

**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

~~The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.~~ Details of the Council's management structure are set out in Chapter 1.3.

11.1.2.1

~~The Council will engage persons for the following posts, who will be designated as appears below:~~

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all Officers). Provision of professional advice to all parties in the decision making process. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions. Representing the Council on partnership and external bodies (as required by statute or the Council). Strategic management of the Councils' environmental and planning services. Strategic overview of the Council's functions as a Children's Services Authority in respect of education services, social services relating to children and young people, health services and inter-agency co-operation.

11.1.2.12

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 Health and Wellbeing	Director of Adult Social Services
Director Finance and Resources	Chief Finance Officer
Head of Governance and Improvement Services	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	Head of Finance Services
Director of Adult Social Services	Head of Adult Social Care and Safeguarding <u>Relevant Officer from Health and Wellbeing Leadership Team</u>
Director of Children's Services	Relevant Officer from Children's Services Leadership Team
Head of Paid Service	Relevant Director
Monitoring Officer	Borough Solicitor

Such posts will have the functions described below.

11.1.2.23

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). The Head of Paid Service will report to the Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of 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) ~~Receiving reports. The Monitoring Officer will receive and act on reports made by ethical standards Officers and decisions of case tribunals.~~

- ~~e) **Conducting investigations.** The Monitoring Officer will make arrangements for investigations to be conducted into matters referred by the Standards Committee or by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee or a sub-committee of the Standards Committee convened for that purpose.~~
- df) 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.
- eg) 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.
- fh) 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.
- gf) 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.
- ~~e) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.~~
- cd) 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.
- ~~e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.~~
- df) 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.

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
The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Executive	Executive
Any function relating to contaminated land.	Non-executive	Director Environment
The discharge of any function relating to the control of pollution or the management of air quality.	Non-executive	Director Environment
The service of an abatement notice in respect of a statutory nuisance.	Non-executive	Director Environment

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 Environment
The investigation of any complaint as to the existence of a statutory nuisance.	Non-executive	Director Environment
The obtaining of any information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Non-executive	Director Environment/Borough Solicitor
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 Environment
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 Head of Governance and Improvement Services	Non-executive	Any Director or Head of Governance and Improvement Services

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;
- db) Council Rules of Procedure as set out in Chapter 4.2 of this Constitution;
- ee) Financial and Contract and Procurement s Procedure Rules as set out on Chapter 12 of this Constitution;
- fd) Policies and Plans approved by full Council or the Executive in conjunction with the Council's strategic partners;
- ge) Codes and Protocols; and
- hf) 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.

Notes:

~~1—Reference to any Act shall include any re-enactment or amendment thereof.~~

~~2—Where more than one Director has authority to exercise a delegated power, for ease of reference the delegation will be set out under each Director's delegations and referred to as a footnote.~~

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 Services and IMT	212(1)(2)
Deposit of Documents	Borough Solicitor	225(1)
Certification of photocopies of documents	Borough Solicitor	229(4) and (5)
Authentication of Documents	Chief Executive, Borough Solicitor or any solicitor or barrister employed by the Council	234(1) (2)
Sending Bye-laws to Parishes and Town councils	Borough Solicitor	236 (9) (10)
Certification of Bye-laws	Borough Solicitor	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 Environment	191
Receipt on deposit of lists of protected buildings under Section 54(4) of the Town And Country Planning Act 1971	Director Environment	Sch. 16 Para. 28
Receipt of money due from Officers	Director Finance and Resources	115(2)
Declarations and certificates with regard to securities	Director Finance and Resources	146(1) (a) and (b)
Witness and receipt of declarations of acceptance of office	Chief Executive or Head of Governance and Improvement Services	83 (1) to (4)
Receipt of declaration of resignation from Office	Chief Executive or Head of Governance and Improvement Services	84
Convening a meeting of Council to fill casual vacancy in office of Mayor	Chief Executive or Head of Governance and Improvement Services	88(2)
Receipt of notice of casual vacancy from two local Government electors	Head of Governance and Improvement Services	89 (1)(b)
Receipt of notices of Disclosable Pecuniary Interests <u>or any relevant Personal Interests</u>	Head of Governance and Improvement Services	96(1) <u>as amended by S29-34 of the Localism Act 2011</u>

