

It is proposed to substitute the current scheme of Delegations to Chief Officers with the revised scheme (as set out below). The proposal is that only delegations to the Chief Executive, Executive Directors and the Statutory Officers (the Monitoring Officer, Chief Financial Officer, Director of Children's Services and the Director of Adult Social Services) based on policy or legislative areas will appear in the Constitution.

The revised scheme does not add any further powers to those set out in the current scheme.

### **DELEGATIONS TO THE CHIEF EXECUTIVE – 3B**

This Scheme sets out those delegations made to the Chief Executive and Executive Directors whether by the Council or by Cabinet or derived from statute. The Scheme also sets out the powers of the Statutory Officers of the Council.

The Chief Executive, Executive Directors and Statutory Officers may (where statute allows this) further delegate responsibility for matters to officers within their departments. These delegations must be in writing.

All delegated powers are derived from either the Council or Executive. The source of each delegation is specified in the Scheme.

Council, Cabinet or Committees may reserve to themselves decisions that have been delegated to officers by giving notice to the relevant Executive Director or the Chief Executive.

When any new power or duty is given to the Council and it is unclear where responsibility for that function lies, the exercise of that power or duty will be undertaken by the Chief Executive or relevant Executive Director.

#### Principles of Delegation

1. Officers should not exercise delegated powers where, in their opinion, the matter should be decided by Members.

As a guide, the kind of matters Members should determine include:

- Those not covered by an approved policy.
- Those with unusual features.
- Matters which may have political or other significance.
- Public interest matters.

2. In exercising delegated powers officers must:

- 2.1 Incur expenditure within approved estimates/limits.
  - 2.2 Comply with the Council's Procedural Rules and Financial Regulations in force at the time.
  - 2.3 Comply with any policy, plan or direction of the Council, Cabinet or Committee.
  - 2.4 Consult and where appropriate, and/or agree with other relevant officers.
  - 2.5 Consult or refer the matter to the Chief Executive in appropriate cases.
  - 2.6 Keep appropriate records and registers of decisions and report to Council, Cabinet or Committee if required.
3. In using delegated powers, officers are accountable to the Council or Cabinet or the Committee from which those delegated powers derived.
  4. Acts of officers done under delegated powers are deemed to be acts of the Council.
  5. Delegations exercised in relation to contracts must follow the Contract Procedure Rules in force at the time.

### **Non Executive Decision Procedure**

The Chief Executive, Executive Directors and Statutory Officers may be specifically authorised to take decisions on behalf of the Council, Cabinet or a Committee in cases of urgency or in relation to minor matters. In doing so they must follow the procedure required by the Director of Corporate Governance.

#### General

1. The Chief Executive may exercise any function delegated to any other officer.
2. Executive Directors may exercise any function delegated to directors or any other officer within their directorate.
3. Executive Directors may exercise any function outside their directorate delegations delegated to them by the Chief Executive.

The Chief Executive and Executive Directors have the following general powers:

4. To manage and promote the services and functions for which they are responsible. This includes:

<b><u>General</u></b>	
3.1 Taking and implementing any decision required for operational effectiveness.	Executive and Council
3.2 Responding to consultation documents.	Executive
3.3 Bid for external resources for services within their remit.	Executive
3.4 Liaise and develop partnerships with external agencies, Government departments and stakeholder organisations.	Executive
<b><u>Financial</u></b>	
3.5 Authorise expenditure within approved revenue budget estimates.	Council
3.6 Vire resources within the rules set out in Section 3, paragraphs 13-16 of the Financial Regulations.	Executive
3.7 Approve orders without limit.	Executive
3.8 Authorise payment of invoices without limit.	Executive
3.9 Authorise the collection of income without limit.	Executive
3.10 Authorise petty cash and expenses via payroll without limit.	Executive
3.11 Write off debts up to £10,000	Executive
3.12 To dispose of any asset up to £5k in value.	Executive
3.13 To set, vary and recover costs, fees and charges for goods and services funded by the Council.	Executive
<b><u>Contracts</u></b>	
3.14 Approve contracts without limit that do not require sealing.	Executive
3.15 Approve variations in contracts.	Executive
3.16 Approve use of consultants.	Executive

