

## Constitution part 7B - Authorisation to officers by chief executive

### 1 Introduction

1.1 Pursuant to:

- (a) Full Council resolution of 18 May 2005
- (b) Cabinet resolution of 13<sup>th</sup> June 2005
- (c) Any other enabling powers whether referred to herein or not

1.2 This document sets out the functions of the Council both as vested in me by statute and those delegated to me by the Council's Constitution as on a decision of the Cabinet, which I have authorised the Chief Officers of the Council to exercise on my behalf. The authorisations are set out as follows:

- (a) Director of Children Schools and Families – section 2
- (b) Director of Community and Housing Services - section 3
- (c) Director of Environment and Regeneration - section 4
- (d) Director of Corporate Services - section 5

1.3 For Information

**1.3.1 Authorisations residing in identified officers, proper officers and responsibilities of the Council's chief legal officer are set out in Part 3F.**

- (a) ~~Head of Civic & Legal Services – section 6~~
- (b) ~~Authorisations residing in Identified Officers – section 7~~
- (c) ~~Proper Officers – section 8~~

1.4 Signed:

1.5 Chief Executive and Head of Paid Service

1.6 Date

1.7 In this scheme of authorisations "Chief Officer" means a Departmental Director or the person appointed to deputise for them in their absence.

1.8 The authorisations are on the basis that Chief Officers will have in mind the need for co-ordination with services provided by other departments and organisations providing associated services, and within CMT protocols.

1.9 Any conflicts of policy across departments will be resolved by the Chief Executive or an officer authorised by the Chief Executive.

1.10 The authorisations include the responsibility for the management of the Council's operational resources associated with the functions – HR, finance, land and property, ICT and procurement in accordance with the policies and procedures relevant to those operational resources.

1.11 The authorisations include the appropriate power under section 111 of the Local Government Act 1972 to do things which facilitate or which are incidental or conducive to the exercise of any function and the

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exercise of the well being power under section (2) of the Local Government Act 2000 so far as the exercise of those powers relates to the service area of the Chief Officer.

- 1.12 The authorisations include the appropriate functions of the Council as a “Principal Authority”, a “Best Value Authority” and “Local Authority” appropriate to authorisations.
- 1.13 The authorisations include the power to sign contracts and to authorise sealing of contracts that have been awarded in accordance with contract standing orders.
- 1.14 This scheme operates within the Council’s Constitution (which includes financial regulations and standing orders). No provision in this scheme allows Chief Officers to act outside the Council’s personnel, finance, strategic or administrative policies and procedures.
- 1.15 Save for significant variations in departmental structure the authorisations include the power to determine and vary staffing structures and staffing complement within allocated budgets.
- 1.16 It should be noted that by law the Chief Executive reserves the right to withdraw the authorisations at any time and has concurrent right to make decisions on all these issues including the right to override any decision already made.

### **2 Director of children schools and families**

- 2.1 Section 18 Children Act 2004
  - (a) Except for matters reserved for the decision of members or other decision makers the Director of Children, Schools and Family Services is authorised to exercise the following functions: Such decisions must be in accordance with the strategies policies set by the Council and must in all cases be made within a approved budgetary provision and financial procedures.
  - (b) Functions conferred on or exercisable by the Council as a Local Education Authority
  - (c) Functions conferred on or excisable by the Council which are Social Services functions within the meaning of the Local Authority Social Services Act 1970 so far as those functions relate to Children.
  - (d) Functions conferred under Section 23C to 24D of the Children Act 1 1989 so far as not falling within paragraph (b)
  - (e) Functions conferred on a Children Services Authority under Section 10 to 12 and 17 of he Children Act 2004
  - (f) Functions exercisable by the Council under Section 31 of the Mental Health Act 1999 on behalf of an NHS body so far as those functions relate to Children

