

Scheme of Delegation to Officers

Part 1 – Scheme of Delegation to Officers

1. Powers of Delegation

- 1.1 The Council has made the following arrangements for the discharge of executive and non-executive functions under the Local Government Act 1972 and the Local Government Act 2000.
- 1.2 This Scheme of Delegation also applies to officers operating within Shared Services which are governed by agreements under s113 of the Local Government Act 1972.

2. General Principles of Delegation

- 2.1 All delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed in this Constitution or by the Council, Cabinet or appropriate committee.
- 2.2 Each officer shall exercise all powers subject to the Council's Constitution, Executive Arrangements and Schemes of Delegation, Contract Standing Orders and Financial Regulations, as appropriate.
- 2.3 The executive powers, duties and functions of the Executive (Cabinet) Members, Committees, or officers shall be exercised on behalf of the Leader.
- 2.4 Cabinet Members may delegate functions in their portfolios to officers in writing.
- 2.5 Any matter that does not fall within the definition of a Key Decision under this Constitution is delegated to the relevant Cabinet Member or officer of the Authority - albeit that any officer can, where he/she sees fit to do so, consult the relevant Cabinet Member prior to taking any decision falling within his or her delegated authority.
- 2.6 All executive directors/directors are authorised to make arrangements for the proper administration of the functions falling within their responsibility. An executive director / director may authorise ~~a director or head of service, and a director may authorise a head of service or another officer to act as their deputy with power~~ officers within his/her department to exercise any of ~~the his/her delegated~~ powers ~~of the authorising executive director or director respectively~~.
- 2.7 Cabinet Members or Committees may reserve to themselves decisions that have been delegated to officers by giving notice to the Chief Executive, the Director of Law and the relevant executive director.
- 2.8 Where any new power or duty is given to the Council, the exercise of that power or duty will be undertaken by the relevant executive director or director

until such time as the allocation of responsibility has been determined by the Leader or the Council.

- 2.9 In all cases where the exercise of executive functions is not specifically reserved to the Executive, those functions are deemed to be delegated to the Chief Executive and the executive director and/or director with responsibility for the relevant function as set out in this Chapter of the Constitution and the Internal Schemes of Delegation for each executive directorate or Service Group.

3. Limitations and Conditions of Delegation

- 3.1 No officer to whom powers are delegated shall exercise those powers where revenue expenditure will be incurred or new sources of revenue secured, (including loans or investments and management of Council funds), other than in accordance with approved revenue estimates, without reference to the Cabinet or the Leader.
- 3.2 Officers to whom powers are given shall not exercise those powers where any capital expenditure will be incurred except in accordance with Financial Regulations, except that authority may be given for the incurring of expenditure on preliminary action or appraisals, or design work where expenditure will:
- (a) be treated as capital expenditure, and
 - (b) the scheme appears in the approved capital programme.
- 3.3 No officer exercising any power shall contract or issue orders for goods, materials or services (including for maintenance or repair work to Council premises) except in accordance with the Contract Standing Orders and Financial Regulations of the Council.
- 3.4 An officer to whom power is delegated may decline to exercise his/her powers in a particular case and shall in such instances refer the matter to the Leader, the Cabinet, relevant Cabinet Member or the full Council as appropriate in order that a decision may be made, provided that an executive decision within the Budget and Policy Framework may not be taken by the full Council and a non-executive decision may not be taken by the Cabinet or a Cabinet Member.
- 3.5 Where officers are taking decisions under delegated powers, the following principles and conditions shall apply.

3.5.1 The officer exercising such powers shall take into account the principles set out in, Part 2 Article 12 (Decision Making), the Budget and Policy Framework and any other relevant policies, procedures or previous decisions.

3.5.2 All decisions shall be taken in the name of, but not necessarily personally by, the ~~Proper Officer~~ officer(s) to whom the power is delegated. ~~Any sub-~~

~~delegation or authorisation~~ The officer with the delegated power may authorise another officer to act ~~shall~~ on his/her behalf, any such authority must be in writing. The officer with the delegated power shall remain accountable for the exercise of that power.

3.5.3 In any case where the officer exercising the power considers that a departure from existing policy or a significant change in financial practice is likely to be involved or, in the case of an executive decision, is contrary to or not wholly in accordance with the Budget and Policy Framework, he/she shall consult the departmental executive director/director and the Chief Executive or Cabinet Member, as appropriate, who shall refer the matter to the appropriate decision maker(s).

3.5.4 Where officers consider that a decision which they have taken under delegated authority is ~~of significance~~ particularly significant to the Council, they shall report the decision to the relevant Cabinet Member/the Cabinet for information. ~~Any decisions taken by officers under delegated powers shall~~ The decision must also be recorded by departments at the time of in the decision in a council's central register kept specifically for this which records all decisions as specified in Regulation 7 of the Openness of Local Government Bodies Regulations 2014.

3.5.5 The Chief Executive as Head of the Council's paid service shall monitor the exercise of delegated powers, other than statutory functions, for which executive directors/directors have responsibility. The Chief Executive may require any officer to cease the exercise of such powers pending a report to the next meeting of the Cabinet.

