

CYNGOR SIR POWYS COUNTY COUNCIL
PORTFOLIO HOLDER DELEGATED DECISION
by
COUNTY COUNCILLOR ROSEMARIE HARRIS
EXECUTIVE LEADER)

February 2018

REPORT AUTHOR: James Munro

SUBJECT: Delegation of authority

REPORT FOR: Decision

1. Summary

Powys County Council is the designated 'lead enforcement authority', by the Secretary of State, for the purposes of the Estate Agents Act 1979 ('the Act'). The function is carried out by the National Trading Standards Estate Agency Team ('the Team') which is hosted by Powys County Council and funded by a ring-fenced grant provided annually by Central Government.

Due to a recent internal re-structure, the Team has separated from the council's Trading Standards Service and now reports directly to the Head of Property Planning and Public Protection. The Team has to carry out various statutory functions on behalf of Powys County Council and needs to ensure that the appropriate delegated authority is in place to allow it to carry out these functions.

2. Proposal

To delegate all the functions, powers and duties of the lead enforcement authority (as defined in section 24A(1) of the Act), including the authority to sub-delegate, to the Head of Property Planning and Public Protection.

3. Options Considered / Available

The functions, powers and duties of the lead enforcement authority could be delegated to other senior officers within the Council.

4. Preferred Choice and Reasons

It is more appropriate for the functions, powers and duties of the lead enforcement authority to be delegated to the Head of Regeneration and Regulatory Services, as this post-holder is the designated line-manager of the Professional Lead in charge of the Team.

5. Impact Assessment

5.1 Is an impact assessment required? No

5.2 If yes is it attached? N/A

6. Corporate Improvement Plan

This proposal relates to the Council's duties as the lead enforcement authority under the Act. There are legal, financial and reputational risks if this function is not properly authorised.

7. Local Member(s)

Not applicable

8. Other Front Line Services

8.1 Does the recommendation impact on other services run by the Council or on behalf of the Council? No

8.2 If so please provide their comments Not Applicable

9. Communications

9.1 Have Communications seen a copy of this report? No

9.2 Have they made a comment? If Yes insert here.

10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

10.1 Legal

The Solicitor having the remit for advising the Estate Agency Team agrees with the proposal for not only legal certainty as to the performance of the function but also for the effective execution of the function.

10.2 Finance – The Finance Manager Place and Resources notes the contents of the reports.

10.3 Corporate Property (if appropriate) – N/A

10.4 HR (if appropriate) – N/A

10.5 ICT (if appropriate) – N/A

11. Scrutiny

Has this report been scrutinised? No

If Yes what version or date of report has been scrutinised?

Please insert the comments.

What changes have been made since the date of Scrutiny and explain why Scrutiny recommendations have been accepted or rejected?

12. Statutory Officers

12.1 The Solicitor to the Council (Monitoring Officer) has commented as follows: "I note the legal comment and have nothing to add to the report".

12.2 The Head of financial Services (Acting Section 151 Officer) notes the content of the report.

13. Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If the Leader has an interest she should declare it, complete the relevant notification form and refer the matter to the cabinet for decision.

Recommendation:	Reason for Recommendation:
To delegate all the functions, powers and duties of the lead enforcement authority (as defined in section 24A(1) of the Act), including the authority to sub-delegate, to the Head of Regeneration and Regulatory Services.	To ensure that the National Trading Standards Estate Agency Team is appropriately authorised to carry out its duties and functions

Relevant Policy (ies):	n/a		
Within Policy:	Y / N	Within Budget:	Y

Relevant Local Member(s):	Jonathan Wilkinson (portfolio holder)
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Person(s) To Implement Decision:	
Date By When Decision To Be Implemented:	

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Background Papers used to prepare Report: none