

Part 3

Responsibility for Functions and Scheme of Delegation

SECTIONS

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SECTION 1

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Decision making body	Membership	Delegation of functions
The functions specified in Schedule 2 to The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended ("the Functions Regulations")			
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Functions Regulations	Cabinet	8 members of the Cabinet	The relevant Assistant Director/Head of Service for the function concerned
The determination of an appeal against any decision made by or on behalf of the authority	Regulatory Committee	14 members of the Authority	Local Government Pension Scheme Regulations: the "Appointed Person".
The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	Regulatory Committee	14 members of the Authority	Head of Democratic Services
The making of arrangements pursuant to Section 52 of the Education Act 2002 and relevant regulations (appeals against exclusion of pupils)	Regulatory Committee	14 members of the authority	Head of Democratic Services
The making of arrangements pursuant to Section of the School Standards and Framework Act 1998 and relevant regulations (admission appeals)	Regulatory Committee	14 members of the Authority	Head of Democratic Services

The making of arrangements pursuant to section 95(2) of, the School Standards Framework Act 1998 and relevant regulations ((appeals by governing bodies)	Regulatory Committee	14 members of the Authority	Director of Education, Children's and Cultural Services
Any function relating to contaminated land	Cabinet	8 members of the Cabinet	Assistant Director Development and Street Scene
The discharge of any function relating to the control of pollution or the management of air quality	Cabinet	8 members of the Cabinet	Assistant Director Development and Street Scene
The service of an abatement notice in respect of a statutory nuisance	Regulatory Committee	14 members of the Authority	Assistant Director Community Service Operations (for residential premises) Assistant Director Development & Street Scene.
The passing of a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Regulatory Committee	14 members of the Authority	Assistant Director Community Service Operations (for residential premises) Assistant Director Development & Street Scene (for all other property)
The inspection of the authority's area to detect any statutory nuisance	Regulatory Committee	14 members of the Authority	Assistant Director Community Service Operations (for residential premises) Assistant Director Development & Street Scene (for all other property).
The investigation of any complaint as to the existence of a statutory nuisance	Regulatory Committee	14 members of the Authority	Assistant Director Community Service Operations (for residential premises) Assistant Director Development & Street

			Scene (for all other property).
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Planning Committee	9 members of the Authority	Head of Development and Enforcement, in respect of general development control functions and trees Assistant Director Development and Street Scene of listed buildings
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Regulatory Committee	14 members of the Authority	Assistant Director Community Service Operations (for residential property) Assistant Director Parks, Property and Procurement (for all other property) Head of Legal and Electoral Services where legal proceedings may be required
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Highways Act)	Cabinet		Assistant Director Traffic & Transport
The making of agreements for the execution of highways works	Cabinet	8 members of the Cabinet	Assistant Director Traffic and Transport
The appointment of members to any Committee or other body which is to be appointed by the Council under this Constitution and the revocation of such appointment	Council	All members of the Authority	
The appointment of an individual to any body (whether a sub-committee, consultative body or an external body) in respect of functions which are delegated by the Council under Section 2 of this Part to a Committee or body	The Committee or other body appointed by the Council	The members of the Committee or other body concerned	

SECTION 2

NON-EXECUTIVE FUNCTIONS OF THE COUNCIL

Committee <i>[See end of Section for Terms of Reference]</i>	Membership	Functions The functions specified in regulation 2 and schedule 1 to The Local Authorities (Functions and Responsibilities) Regulations 2000 as amended ("the Functions Regulations")	Delegation of Functions
Planning Committee	9 members of the Authority	Planning and Development Control Functions relating to town and country planning and development control as specified in regulation 2 and section A of Schedule 1 to the Functions Regulations	Head of Development and Enforcement and/or the Development Control Manager, except in respect of the following:- Paragraphs A 23, 25 and 27 of Schedule 1 (relating to building preservation notices, the acquisition of or repairs to listed buildings and powers of urgent works) which are functions of the Assistant Director Development and Street Scene The following matters are reserved to the Planning Committee: (i) A planning application or other matter within section A of Schedule 1 to the Functions Regulations which is reserved for consideration by Planning Committee by a Councillor who gives a planning reason for such reservation within fourteen days of a notification being issued to Councillors, or (ii) A planning application or other matter within section A of Schedule 1 to the Functions Regulations which is made by or on behalf of the Council (other

			<p>than (a) the approval of details under conditions already imposed which are delegated to Head of Development and Enforcement) and/or the Development Control Manager and (b) applications submitted other than by the Environment Directorate and which clearly comply with Supplementary Planning Guidance and/or provisions of the adopted Development Plan or interim policy/ies and to which no objection has been received or where an objection has been received but the third parties objecting to the application do not indicate a wish to address the Planning Committee</p> <p>(iii) A planning application which departs significantly from the provisions of the adopted Development Plan or interim policy/ies and/or Supplementary Planning Guidance except where officers are recommending refusal.</p>
			<p>(iv) Where officers recommend a decision contrary to the submitted written views of interested third parties or consultees, except when:-</p> <p>(a) the views expressed do not relate to material planning considerations; or</p> <p>(b) the application is substantially the same description, nature and scale as a previous application proposal which has received a decision from the authority or the Planning Inspectorate or Secretary of State within the</p>

			<p>preceding two year period, and the Head of Development and Enforcement /or the Development Control Manager, proposes to make a similar decision; or</p> <p>(c) applications are householder/non major applications which are clearly in accordance with any Supplementary Planning Guidance and/or policies in the adopted Development Plan or interim policy/ies notwithstanding that third parties expressing a view indicate a wish to address the Planning Committee</p> <p>.</p> <p>PROVIDED THAT in cases iii) and iv) (c) above the Head of Development and Enforcement and/or the Development Control Manager shall first decide whether such application should be determined under delegated authority or should be referred to the Planning Committee</p> <p>(d) applications are clearly contrary to any Supplementary Planning Guidance and/or policies in the adopted Development Plan or interim policy/ies (notwithstanding that third parties expressing a view indicate a wish to address the Planning Committee and subject to iii) above)"</p> <p><u>Enforcement, etc</u></p> <p>The functions specified in regulation 2(3) (enforcement action) and 2(4) (amendment, modification or revocation of a permission etc.) of the</p>
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			<p>Functions Regulations are delegated to the Head of Development and Enforcement as follows:</p> <ul style="list-style-type: none">(a) commencement of summary proceedings in respect of advertisements displayed in contravention of the Advertisement Regulations and service of Discontinuance Notices under the provisions of those regulations(b) service of a breach of condition notice and issue court proceedings in the event of non-compliance with the Notice(c) service of a planning contravention notice(d) enforcement action in respect of non-compliance with conditions and minor works, such as satellite dishes, aerials, vehicular crossovers, extraction equipment, balconies, sheds and similar small buildings, plant or installation(e) enforcement action in respect of all householder development and changes of use where the development taken place is clearly contrary to Supplementary Planning Guidance and/or adopted Development Plan or interim policy/ies(f) to require proper maintenance of land under S215 of the Town and Country Planning Act 1990(g) to authorise entry onto land under Section 220 of the Town and Country Planning Act 1990 and the
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		<p>Tree Preservation and Hedgerows Functions relating to the preservation of trees and the protection of important hedgerows, as specified in sections A and I of Schedule 1 to the Functions Regulations</p>	<p>Town and Country Planning (Control of Advertisements) Regulations 1992 or subsequent superseding legislation</p> <p>(g) service of an enforcement notice in relation to demolition of unlisted buildings in Conservation Area</p> <p>(i) subject to the agreement of the Chair of the Planning Committee (or the Vice-Chair in his/her absence), service of a stop notice or an injunction to stop unauthorised development when urgent action is required</p> <p>(j) service of a Temporary Stop Notice to stop unauthorised development when urgent action is required</p> <p>(k) to decide not to proceed with enforcement action in respect of unauthorised development covered by Supplementary Planning Guidance which is clearly in accordance with that guidance and/or is clearly in accordance with the provisions of adopted Development Plan or interim policy/ies.</p> <p>Subject to no request from a Member to refer the matter to the Planning Committee for decision</p> <p>Head of Development and Enforcement</p>
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<p>Regulatory Committee</p>	<p>15 members of the Authority</p>	<p>Highways use and regulation The exercise of powers relating to all highways, footpaths and bridleways, paths, crossings (including as to maps thereof) as set out in regulation 2 and sections B and I of Schedule 1 to the Functions Regulations</p>	<p>Assistant Director of Environment (Traffic and Transport) for the functions under paragraphs I.16 – I.22 of Schedule 1 to the Functions Regulations, which relate to the use of highways (including footpaths, etc)</p> <p>Assistant Director for Environment (Traffic and Transport) for the functions under paragraphs I.24 – I.26 of Schedule 1 to the Functions Regulations to consider all the relevant evidence and decide whether to amend the Definitive Map and Statement of Rights of Way by making a Definitive Map Modification Order.</p>
<p>Council</p>	<p>All members of the authority</p>	<p>Commons Registration The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations</p> <p>Functions relating to elections The exercise of functions relating to elections as set out in paragraphs 1, 6, 8, 9 and 17 of section D of Schedule 1 to the Functions Regulations as to the appointment of the electoral registration officer, the appointment of the returning officer for local elections, and as to polling districts and local election pilot schemes</p>	<p>Head of Legal & Electoral Services</p> <p>The Chief Executive shall be the Electoral Registration Officer for the Council and the Returning Officer for local elections</p>

<p>Regulatory Committee</p>	<p>14 members of the authority</p>	<p>Functions relating to elections The functions relating to elections (other than those of the Council) as set out in section D of Schedule 1 to the Functions Regulations</p>	<p>The Chief Executive in respect of paragraphs 7 and 13 of section D of Schedule 1 to the Functions Regulations, relating to assistance at European Parliament elections and the declaration of certain vacancies</p> <p>The Electoral Registration Officer in respect of paragraph 2 of section D of Schedule 1 to the Functions Regulations as to the assignment of officers to the electoral registration officer</p> <p>The appointed Returning Officer in respect of paragraphs 10, 12 and 14 of section D of Schedule 1 to the Functions Regulations, as to the holding of elections, the filling of certain vacancies and notices of casual vacancies</p> <p>The Head of Legal & Electoral Services in respect of paragraph 16 of section D of Schedule 1 to the Functions Regulations as to the fees for and conditions of supply of elections documents</p> <p>The Director of Finance & Corporate Services in respect of paragraph 11 of section D to the Schedule 1 to the Functions Regulations, as to the payment of the expenses of the Electoral Registration Officer</p>
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<p>Regulatory Committee</p>	<p>14 members of the authority</p>	<p>Gaming, entertainment, food and miscellaneous licensing Functions relating to licensing and registration as set out in regulation 2 and Schedule 1 to the Functions Regulations (other than in relation to highways)</p> <p>Closure of takeaways Power to make closing orders with respect to take-away food shops</p> <p>Health and safety Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the council’s capacity as employer</p> <p>Safety at Sports Grounds Functions relating to the safety of sports grounds within the meaning of Schedule 1 to the Functions Regulations</p> <p>Designation of places to combat alcohol-related disorder 1. To determine whether there are areas within the Borough to be considered for designation under Sections 12 to 16 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001, and to authorise the Assistant Director of</p>	<p>Assistant Director Development and Street Scene and/or Head of Licensing</p> <p>Director of Education, Children’s and Cultural Services in respect of licensing the employment of children</p> <p>Head of Commercial Environmental Health</p> <p>Assistant Director of Development and Street Scene and/or Head of Commercial Environmental Health</p> <p>Assistant Director of Development and Street Scene: and/or Head of Commercial Environmental Health</p> <p>Upon instruction from the Regulatory Committee, to undertake statutory consultation as set out in the legislation, to collate feedback and report back to the Committee; if the Committee agree designation, to take the necessary steps to bring designated areas into operation in accordance with the Regulations; to</p>
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		<p>Development and Street Scene to undertake the statutory consultation and to report back to the Committee on the outcome of such.</p> <p>2. To decide, following consultation, whether to proceed with designation of specified areas or not and, if so, to authorise the Assistant Director to take the necessary steps to bring the Order into operation.</p> <p>3. To consider monitoring reports and to consider increasing or decreasing the number of designated areas within the Borough.</p>	<p>monitor, with the co-operation of the Police, the impact of designation and report back to the Committee.</p>
Standards Committee	5 members of the Authority (excluding the Executive) and 6 independent and voting co-optees	Standards of Conduct and Probity	Head of Legal & Electoral Services
		<p>(1) promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;</p> <p>(2) assisting the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct and associated local Members' Protocols and Guidance;</p> <p>(3) advising the Council on the adoption or revision of the Members' Code of Conduct and associated local Members' Protocols</p>	

		<p>and Guidance;</p> <p>(4) monitoring and reviewing the operation of the Members' Code of Conduct and associated local Members' Protocols and Guidance;</p> <p>(5) developing for recommendation to the Council local protocols and guidance to supplement the Members' Code of Conduct;</p> <p>(6) enforcing local protocols and applying sanctions in respect of breaches as appropriate;</p> <p>(7) advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct and associated local Members' Protocols and Guidance;</p> <p>(8) granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct and associated local Members' Protocols and Guidance;</p> <p>(9) dealing with any reports from a Case Tribunal or interim Case Tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;</p> <p>(10) To keep under review, amend and make additional provisions to the Protocol</p>	
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		<p>on Member/Officer relations;</p> <p>(11) To monitor the Officers' Code of Conduct to ensure consistent application and enforcement Council-wide;</p> <p>12l) general overview of probity matters arising from Ombudsman reports, Monitoring Officer reports and Audit Commission reports.</p>	
Investment Committee	5 Members of the Authority	<p>Pensions Functions relating to local government pensions etc. as set out in the Functions Regulations</p>	<p>The Director of Finance & Corporate Services and/or Assistant Director of Finance (and also on his behalf the Pensions Manager) is authorised to interpret and implement the statutory provisions within the Local Government Pension Scheme Regulations.</p> <p>Within the policies set by the Investment Committee the Director of Finance & Corporate Services and/or Assistant Director of Finance is also authorised to arrange and oversee the investment of the Pension Fund.</p>
Council	All members of the authority	<p>Appointment of staff Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal)</p>	<p><u>Appointments and conditions:</u> Heads of Service, in accordance with terms set by the Council, under the overall guidance of the Chief Executive as Head of Paid Service, in consultation with the Corporate Head of Human Resources and within budgets. Corporate Head of Human Resources for those</p>