3.6 Routine service decisions on matters which fall within their departmental / service group remit which are not otherwise covered by this Scheme may be taken by the relevant executive director/director provided that this is done in accordance with paragraph 6 – Routine Service Decisions of the General Functions Delegated to the Chief Executive and all Executive Directors/directors set out below.

3.6.1 In relation to the day to day conduct of decision making by the Council, the ruling of the Director of Law on questions relating to this Scheme shall be final.

3.6.2 The exercise of functions by Executive Members, Committees and officers shall be subject to the provisions of the Local Government Act 1972, the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, and any subsequent amendments.

3.7 Subject to the above constraints and limitations, officers may exercise all powers within their respective areas of responsibility, and the absence of a specific delegation to an officer shall not be taken as implying an absence of authorisation to act.

4. Conflicts of Interest

- 4.1 Every officer is responsible for identifying whether he/she has any conflict of interest in any matter which is under consideration, ~~actual or perceived, within the authority,~~ and notifying the authority.
- 4.2 Where an officer has a conflict of interest in any matter, he/she shall not participate in that matter in his/her capacity as an officer except with the prior approval of his/her line manager, the Monitoring Officer or the Chief Executive.
- 4.3 Where the Chief Executive is unable to act on a matter because of a conflict of interest, the matter shall be discharged by ~~another officer designated by the Chief Executive. Where such officer is unable to act, the matter shall be discharged by the executive directors/directors collectively, or by such officer as they shall determine for this purpose.~~ an Executive Director/director.
- 4.4 Where an executive director/director is unable to act on a matter because of a conflict of interest, the Chief Executive shall discharge the matter him/herself or allocate the matter to another officer.
- 4.5 Where the Monitoring Officer is unable to act on a matter in his/her statutory capacity under section 5 of the Local Government and Housing Act 1989, the matter shall be discharged by the officer designated by the Monitoring Officer as Deputy Monitoring Officer.
- 4.6 Where the Monitoring Officer is unable to act on a matter in relation of Member conduct, the matter shall be discharged by the person appointed by the Monitoring Officer for this purpose.
- 4.7 Where any other officer is unable to act on a matter, that officer's line manager or the Chief Executive may arrange for another officer to discharge the matter.
- 4.8 ~~Subject to the constraints and limitations as set out in this scheme, officers may exercise all powers within their respective areas of responsibility, and the absence of a specific delegation to an officer shall not be taken as implying an absence of authorisation to act.~~

General Functions Delegated to the Chief Executive, all Executive Directors/Directors

1. Introduction

1.1 Under the Council's Constitution, the following common functions are delegated to the Chief Executive and to all executive directors/directors. These delegations are in addition to the specific responsibilities that apply in individual service areas, as set out below, and in the separate Internal Scheme of Delegation maintained by each department or service group. These decision-making powers are delegated from full Council, and not via the Executive.

~~1.2 Where any of these functions are sub-delegated by the chief executive, executive director/director or other Proper Officer to another officer within the department, such sub-delegations should be set out in a written departmental Sub-Delegation Scheme, which should be reviewed and updated as necessary. Decisions sub-delegated in this way within a department are taken in the name of the chief executive, executive director/director or other Proper Officer (as set out below or in the relevant internal Scheme of Delegation) who remains responsible for maintaining any necessary records of such decisions.~~

1.2 Each executive director / director will have a "register of authority" within their department. The register of authority will specify which officers within their department have been authorised by them to exercise their delegated powers on their behalf and in their name.

2. General

2.1 To manage and promote the services for which they are responsible. This includes taking and implementing decisions which help to maintain the operational effectiveness of the services within their remit and which fall within a policy decision made by the executive or the Council. These above powers are to be exercised:

- (a) having regard to any legal advice from the Director of Law and/or the Monitoring Officer
- (b) in accordance with any instructions or advice given by the Chief Executive or s151 Officer or the Monitoring Officer, statutory codes of conduct or statutory guidance, and codes and protocols as may be approved by the Cabinet or the Council
- (c) in accordance with Financial Regulations and the Contract Standing Orders set out in the Constitution; and
- (d) within any budgets or policies approved by the Council, and not committing the Council's budget to growth for future financial years.

- 2.2 To respond to consultation documents where the response would not amount to a Key Decision.
- 2.3 To enter and inspect premises, and to make applications for warrants. This applies only to the relevant directors who undertake this duty.
- 2.4 To give factual information to the press.
- 2.5 To enter into arrangements or do anything else which is considered necessary or expedient in respect of functions delegated to them.
- 2.6 To promote services (not policy), ensuring always that publications are compliant with the Council's Publications Guidelines and Code.
- 2.7 To enter into arrangements or do anything else which is considered necessary or expedient in respect of functions delegated to them.

