

Part 3

Responsibility for Functions

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Part 3 – Responsibility for Functions

1. COUNCIL

- 1.1 Chapter 4 of Part 3 sets out the functions which are the responsibility of the full Council.

Responsibility for Council Functions

- 1.2 The specific terms of reference for all Committees are set out in Part 2 Chapter 7. The Council has delegated responsibilities and functions to the Committees set out below. These Committees may consider and decide any matter of non-executive business referred to it, which fall within its remit.

Planning Committee

- 1.3 Responsibility for matters on:
- (i) Planning and Conservation;
 - (ii) Commons Registration; and
 - (iii) Miscellaneous functions as set out in Part 1 Schedule 1 of Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

Licensing Committee

- 1.4 Determining various licensing functions where there is the requirement for a hearing (Miscellaneous Functions as set out in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000).

Councillor Conduct Committee

- 1.5 Responsibility for matters of probity and ethics and the Member Code of Conduct.

Staff Appeals, Appointments & Remuneration Committee

- 1.6 Responsibility for appeals by Chief and Deputy Chief Officers in cases of dismissal, grievance, grading and pension entitlement.

Pension Board and Investment Committee

- 1.7 Responsibility for overseeing the investment strategy and performance of the Council's Pension Fund.

School Appeals Panel

- 1.8 Responsibility for determining appeals made under the School Standards and Framework Act 1998 (school admissions and exclusions).

- 1.9 **Social Services Registration Panel**

Responsibility for determining issues under the Registered Houses Act 1984 and the Children Act 1989 (residential accommodation for persons in need of care).

Health and Social Care Board

1.10 Responsibility for:

- (i) Preparation of the Joint Strategic Needs Assessment, Pharmaceutical Needs Assessment and Joint Health and Wellbeing Strategy;
- (ii) Promoting greater integration and partnership between the NHS and local government to improve local health outcomes and reduce inequalities; and
- (iii) Supporting closer working between commissioners of health-related services to improve services for the local population.

2. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

2.1 Other than those matters reserved to Council, delegated to a non-executive Committee/Panel or to a Director/Statutory Officer, all other remaining functions are allocated as executive functions. These will be carried out by the Leader or the Cabinet.

2.2 The Executive consists of:

- The Leader of the Council;
- The Deputy Leader;
- The Cabinet Member for Children's Services;
- The Cabinet Member for Community Safety and Cohesion;
- The Cabinet Member for Environment and Sustainability;
- The Cabinet Member for Finance and Procurement;
- The Cabinet Member for Health and Social Care;
- The Cabinet Member for Licensing and Regulatory Services;
- The Cabinet Member for Social Housing; and
- The Cabinet Member for Public Health.

2.3 Under Section 236 of the Local Government and Public Involvement in Health Act 2007 the Leader has the statutory power to delegate functions, which are

the responsibility of the Executive, to other Members (subject to them being exercised in Members' own wards only).

- 2.4 The Leader will maintain a list in Part 4 (Chapter 3) of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular functions.

3. RESPONSIBILITY FOR FUNCTIONS

The Policy Framework

- 3.1 The Cabinet is responsible for proposing the policy framework to full Council and for its implementation within the Council's Scheme of Delegation. The detailed Policy Framework and the way it is developed are set out in Part 4, Chapter 7.
- 3.2 A record of all these policies will be developed and maintained by the Executive Management Team. Copies of the policies will be available to the Cabinet, all councillors and staff.
- 3.3 Departure from or changes to the Policy Framework will require the prior approval of the Council as set out in Chapter 7.

4. CABINET RESPONSIBILITIES FOR THE EXECUTIVE FUNCTION

- 4.1 Matters Requiring Collective Cabinet Consideration (Corporate Decisions) as delegated by the Leader:
- (i) Major policy matters affecting the Council as a whole or where individual Cabinet member(s) require collective guidance;
 - (ii) Prospective decisions with significant impact on service and/or resource implications across the Council as a whole or which could have significant effects across a number of services or portfolios;
 - (iii) Significant performance issues affecting the Council as a whole or crossing a number of services, or having major effects within a significant service;
 - (iv) Matters requiring collective political guidance, for example major employee relations issues, and resource assumptions to be built into major plans such as the education development plan and housing strategy and investment programme;

- (v) Recommendations to Council which affect the Council as a whole or have a widespread effect across the Council;
- (vi) Proposals to or responses to recommendations or matters raised by the Overview and Scrutiny Committee which potentially affect the Council as a whole or could have a widespread effect across the Council;
- (vii) Formal responses on behalf of the Council to consultation by other bodies on matters that affect the Council as a whole or have a widespread effect across the Council; and
- (viii) Formal representations or recommendations to other bodies on behalf of the Council on matters that affect the Council as a whole or have a widespread effect across the Council.

