

## **2. SCHEME OF DELEGATION TO OFFICERS**

### **Purpose and Application**

- 2.1 To support the Council's intention that decision-making is efficient and consistent with the openness and democratic accountability, officer decision-making is delegated under this Constitution by Council to the Chief Executive. The Chief Executive is unable to personally make all decisions and as such this Scheme of Delegation to officers sets out who the Chief Executive has authorised to make decisions, or fulfil specified Proper Officer functions on their behalf and the framework within which those delegations may be exercised.
- 2.2 Where a decision has been delegated, it remains open to the officer making the delegation to call back the decision for their own determination and for an officer to whom decision making authority has been delegated, to refer the matter back to the delegating officer for their determination.
- 2.3 This Scheme of Delegation to officers is without prejudice to the discharge of the Council's functions and the exercise of its powers by the Council, Committees and Sub-committees of the Council and the Cabinet.
- 2.4 This Scheme of Delegation to officers is subject to and must be read in conjunction with, the Council's policies and this Constitution including particularly:
- (a) Part 1 Section 3 Responsibility for Functions;
  - (b) This Part 7 Section 3 List of Proper Officers and Designated Posts;
  - (c) This Part 7 Section 5 Staff Employment Procedure Rules;
  - (d) This Part 7 Section 6 Contract Procedure Rules;
  - (e) This Part 7 Section 7 Financial Procedure Rules;
  - (f) This Part 7 Section 8 Property Procedure Rules;
- 2.5 This Scheme of Delegation includes the five tables set out below in respect of the Council's five directorates:
- (a) Strategy and Change;
  - (b) Finance and Resources;
  - (c) Children and Public Health;
  - (d) Adults and Communities;
  - (e) Environment and Place;
- Which specify:
- (a) The function or power being which is being delegated;
  - (b) The post (Executive Director / Director) to which the function or power is delegated; and

- (c) Any specific restrictions or conditions which apply to the delegation, for example, the requirement to consult with a particular officer or Councillor.
- 2.6 Any function or power which may be discharged in accordance with this Scheme of Delegation to Officers may also be discharged by a person or officer holding a successor post to that of the original post following any reorganisation, restructure or similar process.
- 2.7 The Monitoring Officer in consultation with the Chief Executive may make typographical or grammatical amendments to a post title detailed in this Scheme of Delegation to Officers where there has been a change to the post title following any reorganisation, restructure or similar process.

### **General Delegations**

- 2.8 The Chief Executive has authorised the Executive Directors and Directors to take executive (non-Key Decisions) or non-executive decisions on their behalf as detailed in the below tables, which includes the power to act on behalf of the Council in relation to any incidental operational matter within the directorate for which they are responsible, including without limitation:
- (a) Expenditure;
  - (b) Staffing;
  - (c) Resourcing (including procurement and letting contracts);
  - (d) Instructing the Director Law and Governance;
  - (e) Settling claims and disputes;
  - (f) Making statutory determinations and orders;
  - (g) Serving statutory notices;
  - (h) Granting, conditioning, refusing and revoking permissions, consents, permits and licences;
  - (i) Signing and authenticating documents;
  - (j) Submitting representations in respect of the Licensing Act 2003 and the Gambling Act 2005;
  - (k) Undertaking investigations;
  - (l) Taking enforcement action;
  - (m) Setting fees and charges;
  - (n) Writing-off debt;
  - (o) Appointing (authorised officers) etc to carry out the duties and exercise the powers within the appointed officer's area of responsibility;
  - (p) Exercising the Council's regulatory / licensing powers under the legislation referenced in Table D.

- 2.9 Any action taken under delegated powers shall be in accordance with:
- (a) The overall policies of the Council as approved by Council, the Cabinet or a Committee;
  - (b) The provisions of this Constitution, including particularly the Contract Procedure Rules, Financial Procedure Rules and the Property Procedure Rules;
  - (c) Appropriate consultation, including particularly with the Director of Law and Governance / Monitoring Officer, Chief Finance Officer and the relevant Cabinet Member;
  - (d) Human resources policies and procedures;
  - (e) Approved capital and revenue budgets; and
  - (f) The requirements of all relevant legislation.
- 2.10 In exercising delegated powers, the decision maker shall:
- (a) Be clear about the intentions of the Council, how they will be achieved, who is accountable for the decisions and who is accountable for implementing the decision and who is accountable for monitoring the implementation;
  - (b) Consult as appropriate and give due regard to the professional advice of the Council's officers and external advisors;
  - (c) Have regard to the public sector equality duty, the best value duty, natural justice and human rights;
  - (d) Publicise the decision as required;
  - (e) Give due weight to all relevant considerations, take only relevant matters into account and ensure the decision made and action taken is proportionate to the Council's intentions;
  - (f) Follow correct procedures.
- 2.11 Without prejudice to generality to the provisions of this Scheme of Delegation to Officers, decision makers shall have regard to any resolution of the Council, Cabinet, relevant Cabinet Member, Committee or Sub-Committee on any matter of principle or policy relating to the function or power being discharged and as appropriate shall:
- (a) Maintain a close liaison with the relevant Cabinet Member(s), or in their absence the Leader;
  - (b) Ensure that the relevant Ward Councillor(s) is consulted on, or advised of the exercise of delegated powers;
  - (c) Ensure that the Monitoring Officer and Chief Finance Officer are consulted and advised of any decisions as necessary; and
  - (d) Ensure that the Corporate Leadership Team is consulted and advised where appropriate in relation to cross service issues.

## **Sub-Delegations**

- 2.12 The Chief Executive, Executive Directors and Directors to whom the discharge of a function or power has been delegated may nominate officers in their directorate to discharge that function or power.
- 2.13 All delegations conferred in accordance with paragraph 2.12 must be formally recorded in writing by the Chief Executive or the relevant Executive Director, or Director as the case may be, with any restrictions or conditions on the delegation specified.
- 2.14 The Executive Directors and Directors shall each maintain for their directorate an accurate scheme of sub-delegations, including any restrictions or conditions on the sub-delegations.
- 2.15 Where the discharge of a function or power has been delegated to persons nominated by the Chief Executive or an Executive Director, or Director the discharge of a function or power under that authority shall remain the responsibility of the Chief Executive or relevant Executive Director, or Director as the case may be and the discharge of the function or power shall be taken in their name.
- 2.16 Where the Chief Executive or an Executive Director, or Director is absent for a period of time which requires other officers to exercise delegated authority in their absence, another officer can be nominated for the purpose and the nomination approved by the Chief Executive. The nominated officer must be of a pay grade equivalent to or above the absent Executive Director or Director and the level of financial delegation specified in the nomination.

## **Emergencies**

- 2.17 The Chief Executive or an Executive Director may make decisions outside of the provisions of this Scheme of Delegation, (including the Contract Procedure Rules Financial Procedure Rules) and / or make decisions which would otherwise be reserved for determination by Council, a Committee, the Cabinet or a Cabinet Member, where the Chief Executive or an Executive Director considers that there is threat to the health or wellbeing of an individual, or a risk of damage to property, or a risk to the Council's interests.
- 2.18 Where paragraph 2.17 applies, the Chief Executive or an Executive Director is authorised to make all necessary decisions for such action to be taken as is necessary within the law to protect life, health, safety, property and / or the economic, social or environmental wellbeing of the Council's area, its communities and businesses and the individuals living or working in the area or visiting it.
- 2.19 Where in the opinion of the Chief Executive or the Executive Director time and circumstances permit, prior to exercising delegated authority in accordance with paragraphs 2.17 and 2.18 above, the Chief Executive Officer or an Executive Director shall use their best efforts to consult the Leader, or in the absence of the Leader the Deputy Leader or the appropriate Cabinet Member and the Chair of the relevant

Overview and Scrutiny Committee and in any case shall inform the Leader or Deputy Leader or Cabinet Member and the relevant Overview and Scrutiny Committee Chair, of their actions as soon as practicable.

- 2.20 Any decisions made and actions taken by an Executive Director in accordance with the provisions of paragraphs 2.16 to 2.19 shall be reported to the Chief Executive as soon as practicable and all decision made and actions taken in the case of an emergency shall be reported to Council at the next meeting, including the extent to which it has been necessary to operate outside of the Contract Procedure Rules and Financial Procedure Rules.

