

TABLE 5

DELEGATIONS TO THE DIRECTOR FOR FAMILIES AND COMMUNITIES

	DELEGATED POWER	OVERALL RESPONSIBLE BODY
	CHILDREN'S AND EDUCATION SERVICES	
1	To be the Council's appointed Director of Children's Services in accordance with Section 18(1) of the Children's Act 2004, with responsibility for the discharge of the local authority's education and children's social services functions as set out in section 18(2) of that Act.	CABINET
2	To be responsible for functions exercisable on behalf of an NHS body so far as it relates to children and young people.	CABINET
3	To be responsible for safeguarding vulnerable children	CABINET
4	To set and vary rates for providers of all forms within the responsibility of the Director for Families and Communities in line with financial regulations.	CABINET
5	To provide, operate, commission and vary payments to external providers in respect of services arranged for of all forms within the responsibility of the Director for Families and Communities in line with financial regulations	CABINET
6	To meet the requirements as set down by regulatory bodies in relation to the operation of Children's Services.	CABINET
7	In conjunction with the Director for Health and Care, to protect and promote the welfare of vulnerable young adults including vulnerable young people moving into adulthood and those with EHCP's, gypsies, travellers, refugees, asylum seekers, evacuees and proven victims of modern day slavery. NB. This duty to apply to all members of the groups listed, up to and including the age of 17 years. The maximum age limit to be extended to "up to and including 25 years" for those individuals formally supported under the SEND provisions.	CABINET
8	In conjunction with the Director for Health and Care, to co-ordinate the transition of service provision for children who will require services in adulthood.	CABINET
9	In conjunction with the Director for Health and Care, to meet the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registerable staff.	CABINET
10	To lead and co-ordinate the Staffordshire Safeguarding Children's Board in accordance with legislation and guidance	CABINET
11	To appoint Proper Officers for children's social services functions	CABINET

	DELEGATED POWER	OVERALL RESPONSIBLE BODY
12	<p>To be responsible for the functions conferred on or exercisable by the Local Authority in its capacity as a local education authority particularly:</p> <p>(1) its strategic duties under the Education and Inspections Act 2006 to promote:</p> <ul style="list-style-type: none"> • Choice • Diversity • High standards • The fulfilment of every child’s educational potential <p>(2) its responsibilities under the Education Act 1996 to:</p> <ul style="list-style-type: none"> • Secure School Places • Secure excellence in education, promoting high 	CABINET

	<p>standards and fulfilment of potential</p> <p>(3) its responsibilities under the Education Act 1996 or any subsequent legislation in relation to the provision of education for children and young people with Special Educational Needs</p> <p>(4) Each local authority shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them</p> <p>(5) to institute proceedings in relation to failures to secure attendance of children at school, or failures to comply with School Attendance Orders (Sections 437 to 447 of the Education Act 1996, or any subsequent re-enactment thereof)</p> <p>(6) to issue Fixed Penalty Notices for non-school attendance under section 444A of the Education Act 1996, or any subsequent re-enactment thereof.</p> <p>(7) Local authorities statutory study under 22(3A) / 23ZZA of the Children Act 1989 (added by section 4 of the Children and Social Work Act) to promote the educational achievement of looked-after children and previously looked-after children. That includes those children placed out of authority</p> <p>(8) The Children and Families Act 2014 amended section 22 of the Children Act 1989 to require every local authority in England to appoint an officer (Virtual School Head) employed by the authority, or another authority, to make sure that its duty to promote the educational achievement of its looked-after children</p> <p>(9) take a strategic leadership role in promoting the educational outcomes of the cohort of children with a social worker and those who have previously had a social worker who are ages from 0 up to 18.</p>	
13	To be the Lead Strategic Commissioner for EnTrust and any other partnership or joint working relationships entered into by the local authority in relation to the provision of education services (Authority to be delegated to the Commissioner for Learning and Skills)	CABINET
14	To ensure compliance with the local authority's statutory responsibilities in relation to Raising the Participation Age (RPA)	CABINET
15	To ensure compliance with the requirements of the Department for Education in relation to the preparation and submission of budgetary and other data in relation to education, children's social services and youth service functions; the format of such data to be compliant with the Department for Education CCIS (Client caseload Information System).	CABINET

