 The Council spent £2.369 million on capital projects in 2022/23 which was £2.667 million less than the budget of £5.036 million. The main reason for the difference in 2022/23 is scheme slippage where the scheme will proceed later than planned and the expenditure will occur in a future year. This mainly related to Future High street spend £1.748 million and Stone Leisure Phase 2 £0.430 million.

Capital Outturn Position			
	Budget	Actual	Variance from Budget
	£'000	£'000	£'000
Community	1180	1467	(287)
Environment	260	186	74
Leisure	680	104	576
Planning & Regeneration	2763	532	2,231
Resources	153	80	73
Total	5,036	2,369	2,667

- 5.21 The major items of capital spend in the year were:

- **£1,367,430** on the provision of grants for disabled adaptations in homes;
- **£486,380** on Future High Streets
- **£109,060** on Riverway site depot
- **£104,340** on Stone Leisure Phase 2
- **£100,420** on UK Shared Prosperity Fund

The detailed Capital Programme outturn for 2022/23 is attached at **APPENDIX 2** along with explanations for major variations.

- 5.22 The capital programme of £2.369 million was financed in the following way:

	£'000
Capital receipts	89
Capital grants and contributions	2,107
Direct revenue contributions	173
Total	2,369

Collection Fund

- 5.23 Stafford Borough is the billing authority and as such has a statutory requirement to establish and maintain a separate fund covering the collection and distribution of amounts due in respect of council tax and national non-domestic rates (NNDR). Net Business Rates attributable to the Council are accounted for as part of the General Fund under the new Business Rates regime.

Council Tax

- 5.24 The net position on the Collection Fund for the year was a surplus of £0.371 million. The overall position after taking account the balance brought forward in relation to previous years' surpluses, leaves a net surplus on the fund of £1.754 million at 31 March 2023 (of which £0.176 million relates to this Council).

National Non-Domestic Rates

- 5.25 A deficit of £2.128 million exists in relation to Business Rates as at 31 March 2023. The deficit is however notional and represents a timing difference between estimated Business Rates returns and actual returns. This Council's actual retained Business Income is in line with the Income and Expenditure account after taking into account the timing deficit required as part of the Collection Fund Statutory requirements.

6 Implications

6.1 Financial

The financial implications have been referred to throughout the report.

6.2 Legal

The legal implications have been referred to throughout the report

6.3 Human Resources

There are no human resource implications arising from this report

6.4 Risk Management

Nil

6.5 Equalities and Diversity

Nil

6.6 Health

Nil

6.7 Climate Change

Nil

7 Appendices

Appendix 1: Detailed Revenue Outturn 2022/23

Appendix 2 - Capital Outturn 2022/23

8 Previous Consideration

Cabinet - 2 November 2023 - Minute No TBC

9 Background Papers

Available in Financial Services

Contact Officer: Emma Fullager

Telephone Number: 01543 464720

Ward Interest: Nil

Report Track: Cabinet 2 November 2023

Resources Scrutiny Committee - 7 November 2023

Key Decision: Yes

COMMUNITY PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Private Sector Housing (Stdrs)					
Expenditure	951,490	1,011,094	(59,604)	(6.3%)	
Income	(800,790)	(844,170)	43,380	(5.4%)	
Net	150,700	166,923	(16,223)		
Housing Act Sewerage Works					
Expenditure	2,230	-	2,230	100.0%	
Income	-	-	-	n/a	
Net	2,230	-	2,230		
PSH (Loans & Mortgages)					
Expenditure	5,900	4,829	1,071	18.2%	
Income	(11,310)	(9,713)	(1,597)	14.1%	
Net	(5,410)	(4,884)	(526)		
Partnerships					
Expenditure	196,510	241,484	(44,974)	(22.9%)	Safer streets grant to reserves (£27k), sanctuary contribution to reserves (£9k) and additional works funded by grant (£13k)
Income	(171,220)	(216,465)	45,245	(26.4%)	Additional safer streets grant £27k and additional reserve funding £15k
Net	25,290	25,019	271		
Homelessness & Housing Advice					
Expenditure	1,341,030	1,454,880	(113,850)	(8.5%)	Higher bed and breakfast costs (£189k), partly offset by staffing variations £57k and operational underspends £22k
Income	(746,540)	(830,506)	83,966	(11.2%)	Additional housing benefit recovered for bed and breakfast £77k
Net	594,490	624,373	(29,883)		

COMMUNITY PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Glover Street					
Expenditure	19,540	19,292	248	1.3%	
Income	(20,870)	(18,885)	(1,985)	9.5%	
Net	(1,330)	407	(1,737)		
Grants and Contributions					
Expenditure	160,960	163,854	(2,894)	(1.8%)	
Income	(32,000)	(33,916)	1,916	(6.0%)	
Net	128,960	129,938	(978)		
Portfolio Total	894,930	941,777	(46,847)	(5.2%)	

ENVIRONMENT PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Management & Support					
Expenditure	405,560	342,094	63,466	15.6%	Staffing variations £67k
Income	-	-	-	n/a	
Net	405,560	342,094	63,466		
Partnership Environmental Mgmt					
Expenditure	68,620	92,961	(24,341)	(35.5%)	Staffing (funded by grant) (£24k)
Income	(9,880)	(28,235)	18,355	(185.8%)	Biodiversity Net Gain grant £24k, partly offset by reduced rural payments income (£5k)
Net	58,740	64,726	(5,986)		
Waste & Recycling					
Expenditure	4,416,270	4,342,016	74,254	1.7%	
Income	(2,935,380)	(2,853,567)	(81,813)	2.8%	
Net	1,480,890	1,488,448	(7,558)		
Cleansing Services					
Expenditure	63,790	57,476	6,314	9.9%	
Income	(350)	-	(350)	100.0%	
Net	63,440	57,476	5,964		
Bereavement Services					
Expenditure	823,850	858,831	(34,981)	(4.2%)	
Income	(1,752,570)	(1,812,566)	59,996	(3.4%)	
Net	(928,720)	(953,735)	25,015		
Drainage Services					
Expenditure	110,570	113,341	(2,771)	(2.5%)	
Net	110,570	113,341	(2,771)		

ENVIRONMENT PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Misc Highways Functions					
Expenditure	43,170	47,532	(4,362)	(10.1%)	
Income	(5,000)	(6,943)	1,943	(38.9%)	
Net	38,170	40,589	(2,419)		
Street Scene					
Expenditure	2,810,020	2,884,586	(74,566)	(2.7%)	
Income	(763,790)	(878,567)	114,777	(15.0%)	Additional contribution from reserves to fund tree expenditure £126k, less reduced external fee income (£11k)
Net	2,046,230	2,006,019	40,211		
Regulatory Services					
Expenditure	884,230	835,730	48,500	5.5%	
Income	(416,540)	(420,948)	4,408	(1.1%)	
Net	467,690	414,782	52,908		
Strategic Health Delivery					
Expenditure	93,520	35,593	57,927	61.9%	Staffing variations
Income	(35,350)	-	(35,350)	100.0%	Reduced use of reserve due to post being vacant (£35k)
Net	58,170	35,593	22,577		
Dog Warden Service					
Expenditure	10,520	3,846	6,674	63.4%	Reduced operational cost
Income	(11,420)	(9,000)	(2,420)	21.2%	
Net	(900)	(5,154)	4,254		

ENVIRONMENT PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Pest Control					
Expenditure	232,740	216,773	15,967	6.9%	
Income	(151,470)	(143,470)	(8,000)	5.3%	
Net	81,270	73,302	7,968		
CCTV					
Expenditure	145,610	155,237	(9,627)	(6.6%)	
Income	-	-	-	n/a	
Net	145,610	155,237	(9,627)		
Portfolio Total	4,026,720	3,832,717	194,003	4.8%	

LEISURE AND CULTURE PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Leisure Section					
Expenditure	197,790	107,838	89,952	45.5%	Staffing variations £3k, reduced supplies £10k and reduced spend destination park (funded from reserves) £77k
Income	(111,560)	(3,170)	(108,390)	97.2%	
Net	86,230	104,668	(18,438)		Reduced use of reserves (£108k)
Alleyes Sports Centre					
Expenditure	-	(41)	41	n/a	
Income	-	-	-	n/a	
Net	-	(41)	41		
Parks & Open Spaces					
Expenditure	873,980	780,341	93,639	10.7%	Staffing variations £35k, reduced utility costs £18k and general underspends £40k
Income	(187,430)	(195,663)	8,233	(4.4%)	
Net	686,550	584,678	101,872		
Allotments					
Expenditure	25,580	25,002	578	2.3%	
Income	(8,200)	(9,632)	1,432	(17.5%)	
Net	17,380	15,371	2,009		
Stafford Gatehouse Theatre					
Expenditure	-	5,252	(5,252)	n/a	Additional public buildings works
Net	-	5,252	(5,252)		
Ancient High House					
Expenditure	10,650	9,088	1,562	14.7%	
Net	10,650	9,088	1,562		

LEISURE AND CULTURE PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Broadeye Windmill					
Expenditure	3,190	4,072	(882)	(27.7%)	
Income	-	(1)	1	n/a	
Net	3,190	4,071	(881)		
Izaak Walton Cottage					
Expenditure	8,570	1,778	6,792	79.3%	Reduced public buildings works
Net	8,570	1,778	6,792		
Stafford Castle					
Expenditure	13,090	4,457	8,633	65.9%	Reduced public buildings works
Net	13,090	4,457	8,633		
Borough Tourism					
Expenditure	26,640	26,640	-	0.0%	
Net	26,640	26,640	-		
Leisure Management Contract					
Expenditure	1,046,300	1,043,263	3,037	0.3%	
Income	(290,530)	(290,530)	-	0.0%	
Net	755,770	752,733	3,037		
Leisure Strategy					
Expenditure	508,470	509,402	(932)	(0.2%)	
Income	-	(5,106)	5,106	n/a	Contributions towards repair costs
Net	508,470	504,296	4,174		
Portfolio Total	2,116,540	2,012,991	103,549	4.9%	

PLANNING AND REGENERATION PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Management and Support					
Expenditure	429,510	413,406	16,104	3.7%	
Income	(28,620)	(23,844)	(4,776)	16.7%	
Net	400,890	389,562	11,328		
Building Control					
Expenditure	171,650	169,611	2,039	1.2%	
Income	-	-	-	n/a	
Net	171,650	169,611	2,039		
Development Management					
Expenditure	1,330,660	1,518,027	(187,367)	(14.1%)	Staffing variations (£148k), additional contribution to reserves planning fees (£46k), partly offset by reduced operational costs £8k
Income	(1,046,830)	(1,213,378)	166,548	(15.9%)	Additional planning fee income £102k and reserve funding for staffing £65k
Net	283,830	304,649	(20,819)		
Forward Planning					
Expenditure	370,430	331,481	38,949	10.5%	Staffing variations
Income	(32,220)	(37,003)	4,783	(14.8%)	
Net	338,210	294,477	43,733		
Land Charges - Local Searches					
Expenditure	126,070	56,433	69,637	55.2%	One off reduced cost supplies and services £70k
Income	(88,620)	(97,746)	9,126	(10.3%)	Additional income from activity
Net	37,450	(41,313)	78,763		

PLANNING AND REGENERATION PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Off Street Parking Services					
Expenditure	1,487,970	1,609,656	(121,686)	(8.2%)	
Income	(2,416,940)	(2,441,828)	24,888	(1.0%)	
Net	(928,970)	(832,172)	(96,798)		
Land & Properties					
Expenditure	79,520	75,494	4,026	5.1%	
Income	(53,290)	(41,723)	(11,567)	21.7%	Reduced property rental income
Net	26,230	33,771	(7,541)		
Economic Growth & Projects					
Expenditure	1,758,910	1,067,102	691,808	39.3%	Reduced external project spend (£688k), reclassified capital costs (£62k), partly offset by reduced supplies £44k and public buildings £4k
Income	(1,465,270)	(760,065)	(705,205)	48.1%	Reserve funding for external projects not used (£688k), partly offset by reserve funding used for staffing (£16k)
Net	293,640	307,037	(13,397)		
Borough Markets					
Expenditure	355,830	302,558	53,272	15.0%	Staffing variations £22k and reduced operational costs £29k
Income	(182,070)	(180,296)	(1,774)	1.0%	
Net	173,760	122,262	51,498		
Portfolio Total	796,690	747,885	48,805	6.1%	