## **Indemnity**

- 2.21 In accordance with The Local Authorities (Indemnities for Members and Officers) order 2004, the Council will provide an indemnity to any councillors, employees, former councillors and former employees in relation to any neglect, act, error or omission committed by them in the course of undertaking their duties as a councillor or employee of the Council and as authorised by the Council, or from or in connection with the exercise of powers or discharge of duties placed upon them by the Council or with the approval of the Council. The indemnity will include costs awarded against the councillor or employee and the reasonable costs they incur.
- 2.22 The indemnity shall include where a councillor or employee of the Council is acting for other persons or bodies with the consent of the Council.
- 2.23 The indemnity shall not extend to loss or damage directly or indirectly caused by the councillor or employee, arising from fraud, dishonesty, a criminal offence, or wilful misconduct on their part, or their reckless disregard for the consequences of their actions, or actions they took which are outside the legal powers of the Council to take, except where the councillor or employee truly believed the actions they took were within the Council's legal powers.
- 2.24 The indemnity will not apply to the making of any claim by the councillor or employee but will include an indemnity for the defence of a councillor or employee any claim against actions they took in their capacity as a councillor or employee of the Council. Where the councillor or employee is convicted of a criminal offence and the conviction is not overturned on appeal, the Council will seek reimbursement of any costs met by the indemnity.
- 2.25 The indemnity will not apply if an employee admits liability, negotiates or attempts to negotiate the settlement of any claim which falls within the scope of the indemnity, without the written authority of the Council.
- 2.26 Any indemnity provided is without prejudice to the Council's right to take or commence disciplinary action against an employee in respect of any neglect, act, error or omission in respect of which the indemnity is provided.

## Strategy and Change

### Scheme of Delegation to Officers

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
<b>Communications</b>			
1.	To act on behalf of the Council to informally brief the media on issues, issue media releases and respond to media queries.	Director of Policy & Customer Experience	
2.	To implement and lead on actions to support the Communications Strategy	Director of Policy & Customer Experience	
3.	To provide media spokesperson representation on individual issues, for both reactive and proactive media coverage.	Director of Policy & Customer Experience	
<b>Information Governance</b>			
4.	A senior information risk owner who will take overall ownership of the Council's Information Risk Policy.	Director Digital and ICT	

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions on the Delegation</b>
5.	Approving local settlements as suggested by and agreed with the ombudsman under section 92 Local Government Act 2000.	Relevant Director	
6.	Respond to complaints through co-ordinating response from responsible services.	Director Law and Governance	
7.	Act on behalf of the council to implement the Unreasonable Behaviour process.	Director Law and Governance	
8.	Review of information governance policies and implement proactive approach across the council.	Director Law and Governance	
9.	Authorised to conduct searches for subject access requests.	Director Law and Governance	
10.	To act on behalf of the council in respect of Freedom of Information Act 2000 to co-ordinate and issue responses.	Director Law and Governance	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
11.	Investigate data breaches and prepare reports for sharing with Information Governance Steering Group.	Director Law and Governance	
12.	Report to the Information Commissioner's office on data breaches where decided.	Director Law and Governance	
13.	To commission investigation into suspected misuse of IT in accordance with the Employee Code of Conduct and relevant policies.	Chief Executive, Director Law and Governance, Executive Director Finance and Resources (s151 Officer)	
14.	Respond to requests from police and partners for information and data requirements within the sharing protocol.	Relevant Director	
15.	On behalf of the Council collate, produce and submit the Data Security and Protection Toolkit self assessment tool.	Director Law and Governance	
16.	Dispose of expired records held at the modern records unit.	Relevant Director	



<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions on the Delegation</b>
17.	Produce annual equality statement in accordance with Equality Act 2010.	Relevant Director	
18.	The officer to act as Local Registrar as defined in Section 3 of the Local Land Charges Act 1975.	Director Law and Governance	
<b>Information Technology</b>			
19.	Development and maintenance of an appropriate cyber security strategy and robust security approach.	Director Digital & ICT	
20.	Development and maintenance of an appropriate enterprise architecture.	Director Digital & ICT	
21.	Creation and Delivery of the agreed Technology and Data strategies.	Director Digital & ICT	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
<b>Elections and Civic Duties</b>			
22.	Section 52(2), Representation of the People Act 1983, Section 52(3), Representation of the People Act 1983.	Director Law and Governance	
23.	Section 28(5), of Representation of the People Act 1983.	Director Law and Governance	
24.	Section 35(4), Representation of the People Act 1983.	Director Law and Governance	
25.	Section 5(1), The Police and Crime Commissioners Elections (Functions of Returning Officers) Regulations 2012 Section 7(1), European Parliamentary Elections Act 2001.	Director Law and Governance	
26.	Section 35(4), Representation of the People Act 1983.	Director Law and Governance	
27.	Deputy Electoral Registration Officer.	Director Law and Governance	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
<b>Democratic Services</b>			
28.	Ensuring that all published decision reports conform/adhere to constitutional rules and procedures.	Director Law and Governance	
29.	Verify and agree members' expenses, over the £100 threshold, within the budget perimeters.	Director Law and Governance	
30.	Publish all public meeting papers five clear working days prior to the meeting.	Director Law and Governance	
31.	<p>Where the publication of twenty-eight day notice of the intention to make a key decision is impractical, the decision may still be taken if:</p> <p>(a) the monitoring officer has informed the chair of the relevant Overview and Scrutiny Committee, or, if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made.</p>	Director Law and Governance	

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions on the Delegation</b>
32.	Inspection of documents	Director Law and Governance	
33.	Signing of Ward Councillors' declaration of interest forms	Director Law and Governance	
34.	Signing register of Town Councillors' declarations of interest forms	Director Law and Governance	
35.	Recruitment of panel members to the Independent Remuneration Panel	Director Law and Governance	
<b>Legal Services</b>			
36.	To issue, defend, settle or take part in any legal proceedings on the Council's behalf.	Director Law and Governance	
37.	Waivers of the Contract Procedure Rules	Executive Director Finance & Resources (S151 Officer)	
38.	Signing any document and affixing the Council's seal on behalf of the Council	Chief Executive, Director Law and Governance, Head of Legal Services	

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions on the Delegation</b>
39.	Determination of complaints submitted under the Code of Conduct for Councillors	Director Law and Governance	
40.	To maintain the Register of Members'	Director Law and Governance	
<b>Human Resources</b>			
41.	Approval of HR and Health & Safety, policies	Executive Director Strategy and Change	
42.	Approval of HR and health and safety, procedures and guidance.	Director of People and Transformation	
43.	Application of HR and Health & Safety policies and procedures	Relevant Director	
44.	Suspension of an employee	Chief Executive, Executive Director or Director	

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions on the Delegation</b>
45.	Appointment of consultant / interim manager	Chief Executive Director Executive, Director,	Agreement to recruit to this type of role via Business World. Actioning approval line managers
46.	Recruitment to existing and new posts (whether permanent, fixed term or casual), including cover arrangements where substantive postholder is on long term leave eg due to career break, adoption / maternity, parental leave	Chief Executive Director Executive, Director,	Final agreement for Fixed term or Agency via Workforce Panel
47.	Grading for jobs subject to other national agreements	Senior Managers Pay Panel	This is only for Chief Officer posts who are not subject to national agreement.
48.	Approval of market pay supplements (including extensions)	Chief Executive Directors Executive, Director,	All come to workforce panel
49.	Approval of revised staffing structures	Chief Executive Directors Executive, Director,	All come to CLT for agreement
50.	Determination of employee grievances	Relevant Director	This will be dependent on the level of the grievance