16	To licence the employment of children under Part II of the Children and Young Persons Act 1933 and Bylaws made under that part, and Part II of the Children and Young Persons Act 1963.	COUNCIL
17	To be responsible for social services functions as they relate to children within the meaning of the Local Authority Social Services Act 1970.	CABINET
18	To be responsible for functions relating to persons leaving care	CABINET
19	In conjunction with the Director for Health and Care, to be responsible for functions in respect of: <ul style="list-style-type: none"> • co-operation to improve well-being with partner agencies • multi agency arrangements to safeguard and promote welfare • information databases 	CABINET
20	As the Operational Manager of Services to agree public health programmes for: <ul style="list-style-type: none"> • Children's services • Health visiting (for 0-5 year olds) • The child health and wellbeing programme (formerly school nursing) (for 5-19 year olds) Such programmes to be in accordance with the national legal framework	CABINET
21	To be responsible for functions in respect of the Staffordshire Families Strategic Partnership Board	CABINET
22	To be responsible for functions in respect of the improvement of young people's well-being; provision of childcare; information, advice, and assistance and training to child care providers	CABINET
23	To be responsible for such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations.	CABINET
24	To manage the local authority's children's services with professional responsibility and accountability for their effectiveness, availability and value for money.	CABINET
25	In conjunction with the Director for Health and Care, to lead and coordinate the Staffordshire and Stoke-on-Trent Safeguarding Vulnerable Adults Partnership and the Staffordshire Safeguarding Children's Board in accordance with legislation and guidance.	CABINET
26	To safeguard and promote the welfare of children	CABINET
27	To meet all requirements set down for the provision of Youth Offending Services in Staffordshire	CABINET
28	To exercise the Council's duties and responsibilities under the Crime and Disorder Act 1998 and ensure that any crime and disorder implications of the council's decisions are properly considered	CABINET

29	In conjunction with the Office of the Police and Crime Commissioner for Staffordshire to support and develop the County's Police and Crime Plan (NB. Director of Health and Care, Public Health responsibility to work with the Police, Fire and Crime Commissioner to promote safer communities and to work with/influence the work of NHS Commissioners.)	CABINET
30A	To ensure that the Council effectively fulfils its roles and responsibilities under the Civil Contingencies Act 2004 including acting as Chairman of Staffordshire's Prevent Group	CABINET
30B	To exercise powers of Section 36 of the Counter Terrorism & Security Act which set out the duty on local authorities and partners of local panels to provide support for people vulnerable to being drawn into terrorism. In England and Wales, this duty is met through Channel panels.	CABINET
31	To fulfil the Council's duty to cooperate with Multi Agency Public Protection Arrangements (MAPPA)	CABINET
	RURAL	
32	To exercise all the powers and duties of the County Council under the Wildlife and Countryside Act 1981, Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010 in relation to the operation and management of it's country parks and public access lands	COUNCIL
33	To designate a footpath as a cycle track under the Cycle Tracks Act 1984	COUNCIL
34	To keep the register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981	COUNCIL
35	To enter into agreements with respect to means of access to any access land under Section 35 of the Countryside and Rights of Way Act 2000 and to provide access in the absence of such agreement under Section 37 of that Act	COUNCIL
36	Subject to consultation with the local member(s), to determine non-contentious applications and applications initiated by the County Council itself, for Public Path Orders to create, stop or divert footpaths and bridleways under: <ul style="list-style-type: none"> • Sections 25, 26, 118, 118A, 119 and 119A of the Highways Act 1980 • Sections 257 and 258 of the Town and Country Planning Act 1990 • De-Regulation Act 2015 Applications which are, or become, contentious to be referred to the Countryside and Rights of Way Panel for decision.	COUNCIL

