

11.3.4 Chief Executive

11.3.4.1

To carry out the functions of the Council as set out in [Chapter 11.1](#).

11.3.4.2.

To amend the Scheme of Delegation to Officers to enable Directors to authorise Council Officers to carry out duties in pursuance of new legislation, such power not to be exercised to carry out functions not in accordance with Council policy. Any amendments to be subsequently reported to the Council ~~on a quarterly basis.~~

11.3.4.3

Under Section 92 of the Local Government Act 2000, power to make payments or provide other benefits in cases of maladministration etc.

11.3.4.4

Ensuring compliance with the Health and Safety at Work legislation so far as it affects Council employees.

11.3.4.5

Approval of virements in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.4.6

The appointment on an interim basis of a Director who is not a statutory chief officer as an interim appointment and for a period not exceeding 12 months, pending permanent replacement.

11.3.5 All Directors

11.3.5.1

Expenditure of a routine and recurring nature which is provided for in the current year's estimates.

11.3.5.2

Virement between budgets within the limits set out in the Financial Regulations Chapter 12.1.

11.3.5.3

Incurring expenditure not within the current year's estimates arising from an emergency as defined in the Civil Contingencies Act 2004 and any Regulations made thereunder or any local emergency that requires the activation of the Council's 'gold' team.

11.3.5.4

Acceptance of tenders and quotations subject to compliance with the Procurement and Contract Rules and Procedures set out in Chapter 13, and the ongoing management of contracts.

11.3.5.5

Making such visits on Council business and participating in inter-agency and other partnership working as are necessary.

11.3.5.6

Purchase, hire and sale of vehicles, plant, equipment and materials, in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.7

Issue of public advertisements for contractors in accordance with the Procurement and Contract Rules and Procedures set out in Chapter 13.

11.3.5.8

Service of Requisitions for Information under various enactments relative to the functions of the service concerned.

11.3.5.9

Making arrangements for the safety and security of all Council owned buildings within the purview of his/her service in accordance with the requirements of legislation and for insurance purposes, where relevant, having regard to the advice of the police.

11.3.5.10

Release of Section 106 funds in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.11

To respond to petitions in accordance with the Council's agreed Petition Protocol as set out in Chapter 3.5.

11.3.5.12

To safeguard the consistency and integrity of the Council's electronic public interface by providing editorial management and regulation of the web site.

11.3.5.13

To safeguard the consistency and integrity of the Council's internal electronic communications and information sharing by providing editorial management and regulation of the Intranet.

11.3.5.14

To authorise the right of entry onto land by contractors representing the Authority to carry out works and to seek appropriate recharge of costs.

11.3.5.15

To make service information and personal data available to Members, staff and the public within the provisions of the Data Protection Act (and the General Data Protection Regulations).

11.3.5.16

To comply with the Freedom of Information Act by making information available to Members, staff and the public within the provisions of the Act.

11.3.5.17

Approval of attendance by Members at conferences, seminars and training.

11.3.5.18

To exercise the delegated powers as set out in the Human Resources Schedule of Delegated Powers [Chapter 11.6](#).

11.3.5.19

To undertake the actions required by the Financial Regulations (see Chapter 12.1) which are necessary to assist the Chief Finance Officer in the sound management of the Council's financial affairs.

11.3.5.20

To waive Fees and Charges in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.21

To approve requests for purchase orders or payments in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.22

To take action to promote the health and welfare of young people across the Borough.

11.3.5.23

To authorise disposal of assets or write off of items, in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.24

To obtain specialist advice, if required. The ~~Service Manager Strategic Assets~~ Head of Estates to be consulted on any transaction where there may be strategic asset management implications.

11.3.5.25

To make ex gratia payments in respect of claims against the Council for damage or injury, subject to the limits in the budget.

11.3.6 Director Corporate Services

To exercise the functions of the Chief Finance Officer as set out in [Chapter 11.1](#).

The Director of Corporate Services is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) Revenues and Benefit, including:¹
 - i) action to cover arrears relating to Council Tax and National Non-Domestic Rates;
 - ii) the administration of any benefit schemes adopted by the Council, including the exercise of the discretions permitted;

¹ Also delegated to Director Locality and Customer Services – see 11.3.9.u)