4.2 Matters for Decision by an Individual Cabinet Member (“Portfolio” Decisions) as delegated by the Leader:

- (i) Policy matters affecting the functions (referred to as “the function concerned” in the clauses that follow) within the Cabinet member’s portfolio only;
- (ii) Prospective decisions with significant service or resource implications for the function concerned;
- (iii) Significant performance issues affecting the function concerned;
- (iv) Matters affecting the function which require political guidance such as major issues affecting the public or major employee relations issues;
- (v) Matters requiring consultation before decisions affecting the function concerned are made under delegated authority;
- (vi) Recommendations to Council relating to the function concerned as appropriate;
- (vii) Proposals to or responses to recommendations or matters raised by the Overview and Scrutiny Committee which potentially affect the function concerned;
- (viii) Formal responses to consultation by other bodies on matters that affect the function concerned; and
- (ix) Formal representations or recommendations to other bodies on behalf of the Council on matters that affect the function concerned.

- 4.3 Where matters being dealt have an effect on another Cabinet portfolio there will be consultation with the relevant Cabinet member before a conclusion is reached.

Sub-committees:

- 4.4 For the efficient conduct of business, the Cabinet may set up sub-committees. Only the Cabinet may decide to set up a sub-committee and only Cabinet members may be a member of a Cabinet sub-committee. All sub-committees must operate in accordance with this Constitution, have stated terms of reference and will be accountable to the Cabinet.
- 4.5 The Leader will decide which Cabinet Sub-Committees are required and will determine the membership of those sub-committees, to be drawn from the Cabinet Members only.
- 4.6 The Council's Director of Law & Governance will be responsible for ensuring appropriate officer support and advice to sub-committees. Minutes of these meetings, together with a brief statement of the reasons for each of those decisions will be made public and the access to information provisions of the Local Government Act 1972 (as amended) will apply to sub-committees.

5. ACCOUNTABILITY OF THE CABINET

- 5.1 The Cabinet will also account to the Overview and Scrutiny Committee for the discharge of its functions. On a majority vote, an Overview and Scrutiny Committee can recommend to Council action that is necessary in their view to improve performance by the Cabinet. Such a recommendation must be the subject of consultation with the Cabinet before one Overview and Scrutiny Committee decides to put it to the Council.

Accountability within the Cabinet

- 5.2 The Cabinet will work within the policy of collective responsibility. Individual members of the Cabinet will also comply with that policy.

The Cabinet and Other Councillors

- 5.3 The Cabinet will conduct its relationships with other councillors within the following principles. The below principles apply to the Cabinet collectively and individually.
- 5.4 Cabinet Members will:
- (i) Work to support councillors' representative role and will inform and involve councillors in matters before the Cabinet that have a particular implication or effect for their ward;

- (ii) Ensure that councillors' enquiries of Cabinet Members are dealt with efficiently and will adopt the corporate standard that applies to Councillors' enquiries of officers; and
- (iii) Be accessible to councillors who wish to make representations or to obtain information on matters relevant to their role as a councillor.

