

Part 3C

Officer Scheme of Delegation

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1. INTRODUCTION

Non-Executive Functions

- 1.1. The Council is responsible for the exercise of those functions as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), known as non-executive functions.
- 1.2. The Council may arrange for the discharge of any of its functions by a committee, a sub-committee or an officer of the Council, or by any other local Council.
- 1.3. The Council has determined the responsibilities for functions to be reserved to itself and to each committee, as set out at Part 3A of this Constitution. Unless the Council directs otherwise, an appointed committee may then arrange for the discharge of any of those functions by a sub-committee or an officer of the Council, and where any functions of the Council may be discharged by a sub-committee, then, unless Council or the committee directs otherwise, the sub-committee may arrange for the discharge of any of those functions by an officer of the Council.
- 1.4. The Council has determined this general scheme of delegation to officers, setting out those functions that are to be the responsibility of an officer of the Council and those decisions that an officer may take (as detailed within this Part 3C of the Constitution below).

Executive Functions

- 1.5. The Leader and Cabinet are responsible for the exercise of those functions not reserved to the Council under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) or other specific legislation (such as the Licensing Act 2003), which are known as executive functions. An “executive decision” is one made in connection with the discharge of a function which is the responsibility of the executive, i.e., the Leader and Cabinet.
- 1.6. In accordance with Article 6.8 of the Constitution, to deliver those executive functions, the Leader has:
 - 1.6.1. appointed a Cabinet comprising up to nine further elected Members of the Council and has determined which executive functions, if any, shall be reserved to it as being the responsibility of the collective Cabinet meetings;
 - 1.6.2. appointed one of those Members as Deputy Leader of the Council to act in the absence of the Leader;
 - 1.6.3. allocated a portfolio of responsibility to each of the Cabinet Members, including a portfolio of matters to be retained as being responsibility of the Leader, and has determined and reported to Council a Scheme of Delegation to Individual Cabinet Members that sets out the decisions that each Cabinet member may take (if any);
 - 1.6.4. established and appointed to a Cabinet Committee and to a Joint Committee (if any);
 - 1.6.5. confirmed the responsibility of the Head of Paid Service and chief officers for the general management of the authority and for day-to-day operations for functions and services of the Council;

- 1.6.6. determined the process and circumstances in which those decisions must be made; and
- 1.6.7. has determined this general scheme of delegation to officers, setting out those functions that are to be the responsibility of an officer of the Council and those decisions that an officer may take (as detailed within this Part 3C of the Constitution below).
- 1.7. “**Officers**” is the collective term used to refer to the staff appointed for the proper discharge by the Council of such of their or another authority’s functions as fall to be discharged by them. An officer is a person who is employed, retained or appointed by the Council to advise and support Members and implement their decisions. An “**officer**” as referred to in this Constitution includes any person who operates in this capacity including (where appropriate) appointed contractors, consultants and agency staff.
- 1.8. The term “**Chief Officer**” is described at Article 12.2 of this Constitution. A chief officer is the primary officer to whom a function is delegated by Council or committee or the Leader or Cabinet (as relevant) and is most senior level of officer of the Council responsible for a directorate, service or function part. In wider use, the term includes both chief officers and deputy chief officers as defined by Part 1, section 43(2) of the Localism Act 2011.
- 1.9. The way the Council structures its services and its officer arrangements changes from time to time to reflect changes in service delivery and best practice. The organisational structure of the Council, showing more detail about the roles and responsibilities of the Chief Officers and the officers supporting them to deliver all the Council's services can be found [\[HERE\]](#). The current arrangements include a Chief Executive/Head of Paid Service (as the most senior officer of the Council) supported by a number of Chief Officers as follows:
- 1.9.1. The Chief Executive (Head of Paid Service)
- 1.9.2. The Executive Director of Finance & Resources (Chief Finance/ s.151 Office)
- 1.9.3. Director of Law & Governance (Monitoring Officer)
- 1.9.4. The Assistant Chief Executive (Communities & Strategy)
- 1.9.5. The Executive Director of Children’s and Adults’ Services (DCS & DASS)
- 1.9.1. The Executive Director of Regeneration, Housing & Environmental Services
- 1.9.2. The Executive Director of Integrated Care Partnerships, Health & Social Care Integration
- 1.9.3. The Director of Public Health

2. PRINCIPLES RELATING TO OFFICER DELEGATION

- 2.1. The Council operates a cascade principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers.

- 2.2. In order to ensure the smooth functioning of the Council and the efficient delivery of services, the Council in respect of non-executive functions and the Leader in respect of executive functions have delegated to officers all of the powers that they need to perform their roles.
- 2.3. Certain officers have specific legal duties to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as “Statutory” or “Proper” Officers, and some have specific legal titles in addition to their job titles.

Delegation

- 2.4. The cascade principle under which this scheme operates means that, subject to the financial limits set out in the Financial Regulations contained in part 4G of this constitution, a Chief Officer can take decisions in relation to all the functions in their areas of responsibility except where:
 - 2.4.1. a matter is prohibited by law from being delegated to an officer or that particular officer; or
 - 2.4.2. a matter has been specifically excluded from delegation by this scheme, as relevant, by a decision of the Council, a Committee or Sub-Committee or by a decision of the Leader or Cabinet.
- 2.5. A Chief Officer may not take decisions unless specifically provided for within the Constitution, including in this scheme of delegation, or specifically delegated by Council, Cabinet, a Committee or Sub-Committee or, as relevant, the Leader or Cabinet.
- 2.6. Where a function has been delegated to an officer (including where sub-delegated through the cascade principle), the person or body making the delegation may at any time take back responsibility for the function and may therefore exercise the function (make the decision) despite the delegation.
- 2.7. In some circumstances the officer to whom a power has been delegated may consider a matter to be of such importance or sensitivity that their delegated authority should not be exercised. In these circumstances they may refer the matter back to the delegator for determination.
- 2.8. Where the delegations within this Scheme are delegated to an officer referred to by title within this Scheme of Delegation, the delegations apply to whosoever holds that post title at any time – not to the individual person. The powers are automatically transferred to any successor officer, to whom the functions are allocated following any reorganisation of the Council’s management arrangements, irrespective of a change in the title/name of the officer post. Nominated deputies can exercise all functions of the person delegating the functions.
- 2.9. Delegations relate to all provisions for the time being in force under any applicable legislation and cover functions of the Council and all powers and duties incidental to that legislation.