36 (a)	<p>To exercise all the powers and duties of the County Council under;</p> <ul style="list-style-type: none"> • the Highways Act 1980, the Countryside and Rights of Way Act 2000, the Rights of Way Act 1990, and the Wildlife and Countryside Act 1981 in relation to public footpaths and bridleways, • The Commons Act 2006 in relation to the administration of the Registers of Deposits of land interests made under Section 15A (1) <p>and to serve all notices and take all steps as the Acts may require in connection with the exercise of such powers and duties.</p>	COUNCIL
37	<p>Subject to first consulting the Director of Corporate Services:</p> <ul style="list-style-type: none"> • To serve a Notice relating to replacement of trees 	COUNCIL
38	<p>To authorise the Peak Park Authority to discharge the County Council's functions, as contained in the Countryside Act 1968, in relation to land at the former Waterhouses Railway Station</p>	COUNCIL/ CABINET
39	<p>To be authorised by the Director of Corporate Services to attest the affixation of the Common Seal in relation to Diversion Orders under s. 118 and 119 of the Highways Act 1980, s. 257 of the Town and County Planning Act 1990 and Creation Agreements under s.25 of the Highways Act 1980</p>	COUNCIL
40	<p>To authorise the Peak Park Authority to discharge the County Council's powers and functions under the Ancient Monuments and Archeological Areas Act 1979 in respect of that part of the Peak District National Park which is within Staffordshire, without prejudice to the exercise concurrently by the County Council within that area of their powers under the Act.</p>	
41	<p>To give, in consultation with the Chairman of the Planning Committee, a Direction that a Tree Preservation Order shall have immediate effect without previous confirmation, subject to and under Section 201 of the Town and County Planning Act 1990</p>	
	REGULATORY SERVICES AND COMMUNITY SAFETY	
42	<p>To appoint qualified person(s) to hold the following statutory offices:-</p> <ul style="list-style-type: none"> • Public Analyst for the purposes of the Food Safety Act 1990 and Agricultural Analyst for the purposes of the Agriculture Act 1970 • Deputy Public Analyst for the purposes of the Food Safety Act 1990 • Deputy Agricultural Analyst for the purposes of the Agriculture Act 1970 • Chief Inspector of Weights and Measures for the purposes of the Weights and Measures Act 1985 	COUNCIL

43	To be the Proper Officer to undertake the council's function under Section 23 of the Coroners and Justice Act 2009, with regard to the appointment of senior, area (deputy) and assistant coroners and to have responsibility for financial expenditure by the Coroner Service.	COUNCIL
44	To designate staff of the service as a duly authorised officer, person, inspector and/or sampling officer (as the case may be), for all purposes under legislation conferring powers or duties on the County Council in respect of the protection of the public, consumers, animals (both wild and domestic), or the environment, (and in particular legislation specified in the Trading Standards Quality Assurance System together with any Orders or Regulations) made thereunder or relating to the specified legislation or having effect by virtue of the European Communities Act 1972 and any modification (including the European Union (Withdrawal) Act 2018) amendment or re-enactment of any of the foregoing legislation, Orders or Regulations); and the enforcement of which the County Council are empowered to undertake; and to confer on them all powers which the County Council may confer for the purposes of determining whether or not the provisions of such legislation and any Orders and Regulations are being complied with and all powers of enforcing the same in accordance with the relevant legal provisions for doing so	COUNCIL
45	By virtue of section 19 of the Health and Safety at Work Act 1974, to appoint as inspectors such persons having suitable qualifications as necessary for carrying into effect the relevant statutory provisions and to terminate any appointment under this section. (Every appointment of a person as an inspector under this section shall be made by an instrument in writing specifying which of the powers conferred on inspectors by the relevant statutory provision shall be exercisable by the person appointed)	COUNCIL
46	To designate staff of the service as being authorised, after receipt of the necessary information or documentation, to issue or amend or where so authorised to refuse or to revoke any licences or to register any persons or premises or to issue certificates and collect any fees pursuant to legislation referred to in paragraph 39 and 40 above upon such terms and conditions as may be appropriate in each case	COUNCIL
47	To refuse to renew licences where licensees have failed to submit the appropriate petroleum spirit storage tank test certificate and/or the appropriate petroleum spirit store electrical installation test certificate by the due date	COUNCIL
48	To authorise in cases of urgency and subject to consultation with the Chairman of the Planning Committee: <ul style="list-style-type: none"> • The prohibition or restriction of the admission of spectators under the safety of 	

