

---

## Full Council

---

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Mayor will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.

Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this, please contact the Principal Support Officer (Committee Clerk) at the meeting.

To: The Mayor and Councillors of Haringey Council.

Dear Sir/Madam,

A meeting of the Council of the London Borough of Haringey will be held at the Civic Centre, High Road, Wood Green, N22 8LE on MONDAY, 30TH MARCH, 2009 at 19:30 HRS, to transact the following business:

### **AGENDA**

- 1. TO RECEIVE APOLOGIES FOR ABSENCE**
- 2. TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972**
- 3. DECLARATIONS OF INTEREST**

A member with a personal interest in a matter who attends a meeting of the authority at

which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest and if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct and/or if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

4. **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 23 FEBRUARY 2009 (PAGES 1 - 10)**
5. **TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL**
6. **TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE**
7. **TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES**
8. **TO MAKE APPOINTMENTS TO OUTSIDE BODIES**
9. **TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM**
10. **TO CONSIDER OPPOSITION BUSINESS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE NO.12**
11. **TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10**

**Oral Question 1 - To the Cabinet Member for Resources from Councillor Gorrie:**

Given that recent information shows the liabilities of the Icelandic Banks in which the Council invested money are three times the value of their assets is the Cabinet Member still confident he will recover all of the funds he has lost in the Icelandic Banks? What provision is he being advised the Council should make for losses and what provision is being made for costs involved in the pursuit of recovery?

**Oral Question 2 – To the Cabinet Member for Community Cohesion and Involvement from Councillor Goldberg:**

I am sure everyone on the Council welcomes the announcement that the Arts Council has decided to continue to make funds available for Jackson's Lane. Can the Cabinet Member let us know what plans are in place to promote equal access to the Arts using this facility and /or how the facility can be used to promote a vision of One Haringey?

**Oral Question 3 - To the Cabinet Member for Children and Young People from Councillor Engert:**

In the debate in parliament on 12 March that followed the publication of Lord Laming's report on child protection, The Labour Secretary of State for Children said "it is important that we open up the arrangements for child protection to wider public scrutiny" and he went on to say that effective and proper scrutiny of what is happening should be provided by local councils around the country. Does this not make a compelling case for this Council to instigate a specialist Scrutiny Committee for Children's Services with meeting held in public?

**Oral Question 4 - To the Cabinet Member for Enforcement and Safer Communities from Councillor Jones:**

How has Haringey performed this year in relation to gun and knife crime compared with last year?

**Oral Question 5 –To the Leader of the Council from Councillor Wilson:**

When did the Labour Group agree to the setting up of the Quality Outcomes Board, what is their understanding of its remit, responsibilities, powers and to whom is it accountable?

**Oral Question 6 – To the Cabinet Member for Leisure, Culture and Lifelong Learning from Councillor Dogus:**

Now that members of public have voted for the Lordship Recreation Ground in Tottenham to receive £400,000 from the Priority Parks Initiative, would the Cabinet member for Leisure, Culture and Lifelong Learning like to set out what plans the Council will be pursuing to encourage more people to use this space.

**Oral Question 7 - To the Cabinet Member for Environment and Conservation from Councillor Newton:**

Has the Council considered the establishment of a local transport liaison committee?

**Oral Question 8 - To the Cabinet Member for Housing Services from Councillor Peacock:**

As ever, providing Decent Homes for Haringey residents is fundamentally important. Now that we are reaching the end of phase one of the Decent Homes programme in the borough, can the Cabinet Member give us an update on the programme, his impressions of the scheme's impact; let us know what lessons what he has learnt and an outline of phase two?

**12. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES 11 - 202)**

- a) Cabinet – Report 12 – 2008/09
- b) Constitution Review Working Group – Report 2 – 2008/09

**13. TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13**

Motion T (2008/09)

Councillor Wilson has given notice that he will move in the following terms:

“This Council notes;

- Thousands of Haringey residents rely on public transport, and deserve high standards of safety and service
- Recent threats to staffing at stations in Haringey by First Capital Connect
- Delays by Transport for London (TfL) and train operating companies in implementing the Oystercard scheme at all rail stations in Haringey

This Council therefore resolves to:

1. Oppose all plans to reduce staffing levels at Haringey stations.
2. Work with the Greater London Authority, Metropolitan Police and transport companies to reduce crime on public transport and take action to make passengers feel safer.
3. Create a new Haringey public transport forum to give residents and councillors an opportunity to question and discuss with TfL, the Transport Police, and rail and bus companies, local concerns and ideas for improvements to services”.

Motion U (2008/09)

Councillor Cooke has given notice that he will move in the following terms:

“This council notes the concern of residents and local businesses, who believe that the opening of adult entertainment establishments on Tottenham Lane, Crouch End and on the High Road in Wood Green will have a negative effect on Haringey and on those who live, work and go to school in both areas.

This council notes objectors’ concerns that such a club would create public order and public safety problems and further notes their fear that these clubs may create a public nuisance, be harmful to local children and are particularly offensive to women.

This council believes that lap-dancing clubs are part of the commercial sex industry, which normalise the sexual objectification of women. It believes that it is an exploitative industry which damages gender equality.

It further believes in - and for many years has promoted - a vision of Haringey as a fair and equal place, where people can flourish and in which residents are proud to live and feel part of a strong community; we believe that the opening of any lap dancing club would run counter to that vision. This Council is also deeply concerned that as there is no other lap dancing venue like this in the borough, allowing one to operate will send out the wrong message to residents and may encourage other such venues. This is not acceptable.

This council welcomes the Labour government's announcement in the Queen's speech in December, new measures to give councils and communities new powers to stop lap-dancing clubs opening in areas, by tightening up the regulation of adult entertainment venues.

This council notes that these powers may be taken up on an opt-in basis and that in the interests of residents and in protecting the rights residents expect to influence the areas in which they live we will stand by communities, opt-in and adopt these powers as soon as is possible.

This council resolves to opt in to legislation that will reclassify Lap Dancing Clubs as Sex Encounter Venues as laid out in the Policing and Crime Bill; resolves to write to the Home Secretary, the Rt Hon Jacqui Smith MP, to urge her to prioritise the necessary legislation in order to provide fairer rules for stronger communities and to make sure that such provisions can be retrospectively applied".

Dr Ita O'Donovan  
Chief Executive  
River Park House  
225 High Road  
Wood Green  
London N22 8HQ

Friday, 20 March 2009

This page is intentionally left blank

**MINUTES OF THE FULL COUNCIL  
MONDAY, 23 FEBRUARY 2009**

Councillors Dobbie (Mayor), Adamou, Adje, Aitken, Alexander, Allison, Amin, Baker, Basu, Beacham, Bevan, Beynon, Bloch, Bull, Butcher, Canver, Cooke, Davies, Demirci, Diakides, Dogus, Edge, Egan, Engert, Goldberg, Gorrie, Griffith, Haley, Hare, B. Harris, C. Harris, Jones, Rahman Khan, Kober, Lister, Meehan, Newton, Oakes, Oatway, Patel, Peacock, Reith, Santry, Scott, Stanton, Thompson, Vanier, Weber, Whyte, Williams, Wilson and Winskill.

Apologies Councillor Dodds, Mallett, Mughal and Reid

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>CNCL99.</b>	<p><b>TO RECEIVE APOLOGIES FOR ABSENCE</b></p> <p>Apologies for absence were received from Councillors Dodds, Mallett, Mughal and Reid and for lateness from Councillor Davies.</p>	
<b>CNCL100</b>	<p><b>TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972</b></p> <p>See Minutes 103, 109 &amp; 113.</p>	
<b>CNCL101</b>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>Councillor Dobbie declared a personal interest in the deputation regarding St. Ann's Hospital and Motion Q as he was an employee in the Eye Unit at North Middlesex Hospital, he also declared a personal interest in relation to the deputation on Council rent and service charge increases as he was a Council tenant.</p> <p>Councillor Reith declared a personal interest in Motion S as she was Deputy Chair of London Travel Watch, which was part of the GLA group.</p> <p>Councillor Lister declared a personal interest in item 11 – Financial Planning and approval of the Council Tax for 2008/09 as he was an employee of Unison and Council staff would be affected by the budget.</p> <p>Councillor Adje declared a personal interest in item 11 – Financial Planning and approval of the Council Tax for 2008/09, as he was an employee of the London Fire and Emergency Planning Authority for which a portion of the precept was paid to.</p> <p>Councillor Dogus declared a personal interest in the deputation regarding St. Ann's Hospital as an employee of Barnet, Enfield and Haringey Mental Health Trust and in relation to the deputation on</p>	

**MINUTES OF THE FULL COUNCIL  
MONDAY, 23 FEBRUARY 2009**

	<p>Council rent and service charge increases, as she was a Council tenant.</p> <p>Councillor Thompson declared a personal interest in the deputation regarding John Loughborough School, as a Ward Councillor and in relation to the deputation on Council rent and service charge increases as he was a Council tenant.</p> <p>Councillor Butcher declared a personal interest in item 11 – Financial Planning and approval of the Council Tax for 2008/09 as he was a Member of the London Fire and Emergency Planning Authority for which a portion of the precept was paid to.</p> <p>Councillor Engert declared a personal interest in Motion S as she was a Board Member of London Travel Watch, which was part of the GLA group.</p> <p>Councillor Bloch declared a personal interest in the deputation regarding St. Ann’s Hospital as he was a non-executive Director of Haringey PCT based at St Ann’s.</p> <p>Councillor Aitken declared a personal interest in the deputation on Council rent and service charge increases as he was a Council tenant.</p>	
<p><b>CNCL102</b></p>	<p><b>TO ASK MEMBERS WHETHER THEY NEED TO MAKE A DECLARATION IN ACCORDANCE WITH SECTION 106 OF THE LOCAL GOVERNMENT FINANCE ACT 1992 IN RELATION TO UNPAID COMMUNITY CHARGE OR COUNCIL TAX LIABILITY WHICH IS TWO MONTHS OR MORE OUTSTANDING.</b></p> <p>Members were reminded of the need to consider whether they needed to make a declaration in accordance with Section 106 of the Local Government Finance Act 1992 in relation to unpaid community charge or council tax liability which was two months or more outstanding.</p> <p>No such declarations were made.</p>	
<p><b>CNCL103</b></p>	<p><b>TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 9 FEBRUARY 2009.</b></p> <p>The Mayor agreed to admit the minutes as urgent business. Because of the short timescale between the last meeting and this, it was not possible to circulate the minutes with the Summons. The minutes should be confirmed at the next available meeting of the Council.</p> <p>Copies of the Minutes having been circulated, they were taken as read.</p> <p><b>RESOLVED:</b></p> <p>That the minutes of the meeting of the Council held on 9 February 2009 be signed as a true record.</p>	

**MINUTES OF THE FULL COUNCIL  
MONDAY, 23 FEBRUARY 2009**

CNCL104	<p><b>TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL</b></p> <ol style="list-style-type: none"> <li>1. The Mayor was delighted to attend an exhibition by Yorgos Papadopoulos in Westminster last Tuesday with Archbishop Athanasios from St Barnabas Greek Church. Yorgos is a local Tottenham resident who produced beautiful and unique glass art.</li> <li>2. The Mayor asked Members to make a note of the following fundraising events for his Special Fund. On 19 April he would be joining the London Mayor's Walk which was a six mile sponsored Walk from the Whittington Hospital to the Mansion House.</li> <li>3. On Friday 24 April the Mayor would be hosting a Quiz Night with the theme of Celebrating St George. Further details would be circulated.</li> <li>4. The Mayor asked the Council to join him in wishing good luck to Tottenham Hotspur who were playing Manchester United on Sunday in the Carling Cup Final.</li> </ol>	
CNCL105	<p><b>TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE</b></p> <p>There were no matters to report.</p>	
CNCL106	<p><b>TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES</b></p> <p>There were no matters to report.</p>	
CNCL107	<p><b>TO MAKE APPOINTMENTS TO OUTSIDE BODIES</b></p> <p>There were no matters to report.</p>	
CNCL108	<p><b>TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM</b></p> <p>Three deputations were received as follows:</p> <p>The first deputation was from Mr Petrou of the "Save St Ann's Hospital Campaign Group".</p> <p>Members asked questions of the deputation and received responses thereto.</p> <p>The Cabinet Member for Regeneration and Enterprise responded to the deputation.</p> <p>The Mayor thanked the deputation for attending.</p> <p>The second deputation was from Mr Burnham of the "Haringey Defend Council Housing Campaign Group".</p>	

**MINUTES OF THE FULL COUNCIL  
MONDAY, 23 FEBRUARY 2009**

	<p>Members asked questions of the deputation and received responses thereto.</p> <p>The Cabinet Member for Housing Services responded to the deputation.</p> <p>The Mayor thanked the deputation for attending.</p> <p>The third deputation was from Ms Yebiemen in respect of the John Loughborough Seventh Day Adventist School.</p> <p>Members asked questions of the deputation and received responses thereto.</p> <p>The Cabinet Member for Children and Young People responded to the deputation.</p> <p>The Mayor thanked the deputation for attending.</p>	
<p><b>CNCL109</b></p>	<p><b>TO CONSIDER THE REPORT OF THE CHIEF FINANCIAL OFFICER IN RESPECT OF FINANCIAL PLANNING FOR 2009/10 - 2011/12 AND TO AGREE THE COUNCIL TAX FOR 2009/10</b></p> <p>The Mayor agreed to admit the report as urgent business. The report could not be circulated earlier as vital information was awaited from the preceptors. The report needed to be admitted in order that the Council Tax may be set for 2009/10.</p> <p>Councillor Adje highlighted the recommendations as detailed in the report. Other Members contributed to the debate.</p> <p>Councillor Adje then moved the budget report. There being 29 for and 22 against it was:</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That the final settlement be noted and that the way forward, as outlined in the report in respect of the budget changes agreed by Council on 9 February 2009, the position on levying authorities and the late additional specific grants be agreed;</li> <li>2. That the proposal and provision in respect of children and families as set out in paragraphs 8.1.6 and 8.1.7 of the report be agreed;</li> <li>3. That the business unit cash limits, set out in Appendix C of the report, be agreed;</li> <li>4. That the Greater London Authority precept be noted;</li> <li>5. That the reserves policy as set out in Appendix E of the report, be agreed; and</li> <li>6. That the budget resolution in the specified format as set out in</li> </ol>	

**MINUTES OF THE FULL COUNCIL  
MONDAY, 23 FEBRUARY 2009**

	<p>appendix F of the report, and the consequent increase in council tax of 1.95% be agreed.</p>	
<b>CNCL110</b>	<p><b>TO CONSIDER OPPOSITION BUSINESS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE NO.12</b> The opposition gave notice of their wish to debate “Haringey’s Streets”.</p> <p>Councillor Newton spoke on behalf of the Opposition Group. Councillor Haley responded on behalf of the Majority Group.</p> <p>The Mayor thanked Councillors for their contributions.</p>	
<b>CNCL111</b>	<p><b>CHANGE OF ORDER OF BUSINESS:</b></p> <p><b>CHANGE OF ORDER OF BUSINESS:</b></p> <p>The Meeting agreed to vary the order of business to permit Motion R to be taken next followed by item 14 – Reports of Committees.</p>	
<b>CNCL112</b>	<p><b>TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13</b> <b><u>Motion R (2008/09)</u></b></p> <p>It was moved by Councillor Engert and seconded by Cllr Alexander that:</p> <p>This Council notes</p> <ul style="list-style-type: none"> <li>• The importance of effective scrutiny to ensure the best service to our residents</li> <li>• The criticism of Haringey Council’s scrutiny of Children’s Services in OfSted’s Joint Area Review, in particular</li> </ul> <p>“Arrangements for scrutinising performance across the Council and the partnership are insufficiently developed and fail to provide systematic support and appropriate challenge to both managers and practitioners.”</p> <p>“Current management arrangements within the Council and across the partnership do not facilitate sufficient independent challenge on safeguarding matters.”</p> <p>Further notes</p> <ul style="list-style-type: none"> <li>• That the approach to scrutiny of the JAR response has limited public involvement and does not include an opportunity for the Full Council to debate and express a view prior to the response going to the secretary of state.</li> </ul> <p>Therefore, this Council resolves to,</p>	

**MINUTES OF THE FULL COUNCIL  
MONDAY, 23 FEBRUARY 2009**

- Ensure that the Joint Area Review response formally notes that the timetable demanded by the Secretary of State has prevented effective public engagement or Full Council discussion on this vital issue.
- Establish a permanent Children's Services scrutiny committee to focus on safeguarding issues, chaired by an opposition member. The purpose of this committee is to tackle the shortcomings of scrutiny in the Council, provide robust challenge to services that protect our most vulnerable children and provide public involvement in the scrutiny of their services.
- Furthermore, this Council believes that these measures are essential for the recovery of Haringey's Children's Services and for the restoration of public confidence in the service.

An amendment to the Motion was moved by Councillor Reith and seconded by Councillor Bull as follows:

Delete all after 'further notes' in second paragraph and insert

- That a special public meeting of the Overview and Scrutiny Committee was held on 17 February at which key partners were present to answer questions submitted by the public and members. A number of points made by members of the Committee have now been incorporated into the plan
- The draft Action Plan has been available on the Council website and the Scrutiny Committee itself was webcast. In addition the Action Plan will be going to the Cabinet tomorrow and the HSP on Thursday. Both meetings are open to the public.

This Council welcomes:

- The setting up of a cross-party Children Safeguarding Policy and Practice Panel. The Panel will be charged with examining the effectiveness of the Council's policies and practice relating to the safeguarding of children and will look at both quantitative and qualitative performance information. In addition the Panel will consider the effectiveness of the arrangements for co-operation on child protection matters between partner agencies. The Panel will be assisted by an independent professional with experience in child protection.
- The replacement of the Children and Young People's Consultative Committee by a Corporate Parenting Committee with new terms of reference which focus on improving the experiences and outcomes for young people in care.
- The forthcoming consultation with young people in care about how they want a 'Children in Care Council' to operate in Haringey in order that they are able to express their views and influence the

**MINUTES OF THE FULL COUNCIL  
MONDAY, 23 FEBRUARY 2009**

	<p>services and support they receive from the Council.</p> <ul style="list-style-type: none"> <li>• The training on Safeguarding and Corporate Parenting provided for all members of the Council</li> </ul> <p>On being put to the vote there were 29 in favour of the amendment and 21 against and the amendment was declared CARRIED.</p> <p>The substantive motion as amended was then put to the vote with 29 in favour and 21 abstentions and therefore declared CARRIED.</p>	
<b>CNCL113</b>	<p><b>TO RECEIVE REPORTS FROM THE FOLLOWING BODIES</b></p> <p>The Mayor agreed to admit the report as urgent business. The meeting of the Constitution Review Working Group was held after despatch of the Summons. The report contained recommendations in relation to Constitutional changes, which needed to be considered by the Council.</p> <p>Councillor Kober moved Cabinet Report 11 - 2008/09 and the report of the Constitution Review Working Group</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That Cabinet report 11 – 2008/09 be received and that the recommendation in respect of delegating to the Leader the authority to agree the final refreshed version of the Local Area Agreement for submission to the Government Office for London be agreed.</li> <li>2. That report 1 of the Constitution Review Working Group 2008/09 be received and that the recommendations concerning proposed changes to Local Choice Functions and Contract Procedure Rules be agreed and that the Constitution be amended accordingly at Parts 3A and 4J respectively.</li> </ol>	
<b>CNCL114</b>	<p><b>TERMINATION OF MEETING:</b></p> <p>The Mayor proposed that due to the hour and in accordance with Council Rules of Procedures, that written answers be given to oral questions 1- 7 and that the remaining Motions Q and S be submitted to the next meeting.</p>	

COUNCILLOR ALAN DOBBIE

Mayor

This page is intentionally left blank

---

**COUNCIL TAX RESOLUTION**

---

1. That it be noted that on 19 January 2009 Full Council agreed the amount of 85,060 as the council tax base for the year in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992.
2. That the following amounts now be calculated by the Council for the year 2009/10 in accordance with the Sections 32 to 36 of the Local Government Finance Act 1992.
  - (a) £857,612,218 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) of the Act.
  - (b) £614,354,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) of the Act.
  - (c) £243,258,218 being the amount by which the aggregate at 2(a) above exceeds the aggregate at 2(b) above, calculated by the Council, in accordance with the Section 32(4) of the Act, as its budget requirement for the year.
  - (d) £142,520,218 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant, additional grant, or SSA reduction grant increased by the amount of the sums which the Council estimates will be transferred in the year from its collection fund to its general fund in accordance with Section 97(3) of the Local Government Act 1998 or reduced by the amount of sums which the Council estimates will be transferred in the year from its general fund to its collection fund in accordance with Section 97(4) of the Local Government Finance Act 1998 and increased by the amount of any sum which the Council estimates will be transferred from its collection fund to its general fund pursuant to the Collection Fund (Community Charges) directions under Section 98(4) of the Local Government Finance Act 1998 made on 7 February 1994 or reduced by the amount of any sum which the Council estimates will be transferred from its general fund to its collection fund pursuant to the Collection Fund (Community Charges) directions under Section 98(5) of the Local Government Finance Act 1998 made on 7 February 1994.
  - (e) £1,184.32 being the amount at 2 (c) above less the amount at 2(d) above, all divided by the amount at 1 above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year.

Valuation Bands


---

	£
A	789.56
B	921.14
C	1,052.73
D	1,184.32
E	1,447.39
F	1,710.70
G	1,973.87
H	2,368.65

Being the amounts given by multiplying the amount at 2(e) above the number which, in the proportion set out in Section 5(l) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number in which that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(l) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

3. That it be noted that for 2009/10 the amounts in precepts issued to the Council, in respect of the Greater London Authority and its functional bodies, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Valuation Bands

	£
A	206.55
B	240.97
C	275.40
D	309.82
E	378.67
F	447.52
G	516.37
H	619.64

4. That having calculated the aggregate in each case of the amounts at 2(f) and 3 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2009/10 for each of the categories of dwellings shown below.

