

**SECTION 11
OFFICERS**

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CHAPTER 11.1 – OFFICERS – GENERAL PRINCIPLES

11.1.1 Terminology

The use of the word "Officers" means all employees and staff engaged by the Council to carry out its functions and also covers those engaged under short term, agency or other non employed situations.

11.1.2 Management Structure

Details of the Council's management structure are set out in Chapter 1.3.

11.1.2.1

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Director Children's Services	Director of Children's Services
Director Adult Services	Director of Adult Social Services
Director Corporate Services <u>Resources and Assets</u>	Chief Finance Officer
Assistant Director Governance	Monitoring Officer

In their absence, the following Officers are entitled to carry out the functions of those Officers:-

Post	Nominated Deputy(ies)
Chief Finance Officer	Lead Specialist <u>Assistant Director</u> , Finance
Director of Adult Social Services	Relevant Officer from Adult Services Leadership Team
Director of Children's Services	Relevant Officer from Children's Services Leadership Team
Head of Paid Service	Relevant Director
Monitoring Officer	As designated by the Monitoring Officer

Such posts will have the functions described below.

11.1.2.2

The Head of Paid Service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of Officers. This is set out in Chapter 1.3 of this Constitution.

11.1.3 Functions of the Head of Paid Service

- a) **Discharge of functions by the Council.** Overall corporate management and operational responsibility (including overall management responsibility for all officers)
- b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

11.1.4 Functions of the Monitoring Officer

- a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council or to the Executive in relation to any Executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- d) **Proper Officer for access to information.** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- e) **Advising whether Executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- f) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- g) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.1.5 Functions of the Chief Finance Officer

- a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or to the Executive in relation to an Executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

- c) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.
- d) **Overview of work of Internal Audit.** In order to ensure that the Chief Finance Officer's statutory duties are discharged effectively, he/she will have direct input into the programme of work of Internal Audit and advise the Audit Committee of his/her opinion if the programme, quantity and quality of staff is inadequate to undertake the relevant audits.
- e) **The Chief Finance Officer can enact urgent Value For Money decisions that ensure the effective financial and service operations of the Council, in consultation with the Leader, or in his/her absence, the Deputy Leader.**

11.1.6 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.1.7 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations set out in Chapters [11.4](#) and 9.3 of this Constitution.

11.1.8 Employment

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules and Delegated Powers relating to staffing matters set out in [Chapters 11.3](#), [11.5](#) and [11.6](#) of this Constitution.

11.1.9 Appointment of Political Assistants

11.1.9.1

Political Assistants may be appointed from time to time in accordance with the wishes of a political group qualifying in terms of Section 9 of the Local Government and Housing Act 1989.

11.1.9.2

No appointment shall be made to any post allocated to a political group until the Council has allocated a post to each of the political groups that so qualify.

11.1.9.3

No such post shall be allocated to a political group which does not qualify in terms of Section 9 of the aforementioned Act.

11.1.9.4

Not more than one such post shall be allocated to any one political group.

CHAPTER 11.2 – RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

These functions are so named because the Council can decide whether the Executive should or should not be the decision making body. The Council has therefore allocated these functions as follows:

Function	Executive or Non-Executive	Delegated to
Any function under a local Act other than a function specified or referred to in regulation 2 of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England)(Amendment) Regulations 2001	Non-executive	Chief Executive
The determination of an appeal against any decision made by or on behalf of the authority	Non-executive	Licensing and Appeals Committee
The Licensing Authority's fee setting functions as set out in the Gambling Act 2005	Non-executive	Licensing and Appeals Committee
The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to the 1998 Act (appeals against exclusion of pupils)	Non-executive	Chief Executive
The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to the 1998 Act (admission appeals)	Non-executive	Chief Executive
The making of arrangements pursuant to section 95(2) of, and Schedule 25 to the 1998 Act (children to whom section 87 applies; appeals by governing bodies)	Non-executive	Chief Executive
The making of arrangements under Section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority	Non-executive	Chief Executive
The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996	Non-executive	Chief Executive
Any function relating to contaminated land.	Non-executive	Director Locality and Customer Services <u>Place and Growth</u>
The discharge of any function relating to the control of pollution or the management of air quality.	Non-executive	Director Locality and Customer Services <u>Place and Growth</u>
The service of an abatement notice in respect of a statutory nuisance.	Non-executive	Director Locality and Customer Services <u>Director Environment Place and Growth</u>
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Executive	Executive