<b><u>Human Resources</u></b>	Council and Executive
3.17 To appoint, suspend and dismiss staff.	
3.18 To take any action under the Council's employment policies and procedures.	
3.19 To re-organise staff within their directorates subject to: <ul style="list-style-type: none"> <li>▪ Consultation with Chief Executive and Director of HR</li> <li>▪ Where appropriate, consultation with staff and/or their representatives.</li> <li>▪ No service policy implications.</li> <li>▪ No expenditure in excess of budget.</li> </ul> No growth in net expenditure beyond the current year.	
3.20 To authorise absence leave and payments, including overtime, expenses, loans, and ex gratia payments.	Executive
3.21 To authorise training and development and associated matters.	Executive
<b>INDIVIDUAL DELEGATIONS</b>	
<b><u>Chief Executive</u></b>	
1. To take any action necessary to ensure the effective and efficient management and operations of the Council.	Executive and Council
2. To make any decision delegated to another officer.	Executive and Council
3. Approve minor and technical changes to the Council constitution in consultation with the Director of Corporate Governance.	Council
4. Act in minor or urgent matters where to delay for a Council meeting would not, in his/her opinion, be in the Council's interest, subject to written approval of the Leaders of the three main political groups.β	Council
5. Act in minor or urgent matters where to delay for a Council committee meeting would not in his/her opinion, be in the	Council

Council's interests, subject to consultation with the three main political groups or their nominees. β	
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**β The powers in 4 and 5 above would be used only on production of a report, including financial and legal implications. All decisions taken using the powers in 4 and 5 above must be reported to the next meeting of the relevant committee or Council.**

<p>6. To report as appropriate to the Authority in the manner in which the Authority discharges its functions:</p> <ul style="list-style-type: none"> <li>▪ the number and grades of staff required to discharge its functions</li> <li>▪ the organisation of the Authority's staff</li> <li>▪ the appointment and management of the Authority's staff.</li> </ul>	Chief Executive
<p>7. To take any action necessary to ensure the effective and efficient management of the Chief Executive's directorate</p>	Executive and Council
<p>8. To take any action necessary to ensure the effective development and implementation of the following Council key strategies and services:</p> <p><b>(a) Strategy and Policies</b></p> <ul style="list-style-type: none"> <li>▪ Strategic Planning</li> <li>▪ Civil Protection in Peace Time (Emergency Planning)</li> <li>▪ Civil Defence Plan</li> </ul> <p><b>(b) Services</b></p> <ul style="list-style-type: none"> <li>▪ Corporate Governance</li> <li>▪ Legal</li> <li>▪ Democratic</li> <li>▪ Local Land Charges</li> <li>▪ Elections</li> <li>▪ Registrar (Births Deaths &amp; Marriages)</li> <li>▪ Marketing</li> <li>▪ Public Relations &amp; Internal Communications</li> <li>▪ Directorate Personnel Finance/ICT/Research/Management information functions as appropriate</li> </ul> <p><b>(c) Other</b></p> <ul style="list-style-type: none"> <li>▪ Leasing vehicles, furniture and equipment</li> <li>▪ Leased car scheme</li> <li>▪ Car Purchase Scheme</li> <li>▪ Education Charitable Trust Funds</li> </ul>	Executive and Council
<p><b><u>Executive Director (Business Development)</u></b></p> <p>1. To take any action necessary to ensure the effective and efficient management of the Business Development directorate.</p>	Council and Executive