3. Financial, Contractual and Grants

- 3.1 To be responsible for the overall financial management within their services or department and for ensuring that all staff under their responsibility are aware of the existence and content of the Council's Financial Regulations and Contract Standing Orders set out in the Constitution and that they comply with them.
- 3.2 To incur expenditure from approved revenue estimates and capital programmes, including making virements, within the limits and controls set down in the Financial Regulations.
- 3.3 To submit bids for funding to Government departments and other external bodies, and for projects and initiatives within Council policies, subject to any approvals required by the relevant Executive Member(s) or Cabinet and, where bids are successful, to seek subsequent approval of resultant new expenditure commitments.
- 3.4 To authorise payment of revenue grants to voluntary organisations, from within approved budgets, of up to £10,000 per annum to any one organisation where that organisation is already in receipt of approved funding from the Council. The use of this delegated authority is to be reported in summary form to the relevant Cabinet Member for information, on a quarterly basis.
- 3.5 To set the level of fees and charges for services or facilities up to £10,000 total income per annum, with the setting of all such charges being reported on a quarterly basis to the relevant Executive Member for information.
- 3.6 Under section 92 of the Local Government Act 2000, to make payments in settlement of claims where the Council considers that action taken by it (or on

its behalf) amounts, or may amount, to maladministration, up to an annual limit of £12,000 per annum in respect of each executive director/director.

- 3.7 To ~~write off any debt due to exercise~~ the ~~Council in accordance with the Council's powers conferred on all Executive Directors/Directors by Standing Orders, Financial Regulations set out in, the Human Resources Policies and the Constitution.~~
- ~~3.8 To seek Contract Standing Orders in relation to debt write offs, seeking tenders for approved projects and schemes in accordance with the Council's Contract Standing Orders set out in the Constitution.~~
- ~~3.9 To open, opening tenders in accordance with the Council's Contract Standing Orders set out in the Constitution.~~
- ~~3.10 To approve, the approval of variations in contracts in accordance with the Council's Contract Standing Orders set out in the Constitution.~~
- ~~3.11 To approve and the agreement of bids to undertake cross boundary tendering in accordance with agreed policy and criteria.~~

4. Staffing and Employee Relations

- 4.1 To appoint, promote and dismiss permanent and temporary staff (save in relation to posts to which appointments are made by the Appointments Panel) within approved budgets and in accordance with the Council's agreed Human Resources Policies.
- 4.2 In accordance with the Council's Human Resources Policies, consulting where appropriate with the Director for Human Resources, to remunerate, reward or pay honoraria to staff within approved budgets or withhold rewards/ increments.
- 4.3 To take disciplinary or other action and exercise the discretionary powers in relation to all staffing matters detailed in the Human Resources Policies.
- 4.4 To consider employees' final appeals in relation to capability, disciplinary and grievance matters, provided the executive director/director has not taken the decision in question.
- 4.5 To attend or nominate members of their staff to attend conferences and seminars convened by institutional or professional associations and like bodies, and to authorise the payment of proper expenses incurred in respect of such attendance.
- 4.6 To authorise officers of the Council to give evidence on behalf of the Council in Courts or at Inquiries or before Tribunals or Committees.

- 4.7 To undertake, in consultation with the Director for Human Resources, minor re-organisations of staff structure (directly affecting a maximum of 25 posts) provided no post subject to Member appointment procedures is affected, there is no increase in cost and the relevant Cabinet Member is advised in advance about forthcoming minor re-organisations.
- 4.8 In consultation with Human Resources on the application of paragraphs 4.8(c), 4.8(d), 4.9, 4.10 and 4.12 below, all executive directors/directors are authorised:
- (a) To authorise acting up arrangements for a period of up to six months.
 - (b) To authorise action under the personal injury allowance scheme.
 - (c) To authorise the extension of service each year for staff working beyond normal retirement age ~~(65)~~ where this is supported by their department.
 - (d) To authorise the waiver of repayment of maternity leave.
 - (e) To authorise overtime working.
 - (f) To appoint consultants where the value of the commission is below £25,000, subject to the requirements of Contract Standing Orders.
 - (g) In line with corporate policies/ procedures, to take decisions including contractual matters on the recruitment, appointment, organisation, grading, designation, remuneration, pay, terms and conditions of all staff and employees within the relevant department or service group.
- 4.9 To suspend and/or dismiss any staff within their division, other than those appointed by the Council or Appointments Panel, and subject to the Council's disciplinary procedures.
- 4.10 To conduct negotiations under the Council's collective bargaining arrangements, taking into account joint agreements and the Council's personnel procedures, with matters in dispute being referred as appropriate through the Council's joint negotiating machinery.
- 4.11 To implement decisions of the Council's joint negotiating committees, subject to financial and other limits incorporated in the Scheme of Delegation/Financial Regulations.
- 4.12 To respond to industrial action, or threatened industrial action, subject to advice where appropriate from the Director for Human Resources and the Director of Law.
- 4.13 To approve applications for season tickets loans/car loans for Council employees in accordance with Council policies.

5. Legal Proceedings and property matters

- 5.1 To prepare and serve any statutory notices or authorise the Director of Law to prepare and serve statutory notices in respect of functions delegated to them.
- 5.2 To authorise the commencement of legal proceedings in respect of functions delegated to them.
- 5.3 To issue formal cautions where criminal offences are admitted, following consultation with the Director of Law, where necessary.
- 5.4 To use and occupy the premises and estate efficiently.
- 5.5 To take enforcement action including the issuing of fixed penalty notices. This applies only to the relevant directors who undertake this duty.
- 5.6 To provide instructions to the Director of Law to enable him/her to authorise the institution of legal proceedings for an offence against or failure to comply with any statutory provision, bye-law or notice, permission, order, authorisation, request or consent, within the executive director/director's area of responsibility.
- 5.7 To sign any notice, order or other document which the local authority is authorised or required to give or make or issue under any enactment that is either specifically delegated by Council or of a kind falling within the department's area of responsibility (e.g. under Part I and Part II Regulation of Investigatory Powers Act 2000).
- 5.8 To authorise the carrying out of work in default or non-compliance with any statutory provision, bye-laws, notice, permission, order, authorisation, or consent, which is of a kind falling with the executive director/directors' area of responsibility and to exercise the Council's statutory power to recover expenses incurred.