			<p>matters delegated to that post under Section 4 n the Scheme of Delegation</p> <p><u>Restructuring</u> (within Department and within budget): Directors</p> <p><u>Procedures for dismissal</u>: Corporate Head of Human Resources, in consultation with the Head of Paid Service, to determine the procedures to apply for dismissal of employees. Corporate Director to authorise the dismissal or suspension of employees, subject to the application of the procedures</p>
Appointments Committee	7 or 5 members of the authority (including at least 1 member of the Executive)	Appointment of Senior Management	In relation to the appointment of the Chief Executive, Directors and Assistant Directors/Heads of Service (as listed in Part 4 of this Constitution), with the appointment of Chief Executive being subject to confirmation by the Council
Regulatory Committee	14 members of the authority	Maladministration Power to make payments or provide other benefits in cases of maladministration etc. as set out in the Functions Regulations	Assistant Directors/Heads of Service, with the agreement of the Head of Legal and Electoral Services and in accordance with a protocol to be agreed from time to time by the Regulatory Committee

<p>Council</p>	<p>All members of the authority</p>	<p>Head of Paid Service Duty to designate officer as the head of the authority's paid service and to provide staff, etc</p> <p>Financial Affairs Duty to make arrangements for the proper administration of financial affairs etc</p> <p>Monitoring Officer Duty to designate officer as the authority's Monitoring Officer and to provide staff, etc</p> <p>Proper Officers Power to appoint officers for particular purposes (appointment of "proper officers")</p>	<p>Chief Executive, except that the Council shall authorise Proper Officer functions where those are to be performed by the Chief Executive</p>
<p>Council</p>	<p>All members of the authority</p>	<p>Power to change the name of the borough</p> <p>Power to admit to be an honorary freeman of the borough In accordance with Section 249 of the Local Government Act 1972</p> <p>Local or personal Bills Power to promote or oppose local Bills in Parliament</p> <p>Standing Orders The power to make and amend standing orders and standing orders on contracts</p> <p>Members' allowances Matters relating to members' allowances</p>	
<p>Statutory Accounts Committee</p>	<p>5 members of the authority</p>	<p>Statement of Accounts The duty to approve the council's statement of accounts, income,</p>	

		expenditure and balance sheet or record of receipts and payments (as the case may be) under the Accounts and Audit Regulations	
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NOTE

In accordance with the Functions Regulations the following are NOT to be functions of the Executive.

1. Regulation 2(2)

The functions of-

(a) imposing any condition, limitation or other restriction on an approval, consent licence, permission or registration granted either-

- in the exercise of a function set out in this section, or
- other than by the Executive, in the exercise of any function under a local Act

and

(b) determining any other terms to which any such approval, consent, licence, permission or registration is subject

2. Regulation 2(3)

The function of determining whether, and in what manner, to enforce-

(a) any failure to comply with an approval, consent, licence, permission or registration granted as in 1. above

(b) any failure to comply with any condition, limitation or term to which any such approval, consent, licence, permission or registration is subject, or

(c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Executive

3. Regulation 2(4)

The function of-

- (a) amending, modifying or varying any such approval, consent, licence, permission or registration as mentioned in 1. above, or any condition, limitation or term to which it is subject, or
- (b) revoking any such approval, consent, licence, permission or registration

4. Regulation 2(6)(d) and (e)

The functions of determining-

- (a) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of the Executive, and
- (b) where a charge is made for any such approval, consent, licence, permit or registration, the amount of such a charge

5. Regulation 2(5) and 2(6)

The functions relating to members allowances as set out in paragraphs 2(5) and 2(6) of the Functions Regulations are not to be the responsibility of the Executive.

6. Regulation 2(8)

Subject to any regulations to be made under section 20 of the Local Government Act 2000, the functions of-

- (a) making arrangements for the exercise of the functions of more than one authority jointly under section 101(5) of the Local Government Act 1972, and
- (b) making appointments to committees or joint committees under section 102 of the Local Government Act 1972

7. Regulation 2(11)

Unless the Functions Regulations indicate otherwise, any functions reserved to the full Council under legislation which pre-dates the regulations

8. Regulations 4 and 5

Functions which are under regulations 4 and 5 of the Functions Regulations not the responsibility of the Executive in certain circumstances.

COMMITTEE TERMS OF REFERENCE:

Planning Committee

To determine applications for planning permission, Listed Building Consent, Conservation Area Consent, Tree Preservation Orders, Enforcement and Planning Control and consultations from other bodies, and agreements made under Section 106 of the Town and Country Planning Act 1990.

Regulatory Committee

- (a) To determine appeals against any decision made by or on behalf of the authority.
- (b) To exercise the Council's functions in respect of licensing and registration.
- (c) To oversee the Council's functions in respect of health and safety (except in the Council's capacity as employer), dealing with statutory nuisance, the regulation of the use of highways (including footpaths and bridleways) and commons registration.
- (d) To oversee those functions relating to elections other than those reserved to the Council.
- (e) To make, amend, revoke or re-enact byelaws.
- (f) To determine a protocol for making payments or providing other benefits in cases of maladministration.
- (g) To oversee the Council's powers in respect of the designation of public places under Sections 12 to 16 of the Criminal Justice and Police Act 2001 and associated Regulations.

Investment Committee

- (a) In relation to the Council's Superannuation Fund:
 - (i) To meet with the Director of Finance & Corporate Services and the Council's Actuary and Investment Advisors/Fund Managers and to be responsible for long term strategy and performance review.
 - (ii) To develop and implement ethical investment and corporate governance policies.
 - (iii) To consider other management and operational matters.
- (b) To comment upon proposals to amend the Local Government Superannuation Scheme.

Appointments Committee

To deal with the appointment of the Chief Executive (subject to confirmation by the Council), Chief Officers and Deputy Chief Officers (i.e. those posts listed in the Annex to Officer Employment Procedure Rule 4).

Audit Committee

- (a) To receive reports from the External Auditor, and to consider the External Audit Annual Management Letter and reports, making suggestions for improvement in practice to Council and / or Executive as required as a result of those reports.
- (b) To consider reports from the Head of Internal Audit on internal audit reviews undertaken in accordance with the Annual Audit Plan.
- (c) To consider reports from the Head of Internal Audit on all Priority 1 recommendations arising from audit reviews, and follow up on Priority 1 recommendations not implemented within a reasonable timescale, and making recommendations to the Executive where deemed necessary to ensure best financial practice is applied across the authority.
- (d) To consider the annual internal audit strategy and annual audit plan and make any suggestions for work activities as appropriate.
- (e) To consider the Head of Internal Audit's annual report and assurance opinion and a summary of internal audit activity (actual and proposed), together with the level of assurance it can give over the Council's corporate governance arrangements, making recommendations to the Executive on any areas of concern arising.
- (f) To monitor the effective development and operation of risk management policies in the Council, making recommendations to the Executive where risk management procedures are considered to not be working effectively.
- (g) To monitor the Council's arrangements to protect the Council from fraud and corruption, including the Anti Fraud & Corruption Policy and the Raising Concern at Work (Whistle Blowing) Policy.
- (h) To review and approve the Annual Governance Statement and recommend it for signature by the Chief Executive and the Leader of the Council for publication in the Statement of Accounts.
- (i) To review the Treasury Management Policy and Strategy and make recommendations on risk control measures.
- (j) Any other audit related responsibilities as may from time to time be allocated.

Standards Committee

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives.
- (b) Assisting the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct and associated local Members' Protocols and Guidance.
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct and associated local Members' Protocols and Guidance.
- (d) Monitoring and reviewing the operation of the Members' Code of Conduct and associated local Members' Protocols and Guidance.

- (e) Developing for recommendation to the Council local Members' protocols and guidance to supplement the Members' Code of Conduct.
- (f) Enforcing local protocols and applying sanctions in respect of breaches as appropriate.
- (g) Advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct and associated local Members' Protocols and Guidance.
- (h) Granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct and associated local Member's Protocols and Guidance.
- (i) Dealing with any reports from a Case Tribunal or interim Case Tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer.
- (j) To keep under review, amend and make additional provisions to the Protocol on Member/Officer relations.
- (k) General overview of probity matters arising from Ombudsman reports, Monitoring Officer reports and Audit Commission reports.

Protocol Complaints Sub-Committee

1. Terms of Reference

- (a) The Protocol Complaints Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Planning and Licensing Protocols.
- (b) The Sub-committee may adopt any appropriate procedure, adjourn as it sees fit and may refer the matter for further information
- (c) Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall come to one of the following decisions:
 - (i) That the Member who was the subject of the allegation had not failed to comply with the Authority's Protocol;
 - (ii) That the Member who was the subject of the allegation had failed to comply with the Authority's Protocol but that no action needs to be taken in respect of the matters considered by the sub-committee;
 - (iii) That the Member who was the subject of the allegation had failed to comply with the Authority's Protocol and that a local sanction is required.
- (d) Where the Sub-Committee makes the finding in Paragraph 1(b) (iii) above, the Sub-Committee shall apply any one of, or any combination of, the following local sanctions:

- (i) That the member is censured;
 - (ii) That the member submits a written apology in a form specified by the Sub-Committee;
 - (iii) That the member is required to attend on a named person for advice;
 - (iv) That the member is referred to the Leader of his or her Political group for further action
 - (v) That the member undertakes such training as the Sub-Committee specifies.
- (e) Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b), (c) above, the Sub-Committee shall state its reasons for that decision.
- (f) Where the member fails to act on the sanctions prescribed, the sub-committee reserves the right to apply further sanctions or remit the matter to the Standards Committee.

2. Composition of the Protocol Complaints Sub-Committee

The Protocol Complaints Sub-Committee shall comprise 3 members, of whom 1 shall be an independent member of the Standards Committee, who shall chair the Sub-Committee, and 1 shall be an elected member, appointed to the Standards Committee, of the Authority. The third member shall be either an Independent member or an elected member, appointed to the Standards Committee, of the Authority.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chair, and at least one elected Member, appointed to the Standards Committee, of the Council.

4. Substitutes

In the event that an appointed member of the Sub-committee is unable to attend a meeting, any independent member of the Standards Committee may substitute for another independent member, and any elected member of the Standards Committee may substitute for any elected member.

5. Frequency of Meetings

The Sub-Committee shall meet on an ad hoc basis as required.

Statutory Accounts Committee

To carry out the following functions on behalf of the Full Council:

- (a) To approve the annual Statement of Accounts of the Authority in accordance with the Accounts and Audit Regulations (2003) (or as subsequently amended).
- (b) To consider any report from the Council's external auditors in respect of Statement of Auditing Standards 610 "Reporting to those charged with governance" (or equivalent in future) and agree any action necessary as a result of such a report.
- (c) To consider any other matters in respect of the preparation, approval and audit of the Statement of Accounts that require consideration by the Council and agree any appropriate action as necessary.

THE FOLLOWING TERMS OF REFERENCE ARE COMMON TO ALL OVERVIEW AND SCRUTINY COMMITTEES (and are referred to below as "the Overview and Scrutiny role"):

1. To consider and call in decisions relating to the discharge of executive functions before those decisions are put into effect. The Committee can ask the Executive to reconsider any such decision, or, exceptionally, refer it to full Council (if the Committee believes it to be contrary to the Policy Framework/Budget or considers that it was a Key Decision but not dealt with as such by the Executive).
2. To consider decisions relating to the discharge of executive functions after they are put into effect.
3. To consider the Forward Plan and comment as appropriate to the decision-maker on Key Decisions (before they are taken by the Executive).
4. To conduct reviews of policy, services or aspects of service where there is an identifiable need.
5. To make suggestions on the development of policies and suggest new policies where appropriate.
6. To identify areas of concern to the community within their remit and to instigate an appropriate review process.
7. To review collaborative working arrangements with statutory and voluntary partner agencies.
8. To ensure that the local community is consulted, engaged and involved in the Council's decision-making process.

HEALTH, HOUSING AND ADULT SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Membership

9 Councillors, appointed on a proportional basis and non-voting co-optees. (to be appointed by the Committee in accordance with Overview & Scrutiny Procedure rules).

Terms of reference

To perform the Overview and Scrutiny role in relation to the following matters:

1. In the context of the Authority's role in health improvement and in reducing health inequalities, and with the focus on working with the NHS and other partners in the health and social care community to secure the continuous improvement of health services that impact upon health:
 - A. To scrutinise matters relating to the health of the Borough population and contribute to the development of policy to improve health and reduce health inequalities.
 - B. To undertake all the statutory functions relating to reviewing and scrutinising health service matters in accordance with Section 7 (and Regulations under that Section) of the Health and Social Care Act 2001, including, but not limited to:
 - responding to consultations on substantial developments or variations in services.
 - referring contested proposals for major service changes to the Secretary of State if Members are not satisfied as to the merits of such proposals or if consultation is felt to have been inadequate.
 - assessing whether all services are accessible to all parts of the local community.
 - C. To review and scrutinise the impact of the Authority's own services and of key partnerships on the health of its population.
 - D. To encourage the Council as a whole, the Cabinet and the other Overview & Scrutiny Committees to take into account the implications of their policies and activities on health and health inequalities.
 - E. To work with neighbouring authorities to review services which relate to more than one local authority.
 - F. To make reports and recommendations to the NHS, patients' representatives, the Council, the Cabinet and the other Overview & Scrutiny Committees, and to other relevant bodies and individuals, and to evaluate and review the effectiveness of its accepted recommendations.
 - G. In all of the above, to seek and take account of the views of the local population.
2. Social Services functions with regard to adults (as defined in legislation) including both the duties for assessment and the provision of social services to adults. These functions include the performance of the Local Authority's duties towards:
 - People with physical frailty due to ageing
 - People with physical disabilities
 - People with sensory impairment
 - People with learning disabilities

People with mental health needs(inc frailty due to old age)
People with long term conditions
People with autism spectrum disorder
Deaf and blind people
Older people with mental health problems, or learning disability

People who misuse substances
People who have experienced domestic violence
People living with HIV
Offenders
People with no fixed abode
Homeless households
Asylum Seekers

3. To assist the Executive in the development of the Health and Social Care Improvement Plan, Housing Investment Programme and Housing Strategy;
4. The “Supporting People” programme (enabling vulnerable people to improve their quality of life through greater independence);
5. Strategic housing functions including allocations, homelessness, rough sleepers, asylum seekers and the empty property register;
6. To review and scrutinise the performance of public bodies providing social housing in the area, request reports and information from them and request them to address the committee and local people about their activities and performance

EDUCATION AND CHILDREN’S SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Membership

9 Councillors, appointed on a proportional basis, 2 voting church representatives, up to 3 voting parent governor representatives and non-voting co-optees (to be appointed by the Committee in accordance with Overview & Scrutiny Procedure Rules).