- iii) approving the write-off of irrecoverable Council Tax and NNDR debts and Housing Benefit and Council Tax Benefit overpayments in accordance with the Financial Regulations as set out in Chapter 12.1;
- b) Treasury Management, in accordance with the Council's policy statement, Treasury Management Practices and CIPFA's Standard of Professional Practice on Treasury Management;
- c) effecting of all necessary insurances and settlement of claims arising therefrom;
~~Customer Services~~
- d) Informational Management Technology
- ~~e) — Proper Officer under the provisions of the Registration Act 1953~~
- ~~f) Procurement~~
- ~~g) Property Services, including:~~
 - i) the granting of leases or licences of up to 14 years (including renewals and surrenders) of commercial, operational (service) and non-operational property;
 - ii) approval of Community Asset Transfers under leases of between 14-30 years following consultation with the Executive Member for Business, Economic Development and Strategic Planning ~~Regeneration and Communities~~, the Executive Member with responsibility for the relevant service area and local Ward Members;
 - iii) making or granting of easements, wayleaves and revocable licences;
 - iv) disposing of freeholds or leaseholds of small parcels of land required by statutory undertakers for their operation purposes (eg sub station sites);
 - v) in consultation with any barrister or solicitor employed by the Council taking action on breaches of lease covenants including arrears of rent;
 - vi) maintaining an Asset Register of all properties owned by the Council, for all fixed assets valued in excess of £10,000, and to ensure that assets are valued in accordance with best practice arrangements.
- ~~h) — sale of Council Houses~~
- ~~i) Human Resources, including organisational development and health and safety;~~
- ~~j) emergency planning;~~
- ~~k) — Local Land Charges~~
- i) community health and wellbeing development, including management of the Council's sports and leisure facilities and oversight of any contract with an external partner for the provisions of such facilities.

i) economic development;

11.3.6.1 Further delegation to the Lead Specialist Legal Service Manager Shared Legal Solutions:

- a) institute, defend, lay information, negotiate and settle any dispute decision or any proceedings by or against the Council including taking any necessary steps in connection with such dispute decision or proceedings;
- b) instructing and obtaining the opinion of Counsel and external legal advice;
- c) the formation, negotiation and settlement of any agreement with any party that binds the Council to an obligation.

11.3.7 Director People Services – Children’s Services

To exercise the powers and duties of the Council in relation to section 18 of the Children Act 2008 and appoint and authorise Council Officers to exercise all such powers as the Council may appoint or authorise persons, Officers or inspectors to exercise, in the pursuance of the undermentioned enactments and amendments thereto and any regulations, statutory instruments, bylaws and licenses made thereunder:

- a) functions conferred on or exercisable by the Council in its capacity as Local Education Authority;
- b) functions conferred on or exercisable by the Council which are social services functions, so far as those functions relate to children;
- c) functions exercisable by the Council under Section 75 of the National Health Service Act 2006, so far as those functions relate to children;
- d) functions conferred on the Council as a children’s services authority.

11.3.7.1

The Director People-Children’s Services is authorised to exercise or further delegate to a named Officer the Council’s functions, powers or duties related to the following areas:

- a) early years;
- b) school improvement;
- c) special education needs support;
- d) safeguarding and child protection;
- e) youth services;
- f) school governor services;
- g) adoption services;
- h) fostering services;
- i) support for children, young people, looked after and care leavers,

- j) youth offending services;
- k) school admissions, including pupil place planning;
- l) school transport;
- m) adult community learning.

11.3.8 Director ~~of People Services – Health and Wellbeing~~Adult Services

To carry out the statutory duties of the Director of Adult Social Services as set out in Section 6(A1) Local Authority Social Services Act 1970 and in statutory guidance.

11.3.8.1

The Director ~~of People Services – Health and Wellbeing~~Adult Services is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) safeguarding vulnerable adults;
- ~~b) community health and wellbeing development, including management of the Council's sports and leisure facilities and oversight of any contract with an external partner for the provisions of such facilities;~~
- ~~eb)~~ social care support for persons aged 18 or over;
- ~~ec)~~ older people's services;
- ~~ed)~~ services for adults with a physical or mental disability;
- ~~f) provision and management of housing accommodation, including maintenance and improvement Council dwellings, associated buildings and land;~~
- ~~g) housing;~~

11.3.8.2 Delivery of Joint Procurements through the Director of Public Health

11.3.8.2.1

To arrange for the delivery of joint procurement with the other Berkshire Unitary Authorities through the Director of Public Health for the future provision of joint public health services and / or contracts.

11.3.8.2.2

In consultation with the Consultant in Public Health, to negotiate and conclude amendments to the inter-authority Public Health Agreement dated 28 March 2013 to provide for the administration, management and operation of future contracts for which joint procurement has been agreed.