6. Routine Service Decisions

- 6.1 Subject to the restrictions in 6.2 below, the Chief Executive and executive directors/directors are authorised to make all routine and day-to-day operational decisions required in relation to service and activities within their departmental or service group responsibilities.
- 6.2 Unless specifically stated otherwise in the Constitution, or otherwise approved by the Cabinet, any decisions involving new expenditure (or a future commitment to incur new expenditure) are subject to the following limitations:
 - (a) If the decision requires expenditure in excess of £25,000, and the decision is not a key decision (as defined in, Part 2 Article 12 of this Constitution), it

must be taken by the relevant Cabinet Member (referred to as a Cabinet Member's Decision).

- (b) If the decision is a Key Decision, it must be made in accordance with the rules for taking such decisions set out in, Part 4 (Executive Procedure Rules and Access to Information Procedure Rules) in this Constitution.

6.3 Decisions requiring expenditure of less than £25,000 may be made by executive directors/directors, provided they are met from within overall approved budgets and comply with the Council's Financial Regulations and Contract Standing Orders.

7. Recording, Implementing and Accounting for Decisions

7.1 Each officer is responsible for ensuring that any decision which he/she takes is adequately recorded, and that the record of that decision is available to other officers, to Members and to the public as required by statute and this Constitution, particularly if the decision relates to a change in policy or practice, or a financial commitment.

7.2 Every officer is responsible for ensuring that any decision which he/she takes is implemented in accordance with that decision.

7.3 Every officer is accountable for each decision which he/she takes and may be called to provide an explanation of his/her reasons for the decision and account for its implementation to other officers, Members and statutory regulators.

8. Other Responsibilities

8.1 All matters not reserved to the Council, to the Executive, or to a Committee for decision are delegated to the appropriate executive director/director's subject to the conditions and limitations above and to the Contract Standing Orders and the Financial Regulations.

8.2 Each executive director/ director or other Proper Officer in making decisions under this scheme is required to do so in accordance with the Internal Scheme of Delegation for his/her own directorate. This will include appropriate monitoring arrangements and dissemination of information both internally and externally to the Council.

8.3 The areas of responsibility of each executive director/director shall be as set out below, and shall include the areas of responsibility of each officer within his/her directorate.

Responsibilities of the Chief Executive and Executive Directors / Directors

1. The Chief Executive

1.1 The Chief Executive shall:

- (a) be the Head of the Paid Service in accordance with the Local Government and Housing Act 1989.
- (b) have authority over all other officers so far as is necessary for the efficient management and execution of the Council's affairs, functions or services except:
 - (i) where officers are exercising specific responsibilities imposed on them under statute;
 - (ii) that where the professional judgment or expertise of a Director is involved the officer shall have full opportunity to explain his or her views.
- (c) Exercise overall corporate management and operational responsibility, including overall management responsibility for all officers;
- (d) Provide professional advice to all parties in the decision-making process;
- (e) Have responsibility, together with the Monitoring Officer, for a system of record keeping for all the Council's decisions;
- (f) Represent the Council on partnership and external bodies (as required by statute or the Council);
- (g) Manage the Chief Executive's Office;
- (h) Discharge the functions of Electoral Registration Officer and be responsible for elections;
- (i) make decisions on employee terms and conditions, (including procedures for dismissal);
- (j) discharge those functions under Section 138 (1) of the Local Government Act 1972, (powers of principal Councils with respect to emergencies or disasters) as Head of Paid Service (Gold Command) appointed by the London Borough Councils from time to time to respond to an incident requiring a "Level 2" response (single site or wide-area disruptive challenge requiring a co-ordinated response by relevant agencies on behalf of the Councils).
- (h) be responsible for the Council's responsibilities as an employer under Health and Safety legislation

1.2 The areas of responsibility of the Chief Executive shall include the following departments and functions (in which day-to-day responsibility shall normally be delegated to the appropriate executive director or director):

- (a) Adult Social Care and Health (Shared Services)
- (b) Children's Services (Shared Services)
- (c) Environmental Services "service group" (Shared Serviced) (ELRS & TTS)
- (d) ~~Delivery and Value~~Finance
- (e) Housing ~~Services~~ "~~Service Group~~"
- (f) Corporate Services "service group"

The Corporate Services "Service Group" Directors

The Corporate Services "Service Group" Directors are:-

- Strategic Finance Director
- Director of Law
- Director for Delivery & Value
- Director for Human Resources
- Commercial Director
- Chief Information Officer
- Borough Solicitor

The services and the areas of responsibility of the Directors shall include:

- Finance, IT, Procurement, Legal, Human Resources, Organisational Development and Transformation, Commercial Revenue, Residents Satisfaction, Communications, Policy and Strategy, Performance matters, Community Investment, Governance and Scrutiny, H&F In Touch and the Leader's Office.