Requirements

- 2.10. The conferring of a delegated power is not intended to and does not supersede or replace any statutory requirement or override any provision of the Council's executive arrangements or alternate delegations made by Council or Cabinet, the proper officer functions, contract standing orders, financial regulations or any other provision of the Constitution.

- 2.11. Any delegation must be exercised:
- 2.11.1. In compliance with the Budget and Policy Framework, all the Council's Financial Regulations and Contract Procedure Rules, the Pay Policy Statement approved annually and the Officer Code of Conduct
 - 2.11.2. In accordance with the decision-making requirements set out in the Constitution, including requirements for decision-records and access to information
 - 2.11.3. Having identified and managed appropriate strategic and operational risks within the officer's area of responsibility
 - 2.11.4. Following any appropriate legislative, regulatory, consultation, equalities or procedural requirements that may be required.
- 2.12. An officer, in exercising delegated powers may consult the relevant Committee Chair or Cabinet Member (as may be relevant to the function) if they consider it appropriate to do so and shall consult other appropriate officers for professional advice including legal, financial and technical officers and shall have regard to any views and advice received.
- 2.13. Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by the Chief Officer is introduced, that officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the Council, the Leader, a Committee (as may be relevant to the function) or the Chief Executive decides to whom to allocate responsibility for the new legislation.
- 2.14. Where Key Decisions as defined by article 13 (3) are to be taken by officers, the process set out in the Access to Information Procedure Rules set out in Part 4E of this Constitution must be followed.
- 2.15. Some officer executive decisions which are not key decisions must be evidenced in writing using the agreed standard form, dated and signed by the officer exercising the delegated authority, as required by the Access to Information Procedure Rules set out at Part 4E of this Constitution. **These decisions are known as Publishable Officer Decisions.** In summary, this applies to the following decisions to be taken by an officer that would not otherwise be published, and which are not operational or administrative in nature:
- (i) a decision being taken under a specific express authorisation; or
 - (ii) a decision being taken under a general authorisation to officers to take such decisions and the effect of the decision is to—
 - (1) grant a permission or licence;
 - (2) affect the rights of an individual; or
 - (3) award a contract or incur expenditure which, in either case, materially affects the Council's financial position, for which purposes is taken to be a financial saving or expenditure of more than £250,000 and up to and including £500,000 for revenue expenditure and more than £500,000 and up to and including £1,000,000 (1m) for capital expenditure; or
 - (iii) a decision being taken which is of such significance that the relevant Executive Director considers it should be published for transparency and accountability purposes.

Direction

- 2.16. If there is any dispute or lack of clarity as to which Chief Officer has power to make decisions on specific areas of service, the Chief Executive shall have power to determine where the delegation should be exercised.

3. GENERAL DELEGATION TO ALL CHIEF OFFICERS

- 3.1. Subject to the principles set out above, Chief Officers (the Chief Executive, Executive Directors and Directors) are hereby authorised to take all lawful action consistent with overall Council policy to deliver the agreed strategy, plans and priorities within their area of responsibility and within approved budgets.
- 3.2. These delegations shall apply to all Chief Officers (and to any appointed deputies).
- 3.3. In deciding whether to exercise such delegated powers, the Chief Officer should consider whether it is appropriate to consult the Leader or appropriate cabinet member with portfolio or, as relevant, the appropriate committee chair and have regard to their views. Officers shall always be entitled to refer matters for decision to the Cabinet or, as relevant, the Council or appropriate committee where they consider it expedient to do so
- 3.4. For the purposes of clarification, the Leader or relevant cabinet member or, as appropriate, Council or relevant committee or sub-committee may also request an officer not to exercise their delegated power in any particular case and to instead bring a report to Cabinet or committee.

Urgent action and Emergencies

- 3.5. The Chief Executive and each Executive Director in respect of their specific responsibilities may take urgent decisions on matters even if those matters have been reserved for decision by the Council, the Leader or Cabinet, or a specific committee as long as the matter in question is not prevented by a statutory provision from being taken by officers. A decision will be urgent where any delay would seriously prejudice the legal or financial position of the Council or the interests of the members of the public of the Council's area. This delegation is subject to the conditions that any urgent action:
- 3.5.1. shall be reported to the appropriate Cabinet or Committee meeting
- 3.5.2. shall take account of advice of the Monitoring Officer and the Director of Finance and Resources (Chief Finance Officer / s151 Officer)
- 3.5.3. shall, so far as is reasonably practicable, be exercised in consultation with the Leader (in relation to executive functions), the committee chair (in relation to Council functions), or the Chair of the appropriate meeting.

Implementation of decisions

- 3.6. To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of Council, the Leader or Cabinet, a committee or sub-committee, or a Chief Officer.

General and operational

- 3.7. To have the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by elected members, implementing decisions and undertaking efficient management of the services, contracts and staff for which the officer is responsible in respect of their designated functional and operational areas.
- 3.8. To have overall responsibility for the operational management of the relevant directorate area of service and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the directorate or service is responsible.
- 3.9. Any Chief Officer may be appointed by the Chief Executive to deputise in their absence and when so appointed is authorised to exercise all the powers of the Chief Executive (including those of the Head of Paid Service).