RESOURCES PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Public Buildings					
Expenditure	1,581,200	1,515,642	65,558	4.1%	
Income	(717,290)	(751,973)	34,683	(4.8%)	
Net	863,910	763,669	100,241		
Executive Management					
Expenditure	187,720	159,152	28,568	15.2%	Staffing variations re sharing of post
Income	-	-	-	n/a	
Net	187,720	159,152	28,568		
Law and Administration					
Expenditure	1,506,750	1,441,322	65,428	4.3%	
Income	(415,190)	(421,416)	6,226	(1.5%)	
Net	1,091,560	1,019,906	71,654		
Finance					
Expenditure	654,630	715,518	(60,888)	(9.3%)	
Income	-	(6,295)	6,295	n/a	
Net	654,630	709,222	(54,592)		
Human Resources Services					
Expenditure	757,330	727,602	29,728	3.9%	
Income	(288,650)	(286,181)	(2,469)	0.9%	
Net	468,680	441,420	27,260		

RESOURCES PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Technology					
Expenditure	1,888,270	2,080,170	(191,900)	(10.2%)	Goss system implementation (£174k) and additional supplies and services (£18k)
Income	(942,760)	(1,149,514)	206,754	(21.9%)	Goss system implementation (contributions and use of reserve) £174k, use of cyber security reserve £19k and additional grant for training £10k
Net	945,510	930,656	14,854		
Revenues & Benefits					
Expenditure	1,572,150	1,896,369	(324,219)	(20.6%)	Contribution to reserves council tax rebate grant (£188k), bad debts provision increase re court costs (£98k) and payment of grants to CCDC (£57k), partly offset by minor variations
Income	(752,110)	(1,223,257)	471,147	(62.6%)	Additional government grants £289k, court cost income £189k and minor variations
Net	820,040	673,112	146,928		
Housing Benefit Payments					
Expenditure	16,139,590	16,841,562	(701,972)	(4.3%)	
Income	(16,339,590)	(16,761,501)	421,911	(2.6%)	
Net	(200,000)	80,061	(280,061)		
Parish Councils					
Expenditure	51,000	51,129	(129)	(0.3%)	
Net	51,000	51,129	(129)		

RESOURCES PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Corporate and Democratic Core					
Expenditure	178,120	243,148	(65,028)	(36.5%)	Additional audit costs (£25k), increased bad debts provision (£59k), partly offset by reduced bank charges £19k
Income	-	(20,903)	20,903	n/a	Grant for audit fees
Net	178,120	222,245	(44,125)		
Non-Distributed Costs					
Expenditure	271,620	261,702	9,918	3.7%	
Income	-	-	-	n/a	
Net	271,620	261,702	9,918		
Asset Mgmt Energy Conservation					
Expenditure	41,940	59,959	(18,019)	(43.0%)	Installation of LED lights to waterfront (£10k) and carbon audit (£8k)
Income	-	(10,000)	10,000	n/a	Reserve funding for waterfront £10k
Net	41,940	49,959	(8,019)		
Electoral Registration					
Expenditure	43,200	41,792	1,408	3.3%	
Income	-	(2,051)	2,051	n/a	
Net	43,200	39,741	3,459		
Elections					
Expenditure	39,500	66,225	(26,725)	(67.7%)	Voter accessibility grant to reserves (£24k)
Income	-	(25,088)	25,088	n/a	Voter accessibility grant £24k
Net	39,500	41,137	(1,637)		

RESOURCES PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Members Services					
Expenditure	300,320	299,575	745	0.2%	
Income	-	-	-	n/a	
Net	300,320	299,575	745		
Out of Hours Service					
Expenditure	6,980	7,561	(581)	(8.3%)	
Income	-	-	-	n/a	
Net	6,980	7,561	(581)		
Facilities Management					
Expenditure	238,630	225,291	13,339	5.6%	
Income	-	-	-	n/a	
Net	238,630	225,291	13,339		
Corporate Business & Partners					
Expenditure	358,230	351,760	6,470	1.8%	
Income	(2,000)	(6,044)	4,044	(202.2%)	
Net	356,230	345,717	10,513		
Communications					
Expenditure	160,540	150,956	9,584	6.0%	
Income	-	-	-	n/a	
Net	160,540	150,956	9,584		
Customer Services					
Expenditure	351,130	328,276	22,854	6.5%	
Income	-	-	-	n/a	
Net	351,130	328,276	22,854		

RESOURCES PORTFOLIO

Final Accounts 2022-23

	Annual Budget	Total Spend to Date	Variance from Annual Budget		Comments (variances > 10% and £5,000)
	£	£	£	%	
Items to be Allocated					
Expenditure	54,010	123,475	(69,465)	(128.6%)	Corporate provision for staff turnover (£66k)
Income	-	(8,003)	8,003	n/a	
Net	54,010	115,472	(61,462)		
Audit Risk Resilience Procure					
Expenditure	253,400	255,067	(1,667)	(0.7%)	
Income	-	-	-	n/a	
Net	253,400	255,067	(1,667)		
Insurance Premiums					
Expenditure	183,010	183,530	(520)	(0.3%)	
Income	-	-	-	n/a	
Net	183,010	183,530	(520)		
Property Maintenance					
Expenditure	500,500	489,637	10,863	2.2%	
Income	(500,500)	(489,637)	(10,863)	2.2%	
Net	-	-	-		
Portfolio Total	7,361,680	7,354,555	7,125	0.1%	

COMMUNITY CAPITAL PORTFOLIO

Final Accounts 2022-23

	Budget to Date	Total Spend to Date	Variance from Budget to Date		Comments (variances > 10% and £5,000)
	£	£	£	%	
DISABLED FACILITIES GRANT DFG					
Expenditure	1,000,000	1,367,427	(367,427)	(36.7%)	Budget was lowered at revised budget time, additional spend reflects works undertaken
Net	1,000,000	1,367,427	(367,427)		
GLOVER STREET IMPROVEMENTS					
Expenditure	4,780	-	4,780	100.0%	Balance slipped to 2023-24
Net	4,780	-	4,780		
EMPTY HOMES					
Expenditure	10,000	-	10,000	100.0%	Spend rephased to 2023-24
Net	10,000	-	10,000		
Rough Sleeper Accommodation					
Expenditure	140,000	84,000	56,000	40.0%	Spend rephased to 2023-24
Net	140,000	84,000	56,000		
PRIVATE SECTOR HOUSING ASSISTANCE					
Expenditure	25,100	15,529	9,571	38.1%	Expenditure reflects demand
Net	25,100	15,529	9,571		
Portfolio Total	1,179,880	1,466,956	(287,076)	(24.3%)	

ENVIRONMENT CAPITAL PORTFOLIO

Final Accounts 2022-23

	Budget to Date	Total Spend to Date	Variance from Budget to Date		Comments (variances > 10% and £5,000)
	£	£	£	%	
GREEN CONTAINERS REPLACEMENT PROGRAMME					
Expenditure	80,210	43,112	37,098	46.3%	Expenditure reflects demand
Net	80,210	43,112	37,098		
BLUE BINS					
Expenditure	40,300	23,220	17,080	42.4%	Expenditure reflects demand
Net	40,300	23,220	17,080		
WASTE CONTAINERS REPLACEMENT					
Expenditure	10,000	10,158	(158)	(1.6%)	Expenditure reflects demand
Net	10,000	10,158	(158)		
Riverway Site Depot					
Expenditure	101,000	109,061	(8,061)	(8.0%)	Additional works to site
Net	101,000	109,061	(8,061)		
Eccleshall Cemetery Biodiversity					
Expenditure	28,460	-	28,460	100.0%	Spend rephased to 2023-24
Net	28,460	-	28,460		
Portfolio Total	259,970	185,551	74,419	28.6%	

LEISURE CAPITAL PORTFOLIO

Final Accounts 2022-23

	Budget to Date	Total Spend to Date	Variance from Budget to Date		Comments (variances > 10% and £5,000)
	£	£	£	%	
GATEHOUSE MET RIGGING					
Expenditure	4,850	-	4,850	100.0%	Balance of scheme rephased to 2023-24
Net	4,850	-	4,850		
JUBILEE PLAYING FIELDS					
Expenditure	104,000	-	104,000	100.0%	Spend rephased to 2023-24
Net	104,000	-	104,000		
STONE LEISURE PHASE 2					
Expenditure	534,720	104,337	430,383	80.5%	Spend rephased to 2023-24
Net	534,720	104,337	430,383		
Yarnfield					
Expenditure	16,800	-	16,800	100.0%	Spend rephased to 2023-24
Net	16,800	-	16,800		
Haughton Play area					
Expenditure	20,090	-	20,090	100.0%	Spend rephased to 2023-24
Net	20,090	-	20,090		
Portfolio Total	680,460	104,337	576,123	84.7%	

PLANNING AND REGENERATION CAPITAL PORTFOLIO

Final Accounts 2022-23

	Budget to Date	Total Spend to Date	Variance from Budget to Date		Comments (variances > 10% and £5,000)
	£	£	£	%	
GROWTH POINT					
Expenditure	50,000	-	50,000	100.0%	Spend rephased to 2023-24
Net	50,000	-	50,000		
STAFFORD TOWN CENTRE ENHANCEMENTS					
Expenditure	19,000	-	19,000	100.0%	Spend rephased to 2023-24
Net	19,000	-	19,000		
GYPSY AND TRAVELLER SITE					
Expenditure	150,000	-	150,000	100.0%	Spend rephased to 2023-24
Net	150,000	-	150,000		
FHSF Public Realm					
Expenditure	2,179,800	486,383	1,693,417	77.7%	Spend rephased to 2023-24
Net	2,179,800	486,383	1,693,417		
FHSF MSCP					
Expenditure	-	(54,950)	54,950	n/a	Transferred spend to revenue
Net	-	(54,950)	54,950		
UK Shared Prosperity Fund					
Expenditure	364,460	100,421	264,039	72.4%	Spend rephased to 2023-24
Net	364,460	100,421	264,039		
Portfolio Total	2,763,260	531,854	2,231,406	80.8%	

RESOURCES CAPITAL PORTFOLIO

Final Accounts 2022-23

	Budget to Date	Total Spend to Date	Variance from Budget to Date		Comments (variances > 10% and £5,000)
	£	£	£	%	
Corporate IT Equipment					
Expenditure	141,850	77,810	64,040	45.1%	Spend rephased to 2023-24
Net	141,850	77,810	64,040		
ACCOMODATION TRANSFORMATION & RATIONALIS					
Expenditure	10,790	2,585	8,205	76.0%	Spend rephased to 2023-24
Net	10,790	2,585	8,205		
Portfolio Total	152,640	80,396	72,244	47.3%	

Agenda Item 7(b)**Fees and Charges Review 2024**

Committee:	Resources Scrutiny Committee
Date of Meeting:	7 November 2023
Report of:	Deputy Chief Executive (Resources)
Portfolio:	Resources Portfolio

The following report is due to be considered by Cabinet at its meeting held on 2 November 2023 and is submitted to this Committee for consultation.

1 Purpose of Report

- 1.1 The purpose of this report is to propose to the Council the Fees and Charges for 2024.

2 Recommendation

- 2.1 That the proposed Fees and Charges for 2024 be recommended to Council for approval, specifically the new charges in paragraph 5.9 and the increases above 9% in paragraph 5.11.

Reasons for Recommendations

- 2.2 The report sets out the proposed changes to Fees and Charges for 2024. In accordance with the revised financial regulations agreed by Council on the 16 September 2019 the following items are included:
- Where a new charge has been introduced.
 - The proposed increase is above the annual level of inflation.
 - Where the power to set fees and charges has been specifically reserved by the Council.
- 2.3 In addition, this report includes those fees and charges where no increase is proposed for 2024, for noting.

3 Key Issues

- 3.1 The setting of fees and charges is an important part of the annual budget setting process. For July 2023 inflation is running at 6.8% CPI and 9% RPI.

4 Relationship to Corporate Priorities

- 4.1 This report supports all of the Council's Corporate Priorities.

5 Report Detail

- 5.1 The proposed charges will have a direct impact on the 2024-25 budget and beyond. Decisions that relate to next year's budget and the Medium Term Financial Strategy (2024-27) should be taken in the context of the Council's overall financial position and an analysis of any available data that can inform the direction of the Council's financial strategy.
- 5.2 The budget for 23/24 identified an initial budget gap of approximately £240,000 for 24/25. Although this is relatively small gap, there is no certainty on what the financial settlement for 24/25 and beyond is likely to be and this budget figure is dependent on significant savings which have been built in to the budget being delivered.
- 5.3 Apart from the risks regarding future Government support to local government, the potential recession and cost of living crisis will have a direct impact on Council services. Essential services will be in greater demand, and benefits and debt defaults may increase. Costs, including in respect of pay, supplies and contractors, are all likely to rise significantly. The scope for the Council to increase income in proportion to inflation is limited: we have no control over Business Rates and Council Tax is effectively capped at the higher of 2.99% or £5.
- 5.4 The size of the projected budget gap should be considered when making discretionary decisions over income and expenditure. Put simply, the higher the yield from fees and charges, the smaller the budget gap, which reduces the need to find savings elsewhere. This needs to be balanced by the diminishing returns - in general, the higher the charge for a service, the lower the demand. Also, relatively high charges can have secondary impacts: they may exclude or discourage some customers from using Council services who would normally depend on such services; and they may have an adverse impact on the local economy.
- 5.5 The process for setting fees and charges from 1 January 2024 reflects the revised financial regulations as agreed by Council on 16 September 2019. This set out the criteria for fees and charges which would be reported to Cabinet and Council for approval as follows:
- Where a new charge has been introduced.