2. The Strategic Finance Director

2.1 The Strategic Finance Director shall:

- (a) act as the statutory officer, Chief Financial Officer, under section 151 of the Local Government Act 1972.
- (b) be responsible for effective financial administration throughout the Council,
- (c) be responsible for all arrangements concerning financial planning, financial control, banking, accounts, income, insurances, investments, bonds, loans, leasing, borrowing (including methods of borrowing), trust and pension funds (within the scope of the Council's pension fund investment policies that are approved by the Superannuation Committee), the payment of creditors and the payment of salaries, wages, pension scheme benefits and gratuities.
- (d) be responsible for the provisions of the Accounts and Audit Regulations ~~2015 which require 2003 (as amended) in respect of the responsible authority need to undertake~~ maintain an adequate and effective system of

internal audit ~~to evaluate~~ of the ~~effectiveness~~ Council's accounting records and of its risk management, system of internal control, and governance processes in accordance with proper internal audit practices.

- (e) be responsible for Council Tax.
- (f) be the Proper Officer of the Council in relation to the following statutory provisions:

Local Government Act 1972

(1) Section 115(2) - the officer to whom all money due from every officer employed by the Council shall be paid.

(2) Section 146 - the officer to make any statutory declaration in connection with the transfer of securities.

Local Government (Miscellaneous Provisions) Act 1976

(3) Section 30 - the officer to write off overpayment of salary, allowances or pensions which occur as a result of the death of an employee or pensioner.

Local Government Finance Act 1988

(4) Section 114-115 - the officer responsible for reporting on unlawful expenditure decisions or where expenditure exceeds the resources available.

3. The Director of Law

3.1 The Director of Law shall:-

- (a) act as the authority's Monitoring Officer under the Local Government and Housing Act 1989
- (b) take any action to implement any decision taken by or on behalf of the authority, including the signature or service of statutory and other notices and any document-
- ~~(c) act as solicitor to the council and (c)~~ institute, defend, settle or participate in any legal proceedings in any case where such action is necessary, in the view of the Director of Law, to give effect to decisions of the authority or in any case where the Director of Law considers that such action is necessary to protect the authority's interests-
- (d) settle or compromise legal proceedings (including threatened proceedings, arbitrations, adjudications, public inquiries and potential Employment Tribunal matters) brought by or against the Council, including

entering pleas of guilty in criminal proceedings on such terms as s/he considers appropriate.

- (e) instruct counsel, solicitors or other experts for legal proceedings, public inquiries, or other matters involving the authority.
- (f) enter objections to any proposal affecting the authority, the authority's area or the inhabitants of the authority's area.
- (g) lodge appeals against any adverse finding against the Council in any tribunal or court.
- (h) sign any document necessary to give effect to any resolution of the Council, the Cabinet, a Cabinet Member or any Committee or Sub-Committee or Corporate Leadership Team member acting within delegated power.
- (i) make appointments to outside bodies in accordance with the nominations made by the Party Whips.
- (j) be the proper officer in respect of matters relating to the Council's Constitution where not otherwise stated.

4. Executive Director for Adult Social Care and Health

4.1 The Executive Director for Adult Social Care and Health shall:-

- (a) exercise the functions of the Council and act as the statutory officer for adult social services as set out in section 6(A1) of the Local Authority Social Services Act 1970 as amended by section 18(1) of the Children Act 2004.
- (b) exercise the functions of the Council with regard to, powers and duties of an Adult Services Authority under all relevant legislation including, but not limited to social services, safeguarding adults, Mental Health services including the deprivation of liberty and Health functions in particular building and leading the arrangements for inter-agency co-operation.
- (c) arrange for the effective operation of the Council's responsibilities for the assessment, purchase and provision of social care services for adults including people with disabilities, older people, people with mental health needs, people with substance misuse problems, adults with learning disabilities (including people with autistic spectrum disorder and a dual diagnosis incorporating mental health needs and learning disability) and people with HIV/AIDS.

4.2 The services and the areas of responsibility of the Executive Director for Adult Social Care and Health shall include:

- (a) Adult Social Care Operations.
- (b) Joint Adult Commissioning;
- (c) Provider Services and Mental Health Partnership
- (d) Procurement and Business Intelligence
- (e) Finance

5. Executive Director for Children's Services

5.1 The Executive Director for Children's Services shall:-

- (a) act as the statutory officer under section 18(1) of the Children's Act 2004.
- (b) be responsible for the Council's functions as set out in the Children Act 2004, in particular building and leading the arrangements for inter-agency co-operation.
- (c) be responsible for children in need, child protection, adoption, fostering, youth services, education and special educational needs.
- (d) exercise powers of intervention for those schools which are subject to a formal warning, which have serious weaknesses, or require special measures.
- (e) administer the arrangements for admission and exclusion appeals.
- (f) promote the educational achievement of looked after children.