Terms of reference

To perform the Overview and Scrutiny role in relation to the following matters:

1. All of the functions of the Council as an education authority under the appropriate Education Acts and all other relevant legislation in force from time to time;
2. All functions of the Council in so far as they relate to the provision of opportunities for education, training and learning outside the school environment including pre-school, adult and community learning and youth services, extended schools and children’s centres ;
3. To assist the Executive in the development of the Adult and Community Learning Plan and the Children and Young People’s Plan;
4. Social care services for children, young persons and children and young people with disabilities and learning difficulties and their families;

5. Youth offending services;
6. The monitoring of the performance of services in Education, Children's and Cultural Services.

ENVIRONMENT, SUSTAINABILITY AND COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE

Membership

9 Councillors, appointed on a proportional basis and non-voting co-optees (to be appointed by the Committee in accordance with Overview & Scrutiny Procedure Rules).

Terms of reference

To perform the Overview and Scrutiny role in relation to the following matters:

1. The physical environment of the Borough;
2. The provision, planning and management of parks and open spaces, allotments, cemeteries, pitches and other like facilities;
3. The physical regeneration of the area;
4. To assist the Executive in the development of the Council's planning policies (including the Local Development Framework and other plans for the use and development of land), the Food Safety Service Plan, Local Agenda 21 Strategy and Local Transport (Implementation Plan);
5. Planning, building control, transport, highways, waste management, recycling, conservation, biodiversity, safety education, licensing and registration, trading standards, consumer protection, environmental health functions;
6. Provision of transport services for client groups;
7. Concessionary fares;
8. Community Safety, crime and disorder in accordance with relevant legislation;
9. The provision and/or management of museums, art galleries, theatres, archives and local history activities, libraries, leisure centres, swimming pools and other like facilities;
10. All of the Council's functions in relation to cultural services to enhance the quality of life for local people;

FINANCE AND PERFORMANCE OVERVIEW AND SCRUTINY COMMITTEE

Membership

9 Councillors, appointed on a proportional basis and non-voting co-optees (to be appointed by the Committee in accordance with Overview & Scrutiny Procedure Rules).

Terms of reference

To perform the Overview and Scrutiny role in relation to the following matters:

1. To assist the Executive in the development of the Council's annual budget and to review and scrutinise the Council's performance in relation to budgetary management;
2. To assist the Council in the development of a medium term budget strategy;
3. To review the management of resources made available to the Council and to scrutinise its financial management, property and asset acquisition and disposal, and capital programme;
4. To scrutinise such formal strategies as from time to time may be required;
5. To promote procedures which ensure proper custodianship of Council finances, making recommendations to the Executive for best financial practice across the Council;
6. To review the operation of the Council's financial regulations/contract standing orders making proposals to the Executive and/or Council for their development;
7. Personnel strategies and policies;
8. The voluntary sector, partnerships, economic development, tourism, E-Government and IT, diversity/equalities, legal, any other cross-cutting portfolios that might be created and any functions not included within the remit of the other Overview & Scrutiny Committees;
9. To review and monitor Treasury Management performance;
10. The monitoring of the overall performance of the Authority.

SECTION 3

FUNCTIONS OF THE CABINET AND OF CABINET MEMBERS

Decisions of the Executive may be taken at the following levels, namely:-

- by the full Executive
- by the Leader of the Council
- by any committee or sub-committee of the Executive
- by an Executive Member authorised by the Executive
- by an officer authorised by the Executive
- by another authority on behalf of this authority
- by joint arrangements, such as a joint committee.

A. MATTERS ALLOCATED TO THE EXECUTIVE BY THE COUNCIL

This section lists those functions of the Executive which are reserved to the full Cabinet (the membership of which is):

Leader

Deputy Leader and Cabinet Member Finance and Resources

Cabinet Member for Performance

Strategic Cabinet Member Education, Youth and Children's Services

Cabinet Member Schools

Strategic Cabinet Member Community , Business and Culture

Cabinet Member Community Development

Cabinet Member Adult Services and Housing

Strategic Cabinet Member Environment, Planning, Parks and Highways

Cabinet Member Highways and Street Scene

STRATEGY ISSUES

- a) To develop a medium term financial strategy, with priorities and targets, over a rolling three year period to deliver the Community Plan and Corporate Plan.
- b) To recommend major new policies (and amendments or revisions of existing policies) to the Council for approval as a part of the Council's Policy Framework.
- c) To prepare and agree other policy plans for implementation.
- d) To initiate and guide reviews of the Council's Policy Framework, in particular the Community Plan, the Corporate Plan and the Community Safety Strategy.
- e) To lead the integration of strategic objectives and reduce the costs of administration.
- f) To make arrangements for the making of in-year changes to the Policy Framework, to the extent authorised by the Council.

RESOURCES ISSUES

- (a) To consider and recommend to the Council amendments to Financial Regulations
- (b) To recommend and review the Treasury Management policies and annual limits (including the Investment Strategy) and monitor performance regularly.
- (c) To oversee the preparation of financial forecasts and the monitoring of financial information.
- (d) To recommend to the Council the annual budget, including the Capital and Revenue Budgets, Prudential Controls and the level of Council Tax, bearing in mind what it considers it reasonable to ask local residents and businesses to pay.
- (e) To ensure that the annual budget is implemented and the underlying principles adhered to in any changes required from time to time and between annual budgets. Any in-year changes to the budget must be made in accordance with the Budget and Policy Framework. This will include changes arising from the securing of additional income, reductions in Government spending and grants or the application of reserves to meet expenditure where no additional external resources are available.
- (f) To review and monitor the Council's strategy and overall implementation in relation to e-Government, telecommunications, information systems and information technology, making recommendations to the Council as required.
- (g) To determine human resources strategies (other than matters which are non-Executive in nature), and make recommendations to Council on the overall management structure of the authority.
- (h) To oversee the authority's overall policy in relation to the voluntary sector.
- (i) To initiate or respond to appropriate Parliamentary matters (other than the promotion or opposition to personal or local Bills).
- (j) To approve the use of any year end surplus generated on trading accounts operated by the Council.
- (k) To approve the purchase or appropriation of land and buildings where the value of the transaction is £250,000 or above, and to approve the letting or taking on of a lease (or licence or other right) of property where the annual rental or licence value is £50,000 or above or is for a term exceeding 25 years.
- (l) To authorise the making of compulsory purchase and control orders.
- (m) To resolve any matters in dispute between Cabinet Members.
- (n) To consider, at least annually, the level of reserves, provisions and balances held by the Council and agree any changes.

- (o) To receive and consider reports from External Auditors and agree any appropriate action.
- (p) To approve the write-off of individual debts in excess of £10,000 (£5,000 for Council Tax and National Non-Domestic Rates).
- (q) To approve the write-off of stocks, stores and other assets with a value in excess of £25,000.
- (r) To recommend the Corporate Asset Management Plan to the Council and approve a rolling programme of property disposals; approve the details of individual property disposals that are listed on the approved rolling programme where the sale price exceeds £500,000; approve property disposals that are *not* listed on the approved rolling programme where the sale price exceeds £250,000 (the definition of “property disposals” for these purposes shall include easements, rights of way and other permanent rights over land).
- (s) To approve the Council’s Capital Strategy for recommendation to the Council.
- (t) To approve the acceptance of tenders where the value of the contract exceeds £500,000 or where the contract value is over £250,000 and the lowest acceptable tender exceeds the estimates by more than 10%.
- (u) To receive reports on contract and programme overspends in accordance with limits set out in Financial Regulations and recommend the action to be taken.
- (v) To approve all budget virements in excess of £100,000 and up to £250,000.
- (w) To appoint a Joint Consultative Committee for the purposes of staff consultation and any resolution of disputes as required (other than matters which are non-Executive in nature).
- (x) To agree grant funding (including rent subsidy) of over £100,000.
- (y) To provide for the publication of all items of spending over £500.
- (z) To determine the Council Tax Base.

EDUCATION, YOUTH AND CHILDREN’S SERVICES

With respect to the provision and administration of Education, Youth and Children’s Services in the Borough

- a) To provide leadership and secure outcomes under Every Child Matters.
- b) To agree the authority’s policies on the admissions of pupils to schools, having regard to parental preferences.
- c) To provide sufficient places and suitability of premises across all phases.
- d) To secure high quality education in line with legislation.

- e) To secure the Integrated Youth Support provision in line with legislation.
- f) To safeguard children and young people in line with legislation.

ADULT SERVICES AND HOUSING

To agree policies in respect of services within the Adult, Health, Social Care and Housing portfolios, including accessible transport, community transport and adult education, following consultation with statutory and non-statutory partners and local residents

- a) To oversee the arrangements for the commissioning and procurement of the Adult, Health, Housing and Social Care Services for Borough residents in partnership with the statutory, voluntary and independent sectors, as appropriate.
- b) To oversee the local implementation of national health and social services policies and other relevant legislation.
- c) To undertake joint strategic planning with partners.
- d) To develop, and to recommend to the Council relevant Strategies, Implementation Plans and Investment Programmes.
- e) To agree revisions to the Council's Housing Allocations Policy.

ENVIRONMENT AND PLANNING

To agree policies in respect of services within the environment and traffic and transport portfolios including Climate Change:

- a) To prepare and monitor the Council's Planning policy development plans and facilitate public contribution to their development.
- b) To oversee the authority's functions as a local planning authority (*other* than those set out in the Functions Regulations, which are the responsibility of the Council and its Planning Committee).
- c) To oversee the exercise the authority's functions as a highway authority and traffic authority, (*other* than those set out in the Functions Regulations which are the responsibility of the Regulatory Committee) having regard to resident and business preferences and needs and the viability of local centres.
- d) To oversee the Council's trading standards, consumer protection and environmental health functions, including noise monitoring (*other* than those licensing functions which are the responsibility of the Regulatory Committee or the Licensing Sub-Committee).
- e) To preserve and protect the diverse character of local communities.
- f) To oversee the provision of parks and open spaces in the borough.

- g) To safeguard the Borough against the expansion of Heathrow.

GENERAL RESPONSIBILITIES ACROSS SERVICES

The Executive shall have the general responsibility for the following across all Executive functions and services of the authority:-

- a) To agree the strategy for the setting of fees and charges on the recommendation of the Director of Finance and Corporate Services.
- b) To agree changes to overall eligibility criteria for access to services of the authority, on the recommendation of the Assistant Director/Head of Service.
- c) To approve the annual service plans for services provided direct to the public.
- d) To approve those major service developments or reductions which also constitute Key Decisions.
- e) To ensure that the delegated Executive powers of Cabinet Members and of officers operate within the detailed Scheme.
- f) To approve the waiving of relevant Contract Standing Orders for contracts with a total value in excess of £100,000.
- g) To agree the process for invitation to tender for non-buildings contracts in excess of £500,000 (other than construction contracts).
- h) To approve the appointment of consultants where the expected contract value exceeds £100,000.
- i) To consider the reports of external review bodies on key aspects of overall service delivery, to include Ofsted reports on the work of the LEA, Care Quality Commission reports on the operation of social services functions and Audit Commission or External Audit reports affecting a significant service or more than one service area.
- j) To provide for public consultation, where appropriate, before major key decisions.

B. POWERS OF CABINET COMMITTEES OR SUB-COMMITTEES

The Cabinet has power to create Cabinet Committees, and agree protocols on matters relating to the operation of its remit.

C. POWERS OF EVERY CABINET MEMBER

All members of the Cabinet are Executive Members to whom under the Local Government Act 2000 powers of individual decision-making may be delegated. If an Executive Member is unable to act, the Leader may act on his/her behalf or authorise another Executive Member to do so.

All Cabinet Members have the following functions:-

- a) To monitor the budgets and the performance of the services allocated by the Leader
- b) To agree, where there are implications for policies of the authority, responses to consultation papers from the Government (including White and Green papers), from London Councils, Greater London Authority, Local Government Association and all other bodies, affecting the services allocated, after consultation with the relevant Overview and Scrutiny Committee (unless there is insufficient time)
- c) To agree an appropriate response to issues raised in petitions presented to the authority in respect of allocated services and in accordance with the Council's Petitions Scheme
- d) To agree the submission of bids from allocated services for additional resources from Government and other agencies, and to recommend to the Cabinet capital bids for the allocated services
- e) Determining priorities, and where appropriate agreeing the re-allocation of resources, for the delivery of the services allocated, in conjunction with the Assistant Director/Head of the relevant Service (within the Policy Framework and Budget)
- f) Making suggestions for future policy initiatives (within the Policy Framework and Budgets) and for amendments to the Policy Framework, for agreement by the Cabinet and Council
- g) Considering the implications of Audit Commission reports and reports from other public agencies and deciding a response, making recommendations to the Cabinet where appropriate
- h) Determining the response to reports from the Overview and Scrutiny Committees in respect of the allocated services
- i) Receiving information reports to assist in the role as Cabinet Member
- j) To agree the specification for procurement of the allocated services (except where the contract is up to £100,000 in estimated value and so delegated to officers) on the recommendation of the relevant Assistant Director/Head of Service and in consultation with the Head of Legal & Electoral Services
- k) Considering and recommending procurement decisions in respect of the allocated services up to a total contract value of £100,000 (except up to £50,000 where the decision is delegated to officers) in conjunction with the relevant Director and in consultation with the Head of Legal & Electoral Services
- l) To review customer satisfaction, consultation with stakeholders and the efficiency of service provision generally and agree arrangements for continuous improvements to be made
- m) To consider the service plan(s) in respect of the service allocated (prior to its consideration by the Cabinet in respect of services provided direct to the public)

- n) Considering the needs of the allocated service for particular properties and making recommendations to the Cabinet as appropriate
- o) Promoting effective relationships and partnerships between the authority and all other bodies and agencies affecting the community
- p) Approving the establishment and / or termination of the Council's involvement in significant partnerships / partnering arrangements in conjunction with both the relevant Director and the Head of Legal and Electoral Services
- q) Approving budget virements of over £50,000 and up to £100,000 in accordance with the limits in Financial Regulations
- r) To consider reports on contract, programme or other overspends in accordance with the limits in Financial (Regulations) (Appendix 8)
- s) To consult any advisory bodies as directed by the Cabinet
- t) To agree fees and charges in accordance with the agreed strategy
- u) To approve the acceptance of tenders where the value of the contract is between £250,000 - £500,000, or where the contract value is over £100,000 and the lowest acceptable tender exceeds the estimates by more than 10%
- v) To agree process for invitation to tender for non-buildings contracts £100,000 - £250,000
- w) To authorise the implementation of capital projects, subject to funding as programmed
- (x) To approve the waiving of relevant Contract Standing Orders for contracts in excess of £50,000 and up to £100,000, in consultation with the relevant Director and with the Director of Finance and Corporate Services.