- The proposed increase is above the annual level of inflation.
 - Where the power to set fees and charges has been specifically reserved by the Council.
- 5.6 For 2024, inflation - as defined in financial regulations - is the Retail Prices Index, which currently stands at 9%. However, in general, where officers have delegated authority, charges will rise by approximately 6%, allowing for rounding.
- 5.7 Certain fees are set by reference to external bodies or set by legislation/ regulations. These are included in the full list of published fees and charges but are not referred to in this report.
- 5.8 Fees and charges are also set after bearing in mind market conditions. As a result, some charges where the Council has the power to vary them will not rise, the most significant of which are:
- Land charges have remained the same due to impending system change ahead of migration to Land registry.
 - Street Trading - A500 road site
 - Bereavement - sound recording of service onto CD and use of screen for display of photographs / videos throughout the service
 - Market fees, due to the current trading environment.
- 5.9 Charges for new services are as set out below.
- Food premises advisory visit £175.00
 - Early morning cremation service £550.00
 - Crematorium - personal digital memorial tablet £95.00
- 5.10 There are some fees proposed to be deleted.
- Food hygiene training - course fees
 - Sex establishments, new applications, renewals and transfer - refund of compliance costs
 - Parking replacement of lost season tickets
 - Recording of Committee Meeting
- 5.11 Proposed increases above the threshold of 9% are as follows:
- Private water supply - cost recovery basis, increased from £34.25 to £53.00 per hour
 - Works in default of statutory notices served - administration charge increased from £25.00 to £38.75 per property

- Dangerous wild animals - annual fee, based on comparison with other local authorities. Increased from £160.00 to £195.00
- Sex establishments transfer of licence application fee, to achieve consistency with renewal application fee. Increased from £1,060.50 to £1,220.00
- Garden Waste recycling, reflecting planned increase in 2023/24 budget cycle. Increased from £36.00 to £42.00
- Crematorium - increases due to suppliers costs
 - fee for burial of cremated remains inscription, to cover increased charge to Council. Increased from £2.00 to £2.50
 - containers scatter tube. Increased from £6.00 to £7.00
 - books of remembrance additional line. Increased from £2.50 to £3.00
 - Dovecote memorial - 7 years (£435.00 to £500.00), renewal fee 7 years (£220.00 to £250.00) and replacement plaque (£89.00 to £100.00)
 - Sanctum - additional inscription per letter. Increased from £2.00 to £2.50
- Parking charges for Evenings and Sundays. Increased from £1.00 to £1.10
- Parking charges for stone 1 hour. Increased from £0.70 to £0.80
- Markets electricity supply per unit, reflecting higher costs. Increased from £0.20 to £0.22
- Civic centre refreshments, reflecting increased cost of supplies. Increased from £0.50 to £0.80
- regarding changes to car parking fees, and the impact on demand/the local economy.

5.12 A full copy of Fees and Charges will be available on the Members' portal before the Council meeting and published on the website once approved by Council.

6 Implications

6.1 Financial

Fees and charges are an important source of income to the Council. As costs rise with inflation, if income from fees and charges does not rise proportionately, this will add to the 2024-25 budget gap - the difference between projected expenditure and income.

6.2 Legal

As set out in the report.

6.3 Human Resources

As set out in the report.

6.4 Risk Management

The risk issues contained in this report are not strategic and therefore should not be included in the Strategic Risk Register.

The level of income generated by the Council from fees and charges is a key risk as a number of the Council's main income streams are sensitive to adverse economic conditions and can vary significantly as a result.

6.5 Equalities and Diversity

The Council operates a concessionary fees and charges scheme.

6.6 Health

None

6.7 Climate Change

None

7 Appendices

None

8 Previous Consideration

Cabinet - 2 November 2023 - Minute No TBC

9 Background Papers

File available in Financial Services.

Contact Officer: Emma Fullagar

Telephone Number: 01543 464 720

Ward Interest: Nil

Report Track: Cabinet 2 November 2023

Resources Scrutiny Committee 7 November 2023





Council 28 November 2023

Key Decision: Yes

The Council - Delivery Plan for 2023 - 2024

Business Objective 4: To be a well-run, financially sustainable and ambitious organisation, responsive to the needs of our customers and communities and focussed on delivering our objectives.

Summary of Progress as at end of Quarter 2



				N/A	Total Number of Projects
Action completed	Work on Target	Work < 3 months behind schedule	Work > 3 months behind schedule	Action not yet due	
	1		2		3


Summary of Successes as at Quarter 2

Work has commenced on a zero based budgeting exercise as part of the preparation for the medium term financial strategy and budget process.

Summary of Slippage as at Quarter 2

Whilst work is in progress on 3 out of the 4 actions associated with organisational and transformation change, this is behind schedule. This is partly due to capacity issues and partly due to the need to align some of the work with other associated projects. One action regarding the workforce plan has been deferred to 2024/25 to allow work on organisational culture to be progressed first.

	Objective & Actions	Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
4.1	Use our resources in the most effective and efficient way by focusing on financial recovery, reform and sustainability							
4.1.1	Determine a medium term financial strategy to maintain the financial resilience of the Council	A rolling Medium Term Financial Strategy produced				X	The medium term financial strategy will be reviewed as part of the budget setting process due to take place between October to January.	
4.2	Continue to work towards organisational and transformational change, integrating equality objectives into everything we do							
4.2.1	Consider the impact of change and future ways of working on the Council workforce, members and customers	Pilot of the Way We Work completed and evaluated	X				A report is being drafted and is scheduled to be considered by Leadership Team in November.	
		Overarching framework for workforce plan to be developed		X			This has been deferred to 2024/25 to focus on other work which needs to be completed before the framework can be drafted.	
		Review of digital strategy and development of action plan	X				The strategy has been drafted and is being reviewed alongside the zero based budgeting exercise	

	Objective & Actions	Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
		Implementation of new Customer Portal System Phase 1		X			Whilst work is progressing well, the go live date has been pushed back to Q3	
4.2.2	Investigate the opportunity for further shared services with neighbouring authorities	Implementation and transformation of shared services including the delivery of savings	X	X	X	X	<p>Work is in progress on the preparation for the management tier restructure. This will now be implemented in 2024.</p> <p>A transformation strategy has been drafted and will be considered by the Shared Services Board in Qtr 3</p>	

Agenda Item 7(d)**Review of the Constitution**

Committee: Resources Scrutiny Committee

Date of Meeting: 7 November 2023

Report of: Head of Law and Governance

Portfolio: Resources Portfolio

1 Purpose of Report

- 1.1 To recommend updates to the Constitution to align with the new senior management structure and to agree the mechanism with which to undertake the annual review of the Constitution.

2 Recommendation

- 2.1 That Committee recommend that Council update the Constitution to align with the senior management structure, as attached in the **APPENDIX**.
- 2.2 That Committee establish a Task and Finish Review Working Group in order to undertake a review of the Council's current Constitution.

3 Key Issues and Reasons for Recommendation**Summary of Key Issues**

- 3.1 The current Scheme of Delegations to Officers, within the Constitution, needs updating to reflect the recent change to the Councils senior management structure.
- 3.2 The review of the Council's Constitution falls under the remit of the Resources Scrutiny Committee, and the Monitoring Officer is required to review the Constitution on an annual basis.

Reasons for Recommendations

- 3.1 Changes to the Constitution need to be approved by the Council after consideration of a recommendation by Resources Scrutiny Committee.
- 3.2 The Committee are requested to establish a Task and Finish Review Working Group in order to undertake a review of the Council's current Constitution.

- 3.3 In the interim, Members and Officers will be requested to inform the Monitoring Officer of any issues in the Constitution that they feel should be reviewed.

4 Relationship to Corporate Priorities/Corporate Business Objectives

- 4.1 The Constitution supports all of the Council's Corporate Priorities.

5 Report Detail

- 5.1 Members will be aware that the Council has agreed to share services with Cannock Chase Council and adopted a revised shared senior management structure in April 2023. This has meant that certain functions and decisions, published within the Scheme of Delegations to Officers, should now be delegated to different Chief Officers.
- 5.2 Paragraph 3.1.3 of the Constitution allows the Chief Executive to undertake all duties delegated to other Chief Officers, or delegate such duties to another Chief Officer, where permitted by law. The Chief Executive has used this authority to re-assign current officer delegations to the relevant Chief Officers under the new revised structure. However, in order that these changes can be reflected in the Constitution published on the Councils website, they need to be adopted by Council.
- 5.3 Details of the revised Scheme of Delegations is attached in the **APPENDIX**. As well as re-assigning current delegations to the appropriate Chief Officer, the revised scheme also seeks to formally allow the Deputy Chief Executives to act in the absence of the Chief Executive or any Chief Officers that report to them.
- 5.4 Also contained within the Constitution is the requirement for the Monitoring Officer to annually review the Constitution.
- 5.5 As in previous years, the Scrutiny Committee are requested to establish a Task and Finish Review Working Group, with all Members of the Council invited, to undertake a review of the Constitution.
- 5.6 The proposed dates and times of the Review of the Constitution Task and Finish Review Working Group are as follows:-
- 5.30 pm on Monday 22 January 2023
 - 5.30 pm on Monday 12 February 2023
 - 5.30 pm on Wednesday 13 March 2024 (Followed by the scheduled Resources Scrutiny Committee on that evening to confirm the amendments)

- 5.7 Members, and Officers, will be requested to inform Monitoring Officer of any issues in the Constitution that they feel should be reviewed.

6 Implications

6.1 Financial

Nil

6.2 Legal

Nil

6.3 Human Resources

Nil

6.4 Risk Management

Nil

6.5 Equality and Diversity

Nil

6.6 Climate Change

Nil

7 Appendices

Appendix: Revised Scheme of Delegation to Officers

8 Previous Consideration

Nil

9 Background Papers

Nil

Contact Officer: Ian Curran
Telephone Number: 01785 619220
Ward Interest: Nil
Report Track: Resources Scrutiny Committee 7 November 2023
Council 28 November 2023
Key Decision: N/A

Review of the Constitution

Scheme of Delegations

1 Introduction

The Scheme of Delegations (“Scheme”) authorises officers to exercise the functions of the Council as set out in this document. This Scheme repeals and replaces all previous schemes of delegation and all amendments made thereto.

For the purposes of this Scheme, the term “Chief Officer” means:

- (a) Chief Executive;
- (b) Deputy Chief Executive; and
- (b) Heads of Service.

This Scheme contains two types of authorities:

- (a) Functional, operational and day to day management of services delegated to all Chief Officers; and
- (b) Functions delegated to specific Chief Officers.

Annex 1 details Reserved Authorities.

The exercise of any function delegated by this Scheme is subject to and must be in accordance with the following. They are listed in order of precedence, which should be followed in the event of any conflict between their provisions:

- (a) European and National Law
- (b) Procurement Regulations
- (c) Financial Regulations
- (d) The Scheme of Delegations
- (e) Emergency Planning Procedures
- (f) Other Council policies, procedures

Any reference in this Scheme to a statute includes any statutory instrument, regulation, order, rule, guidance or circular made under it and includes any modification amendment or re-enactment.