Consultation

- 3.10. To undertake and consider the outcome of statutory and non-statutory consultations on service provision.
- 3.11. To respond to Government Consultations and consultations from other bodies, in consultation with the Leader or the relevant Committee Chair.
- 3.12. To undertake all steps required to complete Government Statistical Returns.

Finance

- 3.13. To manage the finance of their directorates or departments to ensure value for money and the development of budget policy options with a detailed assessment of financial implications.
- 3.14. To enter into contracts and incur expenditure in relation to their functional area of a value up to and including £500,000 for revenue expenditure and up to and including £1,000,000 (1m) for capital expenditure in accordance with the approved budget.
- 3.15. To determine a Pricing Strategy that articulates the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery.
- 3.16. To submit applications for grant funding that align with the Council Budget and Policy Framework, in accordance with the approvals required under the Financial Procedure Rules.

Staffing

- 3.17. To deal with the full range of employment and staff management issues, below Chief Officer (including in respect of deputy chief officers) level including but not limited to appointments, terms and conditions (other than those generally applicable and negotiated nationally or reserved to Council or committee) training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances,

sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the Chief Officer Employment Procedure Rules.

- 3.18. For the avoidance of doubt. the Chief Executive and Executive Directors shall have authority to appoint deputy chief officers unless the Leaders of the Political Groups agree, in consultation with the Chief Executive, agree that the appointment in question should be carried out by the Chief Officer Employment Panel.
- 3.19. To enter into reciprocal arrangements for the authorisation and appointment of officers to facilitate inter-authority co-operation in the discharge of delegated functions with any other public sector organisation.

Land and assets

- 3.20. To manage land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.
- 3.21. To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation.
- 3.22. To make application for planning permission and any other necessary applications for other consents required for the development of land.

Legal authorisation and enforcement

- 3.23. Subject to the requirements of the Director of Law and Governance and the Monitoring Officer given either generally or in a particular case, the issue of formal notices, orders, instructions and instruments required under any legislation relation to the service area functions and delegations under this scheme of delegation to give legal effect to the exercise of the above actions.
- 3.24. Only with the approval of the Monitoring Officer, to authorise the institution, defence, settlement of or participation in civil and criminal proceedings and quasi-proceedings (which for the avoidance of doubt shall include but not be limited to all court hearings, tribunal, inquiry and appeal processes), administer cautions and/or take any other action considered necessary to protect the interests of the Council. Only the Monitoring Officer, however, may seek, instruct or authorise the obtaining of any legal advice or representation by external solicitors, counsel or other legal bodies.
- 3.25. Where authorised in the Constitution or applicable policy, to exercise the role of authorising officer and designated person under the Regulation of Investigatory Powers Act 2000. (The Monitoring Officer is excluded from this provision as they have the formal 'reviewer' role.)

Safeguarding children and vulnerable adults

- 3.26. To ensure that arrangements are in place to discharge the responsibilities of the Council within their functional responsibilities in respect of the need to safeguard and promote the welfare of children and of vulnerable adults.

4. DELEGATIONS TO CHIEF EXECUTIVE AND CHIEF OFFICERS

The Chief Executive - Head of Paid Service

- 4.1. The Chief Executive is the most senior officer in the Council. It is their role to support the Councillors and to provide leadership for the Council.
- 4.2. The Chief Executive holds the statutory officer post of “Head of Paid Service” and is accordingly responsible for the head of paid service functions as described out at Article 12.3(b) of this Constitution.
- 4.3. The Chief Executive/Head of Paid Service is empowered to operate all the services of the Council and, except where powers, duties and functions are reserved, to exercise all powers, duties and functions of the Council, including those delegated to other officers, with the exception of those statutory functions delegated exclusively to the Council’s Chief Finance (Section s151) Officer or Monitoring Officer. To the extent permitted by law, any function may be exercised by the Chief Executive/Head of Paid Service notwithstanding its delegation to the Council or committee or the Leader & Cabinet, Cabinet Member or a Director where, in the opinion of the Head of Paid Service it is necessary and expedient in the circumstances to do so.
- 4.4. The Chief Executive is given delegated power to undertake the following roles and responsibilities and to take the following decisions, subject to the terms of this Constitution:
 - 4.4.1. To be the Council's principal officer representative and to promote its good image and reputation;
 - 4.4.2. To lead and direct the strategic management of the Council;
 - 4.4.3. To appoint other officers as Proper Officers for the purposes of any specific Council service area or function and to maintain an up-to-date record showing who is appointed to act as the Proper Officer for all Council service areas and functions;
 - 4.4.4. Unless another officer is appointed as Proper Officer, to act as Proper Officer for the Council for the purposes of all Council service areas and functions;
 - 4.4.5. To discharge emergency planning and civil protection functions;
 - 4.4.6. To take such steps (including the incurring of expenditure where necessary) as may be required in the event of any national or local emergency requiring immediate action by the Council;
 - 4.4.7. To undertake the communications, marketing and media functions of the Council with regard to policy and strategic direction;
 - 4.4.8. To exercise any function of the Council which is not specified in the Constitution or in law as a function that must be exercised by Councillors, except the statutory functions of the Monitoring Officer ;
 - 4.4.9. To approve employment policies and procedures applying to Council staff, save for those which directly and specifically relate to the role of Head of Paid Service;
 - 4.4.10. To act as the Council’s Shareholder Representative in respect of the Lampton Group of Companies;
 - 4.4.11. To allocate or re-allocate responsibility for functions in the Scheme of Delegation to Officers provided that any changes applicable for a period of more than six months must be reported to Council as a change to the Scheme of Delegation.