### **3 Director of community and housing services**

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- (a) Except for matters reserved for the decision of Members or other decision-maker the Director of Community and Housing Services is authorised to exercise the following functions. Such decisions must be in accordance with the Strategic policies set by the Council and must in all cases be made within approved budgetary provisions and financial procedures.
- (b) Functions conferred or exercisable by the Council which are Social Services Functions within the meaning of the Local Authority Social Services Act 1970 so far as those functions relate to adults (Adult Social Services)
- (c) Functions exercisable by the Council under Section 31 of the Health Act 1999 on behalf of an NHS body so far as those functions relate to adults
- (d) Functions as a Local Education Authority with respect to higher and further education, under :
- (e) The Education reform Act 1988 (Section 120, (3),
- (f) The Education Act 1992 (Section 85);
- (g) The Education Act 1996 (S.15.B);
- (h) The Learning and Skills Council Act 2000:
- (i) Functions conferred on or exercisable by the Council as a Housing Authority (including functions conferred on the Council as a local authority in relation to homeless persons), except private sector housing issues
- (j) Functions conferred on or exercisable by the Council as a Library Authority
- (k) Functions conferred on or exercisable by the Council as a Burial Authority.
- (l) Functions conferred on or exercisable by the Council as an Allotments Authority and the management of all land designated as allotments.
- (m) All other functions relating to the provision of (housing and social care to adults and the provision of housing and leisure services and the provisional management of related facilities and services ).

### **4 Director of environment and regeneration**

4.1 Except for matters reserved for the decision of Members of other decision-makers the Director of Environment and Regeneration is authorised to make decisions on Functions; Such decisions must be in accordance with the strategies policies set by the Council and must in all cases be made within a approved budgetary provision and financial procedures.

- (a) Functions conferred on or exercisable by the council as a Local Planning Authority in relation to Town and Country Planning (including the Preservation of Trees), Development Control,

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Licensing and Registration Functions and functions relating to the Wildlife Act 1981

- (b) Functions conferred on or exercisable by the council relating to Street Trading and Street Management functions including functions as a Highway Authority and a Road Traffic Authority
- (c) Functions conferred on or exercisable by the council as a as a Principal Litter Authority, Litter Authority, Waste Collection Authority and Waste Disposal Authority
- (d) Functions conferred on or exercisable by the Council as a as a Weights and Measures Authority and an Enforcement Authority
- (e) Functions conferred on or exercisable by the Council as a Licensing Authority under the Licensing Act 2003
- (f) Functions relate to the management of the Councils property portfolio (other than responsibility for the management of Council occupied premises)
- (g) All other functions related to the protection of the environment and the regulation and control of the activities and the use of premises, which affect environment or local amenity.
- (h) Functions conferred on or exercisable by the Council as a local housing authority relating to private sector housing including private sector strategy, repair grants and disabled facilities grants

### **5 Director of corporate resources**

5.1 Except for matters reserved for the decision of Members or other decision makers the Director of Corporate Resources is authorised to exercise the following functions. Such decisions must be in accordance with Strategies Policies set by the Council and must in all cases be made within approved budgetary provision and financial procedures.

- (a) Registering Authority for the purposes of the Local Land Charges Act 1975
- (b) Registration Services for purposes of births marriages and deaths including civil partnerships and naming ceremonies
- (c) Billing authority for the purposes of levying and collection of Council Tax
- (d) Housing Benefit and Council Tax administration
- (e) Enforcement Authority for purposes of Health and Safety at work
- (f) Electoral Administration functions
- (g) The management of the Council's cashflows, banking, money market and capital market transactions (Treasury Management)
- (h) Arrangements for the proper management of the Council's financial affairs including Superannuation and Payroll functions

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- (i) Arrangements for the proper management of the Council IT functions
- (j) Arrangements for the proper management of the Council Human Resources functions
- (k) To approve and administer student support, student loans and access fund arrangements (section 22 Teaching and Higher Education Act 1998.)
- (l) Arrangements for the proper management of Procurement functions
- (m) Provision of support for elected members of the Council and democratic processes.
- (n) Managing the process to facilitate the formal meetings and decisions of the Council, its Councillors and Sub Committees and the Cabinet and its committees and to record such decisions.

### **6Head of civic and legal services**

~~6.1 The following matters are delegated to the Head of Civic & Legal Services for decision. Such decisions must be in accordance with the overall strategic policies set by the Council, and must in all cases be made within approved budgetary provision and financial procedures.~~