The Cabinet and Scrutiny

- 5.5 The Cabinet will conduct its relationship with the Overview and Scrutiny Committee within the following principles. These principles apply to the Cabinet collectively and to the individual Cabinet members.
- 5.6 The Cabinet will:
- (i) Work to support the intended purpose of the Overview and Scrutiny Committee as indicated in their terms of reference;
 - (ii) Respect the independence of the Committee and will not seek to exert undue influence on their members; and
 - (iii) Ensure the provision of necessary information to the Committee and its workstreams and will co-operate with their reviews and enquiries. Where necessary, Cabinet members and/or members of the Executive Management Board will participate in Scrutiny hearings.
- 5.7 The Cabinet is required to:
- (i) Include the Committee in the list of bodies to receive and consider Council consultation documents;
 - (ii) Consider seriously reports, recommendations, comments and amendments proposed by the Committee, and to make responses and, where appropriate, provide explanations for these responses; and
 - (iii) Make reasoned responses in writing to the reports and recommendations of Committees.
- 5.8 The Cabinet is able to seek to share matters with the Committee on a confidential basis and this body will, where the Cabinet agrees it with them, respect the confidentiality.
- 5.9 A proposal by the Committee to make public information shared by the Cabinet with the Committee in confidence shall be the subject of prior consultation with the Cabinet. In cases of disagreement the matter will be resolved by the Council's Monitoring Officer or if the Monitoring Officer decides by the Council.

5.10 In conducting its relationships with the Overview and Scrutiny Committee the Cabinet will also have regard to the expectations and requirements the Council has placed on those bodies.

Budget - Capital and Revenue

5.11 The Cabinet will be responsible for recommending to Council the budget for the coming year.

5.12 In doing this the Cabinet will inform and consult with the Overview and Scrutiny Committee. Before bringing forward proposals the Cabinet will inform the Committee of the projected position for the following years and seek their views on issues and key policy options.

5.13 Later in the annual budget cycle the Cabinet will put budget proposals to the Committee and seek their views.

5.14 The Cabinet will consider the views put forward and make an informative and reasoned response. This will be done in advance of the Cabinet making its budget recommendations to the Council. Reasons will be given by the Cabinet for the response to the recommendations made.

5.15 The Overview and Scrutiny Committee will then have the opportunity to consider the Cabinet's responses and, if it so wishes, make recommendations and/or comments to the Council. The Council will consider these recommendations and/or comments together with those of the Cabinet before deciding the budget.

5.16 The details of the budget estimates for the coming year will be decided by the Chief Executive and Executive Directors within the framework of the decisions made by Council.

5.17 The Cabinet and the Council's Executive Management Board within their respective areas of responsibility will be accountable for the delivery of the Council's planned services and programmes within the budget.

6. ASSOCIATE CABINET MEMBERS (ACMs) – ROLES AND RESPONSIBILITIES

6.1 The role of the ACM is to deliver a spatially focused, cross cutting support function that will assist with informed decision making at Cabinet, providing insight into spatial issues affecting local communities, driving transformational change and providing a focal point for ward business in the areas covered.

6.2 Associate Cabinet Members will work closely with the relevant Cabinet members to facilitate the delivery of their programmes.

- 6.3 Three ACMs will be appointed at Annual Council every year, to cover the following geographical areas:
- Enfield North: Chase, Enfield Highway, Enfield Lock, Grange, Ponders End, Southbury, Town, Turkey Street wards;
 - Enfield South East: Bush Hill Park, Edmonton Green, Haselbury, Jubilee, Lower Edmonton, Upper Edmonton wards; and
 - Enfield West: Bowes, Cockfosters, Highlands, Palmers Green, Southgate, Southgate Green, Winchmore Hill wards.
- 6.4 Members appointed to these positions will be able to serve for more than one Municipal Year, subject to the appointments being agreed at Annual Council.

Support to Ward Councillors

- 6.5 The ACMs will provide support to ward councillors in their area and help with any issues arising through Ward Forum meetings, taking these further when required.

Engaging with Partners

- 6.6 The ACM is responsible for linking with partner agencies in their areas to ensure a joined up approach (including co-ordinating engagement activities, sharing information and providing a contact point for partner agencies wishing to engage in activities in their areas).

Liaising with Planning Activity in the Area

- 6.7 ACMs will be actively involved in strategic land use planning issues in their areas (but not including involvement in particular development control applications), providing support and advice to relevant Cabinet members. They will also be invited to attend the Local Plan Cabinet Sub Committee.

Attending Enfield Strategic Partnership Board

- 6.8 ACMs will be required to attend and engage with the Enfield Strategic Partnership Board to provide regular updates on progress and make representations to strategic partners, as required. They will not have voting rights on the Board.