Director of Law & Governance - Monitoring Officer

- 4.5. The Director of Law & Governance holds the statutory officer post of “Monitoring Officer” and is accordingly responsible for the head of paid service functions as described out at Article 12.3(c) of this Constitution in relation to:
- 4.5.1. the lawfulness and fairness of the decision making of the Council;
 - 4.5.2. the Council's compliance with its legal responsibilities and requirements, and
 - 4.5.3. matters relating to the conduct of Councillors.
- 4.6. The Monitoring Officer may appoint one or more deputy Monitoring Officers, each of whom has power to exercise all the powers and duties of the Monitoring Officer during their absence, incapacity or conflict from acting or during vacancy of the role.
- 4.7. The Monitoring Officer has power to exercise any function of the Monitoring Officer contained in any other Part of this Constitution.
- 4.8. The Monitoring Officer is given delegated power to undertake the following roles and responsibilities and to take the following decisions, subject to the terms of this Constitution:
- 4.8.1. To authorise the settlement of actual or potential legal claims across all functions of the Council;
 - 4.8.2. To prosecute, defend, settle, make application, serve any notice or appear on behalf of the Council in any Court, Tribunal or hearing on any criminal, civil or other matter (including appeals);
 - 4.8.3. To institute legal proceedings for any offences within the Council's area;
 - 4.8.4. To lodge objections to any proposal affecting the Council's interests;
 - 4.8.5. To approve the Council's response to any investigation carried out by the Local Government Ombudsman;
 - 4.8.6. To approve the Council's response to any request for information under the Freedom of Information Act 2000 or the Environmental Information Regulations 2003;
 - 4.8.7. To take all action including the completion of agreements, the service of notices, giving of directions, obtaining or issuing orders, authorising the execution of powers of entry, and the institution and defence of legal proceedings necessary or desirable to protect and advance the interests of or discharge the roles, functions and responsibilities of the Authority;
 - 4.8.8. To give certificates under the Local Government Contracts Act 1997;
 - 4.8.9. To make discretionary payments under Land Compensation Act 1973 on the recommendation of the District Valuer;
 - 4.8.10. In accordance with the Council's approved policy, to monitor the integrity of the operation of the Regulation of Investigatory Powers Act 2000;
 - 4.8.11. To attest the affixing of the Council's seal to all documents approved for sealing, including by digital means;

- 4.8.12. To authorise appropriate Officers to administer formal cautions in respect of criminal offences;
- 4.8.13. To determine whether a particular claim for payment under the Councillors Allowances Scheme is appropriate;
- 4.8.14. To authorise appropriately qualified employees or persons acting on behalf of the Council to appear in, and conduct legal proceedings in, any Court or Tribunal on behalf of the Authority;
- 4.8.15. To deal with the initial stages of allegations or grievance procedure against the statutory officers (Chief Executive or Executive Director of Finance and Resources);
- 4.8.16. In exceptional circumstances as set out in the JNC Conditions of Service for Chief Executives and in consultation with the Leaders of the Political Groups, to suspend the Chief Executive;
- 4.8.17. Following consultation with the Leaders of the Political Groups, to refer matters of discipline in respect of the Head of Paid Service and the Executive Director of Finance and Resources to the Chief Officer Employment Panel and to arrange for the appointment of independent persons in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).
- 4.8.18. To make such changes to the Council's Constitution as they deem to be necessary, and which are in the Council's interests, and which do not materially change any principles previously approved by the Council;
- 4.8.19. To grant dispensations to Councillors or Co-opted members under Section 33 of the Localism Act 2011, to allow them, where they have a disclosable pecuniary interest in a matter to be considered at a meeting of the Council, or any of its committees or sub-committees, or the Cabinet or any committee or sub-committee of the Cabinet to participate in any discussion of the matter in which they have the disclosable pecuniary interest at the meeting or to participate in any vote, or further vote, taken on the matter at the meeting.
- 4.8.20. In addition to the Monitoring Officer, the functions set out in paragraphs 4.8.1 to 4.8.4, 4.8.7, 4.8.8, 4.8.11, 4.8.12, 4.8.14 may also be exercised by the Assistant Director of Law and Governance for the London Borough of Harrow pursuant to the inter-authority agreement made between that authority and this Council dated 09 April 2021.

Executive Director of Finance & Resources - Chief Finance Officer (s.151) Officer

- 4.9. The Executive Director of Finance & Resources holds the statutory officer post of "Chief Finance (section 151) Officer" and is accordingly responsible for the head of paid service functions as described out at Article 12.3(d) of this Constitution in relation to their role as:
 - 4.9.1. The financial adviser to the Council, Committees, Cabinet and Officers;
 - 4.9.2. The Authority's 'responsible financial officer', and
 - 4.9.3. Responsible for the proper administration of the Council's financial affairs as specified in, and undertakes the duties required by, section 151 of the Local Government Act

1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003, and all other relevant legislation.

- 4.10. “Proper Administration” is not defined but shall also include responsibilities for compliance with the statutory requirements for accounting and internal audit.
- 4.11. The Chief Finance (section 151) Officer is given delegated power to undertake the following roles and responsibilities and to take the following decisions subject to the terms of this Constitution:
- 4.11.1. To carry out the functions and responsibilities which are detailed in the Finance Procedure Rules;
 - 4.11.2. To secure effective treasury management, including taking all action necessary in relation to all debts, payment of accounts, loans (including guarantees and indemnities), grants, advances, investments, financing and banking generally.
 - 4.11.3. To take all action necessary to ensure the safeguarding of assets by maintaining and administering appropriate insurance and approving requests to post-pone legal charges.
 - 4.11.4. To take all action necessary to facilitate debt recovery and enforcement action including instituting prosecutions, making applications to courts and tribunals and authorising officer to appear on behalf of the Council.
 - 4.11.5. To give certificates under the Local Government Contracts Act 1997.
 - 4.11.6. To make recommendations to the Council on Council Tax requirements, to determine the Council tax base and to administer and manage generally all matters relating to Council Tax, Non Domestic Rates and General Rates including the awarding of discounts, relief, and exemptions and the levying, collection, recovery, and disbursement of all sums due to the Council in respect of the same in accordance with all governing Regulations.