Valuation Bands

	£
A	996.11
B	1,162.11
C	1,328.13
D	1,494.14
E	1,826.06
F	2,158.22
G	2,490.24
H	2,988.29

**REPORT OF THE CABINET No. 12/2008-09  
COUNCIL 30 MARCH 2009**

Chair:  
Councillor Clare Kober

Deputy Chair:  
Councillor Lorna Reith

## **INTRODUCTION**

- 1.1 This report covers matters considered by the Cabinet at our meeting on 24 February 2009. For ease of reference the Report is divided into the Cabinet portfolios.
- 1.2 We trust that this Report will be helpful to Members in their representative role and facilitate a fruitful dialogue between the Cabinet and all groups of Councillors. These reports are a welcome opportunity for the Cabinet on a regular basis to present the priorities and achievements of the Cabinet to Council colleagues for consideration and comment. The Cabinet values and encourages the input of fellow members.

## **ITEMS OF REPORT**

### **Children and Young People**

#### **2. ACTION PLAN IN RESPONSE TO THE JOINT AREA REVIEW OF SAFEGUARDING IN HARINGEY**

- 2.1 We considered a report which advised us that in a Joint Area Review (JAR) Report the Office for Standards in Education (OFSTED) had made a number of recommendations for improvement of safeguarding services in Haringey. The Secretary of State for Children, Schools and Families subsequently (1 December 2008) asked the Director of Children's Service appointed from January 2009 to send to him an action plan responding to the OFSTED report by the end of February 2009.
- 2.2 The report attached a Plan which as well as responding to the specific points identified by OFSTED, set out the framework for a journey that would take 3 years as the Council progressed from 'Inadequate', to 'Satisfactory' and on to be at least 'Good' if not 'Excellent'. Everyone working for children across the Borough had come together for this work with commitment, enthusiasm and a determination to deliver excellent services for children.
- 2.3 The Project Group that met during late December through to February has reviewed the full range of work to be done by an excellent Children's Service. In doing so, areas for change and improvement had been mapped out together with a series of actions that would deliver those improvements with outcomes clearly described.

Seven Themes emerged from the work:

- Leadership and Partnership
- Working Practices
- Getting the Organisation Right
- Early Intervention / Universal Services
- Commissioning
- Delivering success through people

- Monitoring the performance and the quality of safeguarding practice

The report summarised the action planned under each of these themes while the full Action Plan was attached as an Appendix. Each of these set out particular areas for improvement that will support the move to an excellent Children's Service.

- 2.4 We also considered an addendum to the report which set out the recommendations arising from an Overview and Scrutiny Committee meeting on 17 February together with a suggested response to those recommendations. The Overview and Scrutiny process provided a valuable examination of the work of the JAR Action Plan Project Group. We noted that as the Plan had developed some of the points raised at the Committee meeting had already been made by others and incorporated into later versions of the Plan.
- 2.5 We report that we approved the proposed response to the Joint Area Review of Safeguarding in Haringey as outlined in the addendum together with the amended Action Plan as set out in the appendix thereto and to their submission to the Secretary of State for Children, Schools and Families. A copy of the final version of the Action Plan has been published on the Council's web site.

## **Leisure, Culture and Lifelong Learning**

### **3. WOLVES LANE/FAITH PLANT CENTRE – FUTURE OPERATION**

- 3.1 The Council owned the freehold of the Wolves Lane/Faith Plant Centre site and until recently let it to 'Livability' (formerly John Grooms and The Shaftesbury Society) which delivered -

:

- Supported adults horticultural and catering training and volunteering programmes.
- Education and Schools programme.
- Public access and small retail outlet.
- Production and supply of the Council's bedding plants.

- 3.2 Following a decision by Livability to withdraw from the site, a review of immediate options was carried out and it was decided to maintain the full range of existing services and operation of the site, up to the end of 2008/9, pending consideration of longer term options. Subsequently, direct management of the site and services, including the TUPE transfer of 6 staff, was transferred to the Council from October 2008. The site was being managed through the Parks Division of Recreation Services, whilst the supported adults and education programmes were led by Adults and Children's Services respectively.
- 3.3 We considered a report which proposed that we manage the site directly, and move to a partnership arrangement with a new 'not for profit' organisation within 3 years. This to be supported by the following key actions:

- The management, service delivery and development to be brought together under one Business Unit, to champion and deliver the change project.

- The Council to work with the Sustainable Haringey Network to engage relevant /interested voluntary sector stakeholders to establish a new 'not for profit' vehicle possibly achieved through the establishment of a new 'Community Interest Company'.
- The Council to work with Groundwork, through the existing partnership agreement, to identify and engage external funding opportunities.
- The development of a more detailed 'operational implementation plan', including the completion of a condition survey, asset development plan and associated detailed 2-3 year Business Plan.

3.2 We report that we agreed the proposal to directly manage the site as outlined and that:

- The in house operation be managed and developed as a single function/ unit, with all staff transferred to and managed through a preferred Business Unit.
- The existing training, volunteering, education and retail activity be maintained and built upon and new provision be developed around the theme of sustainable food production.
- The Council's Adults Service, Haringey Adult Learning Service, Children's Service and Economic Regeneration Service redirect existing commissioning subsidy/funding to purchase relevant delivery from Wolves Lane.
- The development of a new local 'not for profit' community organisation and related partnership agreement(s) be supported.
- The net subsidy for the site be met through the investment growth bid in the current budget proposals, and either reduced and/or supported by future prudential borrowing capital investment.
- Early consideration be given to re-naming the site and that to this end the Director of Adult, Culture and Community Services be authorised to approve the new name in consultation with the Cabinet Members for Leisure, Culture and Lifelong Learning and for Adult, Culture and Community Services.
- A more detailed operational improvement plan be developed before the end of 2008/9, for approved and monitoring through the 2009/10 – 2011/12 Business Plan, and the Better Haringey Programme Board.
- The Council and partners actively pursue external revenue and capital investment funding support.

## **Leisure, Culture and Lifelong Learning/Adult Social Care and Well Being**

### **4. FEES AND CHARGES 2009/10 FOR ADULT, CULTURE AND COMMUNITY SERVICES**

- 4.1 We considered a report which sought our approval to inflation adjusted fees and charges for 2009/10 in relation to functions and services administered by Adult, Culture and Community Services.
- 4.2 The underlying principles for the charges may be summarised as follows -

#### Recreation Services

As in previous years, a review be carried out into Recreation Services prices and, where relevant, prices be compared with neighbouring boroughs and prices updated in order to optimise income whilst meeting current demands and remaining competitive.

All price increases to support the Council's planned inflation increase of 2% in Recreation Services 2009/10 income.

Having regard to the Council's capacity in burials being limited current demand/income level to be maintained without causing accelerated uptake of burial spaces.

Income performance to date in all services within Recreation Services was in line with the target and both Leisure Services and Bereavement Services were achieving their 2008/9 efficiency savings target of £ 215,000 and £115,000 respectively.

As the leisure centre and bereavement services enter into their "peak" quarter (Quarter 4), there was a potential risk that the current credit crunch might affect the income performance despite the fact that year to date income performance was broadly in line with target.

The group hire and functions charging policy and actual charges were agreed as per the report to our meeting on 18 November 2008. The essence of the newly agreed charging policy for clubs/groups and function hire being that a market price be applied to commercial organisations for hire, whereas for community organisations a three tiered pricing approach be applied. The key driver of the policy being to use pricing as one of the tools to develop strong sports clubs within the Borough that would actively partner the Council to improve rates of sports participation within Haringey. These clubs would be rewarded with the highest discount.

#### Adult Social Care

Maximum charges for in services provided directly by the Council to be increased by 2% across the board, excluding Meals on Wheels which was increased from £2.75 to £3.00 for 2008/09 (an increase of 9%).

### **Housing**

#### **5. HOMES FOR HARINGEY DECENT HOMES PROGRAMME 2009/14**

- 5.1 The Council will be aware that the requirement for all local authority homes to meet the Decent Homes Standard was set out by the Office of the Deputy Prime Minister (ODPM) now known as Department for Communities and Local Government (DCLG) in February

2003. The Decent Homes programme is a long term programme of major investment to bring all tenanted homes up to a decent standard. Environmental improvements, including sustainability issues, may represent up to 5% of the overall programme.

- 5.2 In January 2008, the Department of Communities and Local Government (DCLG) confirmed the Council's overall indicative decent homes funding allocation in the sum of £198.579 million. This includes £11.4 million earmarked for environmental projects. As at 1 April 2008, 6,819 or 42% of Council homes were deemed to be non-decent. In addition, homes with the potential to fall into non - decency had to be addressed during the 5 year delivery period for the Programme. It was estimated that approximately 11,500 homes would benefit from the overall programme, the definitive number being dependent on the outcome of detailed surveys, access and refusals, and resident aspirations.
- 5.3 We noted that the first year of the Decent Homes programme had involved 36 packages of work costing a total of £34 million, had commenced in April 2008, and was expected to improve 1,894 homes, once refusals and no access cases were excluded. We also noted that since then, work had progressed in drawing up proposals for the overall Years 2-5 programme. Pre-commencement activity for Year 2 was well advanced and all works proposed for year 2 would be submitted to our Procurement Committee for approval in February and March 2009.
- 5.4 The report advised us that in July 2008, the Homes for Haringey Board had agreed a proposed programme for Years 2-5, which was presented to us as an Appendix to the report. The report also set out the resources available for Years 2-5 of the Decent Homes programme, the proposed programme of properties for these years and the methodology for prioritisation.
- 5.5 We report that we noted the summary of Year 1 of the Programme and that we agreed the Years 2 -5 of the Programme as proposed.

### **Regeneration and Enterprise/Enforcement and Community Safety/Environment and Conservation**

#### **6. URBAN ENVIRONMENT FEES AND CHARGES FOR 2009/10**

- 6.1 We considered a report which reviewed fees and charges for Sustainable Transport and Parking Services, Enforcement Services, and Planning and Regeneration and recommended increases in a number of cases.

##### Sustainable Transport and Parking Charges

- 6.2 We noted that in preparing the report the following factors had been taken into account -
- Current economic climate
  - The fees and charges of neighbouring boroughs
  - The increase in materials and other costs.
  - Where applicable, the current market rates
  - VAT implications

6.3 For Sustainable Transport, in addition to the existing charges the following areas were identified as potential charging options for services that resulted in an additional cost to the Sustainable Transport Service –

- Professional technical fees for officer time to external organisations
- Street work charges
- Abnormal load assessment recharging to relevant company due to Olympic construction demand through our Borough

6.4 For Parking Services, the Council as part of the 2007/08 budget agreed to increase parking permit charges by 5.5% over three years. This was 1.5% above the Retail Price Index (RPI), the current economic climate and feed back from residents the report proposed that those remain frozen for 2009/10 and 2010/11. As part of the 2007/08 budget pay and display charges were increased by 6.5% with effect from October 2008. The report proposed that the 6.5% increase should not be implemented in 2009/10 but rather that charges be reviewed to address inconsistencies that applied in pay and display charges across the borough. These inconsistencies led to confusion among users and dissatisfaction among businesses that needed pay & display charging structures that reflected occupancy levels, managing turnover and that were consistent with the Borough. The report proposed the introduction of a new charging model that would have an hourly rate for low, medium and high usage areas that can be purchased in increments of 15 minutes. Details of the bandings and changes in charges that would apply to each area were detailed in an Appendix. In most areas no change was proposed and there was a maximum 30 pence per hour increase in other areas across the Borough. There were no proposals to increase car park charges.

### Enforcement Services

6.5 We noted that those factors set out in paragraph 6.2 above had again been applied.

#### Prescribed Fees

We noted that many of the fees for licenses reflected charges prescribed or limited by legislation.

#### Mortuary

We noted that the new mortuary had been built with funding that included £500,000 of prudential borrowing. This borrowing would be met by an increase in the income target for mortuary charges of £161,000 per year over 20 years. It was estimated that for 2009/10 this increased target would be achieved by an increase in charges of 50%. This rate would be reviewed each year to reflect the actual cost of borrowing for the preceding year. Currently, Enfield Council was the only other local authority that used the mortuary. The proposed charge to fund the prudential borrowing had been negotiated and agreed with them.

#### Street Trading

Consultation had taken place with all existing licence holders on an inflationary increase. A notice had also been published in a local paper to confirm the consultation and no adverse comments had been received.

### Pest Control

Revised charging rates were introduced in 2006/07 and changes reflected the introduction of a market rate for commercial treatments, a domestic rate based on direct cost recovery and a new concessionary rate for those on mean tested benefits. A concessionary charge of £15 was payable for pest control treatments made to domestic clients who were in receipt of income support, housing benefit or income based jobseekers allowance.

We noted that treatments were projected to increase by 1,000 in 2009/10 with the majority charged at the concessionary rate. Extra temporary staff had been employed to facilitate these additional treatments at an estimated cost of £70,000. Proposals to address this increased expenditure and a predicted budget deficit would be the subject of a further report.

### Planning and Regeneration

- 6.6 We noted that those factors set out in paragraph 6.2 above had again been applied

#### Planning Fees

We noted that Planning Fees were set nationally.

#### Building Control Fees

We noted that Building Control Fees were set following a benchmarking exercise with 'nearest neighbours' that had not been completed at the time of our meeting. We also noted that the fees were likely to increase and that they would be agreed by the Director of Urban Environment under delegated powers.

- 6.7 We report that we approved the new charging model for parking pay and display charges as outlined above and we authorised officers to proceed with statutory consultation on the proposed changes and, subject to the outcome of that consultation, to the implementation of those charges with effect from 1 April 2009. We also agreed the increases proposed to the existing Sustainable Transport fees and charges and to the new charges for Sustainable Transport Services all to be implemented with effect from 1 April 2009.
- 6.8 We approved the increases and changes to fees and charges proposed for services administered by the Enforcement Service and the new charging model for Planning and Regeneration together with the proposed increases in existing fees and charges as set out in the Appendix to the interleaved report with effect from 1 April 2009.

## **Environment and Conservation**

### **7. SUSTAINABLE MODES OF TRAVEL TO SCHOOL STRATEGY**

- 7.1 We considered a report which advised us we were required to prepare the Sustainable Modes of Travel to School Strategy (SMOTS). A draft plan had been produced by a consultant in line with Government guidance which had been the subject of consultation for 4 weeks between December 2008 and 23 January 2009.
- 7.2 The version of the Plan submitted to us took into account comments received while the Strategy included an Action Plan which identified resources and lead agencies in taking the Plan forward. We were required to review the document every year and re-write the Strategy every 5 years. However, during the course of our deliberations, reference was made to the need for pro-active maintenance and monitoring of pedestrian crossings and other road markings in the vicinity of schools which had been raised at a consultation meeting at which its inclusion in the Strategy had been agreed. We noted that this point should have been picked up and would now be fed back to the report author for inclusion in the Strategy document.
- 7.3 We report that we agreed, subject to the forgoing amendment, to the publication of the Sustainable Modes of Travel to School Strategy as set out as an Appendix to the report and in so doing we noted that the final plan would be published on the Council's website and copies placed in the Borough's libraries and main offices.

## **Resources**

### **8. TREASURY MANAGEMENT REVIEW**

- 8.1 We considered a report which advised us that following a tender process PricewaterhouseCoopers LLP (PWC) had been appointed to conduct an independent review of the Council's treasury management functions in respect of investments, particularly in relation to the investment of funds in Icelandic banks. The terms of reference of the review were to:
- Review the Council's treasury management policies, procedures and investment strategy, and how the operation of these compares to other local authorities and with best practices;
  - Review the circumstances surrounding the decision by the Council to invest funds in three Icelandic banks and whether the decisions to invest funds in these banks were in line with policies, procedures and the Council's investment strategy;
  - Review the advice received from the Council's external treasury management advisors during the previous 12 months, particularly in relation to investments with Icelandic banks and establish whether this advice was followed;
  - Assess the role and function of the external brokers dealing with the Council's investments in the context of treasury management policies and procedures; and
  - Review the procedures in place to consider and assess the potential consequences and risks associated with investment decisions made by the Council.

- 8.2 The first draft of the review was produced in mid-December 2008 and highlighted the need to undertake additional work in relation to the advice received by the Council from its appointed adviser, Sector. This work was completed in January 2009 and a draft incorporating the outcomes was submitted. We noted that the Chief Executive had ensured that she had access to independent advice in a client capacity from an experienced freelance consultant with a proven track record including having been a former Director of Finance.
- 8.3 While the full report of PWC was attached as an Appendix to the report it was classified as exempt by virtue of containing information falling within categories 3 and 4 of paragraph 10.4 of Part 4 Section D of the Constitution (Access to Information Procedure Rules). However, the recommendations of the Chief Executive's report proposed acceptance of all of the PWC conclusions and recommendations.
- 8.4 The report of PWC had reached conclusions about the Council's compliance with policies and procedures; the adequacy of investment strategy; the role of external advisers; investments with Icelandic banks. The report made recommendations for:
- treasury management strategy and criteria for lending;
  - information used to inform risk and investment decisions;
  - the Council recognising banks as groups of organisations;
  - reviewing the operations, staffing, and capacity of the Council's treasury management/investment function;
  - measures to ensure compliance with daily authorisation limits.
- 8.5 We report that we adopted the recommendation that all of the suggested actions below deriving from the conclusions in the PWC report be implemented:

#### Treasury Management Strategy and Criteria for Lending

The Council seek to minimise the amount of funds invested in financial institutions that are placed on Negative Outlook or Ratings Watch Negative by credit ratings agencies, regardless of whether they meet the other minimum lending criteria at the time of the investment decision.

The Council consider using a matrix of counterparty limits dependent on the credit ratings of institutions

That the Treasury Management Strategy be formally reviewed on a quarterly basis and that meetings be held between the Cabinet Member for Resources and the Chief Financial Officer as part of this review.

That the geographical concentration of investments be considered with thresholds stipulated as part of the Council's investment policy.

#### Process for Review and Consideration of Information to Inform Risk and Investment Decisions

That a formal process for reviewing Sector communications on a daily basis be established. This process should be documented and a record or log maintained to demonstrate that Sector advice had been considered by officers with comments, where appropriate, noting the Council's response to the advice received.

#### Recognition of Banking Groups in Forming the Counterparty List

That consideration be given to applying the current counterparty limit to the collective banks within a group, rather than to individual institutions.

That the inter-dependencies between groups of banks be identified and recorded so that counterparty limits can be applied by officers, independently from the advice received from Sector.

#### Treasury Management / Investment Function

That a review of the treasury management function be undertaken to assess the increased role it has to play in the Council as a source of income generation and the heightened financial risks attached to this activity. Also a review of the skills and competencies required in the department for those who are investing public money on a daily basis should be performed.

#### Compliance with Daily Authorisation Limits

That compliance with daily authorisation limits be checked on a daily basis.

- 8.6 We also agreed that the Chief Executive report back to us in six months time on the outcomes of the actions taken as a result of the exempt report from PricewaterhouseCoopers.

### **Leader**

#### **9. 2008/09-2010/2011 LOCAL AREA AGREEMENT REFRESH**

- 9.1 This matter was the subject of a report to the Council meeting on 23 February 2009.

#### **10. HARINGEY'S SUSTAINABLE COMMUNITY STRATEGY PROGRESS REPORT**

- 10.1 The Council will be aware that the Sustainable Community Strategy (SCS) covers the period from 2007-2016 and is the overarching strategy for Haringey. Its vision to 2016 is that the Borough is '*a place for diverse communities that people are proud to belong to*'. The Strategy sets out six key outcomes:

- People at the heart of change
- An environmentally sustainable future
- Economic vitality and prosperity shared by all
- Safer for all
- Healthier people with a better quality of life
- People and customer focused

It aimed to address the issues which could not be resolved by one organisation alone and is therefore linked to organisation plans and partnership strategies. We considered a progress report on the priorities of the Strategy which was set out in an Appendix and we noted that it aimed primarily at residents. Contributions had been collated from the Haringey Strategic Partnership (HSP) Co-ordinators Group and officers from across the Council and the Partnership. The following criteria have been used to select examples:

- Partnership focus
- Representative of the diversity of the borough
- People focus
- Outcome focus

10.2 We were informed that the report was structured around the Sustainable Community Strategy six outcomes and related priorities. It showcased key achievements against each priority and outlined the next steps towards meeting the priorities for 2009-2011. It also identified some of our key targets from the LAA. Following our consideration the report was to be refined before its consideration by the HSP Board to ensure that it was up-to-date, representative of the diversity of the work that was taking place, and written in a user-friendly style.

10.3 We were also informed that a gap analysis had been undertaken and the relevant officers had been contacted to ensure that all areas have been addressed. We also noted that it was proposed that the report be circulated with Haringey People and that a fuller version of the progress report was to be compiled which would be based on the following list of over-arching plans and strategies:

- Children and Young People's Plan (CYPP)
- Core Strategy
- Council Plan
- Fire Brigade's Corporate Plan
- Greenest Borough Strategy
- Haringey Compact
- Haringey Policing Plan
- Homelessness Strategy
- Joint Strategic Needs Assessment (JSNA)
- Local Area Agreement
- NHS Haringey Strategic Plan
- Regeneration Strategy
- Safer For All Strategy
- Well-being Strategic Framework (WBSF)

## **11. THE COUNCIL'S PERFORMANCE – PERIOD 9 – APRIL TO DECEMBER 2008**

11.1 We considered the third quarterly report of 2008/09 detailing the Council's performance against agreed targets, the business plans and the Better Haringey and Regeneration Corporate Programmes for the period April to December 2008. Financial and performance

information was based on the financial monitoring reports prepared for the budget and performance management review meetings for period 8.