2 Delegations To All Chief Officers

2.1 Management Delegations

- 2.1.1 To undertake the management of those services or functions under their management including the discharge of all responsibilities, duties and obligations, within approved budgets, policies and procedures.
- 2.1.2 To agree changes to approved capital or revenue budgets in consultation with the Section 151 Officer provided that it and any future financial implications are contained within the approved budget for the service.
- 2.1.3 To invite tenders and award contracts in accordance with Procurement Regulations and Financial Regulations.
- 2.1.4 In consultation with the Section 151 Officer, to authorise the submission of external funding bids for projects/schemes that support the delivery of the Council's Corporate Plan or equivalent.
- 2.1.5 To select and appoint specialist professional advisors within approved budgets.
- 2.1.6 To discharge their duties in respect of Health and Safety in the workplace.
- 2.1.7 To accept appointments to positions in local, regional, national or international professional bodies in consultation with the Chief Executive.
- 2.1.8 In respect of functions within their responsibility:
 - (a) to serve notices under Section 16 of the **Local Government (Miscellaneous Provisions) Act 1976**;
 - (b) to exercise any power of the Council relating to entry on land or other property for the purposes of inspection.
- 2.1.9 To provide goods, services and plant to other local authorities and other bodies (where lawful), in consultation with the Chief Executive.
- 2.1.10 To dispose of surplus materials, vehicles, plant, equipment and goods, salvage scrap, and other waste (in accordance with financial regulations).
- 2.1.11 To be the Proper Officer for the production of background documents under the Local Government Access to Information Regulations in respect of any report presented to the Council, Cabinet and Committees in their name.
- 2.1.12 To be the Proper Officer for the opening of tenders relevant to their service.
- 2.1.13 To negotiate and settle contract disputes relating to their service area within approved budgetary provision.
- 2.1.14 To manage procurement of goods and services for their service area and ensuring compliance with the law and Procurement Regulations including:

- (a) Approval of method by which contracts are let.
 - (b) All steps necessary to invite estimates, quotations and tenders for all contracts necessary to implement schemes or acquire goods or services approved by the Council.
 - (c) The acceptance of an estimate, quotation or tender for a contract subject to:
 - (i) In respect of capital schemes; in consultation with the Section 151 Officer, the expenditure having been previously approved by the Council as part of the Capital Programme and the total cost of the scheme calculated from the tender not exceeding the approved budget provision by more than 10% or £25,000 whichever is the lower.
 - (iii) In respect of revenue expenditure; the total cost being capable of being met from within the approved budget.
 - (d) The extension of an existing contract for the supply of goods or services for the shorter of a period of two years or the term of the original contract on the same terms and conditions where it is considered that the cost of seeking a new contractor would exceed any savings which might be achieved subject to;
 - (i) the costs being capable of being met from within the budgetary provision and
 - (ii) no contract being extended more than once under this provision
- 2.1.15 In consultation with the Head of Law and Governance, to authorise the instigation of civil and criminal proceedings and to defend any litigation for and on behalf of the Council in relation to their service area.
- 2.1.16 Unless otherwise falling within the remit and/or responsibility of the Council's Insurer, to settle, compromise, discontinue or otherwise dispose of any claim, appeal, action or complaint falling within their area of management (irrespective of whether any proceedings have been instigated), providing that legal advice has first been obtained and the costs can be met from approved budgets.
- 2.1.17 The appointment of consultants as necessary to provide professional services (including feasibility studies) subject to provision being available within the approved budget.
- 2.1.18 Responding to consultations by Government, other public organisations and statutory bodies in accordance with Council policy.
- 2.1.19 In consultation with the s.151 Officer, Bidding for funding from external agencies (including the government) in pursuance of Service Plan objectives subject to financial implications being within approved budgets.

2.2 Human Resources Delegations

- 2.2.1 All delegations within paragraphs 2.2.2 to 2.2.13 are to be exercised by Heads of Service only in respect of employees within their service and after consultation with Human Resources.
- 2.2.2 Implementation of all approved personnel policies.
- 2.2.3 To determine permanent and temporary establishments and staff structures, below Head of Service level, providing the costs can be met from approved budgets except where it would result in:
 - (a) the redundancy of an employee;
 - (b) the retirement of any officer at a cost to the Council;
 - (c) the creation or deletion of a chief officer post.
- 2.2.4 To recruit to vacant posts below Head of Service, provided that the costs can be met from approved budgets.
- 2.2.5 To engage agency personnel to fulfil service delivery requirements, provided that the costs can be met from approved budgets.
- 2.2.6 To approve ex-gratia or honorarium payments, for employees within their service, provided that the costs can be met from approved budgets.
- 2.2.7 To approve applications for requests to undertake recognised professional qualifications which will be of benefit to the Council, provided the costs can be met from within approved budgets.
- 2.2.8 To approve requests for unpaid leave.
- 2.2.9 To approve requests for compassionate, maternity support, paternity leave and adoption leave.
- 2.2.10 To approve requests for time off work in respect of medical appointments, trade union duties and public duties.
- 2.2.11 To approve requests from officers to undertake secondary employment.
- 2.2.12 To consider, hear and/or determine grievances raised by employees within their service.
- 2.2.13 To conduct disciplinary, capability and sickness proceedings, including dismissal of employees below Head of Service.
- 2.2.14 Implementation of the provisions of the **Health and Safety at Work Act 1974** in their own Service.

2.3 Financial Matters

- 2.3.1 The compilation and approval of detailed budgets for each cost centre within overall budgetary provision and in accordance with approved budgetary policy and strategy.
- 2.3.2 The virement of resources a service division (as identified at budget book level) in a year of account subject to
- (a) the amount vired not exceeding the amount remaining on the cost centre after all outstanding commitments;
 - (b) the cumulative amount vired to or from any service division budget in any one year not exceeding £25,000;
 - (c) the purpose for which the virement is made must be in accordance with Council policy, Standing Orders and Financial Regulations and be lawful;
 - (d) the virement must not create a commitment to expenditure in any future financial year.
- 2.3.3 Approval of the detail of approved capital schemes with an estimated cost of up to £50,000
- 2.3.4 In consultation with the s.151 Officer, approval of additional expenditure required to complete an approved capital scheme up to 10% of the total cost or £25,000 whichever is the lower

2.4 Property Matters

- 2.4.1 The day to day management of land and property.
- 2.4.2 The maintenance of land and property within approved budgets.
- 2.4.3 In consultation with the Head of Law and Governance:
- (a) The disposal of property on lease or licence for a period not exceeding seven years.
 - (b) The disposal freehold or on lease for a period exceeding seven years of incidental land not exceeding 0.1 hectare in area and £6,000 in value.
 - (c) The granting of rights of way and other easements for periods not exceeding twenty one years.
 - (d) The conduct and determination of rent reviews and lease renewals in respect of property let to or by the Council.
 - (e) Approval to amendments to user clauses in leases.

- (f) Consent to assignment or sub-letting of property leased from the Council.
- (g) Consent to alterations and improvements to property leased from the Council.

2.4.4 To make authorisations for directed surveillance and covert human intelligence source under the **Regulation of Investigatory Powers Act 2000**.

2.5 Onward Delegation

2.5.1 Subject to paragraphs 2.5.2 below, Chief Officers are entitled, in their absolute discretion, to authorise officers within their area of management (identified by name or job description) to exercise all or some of their delegated functions, unless the law requires specific named officers to exercise delegated authority.

2.5.2 Any authorisation of named officers by Chief Officers under paragraph above shall:

- (a) comply with the Council's financial regulations (if applicable);
- (b) be recorded in writing signed by the Chief Officer; and a copy of the written record shall be provided to the Chief Executive, Monitoring Officer and Section 151 Officer.

The Chief Executive shall have the power to veto any delegation.

3 Functions Delegated To Specific Officers

3.1 Chief Executive

- 3.1.1 The Chief Executive is designated as the Head of Paid Service (Section 4 of the **Local Government and Housing Act 1989**).
- 3.1.2 The Chief Executive is appointed as Returning Officer for Borough and District Elections and all local referendums and polls.
- 3.1.3 The Chief Executive may undertake all duties delegated to other Chief Officers, or delegate such duties to another Chief Officer, where permitted by law.
- 3.1.4 To be the authorised person for the signing of Certificates of Opinion to accompany applications for exemption for posts from political restrictions.
- 3.1.5 The Chief Executive, or their nominee, has the full authority to take all action they consider necessary in a major incident or emergency in consultation with the Leader or appropriate Cabinet Member where circumstances allow (the Director on call shall stand nominated by the Chief Executive to take such action during their period of on-call).
- 3.1.6 To incur expenditure in respect of any major incident or emergency within or adjoining the District in consultation where practicable with the Leader of the Council and the s.151 Officer.
- 3.1.7 To determine any new or changed policies in respect of terms and conditions of employment and local conditions of service where agreement can be reached with the recognised trade unions through the Council's normal negotiating frameworks.
- 3.1.8 In consultation with the HR service, to approve ill health retirements for employees, Heads of Service and below, in accordance with Council approved/adopted policies, providing any costs are met from within approved budgets.
- 3.1.9 In consultation with the HR service, to approve early retirements for employees, Heads of Service and below, on the ground of efficiency of service (with no augmentation), in accordance with Council approved/adopted policy, providing there is no actuarial strain and any costs are met from within approved budgets.
- 3.1.10 To determine, implement and review corporate human resource procedures and best practice guidance designed to deliver Council policy in consultation with the HR service.
- 3.1.11 To determine, implement and review all aspects of Single Status Scheme, including job evaluation, except where such change will or may have a direct or potential impact on the Single Status Scheme and/or budgetary framework.

- 3.1.12 To make authorisations for directed surveillance and use of covert human intelligence sources when knowledge of confidential information is likely to be acquired under the **Regulation of Investigatory Powers Act 2000**
- 3.1.13 To exercise on behalf of the Council the power to grant authorisations as contained in Section 110A sub-section (3) of the **Social Security Administration Act 1992** (as amended).
- 3.1.14 Grant Aid; Stafford Borough Sports Council: The approval of the minutes and payments of Grant Aid.
- 3.1.15 Matters under the **Anti-social Behaviour, Crime and Policing Act 2014**
 - (a) Authority to issue and the enforcement of community protection notices including taking legal proceedings.
 - (b) Consideration of and making of public spaces protection order. Enforcement of public spaces protection order including taking legal proceedings in consultation with the Head of Law and Administration.
- 3.1.16 To appoint Deputy Electoral Registration Officers to carry out the powers and duties of the Electoral Registration Officer either in full or in part in accordance with section 52(2) of the Representation of the People Act 1983.

3.2 Deputy Chief Executive

- 3.2.1 To exercise the powers of the Chief Executive in the event of their incapacity, absence or unavailability.
- 3.2.2 To undertake all duties delegated to other Chief Officers (in their service areas), or delegate such duties to another Chief Officer, where permitted by law.

3.2 Section 151 Officer

- 3.2.1 Approval of future years Tax Base.
- 3.2.2 To determine Liable Persons, Liability Periods, Eligibility for statutory discounts, exemptions and reliefs and any other matter referred to in the appropriate statute necessary to calculate the due amount for which a Council Taxpayer or National Non-domestic Ratepayer is liable.
- 3.2.3 The writing off of individual debts up to the sum of £2,500 which are considered to be irrecoverable and the writing off of individual debts which are considered irrecoverable due to bankruptcy, insolvency or liquidation in consultation with the Head of Law and Governance.
- 3.2.4 The writing off of overpayments of Housing Benefit, which are deemed irrecoverable in accordance with benefit legislation.
- 3.2.5 All billing, recovery and enforcement proceedings in connection with non-payment of Council Tax and non-domestic rates.

- 3.2.6 To sign complaint lists, liability order lists, attachment of earnings orders and deductions of benefit orders and to authorise the taking control of goods on behalf of the Council.
- 3.2.7 The consideration, determination and award of discretionary discounts or reductions to Council Tax and to confirm all valid applications for Mandatory Rate Relief from non-domestic rates.
- 3.2.8 The granting of discretionary relief from non-domestic rates within approved Council policy.
- 3.2.9 All enforcement proceedings in connection with non-payment of Council Tax and non-domestic rates.
- 3.2.10 To deal with all matters relating to Council Tax and non-domestic rates on behalf of the Council, with the exception of those specifically requiring Council approval in law (e.g. setting of Council Tax) including
 - (a) To agree and authorise the appropriate allocations of occupied and unoccupied premises in order to calculate empty rate allowance under Section 44A Local Government Finance Act 1988
 - (b) To raise and quash penalties imposed under Schedule 3 of the Local Government Finance Act 1992
 - (c) To serve, amend and withdraw Completion Notices in respect of newly completed commercial or domestic property, in accordance with s46A and Schedule 4A of Local Government Finance Act 1988
 - (d) To determine Council Tax and Non Domestic Rate, non Valuation Appeals on behalf of the Council
 - (e) To represent the Council at any Court or Tribunal regarding any Council Tax or Business Rate matters.
- 3.2.11 Actions required to recover sundry debts under the Council's Credit Management Policy in consultation with the relevant Head of Service.
- 3.2.12 To determine all applications for Housing Benefit and Local Council Tax Reduction.
- 3.2.13 To consider and determine discretionary housing payments and discretionary awards of Local Council Tax Reduction.
- 3.2.14 To determine applications for back dating of Housing Benefit and/or Local Council Tax Reduction.
- 3.2.15 To authorise and issue sanctions including Administrative Penalties, Formal Cautions, and Prosecutions in respect of Local Council Tax Reduction.
- 3.2.16 Authorisation of Officers to require information from organisations under the **Social Security Fraud Act 2001**.