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions on the Delegation</b>
51.	Dismissal on grounds of capability / conduct / some other substantial reason	Chief Executive, Executive Directors, Director,	
52.	Dismissal on grounds of redundancy	Chief Executive, Executive Directors, Director,	
53.	Approval of MERS applications, redundancy payments, ill health retirement and flexible retirement applications	Chief Executive, Executive Directors, Director,	In consultation with Section 151 officer for flexible retirement
54.	Employer discretions under the official pension schemes	Chief Executive, Executive Directors, Director,	In consultation with section 151 Officer
55.	Approval of settlement agreements	Chief Executive, Executive Directors, Director,	In consultation with Section 151 Officer
56.	Meeting the cost of redundancies in schools etc. where the Council is the employer	Executive Director Finance & Resources (S151 Officer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
57.	Ensure appropriate arrangements are in place to carry out the Council's emergency planning functions in accordance with the Civil Contingences Act 2004	Executive Director Finance & Resources (S151 Officer)	
58.	Ensure the effective discharge the functions for health, safety and welfare in connection with work and control of dangerous substances within the meaning of the Health and Safety at Work Act 1974	Relevant Director	
59.	Pay salaries, wages, performance related pay, honoraria and other gratuities	Executive Director of Strategy and Change	
60.	Approval of spend and the allocation of funds to providers from the Council's apprenticeship levy fund.	Director People and Transformation	



## Finance and Resources

### Scheme of Delegation to Officers

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
<b>Finance</b>			
<b>Council Tax and NNDR Billing</b>			
1.	To raise annual bills and required amendments	Executive Director Finance & Resources (S151 Officer)	
2.	To send reminders/summons as required	Director of Financial Services	
3.	To commence recovery procedures as required for outstanding debts	Executive Director Finance & Resources (S151 Officer)	
4.	Debt Collection enforcement arrangements for Council Tax/NNDR	Executive Director Finance & Resources (S151 Officer)	
5.	Process Council Tax/NNDR refunds	Director of Financial Services	

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions of the Delegation</b>
6.	Represent the Council at Magistrates' Court/Valuation Tribunals	Director of Financial Services	
7.	Liaise with Valuation office to maintain accurate banding of properties	Director of Financial Services	
8.	Prepare annual business rates briefing for consultation	Director of Financial Services	
9.	Determine entitlement to reliefs/discounts	Director of Financial Services	
10.	Submission of Government returns	Director of Financial Services	
11.	To approve Council Tax hardship applications	Director of Financial Services	
12.	Process Direct Debit claims/ runs	Director of Financial Services	
13.	Conduct periodic visits to properties to ensure revenue is maximised	Director of Financial Services	

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions of the Delegation</b>
14.	Respond to complaints / Freedom of Information requests	Director of Financial Services	
<b>Debtors</b>			
15.	Raising invoices for sums due	Director of Financial Services	
16.	Effective collection and recording of all monies due to the Council	Director of Financial Services	
17.	Authorisation of new payment facility	Director of Financial Services	
18.	Debt collection enforcement arrangements for car park debts	Director of Financial Services	
19.	Process Direct Debit claims/ runs	Director of Financial Services	
20.	Respond to complaints / Freedom of Information requests	Director of Financial Services	
21.	Represent the Council at Court	Director of Financial Services	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
<b>Housing and Council Tax Benefits</b>			
22.	Process housing and council tax benefit applications	Director of Financial Services	
23.	Process change of circumstances	Director of Financial Services	
24.	Process benefits payment runs	Director of Financial Services	
25.	Administer the Discretionary Housing Payments Scheme (DHP) and Household Support Fund	Director of Financial Services	
26.	Recovery of benefit overpayments	Director of Financial Services	
27.	Determine entitlement to free school meals		
28.	Complete the DWP data matching requirements	Director of Financial Services	
29.	Administer CTR Discretionary payment scheme	Director of Financial Services	

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions of the Delegation</b>
30.	Represent the Council at appeal tribunals	Director of Financial Services	
31.	Respond to complaints / Freedom of Information requests		
32.	Fraud/NFI completion	Director of Financial Services	
33.	Prepare HB Subsidy calculations for Council sign off	Director of Financial Services	
34.	Maintain the revenues and benefits systems	Director of Financial Services	
35.	Implement and maintain online digital customer channels		
<b>Payroll (This section under Strategy and Change?)</b>			
36.	Arrangement for the payment of salaries, wages, pensions to current and former employees of the Council and members of the Council		

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions of the Delegation</b>
37.	Maintain records for compliance with HMRC and pension reporting		
38.	Process claims for payment for car allowances, subsistence allowances, travelling & incidental expenses		
39.	Process payroll BACS files		
40.	Authorise payments to Council (maintained) schools		
<b>Creditor and Social Care Payments</b>			
41.	Authorisation of payments (general)	Director of Financial Services	
42.	Payment of invoices and processing BACS/cheque payment runs through relevant systems	Director of Financial Services	
43.	Process regular periodical payments	Director of Financial Services	

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions of the Delegation</b>
44.	Authorising the issue of Procurement cards and determining credit limits	Director of Financial Services	
45.	Process domiciliary care invoices authorise Abacus payment run	Director of Financial Services	
46.	Calculate and bill service users for care contributions	Director of Financial Services	
<b>Debt Write Offs</b>			
47.	Authorisation of debt write off	Executive Director Finance & Resources (S151 Officer)	
<b>Banking Arrangements</b>			
48.	To approve the opening of new cash/bank interest account or change to limit	Director of Financial Services	
49.	To notify Bank of changes to authorised signatories	Director of Financial Services	

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions of the Delegation</b>
50.	To authorise cheques on behalf of the Council	Director of Financial Services	
51.	To be a Primary Security Contact for BACS (including setting up new users to hold a BACS card)	Director of Financial Services	
<b>Treasury Management</b>			
52.	Investment of surplus funds	Executive Director Finance & Resources (S151 Officer)	
53.	Borrowing decisions to meet Capital Programme or short-term cash flow requirements	Executive Director Finance & Resources (S151 Officer)	
54.	Authorisation of Bankline payments (eg Faster payments / CHAPS)	Director of Financial Services	
<b>Government Grants</b>			
55.	To accept terms and conditions attached to any Government grants and complete grant returns	Executive Director Finance & Resources (S151 Officer)	



Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
<b>VAT</b>			
56.	To submit VAT returns	Director of Financial Services	
<b>Fixed Assets</b>			
57.	Propose assets to be included in the valuation list	Director of Financial Services	
58.	Produce an asset management plan for approval by Council as part of the Capital Strategy	Executive Director Finance & Resources (S151 Officer)	
<b>Capital and Revenue Budgets</b>			
59.	Propose a revenue budget for the coming year for approval by Council	Executive Director Finance & Resources (S151 Officer)	
60.	Propose all capital project additions for the coming year for approval of an amended capital programme by Council	Executive Director Finance & Resources (S151 Officer)	

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions of the Delegation</b>
61.	Produce and maintain a Capital Strategy for approval by Council	Executive Director Finance & Resources (S151 Officer)	
62.	Approval to move revenue budgets between cost centres	Executive Director Finance & Resources (S151 Officer)	
63.	Approval of additions to Expenditure Budgets Funded from Government Grants, Developers Contributions, Revenue Reserves or other sources of external funding	Executive Director Finance & Resources (S151 Officer)	
64.	Approval of the movement of Capital Budget between Programme Years	Executive Director Finance & Resources (S151 Officer)	
65.	Authorisation for the carry forward of under or overspends	Executive Director Finance & Resources (S151 Officer)	
66.	Processing journal transfers	Director of Financial Services	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
<b>Insurance</b>			
67.	Responsibility to ensure appropriate insurance arrangements are in place.	Director of Financial Services	
68.	Maintain record of all insurances, risks covered, premiums paid and of all self-funded risks and losses paid.	Director of Financial Services	
<b>Internal Audit</b>			
69.	Arrangement of internal audit activities in accordance with the Accounts & Audit Regulations	Executive Director Finance & Resources (S151 Officer)	
70.	Give assurance on financial and management control systems	Executive Director Finance & Resources (S151 Officer)	
71.	Undertake Value for Money reviews	Executive Director Finance & Resources (S151 Officer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
<b>Financial Procedure Rules</b>			
72.	Maintain continuous review of the Financial Procedure Rules	Executive Director Finance & Resources (S151 Officer)	
<b>Cash Collection</b>			
73.	Management of cash collection system	Director of Financial Services	
<b>Procurement</b>			
74.	Issuing procurement tenders; receive supplier bids; issue contract award notices.	Executive Director Finance & Resources (S151 Officer)	
75.	Update, amend and publish the contracts register.	Executive Director Finance & Resources (S151 Officer)	
<b>Facilities Management</b>			
76.	Operational delivery of facility management undertakings, building maintenance, cleaning,	Executive Director Finance & Resources (S151 Officer)	