- ~~(a) To authorise, issue, prosecute and defend any legal proceedings (including appeals and enforcement) on behalf of the Council in consultation with the Chief Executive or the appropriate officer in circumstances where the proceedings are incidental or ancillary to any power contained within the Scheme of Delegation to Officers.~~
- ~~(b) To arrange for any legal proceedings to be conducted by any solicitor or barrister employed within the Legal Services Division including appearances before any court or tribunal in which the officer has rights of audience.~~
- ~~(c) To authorise in consultation with the Head of Paid Service the payment of any award of damages, compensation and costs made by any court or tribunal against the Council.~~
- ~~(d) To settle or compromise any legal proceedings on behalf of the Council in consultation with the appropriate Chief Officer including the agreement and payment or receipt of damages of up to £60,000 excluding legal costs.~~
- ~~(e) To give undertakings to any court or tribunal on behalf of the Council and to give solicitor's undertakings where appropriate and within the rules and guidance issued by the Law Society.~~
- ~~(f) To instruct counsel, solicitors expert witnesses or cost assessors to act on behalf of the Council.~~
- ~~(g) To issue and serve any legal notice or document necessary or ancillary or incidental to the giving effect of any decision taken~~

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~~by Council, Cabinet, any Committee or Sub-committee or any officer under the Scheme of Delegation to Officers.~~

- ~~(h) To publish and implement Codes of Practice in support of and ancillary to the Contract Standing Orders approved by the Council.~~
- ~~(i) To nominate Authorise Officers to determine Regulatory and Investigatory Powers Act requests.~~
- ~~(j) Unless there is an express statutory requirement on a named official or category of officials, any document that is required or authorised by or under any enactment to be given made or issued by the Council in any capacity may be signed on behalf of the Council by the "Authorised Officer". The "Authorised Officer" is the Head of Civic & Legal Services or any officer authorised by the Head of Civic & Legal Services.~~

~~6.2 These matters are in addition to the delegations and authorisations set out in Articles 12 and 14 of the Constitution. This Section must be read in conjunction with Section F and G of part 3E.~~

### ~~7 Authorisations residing in identified officers of the council~~

~~7.1 Authorised officers of the local education authority for the purpose of requiring the parent of any pupil in attendance at any school, college or educational establishment maintained by them, to submit the child or pupil for examination in accordance with the statutory duties of the authority under Section 34 of the Education Act, 1944.~~

- ~~• Director of Children Schools and Families~~

~~7.2 To authorise and institute proceedings in case relating to the enforcement of the Byelaws regulating the employment of children and street trading pursuant to Section 223 of the Local Government Act 1972.~~

- ~~• Director of Children Schools and Families~~

~~7.3 To authorise and institute proceedings under Section 223 of the Local Government Act, 1972 before Courts of Summary Jurisdiction in respect of cases relating to Education Welfare.~~

- ~~• Director of Children Schools and Families~~

~~7.4 To authorise and institute and/or defend any legal proceedings on behalf of the Council (Sections 222 and 223 Local Government Act 1972) and to arrange for such proceedings to be conducted by any Solicitor employed by the Council.~~

- ~~• Head of Civic & Legal Services~~

~~7.5 To authorise and make applications for Orders under the National Assistance Act, 1948 (as amended by the National Assistance (Amendment) Act, 1951) for urgent removal of persons in need of care and attention to suitable premises.~~

- ~~• Director of Community and Housing Services~~

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~~7.6 Pursuant to Section 223 of the Local Government Act 1972 to appear on behalf of the Council in legal proceedings.~~

- ~~• All Solicitors and Barristers in the Head of Civic & Legal Service's Division (and other legal staff on authority of Head of Legal Services)~~

~~7.7 To authorise legal proceedings for arrears of Council Tax, etc and appeals against assessments in the Valuation Tribunals.~~

- ~~• Director of Corporate Resources~~

~~7.8 Authority to appear on behalf of the Council before any Court of Summary Jurisdiction in any proceedings instituted by the Director of Corporate Resources in respect of the recovery of local taxation, general income debts, excess parking ticket charges, failure to give statutory information concerning on and off street parking, and Housing Advances.~~

- ~~• Such Officers of the Corporate Resources Department as may be specifically so authorised in writing by the Head of Civic & Legal Services~~

~~7.9 To act in Valuation Tribunals in registration matters, penalty appeals and local taxation matters.~~

- ~~• Such Officers of the Corporate Resources Department as may be specifically so authorised in writing by the Head of Civic & Legal Services.~~

~~7.10 To authorise legal proceedings on behalf of the Council, in respect of the functions delegated by the Council to the Social Services Cabinet Member.~~

- ~~• Director of Children Schools and Families where requisite in consultation with the Head of Civic & Legal Services.~~

