

Committee: Markets	Date: 29 January 2014
Subject: Corporate Governance – Scheme of Delegations and Standing Orders	Public
Report of: Town Clerk	For Decision
Summary	
<p>As part of the City Corporation’s arrangements for ensuring good governance the Scheme of Delegation to Chief Officers has been reviewed and a number of changes have been proposed. The changes, which principally reflect changes to legislation and previously agreed City Corporation’s policies, are due to be considered by Policy and Resources Committee on 23 January 2014 before being submitted to the Court of Common Council.</p> <p>The Policy Committee is responsible for the review and for the co-ordination of the City Corporation’s governance arrangements. The Committee will therefore be considering the Scheme in its entirety including the general framework and conditions of the delegations and an amendment to Standing Orders which relate to the declaration of operation property assets which are surplus to requirements.</p> <p>All service committees are required to consider those elements for which they have responsibility. A copy of the revised section(s) applicable to this Committee is attached as an appendix to this report for your consideration.</p> <p>Recommendations</p> <ol style="list-style-type: none"> 1. Subject to the approval of the Policy and Resources Committee of the overall Scheme of Delegation, the delegations relating to the Director of Markets and Consumer Protection as set out in the appendix to this report be approved; and 2. Note the proposed amendment to Standing Orders relating to the declaration of operation property assets which are surplus to requirements. 	

Main Report

Background

1. As a corporate body all decisions are vested in the Court of Common Council. To facilitate the administration of the City Corporation’s many and complex functions, the Court delegates the majority of its functions to its committees and officers. The committee terms of reference set out the functions delegated to committees whilst the Scheme of Delegations sets out those functions which have been delegated to officers.

Scheme of Delegations

2. The Scheme of Delegations has recently been reviewed and a number of changes are proposed which on the whole reflect changing legislation, amendments to corporate policy and operational needs. A copy of the revised Chief Officer delegation relevant to this Committee is attached as an appendix to this report.
3. A full copy of the Scheme is available for Members to view in the Members' Reading Room and is also available on request.
4. The Policy and Resources Committee is responsible for the review and co-ordination of the City Corporation's governance arrangements which includes amongst other things, committees and Standing Orders.

Standing Orders – Declaring Assets Surplus

5. The drive for efficiency savings including the Corporate Asset Realisation Programme and the more recent Service Based Reviews have highlighted the need for the City to more effectively identify those assets which are surplus to departmental need so they can be considered for alternative uses or disposal.
6. Whilst there are a number of officer groups considering the efficient and effective use of assets and resources it is felt that their work would be assisted by a change to Standing Orders which would formalise the process for Chief Officers and Committees identifying assets as surplus. It should be noted that prior to the approval of the Court, the Policy and Resources Committee is being asked to consider adding the following with regard to this.

Standing Order No 55 - Identification of Property Assets Surplus to Departmental Requirements

(1) Committees are required to consider the effective and efficient use of all operational property assets. This will be monitored by the Corporate Asset Sub Committee

(2) Where assets are no longer required, in whole or in part, for the provision of operational services for which they are currently held, a report on the circumstances must be made to the Corporate Asset Sub Committee. This does not apply where letting are an integral part of the service e.g. market or housing tenancies

Corporate & Strategic Implications

7. The proposed changes to the Scheme of Delegations and Standing Orders are intended to support the effective governance of the City of London and ensure that decision making is effective and transparent.

Appendices

- *Appendix 1 – Revision(s) to Scheme of Delegations*

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DIRECTOR OF MARKETS & CONSUMER PROTECTION

The following matters are delegated to the Director of Markets & Consumer Protection.

Markets

1. To agree the assignment of tenancies where, in their opinion, there are no complications.
2. To grant tenancies at will to suitably qualified applicants in a standard form previously approved by the Comptroller & City Solicitor.
3. To authorise the Comptroller & City Solicitor to institute proceedings under the City of London Corporation's Byelaws.

Delegations to other Officers

4. The above matters are also delegated to the Superintendents of Billingsgate Market, Smithfield Market and Spitalfields Market to be exercised either at the direction of or in the absence of the Director of Markets & Consumer Protection.