D. FUNCTIONS OF INDIVIDUAL CABINET MEMBERS IN RESPECT OF ALLOCATED SERVICES OR PORTFOLIOS

1. Leader
2. Deputy Leader and Cabinet Member Finance and Resources
3. Cabinet Member Performance
4. Strategic Cabinet Member Education, Youth and Children's Services
5. Cabinet Member Schools
6. Strategic Cabinet Member Community, Business and Culture
7. Cabinet Member Community Development
8. Cabinet Member Adult Services and Housing
8. Strategic Cabinet Member Environment, Planning, Parks and Highways
9. Cabinet Member Highways and Street Scene

The functions delegated to individual Cabinet Members (subject to the exercise of such consultation processes as the Cabinet may agree for particular functions) are as follows:-

1. Leader of the Council

The principal policy direction of the Authority within its statutory functions and with particular responsibility:-

- (a) to represent the Authority in the community and in negotiations with regional, national and international organisations and others;
- (b) to identify the need for new strategies and policies for the better discharge of the Authority's functions except insofar as specific policies and strategies fall within the remit of other Cabinet Members or the Executive;
- (c) to seek to develop co-ordination with relevant agencies whose activities affect or serve residents and others within the Authority's area;
- (d) to secure the maintenance of relevant records of the Authority's administrative arrangements, specifically the maintenance of the details in Sections 3 to 6 of Part 3 of the Constitution;
- (e) to oversee and report to the Cabinet on the performance of the Authority's Communications Contract;
- (f) for approving budget virements between £50,000 and £100,000 where the virement is between different Cabinet Members' portfolios and not otherwise agreed by the Cabinet Members involved;
- (g) to consider and adjudicate, as appropriate, on matters of policy dispute between Cabinet members;
- (h) for providing for and responding to consultations and similar matters arising in relation to the Borough or in respect of unallocated services;
- (i) for agreeing the submission of major significant bids for Lottery funds or other sources of grant aid;
- (j) to oversee the development of the Community Plan and the Corporate Plan;
- (k) to arrange for the exercise of any functions which are the responsibility of the Executive and are not specifically allocated or delegated within the terms of this Constitution;
- (l) to make appointments to outside bodies (other than where otherwise delegated within this part of the Constitution);
- (m) to make education-related appointments;
- (n) to monitor and review action which will enhance the economic well-being of the Borough in accordance with Part I of the Local Government Act 2000;
- (o) to keep under review the Council's twinning arrangements;
- (p) to have responsibility for reviewing the way the Council regulates businesses and individuals and for removing unnecessary bureaucracy and red tape;
- (q) to oversee the development and effective implementation of the Equalities and Diversity Strategy.

- (q) to oversee proposed arrangements with public and other bodies for the delivery of partnership initiatives and to develop successful partnerships with the other private, public and voluntary agencies which affect the Borough.

2. Deputy Leader and Cabinet Member Finance and Resources

To oversee and report to Cabinet as necessary on the policies and performance of the following services : Accommodation/Office Moves, Construction Services, Corporate Health and Safety Unit, Corporate Property, Estate Management, Facilities Management, including Building Maintenance and Finance, Legal, Electoral and Democratic Services.

To monitor and review the performance of the Authority's Finance and Corporate Services Directorate, the outsourcing of the Authority's services including those under Private Finance Initiatives, foster the timely implementation of major land development projects promoted by the Authority, oversee the Authority's property portfolio and procurement of goods, services and works and report to the Cabinet in respect of all the foregoing with appropriate recommendations. In addition to the above the Member is specifically authorised, subject to direction by the Leader:

- (a) to oversee the development of the short, medium and long term financial strategies to be recommended for adoption by the Council;
- (b) to be accountable to the Cabinet for monitoring the Council's financial plans;
- (c) to advise Cabinet on how levels of Council tax may most effectively be held down;
- (d) to oversee the development of the Capital Strategy;
- (e) with the Cabinet Member for the relevant service, to approve the purchase or appropriation of land and buildings where the value of the transaction is between £100,000 and £250,000, and to approve the letting or taking on of a lease (or licence or other right) of property where the annual rental or licence value is between £25,000 and £50,000 or is for a term of between 15 and 25 years;
- (f) with the Cabinet Member for the relevant service, to approve the details of individual property disposals that are listed on the approved rolling programme where the sale price is between £100,000 and £500,000, and approve property disposals that are *not* listed on the approved rolling programme where the sale price is between £50,000 and £250,000 - (the definition of "property disposals" for these purposes shall include easements, rights of way and other permanent rights over land);
- (g) approve the method of disposal of redundant stock with a value in excess of £10,000 (except where disposal is by auction or competitive tender);
- (h) oversee the management of the authority's land and property assets;
- (i) oversee the facilities management of the authority;
- (j) oversee the development of the Corporate Asset Management Plan;

- (k) with the Cabinet Member for the relevant service, to approve the submission of any bids for work outside the area of the authority;
- (l) to agree the process for invitation to tender for all building contracts;
- (m) to approve the submission of operational trading unit tenders where the value is over £50,000;
- (n) to approve the write-off of stocks, stores and other assets with a value of £5,000 - £25,000;
- (o) with the Cabinet Member for the relevant service, to approve capital bids which are not within agreed programmes.
- (p) to oversee legal and electoral matters and Democratic Services.

3. Cabinet Member Performance

- (a) for the overall performance improvement of the authority and delivery of best value;
- (b) to monitor and keep under review the achievement of the Council's priorities and targets as set out in the Corporate Plan;
- (c) to monitor and keep under review the achievement of the priorities and targets set out in the Borough's Community Plan and LAA;
- (d) to provide leadership in relation to high standards of performance management and data quality;
- (e) to oversee the Council's efficiency programme and ensure achievement of efficiency savings in consultation with the Deputy Leader and Cabinet Member Finance and Resources;
- (f) to oversee and report as necessary to the Cabinet on changes to the Authority's employment policies and practices (other than matters which are non-Executive in nature and after having sought advice from the Corporate Head of Human Resources);
- (g) to review and report to the Cabinet on the development of information technology within the Authority's organisation and the arrangements to promote E-Government in accordance with national strategies;
- (g) to oversee the development of records management and promote a culture of sustained records management throughout the Council;

4. Strategic Cabinet Member Education, Youth and Children's Services

To oversee and promote the Authority's functions as local education authority and in particular:-

- (a) to champion the integrated Children's Service with all partners;
- (b) to authorise the maintenance and development of suitable arrangements for the effective participation of the Authority in joint and multi-agency bodies relating to social care for children and young people (including the Adoption and Permanency and Fostering Panels, the Area Child Protection Committee and the Fostering Advisory Group);
- (c) to coordinate policy on Extended Schools and Children's Centres;
- (d) to oversee the development of the Childrens and Young People's Plan;
- (e) to agree strategies to support childcare and remove obstacles to private and voluntary provision;
- (f) to take the lead on Lifelong Learning across the Authority, with special reference to the Local Learning Partnership and work with both Richmond upon Thames College (RuTC) and Richmond Adult Community College (RACC) on the 14-19 and family learning agenda;
- (g) to advise Cabinet on the provision of under 5 education in the Borough;
- (h) to oversee the provision of an effective SEN (Special Educational Needs) service;
- (i) to oversee and report to the Cabinet on the Authority's responsibilities and initiatives in respect of its Corporate Parenting Strategy;
- (j) to review and report to Cabinet on young people's access to positive activities;
- (k) to agree policies and procedures for targeting youth support ensuring young people with complex needs have access to the intensive support they require;
- (l) to review and report to Cabinet on the access young people have to information, advice and guidance to help them make positive choices about learning and to equip them to make safe informed choices;
- (m) to oversee and report to the Cabinet on the Authority's responsibilities and initiatives in respect of its Youth Justice Strategy and assist in reducing levels of youth offending and crime;
- (o) to oversee the development of the Youth Justice Plan;
- (p) to raise the quality of education provided to young people in care;

5. Cabinet Member Schools

- (a) to achieve the highest possible standards in local schools, working with maintained and other providers and consider strategies for raising teaching standards and educational outcomes;
- (b) the performance of schools and the education service in the achievement of performance objectives and to review the adequacy of those objectives;
- (c) to agree appropriate action based on recommendations from the Director of Education, Children's and Cultural Services in respect of schools where special measures need to be taken or there are serious concerns about performance;
- (d) to consider and report Ofsted reports to the Cabinet with appropriate recommendations;
- (e) to authorise the making of bids and submissions of tenders in respect of third party funding programmes in relation to education;
- (f) to agree school term and holiday dates, professional training days and changes to school session times, in consultation with schools and staff representatives;
- (g) to make appropriate arrangements for the hearing of any statutory complaints made under the provisions of the Education Acts;
- (h) to review 16-19 standards and choice; and consider means to introduce 6th Forms within Borough Schools
- (i) to consider applications from governors to serve on Education consultative bodies and make appointments, after consulting the appropriate Advisory body;
- (j) to agree policies in respect of grants to be made to individuals for education purposes;
- (k) to promote strategies to enrich the curriculum and extra curricular activities, including broadening the range of subject teaching and developing opportunities in music, drama, art, sport and other activities.
- (l) to consider applications for school governorships and make appointments, after consulting any appropriate advisory body.

6. Strategic Cabinet Member Community, Business and Culture

- (a) to report to the Cabinet on the Authority's arrangements for those libraries, arts and sports services which it provides and on proposals for alterations thereto, with the particular objectives of ensuring that those services provide an important contribution to recreational facilities and cultural life of the Borough;
- (b) to secure compliance with the Public Library Standards;
- (c) to review and report to Cabinet on the Authority's Cultural Strategy;
- (d) to oversee and report to Cabinet as necessary on the policies and performance of the following services : Business Partnerships (Tourism, Business Partnerships, Town Centre Management) and Economic Development;

- (e) to pursue strategies to reduce crime and anti-social behaviour;
- (f) to oversee the development of and report to the Cabinet on the Authority's Community Safety Strategy and in particular the action taken to reduce the incidence of criminal damage involving the use of spray paints and marker pens for graffiti and tagging, together with the arrangements for remedying the condition of property affected thereby;
- (g) to review and report to the Cabinet on the Authority's policies towards voluntary organisations and the making of grants. To approve grants to voluntary organisations up to £100,000.
- (h) to oversee the Customer Support Services of the authority;
- (i) to develop successful partnerships with voluntary agencies which affect the Borough;
- (j) to oversee the development of local consultation policy and practice and decision-making and ensure public views are better taken into account.

7. Cabinet Member Community Development

To support the Strategic Cabinet Member for Community, Business and Culture in relation to

- (a) the Authority's policies towards voluntary organisations and the making of grants.
- (b) developing successful partnerships with voluntary agencies which affect the Borough;
- (c) overseeing the development of local consultation policy and practice and decision-making ensuring public views are better taken into account.
- (d) Specifically consultation on highways, traffic and parking schemes and road traffic regulation orders liaising with the Cabinet Member for Highways and Street Scene as appropriate.
- (e) To provide oversight of the project management of particular schemes at the request of the Leader and the Strategic Cabinet Member.

8. Cabinet Member Adult Services and Housing

To consider, review and report generally to the Cabinet on the Authority's policies and strategies as the social services authority relating to Adult Services and for Health and Housing in the Borough; particularly in regard to resourcing, performance and standards, and specifically to:-

- (a) seek to promote service initiatives in health, social care and housing and ensure effective partnerships with statutory, voluntary and private sector organisations;
- (b) recommend to Cabinet the service Eligibility Criteria and charging policies;

- (b) recommend to the Cabinet action which will enhance the social well-being of the Borough in accordance with Part I of the Local Government Act 2000;
- (c) consider and, if necessary, recommend responses to the Cabinet on statutory and non-statutory consultations with the National Health Service and others in respect of service developments, rationalisations and other changes;
- (d) to oversee the development of policies and services for people with learning disabilities, people with mental health problems, older people, adults with physical disabilities or long-term conditions and carers
- (e) to foster co-operation between Adult Social Services and Children's Social Services, particularly in regard to transition;
- (f) to recommend to Cabinet policies for Adult and Community Learning in the Borough
- (g) to ensure the interests of older people are properly considered in Council policy making;
- (h) to oversee and report to the Cabinet on the Authority's strategic housing functions (including administration of the Housing Register, allocations, homelessness, rough sleepers), working in partnership with Registered Social Landlords and the private sector, having regard primarily to the needs of Borough residents;
- (i) to recommend to Cabinet the Housing Investment Programme and Housing Strategy;
- (j) to oversee policies and provision of Accessible Transport and Community Transport for Borough residents.

9. Strategic Cabinet Member Environment, Planning, Parks and Highways

To oversee and report to the Cabinet as necessary on sustainable policies and performance of environmental services including : Abandoned Vehicles, Allotments, Building Control, Cemeteries, Climate Change, Commercial Environmental Health, Conservation Area, Listed Buildings, Development Control (Planning), Urban Design, Emergency Planning, Environmental Improvements, Graffiti, Licensing, Parks and Open Spaces, Biodiversity, Planning and Enforcement, Public Conveniences, Recycling and Waste Collection, Registrar's Office, Rights of Way, Special Projects (Air Quality, Contaminated Land, Heathrow / flight nuisance), Street Cleaning, Gully Cleansing, Street Scene (Design) / On-street Advertising, Street Trees, Sustainability and Trading Standards.