Executive Director of Children’s and Adults’ Services

- 4.12. The Executive Director of Children’s and Adults’ Services holds the statutory role for the Council of the Director of Children’s Services (DCS), required by Section 18 of the Children Act 2004 and is the designated person for the purposes of Section 22 of the Children Act 1989.
- 4.13. The Executive Director of Children’s and Adults’ Services holds the statutory role for the Council of the Director of Adult Social Services (DASS), required by Section 6 of the Local Authority Social Services Act 1970.

The Director of Public Health (DPH)

- 4.14. The Director of Public Health holds the statutory role for the council as the person appointed as the Director of Public Health, required by section 73A of the National Health Service Act 2006.
- 4.15. The DPH must be a professionally registered Public Health Consultant.

- 4.16. The DPH is responsible for ensuring the Council delivers the mandated public health services, including the specific statutory duties that arise from the NHS Act 2006 and the Health and Social Care Act 2012 and relevant regulations.

Executive Director of Regeneration, Housing and Environmental Services

- 4.17. The Executive Director of Regeneration, Housing and Environmental Services is responsible for all those functions falling within the Regeneration, Housing and Environmental Services department, including, without limitation, the Council's functions relation to licensing, housing and highways management. The Director of Planning and Buildings also has delegated authority to determine all matters relating to planning and development control under the Town and Country Planning Act 1990 and other associated legislation unless such matters are reserved to the Planning Committee under Part 3A of this Constitution.

5. DELEGATIONS FROM A CHIEF OFFICER

- 5.1. A Deputy Chief Officer may act where delegated to do so by their Chief Officer. A Chief Officer may appoint another officer to deputise and to make a decision on their behalf and such deputy shall have all the powers of the Chief Officer as set out in this Constitution. A deputy may be appointed in relation to all the areas of service delegated to the Chief Officer under this Constitution or in relation to a particular area of service only. A deputy may be appointed for a specific period of time (for example to cover the absence of a Chief Officer) or without time limitation. The appointment of a deputy shall not prevent the exercise by the Chief Officer of any delegation set out in this Constitution.
- 5.2. The cascade principle under which this scheme operates means that any officer given powers under this scheme can further delegate those powers to other officers through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas). A full list of the **Local Schemes of Delegation** is available on the Council's website [\[HERE\]](#)
- 5.3. All Local Schemes of Delegation (and any changes to them) must be agreed by the relevant Chief Officer and the Monitoring Officer.
- 5.4. Any power delegated or cascaded under this Scheme can be exercised by the relevant Chief Officer and in all cases by the Chief Executive personally, with the exception of those statutory functions delegated exclusively to the Council's Executive Director of Finance & Resources (section 151 Officer) or the Director of Law & Governance (Monitoring Officer).
- 5.5. An officer to whom a power has been delegated may in some circumstances consider a matter to be of such importance or sensitivity that their delegated authority should not be exercised or should not be exercised by them. In these circumstances they may refer the matter back to the delegator for determination.

6. STATUTORY OFFICER AND PROPER OFFICER APPOINTMENTS

- 6.1. Many legislative provisions require the appointment of a Statutory Officer or Proper Officer to undertake formal responsibilities on behalf of the Council.

- 6.2. The Chief Executive/Head of Paid Service shall be the Proper Officer of the Council for the purposes of the Local Government Act 1972, the Local Government Act 2000 and for all other statutory purposes unless:
- 6.2.1. such designation is given by the Council to any other officer, or
- 6.2.2. the Chief Executive/Head of Paid Service, exercising the powers given to them by this Constitution, appoints another officer of the Council to be the Proper Officer for a specific service area or function.
- 6.3. The Scheme of Delegation to Officers and table below outlines **the designated Statutory Officer and Proper Officer functions** for the Council and those officers (or where necessary, their substitute) shall undertake the specific responsibilities entailed.
- 6.4. Statutory provisions and regulations are from time to time amended, replaced or re-enacted. When a statutory provision or regulation is amended, replaced or re-enacted, the appointments in the table below shall be effective in relation to the corresponding new provision.
- 6.5. Substitutes are identified to act where the Proper Officer is absent or otherwise unable to act.
- 6.6. In the event of any officer (and their substitute) identified in the Scheme of Delegation to Officers or in the table below being for any reason absent or unable to act and the officer/substitute has not made any other arrangements for the exercise of the relevant duties, the Chief Executive (in consultation with the Monitoring Officer) shall nominate an officer to act in their stead.

Statutory Officers

Legislation requires local authorities to appoint certain officers with statutory responsibilities. These appointments and the officer to whom the council has allocated responsibility are listed below.

Statutory Requirement	Allocated to	Substitute
Local Government and Housing Act 1989 Section 4 Head of Paid Service	Chief Executive	Such other officer as may be appointed from time to time to deputise
Representation of the People Act 1983 Section 8 Electoral Registration Officer	Chief Executive	Such other officer as may be appointed from time to time to deputise
Representation of the People Act 1983 Section 28 Acting Returning Officer (Parliamentary)	Chief Executive	Such other officer as may be appointed from time to time to deputise
Representation of the People Act 1983 Section 35 Returning Officer (Local Elections)	Chief Executive	Such other officer as may be appointed from time to time to deputise
Weights and Measures Act 1985	Trading Standards and Licensing Manager	