Officer Support

- 6.9 No dedicated officer support will be available to facilitate the work of ACMs. Where the need for support is identified the ACM will be required to contact the relevant Director for response. This will be with the exception of support required to chair the relevant Area Partnership Board, where the ACMs should liaise with the Area Partnership and Regeneration Manager.

7. LOCAL CHOICE FUNCTIONS

- 7.1 These are functions where the Council has a discretion as to whether the function should be discharged by the Council or by the Executive.

8. SCHEME OF DELEGATION

Introduction

- 8.1 Part Three of the Constitution describes the overall areas of responsibility for the Council, the Executive and for Committees and Sub-Committees. However, to ensure that the Council runs efficiently, it is necessary for some decisions to be taken by officers. Certain types of decision must by law be delegated to an officer rather than being determined by Members. These include the appointment and dismissal of officers below Director level, discharge of the duties of the Returning Officer in elections and the Proper Officer functions. Other Council functions must by law be determined by Members, for example, setting the Council Tax and adopting the plans or strategies constituting the Council's Policy Framework. For the great majority of local authority functions, it is a matter of local choice for the Council whether they are exercised by Members or delegated to officers.
- 8.2 This Section describes the functions, powers and duties delegated to the most senior officers of the Council within their areas of responsibility. All functions and decisions not reserved to Members -either the Executive, full Council or one of their Committees or Sub-Committees are delegated to officers.
- 8.3 In understanding the Officer Scheme of Delegation it is important to recognise the respective roles of Members and officers. Members and officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve until their term of office expires. As elected Members, they are responsible for determining Council Policy and Strategy. Officers are employed by, and are responsible to, the Council and as such are responsible for implementing policy and delivering services. Their job is to give advice to members and the Council, and to carry out the Council's work under the direction and control of the Council, the Executive, their committees and the management of the Chief Executive and relevant Director.
- 8.4 This scheme operates from the date approved by the full Council.

General Principles of the Officer Scheme of Delegation

- 8.5 For the purposes of officer delegated powers, both within this part and any other part of the Constitution, the term "Director" shall include the following officers:
- The Chief Executive;
 - Members of the Executive Management Team; and

- All Executive Directors and Directors.

8.7 For the purposes of officer delegated powers, the term “Statutory Officers” means:

- The S151 Chief Finance Officer - This role is held by the Director of Finance;
- The Monitoring Officer - This role is held by the Director of Legal and Governance;
- The Director of Adult’s Services;
- The Director of Children’s Services; and
- The Director of Public Health

Any functions delegated to Directors shall be exercised by Directors in respect only of the specific services for which they are responsible. These officer delegated powers shall be exercised in accordance with the following general principles.

8.8 Functions delegated to officers are to be exercised taking into account:

- All other parts of the Constitution in particular the Financial Regulations and the Contract Procedure Rules at Part 4 of the Constitution;
- The Budget and Policy Framework;
- The approved Budget;
- Any instructions given by the Chief Executive;
- Any advice given by the Council’s Chief Finance Officer (S151 officer) or the Monitoring Officer;
- All legal requirements and any statutory codes of conduct or statutory Guidance;
- All codes, policies and protocols as may be approved by the Council or the Executive or one of their Committees or Sub-Committees; and
- Any relevant decisions of the Council or the Executive or one of their Committees or Sub-Committees.

8.9 Any function delegated to an officer may also be exercised by any officer who has been so authorised by the officer to whom the function is delegated, or by the Chief Executive. Such authorisations shall be recorded and held by the officer making the authorisation. Officers authorised under this provision to exercise a power delegated to another officer should be either fully or generally under the supervision and control of the authorising officer. This does not apply to functions delegated to the officers acting in the statutory capacity of the Council’s Chief Finance Officer (s151 officer) or the Monitoring Officer. These functions may only otherwise be exercised by the Director for Finance or Deputy Monitoring Officer as named in writing by the post holder.

