

# Part 3 Schedule 3 – Delegations to Officers

## Contents

	Page
<b>1. Delegation to Officers</b>	
Definitions .....	1
Forms of Delegation .....	1
Principles to be observed when exercising delegated powers under this Scheme of Delegation.....	2
<b>2. The Statutory &amp; Proper Officers</b>	
Statutory Officers .....	4
Proper Officers.....	4
<b>3. General Delegations to Chief Officers &amp; Other Officers</b> .....	9
Human Resources .....	10
Contracts .....	10
<b>4. Specific Delegations to Chief Officers</b>	
The Chief Executive & Town Clerk and Directors within the Department.....	11
Deputy Chief Executive (People) and Directors within the Department.....	13
Deputy Chief Executive (Place) and Directors within the Department .....	15
<b>5. Special Schemes of Delegation</b>	
Regulation of Investigatory Powers Act 2000 .....	17
Cemeteries & Crematorium.....	17
Estate Management Service.....	17
Private Sector Housing .....	17
Building Control.....	18
Public Protection (including Regulatory Services and Waste Management).....	18
Planning .....	18
Children Statutory Social Services Complaints .....	22
Adult Statutory Social Services Complaints.....	22
Assets of Community Value.....	22
public health	22

X

# Part 3 Schedule 3 – Delegation to Officers

## 1. Introduction

### 1.1 Definitions

In this Scheme of Delegation

- (a) **“Chief Officers”** means the Chief Executive & Town Clerk, the Deputy Chief Executive (People), the Deputy Chief Executive (Place), Directors (including the Deputy Director of Public Health (Improvement)) and the holders of any other post which may be designated for this purpose.
- (b) **“Other Officer”** means an officer below Director.
- (c) **“Member Body”** means the Cabinet, any Cabinet committee, Council, any committee, and any sub-committee.
- (d) Should the title or responsibilities of a Chief Officer be altered then references to that particular officer should be taken to refer to the Chief Officer responsible for the function in question.
- (e) Any reference to a specific statute includes any statutory extension or modification or re-enactment of the statute and any regulation, orders or byelaws made under it

### 1.2 Forms of Delegation

This part of the Constitution sets out the extent to which executive and non-executive functions are delegated to Chief Officers or Other Officers, by any Member Body. Delegation does not prevent the Member Body from discharging the same function. Delegation may take the form of:

- (a) Appointment of Statutory and Proper Officers in Section 2 of this Scheme of Delegation
- (b) General Delegation to Chief Officers and Other Officers under Section 3 of this Scheme of Delegation.
- (c) Without detracting from the General Delegation, Specific Delegation to Chief Officers under Section 4 of this Scheme of Delegation
- (d) Special Schemes of Delegation to Chief Officers and Other Officers as set out in Section 5 of this Scheme of Delegation, with regard to the following matters
  - 5.1 RIPA
  - 5.2 Cemeteries & Crematorium
  - 5.3 Estate Management Services
  - 5.4 Private Sector Housing
  - 5.5 Building Control
  - 5.6 Public Protection (including Regulatory Services & Waste Management)
  - 5.7 Planning
  - 5.8 Children Statutory Social Services Complaints
  - 5.9 Adult Statutory Social Services Complaints
- (e) A decision to delegate a particular matter made by a Member Body

measure, in consultation with all members of the Appointments and Disciplinary Committee (If any member of the said Committee objects the matter shall go to the Committee for determination )

#### **4.7 The Deputy Chief Executive (People) and / or the Director of Adult Services & Housing**

- To act as the Director of Adult Services and to discharge all responsibilities and duties relating to that role
- To take all necessary action, to ensure that the Council's powers and duties are properly and effectively discharged in adult protection and adult care cases
- To appoint Approved Mental Health Professionals under the Mental Health Act 1983
- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences and taking enforcement action) in relation to
  - Social care and health
  - Social services for adults
  - Mental health
  - Community development
- To act as "the Responsible Person" (on behalf of the Chief Executive and Town Clerk) pursuant to the Local Authority Social Services and NHS Complaints (England) Regulations 2009 re Adult Statutory Social Services complaints
- To act as a Receiver under the terms of an order issued by the Court of Protection
- See also Section 5 9 for Special Scheme of Delegation for Adult Statutory Social Services Complaints