Statutory Requirement	Allocated to	Substitute
Section 72 Chief Inspector of Weights and Measures		Such other officer as may be appointed from time to time to deputise.
Local Authority Social Services Act 1970 Section 6 Director of Adult Social Services	Executive Director of Children's and Adults' Services	Such other officer as may be appointed from time to time to deputise
Local Government Act 1972 Section 151 Chief Finance Officer	Chief Finance Officer	Designated Deputy section 151 Officer
Local Government Act 2000 Section 9FB Scrutiny Officer	Assistant Chief Executive	Such other officer as may be appointed from time to time to deputise
Local Government and Housing Act 1989 Section 5 Monitoring Officer	Monitoring Officer	Designated Deputy Monitoring Officer
Children Act 2004 Section 18 Director of Children's Services	Executive Director of Children's and Adults' Services	Such other officer as may be appointed from time to time to deputise
Children Act 1989 Section 22 and 23ZZA Virtual School Headteacher	Director of Children's Services	Such other officer as may be appointed from time to time to deputise
National Health Service Act 2006 Section 73A	Director of Public Health	Such other officer as may be appointed from time to time to deputise

Proper Officers

Function	Legislative Provision	Proper Officer	Deputy
Reference in legislation to the "Clerk"	Any legislation before October 1972	Chief Executive	Such other officer as may be appointed from time to time to deputise
Appointment as Parish Trustee with Chair of as body corporate for a Parish Meeting; Officer responsible for convening newly created Parish Councils	Local Government Act 1972 Section 13(3)	Chief Executive Chief Executive	Such other officer as may be appointed from time to time to deputise
Witness and receipt of declaration of acceptance of office	Local Government Act 1972 Section 83	Chief Executive	Such other officer as may be appointed from time to time to deputise
Receipt of notice of resignation by councillor	Local Government Act 1972 Section 84	Chief Executive	Such other officer as may be appointed from time to time to deputise

Function	Legislative Provision	Proper Officer	Deputy
Declare any vacancy in office	Local Government Act 1972 Section 86	Chief Executive	Such other officer as may be appointed from time to time to deputise
Convening a meeting of Council to fill casual vacancy in office of Chair	Local Government Act 1972 Section 88(2)	Monitoring Officer	Designated Deputy Monitoring Officer
Receipt of notice of casual vacancy from two local government electors (Also for Parish and Community Councils)	Local Government Act 1972 Section 89(1)(b) Local Elections (Parishes and Communities) (England and Wales) Rules 2006/3305	Chief Executive	Such other officer as may be appointed from time to time to deputise
Exclusion of reports, etc. from inspection	Local Government Act 1972 Section 100B Schedule 12A	Monitoring Officer	Designated Deputy Monitoring Officer
Supply of documents to the press	Local Government Act 1972 Section 100B(7)(c)	Monitoring Officer	Designated Deputy Monitoring Officer
Written Summary where minutes would disclose exempt information	Local Government Act 1972 Section 100C	Monitoring Officer	Designated Deputy Monitoring Officer
Compilation of list of background papers	Local Government Act 1972 Section 100D	Monitoring Officer	Designated Deputy Monitoring Officer
Exclusion from production to Councillors of documents disclosing exempt information	Local Government Act 1972 Section 100F	Monitoring Officer	Designated Deputy Monitoring Officer
Receipt of money due from officers	Local Government Act 1972 Section 115(2)	Chief Finance Officer	Designated Deputy section 151 Officer
Declarations and certificates with regard to securities	Local Government Act 1972 Section 146(1)(a)	Chief Finance Officer	Designated Deputy section 151 Officer
The Officer having responsibility for the proper administration of the financial affairs of the Council.	Local Government Act 1972 Section 151 Also Local Government Finance Act 1988 sections 112-116 and any reference in legislation before October 1972 to the "Treasurer" of a local authority	Chief Finance Officer	Designated Deputy section 151 Officer

Function	Legislative Provision	Proper Officer	Deputy
Functions with respect to ordnance survey	Local Government Act 1972 Section 191	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Charity functions	Local Government Act 1972 Section 210	Monitoring Officer	Designated Deputy Monitoring Officer
Authorise Officers to appear in legal proceedings	Local Government Act 1972 Section 223 (Also Section 60 County Courts Act 1984)	Monitoring Officer	Designated Deputy Monitoring Officer
Deposit of documents pursuant to the Standing Orders of either Houses of Parliament or to any enactments/instruments and any action as may be directed	Local Government Act 1972 Section 225(1)	Monitoring Officer	Designated Deputy Monitoring Officer
Certification of photographic copies of documents	Local Government Act 1972 Section 229(5)	Monitoring Officer	Designated Deputy Monitoring Officer
Authentication of documents	Local Government Act 1972 Section 234(1)	Monitoring Officer	Designated Deputy Monitoring Officer
Sending confirmed byelaws to the proper officer of every Parish and Community Council to which they apply	Local Government Act 1972 Section 236	Monitoring Officer	Designated Deputy Monitoring Officer
Certification of byelaws	Local Government Act 1972 Section 238	Monitoring Officer	Designated Deputy Monitoring Officer
Keeping of roll of Freemen	Local Government Act 1972 Section 248	Monitoring Officer	Designated Deputy Monitoring Officer
Signature of summons to council meetings	Local Government Act 1972 Section 99 & Schedule 12 Para.4(1A)(b)	Monitoring Officer	Designated Deputy Monitoring Officer
Officer to whom Councillors shall give notice of address desiring Council summonses to be sent where not place of residence	Local Government Act 1972 Schedule 12 Para.4(3)	Monitoring Officer	Designated Deputy Monitoring Officer

