

PART 3 - SCHEME OF DELEGATION TO OFFICERS

FUNCTIONS DELEGATED TO OFFICERS

Preamble

The full Council or the Cabinet have delegated the following functions to officers of the Council.

All delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed by the Cabinet or appropriate Committee.

Any action under these delegations shall strictly be in accordance with:

- (a) policies approved by the Council, the Leader, Cabinet, a Cabinet Member or a Council committee
- (b) the approved budget and approved management and business plans
- (c) the Council's Financial Regulations, Standing Orders and Contract Rules.

When exercising delegated powers on key matters, officers should maintain a close liaison with the relevant Cabinet Member and refer any proposed action to the Leader, Cabinet Member, or the Cabinet if so required by the Leader or the relevant Cabinet Member.

Delegations to the Chief Executive and Corporate Director of Administration

The Chief Executive and Corporate Director of Administration is the officer responsible and accountable for:

- Working closely with the Leader of the Council and Cabinet to agree strategy and targets for the Council
- Providing leadership and direction in the achievement of the Council's strategic objectives
- Managing highest level external relationships
- Supporting other Corporate Directors to address specific priority issues

Specific delegations are:

1. To be the Council's Head of Paid Service for the purposes of the Local Government and Housing Act 1989.

2. To authorise generally or on any particular occasion an officer to exercise the delegated powers of any other officer.
3. To give directions that a delegated power shall or shall not be exercised in a particular way and on the application of delegated powers in general, except any power vested in the Corporate Director of Social Care and Health and the education functions which are the responsibility of the Deputy Chief Executive and Corporate Director of Residents Services.
4. To agree the terms and conditions of employment of all staff (other than the Chief Executive and Corporate Director of Administration) and the creation, deletion or amendment of all the Council's HR policies and procedures except that any proposals for enhanced retirement packages shall be referred to the Pensions Committee for decision.
5. To suspend the statutory s151 Officer and Monitoring Officer pending an immediate summoning of the Investigations and Disciplinary Committee.
6. In respect of a Council capital project or revenue service, where an emergency or exceptionally urgent situation arises in relation to a commercial contract where:
 - a) The Leader and Chief Executive and Corporate Director of Administration agree the urgency;
 - b) There is no Cabinet meeting imminent;
 - c) Any delay would seriously jeopardise the Council's finances or its ability to deliver services and;
 - d) A previous executive decision has been made or proposed in respect of the capital project or service provision concerned,

authority is granted to the Chief Executive and Corporate Director of Administration, subject to the written agreement of the Leader of the Council, to incur expenditure and make any new and necessary contractual decisions in order to secure the successful delivery of the project or service.

In such instances, the Council's Procurement and Contract Standing Orders can be waived. Any decisions taken must be reported to a subsequent Cabinet meeting for formal ratification.

7. To be responsible and accountable for the following services:
 - Democratic Services
 - Communications
 - Policy, Performance and Partnerships
 - Human Resources
 - Legal Services

8. The Chief Executive and Corporate Director of Administration has, in accordance with Section 101 of the Local Government Act 1972, sub-delegated the day to day responsibility for managing the services set out above to those officers who report directly to her.

The delegations to the Borough Solicitor and the Head of Democratic Services are detailed in this Part of the Constitution. They are also set out in the Chief Executive and Corporate Director of Administration's Internal Scheme of Delegations where the sub-delegations to her other Heads of Service can also be found.

9. In conjunction with the Leader, to oversee the Hillingdon Improvement Programme and authorise expenditure on it.

Delegations to the Deputy Chief Executive and the Corporate Director of Residents Services

The Deputy Chief Executive and the Corporate Director of Residents Services is the officer responsible and accountable for:

- Transportation and Planning Policy
- Public Safety
- Adult Education
- Libraries
- Culture, Sport, Leisure
- Corporate Property and Construction
- Environment
- Highways & Green Spaces
- Consumer Protection
- ICT and Business Services
- Education
- Youth Services
- Planning
- Trading Standards
- Environmental Protection
- Housing [which includes maintenance, management and housing needs]
- Anti-fraud and anti-corruption measures and enforcement in all areas across the whole Council

The Deputy Chief Executive and Corporate Director of Residents Services will specifically assist the Leader and the Chief Executive in relation to resident facing corporate working across the Council.

The Deputy Chief Executive and Corporate Director of Residents Services, in conjunction with the Leader, will oversee the Business Improvement Delivery Programme and authorise expenditure on it.

The Deputy Chief Executive and Corporate Director of Residents Services, in conjunction with the Leader of the Council and Cabinet Member for Finance, Property and Business Services will oversee the development, construction and use of land and property assets across all Council Directorates, including the Housing Development Programme and be responsible for all such reporting to Members.

The Deputy Chief Executive and Corporate Director of Residents Services has the delegated authority to deputise for the Council's Chief Executive and Corporate Director of Administration in her absence.

The Deputy Chief Executive and Corporate Director of Residents Services has, in accordance with Section 101 of the Local Government Act 1972, sub-delegated the day to day responsibility for managing the services set out above to those officers who report directly to her. The sub-delegations are set out in full in the Deputy Chief Executive's Internal Scheme of Delegations.

