



Urgent Non-Executive Decisions Made by the Chief Executive

RECOMMENDATION

- 1.1 To note the report.

SUPPORTING INFORMATION

- 2.1 In the Council's Constitution the Chief Executive has delegated authority to make decisions on behalf of the Council, in cases of urgency, in the discharge of any non-executive function of the Council other than those delegated to another officer or those which by law can be discharged only by full Council.
- 2.2 This report advises Council of the following decisions taken by the Chief Executive in accordance with this delegated authority:
- 2.3 Chief Executive's Delegated Powers

To transfer the following services to the newly-created Chief Executive's Office:

- Performance Management
- Policy and research
- Transformation Programme
- Communications
- Consultation

As a consequence it was necessary to amend the Council's Delegation of Powers Scheme in Part 3 of the Constitution as follows:

OFFICERS' AREAS OF RESPONSIBILITY – CHIEF EXECUTIVE – PAGE 3-25

Add to Section B Areas of Responsibility:

- Preparing and publicising the Council's national performance indicators.
- Drawing up and implementing corporate policies on performance management and Best Value.
- Managing corporate consultation and communication policies and initiatives.

Add to Section D Drawing up the following Policies and Plans that form part of the budget and policy framework:

- Best Value Performance Plan, The Corporate Plan

OFFICERS' AREAS OF RESPONSIBILITY – CORPORATE DIRECTOR,
CORPORATE AND ADULT SERVICES AND DEPUTY CHIEF EXECUTIVE –
PAGE 3-28

Delete from Section B Areas of Responsibility:

- Managing corporate consultation and communication policies and initiatives.

OFFICERS' AREAS OF RESPONSIBILITY – CORPORATE DIRECTOR,
RESOURCES – PAGES 3-31 AND 3-32

Delete from Section B Areas of Responsibility:

- Preparing and publicising the Council's national performance indicators.
- Drawing up and implementing corporate policies on performance management and Best Value.

Delete from Section D Drawing up the following Policies and Plans that form part of the budget and policy framework:

- Best Value Performance Plan, The Corporate Plan

Reason for urgency: The new structure needed to be in place by 5 October 2009.

2.4 **Amendment to Council Scheme of Delegations to enable authorisation of persons to enter land and premises for the purpose of statutory enforcement**

In pursuance of a confirmed Compulsory Purchase Order (CPO) it was necessary for two Council officers and an architect from our project partner, Nottingham Community Housing Association (NCHA), to exercise power of entry at 2, 3 and 4 Arboretum Square for the purposes of survey and valuation.

The power of entry under section 97 Local Government & Housing Act 1989 specifically requires that each 'person' be authorised.

The Council Constitution and Scheme of Delegations delegates power to:

- Assistant Director Housing and Advice Services, Mark Menzies, to authorise 'members of staff'
- Director of Corporate and Adult Services, Michael Foote, to authorise 'officers'.

The Council's Principal Solicitor (Litigation) has confirmed that the Scheme of Delegation requires amendment to allow 'other parties or agencies' to be properly authorised for 'power of entry' purposes – in this case, the NCHA architect.

As such, he recommended that amendment be made to extend the existing power to authorise 'officers' or 'members of staff', for both the above named Director and Assistant Director.

Reason for urgency:

Access to the properties was now urgently required to enable the Council to act expeditiously in progressing the CPO toward declaration of a vesting order, taking possession and onward sale for refurbishment. Two of the three properties were

occupied and the tenants' safety was paramount in our timescales for progressing the Order. Access for the NCHA architect was necessary now to ensure that we were in a position to discuss and agree scheme detail and refurbishment costings.

The solicitors acting on behalf of the property owner have specifically asked for sight of evidence that the 'power of entry' authorisations are signed by the Council officer appropriately delegated by the authority to issue them.

2.5 **Appointment to the Derby Homes Board**

To appoint Councillor Davis to the Derby Homes Board in place of Councillor Hickson to avoid clashes of meetings.

Reason for urgency

To ensure regular attendance at Derby Homes Board meetings is established as soon as possible.

For more information contact: Karen Squires 01332 255467 e-mail karen.squires@derby.gov.uk

Background papers:

Report to Chief Executive of an Urgent Non-Executive Matter Requiring a Decision of the Council

List of appendices:

Appendix 1 – Implications

IMPLICATIONS

Financial

1. None directly from this report.

Legal

2. None directly from this report.

Personnel

3. None directly from this report.

Equalities Impact

4. None directly from this report.

Corporate objectives and priorities for change

5. None directly from this report.