<p>2. To act in minor or urgent matters where to delay to a Council Committee meeting would not, in his/her opinion, be in the Council's interest, subject to consultation with the Chief Executive and Leaders of the three main political Groups or their nominees.</p>	<p>Council</p>
<p>3. To take any action necessary to ensure the effective development and implementation of the following Council key strategies and services:</p> <p><b>(a) Strategy &amp; Policies</b></p> <ul style="list-style-type: none"> <li>▪ Budget and Budget strategies</li> <li>▪ Capital requirements and expenditure</li> <li>▪ Funding changes</li> <li>▪ Implementing Electronic Government Statement</li> <li>▪ E-Government</li> <li>▪ Town Centre Development</li> <li>▪ Financial Strategy</li> <li>▪ Treasury Management and Pension</li> <li>▪ Risk Management</li> <li>▪ Business Continuity</li> <li>▪ Investment</li> <li>▪ Health and Safety</li> <li>▪ Budget preparation</li> <li>▪ Community Engagement</li> <li>▪ Business Development Policies</li> <li>▪ Performance Management</li> <li>▪ Project Management</li> <li>▪ Human Resources Strategy</li> <li>▪ Human Resources Development Strategy</li> <li>▪ Corporate Strategy</li> <li>▪ Comprehensive Performance Assessment</li> <li>▪ Best Value and Performance Management</li> <li>▪ Equalities Strategy</li> <li>▪ Community Strategy</li> <li>▪ Health and Safety employment issues</li> </ul> <p><b>(b) Services</b></p> <ul style="list-style-type: none"> <li>▪ Information Communications Technology development and provision</li> <li>▪ Financial Management Support</li> <li>▪ Revenue collection</li> <li>▪ Payments and invoices</li> <li>▪ Council Tax collection and Business Rates</li> <li>▪ Housing Benefits</li> <li>▪ Community links with individual</li> </ul>	<p>Executive and Council</p>

<p>organisations</p> <ul style="list-style-type: none"> <li>▪ Grants</li> <li>▪ Capital Finance</li> <li>▪ Insurance</li> <li>▪ Directorate Personnel</li> </ul> <p>Finance/ICT/Research/Management information functions as appropriate</p> <ul style="list-style-type: none"> <li>▪ Internal audit</li> <li>▪ Education Awards</li> <li>▪ Procurement</li> <li>▪ Training, development and organisational learning</li> <li>▪ First Contact development</li> <li>▪ Payroll</li> <li>▪ Pensions</li> <li>▪ Human Resources (Personnel)</li> <li>▪ Local Pay Bargaining</li> <li>▪ Negotiation with Trade Unions</li> <li>▪ Occupational Health</li> </ul> <p><b>(c) Other</b></p> <ul style="list-style-type: none"> <li>▪ Scrutiny</li> <li>▪ Change Management</li> <li>▪ Links with Trade Unions</li> <li>▪ LPSA</li> <li>▪ Partnership Unit (excluding Community Strategy)</li> <li>▪ Emergency Planning</li> </ul>	
<p><b><u>Executive Director (Urban Living)</u></b></p> <p>1. To take any action necessary to ensure the effective and efficient management of the Urban Living directorate.</p>	<p>Council and Executive</p>
<p>2. To act in minor or urgent matters where to delay to a Council Committee meeting would not, in his/her opinion, be in the Council's interest, subject to consultation with the Chief Executive and Leaders of the three main political Groups or their nominees.</p>	<p>Council</p>
<p>3. To take any action necessary to ensure the effective development and implementation of the following Council's key strategies and services:</p> <p><b>(a) Strategy &amp; Policies</b></p> <ul style="list-style-type: none"> <li>▪ Housing Strategies</li> <li>▪ Asset development and investment</li> <li>▪ Regeneration</li> <li>▪ Local Agenda 21</li> <li>▪ Unitary Development Plan</li> <li>▪ Cultural Strategy</li> </ul>	<p>Executive and Council</p>