Port Health and Public Protection Division

a) Administrative

5. To increase current charge rates for products of animal origin annually in line with inflation.
6. To enter into a Service Level Agreement with the Health Protection Agency and agree minor amendments from time to time if required.
7. Setting miscellaneous hourly-based charges subject to agreement with the Chamberlain.

b) Legislative

8. To authorise duly appointed officers to act under any enactments, regulations or orders relating to the functions within the purview of the Committee and Department.

The Director of Markets and Consumer Protection and any staff authorised by him are indemnified against all claims made against them including awards of damages

and costs arising out of acts done by them in the bona fide discharge or purported discharge of such functions.

	Legislation	Delegated Function
1.	Accommodations Agencies Act 1953	Institution of Proceedings and other enforcement methods
2.	Administration of Justice Act 1970	Institution of Proceedings and other enforcement methods
3.	Agriculture Act 1970 (as amended)	(i) Institution of Proceedings and other enforcement methods (ii) Section 67 – to enforce this part of the Act within the respective area; and the health authority of the Port of London shall have the like duty as respects the district of the Port of London
4.	Agricultural Produce (Grading & Marking) Act 1928 Agricultural Produce (Grading & Marking) Amendment Act 1931	Institution of Proceedings and other enforcement methods
5.	Animal Boarding Establishment Act 1963	(i) Institution of Proceedings and other enforcement methods (ii) Authorising of Officers to carry out inspections (iii) Granting of Licences

6.	Animal Health Act 1981 including all Orders and Regulations made thereunder	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Section 52(1) – Appointment of Inspectors and other Officers as required for the execution and enforcement of the Act
7.	Animal Health & Welfare Act 1984	Institution of Proceedings and other enforcement methods.
8.	Animal Welfare Act 2006	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Section 51 – Appointment of Inspectors and other Officers as required (iii) Service of Notices under Section 10
9.	Anti-Social Behaviour Act 2003	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Section 48 – Issue of Notices (iii) Section 43 – Issue of FPN's (iv) Authorisation of Officers
10.	Breeding of Dogs Acts 1973 (as amended) & 1991 Including any regulations made there under	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Section 2 – Authorisation of officers (iii) the Granting of Licences iv) Setting of Fees

	and Breeding and Sale of Dogs (Welfare) Act 1999 (amendment to the 1973 Act)	
11.	Building Act 1984 including all Orders & Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Section 126 – Authorisation of Officers (iii) Part I and Schedule 3 - Granting all authorisations and consents and issuing of notices
12.	Cancer Act 1939	Institution of Proceedings and other enforcement methods
13.	Children & Young Persons Act 1933 (as amended by Protection of Children (Tobacco) Act 1986	Institution of Proceedings and other enforcement methods
14.	Children & Young Persons (Protection from Tobacco) Act 1991 Including all Orders and Regulations made thereunder	Institution of Proceedings and other enforcement methods
15.	Christmas Day (Trading) Act 2004	(i) Institution of Proceedings and other enforcement methods.

		(ii) Section 3(2) – Appointment of Inspectors. (iii) Section 2(1) – Granting of Consents.
16.	City of London Sewers Act 1848 (as amended in 1851 and 1897)	(i) Powers of Inspection under Sections 70 and 71 (ii) Issuing of notices Sections 61 and 75
17.	City of London (Various Powers) Act 1954 – Section 4	Institution of Proceedings and other enforcement methods
18.	City of London (Various Powers) Act 1971 – Section 3	Institution of Proceedings and other enforcement methods
19.	City of London (Various Powers) Act 1973	To exercise the power to dispense with or relax any requirement of a sanitation byelaw
20.	City of London (Various Powers) Act 1977	Authorisation of Officers under Section 22
21.	City of London (Various Powers) Act 1987 – Part III	(i) Grant and renewal of annual licences (ii) Institution of Proceedings and other enforcement methods (iii) Section 26 – Designation of areas
22.	Clean Air Act 1993 Including any Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Section 56 – Authorisation of Officers

		<ul style="list-style-type: none"> (iii) Sections 24, 36 & 58 – Serving of notices (iv) Section 15 – Granting of approvals (v) Section 35 – Powers of entry
23.	Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> (i) Power to make dog control orders (ii) Issue Fixed Penalty Notices (iii) Setting the level of fees (iv) Authorising Officers
24.	Companies Act 2006 Including any regulations made thereunder	Institution of Proceedings and other enforcement methods
25.	Consumer Credit Act 1974 Including any regulations made thereunder	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of officers under Sections 162 & 164
26.	Consumer Protection Act 1987 Including any regulations made thereunder	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers under Sections 28 & 29 (iii) Part II – Serving of notices
27.	Control of Pollution Act 1974	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods. (ii) Part III and Section 93 – serving of notices.

