

## **Scheme of Delegation to Officers**

### **Scheme of Delegation - Part 1 – 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 they see fit to do so, consult the relevant Cabinet Member prior to taking any decision falling within their delegated authority.
- 2.6 All Chief Officers are authorised to make arrangements for the proper administration of the functions falling within their responsibility. A Chief Officer may authorise officers within their department to exercise any of their delegated powers.
- 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 Chief Officer.
- 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 Chief Officer 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 Chief Officer with responsibility for the relevant function as set out in this chapter of the Constitution and the Internal Schemes of Delegation for each Directorate.

### **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 their 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.
- (a) 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.
  - (b) All decisions shall be taken in the name of, but not necessarily personally by, the officer(s) to whom the power is delegated. The officer with the delegated power may authorise another officer to act on their behalf, any such authority must be in writing. The officer with the delegated power shall remain accountable for the exercise of that power.

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- (c) 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, they shall consult the relevant Chief Officer and the Chief Executive or Cabinet Member, as appropriate, who shall refer the matter to the appropriate decision maker(s).
- (d) Where officers consider that a decision which they have taken under delegated authority is particularly significant to the Council, they shall report the decision to the relevant Cabinet Member/the Cabinet for information. The decision must also be recorded in the council's central register which records all decisions as specified in Regulation 7 of the Openness of Local Government Bodies Regulations 2014.
- (e) The Chief Executive as Head of the Council's paid service shall monitor the exercise of delegated powers, other than statutory functions, for which Chief Officers 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 Chief Officer provided that this is done in accordance with paragraph 6 – Routine Service Decisions of the General Functions Delegated to the Chief Executive and all Chief Officers set out below.

- (a) 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.
- (b) 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 they have any conflict of interest in any matter which is under consideration and notifying the authority.
- 4.2 Where an officer has a conflict of interest in any matter, they shall not participate in that matter in their capacity as an officer except with the prior approval of their line manager, the Monitoring Officer or the Chief Executive.

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- 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 a Chief Officer.
- 4.4 Where a Chief Officer is unable to act on a matter because of a conflict of interest, the Chief Executive shall discharge the matter themselves or allocate the matter to another officer.
- 4.5 Where the Monitoring Officer is unable to act on a matter in their 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.

## **General functions delegated to the Chief Executive and Chief Officers**

### **1. Introduction**

- 1.1 Under the Council's Constitution, the following common functions are delegated to the Chief Executive and to all Chief Officers. 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. These decision-making powers are delegated from Full Council - not via the Executive.
- 1.2 Each Chief Officer 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 Chief Officers 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.

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- 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 Chief Officer.
- 3.7 To exercise the powers conferred on all Chief Officers by Standing Orders, Financial Regulations, the Human Resources Policies and the Contract Standing Orders in relation to debt write offs, seeking tenders for approved projects and schemes, opening tenders, the approval of variations in contracts and the agreement of bids to undertake cross boundary tendering.

### **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.

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- 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 Chief Officer 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 Chief Officers 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 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 and 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.
- 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

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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 and 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 and 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 Chief Officers 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 Chief Officer'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 Chief Officer's 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 Chief Officers 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 Chief Officers, 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 they take 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 they take is implemented in accordance with that decision.
- 7.3 Every officer is accountable for each decision which they take and may be called to provide an explanation of their 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 Chief Officers subject to the conditions and limitations above and to the Contract Standing Orders and the Financial Regulations.
- 8.2 Each Chief Officer or other Proper Officer in making decisions under this scheme is required to do so in accordance with the Internal Scheme of Delegation for their own directorate. This will include appropriate monitoring arrangements and dissemination of information both internally and externally to the Council.

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8.3 The areas of responsibility of each Chief Officer shall be as set out below, and shall include the areas of responsibility of each officer within their directorate.

## **Responsibilities of the Chief Executive and Chief Officers**

### **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 Chief Officer is involved the officer shall have full opportunity to explain their 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 Chief Officer):

- (a) Corporate Services “Service Group” (includes Corporate Finance, HR, Legal, IT, Delivery and Value, Commercial)
- (b) Adult Social Care and Health (Shared Services)
- (c) Children’s Services (Shared Services)
- (d) Public Service Reform
- (e) Regeneration, Housing and Planning
- (f) Environmental Services

### **The Corporate Services “Service Group” Chief Officers**

The Corporate Services “Service Group” Chief Officers are:-

- Strategic Finance Director
- Director of Law
- Director for Delivery and Value
- Director for Human Resources
- Commercial Director

The services and the areas of responsibility of the Chief Officers 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 InTouch, 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 2003 (as amended) in respect of the need to maintain an adequate and effective system of internal audit of the Council’s accounting records and of its system of internal control 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) 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.