##### **Housing**

- To discharge the Council's housing functions (including but not limited to determining all consents, permissions and licences and taking enforcement action) in relation to
  - The management and administration of Council dwellings, subject to the management agreement with South Essex Homes
  - Providing housing assistance, including but not limited to the provision of advice, and homelessness decisions
  - The allocation of housing.
  - Taking any steps open to the Council in relation to privately owned dwellings, including but not limited to enforcing standards dealing with grants and dealing with energy performance certificate / notices
  - All the enforcement powers under the Smoke and Carbon Monoxide (England) Regulations 2015
- See also Section 5 4 for Special Scheme of Delegation for Private Sector Housing

#### **4.8 The Deputy Chief Executive (People) and / or the Director of Strategy & Commissioning**

- To discharge the Council's functions relating to -
  - Corporate commissioning and commissioning for Public Health
  - Joint commissioning, including with the CCG
  - Corporate procurement

#### **4.9 The Deputy Chief Executive (People) and/or ~~within their respective remits~~ the Director of Public Health and ~~the Deputy Director of Public Health~~ (Improvement)**

- To discharge the Council's functions in relation to

- Developing and maintaining the Joint Strategic Needs Assessment for the Council
  - Supporting and advising the Health & Well-being Board for Southend
  - Developing and maintaining a Public Health Plan for the Council
  - Meeting the Council's obligations for liaison with and support to Public Health England
  - Providing Public Health leadership, advice and information to the public as required by the Health Act 2006
  - Preparing and publishing an annual report on Public Health in Southend
  - Discharging the responsibility for co-operation and joint working in relation to public health within Southend on behalf of the Council
  - Discharging the responsibilities for health and social care research and information in relation to public health and well being
  - Overseeing the responsibilities of the Council for liaison with voluntary sector social care and health organisations
  - Protecting the health of the population for infectious diseases and environmental hazards
  - Emergency preparedness
- The Director of Public Health shall act as the statutory officer under section 73A of the National Health Service Act 2006, as amended by the Health & Social Care Act 2012, and in particular will act as Lead for the delivery of public health services within Southend (Note This role cannot be discharged by the Deputy Chief Executive (People) unless he meets the professional requirements specified in the Department of Health Guidance)

#### **4.10 The Deputy Chief Executive (Place) and / or the Director of Planning & Transport**

- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to
  - Town and Country Planning (subject to the Special Scheme of Delegation for Planning in Section 5)
  - Building control
  - Dangerous buildings
  - High hedges
  - Highways and footpaths (including adoption and closure and S 6 of the Essex Act re verges)
  - On and off street parking
  - Highways maintenance and lighting
  - Traffic management, including Emergency Traffic Regulation Orders
  - Naming and numbering of streets
- See also Section 5 7 for Special Scheme of Delegation for Planning and Building Control

#### **4.11 The Deputy Chief Executive (Place) and / or the Director of Public Protection**

- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to
  - (a) Regulatory Services, which include
    - Environmental Health, environmental protection, public health, health and safety in premises, clean neighbourhoods and public protection
    - Trading standards and consumer protection
    - Market and street trading

## 5.8 Children Statutory Social Services Complaints

The Complaints Manager in the Department for People shall be designated the "Complaints Manager" to undertake the prescribed duties under the Children Act 1989 Representations Procedure (England) Regulations 2006

## 5.9 Adult Statutory Social Services Complaints

The Customer Services and Complaints Manager in the Department for People shall be designated the "Complaints Manager" to undertake the prescribed duties under the Local Authority Social Services and NHS Complaints (England) Regulations 2009

## 5.10 Assets of Community Value

- The Director of Finance & Resources has delegated power to determine whether assets nominated should be included in the "List of Assets of Community Value"
- The Chief Executive has delegated power to deal with reviews requested by an owner pursuant to S 92 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012

## 5.11 Public Health

The Consultant in Public Health may exercise all the powers of the Deputy Chief Executive (People) and the Director of Public Health in respect of Health Protection and Healthcare Public Health as defined in 4.9 above subject to any financial limits in Financial Procedure Rules.