28.	Copyright Designs & Patents Act 1988	Institution of Proceedings and other enforcement methods
29.	Courts & Legal Services Act 1990	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of officers under Section 106(6)
30.	Criminal Justice Act 1988	Institution of Proceedings and other enforcement methods
31.	Criminal Justice & Public Order Act 1994	Institution of Proceedings and other enforcement methods
32.	Dangerous Wild Animals Act 1976	(i) Institution of Proceedings and other enforcement methods (ii) Section 3 – Authorisation to carry out inspections (iii) Section 1 – Granting of licences
33.	Education Reform Act 1988	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of officers under Section 215
34.	Enterprise Act 2002	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Serving of Notices (iv) Applying for Orders

35.	Environment Act 1995	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
36.	Environmental Protection Act 1990 (Part III)	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers iii) Issuing Notices
37.	Estate Agents Act 1979	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issuing Notices
38.	European Communities Act 1972	Institution of legal proceedings, granting of authorisations/permissions, issuing of notices and authorisation of officers in respect of regulations made under the provisions of S.2(2) European Communities Act 1972 insofar as they apply to the Common Council of the City of London in its capacity as a local authority, weights and measures authority, food authority or port health authority.
39.	Explosives Act 1875 – Section 69	Discharge of duties
40.	Fair Trading Act 1973	(i) Institution of Proceedings and other enforcement methods

		(ii) Authorisation of Officers
41.	Farm & Garden Chemicals Act 1967	Institution of Proceedings and other enforcement methods
42.	Fireworks Act 2003	Institution of Proceedings and other enforcement methods
43.	Food and Environmental Protection Act 1985	Institution of Proceedings and other enforcement methods
44.	Food Safety Act 1990	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices (iv) Appointment of Public Analysts for the City of London Corporation acting as a Food Authority and/or a Port Health Authority
45.	Forgery & Counterfeiting Act 1981	Institution of Proceedings and other enforcement methods
46.	Fraud Act 2006	Institution of Proceedings and other enforcement methods
47.	Gambling Act 2005	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting applications, variations and transfers of

		<p>premises licences</p> <p>(iv) Granting provisional statements</p> <p>(v) Endorsement of temporary use notices</p> <p>(vi) Issuing club gaming permits</p> <p>(vii) Issuing of club machine permits</p> <p>(viii) Granting and renewing family entertainment centre permits; Licensed Premises Gaming Machine permits; Prize Gaming permits</p>
48.	Greater London Council (General Powers) Act 1967	<p>(i) Institution of Proceedings and other enforcement methods</p> <p>(ii) Issue of Certificates of Registration</p>
49.	Greater London Council (General Powers) Act 1981	<p>(i) Institution of Proceedings and other enforcement methods</p> <p>(ii) Authorisation of Officers</p> <p>(iii) Issue of Notices</p>
50.	Greater London Council (General Powers) Act 1984, Part VI	<p>(i) Institution of Proceedings and other enforcement methods</p> <p>(ii) Authorisation of Officers</p> <p>(iii) Granting of refusing registration</p>
51.	Hallmarking Act 1973	Institution of Proceedings and other enforcement methods

52.	Health Act 2006	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
53.	<p>Health and Safety at Work Act 1974</p> <p>Including any Regulations made thereunder</p>	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Appointment of inspectors (iii) Issue of notices
54.	<p>House to House Collections Act 1939 (Regulations 1947)</p>	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Granting of Licences.
55.	Housing Act 1985	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices (iii) Granting of Licences
56.	Housing Act 2004	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices (iii) Authorisation of Officers (iv) Power to make Orders (v) Exercising the licensing functions