- 8.10 Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to.
- 8.11 Where a Director's post is vacant, or the officer is absent or otherwise unable to act, and no officer has been appointed in an 'acting capacity', any functions delegated may be exercised by the Director whose duties include or most closely correspond to the function in question; save in relation to the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer where functions may only be exercised in accordance with arrangements that have been authorised in writing by the post holder.
- 8.12 Any reference to legislation in this scheme shall include any act, statutory instrument or subordinate legislation by which it is applied, extended, amended, consolidated, repealed or replaced.
- 8.13 It shall always be open to an officer to consult with the Committee or with appropriate Members on the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Cabinet, the Leader, relevant Cabinet Member or to a Committee of the Council.
- 8.14 In the event of a "catastrophic incident", declared by the Secretary of State to be imminent or to have occurred, all Council officers are authorised to take any action in accordance with the instructions of the Chief Executive or any external Chief Executive appointed to coordinate the actions of some or all London local authorities.

Requirements to record and report on decisions taken under the Officer Scheme of Delegation

- 8.15 This scheme includes the obligation on officers to keep Members properly informed of activity arising within the scope of these delegations and to ensure a proper record of such activity is kept and available to Members and the public in accordance with legislation. Therefore, each Director must ensure that there is a system in place within their area of responsibility which records any decisions made under delegated powers. Written statements of officers' exercise of delegated powers must be completed and where appropriate published and made available for public inspection at the Civic Centre and on the Council's website.
- 8.16 Regular reports (at least quarterly) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the Audit & Risk Committee in the case of non-executive functions, summarising all decisions taken under urgency provisions. These reports will be sent to the next full Council for noting. There should be no abuse of urgency provisions especially since this would undermine proper forward planning.

- 8.17 Regular reports (monthly or as near as possible) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the responsible Member body, in the case of non-executive functions, recording the number and type of all decisions taken under officers delegated powers. Decisions of particular significance shall be reported individually.
- 8.18 In paragraph 8.17, a decision of “particular significance”, to be reported individually by officers, shall mean a matter not within the scope of a decision previously agreed at Member level which falls within one or both of the following:
- (i) It is a spending or saving of £500,000 or more; or
 - (ii) It is significant or sensitive for any other reason and the Director and Cabinet Member have agreed to report it.
- 8.19 The Council may require an officer to consult a Cabinet Member before exercising the delegation in specific circumstances. In this event the signed agreement of the Cabinet Member must be obtained. If there is disagreement, the officer must report the matter to the Cabinet Meeting for decision.

General Limitations

- 8.20 This scheme does not delegate to officers:
- (i) Any matter reserved that is reserved to Members - either the Executive or full Council or one of their Committees or Sub Committees. This includes key decisions; the making, changing or departure from Council policy and the setting of fees and charges; and
 - (ii) Any matter which by law may not be delegated to an officer.
- 8.21 Officers shall not be authorised by virtue of these provisions to incur any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with the Financial Regulations at Part 4.

Urgent decisions and Officer Powers

- 8.22 Where action needs to be taken on any urgent matter between meetings of the Cabinet, or any Committee or Sub-Committee of the Cabinet or the Council and such action would not be authorised within these provisions, the following rules shall apply:
- (i) In the case of executive functions, the Leader may take any executive decision in place of, or between meetings of, the Cabinet, including

decisions that have become urgent, in accordance with the Access to Information Procedure Rules of this Constitution;

- (ii) In the case of non-executive functions, a report will be prepared so that the Director having operational responsibility can take the decision in consultation with the Chair of the Committee or Sub-Committee having the matter within its terms of reference. The Protocol for Decision-Making in Part 5 shall be followed.

Responsibility for maintaining and updating the Scheme of Delegation

- 8.23 The delegations in this document are necessary for officers to perform their duties in order to discharge the Council's functions and responsibilities and to demonstrate if called upon to do so that they have the necessary authority to act. It is essential therefore that the contents of this document are kept up to date.
- 8.24 Each Director must ensure that there is a nominated officer in their Directorate who takes responsibility for considering changes to the Scheme of Delegation. This officer must ensure that changes to existing legislation, proposed new legislation affecting their service area and new operational or policy developments are discussed with the Monitoring Officer. The Monitoring Officer will be responsible for preparing any necessary reports to full Council recommending amendments to the Scheme
- 8.25 In cases where there is an immediate or urgent need to amend the Scheme of Delegation with respect to any non-executive function before a report can be considered by full Council, amendments may be authorised by the Chief Executive, acting in consultation with the Chair of the Member & Democratic Services Group. Any such urgent amendments to the Scheme will only be effective for six months unless they are formally adopted as amendments to the Constitution by full Council before the expiry of that period.
- 8.26 Amendments to the Scheme of Delegation with respect to any Executive function may be authorised at any time by the Leader or the Cabinet and will have immediate and continuing effect. Such amendments will be reported to the full Council but only for noting and inclusion within the Council's Constitution.