Specific Delegations, which may be sub-delegated, include:

1. To take all procedural steps necessary prior to deciding whether to give a direction to admit a child in the borough to a specified voluntary aided or foundation school in accordance with section 97 of the School Standards and Framework Act 1998.
2. To issue a direction to admit a child in the borough to a specified voluntary aided or foundation school in accordance with section 96 of the School Standards and Framework Act 1998.
3. To request an Academy to admit a child in the Borough to it.

Delegations to the Corporate Director of Social Care and Health

The Corporate Director of Social Care and Health is the officer responsible and accountable for:

- Adult Services
- Health
- Access and Assessment
- Personalised Services
- Improvement in social care
- Children and Families

The Corporate Director of Social Care and Health is to be responsible for all social services functions by being designated both the statutory Director of Adult Social Services and the statutory Director of Children's Services.

Specifically, the Corporate Director of Social Care and Health is:

1. To be responsible for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended).
2. To have overall responsibility for those functions which relate to children which are set out in:
 - a) The Children Act 2004 and in particular Section 18;
 - b) Such other functions conferred on or exercisable by the Council as may be prescribed by the Secretary of State by regulation or which the Council may consider appropriate.

The Corporate Director of Social Care and Health has, in accordance with Section 101 of the Local Government Act 1972, sub-delegated the day to day responsibility for managing the services set out above to those officers who report directly to her. The sub-delegations are set out in full in the Corporate Director of Social Care and Health's Internal Scheme of Delegations.

General Delegations to the Chief Executive, Deputy Chief Executive and the Corporate Directors of Social Care and Health and Finance

These delegations are to the Chief Executive, the Deputy Chief Executive and the Corporate Directors of Social Care and Health and Finance who may discharge the function through one of his/her staff.

1. To take any steps necessary for the day to day management and administration of any matters within the designated area of responsibility and to take overall responsibility for the performance of their service area.
2. To take all such action as ordinarily falls within the scope of professional responsibility and deal with all other matters delegated or to be delegated by Council, Cabinet, Cabinet Member or the Chief Executive and Corporate Director of Administration.
3. To manage any budget for which the Deputy Chief Executive/Corporate Directors have lead responsibility within the approved cash limit, provided that no action is taken which would result in growth in future years or which would affect a budget which is not under the chief officer's direct control. This includes authorising virements in accordance with the Budget and Policy Framework Procedure Rules which can be found in Part 4 of the Constitution.
4. To exercise the council's functions in obtaining registrations, licences, certificates or other similar documents required by the council, its

officers or in respect of its premises from any authority or body not being the council.

5. To exercise the council's right of objection against any application made by third parties for registration, certificates, licences, orders and other similar matters.
6. To register, issue or grant licences (not being occupational licences), notices, certificates, orders or similar documents which the council are authorised or required to register, issue, grant, give or make by or under any enactment.
7. To exercise discretion in writing off or remitting in whole or in part debts of up to £5,000 due to the council, but only after all reasonable steps to recover them have been taken.
8. Within their designated area of responsibility and subject to 1) any corporate property standards, 2) Procurement and Contract Standing Orders and 3) the agreement of the Deputy Chief Executive and Corporate Director of Residents Services to acquire or grant easements and leases for a term not exceeding seven years less 2 days and to acquire or dispose of any other interests in land the value of which does not exceed £10,000.
9. Subject to compliance with any corporate property standards and the Procurement and Contract Standing Orders, to take any steps for the proper and effective management of such property falling within their designated area of responsibility, subject to the agreement of the Deputy Chief Executive and Corporate Director of Residents Services.
10. In accordance with the Council's Personnel Procedures, but subject to the Officer Employment Procedure Rules, to appoint to, dismiss from and amend posts within the chief officer's area of responsibility.
11. In accordance with the Council's HR Procedures to suspend, other than the three Statutory Officers, Chief Officers and Deputy Chief Officers within their area of responsibility.
12. To agree compensation payments not exceeding £1000 under the Council's Complaints Procedure.
13. To make decisions in respect of quotations, tenders, consultants, agency & temporary workers and contracts in accordance with the Procurement and Contract Standing Orders – Schedule H.
14. To exercise all of the powers of Approved Officers for the purposes of the Procurement and Contract Standing Orders.
15. To enter into agreements, on behalf of the Council incurring match funding or a revenue commitment from the Council, subject to the

Cabinet having previously agreed the proposal including the final level of Council commitment.