57.	Insolvency Act 1986	Institution of Proceedings and other enforcement methods
58.	Intoxicating Substances (Supply) Act 1985	Institution of Proceedings and other enforcement methods
59.	Knives Act 1997	Institution of Proceedings and other enforcement methods
60.	Legal Services Act 2007	Institution of Proceedings and other enforcement methods
61.	Licensing Act 2003 Various provisions relating to granting or refusal or enforcement.	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting premises licences, variations to premises licences and transferring premises licences (iv) Issuing provisional statements (v) Granting club premises certificates, and variations to club premises certificates (vi) Issue of Notices (vii) Renewal of personal licences (viii) Determining representations
62.	Local Government (Miscellaneous Provisions) Act 1976	(i) Institution of Proceedings and other enforcement methods

		(ii) Issue of Notices
63.	Local Government (Miscellaneous Provisions) Act 1982	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting of registrations
64.	London County Council (General Powers) Act 1920 - Part IV	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
65.	London Local Authorities Act 1990	(i) Institution of Proceedings and other enforcement methods under Section 34 (ii) Granting, renewing, revoking or varying of licences under Part III
66.	London Local Authorities Act 2007	Institution of Proceedings and other enforcement methods under Section 75
67.	Malicious Communications Act 1988	Institution of Proceedings and other enforcement methods
68.	Medicines Act 1968 Including any Regulations and Orders made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
69.	Motorcycle Noise Act 1987	Institution of Proceedings and other enforcement methods

70.	National Lottery ETC Act 1993	Institution of Proceedings and other enforcement methods
71.	Noise Act 1996	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
72.	Olympic Symbol etc. (Protection) Act 1995	Institution of Proceedings and other enforcement methods
73.	Performing Animals (Regulation) Act 1925	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers
74.	Pet Animal Act 1951	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers (iii) Granting of Licences
75.	Poisons Act 1972	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers
76.	Pollution Prevention & Control Act 1999 and the Environmental Permitting (England and Wales)	(i) Institution of Proceedings and other enforcement methods.

	Regulations 2010	(ii) Undertaking of functions relating to permits (iii) Carrying out of Enforcement Actions (iv) Authorisation of Officers under Regulation 32 of the 2010 Regulations.
77.	Prevention of Damage by Pests Act 1949	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
78.	Prices Acts 1974	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
79.	Property Misdescriptions Act 1991	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers
80.	Protection against Cruel Tethering Act 1988	Institution of Proceedings and other enforcement methods
81.	Protection from Harassment Act 1997	Institution of Proceedings and other enforcement methods.
82.	Public Health (Control of Disease) Act 1984	(i) Institution of Proceedings and other enforcement methods

		(ii) Authorisation of Officers (iii) Power to make Orders (iv) Applying to Courts for Closure Orders
83.	Public Health (Aircraft) Regulations 1979	Authorisation of Officers
84.	Public Health (Ships) Regulations 1979	Authorisation of Officers
85.	Public Health Act 1936	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices
86.	Public Health Act 1961	Issue of Notices
87.	Riding Establishments Acts 1964 and 1970	(i) Institution of Proceedings and other enforcement methods (ii) Granting of Licences and provisional Licences
88.	Road Traffic Act 1988 Including any Regulations made thereunder	Institution of Proceedings and other enforcement methods
89.	Scrap Metal Dealers Act 1964	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of suitable officers.

90.	Site Waste Management Plan Regulations 2008	i) Institution of Proceedings ii) Issue of Notices Authorisation of Officers
91.	Solicitors Act 1974	(i) Institution of Proceedings and other enforcement methods (ii) Powers of Entry
92.	Sunbeds (Regulation) Act 2010	i) Institution of Proceedings and other enforcement methods ii) Powers of Entry
93.	Sunday Trading Act 1994	(i) Institution of Proceedings and other enforcement methods (ii) Appointment of Inspectors (iii) Consents
94.	Tobacco Advertising & Promotion Act 2002	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
95.	Trade Descriptions Act 1968	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
96.	Trade Marks Act 1994	Institution of Proceedings and other enforcement methods

97.	Unsolicited Goods & Services Act 1971	Institution of Proceedings and other enforcement methods
98.	Video Recordings Act 1984	Institution of Proceedings and other enforcement methods
99.	Water Industry Act 1991	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices and Notifications (iv) Granting of Consents
100.	Weights and Measures Act 1985	(i) Institution of Proceedings and other enforcement methods (ii) Power to appoint Inspectors
101.	Zoo Licensing Act 1981	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting, renewing, revoking, alteration and transferring of licenses (iv) Making zoo closure directions