5.2 The services and the areas of responsibility of the Executive Director for Children's Services shall include:

- (a) Family Services
- (b) Schools
- (c) Schools' Funding and Capital Programme
- (d) Commissioning
- (e) Finance and Resources

6. The Environmental Services ~~Directors (Former Transport and Technical Services and Environment, Leisure and Residents Services Departments)~~ "Service Group" Directors

(Former Transport and Technical Services and Environment, Leisure and Residents Services Department)

The Environmental Services "Service Group" Directors are:-

- Director for Cleaner Greener & Cultural Services
- Director for Safer Neighbourhoods
- Director for Planning & Development
- Director for Building & Property Management
- Director for Transportation & Highways
- Director for Environmental Health

6.1 The Environmental Services "Service Group" Directors shall:-

- (a) arrange for the effective operation of the Council's responsibilities for the regulation of waste management and cleansing of streets.

- (b) take action and operate all legislative and administrative procedures in relation to the regulation of street trading.
- (c) be responsible for the borough's parks and cemeteries.
- (d) be responsible for all matters relating to the Council's functions relating to crime and disorder.
- (e) exercise the functions of the Council under the Crime and Disorder Act 1998, save for the secondment of officers to the Youth Offending Team as required by section 39(5).
- (f) be responsible for emergency planning and business continuity and undertake executive powers where necessary in the event of a civil emergency.
- (g) be responsible for the Council's functions relating to Registrars services.
- (h) take action and operate all legislative and administrative procedures in relation to highways, transportation, road traffic, town and country planning and building control. This includes exercising the functions of the Council as highways, transportation and road traffic authority and the taking of all enforcement action in relation to transportation and highways.
- (i) operate the Council's on street and parking enforcement services.
- (j) exercise Planning and conservation powers. In the case of town and country planning, the delegation includes powers to determine applications for planning permission, advertisement consent, Conservation Area Consent, Listed Building Consent, application for the Council's own development and Hazardous Substances consent except where otherwise directed by the relevant legislation.
- (k) exercise all licensing functions and other matters an officer is empowered to discharge under the Licensing Act 2003, the Gambling Act 2005 or any Regulations issued in relation to those Acts and any regulations amending, consolidating or replacing them.
- (l) be responsible for the Council's Building control and regulation, control over demolition functions
- (m) exercise the functions of the Council relating to environmental health. This includes powers relating to: noise and other nuisances, air quality, contaminated land and private water supplies, and housing and private land where enforcement is the responsibility of the Council.
- (n) deliver the Council's vision and strategic objectives and have overall responsibility for all matters relating to the delivery of regeneration in the borough.
- (o) be responsible for Council initiatives relating to the economic development and skills.

6.2 The services and the areas of responsibility of the Environmental Services “Service Group” Directors shall include:-

- (a) Safer Neighbourhoods
- (b) Cleaner, Greener and Cultural Services
- (c) Customer and Business Development
- (d) Finance and Resources
- (e) Regeneration
- (f) Economic Development and skills
- (g) Environmental Health (including but not limited to food safety and standards, health & safety, health protection and infectious disease, animal health and public health)
- (h) Transportation and Highways
- (i) Building and Property Management
- (j) Planning
- (k) Licensing
- (l) Trading Standards

7. The Housing Services “Service Group” Directors

The Housing Services “Service Group” Directors are:-

- Director for Housing, Growth & Strategy
- Director for Housing Finance & Resources
- Director for Housing Services

The Housing Services “Service Group” Directors shall:-

7.1 Deliver the Council’s vision and strategic objectives and have overall responsibility for all matters relating to the delivery of housing in the borough.

7.2 Arrange for the effective operation of the Council’s responsibilities for housing, including the recommending of strategies for all aspects of housing related activity, relationships with other public sector organisations, social landlords and with the private sector.

7.3 Approve applications for housing and allocate properties in accordance with the Council’s established allocations policy.

7.4 Be responsible for commissioning services relating to the management and maintenance of the Council’s housing stock.

7.5 Deal with all questions of routine property management.

7.6 Make arrangements to provide housing advice and support to prevent homelessness.

7.7 Approve the allocation of funds to individual projects to be supported through regeneration programmes.

7.8 Be responsible for new affordable housing.

The services and the areas of responsibility of the Directors shall include:

- (a) Housing Services (includes resident involvement; tenancy management; estate caretaking),
- (b) Housing Options, (includes policy development in relation to housing allocations),
- (c) Asset Management and Property Services (includes repairs and maintenance; health and safety; physical regeneration).
- (d) Finance and Resources (includes financial strategy for the housing revenue account and support systems such as IT).