11.2 Details of performance against 94 monthly and quarterly reported indicators all linked to the following Council's priorities was set out in an Appendix to the report:

- Making Haringey one of London's greenest boroughs
- Creating a better Haringey: Cleaner, Greener and Safer
- Encouraging lifetime well-being
- Promoting independent living
- Delivering excellent services

11.3 The Council will be aware that the Comprehensive Area Assessment (CAA) will take account of our performance against all National Indicators (NIs). However, a significant number of the new national indicators lend themselves to quarterly or annual monitoring rather than monthly. National Indicators not included in the Appendix to the report were listed separately and were shown to ensure that Members and senior officers were aware of the full list of indicators which would be used to judge the Council and the Strategic Partnership at the end of the year.

11.4 The aggregate projected positions for revenue and capital were shown together with proposed budget changes (virements) for approval in accordance with financial regulations, and the RAG status of planned savings and planned investments. We noted the status of the Council's Better Haringey and Regeneration Corporate Programmes, with summary objectives for each project and also noted that the report formed part of Haringey's Project Management Governance and Quality Assurance arrangements, which included monthly reporting to the Programme Boards. Child protection performance information was not shown in the report as it was subject to a data quality checking but an update on child protection data validation was provided.

11.5 Overall good progress had been made on the indicators monitored with seventy nine of the 94 performance indicators showing Green or Amber status. Highlights included -

- Fly Tipping (NI 196) which had improved and was now receiving the best possible score of 1, meaning both that incidents were decreasing and enforcement actions were increasing. Sports and leisure usage and active card membership both continued to exceed targets.
- National non domestic rates collection had fallen to 96.2% against a 99% target.
- Processing of minor planning applications, 79% completed on time, against a target of 85%.
- The majority of projects in the Better Haringey & Regeneration Corporate Programmes were on schedule to deliver the agreed benefits.

13.1 In terms of finance, the overall revenue budget monitoring, based on the December position, showed that the General Fund was forecast to spend £1.2 million above budget. There were also some budget pressures detailed that services were seeking to contain within the approved budget limit. We noted that further work would be done with

services to reduce non-essential expenditure to bring the revenue position back in to line with the approved budget by the year end.

- 13.2 The Council formally approved a revised treasury management strategy that restricted the institutions with which deposits could be placed to reduce risk given the continued difficulties in the global banking sector. The use of additional Government backed AAA instruments had also been included. The administration process for the Heritable bank was continuing and the statutory creditor's committee had met twice to discuss the proposed recovery plans with the administrators Ernst and Young. The administrators were pursuing a managed run off of the business rather than a sale of assets, which was estimated to produce a much better return for creditors at this time. The administrators have stated that a material dividend will be payable in due course. In relation to Landsbanki and Glitnir open creditor meetings were planned in Iceland. The process was not progressing as quickly in respect of these banks as the asset valuation work was very complex and the methodologies had not yet been agreed. The review by PricewaterhouseCoopers of the Council's treasury management arrangements was the subject of a separate report which appears elsewhere.
- 13.3 Financial regulations required that proposed budget changes be approved by the Cabinet. These are shown in the table below. These changes fall into one of two categories:
- Budget virements, where it was proposed that budget provision be transferred between one service budget and another. Explanations are provided where this is the case;
  - Increases or decreases in budget, generally where notification has been received in-year of a change in the level of external funding such as grants or supplementary credit approval.
- 13.4 Under the Constitution, certain virements are key decisions. Key decisions are:
- For revenue, any virement which results in change in a directorate cash limit of more than £250,000; and
  - For capital, any virement which results in the change of a programme area of more than £250,000.

Key decisions are highlighted by an asterisk in the table.

- 13.5 The following table sets out the proposed changes. There are two figures shown in each line of the table. The first amount column relates to changes in the current year's budgets and the second to changes in future years' budgets (full year). Differences between the two occur when, for example, the budget variation required relates to an immediate but not ongoing need or where the variation takes effect for a part of the current year but will be in effect for the whole of future years. Proposed virements are set out in the following table.

<b><i>Revenue Virements</i></b>
---------------------------------

Period	Service	Key	Amount current year (£'000)	Full year Amount (£'000)	Reason for budget changes	Description
9	CR	Rev	58		Corrective budget realignment	IT Budget re-aligned to accommodate BLT, due to the in-house hosting of the BLT managed service.
9	CR	Rev*	(350)	(350)	Corrective budget realignment	Accommodation Strategy phase 2 re-alignment to budget.
9	PPPC	Rev	55		Corrective budget realignment	Department for Children, Schools and Families (DCSF) funding to prevent and reduce substance misuse related harm for children and young people 2008/09 to 2010/11.
9	PPPC	Rev	95		Corrective budget realignment	Community Safety Projects and New Initiatives for Knife possession prevention programme.
9	CR/PD	Rev*	(703)	(453)	Corrective budget realignment	Allocation of Achieving Excellence savings to relevant service area.
<b>Capital Virements</b>						
9	CYPS	Cap	150		Corrective budget realignment	2008/09 City Learning Funding (Standards Fund Grant (No 2.9).
9	CYPS	Cap*	329		New funding allocations	2008/09 additional funding - Computers for pupils.
9	CYPS	Cap	112		Corrective budget realignment	2007/08 Integrated Children's System Grant (DCSF Funding).
9	CR	Cap*	1,050		Corrective budget realignment	Hornsey Town Hall Project funded from a one off contribution from NSR.
9	CR	Cap*	(495)		Corrective budget realignment	Accommodation Strategy phase 2 re-alignment to Budget.
9	UE	Cap	(20)		Corrective budget realignment	Budget reduced by Transport for London for Highgate Hill Retaining wall.
9	CYPS	Cap*	(2,900)		Rephasing	Projected under spend of £2.9m for the Building Schools for the Future (BSF) project. This remains positive in the sense that it relates to contingency that has been set aside for this financial year, which is now not expected to be called upon. A virement is proposed to rephase the budget.
9	UE	Cap	100		Corrective budget realignment	Revised Baseline for London Cycle Network for London Transport.
9	ACCS	Cap*	250		Corrective budget realignment	Under spend on Lordship Recreation Ground project to be vired to offset against the Parks improvement project.
9	ACCS	Cap	100		Corrective budget realignment	Under spend on Finsbury Athletics project to be vired to offset against the Burial Village Project.
9	ACCS	Cap	(140)		Rephasing	Re-phasing of Noel Park, the delayed works has resulted in a carry forward request of £140k.

9	ACCS	Cap	(112)		Rephasing	Re-phasing of Leisure Centre Refurbishment. The invitation to tender has only received one response. Thus the tender exercise will need to be repeated and work will not commence until 2009/10. A carry forward of this amount is proposed.
<b>Other budget adjustment</b>						
9	CYPS	Rev*	(620)		Corrective budget realignment	The Council's gross budget requirement needs to decrease to take account of the reduction in DSG. This is due to a recalculation of grant due based upon updated actual pupil numbers. The gross budget requirement reduces from £399.6m to £399.0m. The C&YP cash limit was previously reduced for this when the reduction in DSG was agreed.

## 12. DELEGATED DECISIONS AND SIGNIFICANT ACTIONS

12.1 We were informed of the following significant actions taken by Directors under delegated powers -

### Director of Adult, Culture and Community Services

Culture, Libraries and Learning – Establishment Charges Efficiency Savings.

Culture, Libraries and Learning – Haringey Adult Learning Service (HALS) transfer of evening provision to Wood Green Library.

Older People Day Service Establishment Changes – Haynes Day Centre (Hornsey Hospital).

Wolves Lane Nursery/Faith Plant Centre – Rescue Operations.

### Director of Children and Young People's Services

Building Schools for the Future Programme – Approval to the early ordering of steel and piling in connection with works to Highgate Wood School.

Building Schools for the Future Programme – Approval to early work packages to Hornsey School for Girls.

Building Schools for the Future Programme – Approval to the issuing of a letter of intent for main contract works to Gladesmore School.

Extension of Contract for Family Support Services

Extension of Contract for NSPCC Service

Extension of Contract for Adoption and Permanency and Fostering Care

Park View Academy Enabling Works

**Director of Corporate Resources**

551b Tottenham High Road - Award of the contract for refurbishment works to R.D.Bull.

**13. ACTIONS TAKEN UNDER URGENCY PROCEDURES**

- 13.1 We were informed of the following significant actions taken by Directors under delegated powers -

**Director of Corporate Resources**

Implementation of VAT Rate Change from 1 December 2008 - Approval to the reduction of service level fees and charges with immediate effect for the annual membership of Sports and Leisure Centres and for Car Parking Season Tickets and to make no other change to other fees and charges.

**REPORT OF THE CONSTITUTION REVIEW WORKING GROUP  
No. 2/2008-09**

**COUNCIL 30 MARCH 2009**

Acting Chair:  
Councillor Matt Cooke

**INTRODUCTION**

- 1.1 This report covers three reports considered by the Constitution Review Working Group at our meeting on 17 March 2009.

**ITEMS FOR DECISION**

**2. MAKING THE MEMBERS' ALLOWANCES SCHEME FOR 2009/10**

- 2.1 We were advised that the Council must make its Members' Allowances Scheme afresh before the start of each municipal year in order that Members can be paid their allowances. This means that a report must be considered by full Council before the end of March even if no substantive changes are being proposed to the Scheme. There is nothing to prevent full Council from amending the Scheme later in the year should Members wish to do so.
- 2.2 We noted that the Council meeting on 13 November 2006 had decided that the main allowances should be increased from 1 April 2007 in line with the rate of increase agreed in the national pay settlement for Council officers for 2007/08. At that time it was agreed in principle that allowances should be increased according to the same formula in subsequent years. This policy has been applied for 2007/08 and 2008/09 and it was recommended to us that the policy continue to be applied with the same formula for 2009/10.
- 2.3 Once the percentage rate for the officer settlement in 2009/10 is known later in 2009, that rate of increase would be applied to the current allowances and back-dated payments from 1 April 2009 would be paid to Members as soon as possible. We noted that the allowances now shown in the Scheme would be increased automatically without the need for any further report to Members
- 2.4 The figures shown in Appendix 1 to this report for the Basic Allowance, the Mayoral Allowances, the Special Responsibility Allowances and the Co-optees' Allowances are all current and reflect the percentage increase for officers already in place for 2008/09. We were advised that the figures include the recent 0.3% arbitration award finalising the officer pay settlement for 2008/09.

- 2.5 The only changes in Appendix 1 are to dates or years so as to accord with the coming municipal year 2009/10. They are shown in italics and underlined.
- 2.6 We were advised that Members must have regard to the report of the Independent Panel on the Remuneration of Councillors in London when making their decision on the Scheme. Last year (2008/09) the allowances agreed were well within those recommended in the Panel's report and they accorded with the principles recommended by the Panel. The Scheme for 2009/10 simply continues the same principles. There have been no fresh reports or recommendations from the Panel since Members considered the Scheme last March.

### **WE RECOMMEND**

That Members make the Members' Allowances Scheme for 2009/10 as set out in Appendix 1 to this report and adopt this as the replacement for part 6 of the Council's Constitution.

### **3. REVISING THE SCHEME OF DELEGATION TO OFFICERS**

- 3.1 We were advised that the revision of the Scheme of Delegation to Officers was part of the long-running review of the entire Council Constitution. There had been a report to full Council on 31 March 2008 which agreed certain principles for the revised Scheme of Delegation. A substantial amount of work had been needed to apply these principles to the detailed Sections of the Scheme for each Directorate and to update the Scheme to reflect recent legislation.
- 3.2 We noted that an obvious problem with Haringey's current scheme is the excessive amount of detail contained in the schedules of statutory powers for each Service. Generally, there is a separate entry or "box", sometimes several lines or several paragraphs long, purporting to summarise the effect of every section in every Statute where power is delegated. The result is a document 170 pages long which is not written in user-friendly language and which does not meet the original aim of keeping Members informed about officer delegated powers. By listing in detail a vast number of powers that are exercised very rarely, or never, the current schedules are more confusing than informative.
- 3.3 We were advised that it would be perfectly sufficient, legally, to have a much shorter Scheme which expressly delegated the whole of the local authority functions (whether expressed as powers or duties) under the relevant section numbers or Parts of the relevant Statute. This is achieved in a standard paragraph under the heading "statutory delegations" in each of Sections 2 to 6 of the Scheme as shown in Appendix 4 to this report.
- 3.4 The presumption that the whole of the statutory function was being

delegated would not change the general limitations on the exercise of officers' delegated powers which are set out at paragraphs 4.01 and 4.02 in Part 3, Section E of the Constitution. These paragraphs prevent officers taking delegated decisions outside agreed budget limits or Council policies or in specific cases such as compulsory purchase.

- 3.5 Legally, a "shorter form" scheme of this kind would be safer and less vulnerable to challenge. The danger of a lengthy description is the opportunity it affords for those in dispute with the Council to claim that, in the specific instance where a power was exercised, it fell outside the precise scope of the delegation to the officer concerned.
- 3.6 We were informed that there were some areas requiring special treatment. For example, the power to determine planning applications has been divided according to the long-established practice of the Planning Committee. Applications above certain physical limits, for example, more than 5 new dwellings, are referred to the Planning Committee while the more numerous and more routine applications below these limits are delegated to senior Planning Officers.
- 3.7 In these special cases, there is a note in bold type stating that this is a "Limited Delegation". The effect is that the scope of the delegation is determined by the verbal description in the middle column which will contain some reservation about, or qualification to, the power delegated to officers. This can be seen in the case of planning applications under the heading "Town & Country Planning Act 1990" at section 70.
- 3.8 We noted that in the revised Scheme the great majority of powers will be delegated at Service Manager and Team Leader level in every Service. This will bring the Scheme into line with best practice in decision-making to a greater extent.
- 3.9 All Services have identified the powers that should be restricted to Director or Deputy Chief Officer level and not delegated further. These are generally powers to appoint other officers to fulfil particular functions or powers to take sensitive or exceptional action such as a decision to authorise covert surveillance under the Regulation of Investigatory Powers Act 2000. Such powers are marked in the right hand column as delegated to the Director or Assistant Director "only".
- 3.10 We accepted that there is an important distinction to be made between the extension of delegated powers down the structure and the question of senior management control over the exercise of those powers. The extension of delegated powers is necessary to protect the Council legally because it will help ensure that managers throughout the Council have authority to take speedy and effective decisions. It should not undermine proper management control because senior managers can always require supervision or impose

conditions before less senior officers take decisions on matters that are sensitive or complex. We noted that the extension of delegation is a quite separate issue from ensuring the “quality control” of junior officers’ work by management.

- 3.11 We were reminded that the current scheme pre-dates the Council-wide “Reshaping” of Directorates that was implemented at the start of 2007. A “Reshaping Schedule” was then added to the beginning of the scheme to make the necessary changes, legally, as an interim solution. The whole of the scheme has now been brought up-to-date so that Directorates and officers have their new names and the result should be far easier to understand. Consequently the “Reshaping Schedule” is no longer needed and has been omitted from the revised Scheme.
- 3.12 Before Appendix E at the end of the Constitution, there is an Appendix D which is called the “Senior Management Structure Schedule”. This too is being brought up-to-date with the current post titles and descriptions of the responsibilities of Chief Officers and Deputy Chief Officers. The revised version of Appendix D is at Appendix 3 to this report. Appendix D is important to the Scheme of delegation because the scope of the general management and operational powers granted to senior officers in Section 8 is linked to the descriptions in Appendix D.
- 3.13 We were advised that the revised scheme is not intended to change the existing balance of responsibilities between Members and officers but only to protect the Council from possible challenge and to make the format shorter and more accessible. It was explained to us that the large amount of re-drafting was mainly the consequence of condensing the scheme into a shorter format, setting out the effect of the “Limited Delegations”, deleting repeals and adding new legislation. We were assured that Members would not find that the revised Scheme made a significant change to the matters coming to them for decision or to their powers to call senior officers to account for their exercise of delegated powers.
- 3.14 We noted that the opening paragraph of each Section defines the matters excluded from officer delegation more clearly than before. Members will continue to take all “key decisions” and matters expressly within the terms of reference of the Full Council, Cabinet or Committees. Decisions on the budget and all other Council policies and strategies will remain with Members. Officers will keep responsibility for the very large volume of routine operational and case work decisions which, as a matter of practicality, have to be delegated in all local authorities.
- 3.15 Appendix 2 to this report shows Section 1 of the Scheme (also known

as Part 3, Section E of the Constitution) which contains the Introduction and Ground Rules. We noted the addition of a new paragraph 3.06 which is intended to help define the long-standing requirement in paragraph 3.05 to report monthly to the Cabinet or the relevant Committee on recent decisions already taken under delegated powers. The duty is to report decisions of “particular significance” individually rather than grouped by number and type under a general description in a schedule. Until now there has been no definition of a decision of “particular significance”.

- 3.16 The new paragraph 3.06 sets out the two alternative criteria for decisions of “particular significance”. At 3.06 (a) there is spending or saving £100,000 or more. At 3.06 (b) there is a decision that is significant or sensitive for any other reason which the Director and Cabinet Member have agreed should be reported. The adoption of these two new criteria should improve the consistency of reporting while keeping the reporting requirements within a sensible length. It would not prejudice Members’ right to call for more information in any specific case causing concern.
- 3.17 At the end of the current paragraph 3.05 the final sentence refers to significant delegated decisions being reported up from Cabinet/Committee to Full Council. This has rarely happened, in practice, and therefore, the final sentence is recommended for deletion.
- 3.18 The report to Full Council in March 2008 considered the increased reporting of local impact decisions to all Councillors and this was agreed in principle. We were advised that officers subsequently looked in greater detail at the practicality of encapsulating this as a formal requirement in the Constitution and have concluded that it would be very difficult to produce a sensible definition of the matters to be reported.
- 3.19 As an alternative, we welcomed the proposal to take action by expanding the monthly Members’ Briefing so that it includes more items of local and topical interest from all Council Services. This could include recent enforcement action or the outcomes of prosecutions as well as details of traffic schemes or Park improvements.
- 3.20 At the end of Section 1, there is a sub-section entitled the “Protocol for Officers Taking Decisions under Delegated Powers”. As already agreed in principle, this Protocol has been simplified to make it shorter and easier to implement comprehensively. We noted the list of obligatory details that must be recorded, whenever an officer takes any delegated decision, has been reduced to five: (i) the name/post of the officer taking the decision, (ii) the substantive facts, (iii) the reasons for the decision, (iv) the expenditure authorised and (v) the date of the decision.

- 3.21 Sections 2 to 6 contain the revised delegations for the Chief Executive's Service, Corporate Resources, Urban Environment, Children & Young People's Service and Adult, Culture & Community Services. They are set out in Appendix 4 to this report. There are a very great number of changes being recommended, most of them quite minor.
- 3.22 The report before us explained that a "comparison version" had been prepared to show the revised scheme in substance but as it would be if in the longer format used currently. The comparison version, so far as possible, shows all the statutory powers being added to, or deleted from the scheme. The deletions are usually the result of statutory repeals or the transfer of powers from one Directorate to another as a result of the restructuring or reshaping of Services. We were informed that a hard copies of the comparison version have been placed in lever arch files in the Cabinet Members' Room and the other Members' Rooms at River Park House where they can be inspected.
- 3.23 Because the revised scheme aims to condense the scheme into a much shorter form, we were advised that it was not practicable to show the precise text changes between the current and the revised scheme in Appendix 4 to this report while at the same time showing the substantive additions and deletions of powers. In contrast, it has been practicable to show the text changes in Appendix 2 to this report where the format will not be changed
- 3.24 We were informed that a report was being submitted to the special Planning Committee later the same evening in order to consult that Committee on specific proposed amendments to Planning delegations. We were subsequently advised outside our meeting about the views expressed by the Planning Committee and our Chair has agreed to recommend the changes requested by Planning Committee Members.
- 3.25 The Planning Committee discussed the officer proposal to increase the threshold for objections to a policy compliant application which would be required for an automatic referral to Planning Committee. The Committee agreed that an objection from a single Ward Councillor or a local community body or a local residents association would trigger referral to the Committee. The reference in the original officer proposal to objections from "at least 10 individual local residents" has been deleted at Planning Committee's request. But whenever there are objections from local residents, whatever the number, the Chair of Planning Committee can still ask the Assistant Director Planning to refer the application to Committee.
- 3.26 We were advised that the Planning Committee had approved the proposed delegation, as drafted, to Planning Officers with respect to highway stopping up and diversions consequent on the grant of planning permission. The officer proposals in the report before us to

extend delegated powers with respect to section 106 planning agreements had been withdrawn, and so the current delegation will remain.