The inspection of the authority's area to detect any statutory nuisance.	Non-executive	Director Locality and Customer Services <u>Place and Growth</u>
The investigation of any complaint as to the existence of a statutory nuisance.	Non-executive	Director Locality and Customer Services <u>Place and Growth</u>
The obtaining of any information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Non-executive	Director Locality and Customer Services <u>Place and Growth</u> / Borough Solicitor <u>Head of Legal</u>
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Non-executive	All Directors
The making of agreements for the execution of highways works	Non-executive	Director Locality and Customer Services <u>Place and Growth</u>
The appointment of any individual – a) to an office other than an office in which he is employed by the authority b) to any body other than – i) the authority; ii) a joint Committee of two or more authorities; or c) to any Committee or sub- Committee of such a body d) to a body or committee of two or more partners of the Wokingham Borough Strategic Partnership and the revocation of any such appointment.	Executive	Executive
The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Non-executive	Chief Executive
The authorisation of another local authority or officer(s) of another local authority under Section 101 of the Local Government Act 1972 to discharge any functions of Wokingham Borough Council which have been delegated to Directors or Monitoring Officer	Non-executive	Any Director or <u>the</u> Monitoring Officer

CHAPTER 11.3 - SCHEME OF DELEGATION TO OFFICERS

11.3.1 Introduction

The following section sets out the extent to which the functions and duties of the Council are delegated to the Council's Officers to carry out, the conditions and principles by which such authority will be exercised and limitations to it.

The Scheme is divided into the following sections:

- a) Proper Officer functions – functions of the Council required to be assigned to named Officers under Statute;
- b) Service specific delegations, set out by Director.

The delegations in this Scheme include the discharge of both Executive and Non-Executive functions. Non-Executive functions cannot be taken by the decision-making Executive of the Council. A list of Non-Executive functions is set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

The delegations set out in this Chapter apply to those functions which have not, by virtue of the Constitution or any other instrument, been reserved to Council, Executive or any committee / sub-committee thereof. Any functions which are not specifically discharged by Council, Executive or delegated to a committee / sub-committee are delegated to officers.

11.3.2 Principles and Conditions

The following principles and conditions shall apply where Officers exercise delegated powers:-

Any exercise of delegated powers shall comply with:

- a) any statutory restrictions;
- b) any relevant Act of Parliament as set out in [Appendix A](#). Any reference to any Act of Parliament shall be deemed to include any act, statutory instrument or regulation by which it is applied, extended, amended, consolidated or replaced;
- c) the Council's Budget and Policy Framework which includes the approved Budget;
- d) Council Rules of Procedure as set out in Chapter 4.2 of this Constitution;
- e) Financial Regulations and Procurement and Contract Rules of Procedures as set out in Chapters 12 and 13 of this Constitution;
- f) Policies and Plans approved by ~~full~~ Full Council or the Executive in conjunction with the Council's strategic partners;
- g) Codes and Protocols; and
- h) The Officer Code of Conduct set out in [Chapter 11.4](#) of this Constitution.

Delegated powers shall be exercised within the Council's policy guidelines and the appropriate budget provision having regard to economy, efficiency and effectiveness, ensuring compliance with the Council's objectives as set out in its Policy Framework, the highest standards of customer care and giving due consideration to the environmental implications and human rights implications of any decision taken.

Officers shall not exercise delegated powers in any case where a departure from current policy is likely to be involved, where the decision is a Key Decision as defined in Chapter 1.4 or where it is reserved to the Council or a Committee/Sub-Committee of the Council. Officers shall have the discretion not to exercise their delegated powers but to refer the matter to the Executive, Council or Committee/Sub-Committee of the Council.

Functions delegated by reference to job titles or posts which have changed will continue to be exercised by Officers whose duties include or most closely correspond to the duties of the post originally referred to.