Keeping records of disclosures of Disclosable Pecuniary Interests pecuniary interest under Section 96(1)	Head of Governance and Improvement Services	96(2) as amended by S30(3) of the Localism Act
<u>Granting of dispensations under the Localism Act 2011</u>	<u>Head of Governance and Improvement Services</u>	<u>S33 of the Localism Act</u>
Circulation of reports and agendas	Head of Governance and Improvement Services	100B(2)
Supply of papers to the press	Head of Governance and Improvement Services	100B(7)
Summaries of Minutes	Head of Governance and Improvement Services	100C(2)
Members' right to papers	Head of Governance and Improvement Services	100F
Compilation of lists <u>Officer responsible for identifying background papers and compiling lists of such documents</u>	Head of Governance and Improvement Services	100d(1) (a) and (5)(a)
Identification of Background Papers	Head of Governance and Improvement Services	100d(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 Finance and Resources	151

11.3.3.2 Other Legislation

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

Regulation of Investigatory Powers Act 2000

Sections 29 and 30 of the Regulation of Investigatory Powers Act 2000 empower Authorising Officers to authorise covert directed surveillance activities and the use of covert human intelligence sources, where to do so would be likely to prevent or detect crime or disorder. Section 22 of the Act empowers ~~Authorising Officers- the Council's designated Single Point of Contact (SPOC)~~ to obtain- authorise the acquisition of communications data~~certain ancillary data relating to telecommunications traffic~~, also for the purposes of the prevention ~~of or detection of~~ crime and disorder.

Persons, designated as Authorising Officers, in the case of local authorities, by regulations made under the Act are any Officers appointed as "Assistant Chief Officer", "Assistant Head of Service", "Service Manager or equivalent". Any Officer senior to the designated Officers is also an Authorising Officer.

The Council considers that any executive Officer who reports directly to a Director an "Assistant Chief Officer" or an "Assistant Head of Service". It is a matter for each Director to identify, when the need arises in relation to his/her service, who the Director considers to be a "Service Manager". Further guidance can be found in the Council's Regulation of Investigatory Powers Act 2000 – Policy and Procedures.

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;

Head of Governance and Improvement Services

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;

Head of Governance and Improvement Services

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.

Head of Governance and Improvement Services

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.

Head of Governance and Improvement Services, 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)

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 Finance and Resources

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 Finance and Resources

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**

~~For the purposes of Section 4, the Officer designated as Head of Paid Service **Chief Executive**~~

~~For the purposes of Section 5, the Officer designated as Monitoring Officer **Head of Governance and Improvement Services**~~

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 **Service Manager Democratic 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 Environment**
3. Any similar reference to 1 above which refers to the Surveyor. **Director Environment**
4. Any similar reference to 1 above which refers to the Treasurer or Chief Finance Officer. **Director Finance and Resources**
5. Any reference in Rules of Procedure, not dealt with in this document. **Chief Executive**
6. In relation to Adult Social Services matters. **Director Health and Wellbeing**
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

11.3.4 Chief Executive

11.3.4.1

To carry out the functions of the Council as set out in Chapter 11.1 above.

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

~~Approval of budget carry forward requests in accordance with the Financial Regulations as set out in Chapter 12.1.~~

11.3.4.67

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

11.3.5 All Directors

To exercise the powers and duties of the Council in relation to specific areas of responsibility as set out in Rules 11.3.6-11.3.12 and in accordance with the regulations set out in Appendix A.

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 Regulations set out in Chapter 12.2, 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 Regulations as set out in Chapter 12.2.

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.

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 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 Finance and Resources

To exercise the functions of the Chief Finance Officer as set out in Chapter 11.1.

The Director of Finance and Resources 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) action to cover arrears relating to Council Tax and National Non-Domestic Rates;
 - (2) the administration of any benefit schemes adopted by the Council, including the exercise of the discretions permitted;
 - (3) 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) Customer Services
- d) Informational Management Technology
- e) Proper Officer under the provisions of the Registration Act 1953
- f) Procurement
- g) Property Services, including:
 - (1) the granting of leases or licences of up to 14 years (including renewals and surrenders) of commercial, operational (service) and non-operational property;
 - (2) making or granting or easements, wayleaves and revocable licences;
 - (3) disposing of freeholds or leaseholds of small parcels of land required by statutory undertakers for their operation purposes (eg sub station sites);
 - (4) in consultation with any barrister or solicitor employed by the Council taking action on breaches of lease covenants including arrears of rent;
 - (5) 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

11.3.6.1 Further delegation to the 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 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 Health and Wellbeing

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 Health and Wellbeing 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;
- c) Social care support for persons aged 18 or over;
- d) Older People's Services;
- e) 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 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 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
- d) Waste, including refuse collection, recycling, waste disposal and abandoned vehicles;
- e) Transport Planning and Traffic Management;
- 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;
- h) Building control;
- i) Libraries and Information service;
- j) Cultural Services;
- k) Community Development;
- l) Assets of Community Value;
- l) Countryside service, including public rights of way and tree preservation orders.