- 3.27 It was explained in the report before us that the revised Scheme being recommended to us did not contain detailed delegations to the General Manager of the Alexandra Palace & Park charity and his senior staff. These are intended for Section 7 of the scheme within Appendix E. Because of the special status of the charity, the Alexandra Palace & Park Board of trustees will follow their own process for reviewing the powers they delegate to their own officers and this is part of a wider review of the charity's governance. Once formally agreed by the Alexandra Palace and Park Board, the delegations would be reported for adoption to a later Full Council.
- 3.28 We were advised that Section 8 in the current Scheme sets out certain general delegated powers that are granted to all Chief Officers including powers to take management and operational decisions on behalf of the Council. It is now being recommended that most of these powers be extended to Deputy Chief Officers except for the following which would remain at Chief Officer level: (i) requests for access to Council premises by the media (ii) power to waive charges in exceptional circumstances and (iii) decisions on the use/management of premises held for the operational requirements of the Directorate.
- 3.29 In the report before us there was a proposal to delegate to the Chief Executive powers to take decisions on the "non-executive" aspects of a Service Restructuring when more than 20 posts were affected. It was proposed that this delegation would be exercised in accordance with previous decisions of The Cabinet on the service delivery aspects which are "executive" side functions. The proposed delegation to the Chief Executive would remove powers currently within the remit of the General Purposes Committee.
- 3.30 We noted officers' argument that these new arrangements would improve focus and accountability when making decisions on a major Service Restructuring. However, we were concerned that the proposals would result in an inappropriate involvement of the Cabinet in non-executive functions. We agreed to ask for this proposal to be removed from the revised Scheme being recommended to full Council and it has now been deleted from Appendix 4 to this report.
- 3.31 The final Section 9 of the Scheme delegates the powers contained in local government legislation for exercise by the "proper officer" or a "specified officer". We noted that the main changes here will be the allocation to the Monitoring Officer of power to decide what constitutes "exempt information" in Cabinet/Committee reports and background papers under the "Access to Information Rules" and in relation to any information held by the Council in the case of requests under the Freedom of Information Act 2000. This will involve the application of

the respective “public interest tests” to assess whether the grounds for maintaining confidentiality are outweighed by the public interest in disclosure. Other appropriate “Access to Information” functions will continue to be delegated to the Head of Local Democracy and Member Services.

## **WE RECOMMEND**

That Members agree the revision of the Scheme of Delegation to Officers set out in the following Appendices to this report and adopt them as amendments to the Council’s Constitution:

- (i) Appendix 2 – text changes to Section 1 of the Scheme “Introduction and Ground Rules” which is at Part 3, Section E.
- (ii) Appendix 3 – replacement for Appendix D, the Senior Management Structure Schedule
- (iii) Appendix 4 – replacement for Appendix E to constitute the “contents page” and Sections 2, 3, 4, 5, 6, 8 and 9 of the Scheme.

## **4. REVISING THE COUNCIL’S FINANCIAL REGULATIONS**

- 4.1 We received a report on the revision of the Council’s Financial Regulations which is also part of the review of the Council’s Constitution. Financial Regulations were last updated comprehensively in 2002 although minor changes were made in 2007.
- 4.2 We noted that the recommended revision would support the Council’s duty to demonstrate sound corporate governance by putting in place robust Financial Regulations which set out detailed financial procedures reflecting changes in the Council’s circumstances.
- 4.3 There had been extensive consultation between the Chief Financial Officer and his staff and other Directors and Business Unit Heads about the proposed revision. Responses received had been considered and where appropriate reflected in the revised Financial Regulations which are attached as Appendix 5 to this report.
- 4.4 We were advised about the main changes to Financial Regulations. These include greater detail on the financial responsibilities of all Chief Officers and Directors. There is also a clearer statement of financial responsibilities below Chief Officer level, namely, for Business Unit Heads and budget holders.
- 4.5 Rules for the control and transfer of approved budgets, or “virements”, are recommended for revision. At present all revenue virements between business units, all changes in income above £50,000 and an addition or amendment to any capital scheme require approval by the Cabinet. The recommended revision to Financial Regulations would require all revenue budget changes in gross expenditure and /or

income or revenue budgets both within and between Business Units to be approved as follows. Changes up to £50,000 could be approved by the relevant Business Unit Head provided overall net expenditure remained unchanged. Changes between £50,000 and £100,000 could be approved by the Director. Changes above £100,000 would require approval from the Cabinet.

- 4.6 We were advised that any proposed virements which affected the achievement of agreed policy, or that produced a full year's budget impact, would require approval of the Chief Financial Officer as in the current Financial Regulations.
- 4.7 In the revised Financial Regulations an addition or amendment to any scheme in the capital programme above £100,000 would require Cabinet approval. Changes below that limit could be authorised by the Chief Financial Officer.
- 4.8 It was proposed to us that the authority of the Chief Financial Officer to write off debts be increased from the current level of under £1,000 to under £5,000. Above this level the Cabinet Member for Resources would approve write offs.
- 4.9 We noted that the external funding section of the revised Financial Regulations will incorporate reference to the Local Area Agreements.

#### **WE RECOMMEND**

That Members agree the revision of the Council's Financial Regulations set out in Appendix 5 to this report and adopt this as the replacement for Part 4, Section I of the Council's Constitution.

This page is intentionally left blank

APPENDIX 1

# Part 6

## Members' Allowances Scheme

---

### 1. SCHEME FOR THE PAYMENT OF MEMBERS' ALLOWANCES

1.01 Made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and in force for the municipal year 2009/10 (i.e. 1 April 2009 to 31 March 2010).

### 2. BASIC ALLOWANCE

2.01 Each Councillor will be entitled to receive the sum of £10,530 by way of Basic Allowance (subject to an increase from 1 April 2009 in line with the percentage increase agreed in the national settlement for Local Authority officers).

2.02 If a Councillor does not serve as such for the whole 12-month period or becomes disqualified, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor. This principle applies to service on Council bodies by independent Standards Committee members and education representatives on scrutiny bodies.

### 3. INCLUDED EXPENSES

3.01 Travel Expenses.

The Basic Allowance includes all travel within the M25. Councillors are not entitled to any form of concession or special permit as Councillors for parking in the Borough.

3.02 Telephones and I.T.

The Basic Allowance includes Councillors' telephone call charges, both mobile and landline, for which Councillors are billed individually. The Council meets the rental for apparatus, including broadband, and all datacharges.

#### 4. MAYORAL ALLOWANCES

4.01 The additional allowances for the Mayor and Deputy Mayor are:

- (a) The Mayor is entitled to an additional allowance of £15,795.
- (b) The Deputy Mayor is entitled to an additional allowance of £3,948.

These allowances are subject to an increase from 1 April 2009 in line with the percentage increase agreed in the national settlement for Local Authority officers.

#### 5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 Haringey Council will allocate Special Responsibility Allowances in four bands, to Councillors who take on certain additional roles. All allowances are subject to an increase from 1 April 2009 in line with the percentage increase agreed in the national settlement for Local Authority officers.

Band	Position	Special Allowance	Total Allowance
Band 4	<ul style="list-style-type: none"> <li>• Leader</li> </ul>	£31,590	£42,120
Band 3	<ul style="list-style-type: none"> <li>• 9 x Cabinet Members</li> <li>• Opposition Leader</li> <li>• Chair of Overview and Scrutiny Committee</li> </ul>	£23,691	£34,221
Band 2  Band 2 (continued)	<ul style="list-style-type: none"> <li>• Chair of General Purposes Committee</li> <li>• Chief Whip</li> <li>• Chair of Planning Committee</li> <li>• Chair of Licensing Committee</li> <li>• Chair of Alexandra Palace and Park Board</li> <li>• Chair of Audit Committee</li> <li>• Chair of Pensions Committee</li> <li>• Opposition Deputy Leader</li> <li>• Opposition Chief Whip</li> <li>• 6 x Councillors on Overview and Scrutiny Committee</li> </ul>	£15,795	£26,325
Band 1	7 x Chairs of Area Assemblies	£7,896	£18,426

**6. MULTIPLE RESPONSIBILITIES**

6.01 Where a Councillor holds more than one post of special responsibility, he/she may only receive one Special Responsibility Allowance. Where a Councillor holds more than one post of special responsibility and the posts have Special Responsibility Allowances of different monetary values, the Councillor would receive the higher one. For the purposes of this paragraph, the Mayor and Deputy Mayor count as posts of special responsibility.

**7. CO-OPTEEES' ALLOWANCES**

7.01 Each independent Standards Committee member and each education representative on scrutiny bodies is entitled to an allowance of £616.50 excepting the Chair of the Standards Committee who is entitled to an allowance of £1,263. These allowances are subject to an increase from 1 April 2009 in line with the percentage increase agreed in the national settlement for Local Authority officers. This incorporates all other allowances, with the exception of babysitting and dependants allowance. No allowances are payable to others who are not elected Councillors.

**8. BABYSITTING AND DEPENDANTS ALLOWANCE**

8.01 Councillors and non-elected members can claim this allowance based on the following :

(a) That reimbursement be made at a maximum rate of £5.73 per hour. The period of payment should include the time of the meeting, together with reasonable travelling time of the member, plus any necessary travelling expenses of the carer to and from their home.

(b) Children over the age of 16 must not be claimed for, unless suffering from an illness or disability making constant care essential.

**9. TRAVELLING AND SUBSISTENCE ALLOWANCE**

Councillors can claim this allowance for attending approved meetings, training and conferences etc. only to the extent that it involves travel outside the M25. Claims must be based on the following :

(a) The mileage rate for travel by private car is 34.6 pence per mile. An extra 3 pence per mile is payable for each passenger for whom a travelling allowance would otherwise be payable. The cost of tolls, ferries and parking charges can be claimed.

(b) The mileage rate for travel by solo motor cycle is :

Not exceeding	150 cc	8.5 pence per mile
Over	150 cc but not over 500 cc	12.3 pence per mile
Over	500 cc	16.5 pence per mile

(c) On public transport only the ordinary or cheaper fare can be claimed where more than one class is available

(d) The cost of a taxi, including a reasonable tip, can be claimed only in case of urgency or where public transport is not practicable or reasonably available

(e) The maximum rates for subsistence allowance on approved duties are as follows:

For an absence of more than 4 hours before 11.00	£4.92
For an absence of more than 4 hours including lunchtime between 12.00 and 14.00	£6.77
For an absence of more than 4 hours including the period 15.00 to 18.00	£2.67
For an absence of more than 4 hours ending after 19.00	£8.38

## 10. CLAIMS AND PAYMENTS

10.01 The Basic Allowance and Special Responsibility Allowances will be paid in equal monthly instalments.

10.02 The Co-optees' Allowance must be claimed by, and will be paid at, the end of the municipal year, subject to paragraphs 2.02 above and 10.04 below.

10.03 All claims for Travelling and Subsistence Allowance and Babysitting and Dependants Allowance must be made within two months of the relevant meeting or the costs being incurred by the Councillor or non-elected member, subject to paragraph 10.04 below..

10.04 If any Allowance under paragraphs 10.02 or 10.03 is not claimed within the prescribed time limit, the Head of Local Democracy & Members' Services shall have a discretion to make the payment nonetheless.

10.05 Any Councillor or non-elected member may elect to forego his/her entitlement to all or part of any allowance by giving written notice at any time to the Head of Local Democracy & Members' Services.

**11. WITHHOLDING AND REPAYMENT OF ALLOWANCES**

11.01 The Standards Committee or any of its Sub-Committees is authorised to withdraw the payment of the allowances set out below in whole or in part, as appropriate, in the event of a Councillor being suspended or partially suspended. The allowances covered by this provision are the following:

- (a) Basic Allowance;
- (b) Special Responsibility Allowance;
- (c) Travelling and Subsistence Allowances; and
- (d) Co-optees' Allowance.

11.02 Where the Standards Committee/Sub-Committee withdraws any of the above allowances in whole or in part and it transpires that the Councillor has already been paid in whole or in part for the relevant period of suspension or partial suspension, then the Standards Committee/Sub-Committee may require that the Councillor repay the relevant amount to the Council.

**12. MEMBERSHIP OF LOCAL GOVERNMENT PENSION SCHEME**

12.01 All eligible Councillors are allowed to join the Local Government Pension scheme in respect of the Basic and Special Responsibility Allowances paid to them as part of this scheme of allowances.

This page is intentionally left blank

[the text recommended for deletion is shown struck through and the text recommended for addition or insertion is shown underlined and in italics]

# Part Three, Section E

## Officer Scheme of Delegation

---

Section 1. INTRODUCTION AND GROUND RULES
--

1. What is the Scheme of Delegation?
  - 1.01. The Council's Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that the Council operates in an efficient, transparent and accountable manner.
  - 1.02. The Constitution describes the overall areas of responsibility for Members of the Cabinet and for Committees and Sub-Committees. However, to ensure that the Council runs efficiently, it is necessary for some decisions to be taken by officers. The Scheme of Delegation sets out which officers are empowered to undertake which decisions or actions on behalf of the Council.
  - 1.03. Where a delegation to an officer is of a continuing nature, for example to discharge a particular statutory power on an on-going basis, or it is expected to extend beyond six months, it has to be set out in a formal Scheme of Delegation within the Constitution.
  - 1.04. Certain types of decision must by law be delegated to an officer rather than being determined by Members. These include the appointment and dismissal of officers below Deputy Chief Officer level, discharge of the duties of the Returning Officer in elections and the Proper Officer functions. Other Council functions must by law be determined by Members, for example, setting the Council Tax and adopting the plans or strategies constituting the Council's Policy Framework. For the great majority of local authority functions, it is a matter of local choice for the Council whether they are exercised by Members or delegated to officers.
  - 1.05. The exclusions from the delegations to officer (i.e. the matters that are reserved for Members' decision) are set out in paragraphs 4.1 and 4.2 below. The structure of this scheme reflects best practice in other Local Authorities, notably the London Borough of Bexley, but

the actual effect is to continue Haringey's existing practice with respect to the extent of the powers delegated to officers.

## 2. Haringey Council's Schemes of Delegation

- 2.01. This document constitutes Haringey Council's Scheme of Delegation. The delegations are set out on a Directorate by Directorate basis in sections 2 - 7 of this document, while those general delegations that apply to all Chief Officers are brought together in section 8. Section 9 of this document sets out the Proper Officer Functions - a legal document that ensures that appropriate officers are nominated for all statutory powers requiring a Proper Officer *or a "specified officer"*.
- 2.02. The layout is as follows. For each Directorate, the overall delegated powers of the Director are set out in broad functional terms. These are then followed by a schedule of specific delegations for that Directorate, which are arranged in two parts: non-statutory and statutory. These specific delegations are included within the overall delegated powers. While all Local Authority powers are based on Statute, it is sometimes clearer to describe them functionally rather than by reference to the detailed legislation.
- 2.03. The Delegations follow a standard format to show:-
- (a) the subject matter for non-statutory delegations or *the relevant provisions of* the Act, or Regulations, for statutory delegations (in chronological order);
  - (b) *a description, for information only, of* the power delegated;
  - (c) the officer(s) to whom the power is delegated;
  - (d) where that power must be exercised in consultation with a Cabinet Member or Chair, the delegation is shown with an asterisk\*.

## 3. General Principles of the Schemes of Delegation

- 3.01. This scheme delegates some of the powers and duties of the Council to Senior Officers. This scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions, and all powers and duties incidental to that legislation. Any reference to legislation in this scheme shall include any subordinate legislation within the meaning assigned in the Interpretation Act 1978 and the requirements of European law having effect in English law.
- 3.02. This scheme operates under Section 101, Section 151 and Section 270 of the Local Government Act 1972 in relation to the delegation of non-Executive functions by the Council. This scheme also operates under section 15 of the Local Government Act 2000 in relation to the delegation of Executive functions by the Cabinet. Senior Officers are authorised to exercise the functions of the London Borough of Haringey, both Executive and non-Executive relating to their areas of

responsibility as set out in Appendix D of this Constitution including professional and managerial functions relating to the relevant Service subject to the limitations and reservations of the scheme.

- 3.03. This scheme includes the obligation on officers to keep Members properly informed of activity arising within the scope of these delegations and to ensure a proper record of such activity is kept and available to Members and the public in accordance with legislation. Therefore, each Director must ensure that there is a system in place within his/her Directorate which records any decisions made under delegated powers.
- 3.04. Regular reports (at least quarterly) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the General Purposes Committee, in the case of non-executive functions, summarising all decisions taken under urgency provisions. These reports will be sent to the next full Council for noting. There should be no abuse of urgency provisions especially since this would undermine proper forward planning.
- 3.05. Regular reports (monthly or as near as possible) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the responsible Member body, in the case of non-executive functions, recording the number and type of all decisions taken under officers' delegated powers. Decisions of particular significance shall be reported individually. ~~Significant decisions shall be reported for the attention of full Council by the relevant body.~~
- 3.06. In paragraph 3.05 a decision of "particular significance", to be reported individually by officers, shall mean a matter not within the scope of a decision previously agreed at Member level which falls within one or both of the following:
- (a) It is a spending or saving of £100,000 or more, or
  - (b) It is significant or sensitive for any other reason and the Director and Cabinet Member have agreed to report it.
- 3.07 The Council may require an officer to consult a Cabinet Member before exercising the delegation in specific circumstances. In this event the signed agreement of the Cabinet Member must be obtained. If there is disagreement, the officer must report the matter to the Cabinet Meeting for decision.
- 3.08 Powers exercised by an officer in relation to this scheme shall be exercised in accordance with the Council's Policy Framework and Budget, Employment Policies, Equal Opportunities Policies, the Officers' Code of Conduct, the Protocol on Officer/Member Relations, Council Procedure Rules, Contract Procedure Rules, Finance Procedure Rules and all other provisions of this Constitution and any statutory restrictions and requirements. Officers are particularly

required to make decisions in accordance with the Protocol for Officers Taking Decisions under Delegated Powers, set out at the end of Section 1 (paragraphs 7.01 to ~~7.07~~ 7.06).

- 3.09 The Chief Executive as Head of Paid Service, after consulting such Directors as is considered appropriate, shall be responsible for Corporate strategy, policy initiatives and integrated planning and service delivery.
- 3.10 If the post or office of any employee of the Council is vacant, or the employee is absent or otherwise unable to act, the most suitable senior officer available is hereby authorised to exercise the responsibilities of the vacant office and such action shall be recorded in writing by the Director with responsibility for the post or officer in question.

**4. General Limitations:**

4.01. This scheme does not delegate to officers:

- (a) Any matter reserved to full Council;
- (b) Any matter which by law may not be delegated to an officer;
- (c) Any matter expressly reserved to the Cabinet within its Terms of Reference or otherwise, by Standing Orders or Financial Regulations or withdrawn from delegation by this scheme or by the Cabinet or full Council;
- (d) Change to fees, charges or concession policies;
- (e) Decisions on permanent savings in the budget to achieve the Cabinet's policies;
- (f) The making of an order for the compulsory acquisition of land;
- (g) The acquisition of land in advance of requirements;
- (h) The confirmation of any order or the issue or grant of any permission, consent, licence or other determination that is the subject of a statutory right of appeal to an external authority that has been duly exercised.
- (i) The adoption, amendment or deletion of any strategic plan or policy as set out in the Terms of Reference of the full Council, the Cabinet or any Committee, Sub-Committee or Panel of the Council or The Cabinet.

4.02. Officers shall not be authorised by virtue of these provisions:

- (a) to incur any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with Financial Regulations;
- (b) to authorise the adoption, exercise or discharge of any policy, power or duty of a kind which has not previously been undertaken by the Council;

- (c) to take a decision in contravention of any existing Council policy.
- 4.03. Where action needs to be taken on any urgent matter between meetings of The Cabinet, individual Cabinet Members or any Committee or Sub-Committee of the Council and, by virtue of paragraphs 4.01 or 4.02 above, such action would not be authorised within these provisions, the following rules shall apply:
- (a) in the case of executive functions, a report will be prepared for the Cabinet Member with portfolio responsibility for that Member to take the decision in advance of the scheduled meeting. The Protocol for Decision-Making in Part 5 shall be followed.
  - (b) where the matter has been allocated in the Forward Plan to the Cabinet Meeting and subsequently becomes urgent, the decision shall be referred to the Leader in accordance with the provision on Executive Functions in Part 3.
  - (c) in the case of non-executive functions, a report will be prepared so that the Chief Officer or Deputy Chief Officer having operational responsibility can take the decision in consultation with the Chair of the Committee or Sub-Committee having the matter within its terms of reference. The Protocol for Decision-Making in Part 5 shall be followed.

## **5. Further Provisions**

- 5.01. In this scheme “Chief Officer” means an officer directly accountable to the Chief Executive and “Deputy Chief Officer” means an officer directly accountable to a Chief Officer (excluding for these purposes officers with secretarial, clerical or support service duties).
- 5.02. This scheme includes power for officers vested with delegated powers to nominate in writing other officers (described by name or post) to exercise any of their administrative functions either fully or under the general supervision and control of the officer primarily responsible. Nominations shall be notified to, on the forms supplied by, and recorded in a register kept by, the Head of Local Democracy & Member Services. Nominations may be made across departmental boundaries. (Any officer exercising powers or duties in pursuance of delegation will be politically restricted under Section 2 (1)(g) of the Local Government and Housing Act 1989).
- 5.03. A power specifically delegated by this Scheme to one officer shall not be exercised by another officer without the consent of the former.
- 5.04. It shall always be open to an officer to consult with the Committee or with appropriate Members on the exercise of delegated powers; or

not to exercise delegated powers but to refer the matter to the Cabinet or to a Committee of the Council.

- 5.05. In exercising delegated powers, officers shall consult the relevant Cabinet Member as required in Financial Regulations or Contract Standing Orders.
- 5.06. The Chief Executive's powers shall include the power to act where necessary in relation to any matter which is not the specific responsibility of a Director or where the appropriate Director is absent or prevented from acting and no other arrangements have been made.
- 5.07. In the event of a “catastrophic incident”, declared by the Secretary of State to be imminent or to have occurred, all Council Officers are authorised to take any action in accordance with the instructions of the Chief Executive or any external Chief Executive appointed to co-ordinate the actions of some or all London local authorities.
- 5.08. This scheme operates from the date approved by the full Council.