<ul style="list-style-type: none"> <li>▪ Economic Development</li> <li>▪ Town Centres Regeneration</li> <li>▪ Sports Strategy and Management</li> <li>▪ Environmental Strategy</li> <li>▪ UDP/Census/Planning Briefs</li> </ul> <p><b>(b) Services</b></p> <ul style="list-style-type: none"> <li>▪ Transportation</li> <li>▪ Environmental Health Services</li> <li>▪ Trading Standards (via contract with Brent)</li> <li>▪ Mortuary (via contract with Brent)</li> <li>▪ Housing provision, homelessness and management</li> <li>▪ Links with Housing Associations and Affordable Housing</li> <li>▪ Supporting People</li> <li>▪ Private Sector Housing</li> <li>▪ Building and Facilities Management</li> <li>▪ Energy purchase and conservation</li> <li>▪ Engineering – Highways and drainage</li> <li>▪ Land Management</li> <li>▪ Drugs Action Team</li> <li>▪ Leisure Management</li> <li>▪ Waste Management</li> <li>▪ Parks and Open Spaces</li> <li>▪ Street cleaning</li> <li>▪ Special Needs Transport</li> <li>▪ Catering – Meals on Wheels</li> <li>▪ Security</li> <li>▪ Highways, Lighting and CCTV</li> <li>▪ Maintenance</li> <li>▪ Directorate Personnel</li> <li>Finance/ICT/Research/Management information functions as appropriate</li> <li>▪ Building Control</li> <li>▪ Development Control</li> <li>▪ Parking Enforcement</li> <li>▪ Crime Reduction Team</li> <li>▪ Road Safety, CPZ and Traffic Management</li> </ul>	
<p><b><u>Executive Director (People First)</u></b></p> <p>1. To take any action necessary to ensure the effective and efficient management of the People First directorate.</p>	Council and Executive
<p>2. To act in minor or urgent matters where to delay to a Council Committee meeting would not, in his opinion, be in the Council’s interest, subject to consultation with the Chief Executive and leaders of the three main political Groups or their nominees.</p>	Council

<p>3. To take any action necessary to ensure the effective development and implementation of the following Council key strategies and services:</p> <p><b>(a) Strategy &amp; Policies</b></p> <ul style="list-style-type: none"> <li>▪ Arts and Cultural Strategy</li> <li>▪ School Organisation Planning</li> </ul> <p><b>(b) Services</b></p> <ul style="list-style-type: none"> <li>▪ Admissions and Exclusion Arrangements</li> <li>▪ Arts for Schools Service</li> <li>▪ Early Years and Child Care</li> <li>▪ Youth Services</li> <li>▪ Libraries</li> <li>▪ Governor services</li> <li>▪ Children’s services (currently in Education) including ESW’s, Education Psychologists etc</li> <li>▪ Old People Services</li> <li>▪ Adults with Physical Disabilities</li> <li>▪ Adults with Mental Health Problems</li> <li>▪ Adults with Learning Difficulties</li> <li>▪ Special Education Needs</li> <li>▪ Children in Need (and Child Protection)</li> <li>▪ Children Looked after and Leaving Care</li> <li>▪ Family Placement</li> <li>▪ Children’s Homes</li> <li>▪ Adoption and Permanence</li> <li>▪ Children and Disability</li> <li>▪ Children and Young People’s Mental Health</li> <li>▪ Client for Special Needs Transport</li> <li>▪ Client for Meals on Wheels</li> <li>▪ Directorate Personnel Finance/ICT/Research/Management information functions as appropriate</li> <li>▪ Asylum seekers</li> <li>▪ Travellers</li> <li>▪ Refugees</li> <li>▪ Teachers’ Centre</li> </ul> <p><b>(c) Other</b></p> <ul style="list-style-type: none"> <li>▪ Youth Offending Team</li> <li>▪ Parent Partnership</li> <li>▪ Education Business Partnership/Work</li> <li>▪ Experience Consortium</li> <li>▪ Advisory Team</li> <li>▪ Curriculum access teams</li> </ul>	<p>Executive and Council</p>
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## STATUTORY OFFICERS