11.3.9 Director Locality and Customer Services Environment

To exercise the powers and duties of the Council in relation to legislation in [Appendix A](#) that is applicable to the service area and appoint and authorise Council Officers to exercise all such powers as the Council may appoint or authorise persons, Officers or

inspectors to exercise, in the pursuance of the enactments and amendments thereto and any regulations, statutory instruments, bylaws and licences made thereunder:

The Director Environment Locality and Customer Services is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) management and operation of public car parks and parking spaces administered by the Council;
- b) street naming, subject to no objections to any proposed name being received from the Parish/Town Council, Post Office or Fire and Rescue Service and the agreement of local Members;
- c) the Council as the Highways Authority, including highway inspection, minor highway repairs, winter maintenance, gritting, gully cleansing, street lighting and asset management;
- d) waste, including refuse collection, recycling, waste disposal and abandoned vehicles;
- e) transport planning and traffic management and road safety. In relation to Traffic Regulation Orders only those where no objections have been received;
- f) Trading Standards, Environmental Health and Licensing Services;
- g) planning policy, including the Local Development Framework;
- h) planning service, including the determination of planning applications not included in the Planning Committee's Terms of Reference;
- i) building control;
- j) libraries and Information service;
- k) cultural services;
- l) community development;
- m) assets of Community Value;
- n) countryside service, including public rights of way and tree preservation orders;
- o) Customer Services;
- p) Local Land Charges;
- q) sale of Council houses;
- r) housing; (excluding strategic housing);

- s) provision and management of housing accommodation, including maintenance and improvement Council dwellings, associated buildings and land;
- t) Proper Officer under the provisions of the Registration Act 1953;
- u) Revenues and Benefit, including: ²
 - i) action to cover arrears relating to Council Tax and National Non-Domestic Rates;
 - ii) the administration of any benefit schemes adopted by the Council, including the exercise of the discretions permitted;
 - iii) approving the write-off of irrecoverable Council Tax and NNDR debts and Housing Benefit and Council Tax Benefit overpayments in accordance with the Financial Regulations as set out in Chapter 12.1;
- v) in consultation with the Borough Solicitor, functions in relation to Part III of the Wildlife and Countryside Act 1981

11.3.9.1

The Council's functions, powers and duties in relation to Trading Standards and Environmental Health/Licensing Services areas are also delegated to West Berkshire District Council by virtue of shared service agreements. When such shared service agreements are expired the delegations to West Berkshire District Council will cease.

11.3.10 ~~Head of Governance and Improvement Services~~ Assistant Director Governance

To carry out the functions of the Monitoring Officer as set out in [Chapter 11.1](#) and to act as Proper Officer for the functions set out in [Rule 11.3.3](#)

The ~~Head of Governance and Improvement Services~~ Assistant Director Governance is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) Members' Code of Conduct, including reporting breaches by Members with respect to cases involving legal proceedings;
- b) to amend the Scheme of Delegation to Officers to reflect any changes to the Council's Officer Management Structure and to update the list of relevant Act/Regulations as detailed in Section 11 Officers Appendix A and other references to legislation within the Constitution, as appropriate;
- c) Audit and Investigation Services, ~~including effecting of all necessary insurances and settlement of claims arising therefrom;~~
- ~~d) —Business Improvement;~~
- ~~ed)~~ Democratic ~~Services~~ and Electoral Services, including making arrangements for appeals, reviews and hearings in relation school admission, school exclusion,

² Also delegated to Director Corporate Services 11.3.6a)

home to school/college transport and in relation to the granting, revocation and conditions imposed under the Licensing Act 2003 and the Gambling Act 2005;

~~f) —Electoral Services.~~

11.3.10.1 Further Delegation to the Borough Solicitor

To carry out any of the functions delegated to the ~~Service Manager Shared Legal Solutions~~ Lead Specialist Legal as set out in [Rule 11.3.6.1.](#)

To carry out the role of Commons Registration Officer as set out in Chapter 8.8.

11.3.11 ~~Assistant Director Commercial Property Head of Town Centre Regeneration~~

The ~~Head of Town Centre Regeneration~~ Assistant Director Commercial Property is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to Town Centre Regeneration.

11.3.12 Strategic Director of Public Health

To have responsibility for the functions of the Strategic Director of Public Health as required by section 30 and all relevant provisions of the Health and Social Care Act 2012, and all other relevant legislation, and which shall include the following:

- a) the duty imposed upon the Council to take such steps as it considers appropriate for improving the health of the people in its area;
- b) any public health functions of the Secretary of State which he/she requires local authorities to discharge on his/her behalf;
- c) dental health functions of the Council;
- d) the duty to co-operate with the prison service to secure and maintain the health of prisoners;
- e) the Council's duties set out in Schedule 1 of the National Health Act 2006, which include medical inspection of pupils, the weighing and measuring of children and sexual health services;
- f) arrangements for assessing the risks posed by violent and sexual offenders.

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