**6. Responsibility for maintaining and updating the Scheme of Delegations**

- 6.01. The delegations in this document are necessary for officers to perform their duties in order to discharge the Council's functions and responsibilities and to demonstrate if called upon to do so that they have the necessary authority to act. It is essential therefore that the contents of this document are kept up to date.
- 6.02. Each Director must ensure that there is a nominated officer in their Directorate who takes responsibility for considering changes the Scheme of Delegation. This officer must ensure that changes to existing legislation, proposed new legislation affecting the Directorate and new operational or policy developments are discussed with the Monitoring Officer. The Monitoring Officer will be responsible for preparing any necessary reports to full Council recommending amendments to the Scheme.
- 6.03. In cases where there is an immediate or urgent need to amend the Scheme of Delegation before a report can be considered by full Council, amendments may be authorised:
  - (a) ~~(i)~~ by the Leader in relation to any Executive function, and
  - (b) ~~(ii)~~ by the Chief Executive, acting in consultation with the Chair of the General Purposes Committee, in relation to any non-Executive function.

- 6.04. Any such urgent amendments to the Scheme will only be effective for six months unless they are formally adopted as amendments to the Constitution by full Council before the expiry of that period.

## 7. Protocol for Officers Taking Decisions under Delegated Powers

- 7.01. This Protocol applies to all decisions taken by an officer exercising delegated powers, including decisions taken in consultation with an Cabinet Member or Members or a Committee Chair. ~~It does not apply to day-to-day routine management decisions but it does apply to decisions having a significant effect on Borough residents, service users, partner organisations and others outside the Council.~~

- 7.02 There is no prescribed form for taking delegated decisions. Different types of report or record appropriate to the circumstances may be used provided the essential details are recorded in writing in every case. These are:

- (a) the name/post of the officer taking the decision,
- (b) the substantive facts, including what is being decided,
- (c) the reasons for the decision,
- (d) the expenditure authorised (if any), and
- (e) the date the decision was taken.

- ~~7.02. In every case there are certain mandatory requirements which must be addressed prior to a decision under delegated powers. The primary responsibility for compliance rests on the officer submitting the report but the officer proposing to exercise delegated powers must not proceed to make the decision unless the mandatory requirements are all met. There are no exceptions for urgency or otherwise except where there is express authorisation from the Chief Executive in the event of a civil emergency.~~

- ~~7.03. The mandatory requirements are:~~

- ~~(a) there must be a written report explaining the issue(s) to be decided~~
- ~~(b) the report must identify by name and post the officer submitting the report and the officer proposing to take the decision.~~
- ~~(c) the report must contain all the facts relevant to the decision~~
- ~~(d) the report must identify the delegated power(s) relied upon~~
- ~~(e) the Ward or Wards affected must be stated in the report~~
- ~~(f) the report must conclude with a clear recommendation setting out each significant element of the decision(s) required~~
- ~~(g) the date of the submission of the report and date of the decision itself must be recorded on the report.~~
- ~~(h) any financial implications~~
- ~~(i) any legal implications.~~

~~7.04. The officer submitting the report and the officer proposing to exercise delegated powers must both consider whether the nature of the decision and the circumstances require that any or all of the following discretionary matters should be expressly included in the report before the decision is made. If there is any doubt, the advice of the Monitoring Officer should be obtained.~~

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

- (a) any financial implications (beyond stating the expenditure)
- (b) any legal implications
- (c) any environmental implications
- (d) any equalities implications
- (e) any relevant Council policies
- (f) any relevant national or regional guidance
- (g) any consultations undertaken and the views of consultees
- (h) any other implications for service delivery in the relevant Directorate
- (i) any implications for other Council services outside the Directorate
- (j) and any comments from other Directorates
- (k) any staffing implications
- (l) any background documents relied upon
- (m) any information in the report or background documents that could or should be restricted from public disclosure as confidential or exempt information under the Freedom of Information Act 2000
- (n) any alternative options to the recommended decision
- (o) any consultation with Members (whether Cabinet Members, Chairs or Ward Members).

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

7.05 The officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant Directorate. *Each Directorate will keep its own central record of all delegated decisions taken within its constituent services as well as those taken by the Director.*

7.06 The Chief Executive's Management Board may impose additional requirements in relation to some or all categories of delegated decision.

## APPENDIX 3

## APPENDIX D

## SENIOR MANAGEMENT STRUCTURE SCHEDULE

<b><u>Name of Post</u></b>	<b><u>Description of Responsibilities</u></b>	<b><u>Initials of Post</u></b>
<b>Chief Executive</b>	Head of Paid Service. Overall corporate management and operational responsibility for all officers. Responsibility (with Monitoring Officer) for system of record keeping for all decisions. Representing the Council on partnership and external bodies.	<b>CE</b>
<b>Assistant Chief Executive, Policy, Partnerships, Performance &amp; Communication</b>	Community Safety, Youth Offending, Emergency Planning, Partnerships & Neighbourhood Management, Performance & Policy, Scrutiny, Corporate Communications, Feedback, Equalities and Voluntary Sector.	<b>ACE-PPPC</b>
Head of Safer and Stronger Communities	Community Safety, Youth Offending Service, Emergency Planning, Area Assemblies, Neighbourhood Management, Voluntary & Community Sector	HSSC
Head of Performance & Policy	Performance Management, Business Planning, Programme and Project Support, Haringey Strategic Partnership, Local Area Agreement, Scrutiny, Corporate Complaints, CPA Audit & Inspection, VFM Reviews, Corporate Policy Development, Corporate Planning, Knowledge Management, Equalities & Community Cohesion.	HPP
Head of Communication	Consultation, Corporate & Service Communications & Publicity, E-communications, Web Services, Media Relations, Design & Print, Translation & Interpretation.	HComm
<b>Assistant Chief Executive, People &amp; Organisational Development</b>	Human Resources, Organisational Development & Learning, Local Democracy & Member Services.	<b>ACE-POD</b>
Head of Human Resources	Personnel, Pay, Pensions, Occupational Health & Welfare, Internal Communications, Shared Services, Council Improvers, Staff Health & Safety at Work.	HHR
Head of Organisational	Organisational Development, People Planning, Change Management, Leadership &	HOD

Development	Management Development, Graduate Scheme, Staff Training and Development.	
Head of Local Democracy & Member Services	Leader's Office, Cabinet/Council and Committee Secretariat, Business Support, Mayoral & Civic Functions, Member Training, Information for Members, Political Offices.	HLDMS
<b>Director of Corporate Resources</b>	Finance, Property Services, Customer Services, IT and Legal Services.	<b>DCR</b>
Head of Legal Services	Monitoring Officer. Corporate Legal Services including Litigation, Property, Contracts and Care Services, Registration of Births Marriages & Deaths, Local Land Charges.	HLS
Head of Corporate Property	Management of Commercial Property Portfolio, all property transactions including acquisitions, disposals, Right-to-Buy sales, leases, capital valuations, Asset Management Plan, Facilities Management for all Council buildings, Community Buildings, Feasibility Studies for Major Sites.	HCP
Assistant Director Access and Customer Focus	Customer Services, Access to Services Project, ICT.	ADACF
Chief Financial Officer	Statutory Officer for Administration of Council's Financial Affairs. Corporate Finance, Audit & Risk Management, Local Taxation and Benefits & Corporate Procurement	CFO
Head of Corporate Finance	Financial Management, Financial Forward Planning & Advice, Budget Framework Setting, Monitoring and Control.	HCF
Head of Corporate Procurement	Implementing, monitoring and maintenance of corporate procurement including Contract Standing Orders, Code of Procurement Practice & Best Value Procedures, Support of major procurement projects, E-procurement strategy and strategic sourcing policies.	HProc
Head of Benefits & Local Taxation	Billing, collection and recovery of Council Tax and National Non-Domestic Rates, Housing Benefit & Council Tax Benefit Claims Service.	HBLT
Head of Audit & Risk Management	Internal and External Audit Functions, Accounting systems & controls, Audit Plans, Prevention of fraud & corruption, Risk Management, corporate insurance and claims handling.	HARM
<b>Director of Urban Environment</b>	Town Planning, Economic Regeneration, Streetscene Services, Enforcement, Housing	<b>DUE</b>

	Strategy & Needs.	
Assistant Director Planning & Regeneration	Planning Policy & Development Control, Master Planning, Design & Conservation, Transport Policy, Building Control & Economic Strategy & Regeneration	ADP&R
Assistant Director, Frontline Services	Highways management, Highway & Traffic engineering, Road Safety, Parking Control & Enforcement, Abandoned Vehicles, Environmental & Public Health, Food, Pest Control, Noise & Nuisance, Waste & Pollution Enforcement, Trading Standards, Licensing & Registration, Street Trading, Environmental Enforcement, Waste Management & Disposal, Recycling, Transport fleet, Better Haringey.	ADFS
Assistant Director Strategic & Community Housing	Housing Strategy & Programmes, Homelessness, Temporary Accommodation, Housing Allocations, Housing Supply, Housing Assessment, Housing Registration, Housing Advice, Monitoring ALMO performance.	ADSCH
<b>Director of Adult, Culture &amp; Community Services</b>	Adult Social Services, Recreation & Parks, Adult Learning Libraries & Culture.	<b>DACCS</b>
Assistant Director Adult Services	Care Services for Older People, Mental Health, Physical Disability, HIV, Learning Disability, Substance Abuse, Assessment, Home Care, Residential & Day Care.	ADAS
Assistant Director Recreation & Leisure Services	Recreation Strategy, Leisure Services, Sports Development, Parks, Trees, Allotments, Cemeteries and Crematorium.	ADRLS
Assistant Director Culture, Libraries & Learning	Libraries, Adult Learning, Museums, Archives.	ADCLL
Assistant Director Commissioning & Strategy	Performance Planning, Commissioning, Finance & Performance, Business Support.	ADCS
<b>Director of Children &amp; Young People's Services</b>	Care services for Children and Families, Education Services, Under-5s, Youth Services	<b>DCYPS</b>
Deputy Director Children & Families	Child Protection, Looked-After Children, Fostering & Adoption, Family Support, Children with Disabilities	DDC&F
Deputy Director School Standards	School Governance & Improvement, Early Years, Primary Standards, Secondary Standards, Special Educational Needs, Music & Performing Arts, Youth Service.	DDSS

Deputy Director Business Support & Development	Service Finance, Planning & Performance, Commissioning, Strategy & Policy, Building Schools for the Future, School Admissions, Customer Relations, Communications, Property, ICT,	DDBS& D
Assistant Director, Children's Networks	Children's Network Co-ordination, School Attendance	ADCN
<b>General Manager Alexandra Palace &amp; Park</b>	Management of the Alexandra Palace & Park charitable trust	<b>GMAPP</b>

**APPENDIX 4**

**APPENDIX E – DETAILS OF DELEGATIONS TO OFFICERS**

CONTENTS OF APPENDIX E

SECTION 1 - INTRODUCTION AND GROUND RULES FOR THE WHOLE SCHEME OF DELEGATION TO OFFICERS

N.B. THIS SECTION IS SET OUT IN PART 3, SECTION E OF THE CONSTITUTION AND IS NOT REPRODUCED HERE

SECTION 2 - DELEGATIONS TO THE CHIEF EXECUTIVE'S SERVICE

SECTION 3 - DELEGATIONS TO THE DIRECTORATE OF CORPORATE RESOURCES

SECTION 4 - DELEGATIONS TO THE DIRECTORATE OF URBAN ENVIRONMENT

SECTION 5 - DELEGATIONS TO THE CHILDREN'S & YOUNG PEOPLE'S SERVICE

SECTION 6 - DELEGATIONS TO ADULT, CULTURE & COMMUNITY SERVICES

SECTION 7 - DELEGATIONS TO THE MANAGEMENT OF THE ALEXANDRA PALACE AND PARK CHARITY [to be added at a later date]

SECTION 8 - GENERAL DELEGATIONS TO CHIEF AND DEPUTY CHIEF OFFICERS

SECTION 9 - PROPER OFFICER & SPECIFIED OFFICER DELEGATIONS

<b>Section 2 Chief Executive's Service – Scheme of Delegation to Officers</b>
---

**To the Chief Executive**

1. All the powers delegated to the other Senior Officers in this and other sections of the scheme and authority to exercise those powers in the place of that Senior Officer. Further, in the event of any dispute or doubt as to the delegated powers of any other Senior Officer, the Chief Executive shall have the authority to determine which Senior Officer is to exercise that power.
2. The corporate management of the Authority and, specifically, through the Chief Executive's Management Board: -
  - (a) Advice to the Council on the Policy Framework
  - (b) Preparation of, and consultation on, the draft of the Forward Plan on a monthly basis
  - (c) The responsibility for the discharge of the Council's functions in implementation of statutory and non-statutory plans including the modernisation, collation, indexation and publication of policies and practices of the Council within the evolving Policy Framework as the Council and the Cabinet shall determine
3. The authority to institute, defend or settle any legal proceedings or arbitration where urgent action is needed to protect the interests of the Council.
4. To be Head of the Paid Service.
5. The power to determine that an "emergency" has occurred, namely, an event or situation which threatens serious damage to human welfare or to the environment in the Borough or war or terrorism which threatens serious damage to the security of the United Kingdom.

6. The power to incur expenditure and take any necessary action within local authority statutory functions, including jointly with other authorities, in the event of an emergency.
7. To nominate other senior officers of the Council, whether orally or in writing, to take administrative decisions in the event of an emergency.
8. In the event that the Chief Executive is absent or unable to act for any reason, the powers in paragraphs 5, 6 & 7 above may be exercised by any other Chief Officer who is available to act.
9. The powers listed above relating to emergencies are granted subject to the provisions of Article 11.07 of this Constitution which set out the London Councils Arrangements for Co-ordinating the Response Emergencies.
10. In the event that all Members of the Cabinet are removed from office under **Article 7** (in **Part 2**), to exercise all Cabinet functions in consultation with the Mayor until a new Cabinet has been appointed.
11. Without prejudice to the generality of the delegation above, there are included in this delegation to the Chief Executive all the statutory and non-statutory functions delegated to the designated officers listed below.

**To the Assistant Chief Executive, Policy, Partnerships, Performance and Communication**

All the functions of the Council relating to Community Safety, Drugs and Alcohol, Anti-Social Behaviour, Youth Offending, Emergency Planning, Neighbourhood Management, Voluntary Sector, Scrutiny, Corporate Communications and Consultation, Programme Management and Partnership Working except for the excluded matters below. The Assistant Chief Executive has authority to exercise the powers delegated to all officers reporting to him/her and Heads

of Service have the same authority in relation to all officers reporting to them.

**To the Assistant Chief Executive, People and Organisational Development**

The Organisational Development and Learning functions of the Council and the Local Democracy, Member Services and Human Resources functions set out in the non-statutory and statutory delegations in this section except for the excluded matters below. The Assistant Chief Executive has authority to exercise the powers delegated to all officers reporting to him/her and Heads of Service have the same authority in relation to all officers reporting to them.

**Excluded Matters**

Excluded from the above delegations to the Chief Executive and Assistant Chief

Executives are matters which are:

- (i) Key Decisions (except in an emergency under Part 4, Section F, paragraph 1.3(c) of the Constitution),
- (ii) Expressly reserved to the Cabinet or Cabinet Committee within its terms of reference
- (iii) Included on the Forward Plan
- (iv) Expressly reserved to full Council within its terms of reference
- (v) Expressly reserved to a non-executive Committee or Sub-Committee within its terms of reference
- (vi) Expressly excluded from the scheme of delegation to officers under paragraphs 4.01 and 4.02 of Part 3 Section E of the Constitution. Such an exclusion will not apply where the power to set fees or charges is specifically delegated in the statutory or non-statutory delegations listed below.

**Schedule of abbreviations used in the Scheme of Delegation for the Chief Executive's Service**

Chief Executive	<b>CE</b>
Assistant Chief Executive – Policy, Partnerships, Performance and Communications	<b>ACE-PPPC</b>
Assistant Chief Executive – People & Organisational Development	<b>ACE-POD</b>

Head of Communications	<b>HComm</b>
Head of Human Resources	<b>HHR</b>
Head of Local Democracy & Member Services	<b>HLDMS</b>
Feedback & Information Manager	<b>FIM</b>
Head of Safer & Stronger Communities	<b>HSSC</b>
Head of Neighbourhood Management	<b>HNM</b>
Strategic Manager Youth Offending Service	<b>SMYOS</b>
Operations Manager Youth Offending Service	<b>OMYOS</b>
Team Managers Youth Offending Service (including the Operations Manager)	<b>TMYOS</b>
Case Workers Youth Offending Service	<b>CWYOS</b>
Emergency Planning & Business Continuity Manager	<b>EPBCM</b>
Voluntary Sector Team Manager	<b>VSTM</b>
Manager Anti-Social Behaviour Action Team	<b>MASBAT</b>
Drugs and Alcohol Action Team Manager	<b>DAATM</b>

In the event that any of the designated officer posts above are renamed or the duties varied, then the powers delegated to that post in this section of the scheme will continue to be delegated to the post that substantially fills the duties of the original post.

Those delegated powers, where prior consultation with, or instructions from, a Member or Member body are required before officers can exercise the powers, are shown with an asterisk \* in the right hand column

### **Non-statutory delegations**

1. Power to grant a licence to display the Borough Coat of Arms to other organisations.	<b>HLDMS</b>
2. Power to provide town maps involving advertising by companies.	<b>HComm</b>

3. Power to provide official guides, street maps and similar publications.	<b>HCo mm</b>
4. Power to authorise attendance by Members at conferences, seminars etc. which do not appear in the approved list of conferences in consultation with the Leaders of the Party Groups.	<b>HLD MS*</b>
5. Power to administer the Mayor's Charity in consultation with the Mayor	<b>HLD MS*</b>
6. Power to introduce modifications to the employees' car leasing scheme which do not adversely affect the Council's financial position.	<b>ACE POD</b>
7. Power (in consultation with the relevant Cabinet Member) to make exceptions to the Council's Policy not to re-employ employees, either as an individual consultant, or in temporary or permanent employment, who have left the Council's employment under the special early retirement/voluntary schemes	<b>ACE POD*</b>
8. Power (in consultation with the relevant Cabinet Member) to implement discretionary elements of nationally negotiated agreements	<b>ACEP OD*</b>
9. Power to identify posts/jobs exempt from the Job Share Policy	<b>HHR</b>
10. Power to agree special leave entitlements in the case of sick dependants leave	<b>HHR</b>
11. Power to implement statutory or case law changes to employment issues where no exercise of discretion is required	<b>HHR</b>
12. Power to implement nationally negotiated agreements affecting employees where no exercise of discretion is involved	<b>HHR</b>
13. Power to authorise recruitment and retention terms for individual posts below Deputy Chief Officer level	<b>HHR</b>
14. Power to authorise flexible retirement terms for individual posts below Deputy Chief Officer level in accordance with Council policies	<b>HHR</b>
15. Approval of time off for accredited Trade Union representatives to attend training courses or other approved activities in connection with their industrial duties	<b>HHR</b>
16. Approval of time off for Special Branch Meetings	<b>HHR</b>
17. Approval of payments made in respect of redundancy awards, gratuity payments, injury allowances and other compensation within the scope of the	<b>HHR</b>

Pensions Regulations (including S.I.s 1996/1680 and 2000/1410 as amended) for individual posts below Deputy Chief Officer level	
18. Power to vary enhanced severance payments in individual cases, subject to appropriate statutory provisions	<b>HHR</b>
19. Power to enter into and agree appropriate settlements for individual post holders below Deputy Chief Officer level at termination of employment or in legal proceedings including those reached by compromise agreement, subject to the agreement of the Chief Financial Officer where this affects the Pension Fund	<b>HHR</b>
20. Power to implement scales of election expenses recommended by London Councils	<b>CE</b>
21. Duty and power, in consultation with the relevant Cabinet Member, to monitor the Council's compliance with: <ul style="list-style-type: none"> <li>• the Disability Discrimination Acts 1995 and 2005</li> <li>• the Race Relations Act 1976 and the Race Relations Amendment Act 2002</li> <li>• Sex Discrimination Act 1974</li> <li>• Equality Act 2006</li> </ul>	<b>ACE-PPPC</b> *
22. Power to make decisions on expenditure and project implementation in accordance with the wishes of Area Assemblies subject to a limit of £10,000 for each project	<b>HNM</b> * <b>HSSC</b> *

### Statutory Delegations

The statutory delegations listed in the Schedule below include all local authority functions (whether expressed as a power, duty, discretion or otherwise) under the sections/parts of the Acts listed in the left hand column. These include any related Schedules, or the whole Act if so stated, and all subordinate legislation arising under the listed Acts. The fact that certain subordinate legislation is expressly listed, and other subordinate legislation is not listed, does not affect the generality of this delegation. The statutory delegations include all subsequent legislative amendments and additions to the listed provisions. Except where a power is expressly stated to be a "Limited Delegation", the delegations

are not limited, conditioned or qualified in any way by the descriptions of the powers in the middle column which are for information only.

With the exception of the statutory powers that are shown in the right hand column as delegated to specified officers "only", all the powers listed below are delegated to each Service Manager, Group Manager and Team Leader reporting to the specified Head of Service or Assistant Chief Executive.