# Part 4(h) – Officer Employment Procedure Rules

## 1. Recruitment and Appointment

### (a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the Chief Executive & Town Clerk.

### (b) Seeking support for appointment

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information
- (ii) No councillor will seek support for any person for any appointment with the Council.

## 2. Recruitment of Head of Paid Service, Deputy Chief Executives and Directors

Where the Council proposes to appoint the Head of Paid Service, Deputy Chief Executive or Director and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
  - (i) the duties of the officer concerned, and
  - (ii) any qualifications or qualities to be sought in the person to be appointed,
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

## 3. Officers below Director Level

- 3.1 Subject to paragraphs 3.2 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged, on behalf of the Council, by the officer designated as the Council's Head of Paid Service or by an officer nominated by him / her<sup>1</sup>

<sup>1</sup> In this Part 4(h) "Directors" shall include the Deputy Director of Public Health (Improvement)

The Chief Executive & Town Clerk has made such nominations (namely to Deputy Chief Executives, Directors and Group Managers) although guidelines from the Employer's Organisation No 450 indicates this may not strictly be necessary

- 3.2 Paragraph 3.1 shall not apply to the appointment or dismissal of, or disciplinary action against <sup>2</sup>
- (a) the officer designated as the Council's Head of Paid Service;
  - (b) a statutory chief officer within the meaning of section 2(6) of the Local Government and Housing Act 1989 ("the 1989 Act"),
  - (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act,
  - (d) a deputy chief officer <sup>3</sup> within the meaning of section 2(8) of the 1989 Act, or
  - (e) an assistant for a political group appointed in pursuance of section 9 of the 1989 Act

#### 4. Appointment and Dismissal of Head of Paid Service, Deputy Chief Executives and Directors

- (1) Where the Appointments and Disciplinary Committee or a sub-committee is discharging, on behalf of the Council, the function of the appointment of an officer designated as the Council's Head of Paid Service, the full Council must approve that appointment before an offer of appointment is made
- (2) Where the Appointments and Disciplinary Committee or a sub-committee is discharging, on behalf of the Council, the function of the disciplinary proceedings in respect of an officer designated as the Council's Head of Paid Service, Chief Finance Officer or Monitoring Officer, the full Council must approve a dismissal before notice of dismissal is given (See also paragraph 8 of this Part 4 h )
- (3) Where the Appointments and Disciplinary Committee or a sub-committee is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3.2, at least one member of the Executive must be a member of that committee or sub-committee (See also paragraph 8 of this Part 4 h.)

#### 5. Appointment of Head of Paid Service, Deputy Chief Executives and Directors

An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3.2 (i.e. the Head of Paid Service, Deputy Chief Executive or Director) must not be made until

- (a) the Appointments and Disciplinary Committee has notified the Proper Officer of the name of the person to whom it wishes to make the offer and any other particulars which the Committee considers are relevant to the appointment,
- (b) the Proper Officer has notified every member of the executive ("the Cabinet") of
  - (i) the name of the person to whom the Appointments and Disciplinary Committee wishes to make the offer (or in the case of the appointment of the Head of Paid Service, subject to approval of the Council)