Function	Legislative Provision	Proper Officer	Deputy
Certification of resolutions under paragraph 25 applying or disapplying provisions under the Public Health Acts 1875 onwards	Local Government Act 1972 Schedule 14 Para.25(7)	Director of Public Health	Such other officer as may be appointed from time to time to deputise
Authentication of documents and issue of notices	<p>Various including:</p> <p>(a) Statutory notices under the Public Health Acts 1936 and 1961, the Control of Pollution Act 1974, the Housing Acts 1957 and 1988 and the Local Government Act 1989 (other than for Council Houses), the Local Government Miscellaneous Provisions) Act 1976 (except as specified in the next paragraph), the Prevention of Damage by Pests Act 1949, the Food Safety Act 1990 and the Environmental Protection Act 1990 (as it relates to statutory nuisances)</p> <p>(b) Notices under the Building Regulations and the Building Act 1984 and under the Local Government (Miscellaneous Provisions) Act 1976 with regard to dangerous trees and excavations</p> <p>(c) any other matter</p>	<p>Executive Director of Regeneration, Housing and Environmental Services and</p> <p>Director of Public Health</p> <p>Monitoring Officer</p> <p>?</p>	<p>Such other officer as may be appointed from time to time to deputise</p> <p>Such other officer as may be appointed from time to time to deputise</p> <p>Designated Deputy Monitoring Officer</p>

Function	Legislative Provision	Proper Officer	Deputy
		Monitoring Officer	
Receipt on deposit of lists of buildings of special architectural or historical interest and Building Preservation Notices	Planning (Consequential Provisions) Act 1990 Schedule 3, para 3 Town and Country Planning Act 1971 Section s 54 & 58	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Exercise of registration functions under various legislative provisions relating to births, deaths and marriages including appointment of superintendent registrars and local schemes and other ceremonies including citizenship ceremonies	Registration Service Act 1953 including Section s 9, 13 and 20 Marriage Act 1949, Civil Partnership Act 2004	Superintendent registrar or registrar of births and deaths	Such other officer as may be appointed from time to time to deputise
Officer having responsibility for the storage and charge of cemetery records	Local Authorities' Cemeteries Order 1977 Article 12	Superintendent registrar or registrar of births and deaths	Such other officer as may be appointed from time to time to deputise
Officer having responsibility for the signature of grants under Paragraph 1 of Part II of Schedule 2 of that Order and the granting of permission for the various matters referred to in Paragraph 1 of Part I of that Schedule	Local Authorities' Cemeteries Order 1977 Paragraph 1 of Parts I & II of Schedule 2	Superintendent registrar or registrar of births and deaths	Such other officer as may be appointed from time to time to deputise

Function	Legislative Provision	Proper Officer	Deputy
The Registration Officer for any constituency of part of a constituency coterminous or situated in the Borough.	Representation of the People Act 1983 Section 8 and 52	Chief Executive	Such other officer as may be appointed from time to time to deputise
Acting Returning Officer for Parliamentary elections	Representation of the People Act 1983 Section 28	Chief Executive	Such other officer as may be appointed from time to time to deputise
The Returning Officer for elections of Councillors of the District and for elections of Councillors of Parishes within the District and to receive and inspect returns and declarations of Election expenses	Representation of the People Act 1983 Section 35(1) Representation of the People Act 1983 Section 82 and 89	Chief Executive	Such other officer as may be appointed from time to time to deputise
Receipt of notice of appointment of election agent	Representation of the People Act 1983 Section 67	Chief Executive	Such other officer as may be appointed from time to time to deputise
Provision of accommodation for election court	Representation of the People Act 1983 Section 131	Chief Executive	Such other officer as may be appointed from time to time to deputise
Receipt from Returning Officer of: the names of persons elected to the council; and election documents. Retention of election documents and making them available for public inspection	Local Elections (Principal Areas) (England and Wales) Rules 2006/3304	Monitoring Officer	Designated Deputy Monitoring Officer
Publication of reports of Local Commissioners	Local Government Act 1974 Part 3 Section 30	Chief Executive	Such other officer as may be appointed from time to time to deputise
(a) Various purposes with regard to drainage, water supply, sanitary accommodation. (b) Purposes relating to building control other than those comprised in (a) above	Building Act 1984	Executive Director of Regeneration, Housing and Environmental Services	Such other officers as may be appointed from time to time to deputise

Function	Legislative Provision	Proper Officer	Deputy
(c) authorise action in relation to dangerous structures under Section 78			
To determine applications for exemption from the list of politically restricted posts Maintain a list of politically restricted posts	Local Government and Housing Act 1989 Section 3A Section 2	Chief Executive	Such other officer as may be appointed from time to time to deputise
Receipt of Notice re changes to Political Groups Receipt of Notice of Cessation of Membership of Political Groups To accept wishes of Political Groups in respect of proportionality Receipt of notice in writing that a Councillor wishes to forego any part of entitlement to an allowance To notify Political Groups of allocations	Local Government and Housing Act 1989 Sections 15,16, 17 & 18 Local Government Political Groups) Regulations 1990 Paras 9, 10, 13 & 14	Monitoring Officer	Designated Deputy Monitoring Officer
Discharging the functions for dealing with stray dogs	Environmental Protection Act 1990 Sections 149 - 151	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Service of notices requiring details of any interests in land.	Local Government (Miscellaneous Provisions) Act 1976 Section s 16	Monitoring Officer	Designated Deputy Monitoring Officer
Certification of copies of resolutions, minutes and other documents	Local Government (Miscellaneous Provisions) Act 1976 Section 41	Monitoring Officer	Designated Deputy Monitoring Officer