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- (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. Director for Delivery and Value**

#### 4.1 The Director for Delivery and Value shall:

- (a) Act as critical strategic senior officer to the Leader of the Council having full oversight of the Leader's priorities, activities and targets in order to drive forward strategic objectives.
- (b) Ensure effective momentum and delivery of the administration's priorities set out in key strategy documents.
- (c) Provide high level advice to the Chief Executive in developing and implementing high level activities.
- (d) Proactively encourage support for the objectives, values and achievements of the Council with internal and external customers and stakeholders.
- (e) Ensure effective delivery of the Council's Communications & Engagement Strategy, managing a team of communications professionals to raise awareness of the Council's objectives and their achievements with external audiences, seek the views of residents to enable policy formulation and service development, and to promote the Council's values and culture internally.
- (f) Manage the Governance and Scrutiny functions in order to ensure the efficient management of the Council's decision-making processes including arrangements for all meetings of the Council and its committees.
- (g) Contribute to the achievement of Hammersmith & Fulham's strategic objectives and effective management of the division by leading, directing and motivating teams across a range of professional and technical specialisms.
- (h) Deliver and develop best practices in the ongoing process of responding, recording, monitoring of enquiries and complaints from members of the public, Councillors and Members of Parliament.

### **5. Director for Human Resources**

5.1 The Director for Human Resources shall be responsible for the following functions:

- (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.
- (d) To pay honoraria, acting allowances and bonuses, in accordance with the relevant national and local schemes, and with the relevant Chief Officer.
- (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 Chief Officer.
- (i) To operate the Staff Travelcard Allowance Scheme.
- (j) To approve additions to the approved list of car allowances.

**6. Commercial Director**

6.1 The Commercial Director shall:

- (a) Develop and implement the commercial strategy for the Council.
- (b) Provide leadership, advice and support to Members, Executive Directors, Directors and managers across the authority on all procurement and contract management matters
- (c) Provide leadership for all tradable services and identify profitable commercial opportunities to grow revenue.
- (d) Champion and lead new product or service development, from innovation through to successful implementation across the Council's business.
- (e) Assess the commercial risks to the Council and its services of new and existing commercial initiatives / activities.
- (f) Maintaining an awareness of external factors (including competitors, government business initiatives, current and proposed legislation in relation to commercial activities) which impact the Council
- (g) Communicate with and manage relationships with all major stakeholders (internal and external) to achieve business objectives.
- (h) Represent the Council in joint projects with joint procurements undertaken with other councils.

- (i) Lead on the development, maintenance and council-wide implementation of commissioning and procurement strategies, structures, processes, policies and procedures including the corporate procurement strategy, and the council plan of major commissioning and procurement activity.
- (j) Identify and pursue opportunities for joint strategic sourcing, collaborative procurement, partnership working and shared services with other local authorities, other public and private sector organisations, and social enterprises.
- (k) be responsible for Building and Property Management.
- (l) be responsible for the Council's Building control and regulation, control over demolition functions.

## **7. Director for Adult Social Care and Health**

### **7.1 The 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.

### **7.2 The services and the areas of responsibility of the 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

## **8. Director for Children's Services**



8.1 The 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.

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

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

**9. The Director for Public Service Reform**

9.1 The Director for Public Service Reform shall:

- (a) Lead and direct innovation and reform across council services, the borough, West London and beyond, challenging and supporting the Council and other services to deliver improvements to service arrangements which optimise their impact and efficiency.
- (b) Drive and direct the effective integration of services across the Council, and with partner agencies where appropriate, to maximise efficiency and service outcomes.
- (c) Engage and consult with the residents of the borough in delivering high quality, value for money services, integrated with partner agencies.
- (d) Develop strategy in partnership with all key stakeholders and partners to further the aims of transforming the current service delivery model.
- (e) Be the lead commissioner responsible for relationships with health and social care across the Council with the aim of transforming the current model.
- (f) Provide whole-systems leadership across the borough, working with key provider organisations to secure and sustain the necessary changes to

culture and practice so that services improve outcomes for all and are developed around residents and customer needs.

- (g) Produce Joint Strategic Needs Assessments in conjunction with the Director for Children's Services, Director for Adult Social Care and the Director of Public Health.
- (h) Promote health improvement in the borough and participate as a member of the Health and Wellbeing Board for the Borough. To oversee Public Health and support the Director of Public Health.

## **10. The Director for Regeneration, Housing and Planning**

10.1 The Director for Regeneration, Housing and Planning shall:

- (a) Deliver the Council's vision and strategic objectives and have overall responsibility for all matters relating to the delivery of housing in the borough.
- (b) 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.
- (c) Approve applications for housing and allocate properties in accordance with the Council's established allocations policy.
- (d) Be responsible for commissioning services relating to the management and maintenance of the Council's housing stock.
- (e) Make arrangements to provide housing advice and support to prevent homelessness.
- (f) Approve the allocation of funds to individual projects to be supported through regeneration programmes.
- (g) Be responsible for new affordable housing.
- (h) 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.
- (i) deliver the Council's vision and strategic objectives and have overall responsibility for all matters relating to the delivery of regeneration in the borough.
- (j) be responsible for Council initiatives relating to the economic development and skills.

