

Public Protection Partnership Operational Delegations

This scheme of delegation ("Scheme") relates to the arrangements made by; Bracknell Forest Borough Council (Bracknell), West Berkshire District Council, (West Berkshire) and Wokingham Borough Council (Wokingham) to discharge their Environmental Health, Licensing and Trading Standards functions jointly through a Joint Committee as agreed by each of the Councils through resolutions of their Executives and Full Council

The Scheme is established by Public Protection Partnership Joint Committee ('the Joint Committee') in accordance with Section 101(5) and 101(2) Local Government Act 1972, Section 9EB Local Government Act 2000 and Regulation 9 Local Authorities (Arrangements for the Discharge of Functions) England) Regulations 2012. The Officers identified in the scheme are employed by West Berkshire District Council.

Part 1: General Delegation

- 1.1 The Joint Committee delegates to the Public Protection Manager and the Head of Public Protection and Culture (or any successor post holder subsequent to any reorganisation) the functions set out in Schedule 2 of the Public Protection Partnership inter Authority Agreement dated the 6th January 2017 (herein after known as the 'Relevant Functions') and authorises them, subject to the limitations and reservations set out in Part 3 of the Scheme to exercise these functions.
- 1.2 Where any of these Officers is absent for any period West Berkshire Council's Director for the Environment and Economy Directorate may nominate in writing another Officer to act in his or her place during such absence and shall make record of all such nominations
- 1.3 The Officers referred to in 1.1 above may also exercise all of the specific delegations identified in Part 2 of the Scheme
- 1.4 Where any Officer listed in Part 2 is absent for any period any of the Officers referred to in 1.1 above may nominate in writing another Officer to act in his or her place and shall make record of all such nominations.

Part 2: Specific Delegations

The specific executive functions of the Public Protection Partnership set out in column 3 below are delegated to the corresponding Officers listed in column 2 subject to the limitations and reservations set out in Part 3.

No	TITLE OF POST HOLDER	FUNCTIONS DELEGATED
PP1	Head of Public Protection & Culture	To make appointment(s) of Chief Inspector(s) of Weights and Measures
PP2	Head of Public Protection & Culture Public Protection Manager Strategic Managers	To exercise all the executive and non-executive powers and functions of the Councils relating to the 'Relevant Functions' including powers of Enforcement, issuing Suspension Notices, Fixed Penalty, Penalty Charge Notices, Penalty Notices for disorder, Licensing and

		Registration, Prosecution and Civil Action
PP3	Head of Public Protection & Culture Public Protection Manager Strategic Managers	To appoint and authorise officers (and other persons) to enforce and otherwise deliver the 'Relevant Functions' as set out in the Inter-Authority Agreement dated the 6 th January 2017
PP4	Head of Public Protection & Culture Public Protection Manager Strategic Manager – Case Management and Governance Case Manager(s)	A. To institute and/or appear on behalf of the Bracknell Forest Borough Council, Wokingham Borough Council and West Berkshire District Council in any proceedings relating to the 'Relevant Functions' before any Court or Tribunal B. To conduct confiscation proceedings under the Proceeds of Crime Act 2002 in the Crown Court. C. (Public Protection Manager ONLY) to authorise any officers to appear in any proceedings relating to 'Relevant Functions' in any Court of summary jurisdiction or in the County Court
PP5	Head of Public Protection & Culture Public Protection Manager	Signing any document authorised or required to be given made or issued in accordance with Section 49 Food Safety Act 1990

Part 3: Reservations and Limitations

- 3.1 The exercise of functions to Officers under the Scheme must comply with:-
- 3.1.1 any legal requirements or restrictions:
- 3.1.2 the Councils' Constitutions and the governance arrangements of the Joint Committee;
- 3.1.3 the inter-authority agreement between Bracknell Forest Council, West Berkshire District Council and Wokingham Borough Council relating to the joint arrangements for their Environmental Health, Licensing and Trading Standards functions
- 3.1.4 the Councils' policy framework and any other relevant plans and strategies approved by the Councils or Joint Committee
- 3.1.5 the in-year Budget

- 3.1.6 West Berkshire's Human Resources (HR) policies and procedures including those relating to employment and any other relevant corporate Codes if either Council;
- 3.1.7 The Code Recommended Practice on Local Authority Publicity;
- 3.1.8 relevant Procedure Standing Orders, Financial Regulations and Financial Instructions of the Host Authority
- 3.2 Officers in the exercise of functions delegated by the Scheme may not:
 - 3.2.1 make "key decisions" as defined in each Council's Constitution
 - 3.2.2 change or contravene relevant policies or strategies approved by the Joint Committee or Council or Executive
 - 3.2.3 create or approve new policies and strategies;
 - 3.2.4 take decisions to withdraw public services;
 - 3.2.5 take decisions to significantly modify public services without consultation with the Joint Committee members before exercising the delegated power;
 - 3.2.6 take decisions on significant new powers or duties arising from new legislation before the new powers or duties have been reported to the Joint Committee, (except in cases of urgency and in consultation with the Joint Committee members if reasonably practicable);
 - 3.2.7 provide formal responses to any Government White Paper or Green Paper or other consultation likely to lead to policy changes or have significant impact upon services (except in cases of urgency and in consultation with the Joint Committee members if reasonably practicable);
- 3.3: Consultation with Joint Committee Members**
 - 3.3.1 Where an Officer takes a decision under the delegated Authority on a matter which is known to be politically sensitive, the Officer shall first consult with the Joint Committee Members before exercising the delegated powers.
 - 3.3.2 An Officer may at his/her discretion consult Joint Committee Members before exercising delegated powers, or may decide to not exercise delegated powers but refer the matter to the Joint Committee for a decision.
 - 3.3.3 In exercising delegated powers, Officers will keep local members informed of matters affecting their Wards with any relevant protocols.