Protocol for Officers Taking Decisions under Delegated Powers

- 8.27 There is no prescribed form for officers taking delegated decisions. Different types of report or record appropriate to the circumstances may be used provided the essential details are recorded in writing in every case. These are:
- (i) The post title of the officer taking the decision;
 - (ii) The substantive facts, including what is being decided;

- (iii) The reasons for the decision;
- (iv) The expenditure authorised (if any);
- (v) The date the decision was taken;
- (vi) Details of any alternatives considered and rejected by the officer taking the decision; details of any conflict of interest declared by any cabinet member who is consulted by the officer which relates to the decision; and
- (vii) In respect of any officer's declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

8.28 The officer taking the decision is responsible for ensuring that all relevant points are recorded which may include, but are not limited to, the following:

- (i) Any financial implications (beyond stating the expenditure);
- (ii) Any legal implications;
- (iii) Any environmental implications;
- (iv) Any equalities implications;
- (v) Any relevant Council policies;
- (vi) Any relevant national or regional guidance;
- (vii) Any consultations undertaken and the views of consultees;
- (viii) Any other implications for service delivery in the relevant service area;
- (ix) Any implications for other Council services outside the service area;
- (x) Any comments from other affected service areas;
- (xi) Any staffing implications;
- (xii) Any background documents relied upon;
- (xiii) Any information in the report or background documents that could or should be restricted from public disclosure as confidential or exempt information under the Freedom of Information Act 2000;
- (xiv) Any alternative options to the recommended decision; and
- (xv) Any consultation with Members (whether Cabinet Members, Chairs or Ward Members).

8.29 Officers taking delegated decisions should always consider carefully whether there are any factors that would make it advisable to consult the relevant Cabinet Member(s) or Chair of Committee in advance, for example, the sensitive or controversial nature of the decision.

8.30 The officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant service area or function concerned. Each Director will keep their own central record of all delegated decisions taken within their constituent services.

9. GENERAL DELEGATION TO DIRECTORS

General Functions delegated to Directors in their service areas

General

- To exercise any functions, powers and duties of the Council to secure the effective management of their service areas including the authorisation of any procedures or contracts within the framework of Financial Procedure Rules and Contract Procedure Rules, and taking and implementing decisions to maintain the operational effectiveness of their service areas where these fall within a policy decision made by the Council or Cabinet
- To implement and develop initiatives within the strategic policy framework and other Council plans and policy documents
- To carry out, or authorise the carrying out, of the functions of the proper officer of the Council in any legislation relating to those areas of responsibility assigned to Directors
- To exercise the general power of competence under the Localism Act 2011 subject to advice from Legal Services on each proposed exercise of these powers
- The power to place the services of any Council officers at the disposal of any person acting as the returning officer at any Greater London Authority election for an electoral area situated wholly or partly in the Borough.

Incidental powers

- In addition to any of their general and/or specific delegated functions and powers set out below, to enter into arrangements or do anything else which is calculated to facilitate, or is conducive or incidental to, the discharge of such delegated functions

Service Performance

- To make arrangements to secure value for money in respect of their service areas, to secure continuous improvement in the way functions are exercised having regard to a combination of economy, efficiency and effectiveness, and to maximise economic, environmental and social value
- To arrange consultation with tax payers, non-domestic rate-payers, service users and other local representatives about fulfilment of the best value duties and to involve representatives of local persons in the exercise of Council functions
- To meet business critical and key performance indicator targets
- To enter into any agreement with any other public body for the supply of goods and services subject to this being in accordance with the Council's Budget & Policy Framework, the Financial Regulations and the Contract Procedure Rules
- To make arrangements for co-ordinating the activities of the Council and those of any charity established for purposes similar or complementary to services provided by the Council in the interests of persons who may benefit from those services or from the charity and to disclose to any such charity any information obtained in connection with the services provided by the Council