- 3.2.17 Actions required to recover sundry debts under the Council's Credit Management Policy in consultation with the relevant Head of Service.
- 3.2.18 Raising of money by loans at the most advantageous market rate

3.2.19 Housing Advances

- (a) Authority in accordance with the **Housing Act 1985**, Section 438 and Schedule 16 to amend the rate of interest to the "appropriate rate" after declaration from time to time by the Secretary of State of the standard notional rate.
- (b) Approval of applications for house purchase and improvement/repair advances within the Council's Scheme and guarantees to Building Societies.

3.3 Head of Law and Governance

- 3.3.1 Authorisation to make such changes to the membership requested by a group to which the seat is allocated when such written request is received.
- 3.3.2 The making of ex gratia payments up to a maximum of £5,000 in settlement of complaints made to the Local Government Ombudsman in consultation with the relevant Head of Service.
- 3.3.3 Briefing Counsel and obtaining other specialist legal advice and services as considered necessary to advise and/or represent the Council.
- 3.3.4 Approval to the provision of refreshments for meetings of the Council and Committees.
- 3.3.5 Hiring of rooms at Civic Centre and Stone Area Office.
- 3.3.6 The power to authorise officers of the Council to appear in the Magistrates Court on behalf of the Council in accordance with section 233 of the **Local Government Act 1972**.
- 3.3.7 Authority to make any temporary street closure orders as required.
- 3.3.8 Authorisation to instruct agents to value property proposed to be sold to or by the Council.
- 3.3.9 Authority to issue grazing licences for lands not immediately required for Council purposes.
- 3.3.10 Authority to approve applications for licences to cultivate subject to such conditions as are deemed to be appropriate.
- 3.3.11 Authority to grant applications for wayleaves from statutory undertakers.
- 3.3.12 Management of The Saltings Mobile Homes Site in accordance with Council policy.
- 3.3.13 Commencement of legal proceedings, including applying for civil injunction, criminal behaviour orders. Issue of community protection notices, closure of premises. Matters relating to dangerous dogs, public space protection orders under the **Anti-social Behaviour, Crime and Policing Act 2014**.

- 3.3.14 Approval of the use of allotment roadways for vehicular access (either existing or new).
- 3.3.15 Matters concerning Licensing Committee to be exercised in consultation with the Chairman of the Committee:
- (a) To dispense with holding a hearing, if all persons required by the **Licensing Act** agree that such a hearing is unnecessary, and to give notice to the parties that a hearing has been dispensed with, as per Regulation 9 of the **Licensing Act 2003 (Hearings) Regulations 2005** ("the Regulations").
 - (b) To extend time limits, and to give notice of the same, as per Regulation 11 of the Regulations.
 - (c) To adjourn a hearing, and to give notice of the adjournment, as per Regulation 12 of the Regulations.
 - (d) To make amendments as to the procedure to be followed at hearings of the Licensing Sub Committee, as per Regulation 21 of the Regulations.
 - (e) To take steps to cure any irregularities resulting from failure to comply with the provisions of the Regulations, as per Regulations 31, 32 and 33.
- 3.3.16 Authority to confirm unopposed Public Footpath Diversion Orders.
- 3.3.17 To confirm all Tree Preservation Orders where no objections are made or where any objections are satisfactorily resolved.
- 3.3.18 Authority to deal with complaints under Part 8 of the **Anti-Social Behaviour Act 2003** (High Hedges) including any resulting notices, appeals, prosecutions and enforcement action arising from those complaints.
- 3.3.19 Authority to take all action required under the **Access to Personal Files Act 1987** and the Access to Personal Files (Housing) Regulations 1989 other than the carrying out of reviews under Regulation 8 of the Regulations.
- 3.3.20 To be the Proper Officer for all purposes under the Local Government, (Access to Information) Act 1985 except those set out in Paragraph 2.1.11.

3.4 Head of Regulatory Services

- 3.4.1 Authority under the **Dangerous Wild Animals Act 1976** to:-
- (a) issue or refuse applications for licences to keep animals;
 - (b) consult such interested bodies or parties as appropriate;
 - (c) attach appropriate conditions to any licences;

- (d) charge an appropriate fee for applications sufficient to meet the direct and indirect costs thereof;
- (e) obtain veterinary reports on payment of a fee;
- (f) seize, destroy or detain an animal and to recover the costs so involved.

3.4.2 Authority under the **Control of Pollution Act 1974** to:-

- (a) Section 60 - serve notice imposing requirements as to the way in which works to which this section applies are to be carried out.
- (b) Section 61 - enter into "prior consent-agreements" for work on construction sites with the person who intends to carry out work listed in Section 60.
- (c) Section 62 - in consultation with the Head of Law and Governance to take legal action in respect of contraventions of this Section which deals with noise in streets.
- (d) Section 16 - in consultation with the Head of Law and Governance to undertake the procedure specified in that section of the Act and serve the requisite notices and undertake proceedings to recover costs relating to the removal of waste deposited in breach of licensing provisions.

3.4.3 All powers under the **Clean Air Acts 1968 and 1993** including to institute legal proceedings for offences, except those relating to the creation of smoke control areas.

3.4.4 The Councils powers and functions under the **Environment Act 1995**:-

- (a) under Part II relating to contaminated land and abandoned mines.
- (b) under Part IV relating to air quality.
- (c) under Part V relating to enforcement powers, powers of entry and the prosecution of offences.

3.4.5 The functions conferred under the **Control of Asbestos Regulations 2006** (these may only be undertaken by Environmental Health Officers authorised under the **Health and Safety at Work etc Act 1974**).

3.4.6 Authority under Section 12, **Staffordshire Act 1983** to require in connection with any building operation or demolition operation or the cleansing of any building, the taking of any reasonable practicable steps to reduce the emission of dust from the operations being carried out.

3.4.7 The Council's powers and functions relating to permitted processes under the **Environmental Protection Act 1990**, the **Pollution Prevention and Control Act 1999** and the **Environmental Permitting (England and Wales) Regulations 2010**.

- 3.4.8 Under the **Environmental Protection Act 1990**:-
- (a) The powers and functions provided for by regulations made under Part 1.
 - (b) Powers and functions relating to contaminated land under Part IIA
 - (c) Authority to serve notices under Part III of the Act and to institute proceedings for failure to comply with notices.
 - (d) Authority to service notices under Part III of the Act and under the Noise and **Statutory Nuisance Act 1993**.
- 3.4.9 The powers and functions under the **Clean Neighbourhoods and Environment Act 2005** relating to
- (a) noise under Sections 69 to 81 and Section 86
 - (b) vehicles under Part 2
 - (c) litter and refuse under Part 3
 - (d) graffiti and other defacement under Part 4
 - (e) waste under Part 5
 - (f) dogs under part 6
 - (g) miscellaneous matters under Part 9
- 3.4.10 Authority to require the keeper of a vehicle to pay a fixed (civil) penalty if there is reason to believe that a littering offence has been committed from the vehicle under the **Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018**.
- 3.4.11 Authority to implement the powers in Regulations 5 and 6 of the **Health and Safety (Enforcing Authority) Regulations 1998** concerning the transfer of premises between enforcing authorities.
- 3.4.12 Authority to appoint authorised inspectors under Section 19 of **the Health and Safety at Work etc Act 1974**.
- 3.4.13 Powers and functions relating to Hackney Carriages:-
- (a) Authority to issue, refuse, suspend or revoke the various licences under **the Local Government (Miscellaneous Provisions) Act 1976** - Part II Hackney Carriages and Private Hire Vehicles and in the event of a contravention, in consultation with the Head of Law and Administration the institution of legal proceedings.
 - (b) Authority to remove and retain the plate or disc from a Hackney Carriage or Private Hire Vehicle where any proprietor fails without

reasonable excuse to comply with the terms of a notice under Sub Section (1) of Section 58 of the **Local Government (Miscellaneous Provisions) Act 1976**.

- (c) Authority to suspend and revoke vehicle/drivers licences under section 60 and 61, and operators licences under section 62
- (d) Authority to charge the additional administrative fees for late applications for drivers and vehicle licences for Hackney Carriages and Private Hire Vehicles in accordance with current fees and charges.
- (e) Authority to approve requests for advertisements on Hackney Carriages provided that they conform to the format set down and do not offend public decency or relate to religious or political topics.

3.4.14 The Council's powers and functions relating to the following licensing matters:-

- (a) House to house and street collection consents
- (b) Betting and Gaming (including amusements with prizes)
- (c) Registration of Small Lotteries
- (d) Licensing of Pleasure Boats
- (e) Registration of scrap dealers and collectors
- (f) The issue of all licenses falling to be dealt with under the **Lotteries and Amusements Act 1976**
- (g) Authority to issue, renew, refuse, transfer and revoke licences under the **Zoo Licensing Act 1981** and to appoint suitably qualified inspectors should the necessity arise
- (h) Sale of Rag Flock
- (i) **Animal Welfare Act 2006**
- (j) **Gambling Act 2005**
- (k) **Licensing Act 2003**
- (l) Registration of persons and premises for acupuncture, tattooing, cosmetic-piercing and electrolysis

3.4.15 **Building Act 1984** in respect of sanitary conveniences:

- (a) Authority to serve notices under Sections 64 and 65 of the Act.

- (b) Authority under Section 29 of the Act to carry out work in default where notices under Section 64 and 65 are not complied with and to recover the expenses reasonably incurred by the Council in doing the work.
- 3.4.16 Authority to implement powers under the **Noise and Statutory Nuisance Act 1993**.
- 3.4.17 Authority to prosecute breaches of Section 5(1)(b) of the **Police Factories etc. Miscellaneous Provisions Act 1916** in respect of unauthorised Street Collections.
- 3.4.18 Matters relating to Street Trading
- (a) Authority to pursue legal proceedings for breaches of Section 3 and Schedule 4 of the **Local Government (Miscellaneous Provisions) Act 1982**.
 - (b) Authority to issue, renew and revoke Street Trading Consents and to amend or add to conditions to street trading consents.
 - (c) Authority to take legal proceedings in cases where no street trading consent has been granted.
- 3.4.19 Authority to serve notice in relation to unsecured premises and to undertake works in default under Section 29 of the **Local Government (Miscellaneous Provisions) Act 1982**.
- 3.4.20 Collection of abandoned motor vehicles and service of notices as appropriate.
- 3.4.21 Matters under the **Building Act 1984**
- (a) Authority to serve notices under Section 76 of the Act and in the event of a counter notice not being served to obtain estimates, arrange for work in default to be carried out after the expiry of the nine day statutory period.
 - (b) Authority to serve notices under Section 79 regarding ruinous and dilapidated buildings and neglected sites.
 - (c) The institution of proceedings to recover the costs involved in (a) and (b) above, in consultation with the Head of Law and Administration.
 - (d) Authority to arrange for works to be carried out by agreement with the owner/occupier under Section 97 of the Act.
 - (e) Authority to arrange for works to be carried out in default under Section 99 of the Act.
 - (f) Authority to order that pursuant to Section 108 expenses recoverable by the Council may be payable by instalments within a period not

exceeding 10 years and, in consultation with the s.151 Officer, to determine the relevant rate of interest under Section 107 of the Act.

- (g) Authority to institute legal proceedings under Section 99 of the Act for failure to comply with the Notice served under Section 59 of the Act.
 - (h) Authority to institute legal proceedings contained within Section 99 of the Act where there has been a failure to comply with a Notice served under the Act.
 - (i) Authority under Sections 45 and 93 of the **Public Health Act 1936** and Section 59 of the **Building Act 1984** and the Environmental Protection Act 1990 to obtain necessary estimates for works, make appropriate arrangements for works to be carried out in default and, in consultation with the Head of Law and Administration, to take legal action to recover the costs involved.
- 3.4.22 Power to require the maintenance of a proper base and adequate access ways to a bulk refuse container, powers in **Public Health Act 1936** extended by Staffordshire Act 1983, Section 55.
- 3.4.23 Power under Section 5(1) of the **Dangerous Dogs Act 1991** to implement the Act.
- 3.4.24 Matters under the **Food Safety Act 1990**
- (a) Authority to exercise the powers necessary for the operation of the functions arising from the Act, Regulations, Orders or Codes of Practice made under the Act.
 - (b) Authority to issue Improvement Notices in pursuance of Section 10 of the Act.
 - (c) Authority to issue Emergency Prohibition Notices and to apply for Emergency Prohibition Orders and to determine whether or not sufficient measures have been taken to secure that the health risk condition is no longer fulfilled and where so satisfied to issue a certificate lifting an Emergency Prohibition Notice or a prohibition order in pursuance of Sections 11 and 12 of the Act.
- 3.4.25 Under the **Health Act 2006**, the enforcement of smoke free legislation in premises and vehicles.
- 3.4.26 Authority to seek an injunction under Section 222 of the **Local Government Act 1972** to restrain any anticipated breach of paragraphs 3 and 4 of Schedule 1 of the **Local Government Act 1982** in respect of public musical entertainment in the open air and on private land.
- 3.4.27 The powers in the **Prevention of Damage by Pests Act 1949** as amended by Section 16 of the **Staffordshire Act 1983** so as to afford right of re-entry under a Justices Warrant where admission to land has been refused or the land is unoccupied and there is a need for entry and authority to serve

notice for destruction of rats and mice and to carry out works in default of a Notice and institute legal proceedings for breach of a Notice.