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

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 Chapter 11.3.3

The Head of Governance and Improvement 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) 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;
- c) Audit and Investigation Services, including effecting of all necessary insurances and settlement of claims arising therefrom;
- d) Business Improvement;
- d) Democratic 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) 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 as set out in Rule 11.3.6.1.

11.3.11 Head of Town Centre Regeneration

The Head of Town Centre Regeneration 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.

List of Relevant Acts/Regulations

A
<p>Access to Personal Files Act 1987 Access to Personal Files (Housing) Regulations 1989 – all functions under the Regulations with the exception of the hearing of appeals under Regulation 8 Accommodation Agencies Act 1953 Acquisition of Land Act 1981 Administration of Justice Act 1970 Adoption Act 1976 Adoption Agencies Regulations 1983 Aerosol Dispensers (EEC Requirements) Regulations 2009 1977, and those Regulations which impose a duty of enforcement upon the local weights and measures authority Agriculture Act 1970 Animal Boarding Establishments Act 1963 Animal Health Act 1981 Animal Health and Welfare Act 1984 Animal Welfare Act 2006 Anti-Social Behaviour Act 2003</p>
B
<p>Berkshire Act 1986 Breeding of Dogs Act 1973 Breeding of Dogs Act 1991 Building Act 1984 Building Regulations 20001991 Business Names Act 1985</p>
C
<p>Cancer Act 1939 (Section 4) Caravan Sites and Control of Development Act 1960 Carers and Disabled Children Act 2000 Carers (Recognition and Services) Act 2000 Children Act 1989 Children and Families Act 2014 Children and Young Persons (Protection from Tobacco) Act 1991 Children's and Young Persons Act 1933 Chiropractors Act 1994 Chronically Sick and Disabled Persons Act 1970 Civil Contingencies Act 2004 Civil Defence Act 1948 Civil Partnership Act 2004 Civil Protection in Peacetime Act 1986 Clean Air Act 1993 Cleaner Neighbourhoods and Environment Act 2005 Companies Act 1985 Companies Act 2006 (Part V) Community Care Assessment Directions 2004 Community Care (Delayed Discharges etc.) Act 2003 Community Care (Direct Payments) Act 1996 Consumer Credit Act 1974</p>

Consumer Credit Act 2006
 Consumer Protection Act 1987
 Consumer Protection from Unfair Trading Regulations 2008
 Control of Dogs Order 1992
 Control of Pollution Act 1974
 Control of Pollution (Amendment) Act 1989
 Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 and 1994
 Copyright Design and Patents Act 1988
 Countryside Rights of Way Act 2000
 Courts and Legal Services Act 1990A
 Crime and Disorder Act 1988
 Criminal Attempts Act 1981
 Criminal Justice Act 1988 (Section 141A)
 Criminal Justice and Police Act 2001
 Criminal Justice and Public Order Acts 1994 (Part VII)
 Criminal Law Act 1977
 Crossbows Act 1987
 Customs and Excise (Management) Act 1979
 Cycle Tracks Act 1984

D

Dangerous Dogs (Amendment) Act 1997
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Data Protection Act 1998
 Deer Act 1991
 Development of Tourism Act 1969
 Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000
 Disabled Persons (Services Consultation and Representation) Act 1986
 Discretionary Financial Assistance (Amendment) Regulations 2008
 Dogs Act 1871
 Dogs Act 1906

E

Education Act 2002 and 2011
 Education Reform Act 1988
 Energy Act 1976
[Energy Conservation Act 1981](#)
 Enterprise Act 2002
 Environment and Safety Information Act 1988
 Environment Act 1995
 Environmental Protection Act 1990
 Environmental Protection (Duty of Care) Regulations 1991
 Estates Agents Act 1979
 European Communities Act 1972
 European Communities ([Amendment](#)) Act 1986
 Eviction Act 1977
 Explosives Act 1875
 Explosives [Act \(Age of Purchase etc\) 1976](#)[Act 1976](#)