Function	Legislative Provision	Proper Officer	Deputy
Duty of local authority to supply forms to doctors for purposes of Section 48 - Removal of dead body to mortuary for burial. Section 58 - Authentication of documents Section 60 - Service of notices and other documents	Public Health Act 1936 Sections 11, 48, 58 & 60 Public Health (Control of Disease) Act 1984	Director of Public Health	Such other officer as may be appointed from time to time to deputise
Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.	Regulations 2, 3 and 6 of The Health Protection (Notification) Regulations 2010	Director of Public Health	Such other officer as may be appointed from time to time to deputise
Preparation of certificate of Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.	Section 48 of the Public Health (Control of Disease) Act 1984 as amended by Health and Social Care Act 2008	Director of Public Health	Such other officer as may be appointed from time to time to deputise
Signature and authentication of notices, orders or other documents	Section 59 Public Health (Control of Disease) Act 1984	Director of Public Health	Such other officer as may be appointed from time to time to deputise
Power to enter premises	Sections 61 and 62 of the Public Health (Control of Disease) Act 1984	Director of Public Health / Director Thriving Communities	Such other officer as may be appointed from time to time to deputise
The local registrar within the meaning of the Land Registration Act 2002 and Local Land Charges Act 1975 who shall register any matters specified by these Acts affecting land situate within the district.	Land Registration Act 2002 and Local Land Charges Act 1975	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Entertainments, licensing control of sex shops and public health	Local Government (Miscellaneous Provisions) Act 1982	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Licensing and gambling functions	Licensing Act 2003 Gambling Act 2005	Executive Director of	Such other officer as may be appointed

Function	Legislative Provision	Proper Officer	Deputy
		Regeneration, Housing and Environmental Services	from time to time to deputise
Non-disclosure where potential to prejudice the effective conduct of public affairs	Freedom of Information Act 2000 Section 36	Monitoring Officer	Designated Deputy Monitoring Officer
Proper Officer Functions for petitions and referenda	Local Authorities (Referendums) (Petitions) (England) Regulations 2011/2914	Chief Executive	Such other officer as may be appointed from time to time to deputise
29 – Establish and maintain a register of Councillors' and co-opted members' interests 30 – 31 – Receipt of Councillors and co-opted members' declarations of interests and changes to those interests within 28 days 32 – Sensitive Interests 33 – Dispensations from restrictions under Section 31(4)	Localism Act 2011 Sections 29 - 33	Monitoring Officer	Designated Deputy Monitoring Officer
Proper Officer functions in relation to referendums	Local Authorities (Conduct of Referendums) (England) Regulations 2012	Chief Executive	Such other officer as may be appointed from time to time to deputise
Proper Officer functions anti-social behaviour and community protection	Anti-Social Behaviour Act 2003 and Anti-Social Behaviour, Crime and Policing Act 2014	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Proper Officer for notification to deal with objections by the Executive to appointments or dismissals of Chief and Deputy Chief Officers	Local Authorities (Standing Orders) (England) Regulations 2001/3384	Monitoring Officer	Designated Deputy Monitoring Officer
Arrangements for network management and appointment of Traffic Manager	Section 17 of the Traffic Management Act 2004	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise

Function	Legislative Provision	Proper Officer	Deputy
Data Protection Officer SIRO	Data Protection Act 2018 UK GDPR	Information Governance Manager & Data Protection	Such other officer as may be appointed from time to time to deputise
Terrorism Act 2000 Part 3	Terrorism Act 2000 Part 3	Chief Executive	Such other officer as may be appointed from time to time to deputise
Making accounts available to inspection by Councillors of the Council	Local Government Act 1972 Section 228(3)	Executive Director of Finance and Resources	Designated Deputy section 151 Officer
Responsibility for Chief Finance Officer Reports	Proceeds of Crime Act 2002 Part 7	Executive Director of Finance and Resources	Designated Deputy section 151 Officer
Appointment of Rent Officers under a scheme Certification of provision of suitable alternative accommodation	Rent Act 1977 Section 63 Schedule 15, Part IV, para 7	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Receipt and inspection of complaints of category 1 and 2 hazards on residential premises	Housing Act 2004 Section 4	Executive Director of Regeneration, Housing and Environmental Services director ?	Such other officer as may be appointed from time to time to deputise
“Authorised Officer” to act in matters arising under the Food Safety Act	Food Safety Act 1990 Section 5	Executive Director of Regeneration, Housing and Environmental Services	Environmental Health Officer or such other officers as may be appointed from time to time to deputise
Appointment of agricultural inspectors and an agricultural analyst	Agriculture Act 1970 Section 67	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Receipt of certificates approving dedication of highways to be maintainable at public expense and making certificates available for inspection. Power to adopt the highway by agreement	Highways Act 1980 Section 37(5) Section 38	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise

Function	Legislative Provision	Proper Officer	Deputy
Duties in relation to street works in private streets	Highways Act 1980 Section 205(3) and (5)	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Certification of document giving details of any amendments to estimate of costs and provisional apportionment of costs of street works in private streets	Highways Act 1980 Section 210(2)	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Making a final apportionment of costs of street works under the private street works code	Highways Act 1980 Section 211(1), 212(4), 216(2) and (3)	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Agreements for the execution of works	Highways Act 1980 Section 278	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Issuing of notice to require owners to remove materials from streets in which works are due to take place	Highways Act 1980 Section 295	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Signature and authentication of notices, consents, approvals, orders, demands, licences, certificates and other documents.	Highways Act 1980 Section 321	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise
Receive notification of, and having free access to, repairs of drains	Building Act 1984 Section 61	Executive Director of Regeneration, Housing and Environmental Services?	Such other officer as may be appointed from time to time to deputise
Access to the countryside	Countryside and Rights of Way Act 2000 Section 1	Executive Director of Regeneration, Housing and Environmental Services	Such other officer as may be appointed from time to time to deputise

Function	Legislative Provision	Proper Officer	Deputy
Nomination of Public Analyst	Food Safety Act 1990 Section 27	Director of Public Health	Such other officer as may be appointed from time to time to deputise
Caldicott Guardian	Health & Social Care (National Data Guardian) Act 2018	Director Strategy Performance and Commissioning	Directorate Lead for Caldicott guardian functions.