11.3.2.1 Consultation

In exercising delegated powers, Officers shall consult other Officers as appropriate and shall have regard to any advice given. Consultation in areas of financial, legal, personnel, property and public relations will be of paramount importance, as will consultation with the Council's strategic partners ~~as defined in the Partnership Register (see Chapter 10.2)~~.

Officers shall liaise with the relevant Executive Member on executive functions and the Chairmen of the Planning Committee, Licensing and Appeals Committee or Personnel Board, as appropriate, before exercising delegated powers in respect of matters which are likely to be regarded as politically sensitive or contentious.

Officers shall inform the local Ward Member(s) when they exercise any delegated powers affecting a particular Ward in respect of a matter which is likely to be regarded as politically sensitive or contentious.

The exercise of a power by an Officer which requires consultation with other Officers shall be dependent upon agreement being reached otherwise the matter shall be referred to the Chief Executive for determination or, if he/she considers it necessary, for reference to the Executive for consideration.

11.3.2.2 Delegations

The scheme sets out delegations to each Director, and where appropriate further delegations to other named Officers. Directors may arrange for other Officers under their control to exercise some or all of their powers, subject to:

- a) such arrangements being clearly set out within written section procedures;
- b) accountability for the actions of subordinate Officers remaining with the Director.

Any delegation to a Director or other Officer may be exercised by the Chief Executive.

11.3.3 PROPER OFFICER FUNCTIONS

11.3.3.1 Local Government Act 1972 and Any Other Amending Legislation

The following Officers have been appointed Proper Officer for the purposes of the undermentioned provisions of the Local Government Act 1972 and any other amending legislation:

Responsibility	Exercised by:	Section(s)
Registration of Local Land Charges	Head of Customer Excellence Assistant Director, Customer and Locality Service	212(1) (2)
Deposit of Documents	Borough Solicitor <u>Head of Legal Services</u>	225(1)
Certification of photocopies of documents	Borough Solicitor <u>Head of Legal Services</u>	229(5)
Authentication of Documents	Chief Executive, Borough Solicitor <u>Head of Legal Services</u> or any solicitor, or barrister employed by the Council	234(1) (2)
Sending Bye-laws to Parishes and Town councils	Borough Solicitor <u>Head of Legal Services</u>	236 (9) (10)
Certification of Bye-laws	Borough Solicitor <u>Head of Legal Services</u>	238
Signature of summonses to Council meetings	Chief Executive	Sch. 12 Para. 4(2)(b)
Receipt of notices of addresses for summonses to Council meetings	Chief Executive	Sch. 12 para 4(3)
Functions with respect to Ordnance Survey	Director Locality and Customer Services <u>Place and Growth</u>	191 as amended
Receipt of money due from Officers	Director Corporate Services <u>Resources and Assets</u>	115(2)
Declarations and certificates with regard to securities	Director Corporate Services <u>Resources and Assets</u>	146(1) (a) and (b)
Witness and receipt of declarations of acceptance of office	Chief Executive or Assistant Director Governance	83 (1) to (4)
Receipt of declaration of resignation from Office	Chief Executive or Assistant Director Governance	84
Convening a meeting of Council to fill casual vacancy in office of Mayor	Chief Executive or Assistant Director Governance	88(2)
Receipt of notice of casual vacancy from two local Government electors	Assistant Director Governance	89 (1)(b)
Receipt of notices of Disclosable Pecuniary Interests or any relevant Personal Interests.	Assistant Director Governance	S29-34 of the Localism Act 2011
Keeping records of Disclosable Pecuniary interests	Assistant Director Governance	S30(3) of the Localism Act

Granting of dispensations under the Localism Act 2011	Assistant Director Governance	S33 of the Localism Act
Circulation of reports and agendas	Assistant Director Governance	100B(2)
Supply of papers to the press	Assistant Director Governance	100B(7)
Summaries of Minutes	Assistant Director Governance	100C(2)
Members' right to papers	Assistant Director Governance	100F
Officer responsible for identifying background papers and compiling lists of such documents	Assistant Director Governance	100d(1) (a) and (5)(a)
Certification of Resolutions under paragraph 25 of Schedule 14	Chief Executive	Sch. 14 Para. 25(7)
Making arrangements for the proper administration of the Council's financial affairs	Director of Corporate <u>Services Resources and Assets</u>	151