### Schedule of Statutory Delegations

<b>Children and Young Persons Act 1969</b>		
Sections 9, 23, 23AA & 30	Powers in relation to young persons subject to proceedings for an offence including the investigation for the Court of home, school, and health circumstances, the provision of accommodation, powers to detain, powers to apply for conditions to be attached to remand or committal and to inform Court that electronic monitoring conditions are suitable	<b>ACE-PPPC HSSC SMY OS</b>
<b>Local Government Act 1974</b>		
Sections 28 & 32	Power to comment on any allegations contained in a complaint to the Local Government Ombudsman (LGO) and power in consultation with the Monitoring Officer to give notice to the LGO that disclosure of any document or information would be contrary to the public interest	<b>FIM only</b>
<b>Local Government Act 1986</b>		
Section 5	Duty to keep a separate account of the Council's expenditure on publicity	<b>HComm</b>
<b>Criminal Justice Act 1991</b>		
Sections 61	Duty and power to secure compliance with any security requirement imposed on remand or committal to local authority accommodation, by providing secure accommodation or by arranging with other local authorities or bodies for the provision of such accommodation, and power to secure compliance with related duties in Regulations	<b>ACE-PPPC HSSC SMYOS only</b>

Section 65	Power to appoint a social worker or member of a youth offending team to supervise a person under the age of 22 years who has been released from detention	ACE-PPPC HSSC SMYOS TMYOS only
<b>Housing Act 1996</b>		
Sections 153A-E, 154, 155, 156 and 157	Functions in relation to powers of arrest and injunctions against anti-social behaviour	ACE-PPPC HSSC SMYOS only
<b>Crime and Disorder Act 1998</b>		
Sections 1 and 1A to K	Power to apply for an Anti-Social Behaviour Order and related Orders	ACE-PPPC HSSC MASB AT only
Sections 11, 12, 14, 38 & 39	Powers relating to Child Safety Orders. Powers relating to local child curfew schemes, the provision of youth justice services and the establishment of a youth offending team. Power to act as an appropriate adult when an offender under 17 is reprimanded and powers in relation to rehabilitation programmes.	ACE-PPPC HSSC SMYOS only
Section 40	<b>Limited Delegation:</b> Power to formulate and implement a Youth Justice Plan, to submit such a Plan to the Youth Justice Board and to publish it in the manner directed by the Secretary of State. This delegation does not include the power to adopt, modify, vary or revoke a Youth Justice Plan.	ACE-PPPC HSSC SMYOS only
Sections 65 & 66	Power to act as an appropriate adult when an offender under 17 is reprimanded and powers in relation to rehabilitation programmes.	ACE-PPPC HSSC SMYOS TMYOS CWYOS
<b>Powers of Criminal Courts (Sentencing) Act 2000</b>		
Sections 21 to 23, 25 to 27, 29, 63, 65 & 70 to 72	Powers in relation to youth offender panels, youth offender contracts, referral of youth offenders back to Court, holding	ACE-PPPC HSSC SMYO

	initial/progress/final meeting, performing duties under supervision orders for children and young persons and giving directions, performing functions and reporting to the Court on action plan orders	S TMYO S CWYO S
Sections 36, 46 to 48, 64, 69, 73 to 75, 103 & 162	Powers to appoint officers in relation to suitability and operation of community punishment orders, powers to agree that Council will be supervisor of children and young persons under supervision orders and to incur related expenditure, powers to appoint responsible officer for action plan orders and to report to Court on reparation orders and perform related functions and powers to appoint social workers to supervise offenders subject to detention and training orders and prepare pre-sentence reports	ACE- PPPC HSSC SMYO S TMYO S only
Section 66	Powers to make arrangements to facilitate performance of directions and requirements under supervision orders, to consult with the local probation board and to specify such arrangements in a scheme or further scheme and to provide copies and perform related functions	ACE- PPPC HSSC SMYO S OMY OS only
<b>Local Government Act 2000</b>		
Sections 2, 3 and 4	<b>Limited Delegation:</b> Powers to take steps to promote economic, social and environmental well-being subject to advice from the Head of Legal Services on each proposed exercise of these powers	ACE- PPPC HSSC VSTM DAAT M only
Section 37	<b>Limited Delegation:</b> Power, in consultation with the Monitoring Officer to correct obvious errors and inconsistencies throughout the Constitution.	HLD MS* only
<b>Civil Contingencies Act 2004</b>		
Sections 2 to 7, 9 & 12	Powers in relation to emergencies and contingency planning under the Act and Regulations including risk assessment, business continuity planning, advice and assistance to the public, civil protection measures, and the use and disclosure of information to central government and others	ACE- PPPC HSSC EPBC M
<b>Criminal Justice and Immigration Act 2008</b>		

Section 5	Duties of the responsible officer to make arrangements connected with youth rehabilitation orders and to promote and enforce offenders' compliance with such orders	<b>ACE- PPPC HSSC SMYO S TMYO S CWYO S</b>
-----------	---	--

<b>Section 3 Directorate of Corporate Resources – Scheme of Delegation to Officers</b>
--

### To the Director of Corporate Resources

All the Financial, Legal, Property Services, Information Technology and Customer Access functions of the Council except matters which are:

- (i) Key Decisions,
- (ii) Expressly reserved to the Cabinet or Cabinet Committee within its terms of reference
- (iii) Included on the Forward Plan
- (iv) Expressly reserved to full Council within its terms of reference
- (v) Expressly reserved to a non-executive Committee or Sub-Committee within its terms of reference
- (vi) Expressly excluded from the scheme of delegation to officers under paragraphs 4.01 and 4.02 of Part 3 Section E of the Constitution. Such an exclusion will not apply where the power to set fees or charges is specifically delegated in the statutory or non-statutory delegations listed below.

Without prejudice to the generality of the delegation above, there are included in this delegation to the Director all the statutory and non-statutory functions delegated to the designated officers below. The Director has authority to exercise the powers delegated to all officers reporting to him/her and Assistant Directors, the Chief Financial Officer and the Heads of Service have the same authority in relation to all officers reporting to them.

### Schedule of abbreviations used for designated officers

Director of Corporate Resources	<b>DCR</b>
Head of Legal Services	<b>HLS</b>
Head of Corporate Property	<b>HCP</b>
Assistant Director Access & Customer Focus	<b>AD-ACF</b>
Chief Financial Officer	<b>CFO</b>
Head of Corporate Finance	<b>HCF</b>
Head of Corporate Procurement	<b>HProc</b>
Head of Benefits & Local Taxation	<b>HBLT</b>
Risk & Insurance Manager	<b>RIM</b>
Pensions Manager	<b>PM</b>

In the event that any of the designated officer posts above are renamed or the duties varied, then the powers delegated to that post in this section of the scheme will continue to be delegated to the post that substantially fills the duties of the original post.

Those delegated powers, where prior consultation with, or instructions from, a Member or Member body are required before officers can exercise the powers, are shown with an asterisk \* in the right hand column

### Non-statutory delegations

<b>Insurance Matters</b>	
Power to arrange insurance cover within the financial limits for officers under Contract Procedure Rules or beyond those financial limits in accordance with Cabinet/Committee instructions	<b>CFO*</b> <b>RIM*</b>
Power to negotiate, to agree or reject and to pay claims against the Council, whether or not covered by insurance, in consultation with legal advisers and the relevant Service managers	<b>CFO</b> <b>RIM</b>
Power to exercise discretion, in consultation with legal advisers and the relevant Service managers, to make ex gratia payments, without admitting liability.	<b>CFO</b> <b>RIM</b>

<b>Salaries, Wages, Pensions, Compensations etc.</b>	
Power to make salary payments or to approve and control any alternative arrangements	<b>CFO</b>
Power to approve the terms of release of people aged 50 or over and made redundant or retired early with a claim on the pension scheme provided this is within the limits of Council policies and the decision applies to officers below Deputy Chief Officer level. This includes decisions on voluntary early retirement, early payment of deferred benefits, waiver of actuarial reductions on compassionate grounds, awards of increased membership on early retirement on efficiency grounds and reductions of contributions after 40 years service. Decisions which are outside Council policies or apply to Chief Officers or Deputy Chief Officers are referred to the General Purposes Committee.	<b>CFO</b>
All administering authority decisions which do not incur costs in excess of those costs already funded and are consistent with existing policies	<b>CFO</b> <b>PM</b>

<b>Payment of Accounts etc.</b>	
Power to deal with or approve alternative arrangements for dealing	<b>CFO</b>

with all certified expenditure matters	
--	--

<b>Other Financial Matters</b>	
Power to exercise the functions of the duly authorised representative of the Council as the corporate member of Alexandra Palace Trading Limited	<b>CFO</b>
Power to select the managers of the Council's internal funds and negotiate management fees	<b>CFO</b>
Power to make financial arrangements for the leasing of vehicles and equipment	<b>CFO</b>
Power to manage the authority's loan debt in accordance with all relevant legislation and guidance	<b>CFO</b>
Power to respond to annual expenditure proposals submitted by the following bodies (if applicable):-  <p style="margin-left: 40px;">Greater London Authority  London Pension Fund Authority  Lee Valley Regional Park Authority  North London Waste Authority  London Councils  Greater London Magistrates Courts Authority  Environment Agency</p>	<b>CFO</b>
Power to authorise all action to recover overpayments and monies lost through fraudulent claims in relation to Housing Benefit and Council Tax Benefit including powers to impose administrative penalties, to prosecute and to bring civil proceedings in relation to fraudulent claims	<b>HBLT</b>
Power to manage Council borrowings and investments within limits set by the Council	<b>CFO</b>
Authority to manage the Capital Programme flexibly and to make adjustments to the phasing of approved projects within the limits of available capital resources	<b>CFO</b>
Authority in consultation with the Assistant Chief Executive- Policy, Partnerships, Performance and Communication and the appropriate Cabinet Member to approve the submission of bids to the European Social Fund	<b>CFO*</b>
Power to certify grant claims and statutory returns to Government and European Union bodies where this certification is required from, or on behalf of, the Chief Financial Officer	<b>CFO HCF</b>
Power to remove contractors from Selective Tendering Lists when they have ceased trading or have requested to be removed and power to suspend any contractor from the Lists pending final decision by the Cabinet Procurement Committee in cases of serious breach of contract or unsatisfactory service delivery.	<b>HPro c</b>

<b>Land acquisitions, management and disposal</b>		
<b>• Acquisitions</b>		
(1) Power to acquire any land or property with a capital value equalling or exceeding £250,000 but less than £500,000 except by use of compulsory powers or in advance of identified requirements		<b>DCR</b>
(2) Power to acquire any land or property with a capital value below £250,000 except by use of compulsory powers or in advance of identified requirements		<b>HCP</b>
(3) Power to take a lease or licence of any land or property for any period where the rent equals or exceeds £100,000 per annum but is less than £500,000		<b>DCR</b>
(4) Power to take a lease or licence of any land or property for any period where the rent is less than £100,000 per annum		<b>HCP</b>
(5) Power to settle compensation for the loss of interests in land up to a maximum of £250,000 per interest where in the approved capital programme.		<b>HCP</b>
(6) Power to give undertakings to prospective vendors relating to the payment of professional fees incurred, and to pay such abortive fees and expenses if the Council withdraws from negotiations.		<b>HCP</b>
(7) Power to authorise proceedings by way of Arbitration, Alternative Dispute Resolution, in the Lands Tribunal or in the Civil Courts to protect the Council's interests in relation to any acquisition		<b>HCP</b>
<b>• General Estate Management</b>		
(1) Power to settle dilapidation and compensation claims arising under the Landlord and Tenant Acts and Agricultural Holdings Acts or related Acts.		<b>HCP</b>
(2) Power to authorise, in the interests of good estate management, any proceedings by way of Arbitration or Alternative Dispute Resolution, or in the Civil Courts, Lands Tribunal, Valuation Court, or Agricultural Lands Tribunal		<b>HCP</b>
<b>• Disposals</b>		
(1) Power to dispose of any land or property with a capital value equalling or exceeding £250,000 but less than £500,000		<b>DCR</b>
(2) Power to dispose of any land or property with a capital value below £250,000		<b>HCP</b>
(3) Power to grant a lease or licence of any land or property owned by the Council for any period where the rent equals or exceeds £100,000 per annum but is less than £500,000		<b>DCR</b>

(4)	Power to grant a lease or licence of any land or property owned by the Council for any period where the rent is less than £100,000 per annum	<b>HCP</b>
(5)	Power to agree the transfer of Council owned land as a result of legislation redefining responsibility for the provision of some public services.	<b>HCP</b>

<b>Legal Matters</b>		
	Power to authenticate any notice, order, assent, demand or other document or copy document, which the Council are authorised or required by, or under, any Act or any instrument made thereunder, to give, make or issue	<b>HLS</b>
	Power to obtain particulars of occupiers of, and other persons interested in, land and of persons authorised to manage or arrange for the letting of land	<b>HLS</b>
	Power, notwithstanding delegations to other officers/services, to authorise, institute, defend, compromise, or adjourn any form of legal proceedings or statutory procedure and to make or defend any appeal in criminal or civil proceedings where such action is desirable to protect the Council's interests	<b>HLS</b>
	Power to authorise other officers to represent the Council in civil or criminal proceedings	<b>HLS</b>
	Power to issue or serve any statutory notice on instructions from a designated officer who has delegated power to issue or serve such a notice	<b>HLS</b>
	Powers to take any action or sign any document under the Land Registration Rules, including the release of mortgages or charges, in order to carry out authorised instructions from other Services	<b>HLS</b>

<b>Other delegations</b>		
	Power to make minor boundary adjustments between adjoining parcels of Council owned land held for different statutory purposes and to authorise the necessary Appropriation Orders and adjustments to accounts to be made	<b>HCP</b>
	At the request of the Director of Adults, Culture and Community Services, acting as Receiver appointed by the Court of Protection	<b>CFO</b>

### **Statutory delegations**

The statutory delegations listed in the Schedule below include all local authority functions (whether expressed as a power, duty, discretion or otherwise) under the sections/parts of the Acts listed in the left hand

column. These include any related Schedules, or the whole Act if so stated, and all subordinate legislation arising under the listed Acts. The fact that certain subordinate legislation is expressly listed and other subordinate legislation is not listed does not affect the generality of this delegation. The statutory delegations include all subsequent legislative amendments and additions to the listed provisions. Except where a power is expressly stated to be a "Limited Delegation", the delegations are not limited, conditioned or qualified in any way by the descriptions of the powers in the middle column which are for information only.

With the exception of the statutory powers that are shown in the right hand column as delegated to specified officers "only", all the powers listed below are delegated to each Service Manager, Group Manager and Team Leader reporting to the specified Head of Service, Assistant Director or the Director.

### Schedule of Statutory Delegations

<b>Lands Clauses Consolidation Act 1845</b>		
Sections 18, 76, 77, 91 & 124	Powers in relation to compulsory purchase of land	<b>HCP</b>
<b>Law of Property Act 1925</b>		
Sections 46, 49, 84, 87-89, 91, 94, 98, 99, 143, 144, 146, 148, 150 & 187	Powers in relation to the sale and purchase of land, restrictive covenants, mortgages, licences, leases and easements	<b>HCP</b>
Sections 115 & 120	Power to sign receipt on discharge of mortgage	<b>HLS</b>
<b>Landlord and Tenant Act 1927</b>		
Sections 1, 3, 8, 16, 19 & 23	Powers in relation to claims by tenants and landlords and connected rights, compensation and assignments	<b>HCP</b>
<b>Marriage Acts 1949 and 1994</b>		
The whole Acts and Regulations made under these Acts including The Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510)	<b>Limited Delegation:</b> Power to determine applications for approval of premises for ceremonies and to impose conditions and power to recommend the scale of fees for applications for the approval of premises for civil marriages/civil partnerships and for the attendance of the Superintendent Registrar,	<b>HLS*</b>

	Registrar of Marriages or their deputies at ceremonies, such fees to recover all the Council's costs and to be approved by the relevant Cabinet Member	
<b>Landlord and Tenant Act 1954</b>		
Sections 24A, 25, 27, 28, 30 to 35, 37, 38A & 40	Powers in relation to tenancies including rent, termination, renewal, compensation, information and agreements to exclude the Court's jurisdiction	<b>HCP</b>
<b>Land Compensation Act 1961</b>		
Sections 31 & 38	Powers to withdraw notices to treat and to serve notices under the Act generally	<b>HCP</b>
<b>Compulsory Purchase Act 1965</b>		
Sections 5, 9, 11, 13, 14, 18 & 22	Powers in relation to compulsory purchase of land including notice to treat, powers of entry, interests subject to mortgage or rent charge and interests omitted by mistake	<b>HCP</b>
<b>Chronically Sick and Disabled Persons Act 1970</b>		
Sections 4, 7 & 8A	Duties to provide access, facilities, and signage for disabled persons at premises open to the public and to provide for the needs of disabled employees of the Council, except in relation to the operational premises of other Directorates	<b>HCP</b>
<b>Attachment of Earnings Act 1971</b>		
Sections 3 & 4	Powers to apply to Court for attachment of earnings orders and administration orders in respect of debtors	<b>HLS</b>
Sections 7, 9 & 15	Powers to secure compliance with orders served on the Council in respect of Council employees and to notify Court of change of employees' earnings or of employment	<b>CFO</b>
<b>Local Government Act 1972</b>		

Sections 114, 119, 140, 146, 148 & 168	Powers to take security from officers, to make payments to deceased officers' estates, to insure Members against accidents, to transfer securities on the alteration of the name or area of the Council, to keep the General Rate Fund Account and to make financial returns to the Secretary of State	<b>CFO</b>
Sections 222 & 223	<ul style="list-style-type: none"> <li>• Power, when considered expedient for the promotion or protection of the interests of Borough residents, to (i) prosecute, defend or appear in any legal proceedings and to institute civil proceedings in the Council's name, and (ii) to make representations in the interests of the inhabitants in Council's name at any public inquiry under any legislation</li> <li>• Power to authorise any officer to prosecute, defend or appear on the Council's behalf in Magistrates Court proceedings</li> </ul>	<b>HLS only</b>
<b>Local Government Superannuation Act 1972</b>		
Sections 7 and 12 and all Local Government Superannuation Regulations under the Act including S.I. 1997/1612	Functions relating to the Pension Scheme including the maintenance, management, investment and valuation of the Pension Fund and arrangements with respect to membership, contributions, benefits and payments under the Scheme	<b>CFO PM</b>
<b>Greater London Council (General Powers) Act 1973</b>		
Sections 26, 27 & 28	Powers in relation to the recovery of non-domestic rates from certain owners, tenants and lodgers, including charging on land, charging interest and enforcing charges	<b>CFO HBLT</b>
<b>Land Compensation Act 1973</b>		

Sections 4 to 8, 15, 28, 38, 42, 43 & 52	Powers in relation to compensation claims for adverse effects on land including assessment of claims, records and information, paying expenses of persons moved during works or permanently displaced or connected with acquisition of new dwellings, indemnifying re-housing authorities and making advance payments	<b>HCP</b>
Section 3	Power to authorise officers to enter land to assess claims for compensation	<b>HCP only</b>
<b>Greater London Council (General Powers) Act 1974</b>		
Section 16	Power to enter into agreements affecting land	<b>HLS</b>
<b>Local Land Charges Act 1975</b>		
Whole Act	All functions relating to local land charges	<b>HLS</b>
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
Section 15	Power to survey land which the Authority proposes to acquire compulsorily	<b>HCP</b>
Sections 16 & 29	Powers to serve requisitions for information and to apply for the repayment of unclaimed compensation paid into Court	<b>HLS</b>
<b>Local Government Finance Act 1988</b>		
Part III	Functions in relation to non-domestic rating	<b>CFO HBLT</b>
Sections 114, 114A & 115(6)	Duty to report to the Council or Cabinet in the event of an unlawful decision or expenditure and power to authorise entering into certain agreements incurring expenditure during a prohibition period	<b>CFO only</b>
<b>Social Security Contribution and Benefits Act 1992 Social Security Administration</b>		

<b>Act 1992</b> <b>Housing Act 1996</b> <b>Social Security Act 1998</b>		
The provisions of the Acts and all Regulations under the Acts relating to Housing Benefit and Council Tax Benefit including the Housing Benefit Regulations 2006 and the Council Tax Benefit Regulations 2006	Power to operate a Housing Benefit and a Council Tax Benefit Scheme including functions relating to handling claims, assessing entitlements, making payments, recovery of over-payments and obtaining information	<b>HBLT</b>
<b>Local Government Finance Act 1992</b>		
Sections 33 and 34	<b>Limited Delegation:</b> Power to determine the Council Tax Base, i.e. Item T or item TP in consultation with the Cabinet Member	* <b>CFO only</b>
Sections 16, 17 & 65 and Schedules 2, 3, 4 & 4A	Powers to respond to notices from aggrieved persons, to serve completion notices in respect of buildings and in relation to the administration and collection of Council Tax, civil penalties and the enforcement and the recovery of sums due and the duty to consult persons or bodies representing those subject to non-domestic rates about the Council's expenditure proposals	<b>CFO</b> <b>HBLT</b>
All Regulations under the Act including the Council Tax (Administration and Enforcement) Regulations 1992	Functions in relation to the administration and enforcement of Council Tax including requests for information, demand notices, liability orders and proceedings to enforce payment	<b>CFO</b> <b>HBLT</b>
<b>Disability Discrimination Act 1995</b>		
Sections 6, 15C, 21 & 21E	Duties to prevent discrimination against disabled persons in Council employment, applicants for employment, elected Members and service users including the taking of reasonable steps to make adjustments to the physical features of premises or to any practice policy	<b>HCP</b>

	or procedure connected with service provision, except in relation to the operational premises of other Directorates	
<b>Data Protection Act 1998</b>		
Whole Act	All the functions of the "data controller" under the Act	<b>AD-ACF</b>
<b>Local Government Act 2003</b>		
Sections 14, 25 & 27	Powers to supply information requested by the Secretary of State and to report to the Council on (i) the robustness of estimates for the purpose of budget calculations and the adequacy of proposed financial reserves and (ii) the inadequacy of a controlled reserve	<b>CFO only</b>
<b>Licensing Act 2003</b>		
Section 181	<b>Limited Delegation:</b> In consultation with the Chair of the Licensing Committee, power to make arrangements to deal with cases under the Act remitted by the Magistrates Court to the Council for decision	<b>HLS* only</b>
<b>Gambling Act 2005</b>		
Section 207	<b>Limited Delegation:</b> In consultation with the Chair of the Licensing Committee, power to make arrangements to deal with cases under the Act remitted by the Magistrates Court to the Council for decision	<b>HLS* only</b>

**Section 4 - Directorate of Urban Environment - Scheme of Delegation to Officers**

**To the Director of Urban Environment**

All Urban Environment functions of the Council including Town Planning, Transportation, Highways, Parking, Waste Management, Environmental Regulation, Public Health, Private Sector Housing, Building Control, Trading Standards, Licensing & Registration, Economic Regeneration, Housing Strategy & Programmes, Homelessness and Housing Allocations. Excluded from this delegation are matters which are:

- (i) Key Decisions,
- (ii) Expressly reserved to the Cabinet or a Cabinet Committee within its terms of reference
- (iii) Included on the Forward Plan
- (iv) Expressly reserved to full Council within its terms of reference
- (v) Expressly reserved to a non-executive Committee or Sub-Committee within its terms of reference
- (vi) Expressly excluded from the scheme of delegation to officers under paragraphs 4.01 and 4.02 of Part 3 Section E of the Constitution. Such an exclusion will not apply where the power to set fees or charges is specifically delegated in the statutory or non-statutory delegations below.