~~7.11 Authority to take appropriate action when a tree on private land is considered to be a danger to the public, and serve a notice under Section 23 of the Local Government (Miscellaneous Provision) Act, 1976 and to recover any costs incurred.~~

- ~~• Director of Environmental & Regeneration~~

~~7.12 Authority to appear on behalf of the Council before any Court of Summary Jurisdiction in any proceedings instituted by the Director of Corporate Resources Department in respect of the recovery of local taxation, general income debts, excess parking ticket charges, failure to give statutory information concerning on and off street parking, and Housing Advances.~~

- ~~• Such Officers of the Corporate Resources Department as may be specifically so authorised in writing by the Head of Civic & Legal Services~~

~~7.13 To issue proceedings for the recovery of Council dwellings and land held for Council purposes.~~

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### ~~•Director of Community and Housing Services~~

#### ~~8Proper officers~~

~~8.1 Pursuant to Local Government Act 1972 Section 270(3) and authorised pursuant to Section 234~~

~~8.2 In relation to any reference in any enactment passed before or during the 1971/72 Session of Parliament other than the Local Government Act 1972 or in any instrument made before the 26 October 1972, to the Clerk of a Council or the Town Clerk of a Borough, and for the provisions contained in the following sections and schedules of the Local Government Act 1972 as and from the date they came into force: Sections 83(1), 83(2), 84, 88(2), 89(1), 96(1) and (2), 173(5), 225(1), 229(5), 234(1) and 238, Schedule 2 part II, para.12(4),~~

~~8.3 Chief Executive~~

~~8.4 Schedule 12 Part 1, para 4(2)(b) and para 4(3), Schedule 14 part II, para 25(7) and Schedule 22 para 17.~~

~~8.5 Chief Executive~~

~~8.6 Representation of the People Act 1983 – Sections 8(2)(a) and 35(3)~~

~~8.7 Chief Executive~~

~~8.8 Sections 115(2) and 151 Local Government Act 1972~~

~~8.9 Director of Corporate Services~~

~~8.10 General Rate Act 1967 Section 17 Schedule 1, para 8 (Service of Completion Notices) as amended~~

~~8.11 Director of Corporate Services~~

~~8.12 Allotments – Notices to Quit and agreements.~~

~~8.13 Assistant Director of Community and Housing Services~~

~~8.14 Exclusive rights of burial (including exhumations and Certificates of Disposal transfers and assignments).~~

~~8.15 Assistant Director of Community and Housing Services~~

~~8.16 Notices to Quit (Council dwellings)~~

~~8.17 Director of Community and Housing Services~~

~~8.18 Notices of numbering of streets and buildings.~~

~~8.19 Director of Environment & Regeneration~~

~~8.20 Skips on highways – licences and notices requiring removal.~~

~~8.21 Director of Environment & Regeneration~~

~~8.22 Inspection of Weights and Measures~~

~~8.23 Commercial and Trading Standards Manager (Chief Inspector of Weights and Measures)~~

~~8.24 Pursuant to the Local Government (Access to Information) Act 1985:-~~



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~~8.25 To decide which reports should be excluded from circulation before a meeting on the basis that the public are likely to be excluded during consideration of them.~~

~~8.26 Head of Civic & Legal Services~~

~~8.27 To decide which documents, other than reports, being supplied to Members of the Council in connection with an item on an agenda should also be supplied to newspapers.~~

~~8.28 Head of Civic & Legal Services~~

~~8.29 To make a written summary of the proceedings at a meeting where members of the public were excluded so as to provide them with a reasonably fair and coherent record of those proceedings.~~

~~8.30 Head of Civic & Legal Services~~

~~8.31 To compile a list of background papers for a report.~~

~~8.32~~

~~8.33 To decide which papers are to be background papers for a report.~~

~~8.34 CO in whose department the report is prepared~~

~~8.35 To decide whether a document discloses certain types of "exempt" information.~~

~~8.36 CO in whose department the report is prepared~~

~~8.37 Receipt and registration of Members' interests, in accordance with the Local Authorities (Members' Interests) Regulations 1992 (and allied Register of Officers' interests).~~

~~8.38 Head of Civic & Legal Services~~

~~8.39 Maintenance of statutory list of politically restricted posts~~

~~8.40 Head of Human Resources~~

~~8.41 Registration of Births, Deaths and Marriages~~

~~5.2 Head of Civic & Legal Services~~