3.4.28 Matters under the **Public Health Act 1936**

- (a) Authority under Section 84 of the Act 1936 to enter premises and carry out all reasonable works for the cleansing or destruction of filthy and verminous articles as is appropriate at the Council's expense and if necessary remove articles from the premises for that purpose.
- (b) Authority under Section 83 of the Act 1936 as amended by Section 35 of the Public Health Act 1961 to serve notice for the cleansing of filthy and verminous premises.
- (c) Authority to serve notices under the provisions of Section 45 (relating to defective closets) of the Act.
- (d) Authority, in consultation with the Head of Law and Administration, to institute proceedings for failure to comply with such notices.

3.4.29 Matters under the **Public Health Act 1961**

- (a) Authority under Section 36 of the Act to require the vacation of premises during fumigation.
- (b) Authority under Section 34 to serve notice for the removal of rubbish.

3.4.30 Authority under **Local Government Act 1972** to remedy stopped up drains and to repair drains and private sewers.

3.4.31 Matters under the Skin Piercing Activities - **Local Government (Miscellaneous Provisions) Act 1982**.

- (a) Authority to prosecute, in consultation with the Head of Law and Administration, for offences under Part III of the Act and Associated Byelaws.
- (b) Authority to approve, refuse or revoke registration.

3.4.32 Appointed as the officer under Section 149 of the **Environmental Protection Act 1990** in respect of stray dogs.

3.4.33 Authority to issue consent to the discharge of trade effluent (as appropriate) under public health legislation.

3.4.34 Matters under the **Water Industry Act 1991**

- (a) Authority to serve notices under Section 80 of the Act.
- (b) Authority under Section 82 of the Act to enforce and notify or revoke notices served under Section 80 of the Act.

- (c) Designation of all Environmental Health Officers, Principal Environmental Protection Officer, Environmental Enforcement Officer and the Technical Assistant of the Environmental Protection designated for the proposed mentioned in Section 84 of the Act regarding powers of entry.
- 3.4.35 Matters under the **Private Water Supplies Regulations 2009**
- (a) Authority to implement the powers conferred on local authorities under the Regulations.
 - (b) Authority to waive 50% of the costs of sampling and analysis of private water supplies in cases of hardship or where the supply served a charitable or voluntary body.
- 3.4.36 Authority to commence legal proceedings for offences arising under Parts II and IV of the **Environmental Protection Act 1990, Clean Neighbourhoods Act 2005 Control of Pollution (Amendment) Act 1989 and Refuse Disposal (Amenities) Act 1978.**
- 3.4.37 Authority to serve statutory notices, execute works, recover and apportion expenses and authorise officers to issue Fixed Penalty Notices in respect of the powers under Parts II and IV of the **Environment Protection Act 1990, Clean Neighbourhoods Act 2005, Anti-Social Behaviour Act 2003, Control of Pollution (Amendment) Act 1989, Refuse Disposal (Amenities) Act 1978, Section 225 Town and Country Planning Act 1990 and the Crime and Policing Act 2014.**
- 3.4.38 Authority to issue of fixed penalty notices under Dog Control Orders.
- 3.4.39 The powers and functions under the **Local Government (Miscellaneous Provisions) Act 1976.**
- (a) Section 16 - obtain particulars of persons interest in land.
 - (b) Section 20 - provision of sanitary appliances at places of entertainments.
 - (c) Section 33 - restoration or continuation of supply of water, gas or electricity in a dwelling.
 - (d) Section 35 - removal of obstructions from private sewers.
- 3.4.40 Authority to appoint Proper Officers for the purpose of the **Public Health (Control of Disease) Act 1984** (as amended) and the **National Assistance Act 1948** Section 47 (as amended), in consultation with the Director of the West Midlands North Health Protection Unit.
- 3.4.41 Authority to deal with contraventions of the **Dangerous Dogs Act 1973.**
- 3.4.42 Authority to appoint any officer or veterinary practitioner under the Breeding of dogs Act 1973.

3.4.43 Functions under the **Criminal Justice and Public Order Act 1994**

- (a) Section 77 - Power to direct unauthorised campers to leave land.
- (b) Section 78 - Complaint to the Magistrates Court to order removal of persons and their vehicles from land.

3.4.44 Matters relating to building regulations

- (a) Approval, rejection and all other matters relating to applications received.
- (b) Implementation, charging and variation of prescribed fees for building regulation applications.
- (c) Authority not to accept or if appropriate refuse any application which patently does not comply with Building Regulations.
- (d) Institution of proceedings in appropriate cases for contraventions of the Building Regulations pursuant to Section 35 of the **Building Act 1984**.
- (e) Authority to issue stage and conditional approvals in dealing with applications made under the Building Regulations pursuant to the provisions of the **Local Government (Miscellaneous Provisions) Act 1982**.
- (f) Authority under Section 26, **Staffordshire Act 1983** to impose requirements as regards adequate means of access for the Fire Brigade to a building where plans of the proposed building are deposited in accordance with Building Regulations.
- (g) Authority to require the incorporation of fire safety provisions where plans of any proposed parking place within a building for more than three vehicles are lodged for approval as respects their building regulation plans pursuant to the **Staffordshire Act 1983** Section 25.
- (h) Authority to serve notice under section 19 of the **Staffordshire Act 1983** on the owner of property used for human habitation to require works to provide adequate means of lighting.

3.4.45 Matters under the **Highways Act 1980**

- (a) Section 144 - permission to erect flag poles on highway.
- (b) Section 154 - to serve notices concerning trees which overhang or are a danger to users of roads or footpaths.
- (c) Section 170 - take action against persons mixing mortar cement or other substances on the surface of the highway.
- (d) Section 297 - to require information as to the ownership of the land under the highway.

- 3.4.46 Authority to amend land charges search fees in accordance with LGA guidelines and to take the necessary action arising therefrom.
- 3.4.47 The powers under Section 23 of the **Local Government (Miscellaneous Provisions) Act 1976** relating to dangerous trees.
- 3.4.48 Authority for the and the Head of Regulatory Services in consultation with the Head of Law and Administration and the Chairman to take appropriate action, including legal proceedings, under Section 143 and/or 152 of the **Highways Act 1980** in respect of any future contraventions regarding obstructions on the highway.
- 3.4.49 Matters under the **Housing Act 2004**
- Part 1 (Enforcement of Housing Standards with Respect to the Housing Health and Safety Rating System)
- (a) Authority to take action in respect of Housing Standards under Chapter 1 - Enforcement of housing standards: general.
 - (b) Authority to take action in respect of Housing Standards under Chapter 2 - Improvement Notices, prohibition orders and hazard awareness notices.
 - (c) Authority to take action in respect of Housing Standards under Chapter 3 - Emergency Measures.
 - (d) Authority to take action under Chapter 4 - Demolition orders and slum clearance.
 - (e) Authority to take action under Chapter 5 - General and miscellaneous provisions (recover of expenses and appeals).
- Part 2 (Licensing of Houses in Multiple Occupation)
- (f) Authority to take action in respect of the licensing of houses in multiple occupation
- Part 3 (Selective Licensing of other Residential Accommodation)
- (g) Authority to take action in respect of the licensing of other residential accommodation
- Part 4 (Additional control provisions in relation to residential accommodation)
- (h) Authority to take action in respect of the making of management orders in respect of houses in multiple occupation or a house licensed by the local authority.
 - (i) Authority to serve overcrowding notices in respect of a house in multiple occupation.

Part 7 (Supplementary provisions)

- (j) Authority to take action in respect of the; section 235 - power to require documents to be produced.
 - (k) Section 239 - power of entry.
 - (l) Section 240 - warrant to authorise entry.
 - (m) Section 234 to take action with respect to regulations made under this section regarding enforcement of housing standards in HMOs.
 - (n) Section 249A to impose financial penalties as an alternative to prosecution for relevant housing offences.
- 3.4.50 Harassment and unlawful eviction - private rented property. Investigation of alleged harassment or unlawful eviction and where necessary the taking of appropriate action under **The Protection from Eviction Act 1977**.
- 3.4.51 Power under the **Enterprise and Regulatory Reform Act 2013** to issue a notice to a person that has failed to comply with the requirement to belong to a redress scheme under article 3 or article 5 of the Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 requiring that person to pay the authority a monetary penalty of such amount as the authority may determine.
- 3.4.52 Matters under the **Section 150 of the Energy Act 2013** with respect to Regulations relating to Smoke and Carbon Monoxide Alarms including
- (a) Power to authorise officers to serve a Remedial Notice in respect of a breach of the Regulations.
 - (b) Power to authorise officers to take remedial action in respect of a breach of the Regulations.
 - (c) Power to authorise officers to require a landlord to pay a penalty charge in respect of a breach of Regulations.
- 3.4.53 Matters under the **Building Act 1984**
- (a) Authority to deal with buildings or structures which were in such a condition, or which carried such loads as to be dangerous under Section 77 of the Act.
 - (b) Authority to take emergency action where a building is in a dangerous state in accordance with Section 78 of the Act.
 - (c) Authority to serve notices under Sections 64 and 65 of the Act.

- (d) Authority under Section 29 of the Act to carry out work in default where notices under Section 64 and 65 are not complied with and to recover the expenses reasonably incurred by the Council in doing the work
- (e) Authority to serve notices under Section 76 of the Act and in the event of a counter notice not being served to obtain estimates, arrange for work in default to be carried out after the expiry of the nine day statutory period.
- (f) Authority to serve notices under Section 79 regarding ruinous and dilapidated buildings and neglected sites.
- (g) The institution of proceedings to recover the costs involved in (a) and (b) above, in consultation with the Head of Law and Administration.
- (h) Authority to arrange for works to be carried out by agreement with the owner/occupier under Section 97 of the Act.
- (i) Authority to arrange for works to be carried out in default under Section 99 of the Act.
- (j) Authority to order that pursuant to Section 108 expenses recoverable by the Council may be payable by instalments within a period not exceeding 10 years and, in consultation with the s.151 Officer, to determine the relevant rate of interest under Section 107 of the Act.
- (k) Authority to institute legal proceedings under Section 99 of the Act for failure to comply with the Notice served under Section 59 of the Act.
- (l) Authority to institute legal proceedings contained within Section 99 of the Act where there has been a failure to comply with a Notice served under the Act.
- (m) Authority under Sections 45 and 93 of the **Public Health Act 1936** and Section 59 of the **Building Act 1984** and the Environmental Protection Act 1990 to obtain necessary estimates for works, make appropriate arrangements for works to be carried out in default and, in consultation with the Head of Law and Administration, to take legal action to recover the costs involved

3.4.54 Authority contained in the **Cycle Act 1984** and Sections 21-23 of the **Local Government (Miscellaneous Provisions) Act 1982** relating to the following:

- (a) Section 21 - prosecutions for offences relating to works in streets.
- (b) Section 22 - the control of construction under streets.
- (c) Section 23 - control of certain roadside sales.

- 3.4.55 Authority to issue notices under Section 167 of the **Highways Act 1980** requiring an owner to make safe a dangerous retaining wall adjoining a public highway.
- 3.4.56 Siting of post boxes, street signs and other street furniture excluding bus shelters.
- 3.4.57 Authority to allocate street names and numbers to properties within the Borough except in the following cases which be reported to Cabinet:-
- (a) where it is proposed to name a street after a living person or
 - (b) where agreement cannot be reached with a developer on a proposed naming
- 3.4.58 Authority to exercise powers under Section 56C of the 1971 Act (Section 56 of the **Planning Listed Buildings and Conservation Areas Act 1990**) in respect of emergency action with regard to demolition of unlisted buildings in conservation areas and listed buildings.
- 3.4.59 The Councils powers and functions under the **Caravan Sites and Control of Development Act 1960** as amended by the **Mobile Homes Act 2013**:
- (a) the issue of Site Licences;
 - (b) to take legal proceedings in relation to occupation of land as a caravan site without a site licence or in breach of conditions;
 - (c) to authorise officers to enter land;
 - (d) to authorise officers to serve a compliance notice in respect of breaches of a site licence;
 - (e) to authorise officers to carry out works following conviction for failure to comply with a compliance notice and recover costs.
 - (f) to determine applications for registration as a fit and proper person.
- 3.4.60 Authority to approve reasonable charges to recover certain administrative and other expenses incurred in relation to enforcement actions under Part 1 **Housing of Finance Act 2004**.
- 3.4.61 Glover Street Caravan Site
- (a) Authority to approve new tenancies.
 - (b) Authority to evict tenants.
 - (c) Management of Glover Street Caravan Site in accordance with Council policy.