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions of the Delegation</b>
	construction and mechanical/ electrical works.		
77.	Operational delivery of health & safety compliance to property assets and associated undertakings.	Executive Director Finance & Resources (S151 Officer)	
78.	Procure and award of contracts to facilitate delivery of projects, goods and operational services identified in accordance with policy and allocated budget.	Executive Director Finance & Resources (S151 Officer)	
79.	The opening and closure of Council property assets.	Executive Director Finance & Resources (S151 Officer)	
80.	Have the authority to manage the day-to-day operation of facilities corporate Council buildings.	Executive Director Finance & Resources (S151 Officer)	
81.	Set hire charges for corporate buildings.	Executive Director Finance & Resources (S151 Officer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
82.	Authorise use of buildings in the event of an emergency and particular circumstances, including opening and closing sites.	Executive Director Finance & Resources (S151 Officer)	
83.	Ensure the security of buildings.	Executive Director Finance & Resources (S151 Officer)	
84.	Have the authority to evict people from sites when causing or potential causing a danger, being disruptive or abusive, or not adhering to policies when made aware of them.	Executive Director Finance & Resources (S151 Officer)	
<b>Property Services / Estate Management</b>			
85.	To negotiate and agree terms regarding the acquisition (including compulsory purchase) and disposal of property assets and legal interests.  Sign Notices to Quit / Terminate Lease.	Executive Director Finance & Resources (S151 Officer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
86.	To negotiate, agree terms for and sign the grant of leases, licences, tenancies, agreement for lease, development agreements and legal consents.	Executive Director Finance & Resources (S151 Officer)	
87.	To instruct Legal Services to serve legal notices. Sign Notices to Quit/Terminate Lease/ Seal Contracts.	Executive Director Finance & Resources (S151 Officer)	
88.	To grant a wayleave easement or deed of access over Council owned land to a third party.	Executive Director Finance & Resources (S151 Officer)	
89.	To approve listing of Assets of Community Value in accordance with legislation.	Executive Director Finance & Resources (S151 Officer)	
90.	To accept the early surrender of any lease of Council owned or controlled property in the interest of good estate management, strategic asset management or economic regeneration purposes.	Executive Director Finance & Resources (S151 Officer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
91.	To appoint bailiffs and debt collectors or to take peaceable re-entry of Council owned property or where the Council has a legal interest in property or to recover the value of any outstanding monies owed.	Executive Director Finance & Resources (S151 Officer)	
92.	To agree the release of restrictive Covenants on current or previously owned council land.	Executive Director Finance & Resources (S151 Officer)	
93.	To apply for planning permission, building regulation and listed building consent for alteration, development, re-development or change of use of council property (excluding schools), or third party property.	Executive Director Finance & Resources (S151 Officer)	
94.	To negotiate and settle schedules of dilapidation.	Executive Director Finance & Resources (S151 Officer)	
95.	To agree and settle rent arrears and refer all property matters in	Executive Director Finance & Resources (S151 Officer)	



Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
	dispute to arbitration/third party for determination.		
96.	To submit appeals in respect of the Rateable Value of council property in the interests of the council.	Executive Director Finance & Resources (S151 Officer)	
97.	To make changes to the Commons Register.	Executive Director Finance & Resources (S151 Officer)	
98.	To engage and instruct Insurance adjusters to negotiate and settle terms of adjustments.	Executive Director Finance & Resources (S151 Officer)	
99.	To procure, engage and instruct consultants and agents to act on behalf of Property Services.	Executive Director Finance & Resources (S151 Officer)	
100.	To procure, engage and instruct contractors and suppliers to act on behalf of Property Services.	Executive Director Finance & Resources (S151 Officer)	
101.	To carry out emergency repairs as necessary, that might otherwise require Council Governance, to	Executive Director Finance & Resources (S151 Officer)	

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
	both corporate and noncorporate buildings and structures so as to make safe so as to safeguard from harm both staff and members of the public as well as protect continuity of Council Services.		
102.	Part 5 Chapter 3 of the Localism Act 2011 Assets of community value.	Executive Director Finance & Resources (S151 Officer)	
<b>Southend-on-Sea City Council Website</b>			
103.	Notify web team of changes required to website for finance areas	Executive Director Finance & Resources (S151 Officer)	
<b>Emergency Planning and Business Continuity</b>			
104.	Approval of business continuity and emergency planning policies, procedures and guidance		
105.	Ensuring appropriate arrangements are in place to discharge the Council's emergency		

Reference	Function / Power	Delegated To	Restrictions / Conditions of the Delegation
	planning functions in accordance with the Civil Contingencies Act 2004		

## Children and Public Health

### Scheme of Delegation to Officers

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
<b>Children's Services</b>			
1.	Exercising the statutory function of Director of Children's Services (DCS) appointed under the Children Act 2004.	Executive Director Children and Public Health	
<b>Looked after Children (Children Act 1989)</b>			
2.	Authority to apply for Secure orders up to 72 hours (pending an application to court)	This cannot be delegated	DCS approval required and in DCS's absence Chief Executive (CEX) to approve
3.	Authority to apply for Secure orders (via a court application)	This cannot be delegated	DCS approval required and in DCS's absence Chief Executive (CEX) to approve

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions on Delegation</b>
4.	Authority to extend Secure orders (via a court application)	Director of Children's Social Work, Early Help and Youth Support	Need to inform the DCS
5.	Consent for children subject to care and placement orders to have a) A surgical operation (local or general anaesthetic) b) Emergency treatment c) Routine medical	Director of Children's Social Work, Early Help and Youth Support	Head of Service- approves this
6.	Acceptance of criminal injury compensation awards	Director of Children's Social Work, Early Help and Youth Support	
7.	Approval to place children at distance, outside the county of Essex can only be agreed by the DCS	Executive Director Children and Public Health (Statutory Director of Children's Services)	Delegated to Director of Children's Social Work, Early Help and Youth Support when DCS not available
8.	Placement with parent's agreement (planned and emergency)	Director of Children's Social Work, Early Help and Youth Support	Delegated to the Head of Service when Director not available

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
9.	Decisions to give consent to the marriage of a young person in care	Director of Children's Social Work, Early Help and Youth Support	
10.	Agreement to a young person remanded to local authority care being placed at home or with friends	Director of Children's Social Work, Early Help and Youth Support	
11.	Leave to invoke the inherent jurisdiction of the High Court.	Director of Children's Social Work, Early Help and Youth Support	
12.	Leave to place a child in accommodation restricting liberty under Section 25 of the Act.	Director of Children's Social Work, Early Help and Youth Support	
13.	Leave for a child in the care of the local authority to live abroad. (section 19)	Director of Children's Social Work, Early Help and Youth Support	
<b>Permanence and Adoption</b>			

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
14.	Approval of adopters	Director of Children's Social Work, Early Help and Youth Support	Cannot be delegated under the regulations
<b>Fostering</b>			
15.	Exercising all the powers and functions of the Authority in relation to the fostering of children under Part IX of the Children Act 1989, Section 48 of the Care Standards Act 2000, Part 5 of the Children Act 2004 and all other enabling powers.		
16.	Approving loans or other financial assistance under Section 23 of the Children Act 1989 and all other enabling powers for the provision of accommodation of children under foster care and to vary the terms of such loans or assistance.		
17.	Approval of foster carers	Director of Children's Social Work, Early Help and Youth Support	
18.	Decision to authorise placements under Reg 24 of the Foster Service Regulations	Director of Children's Social Work, Early Help and Youth Support	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
<b>Youth Offending</b>			
19.	Informing court that electronic monitoring is suitable when imposing bail on a person aged between 12 and 17	Director of Children's Social Work, Early Help and Youth Support	
20.	Submit plans/bids that the DfE or other Government Directorates may from time to time require, following appropriate consultation.	Director of Children's Social Work, Early Help and Youth Support	
21.	To authorise officers to appear on behalf of the Authority in proceedings being conducted in the Magistrates Court. (Local Government Act 1972 sections 222 & 223)	Director of Children's Social Work, Early Help and Youth Support	
22.	To decide, following a risk assessment, whether a complaint should be referred to an external investigator	Director of Children's Social Work, Early Help and Youth Support	
23.	Exercising any function of the Authority under 75 of the National Health Service Act 2006 (pooled budgets and commissioning) so far as those functions relate to children and young persons.	Director of Children's Social Work, Early Help and Youth Support	Cabinet agreement may be required

