

READING BOROUGH COUNCIL

REPORT BY MONITORING OFFICER

TO:	HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE POLICY COMMITTEE		
DATE:	26 NOVEMBER 2013 2 DECEMBER 2013	AGENDA ITEM:	13
TITLE:	DELEGATIONS - BIRTHS, MARRIAGES & DEATHS; CEMETERIES & CREMATORIA; BERKSHIRE RECORD OFFICE		
LEAD COUNCILLOR:	COUNCILLOR GITTINGS	PORTFOLIO:	CULTURE, SPORT & CONSUMER SERVICES LEADERSHIP
SERVICE:	COUNCILLOR LOVELOCK REGISTRATION, CEMETERIES & CREMATORIA, COUNTY ARCHIVE	WARDS:	BOROUGH-WIDE
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 This report is bought to both Committees as part of the implementation of the Reshaping the Council proposals at senior management level, agreed by the Personnel Committee on 18 July 2013 (Minute 6 refers). The proposals included the transfer of the following services to the Head of Customer Services (formerly the Head of Policy, Performance & Community), from different services in the Directorate of Environment & Neighbourhood services (DENS):

- Registrar Service (from Head of Environment & Consumer Services)
- Cemeteries and Crematoria (from Head of Environment & Consumer Services)
- Berkshire Record Office and County Archive (from Head of Culture)

1.2 Both of the two Heads of Service posts listed above have been discontinued in the senior management reshaping, and the delegations made to them need to be reallocated to other Heads of Service posts. In the majority of cases, these delegations will remain within the DENS Directorate and therefore may be exercised in the name of the Director on an interim basis: a further report on these delegations will follow. However, the three service areas listed above are moving out of the DENS Directorate, which is why this report is being brought forward at this stage.

1.3 The Head of Customer Services also has responsibility for revenues and benefits services. The delegations for these functions historically have been made to the Head of Finance. Therefore this report recommends that they be transferred formally to the Head of Customer Services, to be exercised in consultation with the Head of Finance as Section 151 Officer when the decision may have significant policy or financial implications.

1.4 The services and functions covered by this report are the responsibility of the committees, and in the portfolios of the Lead Councillors, shown in the table below:

Service	Committee	Lead Councillor
Registrar (births, marriages, deaths) Cemeteries & Crematoria	Housing, Neighbourhoods, Culture	Culture, Sport & Consumer Services
Berkshire Record Office Revenues & Benefits	Policy	Leadership

2. RECOMMENDED ACTION

That with immediate effect, the following functions be delegated to the Head of Customer Services:

For decision by the Housing, Neighbourhoods and Culture Committee

2.1 Registrar Service

- (1) To exercise the functions of proper officer under the provisions of the Registration Service Act 1953
- (2) To operate the Reading Registration Scheme as adopted through the Decision Book Issue 411, 11 January 2013.

2.2 Cemeteries and Crematoria

- (1) To exercise the functions of the authority under Section 201 of the Local Government Act 1972, and the Local Authorities (Cemeteries) Order 1977
- (2) Graves
Signature of Grants of Rights - the signature of all grants of rights relating to burial construction and use of vaults and other places of burial and the placing of any tombstone or other memorial
- (3) Weekend and Bank Holiday Burials - Henley Road Cemetery
 - (1) Authority to licence nominated members of the Reading Muslim Community to carry out burials at weekends and Bank Holidays, in accordance with paragraphs 5(1)(b) of the Local Authorities' Cemeteries Order 1977, with the terms of the licence to be agreed by the Head of Legal & Democratic Services and Head of Environment and Consumer Services.
 - (2) Authority to renew the Licence to carry out weekend and Bank Holiday burials at Henley Road Cemetery after the first 12 months on a year-by-year basis terminable on 3 months' notice by the Council and on such other terms as were agreed in consultation with the Head of Legal & Democratic Services subject to the pilot arrangement being reviewed after one year and deemed successful.
IN CONSULTATION WITH THE LEAD COUNCILLOR
(Cabinet 15 February 2010, Minute 152)

For decision by the Policy Committee

2.3 All delegations made to the Head of Policy, Performance & Communities

2.4 Revenues and Benefits

All delegations concerning revenues and benefits services, to be exercised in

consultation with the Head of Finance as Section 151 Officer when the decision may have significant policy or financial implications.

2.5 Berkshire Record Office and County Archive

To manage the County Record Office, County Modern Records, and Reading Borough Modern Records, having regard to Sections 224 and 228 of the Local Government Act 1972, the Local Government (Records) Act 1962, the Public Records Act 1948, the Parochial Register and Records Measure 1978 and Sections 61 and 62 of the Berkshire Act 1986, and to the agreed Service Level Agreement signed by the six authorities of Berkshire, within the policies of the Council and Committee, except where matters of significant public interest are concerned.

3. POLICY CONTEXT

- 3.1 The authority's arrangements for decision making, including the delegation of functions to officers, are set out in Article 13 of the Council's Constitution.
- 3.2 The services covered by this report have been brought together under the Head of Customer Services, in the reshaping proposals, to recognise and promote their customer-facing elements and to separate them from the authority's regulatory registration services, and cultural services.

4. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The functions covered by this report contribute to the following strategic aims:
- To establish Reading as a learning City and a stimulating and rewarding place to live and visit
 - To promote equality, social inclusion and a safe and healthy environment for all

5. COMMUNITY ENGAGEMENT AND INFORMATION

- 5.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".
- 5.2 The reshaping proposals were the subject of extensive consultation with the Council's staff and unions. This report deals with a legal aspect of the implementation of the proposals: the transfer of existing officer delegations to different Head of Service posts in the Council's new management structure.

6. EQUALITY IMPACT ASSESSMENT

- 6.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2 In this regard the Committee **must** consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a

particular sexual orientation; people due to their age; people due to their religious belief.

- 6.3 This report deals with a legal aspect of the implementation of the proposals: the transfer of existing officer delegations to different Head of Service posts in the Council's new management structure. An equality impact assessment has not been considered necessary.

7. LEGAL IMPLICATIONS

- 7.1 A local authority may arrange for the discharge of any of its functions to be exercised by a committee or an officer of the authority under Section 101(1) of the Local Government Act 1972.
- 7.2 A committee of the authority may delegate any function that has been delegated to it to be exercised by an officer of the authority, under Section 101(2) of the 1972 Act.
- 7.3 The statutory powers under which the authority exercises the functions are set out in the individual delegations.

8. FINANCIAL IMPLICATIONS

- 8.1 This report deals with a legal aspect of the implementation of the proposals: the transfer of existing officer delegations to different Head of Service posts in the Council's new management structure. There are no financial implications arising from the decisions recommended in this report.

9. BACKGROUND PAPERS

- 9.1 Delegations Register