<b>Monitoring Officer</b>	<b>Statutory Source of Function</b>
1. Report on contravention or likely contravention of any enactment or rule of law.	Section 5 Local Government and Housing Act 1989.
2. Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3. Appointment of Deputy Monitoring Officer.	Section 5 Local Government and Housing Act 1989.
4. Report on resources needed to undertake Monitoring Officer functions.	Section 5 Local Government and Housing Act 1989.
5. Investigate misconduct in compliance with Regulations and directions of Ethical Standards Officers (ESO).	Regulations under Section 66(1) and 66(6) Local Government Act 2000. Direction from ESO in individual cases.
6. Establish and maintain registers of member's interests and gifts and hospitality.	Section 81 Local Government Act 2000 and Members' Code of Conduct.
7. Advice to Members on interpretation of the Code.	Members' Code of Conduct
8. Key role in framework for local determination of complaints. Advice to Members, officers and the public on the operation of the Code and how alleged breaches should be investigated.	Statutory guidance para. 8.20 Regulations under section 66 of the LGA 2000.
9. Liaison with Standards Board for England and Ethical Standards Officers.	Regulations under sections 54(4), 57(3) and 66 of the LGA 2000.

10. Advice to Members on Compensation or remedy for maladministration.	Section 92 Local Government Act 2000.
11. Advice on vires issues, maladministration, financial impropriety, probity, policy framework and budget issues to all members.	ODPM guidance.
<b>Chief Finance Officer (Section 151 Officer)</b>	<b>Statutory Force of Function</b>
1. Oversight of proper administration of financial affairs	Section 151 Local Government Act 1972
2. Duty to nominate a member of his/her staff as chief financial officer (if unable to act owing to absence or illness)	Section 114 Local Government Finance Act 1988
3. Duty to report on a Council decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114 Local Government Finance Act 1988
4. Duty to report on an Executive decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114A Local Government Finance Act 1988
5. Duty to report on the robustness of the authority's budget calculations.	Section 25 Local Government Act 2003
6. Duty to report on the adequacy of the authority's proposed financial reserves	Section 25 Local Government Act 2003
7. Duty to report on previous years' financial reserves if it appears that controlled reserves is or likely to be inadequate, including recommendations for appropriate actions to rectify	Section 27 Local Government Act 2003
<b>Director of Children's Services</b>	<b>Statutory Force of Function</b>

1. Responsible for functions conferred on or exercisable by the authority in their capacity as a local education authority	Section 18 Children Act 2004
2. Responsible for functions conferred on or exercisable by the authority, which are social services functions, so far as those functions relate to children.	Section 18 Children Act 2004
3. Responsible for functions under section 23C to 24D of the Children Act 1989, relating to looked after children.	Section 18 Children Act 2004
4. Improving well-being of children in the authority's area.	Sections 10 and 18 Children Act 2004
5. Safeguarding and promoting the welfare of children.	Sections 11 and 18 Children Act 2004
6. Establish and maintain information databases in relation to the well-being and safeguarding of children	Section 12 and S18 Children Act 2004
7. Preparation and publication of a Children's and young people's plan.	Sections 17 and 18 Children Act 2004.
8. Responsible for any function under section 31 of the Health Act 1988 on behalf of an NHS body so far as those relate to children.	Section 18 Children Act 2004
9. Responsible for any additional functions as the authority consider appropriate	Section 18 Children Act 2004
<b>Director of Adult Social Services</b>	<b>Statutory Force of Function</b>
1. Responsibility for all social services functions (other than those for which the Director of Children's Services is responsible under section 18 of the Children Act 2004).	Section. [1A] and Schedule 1 of the Local Authority Social Services Act 1970