Legal

- To authorise, institute, prosecute, defend, compromise, or adjourn any form of legal proceedings or enforcement functions or statutory procedure and to make or defend any appeal in criminal or civil proceedings where such action is desirable to protect the Council's interests, subject to advice from Legal Services and the agreement of the Director of Legal and Governance as appropriate
- Subject to the agreement of the Director of Legal and Governance, to authorise officers to prosecute or defend or to appear on the Council's behalf in proceedings before any Court or Tribunal
- To prepare, issue and serve any statutory notice, demand, certificate, order, or requisition for information in respect of functions in their area, including the authentication of such documents save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Director of Legal and Governance
- To authorise officers to enter and/or inspect any land or premises in respect of which the Council has a statutory power or duty to enter or inspect including the obtaining and enforcement of a search warrant

- To authorise any officer exercising a power to enter and/or seize items found on premises to exercise the powers of seizure, to give the required notice and to perform the duties to return certain items seized and to secure certain items seized
- To apply, or to authorise other officers to apply, to a Court for a warrant to enter any land or premises, in exercise of their responsibilities;
- To authorise the institution of any process or proceedings for administering or enforcing the functions of the Council
- To certify that any document forms part of the records of the Council for the purpose of admitting that document as evidence in civil proceedings
 - To authorise the recovery by legal proceedings of any sum to which the Council is entitled
- To take the action necessary to comply with any Court Order made against the Council
- To appoint officers as authorised officers for any statutory purpose
- To accept, hold and administer any property on trust (in consultation with the Chief Finance Officer and the Director of Legal and Governance)
- To supply photocopies of documents to the general public subject to making such charges as may be agreed in an approved scheme, subject to the provisions of the Copyright, Designs and Patents Act 1988

Personnel Matters

Exercising all Human Resources functions in accordance with agreed procedures and policies and subject to the agreement of the Director for Human Resources and Organisational Development as required, including:

- Taking all decisions relating to changes to the establishment; save in relation to the Strategic Leadership Team and Statutory Officers which is delegated to the Chief Executive. All such changes are to be contained within existing budgets and in accordance with agreed procedures and legislative requirements
- Power to defray expenses properly incurred by an officer of the Council • Extension of sickness pay (half and full pay) or extension beyond the national, provincial or local agreements
- Approval of extension of special leave with pay
- Extensions of accident pay beyond the national, provincial or local agreements

- Grant of honoraria and where relevant ex-gratia payments to employees
- Approval to changes to grades on various scales/conditions for all employee groups subject to the agreement of the Director for Human Resources and Organisational Development and save in relation to Directors which is reserved to the Remuneration Committee
- Re-designation of posts subject to normal consultative procedures
- To consider requests from employees to engage in any other regular employment for which payment is received
- Decisions not to reclaim maternity pay
- Deletion of vacant and creation of new posts
- Appointments to posts in accordance with agreed procedures and pay scales, save in relation to Directors which is reserved to the Remuneration Committee;
- Power to authorise recruitment and retention terms for individual posts save in relation to Directors which is reserved to the Remuneration Committee
- Disciplinary/capability action save in relation to the Executive Management Team and Statutory Officers which is delegated to the Chief Executive, in accordance with agreed procedures.
- Dismissals of officers save in relation to Directors which is reserved to the Remuneration Committee. The power to approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme is delegated to the Chief Finance Officer, save in relation to Directors which is reserved to the Remuneration Committee
- Approval of settlements for individual post holders, at termination of employment or in legal proceedings including those reached by settlement agreement, subject to the approval of the Director for Human Resources and Organisational Development and save in relation to Directors which is reserved to the Remuneration Committee
- Exercising of discretions in accordance with Council policy pursuant to the Local Government Pension Scheme Regulations 2013
- Exercising of discretions in accordance with Council policy pursuant to the Teachers' Pensions Regulations 2010
- Approval of payment of allowances to employees

- Approval of more than 5 days carry-over of annual leave to the following leave year

Administrative Matters

- Power to deal with requests for access to Council premises by the media
- Power to waive charges where justified in exceptional circumstances and where this is legally permissible