Including specific functions :

- (a) authorise Supplementary Planning Documents including the designation of Buildings of Townscape Merit and Conservation areas; considering revision and development of the Council's planning policies, including leadership in development of local plans;

- (b) authorise the making of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995;
- (c) promotion of policies that protect and enhance the character of the Borough and the diversity of local communities;
- (d) recommend to the Cabinet action which will enhance the environmental well-being of the Borough in accordance with Part I of the Local Government Act 2000;
- (e) authorise the service of statutory notices under the Environmental Protection Act 1990;
- (f) to respond to all matters concerning information schemes of the Greater London Authority (GLA);
- (g) To develop and oversee implementation of the Council's uplift areas.
- (h) To oversee and report to Cabinet as necessary on the policies and performance of the following services : Fleet Management, Highway Structures, Highways Management (including A-Board policy), Operational Services (vehicle workshops / fleet management Highways DLO / winter gritting), Parking and Street Care (incl. Area Champions and Safer Streets), Road Safety, Street Lighting, Street Scene Policy (Operations), Street Scene Enforcement, Transport Planning, Transport Policy, Traffic Management-
- (i) to ensure fair and balanced traffic and parking policies that have regard to local residential and business needs, environmental considerations and the viability of the local economy;
- (j) to oversee the development of the Local Implementation Plan/ Borough Spending Plan;
- (k) authorise the making of road traffic regulation orders, following consultation led by the Cabinet Member for Community Development.
- (l) agree the cancellation of penalty charge notices up to a maximum of £50,000 per year;
- (m) agree changes to the Authority's arrangements in respect of parking and traffic management controls, road safety, provision for cyclists and walkers, following consultation led by the Cabinet Member for Community Development
- (n) agree proposals in respect of public transport and other bus services including arrangements with public transport providers and authorise arrangements with public and other bodies for the delivery of partnership initiatives.
- (o) oversee implementation of the requirements of the Flood and Water Management Act 2010

10. Cabinet Member Highways and Street Scene

To support the Strategic Cabinet Member Environment, Planning and Highways in relation to:

- (a) the policies and performance of the following services : Fleet Management, Highway Structures, Highways Management (including A-Board policy), Operational Services (vehicle workshops / fleet management Highways DLO / winter gritting), Parking and Street Care., Road Safety, Street Lighting, Street Scene Policy (Operations), Street Scene Enforcement, Transport Planning, Transport Policy, Traffic Management-
- (b) achieving fair and balanced traffic and parking policies that have regard to local residential and business needs, environmental considerations and the viability of the local economy;
- (c) the development of the Local Implementation Plan/ Borough Spending Plan;
- (d) the making of road traffic regulation orders, following consultation led by the Cabinet Member for Community Development.
- (e) the cancellation of penalty charge notices up to a maximum of £50,000 per year;
- (f) changes to the Authority's arrangements in respect of parking and traffic management controls, road safety, provision for cyclists and walkers, following consultation led by the Cabinet Member for Community Development.
- (g) agree proposals in respect of public transport and other bus services including arrangements with public transport providers and authorise arrangements with public and other bodies for the delivery of partnership initiatives.
- (h) the development of Street Scene policy proposals and standards.
- (i) to provide oversight of the project management of particular schemes at the request of the Leader and Strategic Cabinet Member.

SECTION 4

EXERCISE OF EXECUTIVE FUNCTIONS BY OFFICERS

1. Introduction
2. Functions Delegated to all Assistant Directors/Heads of Service
3. Chief Executive
4. Corporate Head of Human Resources
5. Head of Performance and Business Improvement
6. Head of Democratic Services
7. Director of Finance and Corporate Services
8. Assistant Director of Finance
9. Assistant Director of Finance and Corporate Services
10. Head of Internal Audit and Risk Management
11. Head of Legal and Electoral Services
12. Director of Education, Children's and Cultural Services
13. Assistant Director Specialist Children's Services
14. Assistant Director Youth and Culture
15. Assistant Director School Standards
16. Head of Libraries and Culture
17. Head of Sport and Fitness
18. Head of Arts
19. Director of Adult and Community Services
20. Assistant Director Commissioning (Care Services)
21. Assistant Director Commissioning (Corporate Policy and Strategy)
22. Assistant Director Community Services (Operations)
23. Director of Environment
24. Assistant Director Traffic and Transport
25. Assistant Director Development and Street Scene
26. Assistant Director Property, Parks and Sustainability
27. Head of Environment Finance & Performance
28. Head of Consumer Protection
29. Chief Inspector of Weights and Measures
30. Chief Building Surveyor
31. Residential Services Manager

(1) Delegation to Officers of the Council - Introduction

- (a) All functions other than those allocated to the Executive, and listed above in this Part 3 of the Constitution, are delegated to the officers listed in this section, who are by this Scheme authorised to make decisions on the Executive's behalf in their respective service areas
- (b) The management structure and senior posts of the authority are set out in Part 7 of this Constitution
- (c) All officers, and in particular the Chief Executive, Directors and Assistant Directors/Heads of Service, have powers and also responsibilities under other parts of this Constitution, in particular the Financial Regulations and the Standing Orders for Contracts, both of which are included elsewhere in the Constitution
- (d) Operational management of services is the responsibility of Assistant Directors/Heads of Service

- (e) Directors / Assistant Directors have the authority to undertake any function identified as a responsibility of the Assistant Directors/Heads of Service allocated to them (for example in the absence of the Assistant Director/Head of Service), as well as a general responsibility for the effective performance of the services allocated
- (f) Directors have the authority to authorise the suspension and dismissal of employees of the Council, subject to the application of the appropriate procedures and with the advice of the Corporate Head of Human Resources or his/her representative. This will apply to cases arising from discipline, capability (including ill health), ill health retirement, redundancy, probation service, or some other substantial reason
- (g) Directors / Assistant Directors have the authority to approve accelerated increments, recognition payments, honoraria and other awards and adjustments to pay in accordance with a scheme approved by the Cabinet
- (h) Directors / Assistant Directors have the authority to agree special leave of up to 5 days in appropriate circumstances.
- (i) In the absence of the Chief Executive, the functions of Chief Executive and Head of Paid Service will be the responsibility of an Director nominated by the Chief Executive.
- (j) Directors have the authority to establish and / or terminate the Council's involvement in significant partnerships / partnering arrangements, subject to approval by the relevant Cabinet Member and the Head of Legal and Electoral Services
- (k) Directors have the authority to agree the operational arrangements associated with all partnerships / partnering arrangements and are responsible for ensuring that appropriate governance frameworks and arrangements are established and are operating effectively.
- (l) In pursuit of efficiencies and the achievement of best value, Directors are required to seek and identify opportunities for working in partnership with other bodies and organisations.

(2) Functions Delegated to all Assistant Directors/Heads of Service

- (a) To commit and authorise expenditure, within the scope of Financial Regulations, and secure the effective operation of the service managed (including trading units where applicable), the procurement of goods, services and works and the achievement of best value
- (b) To delegate to and authorise in writing (identifying the post in question, the function and any limits on such sub-delegation) officers within their services to perform any of their functions, subject to a copy of that authorisation being sent to the Monitoring Officer for inclusion in the public Register of Delegated Powers
- (c) [Non-Executive function, in part] To select, recruit, appoint, organise and retain staff within agreed personnel policies and practices and the Financial Regulations of the authority, and in accordance with the relevant national and local conditions of service as they apply to individual members of staff, and within the overall guidance from time to time of the Head of Paid Service and Corporate Head of Human Resources, (to include grievance and disciplinary processes (but exclude dismissal and suspension (which require the authorisation of the Chief Executive or relevant Director) and include for example:
 - the setting of initial position on grades
 - granting paid leave up to three days for exams, illness of a near relative, bereavement, or other agreed circumstances
 - granting unpaid leave on written request

- the adjustment of working hours for individual staff
- (d) In consultation with the Director of Finance and Corporate Services where an employee dies in service not having made all the monthly payment instalments in accordance with an approved loan, such as a car loan, authority to waive making a claim on the deceased's estate and to write off the outstanding sum
 - (e) To prepare, procure and secure the effective management of any works of construction, maintenance and repair (including the appointment of consultants as appropriate) in relation to the functions of the service, within the scope of the Asset Management Plan and agreed budgets and in compliance with Financial Regulations and Standing Orders
 - (f) To implement and arrange for the enforcement of legislation and other legal requirements relevant to the service, including the service of statutory notices and the authorisation of legal proceedings
 - (g) To ensure the operation of an agreed and effective complaints procedure
 - (h) To consult with other services, other organisations, stakeholders, partners, contractors and other sectors where appropriate where there is an overlap of functions or to achieve service objectives
 - (i) To respond to consultations received from other bodies in relation to matters which might affect the functions of the authority where the issues are in line with existing policy
 - (j) To maintain up to date and effective departmental emergency plans
 - (k) To review and recommend changes in the fees and charges for services
 - (l) To make applications for planning permission, building control consent and other approvals in respect of building works
 - (m) To authorise certain write-offs in accordance with Financial Regulations
 - (n) To acquire fixed assets up to a value of £10,000 in accordance with Financial Regulations
 - (o) To appoint consultants as set out in Contract Standing Order 13 and in accordance with the Council's Code of Conduct for the appointment of consultants
 - (p) To arrange for the delivery of services under arrangements made with other public bodies by way of agency agreements, goods and services contracts or by way of joint arrangements
 - (q) To approve budget virements of up to £50,000 in accordance with Financial Regulations
 - (r) To ensure effective records management and data quality in their service area.
 - (s) To regularly review and take action to minimise risks in accordance with the Council's Risk Management Strategy and Assurance framework.
 - (t) To ensure all service functions are carried out in accordance with the standards set out in the Council's Corporate Governance Policies
 - (u) To be responsible for agreeing, implementing and monitoring the operational arrangements associated with partnerships / partnering arrangements, and for ensuring governance arrangements are operating effectively.

(3) Chief Executive

- (a) To exercise the functions of the Council's Head of Paid Service under Section 4 of the Local Government and Housing Act 1989, and in this role:-
- The overall corporate management and operational responsibility (including overall management responsibility for all staff)
 - The overall provision of professional advice to all parties in the decision making process (the Executive, Overview and Scrutiny, the Council and other Committees)
 - Together with the Monitoring Officer, responsibility for a system of record keeping for all the local authority's decisions (Executive or otherwise), and
 - Representing the authority on partnership and external bodies (as required by statute or by the authority)
- (b) The functions listed at paragraph 12.02 of the Constitution in respect of:
- Maintaining the Constitution
 - Proper officer for access to information
 - Advising re the budget and policy framework
 - Overall advice to the authority
- (c) To prepare the Community Plan, Corporate Plan, Community Safety Strategy and Equality and Diversity Strategy, and other key corporate policies as appropriate, for agreement by the Cabinet and the Council
- (d) To ensure the facilitation of the Borough's Local Strategic Partnership and that this meets Government requirements
- (e) To co-ordinate, direct and monitor the authority's initiatives to achieve efficiency and best value in the delivery of its functions
- (f) To designate "Authorised Officers" for the purposes of particular statutory functions from time to time and so authorise them to perform the functions of such a person under relevant legislation
- (g) To approve grants (including rent subsidy) to voluntary organisations up to £100,000
- (h) In accordance with Contract Standing Order 3.2(c)(ii), to approve the extension of contracts where provision exists within the contract for such an extension
- (i) To arrange the publication of material on behalf of the authority and manage relationships with the press and the media, including the preparation of press releases on behalf of all functions of the council (both non-executive and executive)

(4) Corporate Head of Human Resources

[Non-executive functions, in part]

- (a) To develop, monitor and keep under review corporate employment policies and standards relating to all aspects of human resources management and staffing

- (b) To set standards for and advise on all matters relating to the employment and dismissal of staff
- (c) To lead organisational development and staff learning and development, as part of the Council's improvement agenda
- (d) To apply the approved grade determination and job evaluation schemes to all relevant employees
- (e) To act as the authority's lead officer for the conduct of negotiations with trade unions and other employee representatives
- (f) To authorise premature retirement in accordance with the pension regulations applicable where the benefits will not exceed those applicable under the formula adopted by the authority
- (g) To review and adjust as necessary the authority's scheme of allowances for subsistence, bicycle allowance, car allowance, removal expenses and similar allowances
- (h) To advise the Chief Executive and Directors as to the dismissal or suspension of employees of the Council, subject to the application of the appropriate procedures. This will apply to cases arising from discipline, capability (including ill health), ill health retirement, redundancy, probationary service, or some other substantial reason
- (i) To take action on behalf of the authority in respect of proceedings surrounding personnel matters relating to the prospective or actual dismissal of employees (including constructive dismissal). To negotiate and agree settlements and, in consultation with the Director of Finance and Corporate Services and the Head of Legal and Electoral Services, authorise the conclusion of compromise agreements. [The exercise of this authority is to be regulated by reference to the likely cost of defence, compensation which might be awarded, the powers of the authority in respect of the dismissal of employees in accordance with the applicable pension and superannuation regulations and other relevant legislation]
- (j) To advise as to accelerated increments, recognition payments, honoraria and other awards and adjustments to pay in accordance with a scheme approved by the Cabinet

(5) Head of Performance and Business Improvement

- (a) To lead and provide guidance on performance management, data quality and efficiency reviews as part of the Council's improvement agenda
- (b) To prepare and recommend to the Cabinet a Corporate Plan and a Data Quality Strategy

(6) Head of Democratic Services

- (a) To manage and set standards for the decision-making processes of the authority and arrangements for meetings
- (b) To secure the effective operation of services supporting Councillors and the Mayor

(7) Director of Finance and Corporate Services

- (a) To exercise all the functions of the Council's Chief Financial Officer, including proper administration of the Council's financial affairs under Section 115, Section 146 and 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 1996

- (b) To provide advice on vices issues, maladministration, financial impropriety, probity, policy framework and budget issues to all members of the Local Authority as required by the Local Government Act 2000
- (c) To arrange for the effective performance of the authority's duties and powers in relation to Finance and Corporate Services.
- (d) To oversee the financial functions of the South West Middlesex Crematorium Board
- (e) To authorise surveillance in accordance with the requirements of the Regulation of Investigatory Powers Act 2000, in consultation (unless inappropriate) with the relevant Assistant Director/Head of Service, and to maintain a central record of all such authorisations
- (f) To make appropriate arrangements to deter and detect money laundering or proceeds of crime in relation to any of the Council's activities
- (g) To act as receiver and administer receivership cases, trust funds and charitable funds as required by the Council

(8) Assistant Director of Finance

- (a) To Act as the Council's Deputy Section 151 Officer.
- (b) To ensure compliance with Financial Regulations
- (c) To issue financial procedures within the scope of and to supplement the Council's agreed Financial Regulations
- (d) To approve and control all banking arrangements of the Council
- (e) To administer and control all financial reserves, balances and provisions of the Council and report on such to the Executive
- (f) To implement the Council's Treasury Management Policy and administer treasury management activities in accordance with the policy and the borrowing limits approved by the Council
- (g) To determine the financing of the capital programme in the most appropriate way to maximise the Council's resources
- (h) To carry out or make arrangements for the carrying out of financial vetting of contractors and other similar organisations
- (i) To approve applications for Season Ticket and Car Loans to Council Employees in accordance with Council Policies
- (k) To arrange insurance cover and the settlement of insurance claims
- (l) To make arrangements for the keeping and production of the accounts of the Council in accordance with statutory requirements
- (m) To prepare revenue and capital strategies for the Council for submission to the Cabinet and Council
- (n) To manage and operate the central financial support, reporting and advice services provided to all Council departments, schools and establishments
- (o) To manage and operate the central payroll, pensions and payments services provided to all Council staff, pensioners and departments and certain outside bodies

- (p) To discharge all related statutory responsibilities, including the statutory statement of accounts, PAYE, National Insurance, Social Security, VAT and CITDS
- (q) To authorise of financial decisions (other than those the responsibility of the full Cabinet, individual Executive Members or of other officers under the Constitution and Financial Regulations), subject to the requirements and restrictions of the budget framework
- (r) To authorise the sale of repossessed or freehold reversion of properties associated with mortgages managed by the Home Loans Unit
- (s) Administration of all elements of the Local Government Pension Scheme including the investment of Pension Fund monies and the monitoring of Fund performance
- (t) To approve the waiving of relevant Contract Standing Orders for contracts up to £50,000.