- 3.4.62 Play areas - Authority to approve the detailed design of new play areas and the enhancement of existing play areas and to submit planning applications for such developments. Subject to consultation with the ward member(s).
- 3.4.63 Under the **Environmental Protection Act 1990**:-
- (a) Authority to serve notices under Part III of the Act and to institute proceedings for failure to comply with notices.
 - (b) Authority to service notices under Part III of the Act and under the Noise and **Statutory Nuisance Act 1993**
- 3.4.64 Authority to serve notice in relation to unsecured premises and to undertake works in default under Section 29 of the **Local Government (Miscellaneous Provisions) Act 1982**.
- 3.4.65 Under the **Health Act 2006**, the enforcement of smoke free legislation in communal areas of houses in multiple occupation.
- 3.4.66 The powers in the **Prevention of Damage by Pests Act 1949** as amended by Section 16 of the **Staffordshire Act 1983** so as to afford right of re-entry under a Justices Warrant where admission to land has been refused or the land is unoccupied and there is a need for entry and authority to serve notice for destruction of rats and mice and to carry out works in default of a Notice and institute legal proceedings for breach of a Notice.
- 3.4.67 Functions under the **Criminal Justice and Public Order Act 1994**
- (a) Section 77 - Power to direct unauthorised campers to leave land.
 - (b) Section 78 - Complaint to the Magistrates Court to order removal of persons and their vehicles from land
- 3.4.68 Matters under **Sections 43-45 of the Energy Act 2011** with respect to enforcement of the Domestic Energy Efficiency Regulations.
- 3.4.69 Matters **under Sections 122-123 of the Planning and Housing Act 2016** with respect to the enforcement of Regulations relating to electrical safety in the private rented sector.

3.5 Head of Operations

- 3.5.1 In respect of parks and open spaces
- (a) Authority to determine future applications for religious uses of Council owned parks.
 - (b) Authority to determine applications for the planting of trees in Victoria Park and all open space facilities.
- 3.5.2 Authority to take such action as they consider appropriate to secure the removal of any advertising or similar material constituting fly posting in the

Borough in accordance with Section 36 of the **Local Government (Miscellaneous Provisions) Act 1976** including, in consultation with the Head of Law and Administration the institution of legal proceedings.

3.5.3 Car Parking Matters:-

- (a) Authority to amend parking charges on Council managed car parks and to negotiate the price of the bulk purchase of parking permits from large user groups on car parks.
- (b) Authority to enforce off-street parking orders including, in consultation with the Head of Law and Administration, the institution of legal proceedings.
- (c) Authority to licence car parks for other purposes eg siting of displays. Ministry of Transport vehicle testing, charity events, subject to a maximum letting of 10 bays at any one time at a minimum of the current charge for parking and to it not seriously affecting the parking facilities.

3.5.4 Crematoria and Burial Grounds

- (a) Authority to grant exclusive rights of burial.
- (b) Authority to grant permission for the disinterment and reburial of cremated remains subject to the necessary faculty being granted and there being no valid reason for objection.
- (c) Authority to approve the allocation of memorial seats in the Crematorium burial ground.

3.5.5 Authority to treat each application for the provision of “no Ball Games” signs on its merits, subject to consultation with local residents, Ward members and the Police.

3.5.6 Authority to approve and terminate market trader licenses.

3.5.7 Letting of Market Square

- (a) Authority to determine letting applications.
- (b) Decisions on urgent applications for letting involving the use of a vehicle which cannot await Cabinet consideration. If non-urgent the application is to be reported to Executive.
- (c) Enforcement responsibilities.

3.5.8 Play areas - Authority to approve the detailed design of new play areas and the enhancement of existing play areas and to submit planning applications for such developments. Subject to consultation with the ward member(s).

3.5.9 Matters relating to tree preservation orders

- (a) In consultation with the Head of law and Administration and the Chairman of the Planning committee, authority to seek injunction pursuant to the provisions of Section 222 of the **Local Government Act 1972**, if in the future it appears expedient for the promotion and protection of the interests of the inhabitants of the Borough so to do, to restrain any breach of a Tree Preservation Order for the time being in force in the Borough.
- (b) Authority to consent for the lopping, topping or felling of trees covered by a Tree Preservation Order.
- (c) Authority, in consultation with the Head of Law and Administration, to make an immediate Tree Preservation Order under Sections 199 and 201 of the **Town and Country Planning Act 1990** having the effect of a stop notice.
- (d) Authority to serve "Stop Notices" on any trees subject to Tree Preservation Orders, which are being cut, lopped, felled or damaged in any way.
- (e) Authority to supply copies of Tree Preservation Orders to respective Parish Councils and notify individual Parishes of future Tree Preservation Orders.
- (f) Authority to amend Tree Preservation Orders before confirmation, in response to objections or other relevant considerations, where such amendments are considered to be appropriate.
- (g) Authority to rescind a Tree Preservation order unless it raises significant issues where it would be referred to the Planning Committee.
- (h) Authority to confirm all Tree Preservation Orders where no objections are made or where any objections are satisfactorily resolved.

3.6 Head of Economic Development and Planning

3.6.1 In respect of development management matters

- (a) Processing of all appeals including the conduct of the appeal and the agreement of conditions and planning obligations
- (b) To determine all applications for Certificates of Lawfulness
- (c) Authorisation to determine whether prior approval is required in relation to all notifications made under the **Town and Country Planning (General Permitted Development) (England) Order 2015** and where the timescale for determination is less than 56 days, the Head of Development be authorised to determine whether prior approval is granted or refused

- (d) To determine any application where under the provisions of paragraph 4 the application would fall to be determined by Committee but where a decision cannot be made by Committee before the expiry of a statutory deadline for determination
- (e) To determine, including the agreement or amendment of planning obligations, or make observations on all other applications under the Town and Country Planning legislation apart from
 - (i) developments on which the officer recommendation would conflict other than to a minor extent with The Plan for Stafford Borough policies or other relevant planning policies
 - (ii) developments which raise unusual issues of planning policy or which the Head of Development considers should be presented to the Planning Committee for decision
 - (iii) applications where a written request for consideration by the Planning Committee, supported by an appropriate planning reason, has been received from a Member of the Council relating to an application in their Ward or a nominated Member where there is no Ward Member able to act, no later than 21 days following notification being sent to the Ward Member, or in relation to any prior approval application for telecommunications development where a decision could not otherwise be made by Committee before the statutory deadline for determination such lesser period as may be necessary. Where amended plans and information of a significant nature are received on an application, an additional Call-in period will be given, the period for which will be specified to suit the circumstances of each case
 - (iv) a Ward Councillor, from an adjoining Ward, may call in a planning application where that application could adversely affect one of their constituents living in a property abutting the site of the proposed planning application.
 - (v) Where a ward is represented by a single member that member may during a period of absence from the Borough or inability to act for any reason nominate to the Head of Development another member to act in their place for the purposes of this provision. This will also apply in wards with more than one member when all members are absent or unable to act for any reason (Where an application is called-in by any Member who subsequently ceases to be a Member of the Council before the application is determined, the remaining and/or new Members of the same Ward will be asked if they wish to take over the call-in. If no Member takes over the call-in, it shall be treated as withdrawn)
 - (vi) applications where a written request for consideration by the Planning Committee, supported by an appropriate reason, has been received from 3 Members of the Planning Committee no

later than 21 days following notification being sent to the Ward Member, or in relation to any prior approval application for telecommunications development where a decision could not otherwise be made by Committee before the statutory deadline for determination such lesser period as may be necessary. Where amended plans and information of a significant nature are received on an application, an additional Call-in period will be given, the period for which will be specified to suit the circumstances of each case

- (vii) applications to which there are objections or to which paragraphs (i) to (v) above apply, submitted by or on behalf of :-

a serving Councillor of the Borough Council or the spouse/partner of a Councillor;

an employee of the Borough Council or the spouse/partner of an employee; and

a person who, in the period of two years prior to the date of application, was either a Councillor with, or an employee of, the Borough Council or the spouse/partner of such a person;

where a Councillor or an employee of the Council has a pecuniary interest in the outcome;

applications submitted by or on behalf of the Council for its own developments or where the Council has a pecuniary interest in the application except for the approval of routine minor developments to which no objection has been received;

- (viii) Large Scale Major applications other than applications to renew or amend previously permitted applications, or reserved matters;

- (f) To determine submissions for approval under planning conditions
- (g) To determine all Purchase Notices
- (h) To determine the publicity arrangements required under the Town and Country Planning legislation

Note: In relation to (b), (d) and (e), decisions made under delegated authority are to be published in the Members Digest

- (i) Authorisation to respond to consultations on applications submitted to the Secretary of State for nationally significant infrastructure projects.
- (j) Authority granted to decide on each application for a Lawful Development Certificate whether or not to canvass information from third parties.

- 3.6.2 Authority to undertake consultation exercises relating to Conservation Area Appraisals and the associated review process.
- 3.6.3 In respect of enforcement action
- (a) Authority to approve, in appropriate circumstances, entry on the private land under Section 196A of the **Town and Country Planning Act 1990**.
 - (b) Authority not to pursue enforcement action where it is considered that such action would not be expedient.
 - (c) Authority to serve a notice under s.330 of the **Town and Country Planning Act 1990**, and authority to prosecute for non-compliance.
 - (d) Authority to enforce against breaches of planning obligations including taking proceedings for injunctions and to carry out works in default where it is considered appropriate and expedient.
 - (e) To authorise the service of Breach of Condition and Planning Contravention notices and Temporary Stop Notices.
 - (f) Authorise the service of notice under Section 215 of the **Town and Country Planning Act**, and carry out work in default and / prosecute when the notice is not complied with by the date of compliance, and to authorise prosecution proceedings where an Enforcement Notice, Listed Building Enforcement Notice, Conservation Area Enforcement Notice, Breach of Condition Notice, Temporary Stop Notice or a Stop Notice has not been complied with by the date of compliance.
 - (g) To authorise prosecution proceedings where a Planning Contravention Notice has been served and a response has not been received or false or misleading information has been supplied.
 - (h) Authorise where appropriate the serving of a Community Protection Warning, and a Community Protection Notice under **The Anti-Social Behaviour, Crime and Policing Act 2014**.
- 3.6.4 Authority to determine whether an Environmental Impact Assessment is required and to advise on the scope of the Environmental Statement.
- 3.6.5 Authority to issue decisions in relation to any restriction regarding occupancy of a property for which planning permission was granted by a former authority.
- 3.6.6 Matters relating to planning applications
- (a) Discretion to accept and agree amendments to submitted planning applications and Hazardous Substances Consent Applications.
 - (b) Where a recommendation by a statutory consultee is received by the Council, on or before the date of the Decision Notice or consideration

of a related planning application by the Planning Committee then, in the event that such recommendation is not placed before the Committee in considering the application, the Head of Development shall incorporate the recommendation in the formal decision notice issued in respect of that application unless, after consultation with the Chairman, the Head of Development considers that it would materially affect the decision of the Committee.

- (c) Authority to make any necessary amendments purely of form to the schedules of planning decisions submitted to and considered by the Committee in order to ensure that the formal decision notice accords precisely with the decision of the Committee.
 - (d) Authority to determine the appropriate fees payable in accordance with the relevant legislation.
 - (e) In view of the fact that Parish Councils are consulted on planning applications authority to decline requests for formal consultation from other purely local bodies.
 - (f) Discretion to undertake informal non-statutory consultation in connection with planning applications.
 - (g) Authority to respond to other public authorities with the Borough Council's views on planning applications submitted to them that affect sites within or adjoining the area of the Borough subject to consultation with the ward member(s) of the adjoining ward(s) and except where in the opinion of the Head of Development significant issues are raised.
 - (h) Authority to treat a planning application as finally disposed of in any of the criteria in article 40 of the **Town and Country Planning (Development Management Procedure) (England) Order 2015** are met.
 - (i) In cases where, following the dishonouring of a cheque, the appropriate fee for planning and building regulation applications is not received within eight weeks of the original registration, authority in all future and current cases (upon giving fourteen days prior notice) to treat such applications as withdrawn and to amend the Planning Register accordingly.
 - (j) Authority for the implementation, charging and variation of prescribed fees for planning applications.
- 3.6.7 Authority to decide whether or not prior approval is necessary for the method of demolition and site restoration.
- 3.6.8 Matters under the Town and Country Planning (General Permitted Development) (England) Order 2015
- (a) Authority to determine whether or not such applications require prior approval.