F

Factories Act 1961
 Fair Trading Act 1973
 Family Law Reform Act 1969

Financial Services and Markets Act 2000 Fireworks Act 2003 Flood and Water Management Act 2010 Food and Environment Protection Act 1985 Food Safety Act 1990 Forgery and Counterfeiting Act 1981 Forgery and Counterfeiting Act 1988 Fraud Act 2006
G
Gambling Act 2005 Game Act 1831 Game Licenses Act 1860 Gaming Act 1968 Guard Dogs Act 1975
H
Hallmarking Act 1973 Health Act 1999 Partnership Arrangements Health Act 2006 Health and Safety at Work etc. Act 1974 Health and Social Care Acts 2001 and 2012 Hedgerow Regulations 1997 High Hedges Legislation 2004 Highways Act 1980 Home Safety Act 1961 Homelessness Act 2002 House to House Collections Act 1939 Housing Acts 1985 and 2004 Housing Grants, Construction and Regeneration Act 1996 Hypnotism Act 1952
I
Insurance Brokers Registration Act 1977 Intoxicating Substances (Supply) Act 1985
J
Justice and Police Act 2001
K
Knives Act 1997
L
Land Drainage Act 1991 Landlord and Tenant Act 1985 Licensing Act 2003 Local Authority Social Services Act 1970 Leaving Care Act 2000 Local Government Acts 1972, 1982, 2000 and 2003 Local Government and Housing Act 1989 Local Government Finance Act 1988 (National Non-Domestic Rate) Local Government Finance Act 1992 (Council Tax) Local Authorities (Functions and Responsibilities)(England) Regulations 2000 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 Local Government Planning and Land Act 1980
M
Malicious Communications Act 1988 Marriage Act 1949

<p>Marriage (Approved Premises) Regulations 1995 Medicines Act 1968 Mental Capacity Act 2005 Mental Health Act 1983 Mental Health (Patients in the Community) Act 1995 Mines and Quarries Act 1954 Motor Cycle Noise Act 1987 Motor Vehicles (Safety Equipment for Children) Act 1991</p>
N
<p>National Assistance Act 1948 National Health Service Act 2006 National Health Service and Community Care Act 1990 National Lottery Act 1993 New Roads and Street Works Act 1991 Noise Act 1996 Noise and Statutory Nuisance Act 1993</p>
O
<p>Offices, Shops and Railway Premises Act 1963 Olympic Symbol etc (Protection) Act 1995 Open Spaces Act 1906 Osteopaths Act 1993</p>
P
<p>Party Wall etc. Act 1996 Performing Animals (Regulations) Act 1925 Pet Animals Act 1951 Petroleum (Consolidation) Act 1928 Petroleum (Transfer of Licences) Act 1936 Planning and Compensation Act 1991 Planning and Compulsory Purchase Act 2004 Planning (Hazardous Substances) Act 1980 Planning (Listed Buildings and Conservation Areas) Act 1990 Poisons Act 1972 Police, Factories etc (Miscellaneous Provisions) Act 1916 Pollution Prevention and Control Act 1999 Prevention of Damage by Pests Act 1949 Prices Act 1974 Products of Animal Origin (Import and Export) Regulations 1996 Products of Animal Origin (Third Country Imports) (England) Regulations 2002 Property Misdemeanors Act 1991 Protection of Animals Act 1911 Public Health (Control of Diseases) Act 1984 Public Health Act 1936 and 1961 Public Libraries and Museums Act 1964 Public Passenger Vehicles Act 1981</p>
R
<p>Race Relations Act 1976 Refuse Disposal (Amenity) Act 1978 Part II Registration Act 1953 Rent Act 1977 Reservoirs Act 1975 Riding Establishments Act 1964 Riding Establishments Act 1970</p>

Road Traffic (Foreign Vehicles) Act 1972 Road Traffic Act 1988 Road Traffic Regulation Act 1984
S
Safety of Sports Grounds Act 1975 Secure Tenancies (Right to Repair Scheme) Regulations 1985 Sex Discrimination Act 1975 Scrap Metal Dealers Act 2013 Scrap Metal Dealers Act 1964 Solicitors Act 1974 Sunday Trading Act 1994
T
Telecommunications Act 1984 Theatres Act 1968 Theft Act 1968 Theft Act 1978 Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 Timeshare Act 1992 Tobacco Advertising and Promotions Act 2002 Town and Country Planning Act 1990 Town and Country Planning (Control of Advertisements) Regulations 1992 Town and Country Planning General Regulations 1992 Town Police Clauses Act 1847 Trade Descriptions Act 1968 Trade in Animals and Related Products Regulations 2011 Trade Marks Act 1994 Trading Representations (Disabled Persons) Act 1958 Trading Representations (Disabled Persons) Act 1972 Trading Schemes Act 1996 Traffic Management Act 2004 Transport Act 1968, 1985 and 2000
U
Unsolicited Goods and Services Act 1971 Unsolicited Goods and Services (Amendment) Act 1975
V
Vehicles (Crime) Act 2001 Video Recordings Act 1984 Video Recordings Act 1993 Violent Crime Reduction Act 2006
W
Water Act 1989 Water Industry Act 1991 Weights and Measures Act 1985 Welfare Reform Act 2012 Wildlife and Countryside Act 1981 Part III Public Rights of Way
Z
Zoo Licensing Act 1981