In addition the following matters are reserved to The Cabinet/relevant Cabinet Member and excluded from this delegation:

- a) The annual bid to Transport for London for financial allocations to fund the Local Implementation Plan
- b) Local Implementation Plan - the addition of a scheme to, or the deletion of a scheme from, the active preparation programme;
- c) 'Major Greater London Road Network Schemes' - Council response to public draft line, side road and compulsory purchase orders;
- d) Major Capital Transportation Proposals :

- Choosing a preferred route or option following public consultation;
- Authorising the promotion of Compulsory Purchase and Side Road Orders;

Without prejudice to the generality of the delegation above, there are included in this delegation all the statutory and non-statutory functions delegated to the designated officers as listed below. The Director has authority to exercise the powers delegated to all officers reporting to him/her and Assistant Directors and Heads of Service have the same authority in relation to all officers reporting to them.

<b>Schedule of abbreviations used for designated officers</b>
---

Director of Urban Environment	<b>DUE</b>
Assistant Director, Planning and Regeneration	<b>AD-P&amp;R</b>
Heads of Development Management - Note: This includes the Heads of Development Management, North and South, and the Head of Development Management Major Sites.	<b>HDM</b>
General Manager – Planning Policy	<b>GMPP</b>
Head of Building Control	<b>HBC</b>
Assistant Director – Frontline Services	<b>AD-FS</b>
Head of Sustainable Transport	<b>HST</b>
Transportation Team Leader	<b>TTL</b>
Head of Parking	<b>HP</b>
Head of Environmental Resources	<b>H-EnvRes</b>
Head of Enforcement	<b>H-Enf</b>
Team Leader – Trading Standards	<b>TTLS</b>
Team Leader – Commercial Environmental Health	<b>TL-CEH</b>
Service Manager for Commercial Enforcement	<b>SM-CE</b>
Service Manager for Environmental Crime	<b>SM-EC</b>

Service Manager for Enforcement Response	<b>SM-ER</b>
Team Leader for Planning Enforcement	<b>TL-PE</b>
Assistant Director – Strategic & Community Housing	<b>AD-SCH</b>
Head of Housing Finance	<b>HHF</b>
Head of Housing Needs and Lettings	<b>HHNL</b>
Head of Housing Support & Options	<b>HHSO</b>
Housing Improvement Manager (Private Sector)	<b>HIMPS</b>
Head of Economic Regeneration	<b>H-EconReg</b>
Civil Enforcement Officers	<b>CEOs</b>

In the event that any of the designated officer posts above are renamed or the duties varied, then the powers delegated to that post in this section of the scheme will continue to be delegated to the post that substantially fills the duties of the original post.

Those delegated powers where prior consultation with, or instructions from, a Member or Member body are required before officers can exercise the powers are shown with an asterisk \* in the right hand column.

### **Non-statutory delegations**

<b>Building Control Matters</b>	
Authorising all enforcement functions, prosecutions and legal proceedings in the area of operational responsibility of the post including the Buildings Acts, Building Regulations, London Buildings Acts and the Safety of Sports Grounds.	<b>HBC</b>
<b>Trading Standards Matters</b>	
Authorising all enforcement functions, prosecutions and legal proceedings in the area of operational responsibility of the post including trading standards, weights and measures and the protection of the public and consumers.	<b>H-Enf</b> <b>SM-CE</b> <b>TL-TS</b>

<b>Environmental Health Matters</b>	
Authorising all enforcement functions, prosecutions and legal proceedings in the area of operational responsibility of the post including environmental protection, licensing and registration, health and safety, public health and food safety.	<b>H-Enf SM-CE SM-ER SM-EC TL-CEH HIMPS</b>
Authority to waive or vary Environmental Health charges in appropriate cases.	<b>H-Enf</b>
<b>Planning Matters</b>	
<u>Drafting of additional conditions, informatives and additional reasons for refusal.</u>  Authority to draft additional planning conditions, informatives and reasons for refusal of planning permission within the scope of the conclusions of the Planning Committee, where these were not included in the recommendations in the Committee report, subject to the officer being satisfied that the additional conditions, informatives and reasons are consistent with the remainder of the Committee's decision and justified on Planning grounds.	<b>AD-P&amp;R  HDM  GMPP</b>
Making representations in respect of proposed development notified to the Council by a Government Department or statutory undertaker or comments on proposals in adjoining Boroughs.	<b>AD-P&amp;R HDM GMPP</b>
Authorising all enforcement functions, prosecutions and legal proceedings under the Planning Acts or any subordinate legislation made under those Acts including matters in respect of Listed Buildings, Conservation Areas, Trees and Advertisements.	<b>AD-P&amp;R TL-PE GMPP</b>
Power to make holding representations to the Mayor of London on any proposed exercise of the Mayor's Planning functions pending confirmation or otherwise by Members	<b>AD-P&amp;R HDM GMPP</b>
<b>Public transport</b>	
Power to make urgent representations to London Transport or any other body on any proposed changes to public transport services, including fares.	<b>AD-P&amp;R HST HDM GMPP TTL</b>
<b>Traffic and Parking Management</b>	
Power to determine requests for minor traffic and parking measures	<b>HST</b>

which result in the need for advertisement of a Traffic Regulation Order and to process the Order subject to conditions.	
<b>Highways</b>	
Authorising all enforcement functions, prosecutions and legal proceedings under the Highways Acts or legislation affecting streets and paths and any subordinate legislation made under those Acts	<b>H-Enf</b>
<b>Parking Controls</b>	
Authorising all civil enforcement, prosecutions, recovery of penalties and fines and any other enforcement measures, including decisions in relation to representations received, under legislation relating to parking and road traffic. Power to administer all concessionary travel and parking schemes, including the freedom pass and blue badges, and power to administer all parking permit schemes and related controls under Traffic Regulation Orders.	<b>HP Parking Service Manager s Parking Team Leaders Parking Super visors</b>
<b>Environmental Improvements</b>	
Power to review annually the categories and donation for commemorative trees and seats	<b>DUE</b>
<b>Housing Matters</b>	
1. The powers of the Council Member representative as appointed under Article 4 of the Articles of Association of Homes for Haringey Limited i.e. the right to attend meetings of the Company, to vote there and generally to exercise all rights of membership on behalf of the Council Member subject to these powers being exercised in accordance with the decisions and policies of the Cabinet and Council	<b>DUE*</b>
2. Power to monitor the performance of Homes for Haringey Limited under the Management Agreement and to take any action in the interests of the Council's "client side" Housing functions in accordance with policies agreed by the Cabinet	<b>DUE</b>
3. Power to accept leases of properties for temporary accommodation and to renew and terminate leases when in the Council's interest	<b>AD- SCH HHNL</b>
4. Power to alter levels of arrears tracing and collection as costs and circumstances dictate in relation to the Council's retained housing functions	<b>AD- SCH HHF</b>

5. Power to negotiate and complete agreements for the temporary re-housing of private sector tenants to facilitate house renovations	<b>AD-SCH HHNL</b>
6. Power to authorise all action to enforce provisions of right-to-buy leases and to authorise Court proceedings for enforcement	<b>AD-SCH HHF</b>
7. Power to authorise service of Notice to Quit for all non-secure tenancies	<b>AD-SCH HHNL</b>
8. Power to determine requests for access to personal files in relation to the Council's retained housing functions	<b>AD-SCH</b>
9. Authority to waive the requirement for an owner to have lived in a property for three years prior to applying for a House Renovation Grant	<b>AD-SCH</b>
10. Power to provide services for travellers in accordance with policies agreed by the Cabinet	<b>AD-SCH</b>

### **Statutory delegations**

The statutory delegations listed in the Schedule below include all local authority functions (whether expressed as a power, duty, discretion or otherwise) under the sections/parts of the Acts listed in the left hand column. These include any related Schedules, or the whole Act if so stated, and all subordinate legislation arising under the listed Acts. The fact that certain subordinate legislation is expressly listed and other subordinate legislation is not listed does not affect the generality of this delegation. The statutory delegations include all subsequent legislative amendments and additions to the listed provisions. Except where a power is expressly stated to be a "Limited Delegation", the delegations are not limited, conditioned or qualified in any way by the descriptions of the powers in the middle column which are for information only.

With the exception of the statutory powers that are shown in the right hand column as delegated to specified officers "only", all the powers listed below are delegated to

each Service Manager, Group Manager and Team Leader reporting to the specified Head of Service, Assistant Director or the Director.

### Schedule of Statutory delegations

<b>Game Act 1831</b>		
Sections 5, 6, 17, 18 & 23	Powers to licence dealers in game	<b>H-Enf</b>
<b>Game Licensing Act 1860</b>		
Sections 2, 4, 8, 10, 12, 14 & 15	Powers to licence dealers in game including publication of lists of licensed persons and enforcing Regulations	<b>H-Enf</b>
<b>Accessories and Abettors Act 1861</b>		
Section 8	Power to authorise prosecutions of persons aiding and abetting principal offenders in indictable cases	<b>H-Enf</b>
<b>Dogs Act 1871</b>		
Section 2	Power to make complaint about dangerous dogs not being kept under proper control	<b>H-Enf</b>
<b>Pedlars Act 1871</b>		
Whole Act	Power to enforce all provisions of the Act	<b>H-Enf</b>
<b>Explosives Act 1875</b>		
Sections 15, 21, 73 & 74	Powers to register premises for storage of explosives and to inspect and enforce	<b>H-Enf</b>
<b>Public Health Act 1875</b>		
Sections 153 & 161	Powers to require gas and water pipes to be moved and to light streets	<b>HST</b>
<b>Customs and Inland Revenue Act 1883</b>		
Sections 4 & 5	Power to licence dealers in game and issue certificates for the killing and selling of	<b>H-Enf</b>

	game for short periods.	
<b>Dogs Acts 1906-1928</b>		
Sections 1 & 6	Powers to enforce against dogs chasing cattle, sheep and poultry and to seize stray dogs and to enforce in relation to unburied cattle	<b>H-Enf</b>
<b>Public Health Acts Amendment Act 1907</b>		
Section 94	Power to licence power boats and pleasure vessels	<b>H-Enf</b>
<b>Police, Factories (Miscellaneous Provisions) Act 1916</b>		
Section 5	Power to make regulations and permit persons to collect for charitable and other causes	<b>H-Enf</b>
<b>Employment of Women, Young Persons and Children Act 1920</b>		
Section 1	Power to enforce provisions protecting women, young persons and children in employment and to prosecute offences	<b>H-Enf</b>
<b>Celluloid and Cinematograph Film Act 1922</b>		
Section 1	Power to sanction use of parts of buildings for storage of raw celluloid and cinematograph film	<b>H-Enf</b>
<b>Performing Animals (Regulations) Act 1925</b>		
Sections 1, 2 & 3	Powers to enforce provisions preventing cruelty to performing animals and to prosecute offences	<b>H-Enf</b>
<b>Agricultural Produce</b>		

<b>(Grading and Marking) Acts 1928-1931</b>		
Section 5	Powers to enforce provisions protecting consumers in relation to agricultural produce	<b>H-Enf</b>
<b>Children and Young Persons Acts 1933-1991</b>		
Sections 7, 12, 12A to D & 96	Powers to enforce provisions preventing tobacco sales to children and to require safety measures for children at entertainments and enforcement	<b>H-Enf</b>
<b>Public Health Act 1936</b>		
Whole Act	Powers in relation to protecting public health in respect of watercourses, culverts, drainage, cesspools, water closets, public baths, water supplies, waste materials, moveable dwellings, camp sites, mortuaries, employment of women and powers of entry and execution of works in default	<b>H-Enf</b>
Sections 261 to 264	Powers in relation to the cleansing and culverting of ditches and watercourses in connection with building operations	<b>HBC</b>
<b>Cinematograph Films (Animals) Act 1937</b>		
Section 1	Power to enforce against producers of films involving cruelty to animals	<b>H-Enf</b>
<b>Cancer Act 1939</b>		
Section 4	Power to prohibit and authorise enforcement against advertisements purporting to cure cancer	<b>H-Enf</b>
<b>London Building Acts 1939</b>		
Sections 6 & 11	Powers to name streets and to number buildings in streets	<b>HST</b> <b>TTL</b>
Part VII – Sections 61 to 68	Powers to enforce in relation to dangerous structures and buildings	<b>HBC</b> <b>Principal Building</b>

		<b>Surveyor</b> <b>Senior Building Surveyor</b> <b>Building Surveyor</b>
<b>Middlesex County Council Act 1944</b>		
Part 12	Powers to enforce byelaws under this Act in respect of massage and special treatment establishments	<b>H-Enf</b>
<b>National Assistance Act 1948</b>		
Sections 21 to 24, 29, 43, 48, 55 & 56	Functions relating to the provision of accommodation, welfare arrangements and other assistance for persons in need and the management of premises and recovery of costs	<b>AD-SCH</b> <b>HHNL</b>
Section 32	Power to agree financial adjustments between the Local Authority providing accommodation and the Local Authority area of residence	<b>DUE AD-SCH only</b>
<b>Prevention of Damage by Pests Act 1949</b>		
Sections 2, 4, 5, 6 & 22	Powers to enforce in relation to pest control on private land and to undertake works in default	<b>H-Enf</b>
<b>Middlesex County Council Act 1950</b>		
Section 14	Powers to enforce byelaws under this Act in respect of the lighting of common staircases for residential flats	<b>H-Enf</b> <b>HIMPS</b>
<b>Rag Flock and Other Filling Materials Act 1951</b>		
Section 2, 6, 7, 12 to 14	Powers to licence premises for the manufacture and storage of rag flock and other filling materials and to inspect and enforce	<b>H-Enf</b>
Section 35	Power to appoint authorised officers under the Act	<b>H-Enf only</b>
<b>Pet Animals Act 1951 - 1983</b>		

Sections 1, 4, 5 & 6	Powers relating to the licensing and inspection of pet shops and sales and to enforce	<b>H-Enf</b>
<b>Hypnotism Act 1952</b>		
Sections 1, 2 & 3	Powers to license demonstrations of hypnotism and to enforce	<b>H-Enf</b>
<b>Tottenham Corporation Act 1952</b>		
Section 43	Power to serve notice to remedy defective state of premises	<b>H-Enf</b>
<b>Accommodation Agencies Act 1953</b>		
Section 1	Power to enforce against illegal commissions and advertisements for accommodation	<b>H-Enf</b>
<b>Local Government (Miscellaneous Provisions) Act 1953</b>		
Sections 4-7	Powers to provide bus shelters	<b>HST</b>
<b>Trading Representations (Disabled Persons) Act 1958 - 1972</b>		
Section 1	Powers to prohibit claims that goods are made by blind or disabled persons and to enforce against contraventions	<b>H-Enf</b>
<b>Caravan Sites and Control of Development Act 1960</b>		
Sections 3, 5, 8, 10, 11, 24, 25 & 26	Powers in relation to the licensing of caravan sites and facilities	<b>H-Enf</b>
<b>Home Safety Act 1961</b>		
Section 1	Power to make arrangements for the promotion of safety in the home	<b>AD-SCH</b>
<b>Land Compensation Act 1961</b>		
Section 17	Power to issue certificate of appropriate alternative development or to issue certificate of no alternative development (for compensation assessment purposes)	<b>AD-P&amp;R</b> <b>HDM</b>
<b>Public Health Act 1961</b>		

Sections 17, 22, 34, 35, 37, 73 & 74	Powers to require owner or occupier to remedy stopped-up drains, remove rubbish, fumigate and to carry out the work and recover the costs in default	<b>H-Enf</b> <b>HIMPS</b>
Sections 45 & 81	Powers to attach street lamps to buildings and to recover damages for negligent harm to street furniture	<b>HST</b>
<b>Mock Auctions Act 1961</b>		
Section 1	Power to prevent unlawful inducements and deceptions at auctions and to prosecute offences	<b>H-Enf</b>
<b>Local Authorities (Historic Buildings) Act 1962</b>		
Sections 1 & 2	Power to contribute to the preservation of historic buildings and to recover grants on disposal of relevant property	<b>AD-P&amp;R</b> <b>HDM</b>
<b>Children and Young Persons Act 1963</b>		
Sections 37 to 41	Powers relating to the regulation of public performances by children and young persons and enforcement against contraventions	<b>H-Enf</b>
<b>Animal Boarding Establishments Act 1963</b>		
Sections 1, 2 & 4	Powers to license animal boarding establishments including inspection and enforcement	<b>H-Enf</b>
<b>Riding Establishments Acts 1964 - 1970</b>		
Sections 1, 2, 4 & 5	<b>Limited Delegation:</b> Powers to grant licences, to specify conditions for riding establishments, to grant and extend provisional licences and to inspect and enforce except that any application where refusal is recommended shall be referred to the Miscellaneous Functions Sub-Committee for determination	<b>H-Enf</b>
<b>Scrap Metal Dealers Act 1964</b>		
Sections 1, 3 & 6	Powers relating to the regulation of scrap metal dealers including inspection and enforcement	<b>H-Enf</b>

<b>Greater London Council (General Powers) Act 1967</b>		
Sections 21 & 23	Powers to register hairdressers and barbers and to require restoration of water supplies	<b>H-Enf</b>
<b>Slaughter of Poultry Act 1967</b>		
Sections 2, 4 & 6	Powers relating to the registration of poultry premises including inspection and enforcement	<b>H-Enf</b>
<b>Farm and Garden Chemicals Act 1967</b>		
Sections 1 to 6	Power to enforce the Act and Regulations made under it requiring that products for weed or plant control be labelled and marked appropriately	<b>H-Enf</b>
<b>Medicines Act 1968</b>		
Sections 108, 111 & 112	Powers to inspect and sample medicated animal foodstuffs and food products for human consumption	<b>H-Enf</b>
<b>Trade Descriptions Acts 1968 - 1972</b>		
Sections 26, 27 & 28	Powers to enter premises, make test purchases and seize goods	<b>H-Enf</b>
<b>Transport Act 1968</b>		
Section 63, 69, 118 & 123	Powers relating to goods vehicle operators' licences and to maintaining bridges and railway crossing barriers	<b>HST</b>
<b>Countryside Act 1968</b>		
Section 27	Power to signpost footpaths and bridleways	<b>AD-FS HST</b>
<b>Theft Acts 1968 - 1978</b>		
Whole of the Acts	Powers to prosecute for any offence where related to the functions of the Council	<b>H-Enf</b>
<b>Development of Tourism Act 1969</b>		
Section 18	Power to enforce the Tourism Sleeping Accommodation (Price Display) Order 1977 and any other Regulations under these provisions	<b>H-Enf</b>
<b>Agriculture Act 1970</b>		

Sections 67, 75, 76 & 80	Powers to take enter premises, and take samples of fertilisers and feed stuffs including enforcement	<b>H-Enf</b>
<b>Administration of Justice Act 1970</b>		
Section 1	Power to enforce and prosecute in case of unlawful harassment of debtors	<b>H-Enf</b>
<b>Haringey Corporation Act 1971</b>		
Section 5	Powers relating to the restoration of gas or electricity supply where disconnected	<b>H-Enf</b>
<b>Unsolicited Goods and Services Acts 1971 - 1975</b>		
Section 2	Powers to enforce against persons claiming payment for unsolicited goods and services	<b>H-Enf</b>
<b>Animals Act 1971</b>		
Section 7	Power to detain and dispose of livestock straying onto Council owned land	<b>H-Enf</b>
<b>Criminal Damage Act 1971</b>		
Sections 1, 2 & 3	Powers to prosecute and enforce against any damage to, or destruction of, property including defacement and graffiti	<b>H-Enf</b>
<b>GLC (General Powers) Act 1972</b>		
Sections 17 & 19	Powers to require information about vehicles involved in the commission of offences and to require the restoration of gas or electricity supply where disconnected	<b>H-Enf</b>
<b>European Communities Act 1972</b>		
Section 2	<ol style="list-style-type: none"> <li>1. Power to implement Treaties and other subordinate legislation relating to additives, preservatives, colouring matter, antioxidants and standards of foodstuffs for Human Consumption.</li> <li>2. Power to enforce the Orders in Council and Regulations made under section 2 of this Act relating to the enforcement functions of the Directorate.</li> </ol>	<b>H-Enf</b>