(9) Assistant Director of Finance and Corporate Services

- (a) To discharge the authority's responsibilities relating to billing, collection and enforcement of Council Tax and Non-Domestic Rates and all relevant valuation matters, and the administration of the cashiering and miscellaneous income functions, including enforcement action and the authorisation of related legal proceedings
- (b) To exercise powers and functions in relation to the above regarding statutory demands and notices, liabilities, reliefs and exemptions, and in particular, in respect of Non Domestic Rates, to recommend guidelines for the granting of discretionary rate relief, partially occupied properties and hardship relief to the Cabinet and administer the scheme in accordance with such guidelines
- (c) To exercise the statutory functions relating to Revenues and Benefits matters under the provision of the Local Government Acts 1972 and 1988, the Local Government Finance Acts 1988 and 1992, the Social Services and Housing Benefit Act 1982 and the Housing Benefit (General) Amendment Regulations 1995/ Housing Benefit (Permitted Totals) Order 1995
- (d) To authorise officers under Section 223 of the LGA 1972, the County Court Act 1984, the Social Security Administration Act 1992 (as amended) and the Social Security Contributions and Benefits Act 1992 (as amended) to swear affidavits, sign and lay complaints for the issue of distress warrant and liability orders; make applications for the attachment of Earnings/Benefit orders and for committal for recovery of Council Tax/ NNDR, and take any other appropriate action in relation to the recovery of any other debts owed to the Council in Magistrates' Courts and County Courts
- (e) To authorise officers to undertake a range of investigative and other functions in respect of Housing and Council Tax Benefit Administration in accordance with the Social Security Administration Act 1992 (as amended) and the Social Security Contributions and Benefits Act 1992 (as amended)
- (f) To recommend guidelines for the granting of additional discretionary payments in relation to Housing and Council Tax Benefit in accordance with current legislation and administer the scheme in accordance with such guidelines
- (g) To develop the authority's Information and Communications Technology (ICT) strategy and manage the provision of ICT services for the authority, including the setting of standards, the management of voice and data networks and e-mail services and related systems
- (h) To ensure the provision of a comprehensive ICT service to all parts of the organisation, having due regard to all relevant security issues and the proper contract monitoring of any third party suppliers
- (i) To oversee the provision and strategic development of the Council's Customer Services

- (j) To assist the Head of Legal and Electoral Services with the Council's compliance with the Data Protection Act 1998, with particular responsibility for implementing the Data Protection Act as it relates to IT systems and the security of those systems
- (k) To manage and operate the mortgage administration service in respect of the authority's mortgages and those of other London Boroughs including taking decisions on legal proceedings for repossession and variations to mortgage interest rates
- (l) To oversee the management of the authority's register of local land charges

(10) Head of Internal Audit and Risk Management

- (a) To undertake the statutory internal audit functions and non-statutory internal audit functions of the authority
- (b) To oversee the Council's Risk Management Strategy and Assurance Framework.

(11) Head of Legal and Electoral Services

- (a) To exercise the functions of the authority's Solicitor and Chief Legal Officer, including the provision of legal advice to the authority (including all meetings, decision makers, members and officers of the authority), the instruction of solicitors and counsel, the approval of contract terms, the conveyancing of land and property and the formal certifying of documents on behalf of the authority
- (b) To approve and authorise the sealing or signature of any Order, Deed, notice, undertaking, contract or any other document when this is necessary to give the effect to the substance of a decision of the Executive, an Executive Member, the Council (or any of its committees) or of an officer acting under delegated powers, or otherwise to protect the authority's position
- (c) To authorise, institute or defend on behalf of the authority any criminal or civil legal proceedings, and to appear on behalf of the authority in proceedings before appropriate Courts or Tribunals or other legal forums (unless specifically delegated to any other Head of Service). In doing so, the Head of Legal and Electoral Services is authorised to take all necessary action in connection with such proceedings (including as to settlement of litigation on the best terms available where this is in his/her opinion appropriate)
- (d) To advise, lead and to report as appropriate, on all issues of legality, decision-making procedure, maladministration, whistle-blowing, standards of conduct and probity and compliance with the Policy Framework. Generally to exercise the functions of the Council's Monitoring Officer under Sections 5 and 5A of the Local Government and Housing Act 1989 (as amended, the Local Government Act 2000 and other statutes, regulations or guidance and act as lead officer to the Standards Committee.
- (e) To oversee the management of the authority's electoral services
- (f) To authorise individual officers who are not solicitors to appear in court to represent the authority
- (g) To receive all notifications of Members' interests for inclusion in the Register of Members' Interests and to make arrangements for them to be recorded in it
- (h) To authorise surveillance in accordance with the requirements of the Regulation of Investigatory Powers Act 2000, in consultation (unless inappropriate) with the relevant Assistant Director/Head of Service

- (i) To lead arrangements for the Council's compliance with the Data Protection Act 1998, (with the assistance of the Head of IT in relation to IT systems and the security of those systems) and the Freedom of Information Act
- (j) To authorise another local authority to exercise enforcement powers and prosecute for offences committed within the Borough, provided that pursuant to section 222(1) Local Government Act 1972 he/she considers it expedient for the promotion or protection of the interests of the inhabitants of the Borough

(11.1) Electoral Services Manager

- (a) To determine applications for registration and objections in respect of the electoral register, including the conduct of hearings

(12) Director of Education, Children's and Cultural Services

- (a) To arrange for the effective performance of the authority's functions under the Children Act 2004 and Education Acts, including:-
 - (i) To secure that efficient primary and secondary education is available to meet the needs of the population of the area and so contribute to the spiritual, moral, mental and physical development of the community
 - (ii) To ensure that the functions of the authority in respect of education and children's services are exercised so as to promote high standards
 - (iii) To secure sufficient school places for providing primary and secondary education in the area
 - (iv) To promote co-operation to improve the well being of children in the Authority's area.
 - (v) To ensure the Authority's functions are discharged having regard to safeguarding.
 - (vi) To establish a database of basic information of all children in the Authority.
 - (vii) To establish a Local Safeguarding Children Board for the purpose of safeguarding and promoting the welfare of children in the Authority's area.
 - (viii) To publish a Children and Young People's Plan.
 - (ix) To co-ordinate statements of action following the Joint Area Review.
 - (x) To prepare and publish a Youth Justice Plan
 - (xi) To agree and deliver the Local Area Agreement Children and Young People's Block
- (b) To consider and approve the initial allocation of places at any borough community school, and to recommend admissions policies to the Cabinet
- (c) To ensure the Council meets all the legislative time-scales for action as determined by the DCSF
- (m) To secure young people's access to positive activities.
- (n) To ensure vulnerable young people with complex needs have access to the intensive support they require through the targeting of youth support.
- (o) To ensure young people have access to information, advice and guidance to help them make positive choices about learning and equip them to make safe and informed choices.
- (p) To review and, with the approval of the Director of Finance and Corporate Services, update Financial Regulations in respect of Schools
- (q) To approve the waiving of relevant Contract Standing Orders for contracts up to £50,000 (above £25,000 in liaison with the Director of Finance and Corporate Services).

(13) Assistant Director Specialist Children's Services

- (a) To promote, safeguard and protect children within the area of the authority (including children with disabilities)
- (b) To arrange for the identification of children within the area of the authority who are in need and ensure that an appropriate range of services and support are available to meet the needs of those children and their families
- (c) To authorise the issue and defence of all proceedings in any court or tribunal which relate to the protection of children and their families, including adoption related proceedings, in particular under the Children Act
- (d) To prepare, consult upon, recommend and publish relevant policies and plans, including inter-agency joint service plans, e.g. the Local Safeguarding Children Board Plan
- (e) To act on behalf of the authority in discharging its functions under the Children Act and all related legislation for the protection and well-being of children, including authority to institute any proceedings in any court or tribunal
- (f) To act on behalf of the authority as appropriate in the interests of children and young persons looked after by the authority
- (g) To take all actions and decisions as may be appropriate on behalf of the authority in respect of adoption and fostering
- (h) To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Director of Education, Children's and Cultural Services and the Director of Finance and Corporate Services
- (i) To represent the authority's interests for children and their families on inter-agency meetings, joint bodies, voluntary organisations and working groups
- (j) To implement, and to have discretion to waive, in any particular case of exceptional hardship, fees and charges agreed by the Cabinet
- (k) To decide whether to accept appointments to act as delegate of any individual or entity pursuant to the Local Government Act 2000, Section 2 and to discharge any such role
- (l) To manage the Local Authority's duties in relation to children with disabilities and learning difficulties, particularly for those with a statement of special educational needs

(14) Assistant Director Youth and Culture

- (a) To manage and develop the operation of the authority's libraries and information services, and the provision of services for sport, fitness, the arts and other cultural services
- (b) To deliver the strategy for the provision of appropriate Children's Centres and extended schools activities.
- (c) To ensure partners work together to improve outcomes for all children up to five and reduce inequalities between them.
- (d) To assess the local childcare market and to secure sufficient childcare for working parents.
- (e) To secure young people's access to positive activities.
- (f) To ensure vulnerable young people with complex needs have access to the intensive support they require through the targeting of youth support.

- (g) To implement the Youth Justice Plan and promote community safety.
- (h) To deliver high quality Integrated Services for Young People.

(15) Assistant Director School Standards

- (a) To secure appropriate education programmes for children out of school
- (b) To arrange for the enforcement of legislation for non-attendance at school
- (c) To grant licences for children taking part in public entertainment
- (d) To make decisions in respect of grants for travel, to students, for clothing, and in respect of free school meals and interview expenses
- (e) To deliver high quality education for all children and young people, meeting national targets.
- (f) To tackle underachievement and reduce the gap for specific groups to meet the equality and diversity legislative framework.
- (g) To secure the effective governance of maintained schools.
- (h) To implement the statutory procedures for schools requiring Local Authority intervention in line with OFSTED guidance.

(16) Head of Libraries and Culture

- (a) To manage and sustain an efficient and comprehensive public library and information service in the borough to meet the national standards
- (b) To authorise the use, and terms of use, of reproductions from books, images and works of art in the Council's possession
- (c) To consult on, prepare and publish a Cultural Strategy

(17) Head of Sport and Fitness

- (a) To manage and develop sports and sports facilities in the borough, including the negotiation and recommendation of licence arrangements for the use of sports facilities (with appropriate professional advice)
- (b) To act as the person designated to act on behalf of the Council under the agreement for the management of Pools on the Park.

(18) Head of Arts

- (a) To promote and develop arts and facilities for arts in the borough
- (b) To protect and arrange for the public exhibition of works of Art held in Trust by the Council

(19) Director of Adult and Community Services

- (a) To perform the statutory responsibilities of the Director of Adult Social Services and Housing, as detailed in responsibilities for the Assistant Director Commissioning (Care Services), Assistant Director Commissioning (Corporate Policy and Strategy) and the Assistant Director Community Services (Operations)

- (b) Vulnerable Adults – to appoint officers to serve on Health related bodies including joint bodies
- (c) To prepare an Adult and Community Learning Plan.
- (d) To safeguard adult learners within the borough and secure provisions of first steps and personal and community development learning to meet the needs of the community.
- (e) To approve the waiving of relevant Contract Standing Orders for contracts up to £50,000 (above £25,000 in liaison with the Director of Finance and Corporate Services).

(20) Assistant Director Commissioning (Care Services)

- (a) To arrange for the effective operation of the authority's responsibilities for the assessment, purchase and provision of social care services for adults including people with disabilities, older people, people with mental health needs, people with substance misuse problems, adults with learning disabilities (including people with autistic spectrum disorder and a dual diagnosis incorporating mental health needs and learning disability) and people with HIV/AIDS
- (b) To implement the authority's statutory functions as follows:
 - To assess the need for, and to provide, services and residential accommodation for those suffering from a disability, including a mental disability, pursuant to the National Assistance Act 1948, the Mental Health Act, the Chronically Sick & Disabled Persons Act, the Disabled Persons (Services, Consultation and Representation) Act and the National Health Service and Community Care Act
 - To assess, and plan to meet, the needs of carers of vulnerable people in accordance with the provisions of the Carers and Disabled Children Act 2000
 - To act as the "appropriate adult" within the definition of the Police and Criminal Evidence Act in relation to persons with a mental disorder (which may include a learning disability) who are detained at a police station
- (c) To promote the welfare and independence of, and ensure the protection of vulnerable adults through the assessment of needs, the arrangement of services and the provision of facilities and assistance, where appropriate, to meet those needs, for adults and their carers
- (d) To lead and direct the continuous improvement of high quality services to the customer in the area of Council funded care and housing support services to adults. These services include:
 - Development of commissioned care and support services (including supported accommodation)
 - Delivery of Assessment/Care management services (including ensuring resource allocations to eligible individuals to buy care and support)
 - Performance management and quality assurance (including information, IT and contract monitoring)
- (e) To represent the Council in joint planning with the Health Service and other agencies, including Joint Planning Groups and to work with the Assistant Director (Commissioning Corporate Policy and Strategy) to assist the development of the Council's strategic and policy coherence and its consequent approach to the overall development of services, providing specific advice on commissioning in the field of adult social and supported living

- (f) To promote the Council's user/carer centred approach to care and support, increasing the proportion of services delivered via self directed support arrangements.
- (g) To take action and deal with cases and matters arising in respect of the restitution to eligible individuals with regard to the charges for the provision of aftercare services under Section 117 of the Mental Health Act 1983, in consultation with the Head of Legal and Electoral Services
- (h) To take action and deal with exceptional individual cases and matters arising in respect of the restitution to eligible individuals with regard to the charges for the provision of aftercare services under Section 117 of the Mental Health Act 1983, in consultation with the Head of Legal and Electoral Services and the Director of Finance and Corporate Services.
- (i) To act as the Council's Accountable Officer under the Supporting People Programme.