10.2 The services and the areas of responsibility of the Director for Regeneration, Housing and Planning 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).
- (e) Regeneration
- (f) Economic Development and skills
- (g) Planning

## **11. The Lead Director for Environmental Services**

### 11.1 The Lead Director for Environmental Services 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 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.
- (k) 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.

11.2 The services and the areas of responsibility of the Lead Director for Environmental Services shall include:

- (a) Safer Neighbourhoods
- (b) Cleaner, Greener and Cultural Services
- (c) Customer and Business Development
- (d) Finance and Resources
- (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
- (k) Licensing
- (l) Trading Standards

## **12. 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.

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- 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 Director for Children's Services, the Director for Adult Social Care, the Lead Director for Environmental Services, 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.

### **13. Undetermined Functions**

13.1 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.

### **14. Detailed Scheme of Delegation**

14.1 Each Chief Officer and/or Proper Officer in making decisions under the above scheme is required to do so in accordance with the detailed register of authority for their own directorate.

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

14.3 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 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-

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delegate powers to exercise executive or non-executive functions. Any such changes shall be reported to the next available Council meeting for information.

## Scheme of Delegation - 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	Monitoring Officer
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 their absence the Director of Law
Section 35 Representation of the People Act 1983	Returning Officer	Chief Executive, or in their absence the Director of Law
Section 6(A1) Local Authority Social Services Act 1970	Director of Adult Social Services	Director for Adult Social Care and Health
Section 18 Children Act 2004	Director of Children's Services	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
<b>Local Government Act 1972</b>		
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 their absence the Director of Law
Section 84(1)	Receipt of notice of resignation of elected Member	Chief Executive or in their 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 their 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	Strategic Finance Director



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<b>Legislation</b>	<b>Function</b>	<b>Proper Officer</b>
	securities and payment of dividends or interest to the Council.	
Section 191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	TBC
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
<b>Schedule 12</b>		
Part 1, Paragraph 4(2)(b)	Signing of summons to attend a Council meeting	Chief Executive or in their absence, the Director of 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 their place of residence	Director of Law
<b>Schedule 14</b>		
Paragraph 25	Certification of resolution concerning the Public	Director of Public Health

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<b>Legislation</b>	<b>Function</b>	<b>Proper Officer</b>
	Health Acts 1875 to 1925	
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
<b>Local Government Act 1974</b>		
Section 30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
Section 41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Director of Law
<b>Local Authorities Cemeteries Order 1977</b>		
Regulation 10	To sign exclusive rights of burial	Director for Cleaner, Greener and Cultural Services
<b>Representation of the People Act 1983</b>		
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 their absence the Director of Law
Section 35(1)	The Returning Officer at an Election of Councillors of the Borough.	Chief Executive or in their absence the Director of Law
Sections 82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public	Chief Executive

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<b>Legislation</b>	<b>Function</b>	<b>Proper Officer</b>
	inspection	
<b>Local Elections (Principal Area) Rules 1986</b>		
Rule 46	Retention and public inspection of documents after an election.	Chief Executive
<b>Local Elections (Principal Areas) (England) Rules 2006</b>		
Schedule 2, Rule 53	Retention and public inspection of documents after an election	Chief Executive
<b>Local Government and Housing Act 1989</b>		
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	Monitoring Officer
<b>Local Government (Committees and Political Groups) Regulations 1990</b>		
Regulation 8	For the purposes of the composition of Committees and nominations to political groups	Monitoring Officer
<b>Localism Act 2011</b>		
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
<b>Local Authorities (Standing Orders) (England) Regulations 2001</b>		

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

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<b>Public Health (Control of Disease) Act 1984</b>		
Sections 48, 59,61, 45	<p>Section 48: removal of body to a mortuary or for immediate burial</p> <p>Section 59: Authentication of documents</p> <p>Section 61: power of entry</p> <p>Section 45 Part 2 A: Public Health Protection</p>	<p>Lead Director for Environmental Services</p> <p>Director for Adult Social Care and Health</p> <p>Director of Public Health</p>
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.	Lead Director for Environmental Services
The Health Protection (Part 2A Orders) Regulations 2010	<p>In their entirety including application to a JP for Exclusion Order and subsequent removal to a secure hospital for treatment</p> <p>restrictions in relation to a thing, body or human remains or premises</p>	Lead Director for Environmental Services
The Health Protection (Local Authority Powers) Regulations 2010	<p>Exclusion of a child from school</p> <p>List of contacts from the Head Teacher</p> <p>Disinfection and decontamination of premises or articles on request</p> <p>Request cooperation for health protection purposes</p>	Lead Director for Environmental Services

**National Assistance Act 1948**

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