16. In conjunction with the Leader and relevant Cabinet Member, to sign-off expenditure for approved Initiatives.

Delegations to the Corporate Director of Finance

1. To act as and exercise the functions of the “chief finance officer” meaning the officer designated under section 151 of the Local Government Act 1972. These functions include:
 - (a) Responsibility for general grants, accounting systems, corporate accounts, external audit liaison and insurance.
 - (b) Responsibility for the medium term financial forecast, budget preparation and monitoring, financial appraisals of all service areas and VAT.
 - (c) Responsibility for income collecting arrangements including rents, council tax, business rates, service charges, mortgages, education recoupmnt and social care charges.
2. To exercise the Council’s functions regarding the demanding of National Non-Domestic Rate and the Council Tax and the collection and recovery of all sums owing in respect thereof and regarding all matters involving valuation for rating purposes, and for these purposes to authorise officers to represent the Council in magistrates’ courts, the Local Valuation Court or the Valuation and Community Charge Council Tax, Tribunals.
3. To implement the Council’s Treasury Management Strategy which has adopted CIPFA’s “Code of Practice for Treasury Management in Local Authorities” and to control all money in the hands of the Council in accordance with this CIPFA code by taking all executive decisions on borrowing, investment or financing including, without limitation, the power: -
 - (i) to raise money pursuant to any authority to borrow.
 - (ii) to make temporary investments of monies by way of loan provided proper security is deposited with the Council’s bankers.
 - (iii) to make advances from the Consolidated Loans Fund or other funds held by the Council.
 - (iv) to buy or sell investments of any kind.
4. To have regard to CIPFA’s “Prudential Code for Capital Finance in Local Authorities” when considering all matters relating to capital finance, as defined by Part 1 of the Local Government Act 2003. This involves establishing procedures to monitor performance against all forward looking prudential indicators and ensuring that the following

matters are taken into account when prudential indicators are set or revised: -

- i. Affordability;
- ii. Prudence and sustainability;
- iii. Value for money;
- iv. Stewardship of assets;
- v. Service objectives; and
- vi. Practicality.

5. To administer and manage the council's pension fund in accordance with the regulations and with policy set by the pensions committee.
6. To administer any funds which are approved by the council and which are pursuant to the effective management of the council's finances.
7. To review and amend Financial Regulations.
8. To set the rate of interest for mortgages and loans.
9. To be responsible for all aspects of payroll provision.
10. To be responsible for the calculation and payment of all benefits, including council tax, housing, community care grants, other general grants and the universal credit.
11. To be responsible for internal audit.
12. To be responsible for the procurement and commissioning of all contracts for the delivery and supply of all services to the Council and its residents including social care, housing and education.
13. To be responsible, in conjunction with the Head of Policy, Performance and Partnerships for local business support and regeneration. (Economic Development)
14. The Corporate Director of Finance has, in accordance with Section 101 of the Local Government Act 1972, sub-delegated the day to day responsibility for managing the services set out above to those officers who report directly to him. The sub-delegations are set out in full in the Corporate Director of Finance's Internal Scheme of Delegations.

Delegations to the Borough Solicitor

1. To be the Council's Monitoring Officer for the purposes of the Local Government and Housing Act 1989.
2. To institute any legal or formal proceedings on behalf of the Council which the Council could institute and to defend any prospective or

actual legal or formal proceedings instituted against the Council, its members or officers and to appear by Counsel or in person or to authorise an officer to so appear in any proceedings and to verify a document by signing a Statement of Truth under the Civil Procedure Rules on behalf of the Council and to settle any actual or prospective proceedings.

3. To certify copies of original documents for use in court proceedings.
4. To suspend the Chief Executive pending an immediate summoning of the Investigations and Disciplinary Committee
5. To authorise, on behalf of the local authority, any Officer to be appointed to the office of Governor or Director at an Academy.

Delegations to the Head of Democratic Services

1. To act as the Electoral Registration Officer and the (Acting) Returning Officer for local and other elections.
2. To act as the proper officer for the registration of Births, Deaths and Marriages.
3. To certify the minutes of the Council, a committee or sub-committee and any report to such a meeting as a true copy.
4. To designate approved duties for Members to claim travelling, subsistence and dependent care allowances.
5. To make arrangements to hear appeals against pupil exclusions and appeals by Governing Bodies.

Proper Officers for the Purposes of the Constitution

1. Officer to be advised of the Mayor's view that a matter is one that ought to be treated as a key decision – Head of Democratic Services.
2. Officer to ensure that Access to Information rules as set out in the constitution are adhered to – Monitoring Officer.
3. Officer to act as proper officer for registration of Births, Deaths and Marriages – Head of Democratic Services.
4. Officer to be requested to call Council meetings in addition to ordinary meetings - Head of Democratic Services.
5. Officer to be notified of the name of the person to whom it is proposed to make an offer of appointment as Chief Executive, Chief Officer and Deputy Chief Officer, Head of Human Resources.

6. Officer to notify every member of the Cabinet of the name of a person to whom it is wished to make an offer of appointment as Chief Executive, Chief Officer and Deputy Chief Officer, and to whom any objections by the Leader to the proposal can be made – Head of Human Resources.
7. Officer to be notified of the name of the person to whom it is proposed to dismiss as Chief Executive, Chief Officer and Deputy Chief Officer – Head of Human Resources.
8. Officer to notify every member of the Cabinet of the name of a person [Chief Executive, Chief Officer or Deputy Chief Officer] who it is proposed to dismiss, and to whom any objections by the Leader to the proposal can be made – Head of Human Resources.
9. Officer to refer firm proposals for the budget and policy framework to Council for decision – Head of Democratic Services.