(21) Assistant Director Commissioning (Corporate Policy and Strategy)

- (a) To represent the Council in joint planning with the Health Service and other agencies, including Joint Planning Groups
- (b) To manage and oversee the Council's approach to strategic planning and policy implementation and ensure that commissioned services meet policy objectives and effective needs assessments.
- (c) To develop, in conjunction with the Local Strategic Partnership, the Council's community engagement strategy, community plan and local area agreements.
- (d) To develop and lead the Council's Community Safety Strategy.
- (e) To manage the Council's corporate contracting and procurement functions.
- (f) To promote community cohesion, inclusion and well being through working closely with the council's key partner organisations.
- (g) To ensure the effective operation of both the Council's corporate complaints procedure and the statutory complaints procedure in respect of the Adult Social Care functions
- (h) To ensure that the Equalities and Diversity Strategy and Policy are mainstreamed in all of the Council's activities and communicated to staff and the community

(22) Assistant Director Community Services (Operations)

- (a) To arrange for the effective operation of the authority's responsibilities for housing, including the recommending of strategies, relationships with social landlords (including certifications concerning development) and with the private sector
- (b) To approve applications for housing and allocate properties in accordance with the Council's established allocations policy
- (c) To authorise the commencement of legal proceedings, including to recover the possession of temporary accommodation, following non-payment of rent or other breach of tenancy conditions
- (d) To make arrangements to provide temporary accommodation for homeless households
- (e) To arrange the use of properties, on a short term lease basis, and other forms of temporary accommodation for use by homeless people

- (f) To exercise the Council's statutory duties towards asylum seekers under the Asylum and Immigration Act 1999
- (g) To approve the making of mandatory and discretionary housing grants
- (h) To implement and enforce housing and all environmental health legislation in relation to residential properties, including the service of notices and authorisation of prosecutions
- (i) To authorise inspectors and officers to enforce all relevant duties of the Executive under housing and all environmental health legislation in relation to residential properties, including the authorisation of legal proceedings
- (j) To exercise the functions of the authority in respect of stray dogs
- (k) To agree annual increases for hostel accommodation as appropriate and not in excess of, with increases to the Housing Benefits thresholds for payments
- (l) To increase rents for Bed and Breakfast, Short Term Lease properties and hostels used as temporary accommodation for homeless households as appropriate and not in excess of, with Housing Benefit thresholds for payment
- (m) To manage the effective delivery of the Council's Adult Social Care residential and day services provision, working closely with the Assistant Director (Commissioning Care Services), and to develop the services in accordance with commissioning requirements.
- (n) To manage the effective delivery of the Council's Passenger Transport services.

(23) Director of Environment

- (a) To arrange for the effective performance and development of the authority's duties and services and provide advice in relation to environmental services.
- (b) To approve the waiving of relevant Contract Standing Orders for contracts up to £50,000 (above £25,000 in liaison with the Director of Finance and Corporate Services).

(24) Assistant Director Traffic and Transport

- (a) To fulfil the statutory functions of the authority in relation to highways transport and traffic (in addition to non-executive functions delegated under the Functions Regulations), in particular maintaining the highway assets of the authority
- (b) To ensure that the integrity of the highway is maintained in a safe manner including ensuring the safety of highway users within the terms of all relevant legislation, and including the granting of all approvals, wayleaves and easements in respect of highways matters
- (c) To arrange, in consultation with the appropriate Executive Member, for the leasing of vehicles
- (d) To manage, regulate and retain the Council's Vehicle Fleet Operations Licence
- (e) To operate, manage and review the Borough's Emergency Plan, including training and response to major emergencies
- (f) To manage the operation and enforcement of on and off street parking and other decriminalised traffic regulations including consideration of unidentified owners and representations arising from the issue of penalty charge notices and their cancellation

- (g) To prepare, monitor and implement the Council's Transport Local Implementation Plan and Local Transport Spending Plan
- (h) To develop and promote transport plans and policies
- (i) To authorise temporary highway closures
- (j) To facilitate the management of traffic and parking on Borough roads and in Council car parks and to promote, advertise and sign all traffic management, traffic regulation and parking places, orders and notices
- (k) To work with other local authorities and transport providers in sub-regional and pan-London partnerships, including when appropriate take action on behalf of other authorities
- (l) To authorise the making of traffic management, traffic regulation and parking places orders where either no statutory objections have been received, or any such objections are deemed trivial or insubstantial, or where the principles behind the objections have already been considered by the Cabinet Member in consultation with the Transport Consultative Group
- (m) To authorise minor changes to the Authority's arrangements in respect of parking and traffic management controls, road safety, and provision for cyclists and walkers, following consultation with the Cabinet Member and where the impact of such measures is considered to be limited to the immediate area
- (n) To work with other local authorities and transport providers in sub-regional and pan-London partnerships, including when appropriate taking action on behalf of other authorities
- (d) To promote, review and recommend strategies to enhance the environmental well-being of the Borough

(25) Assistant Director Development and Street Scene

- (a) To arrange for the effective operation of the development control, building control and safety at sports grounds functions (in addition to the non-executive functions delegated under the Functions Regulations)
- (b) To arrange for the effective operation and enforcement of the Council's functions in respect of trading standards, environmental health, consumer advice and protection and licensing (in addition to the non-executive functions delegated under the Functions Regulations) and weights and measures (other than in respect of residential properties, which are the responsibility of the Assistant Director Housing).
- (c) To agree policies in respect of enforcement activity, appoint inspectors and officers to undertake all relevant duties of the executive under legislation and to authorise the institution of legal proceedings where appropriate
- (d) To manage the authority's responsibilities in respect of Economic Development and Tourism.
- (e) To authorise surveillance in accordance with the requirements of the Regulation or Investigatory Powers Act 2000
- (f) To enforce relevant cleansing legislation affecting the highway, including the Environmental Protection Act, Cleaner Neighbourhoods Act, legislation relating to dog fouling and London local authorities legislation
- (g) To operate and monitor all waste management and recycling activities, including enforcement of relevant legislation and the settling of waste management charges in consultation with the appropriate Cabinet Member

- (h) To plan for the development and use of land, the conservation of the natural beauty and amenity of the land, the improvement of the physical environment and the management of traffic
- (i) To prepare and monitor the Council's Local Development Framework
- (j) To design, implement, manage, develop, promote and monitor strategies, schemes, plans and/or associated activities for land use, and environmental improvement which promote the environmental and strategic policies of the Council and to authorise all necessary action in connection with these, including dealings with statutory undertakers and others
- (k) To promote, review and recommend strategies to enhance the environmental well-being of the Borough
- (l) To authorise the service of remedial notices in respect of high hedges
- (m) To determine applications for non material alterations to planning permissions

(26) Assistant Director, Property, Parks and Sustainability

- (a) To arrange for the effective operation of the authority's functions and responsibilities for its parks and open spaces, its facilities, its approach to sustainability, its strategies and policies in respect of health and safety matters, and the delivery of its strategy and policies (including the Corporate Asset Management Plan) in respect of property estate management and construction/building services
- (b) To include dealing with all minor land and property transactions and all rent reviews, recommending the Corporate Asset Management Plan and the programme of property disposals, and approving the purchase or appropriation of land and buildings where the value of the transaction is up to £100,000, and to approve the letting or taking on of a lease (or licence or other right) of property where the annual rental or licence value is up to £25,000 and/or is for a term of up to 15 years
- (c) To include approving the details of individual property disposals that are listed on the Executive approved rolling programme where the sale price is up to £100,000, and approve property disposals that are *not* listed on the approved rolling programme where the sale price is up to £50,000 - (the definition of "property disposals" for these purposes shall include easements, rights of way and other permanent rights over land)
- (d) To promote, review and recommend strategies to enhance the environmental well-being of the Borough

(27) Head of Environment, Finance and Performance

To manage the authority's responsibilities in respect of the registration of births, deaths and marriages and in respect of Citizenship ceremonies

[Non-Executive functions: To manage and ensure the effective implementation of all aspects of town planning development control and related functions (other than those delegated to officers by the Planning Committee on behalf of the Council under Section 2 above)]

(28) Head of Consumer Protection

[Non-Executive functions, in part]

- (a) To ensure the effective operation and enforcement of all legislation relating to consumer protection, trading standards and weights and measures, including the authorisation of legal proceedings, and the appointment of inspectors and other officers to undertake functions under such legislation
- (b) To grant to Trading Standards Officers, Enforcement Officers, Technical Officers and other support staff (as appropriate) authority to enforce consumer protection, trading standards and weights and measures legislation, including the authorisation of test purchasing, powers of entry, inspection, seizure, search, forfeiture and the issue of any statutory notices
- (d) To be the appointed representative of the London Borough of Richmond upon Thames, the Member, of London Trading Standards Association cic, a community interest company limited by guarantee and to have the authority to be a director of the aforementioned company as appointed in accordance with the articles of association of the company
- (e) To ensure effective operation and enforcement of all legislation relating to consumer protection, licensing, registration, environmental, and health and safety legislation, including the authorisation of legal proceedings and the appointment of inspectors and other officers to undertake functions under such legislation.
- (f) To grant to Licensing Officers, licensing committee staff and support staff (as appropriate) authority to enforce licensing, registration, environmental and health and safety legislation, including test purchasing, powers of entry, inspection, seizure, search, forfeiture and the issue of any statutory notices.
- (g) To ensure the effective operation and enforcement of all Environmental Health legislation (other than in relation to residential premises), including authorisation of legal proceedings and the appointment of inspectors and other officers to undertake functions under such legislation.
- (h) To grant to Environmental Health Officers, Technical Officers and other support staff (as appropriate) authority to enforce environmental health legislation, including the authorisation of sampling, powers of entry, inspection, seizure and detention, search, forfeiture and the issue of any statutory notices.

(29) Chief Inspector of Weights and Measures

[Non-executive functions, in part]

- (a) To undertake and operate all powers of inspection and enforcement as defined in the Weights and Measures Act 1985.

(30) Chief Building Surveyor

[Non-Executive functions, in part] To ensure the implementation of and compliance with the Building Act, London Building Acts, party wall legislation and all related legislation, including in respect of the approval or refusal of building regulation approval, inspection and approvals in respect of the design and construction of buildings, the taking of action as to dangerous structures, the naming and numbering of streets, and the safety of sports grounds (including such functions in relation to this which are non-executive functions). This shall include the signing of all statutory notices and the authorisation of any proceedings

(31) Residential Services Manager

To enforce and implement all Environmental Health and Housing legislation (other than in relation to commercial premises) including the approval of applications for housing renewal grants, all powers of entry, inspection and the issuing of statutory notices, and to authorise inspectors and officers to perform such functions

APPENDIX A – PROPER OFFICERS

STATUTE	ROLE/FUNCTION/ RESPONSIBILITY	PROPER OFFICER at May 2010
Children Act 1989	Inspection of Premises; visiting foster/protected children	Director of Education, Children's and Cultural Services
Data Protection Act 1984/Data Protection Act 1998	Data Protection Officer/Data Controller	Head of Legal and Electoral Services
Education Act 1944	Ensure cleanliness of pupils (Section 54(2))	Director of Public Health
Education Acts (various)	Clerk to the Governors (Nursery, County and Maintained Special Schools)	Director of Education, Children's and Cultural Services
Environmental Protection Act 1990 Section 57	Production of Contaminated Land Strategy and enforcement of Regulations	Assistant Director Development and Street Scene
Greater London Council (General Powers) Act 1968	Trustees (Section 36)	Director of Finance and Corporate Services
Greater London Council (General Powers) Act 1972	Signing of Footway Parking Prosecution Notices	Assistant Director Traffic and Transport
Greater London Council (General Powers) Act 1972	Signing Notices for Offences	Assistant Director Traffic and Transport
Greater London Council (General Powers) Act 1972	Footway Parking Prosecutions	Assistant Director Traffic and Transport
Highways Act 1990 Section 154	Notices in respect of overhanging vegetation	Assistant Director Traffic and Transport
Highways Act 1990 Section 184	Notices in respect of vehicle crossovers	Assistant Director Traffic & Transport
Housing Act 1985	Certification of orders etc (Section 11 Control Orders, Section 17 Compulsory Purchase Orders)	Director of Adult and Community Services
Housing Act 2004 Part 4 Ch1 Part 4 Ch2	Empty Dwelling Orders Management Orders	Director of Adult and Community Services

STATUTE	ROLE/FUNCTION/ RESPONSIBILITY	PROPER OFFICER at May 2010
Ionising Radiations Regulations 1985	Radiation Protection Advisor (Regulations 10(1) and 32(2))	Director of Education, Children's and Cultural Services
LOCAL GOVERNMENT ACT 1972:		
Section 39	Registration Officer	Chief Executive
Sections 41(2) & (3)	Returning Officer at local elections	Chief Executive
Sections 83(1) – (4)	Witness and receipt of declarations of acceptance of office	Chief Executive
Section 84	Receipt of declaration of resignation of office	Chief Executive
Section 88(2)	Convening Council meeting to fill casual vacancy in the office of Mayor	Chief Executive
Section 89(1)(b)	Receipt of notice of casual vacancy	Chief Executive
Section 96(1)	Receipt of notices of pecuniary interest	Chief Executive
Section 96(2)	Keeping record of declarations of interest and notices	Chief Executive
Sections 100B(2), 100B(7), 100C(2) & 100F(2)	Distribution of written summaries of proceedings and release of documents to Councillors	Chief Executive
Sections 100D(2) & (5)	Make available for inspection list of background papers and set of background papers themselves	Chief Executive, Directors
Section 112	Duties to be carried out by a proper officer	The officer responsible for carrying out the duty
Section 115(2)	Receipt of money due from officers	Director of Finance and Corporate Services
Section 146(1)(a)	Declarations and certificates with regard to securities	Director of Finance and Corporate Services