Finance

- Officers are referred to the Financial Regulations of the Constitution

Contracts

- Officers are referred to the Contract Procedure Rules of the Constitution

Property Matters

- Any decision concerning the management or use of land held for the operational requirements should be taken by Director of Property and Economy in consultation with the relevant director(s).
- Powers to take any action or sign any document under the Land Registration Rules, including the release of mortgages or charges; and powers to give any undertaking under the Greater London Council (General Powers) Act 1974 are reserved to Director of Legal and Governance
- Subject to the agreement of the Director of Property and Economy, the power to acquire or dispose of any land or property with a capital value below £500,000 except by use of compulsory powers or in advance of identified requirements. The power to acquire or dispose of any land or property with a capital value equalling or exceeding £250,000 but less than £500,000 except by use of compulsory powers or in advance of identified requirements is reserved to the Director of Regeneration, Planning and Development
- Subject to the agreement of the Director of Property and Economy, the power to take or grant a lease or licence of any land or property for any period where the rent is less than £100,000 per annum. The power to take a lease or licence of any land or property for any period where the rent equals or exceeds £100,000 per annum but is less than £500,000 is reserved to the Director of Regeneration, Planning and Development
- Subject to the agreement of the Director of Property and Economy, the power to settle compensation for the loss of interests in land up to a

maximum of £250,000 per interest where in the approved capital programme.

- The power to survey land which the Council proposes to acquire compulsorily
- The power to serve on any person occupying, having an interest in, or managing any land a notice requiring them to furnish the Council with information regarding the nature of their interest in the land and the name and address of others occupying, managing or having an interest in the land

Emergencies (e.g. flooding, power failure etc)

- Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and the opinion that it is likely to affect the whole or part of the Council's area or all or some of its inhabitants, all Directors may:
 - (i) incur such expenditure as is considered necessary in taking action (either by the Council itself or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in the Borough or among its inhabitants the effects or potential effects of the event; and
 - (ii) make grants or loans to other persons or bodies in respect of any such action taken by those persons or bodies, subject to ratification where necessary, as soon as possible.
- This power is to be exercised by Directors in accordance with the Constitution.

Safeguarding

- Duty to ensure that a person who is disqualified from working with children is not offered work in a regulated activity and that any such person who is so employed is removed from such work
- In accordance with the provisions of the Safeguarding Vulnerable Groups Act 2006, to exercise the duty and the power to make referrals to the Disclosure and Barring Service to refer any person who has:
 - (i) Harmed or poses a risk of harm to a child or vulnerable adult;
 - (ii) Satisfied the harm test; or
 - (iii) Received a caution or conviction for a relevant offence.

Equalities and Public Health

- To have due regard, when carrying out any of the Council's functions and procedures, and the need to eliminate discrimination, harassment and victimisation and to promote equality of opportunity and foster good relations
- To have regard, when carrying out any of the Council's functions, to the joint strategic needs assessment and Health and Wellbeing Strategy prepared by the Council and its health partners and which is relevant to the exercise of the functions
- Duty to make provision for disabled persons with needs who are members of the public or Council employees in Council premises including means of access, parking facilities sanitary conveniences and appropriate signage

Energy and Climate Change

- To have regard, when carrying out any of the Council's functions, to the most recent energy measures report from central government

Health and Safety

- To ensure and promote the health, safety and welfare at work of all employees and visitors to premises under their control

Access to Information

- To comply with the duties and powers imposed by Part 4 of the Constitution Responding to consultations and proposals
- To respond to consultations and to make comments and representations on matters notified to the Council by third parties including (but not limited to) Government Departments, statutory undertakers, local authorities and the Mayor of London, in consultation with the relevant Cabinet Member

Submission of grant funding bids

- To submit bids for grant funding and/or other financial assistance to Government departments and other organisations and bodies for projects and initiatives consistent with Council policies, following consultation with the relevant Cabinet Member, and to enter into any such agreements and arrangements as necessary to secure such funding, in accordance with the Contract Procedure Rules

Complaints

- To take action regarding complaints received
- To settle any Ombudsman/Complaint Cases:
 - (i) Cases of alleged maladministration where there has not been a finding of maladministration by the Ombudsman; and
 - (ii) Complaints that have been brought against the Council under any of its internal complaint's procedures in conjunction with the Monitoring Officer/ Director of Legal and Governance
- To approve compensation payments to remedy complaints in accordance with the Complaints Procedure and Financial Regulations