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
<b>Education Skills and Development / Commissioning</b>			
24.	To address the significant degree of educational underachievement of looked after children compared to all children; as defined under the Children Act 1989 as amended by section 52 of the Children Act 2004 Section 22(3)a.	Director of Education, Early Years and Inclusion	
25.	<p>School Places and Admissions:</p> <ul style="list-style-type: none"> <li>To be responsible for securing sufficient education is available to meet the needs of the population in the area under the Education Act (EA) 1996 and subsequent education legislation including actions which: securing sufficient primary and secondary schools places, any actions taken to address shortfalls, implementing the School Admissions Code and School Admissions Appeal Code to provide fair opportunities to gain places in maintained schools for all children; to provide a national picture of admissions issues to appropriate bodies and reasonably consider parental representations regarding the provision of schools.</li> </ul>	Director of Education, Early Years and Inclusion	
26.	To undertake appropriate actions and measures in relation to exclusions from school including the provision of education for children permanently excluded from day 6 and to ensure funding follows the pupil in the case of Permanent exclusion as required under the Education Act 1996 and subsequent amendments and education acts related to exclusion.	Director of Education, Early Years and Inclusion	



Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
27.	To ensure that children who cannot (for whatever reason) be in mainstream education, continue to receive a suitable education under Education Act 1996 and that any pupil placed in alternative provision by the Council receive full-time education unless it is not in the child's interests.	Director of Education, Early Years and Inclusion	
28.	Education Act 1996 Section 447 provides a basis for an Education Supervision order which can help where parents find it difficult to exercise a proper influence over their child and where the child has developed a pattern of irregular attendance.	Director of Education, Early Years and Inclusion	
29.	Under Education Act 1996 and subsequent education legislation the Council has the duty to identify children missing education.	Executive Director Children and Public Health	
30.	Local authorities have the power and are responsible for ensuring the regulations are enforced for maintained schools as set out in the Education Act 1996. Secondary - The Education (School Premises) Regulations 1999.	Director of Education, Early Years and Inclusion, Executive Director of Finance and Resources	
31.	Under the Education Act 1996 Section 543. Secondary - The Education (School Premises) Regulations 1999; the Council needs to ensure that schools have a minimum playing field area.	Director of Education, Early Years and Inclusion, Executive Director of Finance and Resources	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
32.	To impose a duty on governing bodies for schools that are their own admission authorities and local authorities to act in accordance with any relevant provisions of the Appeals Code under the School Standards and Framework Act 1998. School Admission Appeals Code Section 94.	Director of Education, Early Years and Inclusion	
33.	To ensure that local authorities and schools provide Religious Education in accordance with the law under the School Standards and Framework Act 1998 Section 69/70, including all registered pupils attending a maintained school take part in a daily act of collective worship and the establishment of a Standing Advisory Committee for Religious Education	Director of Education, Early Year and Inclusion	
34.	To ensure the school estate is not subject to decay which could put the health and safety of children at risk under the School Standards and Framework Act 1998 Section 22, as amended by Education Act 2002 and Education and Inspections Act 2006.	Executive Director of Finance and Resources and Director of Education, Early Years and Inclusion	
35.	The School Standards and Framework Act 1998 Section 77 as amended by schedule 4 to the Education and Inspections Act 2006 sets out the responsibility for the Protection of School Playing Fields	Executive Director Finance and Resources and Executive Director Children and Public Health	
36.	The School Standards and Framework Act 1998 Sections 45A, 45AA, 47, 47ZA, 47A and 48 and Schedule 14. Secondary - School Finance (England) Regulations 2008 (as amended), School Finance (England) Regulations 2011 Schools Forums (England) Regulations 2010 set out the provisions for	Director of Education, Early Years and Inclusion Director of Finance	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	approval of deficits, management of delegated budgets and banking arrangements.		
37.	To ensure children and young people with a learning difficulty or disability or Special Educational needs are able to secure appropriate education and training as defined under the Children and Family Act 2014 and associated legislation including arrangements for young people aged 16-25 with an EHCP.	Director of Education, Early Years and Inclusion	
38.	The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 (SI 2001/2218) sets out the information the Council is required to have in relation to the Special Educational Needs policies and the arrangements and activities in carrying them out.	Director of Education, Early Years and Inclusion	
39.	The Education Act 2002 section 19(2) c. Secondary - School Governance (Constitution) (England) Regulations 2007 sets out how governing bodies are to include a Council representative.	Director of Education, Early Years and Inclusion	Maintained Community schools only
40.	School Governance (Constitution) (England) Regulations 2012 provides the authority to seal and make an instrument of governance for maintained schools.	Director of Education, Early Years and Inclusion	Maintained schools only

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions on Delegation</b>
41.	To provide information they consider appropriate and training they consider necessary for governors of maintained schools to enable governors effectively to discharge their duties as set out in Section 22 of the Education Act 2002.	Director of Education, Early Years and Inclusion	
42.	The Education Act 2002 Section 88(1A) sets out the requirement for local authorities to ensure head teachers fulfil their statutory duty in implementing and administering assessment arrangements.	Director of Education, Early Years and Inclusion	
43.	To ensure effective performance management arrangements are put in place for teachers in community schools as set out in the Education Act 2002 Sections 21, 131 and 210. Secondary - 'The Education (School Teacher Performance Management) (England) Regulations 2006'.	Director of Education, Early Years and Inclusion	Maintained Schools only
44.	Under the Education Act 2002 Sections 79 (6) and (7) local authorities must have regard to statutory guidance issued by the Secretary of State when exercising any function that may affect the provision of education in maintained schools or arrangements where the LA holds statutory responsibility in relation to education safeguarding, attendance and SEND in all schools, including Academies.	Director of Education, Early Years and Inclusion	
45.	To facilitate the investigation, by Ofsted, of a parental complaint about a maintained or an academy school as defined under Education Act 2005 and subsequent Education Acts and legislation	Director of Education, Early Years and Inclusion	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
46.	To ensure local authorities take action as described under the latest Ofsted Inspection Framework, in regard to all elements of education provision, working with the regional DFE office where actions involve Academy Trusts.	Director of Education, Early Years and Inclusion	
47.	The Education and Inspections Act 2006. Secondary - The School organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 provides the legislation that governs the transfer of land from one body to another as a school changes category, e.g. if a community school becomes a Trust.	Director of Education, Early Years and Inclusion	
48.	Under the Education Act 2006 Sections 60A and 69B provision is made to ensure that that local authorities (or ultimately the Secretary of State) can ensure that teachers in maintained schools receive their statutory entitlements regarding their terms and conditions.	Director of Education, Early Years and Inclusion	
49.	Section 1 of the Childcare Act 2006 places a duty on local authorities to improve the outcomes of all children under 5 and close the gaps.	Director of Education, Early Years and Inclusion	
50.	Provision is made under Childcare Act 2006 Section 99. Secondary - The Childcare (Provision of Information About Young Children) Regulations 2009 (SI 2009 / 1554) for data collection.	Director of Education, Early Years and Inclusion	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
51.	To ensure that local authorities establish and maintain a service providing information, advice and assistance for parents and prospective parents as set out on the Childcare Act 2006 Section 12. Secondary - SI 2007 No 3490: Children and Young Persons, England – The Childcare Act 2006 (Provision of Information to Parents (England) Regulations 2007).	Director of Education, Early Years and Inclusion	
52.	To ensure that local parents and any other interested parties are consulted about any major changes that are proposed to be made to children’s centre provision	Director of Education, Early Years and Inclusion	
53.	The Childcare Act 2006, Section 6 require local authorities to ensure there is childcare available to enable parents to take up or remain in work or to undertake education or training to assist them in obtaining work.	Director of Education, Early Years and Inclusion	
54.	To ensure that all eligible children in the early years from 9 months of age can access their entitlement to high quality free education	Director of Education, Early Years and Inclusion	
55.	To ensure local authorities undertake an assessment to childcare provision in their area to enable them to meet their duty to secure sufficient childcare for working parents (s6 Childcare Act 2006) This includes providers in their area the necessary support to help deliver sustainable affordable and high quality childcare that meets the needs of the community	Director of Education, Early Years and Inclusion	
56.	Childcare Act 2006 Section 99. Secondary - the Childcare (Provision of Information about Young Children) (England) Regulations 2009 underpins various information collections and enables the Secretary of State to obtain	Director of Education, Early Years and Inclusion	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	information collected by local authorities from childcare providers to help compile Early Years Foundation Stage Profile data and the Early Years Census returns.		
57.	The Early Years Foundation Stage (Learning and Development Requirements) order 2007 enables local authorities to ensure schools and early years providers fulfil their statutory duty in implementing and administering early years foundation stage assessment arrangements and for the Council to provide data as required to the DFE	Director of Education, Early Years and Inclusion	
58.	To comply with duties relating to the publication of a composite schools prospectus and other miscellaneous information annually (including the making of educational grants, Special Educational Needs provision, school transport strategies, etc) as described in Education Regulations	Director of Education, Early Years and Inclusion	
59.	To develop accessibility strategies to facilitate better access to education for disabled pupils. Under this same legislation schools also have to develop access plans which build upon the Council's access strategy as required under the Equality Act 2010 Section 88 and Schedule 10	Director of Education, Early Years and Inclusion	
60.	To ensure that where a maintained school serves a community which is predominantly of a faith other than Christian, they have the flexibility to change the nature of their daily act of collective worship in order to reflect the needs of the local community under Education Act 1996 Section 390.	Director of Education, Early Years and Inclusion	

Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
61.	To provide on-going support and guidance to 18 year old care leavers particularly with regard to their education under the Children Act 1989 sections 23C and 24B.	Director of Education, Early Years and Inclusion	
62.	To increase in the number and range of placements available within the Council's area and so reduce the use of out of area placements, unless they are the most appropriate for the child.  Leading to a more efficient and cost effective commissioning process as defined under the Children Act 1989 Section 22G.	Director of Education, Early Years and Inclusion	
63.	In relations to community schools, apply for planning permission, building regulation and listed building consent for alteration, development, re-development or change of use of Council schools, or third party schools.	Director Education, Inclusion and Early years	
<b>Public Health</b>			
64.	Exercising the statutory function of Director of Public Health.	Director of Public Health	
65.	To discharge any functions in relation to the corporate public health duties of the Council authorised to the director of public health under the NHS Act 2006 and the Health and Social Care Act 2012, including responsibility for: <ul style="list-style-type: none"> <li data-bbox="398 1238 1182 1270">• The annual report on the health of the local population;</li> </ul>	Director of Public Health	



Reference	Function / Power	Delegated To	Restrictions / Conditions on Delegation
	<ul style="list-style-type: none"> <li>• Improving public health, including commissioning alcohol and drug misuse services, sexual health services, child health services, smoking cessation services;</li> <li>• Planning for and responding to, emergencies that present a risk to public health;</li> <li>• Promoting safer communities by working with local criminal justice partners and police and crime commissioners, the probation service and the prison service;</li> <li>• The Council's public health response to licensing applications; and</li> <li>• Developing wellbeing, implementing the health and wellbeing strategy.</li> </ul>		
66.	<p>To carry out such public health protection or health improvement functions as the Secretary of State shall delegate to local authorities either by arrangement or under regulations and including services mandated by regulations made under Section 6C of the National Health Service Act 2006, as amended, namely:</p> <ul style="list-style-type: none"> <li>• Ensuring appropriate access to sexual health services;</li> <li>• The delivery of the national child measure programme;</li> <li>• The delivery of the NHS health check assessment;</li> <li>• Public health advice to NHS commissioners; and</li> <li>• To be a statutory member of the health and wellbeing board.</li> </ul>	Director of Public Health	

## Adults and Communities

### Scheme of Delegation to Officers

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
<b>Social Care Operations</b>			
1.	Authorise a Deprivation of Liberty Standard Authorisation under the Deprivation of Liberty Safeguards MCA 2005	Director within Adults and Communities	
2.	Instruct an Independent Mental Capacity Advocate (IMCA) under Section 39A of MCA 2005 Not needed as set out in statute		
3.	Instruct an Independent Mental Capacity Advocate (IMCA) under Sections 39C or D of MCA 2005	Director within Adults and Communities	
4.	Extend the period of a seven day Urgent authorisation the Deprivation of Liberty Safeguards MCA 2005 for a further period of seven days Not a council function		
5.	Approach the court of Protection to ask it to rule in relation to a Deprivation of Liberty	Directors within Adults and Communities	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	Safeguards Authorisation where there is a dispute regarding if it is appropriate.		
6.	Approach the Court of Protection to ask it to rule in relation to a Deprivation of Liberty in a Community setting	Director within Adults and Communities	
7.	Undertake Mental Capacity Assessments and Best Interest decisions under the MCA 2005		
8.	Decision to instigate safeguarding concern under section 42 Care Act	Director within Adults and Communities	
9.	Decision to instigate safeguarding enquiry under section 42 Care Act	Director within Adults and Communities	
10.	Approval of care plans in Care Act assessments	Director within Adults and Communities	
11.	Ensure availability of Approved Mental Health Professionals to receive, consider and undertake Mental Health Act Assessments as and when required.	DASS	

<b>Reference</b>	<b>Function / Power</b>	<b>Delegated To</b>	<b>Restrictions / Conditions on the Delegation</b>
12.	Apply to the Magistrates Court for a section 135(1) warrant, MHA 1983.		
13.	Perform the function of a Social Supervisor.	Director within Adults and Communities	
14.	Authorise application under section 7 of the MHA for Guardianship.	DASS	
15.	Where required and following relevant court authority to act as the Nearest Relative for an individual as set out in the Mental Health Act 1983	DASS	
16.	Setting of charging policy for care. Sections 14,17, 69 and 70 of Care Act 2014	S151 Officer	
17.	Care and Support Charging Policy Financial Assessment Appeal No appeal process need advice on this	Director within Adults and Communities	
18.	Care and Support Charging Policy Financial Assessment 2nd stage Appeal	Directors within Adults and Communities	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
19.	Care and Support charge Waivers These may be considered in exceptional circumstances	Directors within Adults and Communities	
20.	Authorisation for Deferred payment agreements under sections 34-36 Care Act 2014	Director within Adults and Communities	
21.	Deferred Payment Agreement (DPA) Appeal hearing and decision against refusal to award a DPA	Director within Adults and Communities	
22.	Agree top-up payments for residential/nursing care in accordance with Care Act 2014 – Annex A – choice of accommodation and additional payments.	Director within Adults and Communities	
23.	Approval to suspend a direct payment where the terms of the direct payment agreement are not met or where there is suspected fraud.	Director within Adults and Communities	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
24.	Approval of joint funded packages of care, including continuing health care and section 117 mental health aftercare services.	Director within Adults and Communities	
25.	Approve direct payment agreements and suitable person agreements (where applicable).	Director within Adults and Communities	
26.	Recall surplus funds from direct payment accounts.	Director within Adults and Communities	
27.	Provision of court deputy service	Director within Adults and Communities	
<b>Libraries, Museums and Archives</b>			
28.	To exercise the powers under the Library Byelaws and Regulations including temporary closure of any Museums, Libraries or Archives sites and to allow the exclusion of service users.	Director of Culture and Tourism	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
29.	Agreeing and levying charges for the use of library, archives and museum facilities / services.	Director of Culture and Tourism	
30.	Agree charging of overdue loans under Section 8 of the Public Libraries and Museums Act 1984.	Director of Culture and Tourism	
31.	To implement the charging policy for services, including fines, hire charges and fees.	Director of Culture and Tourism	
32.	To make provision for the lending of literacy, dramatic musical or artistic works to the public on payment under Section 66 of the Copyright, Designs and Patents Act 1988.	Director of Culture and Tourism	
33.	To make and supply a copy of any article or published edition under Section 41 of the Copyright, Designs and Patents Act 1988 (provision copies to another library) or Section 42 (to preserve or replace an item).	Director of Culture and Tourism	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
34.	Permitting the use of library and museum premises for meetings etc. of a cultural nature under Section 20 of the Libraries and Museums Act 1964 or under Section 20 of the Public Libraries and Museums Act 1984, including the power to make charges.	Director of Culture and Tourism	
35.	To manage the social media accounts for libraries, museums and archives in accordance with communications protocols.	Director of Culture and Tourism	
36.	To provide training and supervision for volunteers. Not required		
37.	To work within the unreasonable behaviour policy to ban visits from sites.	Director of Culture and Tourism	
38.	Power to establish a fund for purchase of objects for exhibition - Section 15 of the Public Libraries and Museum Act 1964 and the collection of donations for the care and display of collections.	Director of Culture and Tourism	



Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
39.	Contribute in time or finance to voluntary organisations or parish / town councils in the operation of community libraries. Not applicable		
<b>Culture and Tourism</b>			
40.	<p>To discharge the Council's functions, without limitation, in relation to:</p> <ul style="list-style-type: none"> <li>• Galleries and the arts;</li> <li>• Sports and leisure facilities (indoor and outdoor);</li> <li>• The pier and foreshore (including in relation to boats and boatman licences, cockle fishing licences and bait digging) licences;</li> <li>• Tourism.</li> </ul>	Director of Culture and Tourism	
<b>Bereavement Services</b>			
41.	To act on behalf of the Council in respect of the legislation specified in The Local Authorities' Cemeteries order 1977 – The	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	Council is defined as a burial authority for the provision and maintenance of cemeteries.		
42.	To act on behalf of the Council in respect of the legislation specified in The Cremation (England and Wales) Regulations 2008 (amendment 2016).	Director of Infrastructure and Environment	

## Environment and Place

### Scheme of Delegation to Officers

Table A

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
<b>Local Planning Authority Functions (including Strategic Planning and Development management)</b>			
1.	Annual increases to preapplication advice charges for development management and listed buildings.	Director of Planning and Economy	
2.	Designation of a Neighbourhood Area Regulation 6/7 of the Neighbourhood Planning (General) Regulations 2012.	Director of Planning and Economy	
3.	Progression to examination Decision Document Regulation 15/16 of the Neighbourhood Planning (General) Regulations 2012.	Director of Planning and Economy	
4.	Proceed to referendum Decision Document Regulation 17/18 of the Neighbourhood Planning (General) Regulations 2012.	Director of Planning and Economy	
5.	Neighbourhood Plan Adoption/Made Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.	Director of Planning and Economy	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
6.	<p>Preparation of development plan documents (part 2 of the Planning and Compulsory Purchase Act 2004).</p> <p>Preparation of and consultation upon issues and options documents.</p>	<p>Director of Planning and Economy</p>	
7.	<p>Preparation of Supplementary Planning Documents (SPD).</p> <p>The Town and Country Planning (Local Planning) (England) Regulations 2012.</p> <p>Preparation of Draft SPD for consultation.</p>	<p>Director of Planning and Economy</p>	
8.	<p>To act on behalf of the Council in respect of all land use planning matters administered by the Local Planning Authority under the Town and Country Planning Acts, secondary legislation and any related statutory instruments, including those listed as Planning Functions in Table B.</p>	<p>Director of Planning and economy</p>	
9.	<p>Power to make local development order</p> <p>Section 61A of the Town and Country Planning Act 1990.</p>	<p>Director of Planning and economy</p>	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
10.	Power to modify an existing local development order  Schedule 4A of the Town and Country Planning Act 1990.	Director of Planning and economy	
<b>Regeneration</b>			
11.	To discharge the Council's functions in relation to, without limitation: <ul style="list-style-type: none"> <li>• The management and promotion of regeneration;</li> <li>• Economic and business development</li> <li>• Town centre management</li> </ul>	Executive Director for Environment & Place  Regeneration and promotion of Regeneration – Director for Regeneration, Housing and Regulatory Services  Economic and business development - Director of Planning and Economy	Land and property transactions are reserved to the Executive Director of Finance and Resources other than in the case of transactions relating to the delivery of approved schemes of regeneration and housing development where such functions will be delegated to the Executive Director for Environment and Place and/or the Executive Director for Finance and resources.

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
<b>Building Control – Functions/Powers are exercised in accordance with the Building Safety Act 2022, Building Act 1984, The Public Health Act 1925, The Town and Improvement Clauses Act 1847 and The Public Health Act 1875 and other Relevant Legislation</b>			
12.	To discharge the Council’s Local Authority Building Control functions as identified under the above legislation, including but not limited to determining all consents, permissions and licences, taking enforcement action and dealing with dangerous structures	Director of Planning and Economy	
13.	To discharge the Council’s Local Authority functions and responsibilities under the Safety of Sports Grounds Acts, including the issuing of certificates and serving of notices.	Director of Planning and Economy	
<b>Parking</b>			
14.	Road Traffic Regulation Act 1984 – gives the power to local authorities to make traffic regulation orders which prohibit or restrict the use of a road; and which provide parking places on the highway and in off-street car parks and set out the term on which such parking places may be used. Permission is also granted to park in contravention by way of a dispensation permit.	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
15.	Civil Enforcement of Parking Contraventions (England) General Regulations – provides for the issue of a Charge Certificate in order to recover debt from unpaid Parking Penalty Charge Notices.	Director of Infrastructure and Environment	
16.	Civil Enforcement of Parking Contraventions (England) General Regulations – provides for the enforcement of a Charge Certificate if unpaid, by the issue of an order for Recovery from a County Court.	Director of Infrastructure and Environment	
17.	Taking Control of Good Regulations 2013 (as amended) – provides for the execution of a County Court order to instruct Enforcement Agents to recovery unpaid Parking Penalty Charge Notice debt.	Director of Infrastructure and Environment	
18.	Road Traffic Regulation Act 1984 and associated off street Car Park orders – provides for charges and restrictions to apply at off street car parks. Permission to be granted to use car park for another purpose, hire or to waive the parking fee payable for an event or other use.	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
19.	Road Traffic Regulation Act 1984 and associated Traffic Regulation orders – provides for charges to apply at on street parking locations. Permission to be granted to use parking spaces for another purpose, hire or to waive the parking fee payable for an event or other use.	Director of Infrastructure and Environment	
20.	The Traffic Management Act 2004 (Part 6) – provides for contraventions of the terms of a traffic regulation order relating to parking places on the highway and off-street, which were made offences in the RTRA (1984), to be subject to civil enforcement.	Director of Infrastructure and Environment	
21.	Disabled Person Parking Badges Act 2013 – ability to seize blue badges and write witness statements, carry out background checks, write witness statements, investigate cases of blue badge misuse and produce prosecution files.	Director of Infrastructure and Environment	
<b>Street Trading</b>			
22.	Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 – Enabling street trading to be regulated	Director of Infrastructure and Environment	



Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	within the county and adopted by the Council in 1998.		
23.	Section 115E of the Highways Act 1980 – Control of pavement cafes with Highways Amenity Licences.	Director of Infrastructure and Environment	
24.	Section 3 of the Business and Planning Act 2020 – Pavement Licences.	Director of Infrastructure and Environment	
<b>Markets</b>			
25.	Exercise the Council’s powers under section 50 of the Food Act 1984 to establish and operate street markets in the county.  Setting up, operation, regulation or relocating of any market.  The collection of charges made in relation to any market.	Director for Regeneration, Housing and Regulatory Services / Director for Infrastructure and Environment	
<b>Environmental Health / Public Protection / Trading Standards</b>			
26.	To discharge the Council’s functions, including but not limited to, the determination of	Director for Regeneration, Housing and	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<p>permissions, licences and consents and enforcement, in relation to:</p> <ul style="list-style-type: none"> <li>• Environmental health and protection;</li> <li>• Health and safety;</li> <li>• Trading standards and consumer protection;</li> <li>• All licensing functions not reserved by law to the Licensing Committee or any Licensing Sub-Committee;</li> <li>• To act on behalf of the Council in respect of the legislation specified as Regulatory / Licensing Functions in Table D;</li> <li>• Markets and street trading.</li> </ul>	Regulatory Services	
<b>Community Safety</b>			
27.	<ul style="list-style-type: none"> <li>• Public protection, clean neighbourhoods and community safety;</li> <li>• Reducing crime, disorder and anti-social behaviour;</li> <li>• operation, control and management of CCTV;</li> </ul>	Executive Director for Environment & Place and/or Head of Community Safety	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<ul style="list-style-type: none"> <li>• Enforcement of relevant Public Space Protect orders and Byelaws.</li> </ul>		
<b>Highways and Transport</b>			
28.	<p>To act on behalf of the Council in respect of the legislation specified in the foregoing:</p> <ul style="list-style-type: none"> <li>• Traffic Management Act 2004;</li> <li>• Road Traffic Act 1988;</li> <li>• Cycle Tracks Act 1984;</li> <li>• Highways Act 1980;</li> <li>• National Parks and Access to the Countryside Act 1948;</li> <li>• New Roads and Street Works Act 1991;</li> <li>• Road Traffic Regulation Act 1984;</li> <li>• Town and Country Planning Act 1990;</li> <li>• Town Police Clauses Act 1847;</li> <li>• Traffic Calming Act 1992;</li> <li>• Wildlife and Countryside Act 1981.</li> </ul>	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
29.	To enter into agreements pursuant to Section 38 and Section 278 of the Highways Act 1980, issue permissions under Section 184 and display notices under Section 228, including the power to determine the terms and conditions of the above.	Director of Infrastructure and Environment	
30.	To manage the Council's functions in relation to flooding, drainage and sea defences in compliance with current legislation and policies of the Council including without limitation: <ul style="list-style-type: none"> <li>• Land Drainage Act 1991;</li> <li>• Flood Risk Regulations 2009; and</li> <li>• Flood and Water;</li> <li>• Management Act 2010.</li> </ul>	Director of Infrastructure and Environment	
31.	Transport Act 1985 clause 63 – duty to secure socially necessary transport. Transport Act 2000 Section 140 – duty to make information (on bus services) available. Operational measures required to support local transport including:	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<ul style="list-style-type: none"> <li>• Minor variations to subsidised routes/timetables within allocated budgets;</li> <li>• Planning and procurement of new/varied services in accordance with policy and allocated funding using the Council's DPS;</li> <li>• Review and maintenance of service level agreement with local community transport projects in accordance with allocated budget;</li> <li>• Provision of information on bus services.</li> </ul>		
32.	<p>Transport Act 1985 clause 63 – duty to secure socially necessary transport.</p> <p>Award of contracts to operate services identified and procured in accordance with policy and allocated budget.</p>	Director of Infrastructure and Environment	
33.	<p>Education Act 1996 Section 508/509</p> <p>Operational delivery of school transport and post 16 travel support services comprising:</p> <ul style="list-style-type: none"> <li>• Assessment of eligibility for home to school transport with regard to legislation and local adopted policy;</li> </ul>	Executive Director Children and Public Health (DCS)	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<ul style="list-style-type: none"> <li>Procurement of transport services required in accordance with the Council's home to school transport policy;</li> <li>Operation of personal transport budgets in accordance with the Council's home to school transport policy;</li> <li>Review and update the home to school transport policy guidance.</li> </ul>		
34.	<p>(Education Act 1996 Section 508)</p> <ul style="list-style-type: none"> <li>Award of contracts to operate services identified and procured in accordance with policy and allocated budget.</li> </ul>	Executive Director Children and Public Health (DCS)	
35.	Enter into Service Level Agreements with Leigh Town Council.	Director of Infrastructure and Environment	
36.	Setting and collecting charges in accordance with the Environmental Protection Act 1990 and the Controlled Waste Regulations 2012.	Director of Infrastructure and Environment	
37.	To provide written comments/ bids to organisations such as MHCLG for requisition of grants.	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
<b>Sustainability &amp; Climate Change</b>			
38.	Signing/approval of Local Authority declarations, which are a requirement under flexible eligibility as determined by The Electricity and Gas (Energy Company obligation) order 2022 (ECO4 order) covering the period from the commencement date of the ECo4 order on 27 July 2022 to 31 March 2026.	Director of Infrastructure and Environment	
39.	Signing of power purchase agreements with tenants relating to the sale of electricity generated from HC owned renewables.	Director of Infrastructure and Environment	
40.	Signing of ECO flex declaration	Director of Infrastructure and Environment	
41.	Management of maintenance and repairs of energy efficiency measures and renewable energy generation across the corporate estate.	Director of Infrastructure and Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
<b>Built and Natural Environment</b>			
42.	To act on behalf of the Council in respect of all planning matters administered by the Local Planning Authority under the Town and Country Planning Acts, secondary legislation and any related statutory instruments, including those listed as Planning Functions in Table B.	Director of Planning and Economy	
<b>Strategic Housing</b>			
43.	Approval for the allocation of grant money to developers/ Registered Social Landlord's (RSL)'s/ applicants.	Director of Regeneration, Housing and Regulatory Services	
44.	Approval of grant monies.	Director of Regeneration, Housing and Regulatory Services	
45.	To negotiate/ renegotiate specialist accommodation on schemes with planning	Director of Regeneration, Housing and	



Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	permission in lieu of a reduction in affordable housing.	Regulatory Services	
46.	Approval of RSL grant funding for purchase and repairs of properties off the open market.	Director of Regeneration, Housing and Regulatory Services	
47.	To provide written comments/ bids to organisations such as MHCLG for requisition of grants.	Director of Regeneration, Housing and Regulatory Services	
48.	Written consent to the RSL to allow for the disposal of their assets following investigation.	Director of Regeneration, Housing and Regulatory Services	
49.	Written consent to the RSL for the disposal of their assets following investigation and ascertain the level of financial clawback to be returned to the Council.	Director of Regeneration, Housing and Regulatory Services	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
<b>Housing Services</b>			
50.	<p>To discharge the Council's housing functions including, without limitation, under the Housing Act 1985, the Housing Act 2004 and the Homelessness Reduction Act 2002 and the Homelessness Reduction Act 2017 in relation to:</p> <ul style="list-style-type: none"> <li>• The management and administration of Council dwellings subject to the management agreement with Essex Homes;</li> <li>• Providing housing assistance and advice;</li> <li>• Homelessness;</li> <li>• Housing allocation;</li> <li>• Private rented sector dwellings;</li> <li>• Enforcement.</li> </ul>	Director of Regeneration, Housing and Regulatory Services	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
<b>Waste, Recycling and Environment Services</b>			
51.	<p>To discharge the Council's functions in respect of waste, recycling and environmental services, including without limitation, in relation to:</p> <ul style="list-style-type: none"> <li>• Waste collection / treatment / disposal;</li> <li>• Recycling collection/ treatment / disposal;</li> <li>• Street cleansing;</li> <li>• Clean neighbourhoods;</li> <li>• Untidy sites (s.215 Town &amp; Country Planning Act 1990);</li> <li>• Litter and fly tipping;</li> <li>• Abandoned vehicles;</li> <li>• Salting of and snow and debris removal from, public highways;</li> <li>• Clean / safe beaches;</li> <li>• Public toilets.</li> </ul>	Director of Infrastructure & Environment	
52.	To discharge the Council's functions (including but not limited to maintenance and determining all consents, permissions and licences and taking enforcement action) in relation to:	Director of Infrastructure & Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<ul style="list-style-type: none"> <li>• Parks, gardens and open spaces;</li> <li>• Parks Depots;</li> <li>• Dangerous trees, High Hedges;</li> <li>• Highways, Footpaths and rights of way (including adoption and closure and s.6 of the Essex Act re verges);</li> <li>• Lakes and waterways in Parks;</li> <li>• Highway verges and other areas ancillary to the public highway;</li> <li>• Street lighting;</li> <li>• Traffic Management, including the advertisement, implementation, revocation, consolidation and enforcement of Traffic Regulation orders and Emergency Traffic Regulation orders;</li> <li>• Naming and Numbering of Streets and premises.</li> </ul>		
53.	To act as the Traffic Manager for the purposes of Section 17 (2) of the Traffic Manager Act 2004 or to appoint a person to exercise the Network Management Duty under Section 16 of the Act.	Director of Infrastructure & Environment	

Reference	Function / Power	Delegated To	Restrictions / Conditions on the Delegation
	<p>To discharge the Council's functions under the Highways Act 1980</p> <p>The functions of the Council as road traffic authority including its powers under the Road Traffic Regulation Act 1984.</p> <p>The Council's functions under New Roads and Street Works Act 1991.</p> <p>To sign the official traffic regulation orders (sealing is not required.)</p> <p>To be responsible for the management of the Council's highways contracts and the delivery of an annual programme of works agreed in consultation with the relevant Cabinet Member</p>		

**Table D (Planning and Regulatory / Licensing Legislation)**