11.3.3.2 Other Legislation

The following Officers have been appointed Proper Officer under the terms of the following legislation:

Representation of the People Act 1983

a) Electoral Registration Officer

For the purposes of Section 8 of the Act, the Officer responsible for the compilation and maintenance of the Register of Electors and the discharge of duties contained in Parts V and VI of the Representation of the People (England and Wales) Regulations 2001;

**Assistant Director
Governance**

b) Acting Returning Officer

For the purposes of Section 24, the Officer responsible for the discharge of the Returning Officer's functions as Acting Returning Officer;

**Assistant Director
Governance**

c) Returning Officer

For the purposes of Section 35 of the Act, the Officer responsible for the discharge of functions of Returning Officer at an election of Borough and Town/Parish Councillors and any other relevant elections or referendums;

**Assistant Director
Governance**

d) Emergency Re-designation of Polling Places

Emergency powers to re-designate a polling place if there is an unplanned event which makes the polling place unusable, within the period between close of nominations and polling day;

Assistant Director Governance, in consultation with the lead Executive Member and the Ward Member(s) (unless the Member is a candidate in that ward in the forthcoming election)

e) Neighbourhood Planning (Referendums)

The officer responsible for the discharge of functions of Counting officer at a Neighbourhood Plan Referendum.

Assistant Director Governance

Local Government Finance Act 1988

For the purposes of Section 114, the Officer who shall make a report on any decision or proposed decision which would incur expenditure which is unlawful

Director Corporate Services Resources and Assets

For the purposes of Section 116(3), the Officer who shall notify the auditor of the date, time and place of any meeting of the authority to consider a report under Section 114

Director Corporate Services Resources and Assets

Local Government and Housing Act 1989

For the purposes of Section 2(4), the Officer with whom the list of politically restricted postholders under Section 2(2) of the Act shall be deposited

Chief Executive

Local Government (Committees and Political Groups) Regulations 1990

The Officer who shall receive notices relating to the establishment and membership of political groups and the wishes of those groups with regard to the filling of committee seats allocated to them

Lead Specialist, Democratic and Electoral Services.

11.3.3.3 Miscellaneous

- | | |
|---|--|
| 1. Any reference to an Officer which may be interpreted as reference to the Proper Officer of the Council in any Act, Statutory Instrument or local statutory provision passed before 26 October 1972 (other than the Local Government Act 1972). | Chief Executive |
| 2. Any similar reference to 1 above which refers to the Public Health Inspector. | Director Locality and Customer Services <u>Place and Growth</u> |
| 3. Any similar reference to 1 above which refers to the Surveyor. | Director Locality and Customer Services <u>Place and Growth</u> |
| 4. Any similar reference to 1 above which refers to the Treasurer or Chief Finance Officer. | Director, Corporate Services <u>Resources and Assets</u> |
| 5. Any reference in Rules of Procedure, not dealt with in this document. | Chief Executive |
| 6. In relation to Adult Social Services matters. | Director, Adult Services |
| 7. In relation to Children's Services matters. | Director, Children's Services |
| 8. Alternative Proper Officer to act in the absence of the Proper Officer(s) and where urgent action is necessary. | a) in the absence of the Chief Executive, the relevant Director

b) in the absence of the relevant Director, the Chief Executive |

11.3.3.4 General Data Protection Regulation

To act as the Council's Data Protection Officer

**Assistant
Director
Governance**

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.

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.

11.3.4.7

The Chief Executive is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) Human Resources, including organisational development and health and safety;
- b) communications and marketing;
- c) Informational Management Technology – IT management, web design and digital strategy.