- (b) Authority, in consultation with the Chairman of the Committee to determine applications for which prior approval is required.
- 3.6.9 Authority in consultation with the Chairman of Planning Committee to serve notices under Section 101 of the **Town and Country Planning Act 1971** as amended by Section 54 of the **Listed Buildings Act 1990** and to carry out any necessary works.
- 3.6.10 Matters under the **Hedgerow Regulations 1997**
- (a) Determination of Hedgerow Removal Notifications, and to serve a Hedgerow Retention/Replacement Notice as appropriate.
 - (b) Authority to withdraw a Hedgerow Retention/Replacement Notice once served if subsequent information is received that demonstrates that the notice is no longer appropriate.
- 3.6.11 Matters relating to tree preservation orders
- (a) In consultation with the Head of law and Administration and the Chairman of the Planning committee, authority to seek injunction pursuant to the provisions of Section 222 of the **Local Government Act 1972**, if in the future it appears expedient for the promotion and protection of the interests of the inhabitants of the Borough so to do, to restrain any breach of a Tree Preservation Order for the time being in force in the Borough.
 - (b) Authority to consent for the lopping, topping or felling of trees covered by a Tree Preservation Order.
 - (c) Authority, in consultation with the Head of Law and Administration, to make an immediate Tree Preservation Order under Sections 199 and 201 of the **Town and Country Planning Act 1990** having the effect of a stop notice.
 - (d) Authority to serve "Stop Notices" on any trees subject to Tree Preservation Orders, which are being cut, lopped, felled or damaged in any way.
 - (e) Authority to supply copies of Tree Preservation Orders to respective Parish Councils and notify individual Parishes of future Tree Preservation Orders.
 - (f) Authority to amend Tree Preservation Orders before confirmation, in response to objections or other relevant considerations, where such amendments are considered to be appropriate.
 - (g) Authority to rescind a Tree Preservation order unless it raises significant issues where it would be referred to the Planning Committee.

- (h) Authority to confirm all Tree Preservation Orders where no objections are made or where any objections are satisfactorily resolved.
- 3.6.12 Authority to undertake consultation exercises relating to Neighbourhood Boundary Areas and the neighbourhood planning process.
- 3.6.13 Authority to respond to Forestry Commission Consultations on Felling Licence applications, it being acknowledged that where technical or other related issues arise and an extension of time is sought, the application will be referred to the Committee.
- 3.6.14 Authority to formulate responses to Forestry Grant Scheme applications in cases where only new or additional tree planting is proposed.
- 3.6.15 Authority to approve contributions from the Maintenance Fund (for Listed and other Buildings of Historic Significance) provided that any Grant Aid to be offered is within the established criteria.
- 3.6.16 Authority to respond to notifications by Cellular Radio licensees and other 'code operators'.
- 3.6.17 Authority to exercise powers under Section 56C of the 1971 Act (Section 56 of the **Planning Listed Buildings and Conservation Areas Act 1990**) in respect of emergency action with regard to demolition of unlisted buildings in conservation areas and listed buildings.
- 3.6.18 To determine all applications made for the approval of details under Schedules 15, 16, 17 and 18 of the **High Speed Rail (West Midlands - Crewe) Act 2021** except those which the Head of Development considers should be presented to the Planning Committee for decision.
- 3.6.19 Authority to take all necessary action and exercise the Council's powers **under Section 7 of the Tenant Fees Act 2019.**
- 3.6.20 **Neighbourhood Planning**
 Authority in accordance with **Regulation 6 of the Town and Country Planning, (England) Neighbourhood Planning (General) Regulations 2012**, to publish and consult on a Neighbourhood Area Application proposed by the relevant qualifying body, prior to a decision being made under **Regulation 7 of the Town and Country Planning, (England) Neighbourhood Planning (General) Regulations 2012 .**
- 3.6.21 **Development Monitoring**
 - (a) Authority to prepare and publish such monitoring report(s) as required pursuant to **Section 35 of the Planning and Compulsory Purchase Act 2004.**
 - (b) Authority to prepare, maintain and publish a Brownfield Land Register pursuant to **Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.**

- (c) Authority to prepare and publish an annual infrastructure funding statement as required by **Regulation 121A of Part 10A of the Community Infrastructure Levy Regulations 2010 (as amended by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019)**.

3.6.22 Planning Policy Preparation

- (a) Authority to commission, prepare and publish such evidence reports as considered necessary to support the preparation and review of matters which affect the development of the Council's area including planning policies in accordance with **Section 13 of the Planning and Compulsory Purchase Act 2004** or government policy and guidance.
- (b) Authority to make corrections and other minor and non-substantive changes to draft planning policy documents following their approval by cabinet but prior to their publication for public consultation.

3.7 Head of Wellbeing

3.7.1 Homelessness functions - Authority to

- (a) place homeless persons in temporary bed and breakfast accommodation in emergency situations.
- (b) provide a free housing advice service to persons in the authority's district, in accordance with the Housing Act 1996 (as amended).
- (c) assess all eligible applicants and provide a personalised housing plan in accordance with the Housing Act 1996 (as amended).
- (d) determine homelessness applications, including prevention and relief, in accordance with the Housing Act 1996 (as amended).
- (e) determine all relevant applications for allocations and manage the waiting list in accordance with the Council's Allocation Policy.
- (f) make nominations to registered social landlords or other approved providers in accordance with the Council's Allocation Policy.
- (g) undertake emergency re-housing of homeless households in accordance with the Council's statutory duties.
- (h) make payments (either in the form of a grant or loan) to third parties in order to prevent, or relief, homelessness in accordance with the Council's Policy.
- (i) consider and determine appeals against the Council's refusal to include an applicant on the waiting list.
- (j) consider and determine appeals against any Council decision relating to homelessness.

- 3.7.2 To consider and determine requests for grants, loans and any other type of assistance made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.
- 3.7.3 To take proceedings under the Housing Act 1985, Part 10, relating to an occupier causing or permitting overcrowding of a dwelling.
- 3.7.4 Matters under the Regulatory Reform Order - Housing Assistance
- (a) To consider and determine requests for grants, loans and other assistance made available by the Council under any policy adopted in accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 as amended.
 - (b) To authorise payments for grants, loans and any other type of assistance made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 or any subsequent amendments or enactments.
 - (c) To determine the relevant works, eligibility, maximum amount and conditions attached to any form of assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.
 - (d) To impose and enforce conditions including instigating the necessary steps for breach of condition in respect of any assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.
 - (e) To determine requests to waive grant conditions in respect of any assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.
- 3.7.5 Matters under the Housing Grants, Construction and Regeneration Act 1996
- (a) To determine applications for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.
 - (b) To authorise payments for Disabled Facilities Grants.
 - (c) To impose and enforce conditions in respect of Disabled Facilities Grants.
 - (d) To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants.

- (e) To enforce grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act, 1996.
- (f) To instigate the necessary steps for breach of condition.
- (g) To determine requests to waive grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act 1996 in accordance with the Housing Grants, Construction and Regeneration Act 1996 (Grant Repayment) General Consent 2000.
- (h) To determine appeals against an assessment made for grant purposes under the Housing Renewal Grants Regulations 1996 and any subsequent amendments or enactments.

3.7.6 Direction of grant funding in accordance with the Council's Housing Strategy or Homelessness and Rough Sleeper Strategy, together with additional grant funding that becomes available for such matters as a result of changes in legislation and / or government policy.

3.8 Head of Transformation and Assurance

3.8.1 Authority to Implement national awards of pay and conditions of service.

3.8.2 Removal Expenses

- (a) Authority to, in connection with removal expenses, sanction the incurring or paying of any allowance or payment intended to be recovered by this scheme.
- (b) The Scheme will only apply to principal officers and above who purchase a house within the boundaries of Stafford Borough within one year of their employment commencement date and will have the following expenses reimbursed by the Council where actually incurred up to £2,500 or 15% of the commencement salary, whichever is the greater.
- (c) The scheme will only apply to all officers up to and including senior officers who purchase a house in a location agreed as appropriate by the Head of Transformation and Assurance and will have the following expenses reimbursed by the Council where actually incurred.
- (d) At discretion the grant of up to 2 days paid leave to officers when moving home.

3.8.3 Union Consultations

- (a) Consultations with trade unions on matters affecting the conditions of service of staff generally.
- (b) Where necessary, consultation with the staff side.

3.8.4 Implementation of decisions of the Council in respect of the **Health and Safety at Work Act 1974** etc.

3.8.5 Authority to pay car allowances.

3.8.6 Approval of attendance of officers on courses within approved estimates.

3.8.7 Authority to make ex-gratia payments up to £100 to employees for losses, not covered by insurance to clothing or personal belongings during employees normal employment.

3.8.8 Authority to deal with payments to widows of employees who die in service under Schedule 1 of the Stafford Corporation Gratuity Payment Scheme in accordance with Regulation 14 of the **Local Government Superannuation Regulations 1974** which required the authority to apply such scheme to those employees of the former Stafford Borough Council who are defined as transferred employees in accordance with Regulation J1.

Agenda Item 7(e)**Work Programme - Resources Scrutiny Committee**

Committee:	Resources Scrutiny
Date of Meeting:	7 November 2023
Report of:	Head of Law and Governance
Portfolio:	Resources

1 Purpose of Report

- 1.1 The purpose of this report is to present the Resources Scrutiny Committee's Work Programme

2 Recommendations

- 2.1 That the report be noted.

Reasons for Recommendations

- 2.1 The first stage in achieving a Member-led Overview and Scrutiny process is to develop a Work Programme for the Members of the Committee to own.

3 Key Issues

- 3.1 Accordingly, an up-to-date copy of the Resources Scrutiny Committee's Work Programme is provided for Members to consider or amend as appropriate.

4 Relationship to Corporate Priorities

- 4.1 This report is most closely associated with the following Corporate Business Objective 3:-

To be a well-run, financially sustainable and ambitious organisation responsive to the needs of our customers and communities and focussed on delivering our objectives.

5 Report Detail

- 5.1 Members will recall that one of the fundamental philosophies behind the creation of Overview and Scrutiny is that the process should be Member-led and the first stage in achieving this is to develop a Work Programme that is:-

- Owned by all Members of the Scrutiny Committee;
- Flexible to allow the Committee to react to urgent items;
- Contain aspects of both Overview and Scrutiny.

5.2 Therefore, at each scheduled meeting of the Resources Scrutiny Committee, an up-to-date copy of the Work Programme will be provided for Members to consider or amend as appropriate.

5.3 The Work Programme includes provision for the Committee to scrutinise appropriate items delivered through the Council's Service Delivery Plan up to twelve months in advance, whilst maintaining the flexibility to respond to any issues that may arise.

5.4 Accordingly, attached at **APPENDIX** is the Resources Scrutiny Committee's current Work Programme to consider or amend as appropriate.

6 Implications

6.1 Financial

Nil

6.2 Legal

Nil

6.3 Human Resources

Nil

6.4 Risk Management

Nil

6.5 Equalities and Diversity

Nil

6.6 Health

Nil

6.7 Climate Change

Nil

7 Appendices

None

8 Previous Consideration

Nil

9 Background Papers

File available in Law and Administration.

Contact Officer:	Ian Curran
Telephone Number:	01785 619220
Ward Interest:	Nil
Report Track:	Resources 7 November 2023 (Only)
Key Decision:	N/A

Appendix

Work Programme - Resources Scrutiny Committee

Tuesday 9 January 2024 at 6.30pm

Report Deadline 18 December 2023

Officer Reports: **General Fund Revenue Budget 2023-24 to 2026-27 and Capital Programme 2023-24 - 2026-27**
Deputy Chief Executive - Resources

Resources Portfolio - General Fund Revenue Budget 2023-24 to 2026-27 and Capital Programme 2023-24 - 2026-27
Deputy Chief Executive - Resources

Work Programme
Head of Law and Governance

Wednesday 13 March 2024 at 6.30pm

Report Deadline 28 February 2024

Officer Reports: **Review of the Constitution**
Head of Law and Governance

Performance Update/Budget Monitoring Report
Head of Transformation and Assurance

Work Programme
Head of Law and Governance

Future Items:

- Procurement
- Review of the Constitution
- Section 106 Agreements