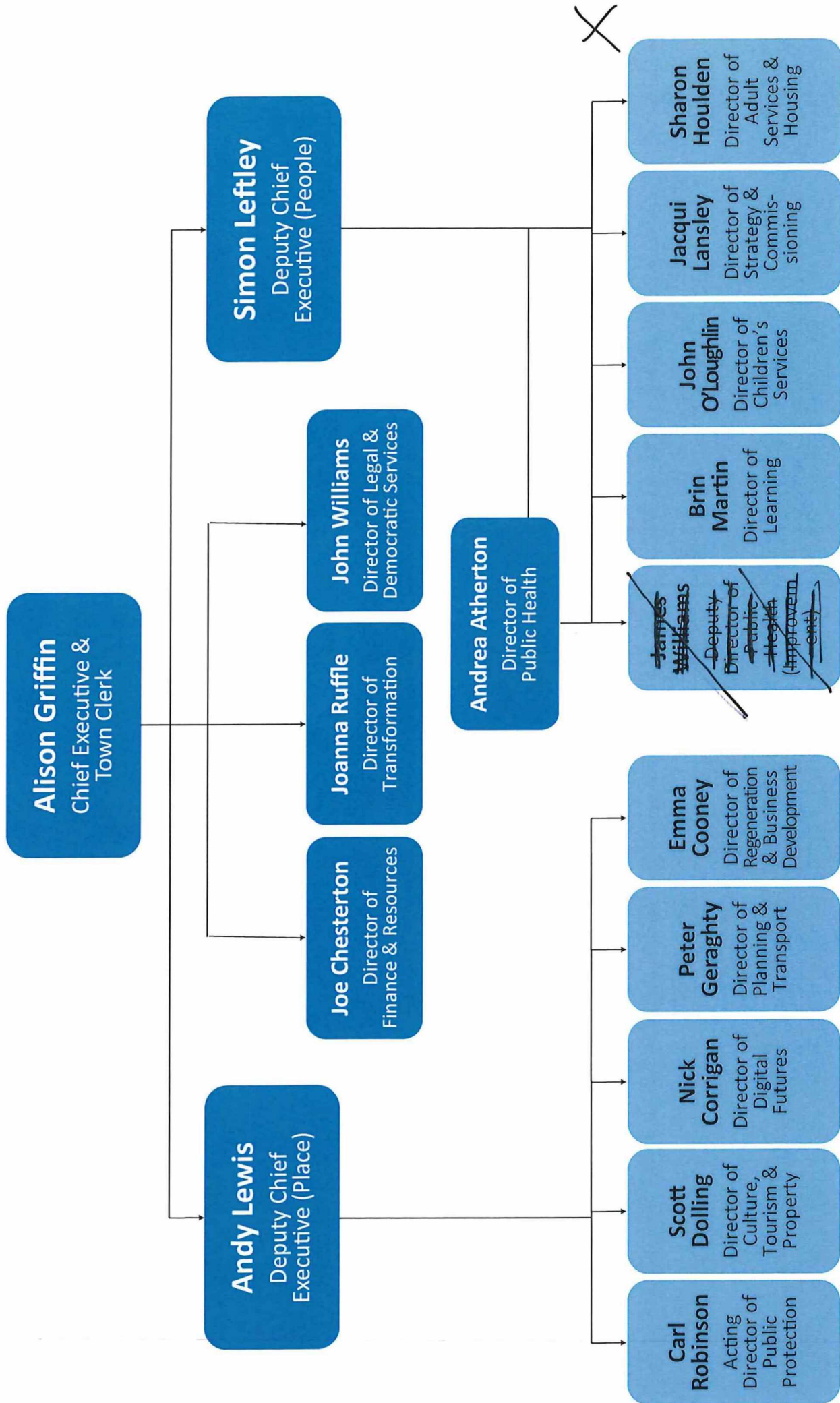
<sup>2</sup> The appointment of, and disciplinary action against, an officer referred to in 3.2(a), (b), (c) or (d) shall be dealt with by the Appointments and Disciplinary Committee, subject to the other provision of these Rules

<sup>3</sup> A Deputy Chief Officer means 'a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory Chief Officers

However S 2(9) of the Local Government and Housing Act 1989 provides that a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services is neither a Chief nor a Deputy Chief Officer

At Southend no-one below Director will fall within the definition of "Deputy Chief Officer"

# Southend-on-Sea Borough Council—Management Structure 2016





### 3. Structure – People – Functions of Directors