8. Director for Human Resources

- (a) To implement the local decisions and the decisions of the National Joint Council regarding conditions of service, wage and salary awards.
- (b) To calculate and pay salaries, wages and benefits, including performance related pay.
- (c) To make arrangements for the administration of the Local Government Pension Scheme.
- ~~(b)~~(d) To pay honoraria, acting allowances and bonuses, in accordance with the relevant national and local schemes, and with the relevant director.
- (e) To carry out functions relating to the appointment, promotion, dismissal, retirement and other human resources matters affecting staff graded below a Chief Officer.
- (f) To approve the early payment of termination/pension benefits in conjunction with the Strategic Finance Director
- (g) To approve gradings and designation of posts.
- (h) To grant merit increments to officers on recommendation from the relevant director.
- (i) To operate the Staff Travelcard Allowance Scheme.
- (j) To approve additions to the approved list of car allowances

9. Director of Public Health

9.1 The Director of Public Health shall be responsible for the Council's functions relating to Public Health Services as follows:

- a) To be authorised to agree expenditure on relevant public health budgets subject to each Council's constitution. Such authority can be delegated in writing to others.
- b) To lead on personnel decisions, including recruitment, appraisal and disciplinary decisions, subject to the City of Westminster's internal procedures only.
- c) To report to the Chief Executive and relevant Cabinet Councillors and relevant [Policy and Accountability Committee](#). To provide policy advice, if requested, to any political party represented on any of the participating councils.
- d) To exercise the statutory functions of the Director of Public Health. These responsibilities may be delegated in writing to named public health consultants in each borough.
- e) To report to each Council's Chief Executive on the performance of the function and to support the accountability of the Chief Executive for grant expenditure.
- f) To ensure that each participating authority has up-to-date plans, meeting statutory requirements and the demands of good practice.
- g) To be the officer responsible for leadership, expertise and formal advice on all aspects of the Public Health Service.
- h) To provide advice to the public in any period where local health protection advice is likely to be necessary or appropriate, in conjunction with each Council's communications team.
- i) To promote action across the life course, working together with local authority colleagues such as the Executive Director for Children's Services, the Executive Director for Adult Social Care and Health, [Environmental Services 'Service Group' Directors](#) and with NHS colleagues.
- j) To work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health.
- k) To work with local criminal justice partners and Police and Crime Commissioners to promote safer communities.
- l) To work with the wider civil society to engage local partners in fostering improved health and wellbeing.
- m) To be an active member of the Health and Wellbeing Board, advising on and contributing to the development of joint strategic needs

assessments and joint health and wellbeing strategies and commission appropriate services accordingly.

- n) To take responsibility for the management of the authority's public health services with professional responsibility and accountability for their effectiveness, availability and value for money.
- o) To play a full part in the authority's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children Board.
- p) To contribute to and influence the work of NHS Commissioners, ensuring a whole system approach across the public sector.

10. Undetermined Functions

10.1 For the avoidance of doubt, the responsibility for the exercise of any function which is not covered by this scheme, including the appointment of a Proper Officer for the purpose of any statutory function, will be determined by the Chief Executive.

11. Detailed Scheme of Delegation

11.1 Each executive director/director and/or head of service in making decisions under the above scheme is required to do so in accordance with the detailed ~~Internal Schemeregister~~ of ~~Delegationauthority~~ for his/her own directorate.

11.2 These internal Schemes of Delegation will be reviewed annually by the Director of Law.

11.3 The Director of Law, in consultation with the Leader, Chief Whip and Opposition Whip, has authority to make changes to the Internal Scheme of Delegation for any executive directorate as may be necessary from time to time in order to reflect any decision made by a person or body with the authority to delegate or sub-delegate powers to exercise executive or non-executive functions. Any such changes shall be reported to the next available Council meeting for information.

Part 2- Statutory Officers

1. Statutory Officers

1.1 This section sets out those Officers who have been designated by the authority to discharge specified statutory functions:

Legislation	Function	Post
Section 4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 5 Local Government and Housing Act 1989	Monitoring Officer	Director of Law
Section 151 Local Government Act 1972	Chief Finance Officer	Strategic Finance Director
Section 8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive or in his/her absence the Director of Law
Section 35 Representation of the People Act 1983	Returning Officer	Chief Executive, or in his/her absence the Director of Law
Section 6(A1) Local Authority Social Services Act 1970	Director of Adult Social Services	Executive Director for Adult Social Care and Health
Section 18 Children Act 2004	Director of Children's Services	Executive Director for Children's Services
Section 72(1)(a) Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Trading Standards and Licensing Manager Trading Standards Officer (DTS)
Section 73A of the National Health Service Act 2006	Director of Public Health	Director of Public Health
Section 31 Local Democracy, Economic Development and Construction Act 2009	Scrutiny Officer	Head of Governance and Scrutiny

2. Proper Officers

2.1 The Council employs the following Proper or appropriate Officers:

Legislation	Function	Proper Officer
Local Government Act 1972		
Section 83(1) to (4)	The officer to whom a person elected to the office of Mayor, Deputy Mayor, or Councillor of the Council shall deliver a declaration of acceptance of office in a form prescribed by rules made under Section 42 of the Act and the officer who shall take that declaration	Chief Executive or in his/her absence the Director of Law
Section 84(1)	Receipt of notice of resignation of elected Member	Chief Executive or in his/her absence, the Director of Law
Section 88(2)	The officer who may convene a meeting for the election of Mayor of the Borough following a casual vacancy in that office.	Chief Executive or in his/her absence, the Director of Law
Section 89(1)	The officer who shall receive notification of casual Councillor vacancies	Chief Executive
Section 100A – 100H (except 100(D))	Admission of public (including press) to meetings	Chief Executive
Section 100(B – D,F)	Compile list of background papers for reports and make copies available for public inspection	Chief Executive
Section 115(2)	Receipt of money due from officers	Strategic Finance Director