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 Head of Estates~~Estates Unit Manager 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 Resources and Assets

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

The Director of ~~Corporate Resources and Assets 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) Income collection, rRevenues and Benefit assessments, including¹:
 - 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;
 - iv) the administration of debtor control and collection;
- 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;
- ~~d) Informational Management Technology~~
- ~~ed) Procurement~~
- ~~fe) Commercial Property Services~~, including:
 - i) the granting and taking of leases or licences and renewals and surrenders of up to 14-20 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 with responsibility for Business, ~~and Economic Development and Strategic Planning~~, the Executive Member with responsibility for the relevant service area and local Ward Members;
 - iii) making or granting or 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 acting on behalf of ~~employed by~~ the Council taking action on breaches of lease covenants including arrears of rent;

¹~~Also delegated to Director Locality and Customer Services — Rule 11.3.9.u~~

- 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.

~~g) Human Resources, including organisational development and health and safety;~~

hf) Emergency planning;

~~ig) Community health and wellbeing development, including management~~
Management of the Council's sport and leisure facilities and parks and oversight of any contract with an external partner for the provisions of such facilities;

~~j) Economic Development~~

~~h) Payments including ensuring a robust purchasing and payments process Council suppliers.~~

~~i) authority (jointly with Director Adult Services) to add to and remove services within Optalis during the term of the contract provided that in each case, up to the total value of £500k:~~

- ~~i. the budget for the costs of the services has already been approved as part of the agreed Council Budget;~~
- ~~ii. the business case has been approved by both Directors;~~
- ~~iii. the Executive Member with responsibility for Adult Services and the Executive Member with responsibility for Finance have been consulted.~~

~~j) in consultation with the Lead Member for Finance and the Lead Member for Leisure, to approve reductions, discounts and/or promotions for fees and charges within sports and leisure, up to £100 per fee or charge.~~

11.3.6.1 Further delegation to the ~~Lead Specialist Head of~~ Legal Services

- 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.

11.3.6.2 Delivery of Joint Procurements through the Director of Public Health

11.3.6.2.1

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.

11.3.6.2.2

In consultation with the Consultant in Public Health, to negotiate and conclude amendments to the inter-authority Public Health Agreement dated 10 July 2018 to provide

for the administration, management and operation of future contracts for which joint procurement has been agreed.

11.3.7 Director 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 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 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 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) social care support for persons aged 18 or over;
- c) older people's services;
- d) services for adults with a physical or ~~mental learning~~ disability and mental illness.
- e) Public health, Community health and wellbeing development.
- f) authority (jointly with Director Resource and Assets) to add to and remove services within Optalis during the term of the contract provided that in each case, up to the total value of £500k:
 - i. the budget for the costs of the services has already been approved as part of the agreed Council Budget;
 - ii. the business case has been approved by both Directors;
 - iii. the Executive Member with responsibility for Adult Services and the Executive Member with responsibility for Finance have been consulted.

11.3.9 Director ~~Locality and Customer Services~~ Place and Growth

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~~ Place and Growth 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, 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) Place shaping strategies such as planning policy, including the Local Development Framework; climate emergency; economic development 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 to Council dwellings, associated buildings and land;
- t) proper officer under the provisions of the Registration Act 1953;
- ~~u) — revenues and benefit, including²
 - ~~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;~~~~

² Also delegated to Director Corporate Services Rule 11.3.6a

- u) in consultation with the borough solicitor, functions in relation to Part III of the Wildlife and Countryside Act 1981

v) Community safety and anti-social behaviour

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.~~

The Director has delegated certain functions, powers, and duties in relation to Trading Standards and ancillary regulatory services to officers of West Berkshire District Council from 01 April 2022 by virtue of a delegation agreement under s113 of the Local Government Act 1972. The Director may add to or remove any delegations as they see fit and when the delegation agreement expires the delegations to officers of West Berkshire District Council will cease.

11.3.10 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 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;
- d) Democratic and Electoral Services, including making arrangements for appeals, reviews and hearings in relation school admission, school exclusion, 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;

e) Legal Services;

f) to make amendments to the Constitution in accordance with Rule 1.1.6.

11.3.10.1 Further Delegation to the Borough Solicitor

To carry out any of the functions delegated to the ~~Lead Specialist~~ Head of 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

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

11.3.12 ~~Strategic~~ Director of Public Health – Shared Across Berkshire West

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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