	<p>Sports Grounds Act 1975;</p> <ul style="list-style-type: none"> The serving of a preliminary notice to enforce safety at outdoor sports grounds where it is confirmed that a stand provides cover for more than 500 people 	COUNCIL
49	To issue, amend and withdraw a prohibition notice under the Safety of Sports Grounds Act 1975 when the risk to spectators at a ground is so great that, until steps have been taken to reduce it to a reasonable level, the admission of spectators ought to be restricted or prohibited	COUNCIL
50	To issue or amend or where so authorised to refuse or to revoke and make technical amendments to Safety Certificates issued by virtue of the Safety of Sports Grounds Act 1975, and the Fire Safety and Safety at Sports Grounds Act 1987 and related legislation.	COUNCIL
51	To commence as a Responsible Authority a review of a premise licence where the circumstances reveal that there has been a breach of Licensing Objectives	COUNCIL
52	To approve an application to a court for a warrant pursuant to legislation referred to in paragraph 39 and 40 above	COUNCIL
53	To approve information and intelligence sharing protocols with other agencies in consultation with the Council's Information Governance Unit.	COUNCIL
54	To authorise appropriately competent officers and persons from outside the authority to act under Trading Standards legislation as specified in any formal joint working arrangements or in the event of an emergency where additional staff are required to supplement the existing workforce.	COUNCIL
55	Discharge a function under section 101 of the Local Government Act 1972 (As Amended) where it is expedient for the promotion or protection of the inhabitants of Staffordshire, as required by Section 222 Local Government Act 1972.	COUNCIL
56	<p>Where it is in the 'public interest' as detailed in the Code for Crown Prosecutors, administer a "simple Caution" for those who commit less serious crimes when:</p> <ul style="list-style-type: none"> there is evidence of the offender's guilt sufficient to give a realistic prospect of conviction in a criminal court, the offender is aged 18 years or over, the offender has admitted the offence and <p>the offender agrees to be given a caution.</p>	COUNCIL
57	Enter into a contract with other Local Authorities or businesses for the provision of Regulatory and Community Safety Services either by or for the County Council.	COUNCIL

	CULTURE AND PHYSICAL ACTIVITY	
58	To be the responsible officer for ensuring that the County Council's Library Service complies with the statutory requirements detailed within the Public Libraries Act 1964	COUNCIL
59	To be responsible for the delivery and management of the County Council's duties under the Public Libraries Act 1964 by those third parties (e.g. community groups) with whom the County Council has contractual and leasing arrangements for the library service/premises	COUNCIL
60	To exercise all the powers and duties of the County Council relating to archives and records under The Local Government Acts 1972 and 1992, the Local Government (Records) Act 1962, The Public Records Act 1958 and 1967, The Law of Property Act 1922, The Tithe Act 1936, The Parochial Registers and Records Measures 1978 as amended by the Church of England (Miscellaneous Provisions) Measure 1992, Manorial Documents Rules 1959, Tithe Rules 1960, General Data Protection Regulations, Freedom of Information Act 2000	COUNCIL
61	To take decisions on the allocation of grants from the County Council's Arts Grants Scheme	CABINET
62	To authorise the disposal of artefacts from the County Museum collection	CABINET
63	To sign off grant applications for grants over £50,000	CABINET
	MISCELLANEOUS	
64	To be the host Chief Executive for West Midlands Employers	COUNCIL