Section 146(1)(a) & (b)	The issuing of certificates to enable the transfer of securities and payment of dividends or interest to the Council.	Strategic Finance Director
Section 191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Director for Transport & Highways Director for Environmental Health <u>TBC</u>
Section 225	Deposit of documents	Director of Law
Section 228(3)	Accounts for inspection by any Member of the Council	Strategic Finance Director
Section 229(5)	Certification of photographic copies of documents	Director of Law
Section 234	Authentication of documents	Director of Law
Section 238	Certification of printed copy of byelaws	Director of Law
Section 248	Officer who will keep the Roll of Freemen	Chief Executive
Schedule 12		
Part 1, Paragraph 4(2)(b)	Signing of summons to attend a Council meeting	Chief Executive or in his/her absence, the Director for Law
Part 1, Paragraph 4(3)	Officer to whom a Councillor shall give notice in writing requesting that summonses to attend meetings of the Council be sent to an address specified in the notice other than his/her place of residence	Director of Law

Schedule 14		
Paragraph 25	Certification of resolution concerning the Public Health Acts 1875 to 1925	Director of Public Health
Paragraph 25 (7)	Officer who shall certify a resolution of the Council under this paragraph (whereby notice may be given that legislation or statutory instruments shall either apply or cease to apply throughout the area of the Borough)	Director of Law
Local Government Act 1974		
Section 30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976		
Section 41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Director of Law
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Director for Cleaner, Greener and Cultural Services
Representation of the People Act 1983		
Section 8	The Registration Officer of any constituency or any part of a constituency coterminous with or contained in the Borough	Chief Executive or in his/her absence the Director of Law
Section 35(1)	The Returning Officer at an Election of Councillors of the Borough.	Chief Executive or in his/her absence the Director of Law
Sections 82 and 89	Receipt of election expense declarations and	Chief Executive

	returns and the holding of those documents for public inspection	
Local Elections (Principal Area) Rules 1986		
Rule 46	Retention and public inspection of documents after an election.	Chief Executive
Local Elections (Principal Areas) (England) Rules 2006		
Schedule 2, Rule 53	Retention and public inspection of documents after an election	Chief Executive
Local Government and Housing Act 1989		
Section 2(4)	Recipient of the list of politically restricted posts	Director of Law
Section 4 Local Government and Housing Act 1989	Chief Executive	Chief Executive
Sections 5 and 5A Local Government and Housing Act 1989	Monitoring Officer	Director of Law
Local Government (Committees and Political Groups) Regulations 1990		
Regulation 8	For the purposes of the composition of Committees and nominations to political groups	Monitoring Officer
Localism Act 2011		
Section 33	For the purposes of the composition of committees and nominations to political groups	Director of Law
Regulations 3,4,5 and 6	Functions relating to keeping a record of Members' interests	Director of Law

Local Authorities (Standing Orders) (England) Regulations 2001		
Schedule 1 Part 2	Notification of appointment or dismissal of officers	Chief Executive
The Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000		
The Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012		
Regulations 3 to 10 and 12 to 21	Provisions relating to meetings and access to information.	Director of Law
Building Act 1984		
Section 93	Authentication of documents	Head of Building Control
Food Safety Act 1990		
Section 49(3)(a)	Authentication of documents	Director for Environmental Health
Public Health Act 1936		
Section 85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Director for Environmental Health
Public Health Act 1961		
Section 37	Control of any verminous article	Director for Environmental Health

Public Health (Control of Disease) Act 1984

Sections 48, 59, 61, 45	Section 48: removal of body to a mortuary or for immediate burial Section 59: Authentication of documents Section 61: power of entry Section 45 Part 2 A: Public Health Protection	Director for Environmental Health, Executive Director for Adult Social Care and Health Director of Public Health
The Health Protection (Notification) Regulations 2010	Regulations 2, 3, 6 which relate to the receipt and disclosure of notification of suspected notifiable disease, infection, or contamination.	Director for Environmental Health
The Health Protection (Part 2A Orders) Regulations 2010	In their entirety including application to a JP for Exclusion Order and subsequent removal to a secure hospital for treatment restrictions in relation to a thing, body or human remains or premises	Director for Environmental Health
The Health Protection (Local Authority Powers) Regulations 2010	Exclusion of a child from school List of contacts from the Head Teacher Disinfection and decontamination of premises or articles on request Request cooperation for health protection purposes	Director for Environmental Health

National Assistance Act 1948		
Section 47	Removal to suitable premises of people in need of care and attention	Executive Director for Adult Social Care and Health
National Assistance (Amendment) Act 1951		
Section 1	Certification of the need for immediate action	Executive Director for Adult Social Care and Health
Local Authority Social Services Act 1970		
Section 6(A1)	Director of Adult Social Services	Executive Director for Adult Social Care and Health
Children Act 2004		
Section 18	Director of Children's Services	Executive Director for Children's Services
Weights and Measures Act 1985		
Section 72(1)(a)	Chief Inspector of Weights and Measures	Trading Standards and Licensing Manager Trading Standards Officer (DTS)
Freedom of Information Act 2000		
Section 36	Primary qualified person for the purposes of the Act (prejudice to effective conduct of public affairs)	Monitoring Officer