STATUTE	ROLE/FUNCTION/ RESPONSIBILITY	PROPER OFFICER at May 2010
Section 151	Administration of financial affairs	Director of Finance and Corporate Services
Section 225(1)	Deposit of Documents	Head of Legal and Electoral Services
Section 229(5)	Certification of photographic copies of documents	Head of Legal and Electoral Services
Section 234(1) & (2)	Authentication of Documents: <ul style="list-style-type: none"> - Financial, Rating, Superannuation - Dangerous Structure Notices - Certification of Local Plans - Letting of Garages - Notifiable Diseases and Food Poisoning - Other Public Health Acts 	Head of Legal and Electoral Services Director of Finance and Corporate Services Assistant Director Development and Street Scene/Chief Building Surveyor Assistant Director Development and Street Scene Assistant Director Housing Assistant Director Development and Street Scene/Assistant Director Housing
Section 238	Certification of Byelaws	Head of Legal and Electoral Services
Section ???	Provision of Premises for Registration of Births, Marriages & Deaths	Head of Environment Finance and Performance
Schedule 12 4(2)(b)	Signature of Summons to Council meeting	Chief Executive
Schedule 12 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent	Chief Executive
Schedule 14 25(7)	Certification of resolutions	Chief Executive
Schedule 16 28	Receipt on deposit of lists of protected buildings	Assistant Director Development and Street Scene/Head of Policy and Design
Schedule 22 17	Certification under Section 166 of Housing Act 1957	Head of Policy and Design

STATUTE	ROLE/FUNCTION/ RESPONSIBILITY	PROPER OFFICER at May 2010
Looked After Children/Children in Need (various legislation)	Exercise of statutory local authority functions	Director of Education, Children's and Cultural Services
Marriage Act 1949	Reimbursement of Superintendent Registrars	Assistant Director Development and Street Scene

Marriages (Approved Premises) Act 1995 Section 10	Responsible Officer for York House	Assistant Director Development and Street Scene
Mental Health Acts 1959 & 1983 (and associated Regulations)	<ul style="list-style-type: none"> – General powers and duties – Responsible Medical Officer – Apply for appointment as Receiver (Section 99) – Functions relating to documents – Functions relating to guardianship 	<p>Director of Adult and Community Services Director of Public Health</p> <p>Director of Finance and Corporate Services Director of Public Health; Director of Adult and Community Services Director of Public Health</p>
(Pre 1972)	<p>The Clerk of the Council The Town Clerk The Borough Treasurer</p> <p>The Chief Financial Officer</p> <p>The Chief Rating Officer</p> <p>The Responsible Accounting Officer The Surveyor</p> <p>The Engineer</p> <p>The Planning Officer</p> <p>The Medical Officer of Health The Public Health Inspector</p>	<p>Chief Executive Chief Executive Director of Finance and Corporate Services Director of Finance and Corporate Services Director of Finance and Corporate Services Director of Finance and Corporate Services Assistant Director Parks, Property and Procurement Assistant Director Traffic and Transport</p> <p>Assistant Director Environment Development and Street Scene Director of Public Health Assistant Director Development and Street Scene</p>
Local Democracy, Economic Development and Construction Act 2009 (c.20) Section 31	Designated Scrutiny Officer	Head of Democratic Services

STATUTE	ROLE/FUNCTION/ RESPONSIBILITY	PROPER OFFICER at March 2006
Public Health (Control of Diseases) Act 1984; Public Health (Infectious Diseases) Regulations 1988; National Assistance Act 1948; National Assistance (Amendment) Act 1951	Communicable Disease Control & other public health functions: Proper Officer	Consultants in Communicable Disease at the SW London Health Protection Unit, Consultants in Public Health Medicine in the SW London Primary Care Trust and Directors of Public Health in the SW London Primary Care Trust
Registration Service Act 1953	Appointment and payment of Registration Officers and receipt of fees	Head of Environment Finance and Performance
Road Traffic Regulation Act 1984	Make Traffic Regulation Orders	Assistant Director Traffic and Transport
Town & Country Planning Act 1990 Sections 197-214; Tree Regulations 1990	Matters relating to Tree Preservation Orders and trees in Conservation Areas	Assistant Director Parks, Property and Procurement
Transport Act 1968	All matters arising from duties as a Licensed Operator	Assistant Director Traffic and Transport
Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Head of Trading Standards
Traffic Management Act	Traffic Manager	Head of Highways Management

Appendix B - Authorised Posts

The posts below are mentioned within the standing orders of the London Borough of Richmond upon Thames as being authorised to act in respect of representations, appeals and mitigation received in regards to penalty charge notices (PCN) issued within the Borough. Post-holders will act at all times in accordance with the Traffic Management Act 2004 and any related legislation applicable.

<i>Post</i>	<i>Team</i>	<i>Section/Department</i>	<i>Directorate</i>
Parking Appeals Officer	Appeals	Parking Enforcement	Environment
Payments Officer	Payment/Support	Parking Enforcement	Environment
Senior Appeals Officer	Appeals	Parking Enforcement	Environment
Senior Payments Officer	Payment/Support	Parking Enforcement	Environment
Team Leader (Appeals)	Appeals	Parking Enforcement	Environment
Team Leader (Payments)	Payment/Support	Parking Enforcement	Environment
Operations Manager	Management	Parking Enforcement	Environment
Parking Services Manager	Senior Management	Parking Enforcement	Environment
Head of Parking Enforcement & Street Care	Senior Management	Parking Enforcement & Street Care	Environment
Chief Executive	Senior Management	Chief Executive	Chief Executive

SECTION 5

CORPORATE STANDARDS FOR AND LIMITATIONS ON THE EXERCISE OF ALLOCATED AND DELEGATED FUNCTIONS

NB ALL THE CORPORATE STANDARDS AND LIMITATIONS SET OUT BELOW APPLY TO THE EXERCISE OF EXECUTIVE FUNCTIONS. ONLY THOSE IN A, B2 AND B3(a) AND (b) APPLY TO THE EXERCISE OF ALL OTHER COUNCIL/NON-EXECUTIVE FUNCTIONS.

A. CORPORATE STANDARDS

The responsibilities allocated to and exercised by Executive Members and delegated to officers of the Authority are subject to the provisions contained in the documents detailed below, as supplemented by any Protocols agreed by the Cabinet, which shall between them constitute the 'Corporate Standards' of the authority, and which will be added to and revised by the Cabinet as necessary.

(a) Finance

The detailed financial procedures and prescribed limitations of delegated powers contained within 'Financial Regulations' as set out in the Constitution.

(b) Contracts

The detailed procedures and prescribed limits as set out in the Council's Standing Orders Relating to Contracts and any agreed code of practice or protocol for procurement.

(c) Personnel and Staffing

The Council has corporate Human Resources policies and procedures which officers must comply with in dealing with any staffing matter.

(d) Information Technology

The corporate standards for Information and Communications Technology as agreed by the Cabinet from time to time and which include the development and implementation of all major IT systems, compliance with the Computer Security Guidelines, the development of any new systems and software use policy.

(e) Decision-making Processes

The corporate standards agreed from time to time by the Council for decision-making procedures.

(f) Legal Standards

The legal standards agreed from time to time by the Council.

(g) Standards of Corporate Governance

The standards set out in the Corporate Governance Code agreed by the Cabinet.

(h) Risk Management

The Council has an approved Risk Management and Assurance Framework which officers and Members are expected to follow.

B. OTHER LIMITATIONS

1. For the avoidance of doubt the Constitution (Sections 3 and 4 of Part 3) does not allocate to any Executive Member or delegate to any officer any matter which:-

- a) is not a function of the Executive, or which is reserved to the full Council by the Constitution or by law
- b) is reserved to the full Cabinet by the Constitution (unless then delegated by the Cabinet)
- c) is specifically withdrawn from delegation to an officer for the time being, or in respect of the matter in question
- d) may not by law be allocated to an Executive Member or, as the case may be, delegated to an officer
- e) is being carried out for the Council under joint arrangements by another local authority (e.g. under an agency agreement, a goods and service agreement, a works contract, by a joint authority or by a joint committee on behalf of the Council)
- f) is to be carried out by a contractor under the terms of a current agreement, *except* in the event of an emergency or default
- g) is delegated to an officer but where an Executive Member has authority to act and indicates a wish to do so.

2. Any exercise of powers shall comply with:

- a) The Corporate Standards agreed in the Constitution and as set by the Cabinet or Council from time to time
- b) Standing Orders
- c) Contracts Standing Orders
- d) Financial Regulations

- e) Corporate policies and/or Service Plans or policies approved by the Cabinet or the Council as appropriate
- f) The Members' Code of Conduct, Members' Protocols, and the Officers' Code of Conduct
- g) Any other legal requirement, statutory code of practice or of guidance, or other national/local requirements for standards of ethical conduct which may be issued from time to time (for example by the Standards Board for England)

3. In exercising their powers, decision makers shall:

- a) have regard to the provisions of Article 13 of the Constitution (Decision Making)
- b) have regard to any advice given by the Chief Executive or by the Monitoring Officer (appointed under Sections 4 and 5 of the Local Government and Housing Act 1989 respectively) or by the Director of Finance and Corporate Services appointed under Section 151 of the Local Government Act 1972
- c) have regard to the legal and financial implications of decisions being taken
- d) inform the relevant Executive Member of details of any significant issues or problems which it is proposed to be determined under delegated authority, prior to the exercise of that authority, and consider whether the scale of the decision, the level of risk involved, or the policy or political sensitivity, is such that it would be more appropriate for the decision to be taken by the relevant Executive Member or by the Cabinet [see also B1(g) above].

In particular, officers shall

- consider whether they have the delegated authority to make the decision (whether directly in Section 4 above or by sub delegation in accordance with Section 4 2(b))
- ensure that, where decisions are of future potential significance, and particularly where they may affect the rights of others, the decision and the reasons for arriving at it are properly recorded and can later be retrieved.

C. RECORDING OF EXECUTIVE CABINET AND EXECUTIVE MEMBER DECISIONS AND OF KEY DECISIONS BY OFFICERS

a) Executive Cabinet

All decisions made by the Executive Cabinet must as soon as reasonably practicable be recorded in compliance with The Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, providing:-

- a record of the decision

- a record of the reasons for the decision
- details of any alternative options considered and rejected by the Executive
- a record of any conflict of interest declared by any member of the Executive
- a note of any dispensation granted by the Standards Committee in respect of any such declared conflict of interest.

b) Individual Executive Members

All decisions made by individual members of the Executive must be recorded in compliance with The Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, providing:-

- a record of the decision
 - a record of the reasons for the decision
 - details of any alternative options considered and rejected at the time by the member
 - a record of any conflict of interest declared by any other member of the Executive who is consulted in relation to the decision
 - a note of any dispensation granted by the Standards Committee in respect of any such declared conflict of interest
 - no decision shall be made by an Executive Member where that Member has a conflict of interest or where such action would be contrary to a Code of Conduct in any other way or would be unlawful and in such circumstances the allocation to the Executive Member shall be dealt with by the Leader or by another Executive Member at the direction of the Leader

c) Key Decisions made by officers

All decisions which are Key Decisions made by individual officers on behalf of the Executive must be recorded in compliance with The Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, providing:-

- a record of the decision
- a record of the reasons for the decision
- details of any alternative options considered and rejected at the time by the officer
- a record of any conflict of interest declared by any member of the Executive who is consulted in relation to the decision

a note of any dispensation granted by the Standards Committee in respect of any such declared conflict of interest.

SECTION 6

EXERCISE OF FUNCTIONS OF THE AUTHORITY BY JOINT ARRANGEMENTS

Pursuant to agreements dated 15th January 1998 and 1st April 2000 made between all the London Boroughs and the City of London, the functions summarised below are undertaken jointly by all those Councils under section 101(5) of the Local Government Act 1972:-

Employment

Advice in relation to:-

- (a) national and provincial agreements regulating the employment of staff;
- (b) the training of staff;
- (c) information generally affecting human resources issues;
- (d) health, safety and welfare matters.;
- (e) representation on national negotiating bodies dealing with pay and conditions of employment of staff;
- (f) provide a conciliation and arbitration service in the resolution of staffing disputes;
- (g) liaise with relevant employers' associations in relation to staffing matters.

Road Traffic

1. Appointment of parking adjudicators for the purposes of the Road Traffic Act 1991; fixing penalty charge levels for infraction of parking orders; agreeing arrangements in connection with the clamping and recovery of vehicles including charges and penalties; formulation of common practices throughout greater London in respect of vehicle parking penalties; any ancillary matters associated therewith.
2. The administration, modification and enforcement of traffic orders controlling the use of heavy lorries in greater London at night and during week-ends.
3. The arrangements, including those with transport operators under section 50 of the London Regional Transport Act 1984, for concessionary fares for the elderly and disabled entitling them to use public transport in greater London free of charge during prescribed hours and the use of taxis at reduced rates of charge and all ancillary matters in relation thereto.

General Functions as set out in Schedule 2 of the 1 April 2000 agreement, including provide services to and represent and consult on the (common) interests of the London Local Authorities; provide forums for the discussion of matters of common concern; formulate policies for the development of democratic and effectively managed local government; and provide information on local government issues relevant to London.

The joint-committee administering the above-recited functions is known as the **London Councils** and the conduct and proceedings of meetings are as set out in Schedule 6 to the said agreement dated 1st April 2000. This provides that the representative of each member Council on that committee shall be the Leader of that Council or a deputy appointed by him, that meetings shall be quorate when at least

25% of the eligible membership is present and for each member to have one vote and with the Chairman having a casting vote. The provisions of the said Schedule 6 also regulate speeches at meetings, the proposing and seconding of motions, maintenance of good order and other ancillary matters.

Emergency Planning

In accordance with section 138 Local Government Act 1972, section 101 Local Government Act 1972, section 155 Local Government and Housing Act 1989, section 19 Local Government Act 2000, Regulations 7 and 10 of the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2000 and all other enabling powers:

The Council's functions under section 138(1) Local Government Act 1972 (Powers of principal councils with respect to emergencies or disasters) are delegated to the Head of Paid Service in the event of a Catastrophic Incident in Greater London [the Head of Paid Service being the person appointed by one of the Councils [the 32 London Borough Councils and the Common Council of the City of London] who has agreed to discharge the functions under section 138(1) Local Government Act 1972 on behalf of the Councils; a Catastrophic Incident being an incident declared as such by the Minister of State for London Resilience where destruction of or danger to life or property in Greater London has occurred or is imminent or is apprehended by the Minister].

NB The formal resolution was made by the Cabinet on 24 February 2004 and vests the "Gold" Head of Paid Service with the power to incur expenditure on behalf of the Councils once the Minister has confirmed that expenditure reasonably incurred in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience will be reimbursed by the Government.

Parking

Centralised procurement relating to parking management and enforcement (which is dealt with under the London-wide "Partnership in Parking")

The following functions are also exercised jointly:

Grant-giving via London Boroughs Grants (which is dealt with by the ALG under Section 48 of the Local Government Act 1985)

Crematoria Services (which are administered under Private Acts)

Coroner's Services (which are dealt with the London Boroughs of Hammersmith & Fulham, Kingston, Hounslow, Ealing and Hillingdon, under the Coroner's Districts (Designation of Relevant Councils) Order 1985)