

SECTION 4

EXERCISE OF EXECUTIVE FUNCTIONS BY OFFICERS

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(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 a 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

(12) Director of Children's Services and Culture

- (a) To arrange for the effective performance of the Authority's functions under the Children Act 2004 and relevant Education Acts.
- (b) To ensure the Authority's functions are discharged having regard to safeguarding.
- (c) To ensure that the functions of the Authority in respect of Education are exercised so as to promote high standards, secure sufficient places at Primary and Secondary level and contribute to the spiritual, moral, mental and physical development and social cohesion of the community.
- (d) To chair the Local Children's Partnership and ensure the preparation and delivery of a Plan for Children and Young People.
- (e) To organise services to ensure early intervention where children and young people have additional needs so that they are supported and enabled to make progress.
- (f) To ensure high quality cultural services within the borough both through direct provision and through high quality partnership working.
- (g) To ensure that services are performance managed in order to achieve high quality and excellent value for money.

(13) Deputy Director of Children's Services and Head of Specialist Children's Services

- (a) To lead on ensuring that interagency partnerships safeguard and protect children within the authority.
- (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 in line with legislation.
- (c) To act on behalf of the authority in discharging its functions under the Children Act 1989 and all related legislation for the protection and well-being of children, including authority to institute any proceedings in any court.
- (d) To lead on ensuring interagency partnerships meet legislative requirements for children and young people looked after by the authority.
- (e) To act as the agency decision maker on behalf of the authority in respect of adoption and fostering
- (f) 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
- (g) To secure young people's access to positive activities.
- (h) To ensure the preparation and publication and implementation of a Youth Justice Plan and promote community safety.

(14) Head of Protective and Preventative Services

- (a) To deliver the strategy for the provision of appropriate Children's Centres and extended schools activities.
- (b) To ensure partners work together to improve outcomes for all children up to five and reduce inequalities between them.
- (c) To assess the local childcare market and to secure sufficient childcare for working parents.
- (d) To ensure the quality of service delivery within the five local delivery areas within Richmond (Quindrats)
- (e) To arrange for the enforcement of legislation for non-attendance at school.
- (f) To secure appropriate education programmes for children out of school.
- (g) To provide early intervention and preventative support for schools to promote social inclusion.
- (h) To grant licences for children taking part in public entertainment.
- (i) To lead on the Common Assessment Framework across the Children's Workforce and develop integrated working in localities.
- (j) To ensure high quality multi-agency working between the service area and all other partners within the Children and Young People's Strategic Partnership.
- (k) To maintain a team of Independent Reviewing Officers to promote the interests of children who are in public care.

(15) Head of School Effectiveness

- (a) To ensure high quality education for all children and young people, meeting national targets.
- (b) To tackle underachievement and reduce the gap for specific groups to meet the equality and diversity legislative framework.
- (c) To secure the effective governance of maintained schools.
- (d) To ensure the proper delegation of Standards Fund grants to maintained schools according to the specified criteria.
- (e) To promote workforce reform including professional development for teaching and support staff.
- (f) To intervene, challenge and support in schools where provision is below the accepted standard.
- (g) To implement the statutory procedures for schools requiring Local Authority intervention in line with OFSTED guidance.
- (h) To ensure the statutory requirements for School Improvement Partners are met, including the Performance Management of Headteachers.
- (i) To ensure the statutory requirements for pupil assessments are met, including LA moderation.
- (j) To ensure representation of the Director of Children's Services and Culture for the appointment of Headteachers in all Local Authority maintained schools.

(16) Head of Culture

- (a) To consult on, prepare and deliver a Cultural Strategy and Plan
- (b) To manage and sustain an efficient and comprehensive public library and information service in the borough to meet statutory requirements and national standards
- (c) To promote and develop sports and facilities for sports in the borough, including the negotiation and recommendation of licence arrangements for the use of sports facilities (with appropriate professional advice)
- (d) To act as the person designated to act on behalf of the Council under the agreement for the management of Pools on the Park.
- (e) To promote and develop arts and facilities for arts in the borough
- (f) To care for and conserve works of art held in Trust by the Council
- (g) To authorise the use, and terms of use, of reproductions from books, images and works of art in the Council's possession
- (h) To act as the Council's liaison with providers of cultural services in the borough, including but not limited to Richmond Music Trust, arts Richmond and the Museum of Richmond.

(17) Head of Finance and Resources

- (a) To plan the annual budget with the Directorate's Senior Leadership Team, monitor budgets in year and close the accounts at year end.
- (b) To ensure that the Directorate manages its financial procedures in line with the financial regulations of the Council.
- (c) To review and update, with the approval of the Director of Finance and Corporate Services, Schools Financial Regulations and the Scheme for Financing Schools.
- (d) To work with the Schools' Forum to ensure the proper allocation of the Dedicated Schools Grant including the delegation of funds to maintained schools.
- (e) To provide financial support and advice to Directorate budget managers.
- (f) To manage the Primary Private Finance Initiative and Head of the Building Development Team, leading on projects as agreed with the Director.

(18) Head of Commissioning, Delivery and Service Improvement

- (a) To lead on the production of the Children and Young People's Plan, its monitoring and reporting on delivery.
- (b) To lead on establishing effective partnership arrangements to deliver the Children and Young People's Plan, including with the Primary Care Trust, police and voluntary and community sector.
- (c) To ensure the work of the Directorate – including commissioning and performance management – is supported by high quality and timely data and analysis.
- (d) To lead on commissioning services for children within the Directorate and to work with partners to ensure a joined-up commissioning strategy.

- (e) To lead on ensuring adequate provision of school places and the provision of post-16 learning places for the local area.
- (f) To lead on ensuring high quality communications within the Directorate and with other agencies.
- (g) To lead on the development of a Children and Young People's Workforce strategy, ensuring action is taken to improve the capacity of the workforce to deliver the Children and Young People's Plan.
- (h) To lead on reviewing services within the Directorate in order to improve quality and ensure cost effectiveness.

(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) s
- (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

(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 Trading Standards and Chief Inspector of Weights and Measures

[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
- (c) To authorise surveillance in accordance with the requirements of the Regulation of Investigatory Powers Act 2000
- (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

(29) Head of Licensing

(Non-executive functions, in part)

- (a) 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.
- (b) 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

(30) Head of Commercial Environmental Health

[Non-Executive functions, in part]

- (a) 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.
- (b) 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

(31) 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

(32) 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 2007
Children Act 1989	Inspection of Premises; visiting foster/protected children	Director of Children's Services and Culture
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 Children's Services and Culture
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 2007
Ionising Radiations Regulations 1985	Radiation Protection Advisor (Regulations 10(1) and 32(2))	Director of Children's Services and Culture
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 2007
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 2007
Looked After Children/Children in Need (various legislation)	Exercise of statutory local authority functions	Director of Children's Services and Culture
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>

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