<b>Local Government Act 1972</b>		
Section 213	Power to levy duties on licences for dealing in or killing game	<b>H-Enf</b>
Section 222	Power to prosecute, defend or appear in any legal proceedings, power to institute civil proceedings in the Council's name and power to make representations on behalf of inhabitants at any public inquiry where this is considered expedient for the promotion or protection of the interests of the inhabitants of the Borough and related to the enforcement functions of the Directorate	<b>H-Enf</b>
Section 235	Power to enforce byelaws made under this section related to the enforcement functions of the Directorate	<b>H-Enf</b>
<b>The Road Traffic (Foreign Vehicles) Act 1972</b>		
Sections 1 and 2	Power in certain cases to prohibit driving of foreign vehicles	<b>H-Enf</b>
<b>The Poisons Act 1972</b>		
Sections 5, 6 & 9	Powers to keep lists of persons allowed to sell non-medicinal poisons and to prohibit misrepresentations about poisons including powers to enter, inspect, take samples and enforce	<b>H-Enf</b>
<b>Land Compensation Act 1973</b>		
Sections 39 & 40	Powers to re-house residential house occupiers or caravan dwellers displaced under compulsory purchase or housing powers	<b>AD-SCH HHNL</b>
<b>Fair Trading Act 1973</b>		
Sections 27, 28, 29, 32 & 130	Powers in relation to unfair trade practices, test purchases and seizing goods in order to protect consumers	<b>H-Enf</b>
<b>Greater London Council (General Powers) Act 1973</b>		
Section 30, 31 & 32	Powers to close unsanitary food premises, to regulate self-operated laundrettes and to maintain consumer advisory and	<b>H-Enf</b>

	protection services	
<b>Breeding of Dogs Acts 1973 - 1999</b>		
Sections 1, 2 & 3	<b>Limited Delegation:</b> Power to grant a licence to dog breeders and impose conditions, including powers of entry, inspection and enforcement, except that cases where refusal of a licence is recommended are referred to the Miscellaneous Functions Sub-Committee for determination	<b>H-Enf</b>
<b>Hallmarking Act 1973</b>		
Section 9	Powers to enter and inspect premises and to make test purchases and seize articles for the purposes of enforcement	<b>H-Enf</b>
<b>Consumer Credit Acts 1974 - 2006</b>		
Part XI	Powers to enter and inspect premises, make test purchases, take copies and enforce provisions for the protection of consumers and borrowers	<b>H-Enf</b>
<b>Control of Pollution Act 1974</b>		
Whole Act	Powers in relation to noise abatement including inspection measurement, notices to require noise reduction, entry, inspection, works in default and costs recovery	<b>H-Enf</b>
<b>Health and Safety at Work etc Act 1974</b>		
Sections 18, 20, 21, 22, 25 & 34	Powers relating to health & safety at work and the enforcement of provisions under the Act and Regulations made under the Act	<b>H-Enf</b>
Sections 19 & 39	Powers to appoint inspectors and to authorise inspectors to prosecute in Court for offences	<b>AD-FS H-Enf only</b>
<b>Prices Acts 1974 and 1975</b>		
Sections 2, 4 & 5 and the Schedule	Powers relating to consumer protection under these Acts and Regulations made under them	<b>H-Enf</b>
<b>Slaughter Houses Act 1974</b>		
Parts 1 & 2	Powers and duties in relation to the	<b>H-Enf</b>

	provision and regulation of slaughter houses and knackers yards, powers to enter and inspect premises and powers to enforce Regulations as to slaughter of animals	
<b>Greater London Council (General Powers) Act 1974</b>		
Section 15 (4)	Power to vary the location of a marked footway parking bay where the Council has authorised the parking of vehicles on the footway under this Act	<b>HST HP</b>
Section 15	Power to prosecute contraventions relating to parking on highways verges	<b>HP CEOs &amp; Parking Super visors</b>
<b>Guard Dogs Act 1975</b>		
Sections 3, 5 & 6	Powers to license owners/users of guard dogs and to enforce provisions	<b>H-Enf</b>
<b>Safety of Sports Grounds Act 1975</b>		
Sections 10 & 10B	Powers to serve prohibition notice and to grant any approvals required under the Safety Certificate and to approve applications for Safety Certificates in accordance with the legislation	<b>AD-P&amp;R HBC H-Enf</b>
<b>Dangerous Wild Animals Act 1976</b>		
Sections 1, 2, 3 & 4	Powers to licence the keeping of wild animals including powers to seize and destroy animals	<b>H-Enf</b>
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
Section 15	Power to survey land which the Council proposes to acquire compulsorily and appoint officers to exercise functions under this section	<b>DUE AD-FS only</b>
Section 16	Power to serve requisitions for information	<b>AD-P&amp;R AD-FS HST HBC  Principal Building</b>

		<b>Surveyor</b>
		<b>H-Enf</b>
Sections 20, 23, 24, 25, 29, 33 & 35	Powers in relation to the provision of toilets at places of entertainment, controls on dangerous trees, dangerous excavations, unoccupied buildings, the restoration of water, gas and electricity supplies and the removal of obstructions from private sewers	<b>H-Enf</b> <b>HIMPS</b>
<b>Energy Act 1976</b>		
Sections 15 & 16	Powers to enforce Orders relating to the price of fuel and the testing of motor fuel for consumption	<b>H-Enf</b>
<b>Protection from Eviction Act 1977</b>		
Section 6	Power to authorise prosecutions for unlawful harassment and eviction of residential tenants and occupiers	<b>HHSO</b>
<b>Criminal Law Act 1977</b>		
Section 1	Power to prosecute conspiracy to commit any offence relating to the enforcement functions of the Directorate	<b>H-Enf</b>
Section 12A(6)(d)	Power to sign and issue a certificate to a protected intending occupier	<b>AD-SCH</b> <b>HHNL</b>
<b>Rent Act 1977</b>		
Section 68	Power to apply to a rent officer for consideration of a fair rent	<b>AD-SCH</b> <b>HHSO</b>
<b>Insurance Brokers (Registration) Act 1977</b>		
Section 22	Power to enforce restrictions on the use of titles and descriptions	<b>H-Enf</b>
<b>Greater London Council (General Powers) Act 1978</b>		
Section 5	Power to enforce provisions of this Act with respect to entertainments booking offices	<b>H-Enf</b>
<b>Refuse Disposal (Amenity) Act 1978</b>		
Sections 2, 2A, 2B &	Powers to enforce against the	<b>H-Enf</b> <b>HP</b>

10	unauthorised dumping of vehicles and other waste matter and the provision of false information including powers to serve fixed penalty notices, prosecute, recover costs, enter premises and enforce Regulations under the Act	<b>HST</b>
Sections 3 to 5	Powers to remove and dispose of abandoned vehicles and to recover related expenses	<b>H-Enf HP HST Abandoned vehicle inspectors, Parking service managers &amp; Parking team leaders</b>
Section 6	Power to remove and dispose of refuse unlawfully abandoned	<b>H-Enf H-EnvRes</b>
Section 8	Power to authorise officers in writing to enter land for the purposes of ascertaining whether powers relating to abandoned vehicles should be exercised	<b>AD-FS HP HST only</b>
<b>Transport Act 1978</b>		
Whole Act	Duty to ensure vehicles are mechanically sound, not overloaded and meet other legal requirements	<b>H-EnvRes</b>
<b>Estate Agents Act 1979</b>		
Sections 11 & 26	Powers to regulate the work of estate agents and the persons who can offer services as such and to enter premises and to inspect and seize records	<b>H-Enf</b>
<b>Greater London Council (General Powers) Act 1979</b>		
Section 5	Power to provide and permit advertisement units, showcases etc. upon the highway	<b>HST</b>
Section 8 and Schedule 2	Power to serve notice on occupiers to destroy Brown Tail Moth on their land and to enter and carry out works in default and recover expenses	<b>H-Enf</b>
<b>Highways Act 1980</b>		

Whole Act (except sections 90A to 90H)	Powers relating to highways including the register, adoption, agreements, maintenance, repair, improvement, bridges, stopping up, gating, diversion, upholding public rights, prevention of damage and interference, crossovers, new streets, private streets, advance payments, agreements for works, permitting amenities and services, recovering expenses, powers of entry and enforcement	<b>AD-FS</b> <b>HST</b> <b>TTL</b>
Sections 90A to 90H	<b>Limited Delegation:</b> All functions relating to road humps and other traffic calming works including powers to undertake consultations and to implement unopposed proposals but any proposals subject to objection shall be referred to the Cabinet/Cabinet Member for decision	<b>AD-FS*</b> <b>HST*</b>
Sections 115K, 130 to 134, 136 to 156, 160A to 180, 184, 289 to 294, 297, 303, 305, 312, 321 & 322	All powers to enforce and to prosecute offences in relation to highways and the obstruction of officers and powers of entry to premises/land and powers to serve notices/documents	<b>H-Enf</b>
<b>Magistrates Courts Act 1980</b>		
Section 44	Power to authorise prosecutions of aiding and abetting principal offenders in summary cases	<b>H-Enf</b>
<b>Wildlife and Countryside Acts 1981 - 1991</b>		
Section 25	Powers to protect wild birds, their nests and eggs and to enforce against offences	<b>H-Enf</b>
Section 53	Powers to modify the Definitive Map and Statement of Public Rights of Way in the Borough on the happening of a relevant event (creation or cessation of highway rights)	<b>HST TTL</b>
<b>Zoo Licensing Act 1981</b>		
Sections 1, 4, 5, 6, 7, 15, 16 & 19	<b>Limited Delegation:</b> Powers relating to the licensing of private zoos including inspection and enforcement and determination of fees except that any application for a new zoo in the Borough	<b>H-Enf</b>

	shall be referred to the Miscellaneous Functions Sub-Committee for determination	
<b>Animal Health Acts 1981 - 2002</b>		
Sections 13, 17, 18, 50, 52, 57, 72 & 73	Powers relating to animal welfare, the control of infectious diseases and the appointment of inspectors	<b>H-Enf</b>
Section 52	Power to appoint inspectors and assign duties under the Acts	<b>AD-FS H-Enf only</b>
<b>Criminal Attempts Act 1981</b>		
Part 1	Power to prosecute for offences under this Part of the Act relating to attempts to commit offences	<b>H-Enf</b>
<b>Forgery and Counterfeiting Act 1981</b>		
Parts 1 and 2	Power to prosecute for offences of forgery counterfeiting and using a false instrument under this Act	<b>H-Enf</b>
<b>Energy Conservation Act 1981</b>		
Section 20 and Part 1	Power to enforce provisions of the Act relating to the proper marking/grading of energy consuming appliances	<b>H-Enf</b>
<b>Local Government (Miscellaneous Provisions) Act 1982</b>		
Section 2 & Schedule 3	<b>Limited Delegation:</b> Powers in relation to the licensing of sex establishments including entry to premises, inspection and enforcement except that any applications for the grant, renewal, variation or transfer of a licence subject to objection, or that would enable a sex establishment to open on a Sunday, are to be referred to the Miscellaneous Functions Sub-Committee for determination	<b>H-Enf</b>
Sections 29, 30 & 33	Powers in relation to the boarding up of vacant premises, property protection and	<b>H-Enf</b>

	renovation	<b>HIMPS</b>
Section 37	Powers in relation to temporary markets	<b>H-Enf</b>
<b>Litter Act 1983</b>		
Section 5 & 6	Powers to maintain receptacles on streets for litter and to enforce against littering elsewhere	<b>H-EnvRes H-Enf</b>
<b>Cycle Tracks Act 1984</b>		
Sections 3 & 4	<b>Limited Delegation:</b> All functions relating to cycle tracks except that: (i) the Cabinet Member shall approve all proposed Orders to designate all or part of a public footpath as a cycle track prior to statutory consultation, and (ii) no Order which has been subject to objection shall be submitted to the Secretary of State for confirmation without the prior agreement of the Cabinet Member	<b>AD-FS* HST *</b>
<b>Food Act 1984</b>		
Section 54, 55 & 57	Powers to weigh animals at markets and to charge for doing so	<b>H-Enf</b>
<b>Road Traffic Regulation Act 1984</b>		
Sections 6, 9, 10, 14, 15, 16, 21, 23, 26, 45, 46, 46A, 49, 51, 61, 63, 63A, 65, 68, 69, 71, 73, 74, 74A, 84, 121B, 122 & 122A	<b>Limited Delegation:</b> All functions under these provisions relating to road traffic except that any proposed permanent traffic regulation order subject to valid objection shall be referred to the Cabinet Member or Cabinet meeting for decision	<b>AD-FS HST</b>
Section 10(2)	Power to act as a specified officer for modifying or suspending experimental traffic schemes	<b>AD-FS HST only</b>
Sections 16A, 16B & 16C	<b>Limited Delegation:</b> Power in consultation with the Cabinet Member to approve and implement temporary road closures for special events subject to at least half the cost being met by the applicant	<b>AD-FS* HST*</b>
Sections 8, 11, 16, 35A, 61 & 108 to 112	Powers to give or fix penalty charge notices relating to contraventions of Traffic Regulation Orders or similar Orders, Experimental Traffic Orders, Temporary Prohibition Orders, Off Street Parking Places	<b>HP CEOs and Parking Supervisors</b>

	Orders and Prohibitions against Vehicles in Loading Areas	
Sections 99 to 103	All powers and functions relating to the removal, custody, release and disposal of vehicles illegally, dangerously or obstructively parked, abandoned or broken down and recovery of charges and ascertainment of keepers and owners of vehicles	<b>H-Enf HP HST Abandoned vehicle inspectors, Parking team leaders &amp; Parking service managers</b>
<b>Public Health (Control of Disease) Act 1984</b>		
Whole Act	Powers in relation to the control of notifiable diseases and infected persons, premises and articles under the Act and Regulations	<b>H-Enf</b>
<b>Telecommunications Act 1984</b>		
Sections 28 and 29	Power to enforce provisions relating to the sale and advertising for sale of telecommunications equipment	<b>H-Enf</b>
<b>Video Recordings Act 1984</b>		
Section 16A	Powers to make test purchases and to enter premises and inspect and seize goods and documents	<b>H-Enf</b>
<b>Greater London Council (General Powers) Act 1984</b>		
Sections 25, 26, 28, 31, 34, 37 & 38,	Powers to register market premises and stalls and to enforce against sales from unregistered premises/stalls and to take action in respect of dangerous buildings or structures	<b>H-Enf</b>
<b>Building Act 1984</b>		
Whole Act	All functions in relation to building regulations, building plans, building standards and requirements, including powers to reject plans, to require the removal, alteration or execution of works, to enforce the building regulations, to serve notices, to execute works in default	<b>AD-P&amp;R HBC H-Enf Principal Building Surveyors HIMPS</b>

	and to prosecute offences	
<b>Food and Environment Protection Act 1985</b>		
Part 1	Powers in relation to contamination of food	<b>H-Enf</b>
<b>Housing Act 1985</b>		
Sections 9, 10, 11, 12, 15 & 32 to 42,	Functions in relation to the provision of land, accommodation and other facilities and in relation to disposals of housing and the repayment of discounts	<b>AD-SCH only</b>
Sections 13 & 14	Powers to lay out public streets and open spaces when developing housing land and to contribute to expenses and to execute works in connection with housing operations outside the Borough	<b>DUE only</b>
Sections 18 and 106	Powers to deal with land acquired or appropriated for the provision of accommodation and to provide information about housing allocation	<b>AD-SCH HHNL</b>
Part IV and Part V	<b>Limited Delegation:</b> Power to take any decisions in the Council's interests in accordance with (i) policies agreed by the Cabinet and (ii) the Management Agreement with Homes for Haringey Ltd in relation to Part IV (secure tenancies) and Part V (right to buy)	<b>DUE AD-SCH</b>
Part VI	All functions relating to repair notices for unfit dwellings under this Part	<b>AD-SCH HIMPS</b>
Part VIII	<b>Limited Delegation:</b> All functions relating to Area Improvement under this Part excluding powers to declare housing action areas and general improvement areas which are reserved to the Cabinet Member or Cabinet meeting	<b>AD-SCH HIMPS</b>
Part XI	<b>Limited Delegation:</b> All functions relating to Slum Clearance under this Part excluding power to declare a clearance area which is reserved to the Cabinet Member or Cabinet meeting	<b>AD-SCH HIMPS</b>
Part X	All functions relating to overcrowding of dwellings under this Part	<b>AD-SCH HIMPS</b>

Part XI	All functions relating to houses in multiple occupation under this Part including registration schemes, management standards and control orders	<b>AD-SCH HIMPS</b>
Section 428 and Part XIV and Schedules 16, 17 & 18	Powers to borrow for purposes of the Act and functions relating to the advancement, management and enforcement of mortgages under Part XIV	<b>AD-SCH only</b>
Section 523 and Part XVI and Schedule 21	Power to provide separate service pipes for water supply and functions relating to assistance for owners of defective housing under Part XVI	<b>AD-SCH HIMPS</b>
Sections 582 & 583	Powers give notices of non-confirmed CPOs and to continue tenancies in houses compulsorily acquired	<b>AD-SCH HIMPS</b>
Sections 604A, 605, 609 & 610	Powers relating to closing orders, to inspect district, to enforce covenants and to apply to Court to modify covenants	<b>AD-SCH HIMPS</b>
<b>Housing Associations Act 1985</b>		
Sections 34, 58 & 61	Powers to assist housing associations and sell furniture to persons housed by them	<b>AD-SCH</b>
<b>Weights and Measures Act 1985</b>		
Whole Act except provisions expressly set out below	All functions of weights and measures inspectors under the Act including powers of inspection, entry, test purchases, enforcement and prosecution	<b>H-Enf Weights &amp; Measures Inspectors only</b>
Section 11	Power to direct manner in which equipment for verification is submitted and charge reasonable fees	<b>H-Enf TL- TS only</b>
Section 72	Power to appoint Inspectors of Weights and Measures and Deputy Chief Inspector	<b>AD-FS H- Enf only</b>
Section 74	Power to make arrangements for the adjustment of Weights and Measures and to charge a reasonable fee.	<b>H-Enf TL- TS only</b>
Section 76	Power to determine fee for the verification of items in bulk.	<b>H-Enf only</b>
<b>Landlord &amp; Tenant Act 1985</b>		
Sections 1 to 7 & 34	Power to authorise prosecutions relating to breach of landlord's obligations under the	<b>HIMPS</b>

	Act	
<b>Business Names Act 1985</b>		
Sections 2 to 6	Power to enforce as to provisions of the Act including failure to disclose information	<b>H-Enf</b>
<b>Companies Act 1985</b>		
Sections 33, 34, 348 & 351	Powers to enforce against companies falsely claiming "limited" company status and failing to include company's name on letters and premises	<b>H-Enf</b>
<b>Intoxicating Substances (Supply) Act 1985</b>		
Section 1	Power to enforce as to provisions of the Act	<b>H-Enf</b>
<b>Greater London Council (General Powers) Act 1986</b>		
Sections 5 to 8	Power to relating to works under streets, underground cellars and vaults and retaining walls including enforcement and prosecution of offences	<b>HST</b>
<b>Protection of Children (Tobacco) Act 1986</b>		
Sections 3 & 4	Powers to enforce against unlawful sale of unpackaged cigarettes to children and failure to display warnings	<b>H-Enf</b>
<b>Crossbows Act 1987</b>		
Sections 1 & 2	Power to enforce against sale or letting of crossbows involving young persons or on-line	<b>H-Enf</b>
<b>Motor Cycle Noise Act 1987</b>		
Section 1 and Schedule	Power to enforce provisions of the Act	<b>H-Enf</b>
<b>Consumer Protection Act 1987</b>		
Sections 14, 16, 28, 29, Part III and Part IV	Functions relating to annual and occasional licences and powers of entry, inspection, test purchase, seizure, examination of records and prosecution of offences	<b>H-Enf</b>

<b>Fire Safety and Safety of Places of Sport Act 1987</b>		
Whole Act	Powers to secure public safety at sports places and grounds	<b>H-Enf</b>
<b>Copyright Designs and Patents Act 1988</b>		
Sections 107, 107A, 198 & 198A	Powers to investigate and enforce against alleged offences of possessing, importing, making, dealing with or using any illicit recording or article infringing copyright	<b>H-Enf</b>
<b>Criminal Justice Act 1988</b>		
Sections 141 & 141A	Powers to inspect, investigate and enforce against alleged offences in connection with offensive weapons including knives offered or sold to young persons	<b>H-Enf</b>
<b>Local Government Act 1988</b>		
Section 37	Power to enforce Regulations as to establishment of dog registration scheme	<b>H-Enf</b>
<b>Education Reform Act 1988</b>		
Section 215	Powers to enter premises and seize evidence	<b>H-Enf</b>
<b>Road Traffic Act 1988</b>		
Sections 17, 40A, 41A, 41B, 42, 70, 75, 76, 78 & 81	Power to investigate and enforce provisions regulating the sale of protective helmets and eye protection for motor cyclists and the construction and use of vehicles and other safety controls	<b>H-Enf</b>
Section 39	Duty to promote road safety	<b>AD-FS HST</b>
Sections 19, 21 & 36	Power to give or fix penalty charge notices relating to the parking of heavy goods vehicles on highway verges, central reservations and footways and relating to driving or parking mechanically propelled vehicles on cycle tracks and relating to failure to comply with a traffic sign	<b>CEOs and Parking Supervisors</b>
<b>Scotch Whiskey Act 1988</b>		

Section 2	Power to enforce restrictions on sale of spirits falsely described as scotch whiskey	<b>H-Enf</b>
<b>Local Government and Housing Act 1989</b>		
Sections 92, 93, 97 & Part VIII	Power in relation to renewal areas and to re-determine previously approved grants towards cost of improvements and repairs etc and to recover grant monies where appropriate	<b>AD-SCH HIMPS</b>
<b>Control of Pollution (Amendment) Act 1989</b>		
Sections 1, 5, 5A, & 5B	Powers to enforce against unregistered carriers of controlled waste and to stop search and seize vehicles with regard to transport of controlled waste	<b>AD-FS H-Enf</b>
<b>London Local Authorities Act 1990</b>		
Part III	<b>Limited Delegation:</b> Powers to grant and renew street trading licences in respect of licence streets and to issue temporary licences and licences by way of succession, to make Regulations specifying terms and conditions attached to licences, to designate pitches and to enforce against illegal trading. This delegation excludes the revocation of licences which stand referred to the Miscellaneous Functions Sub-Committee.	<b>H-Enf</b>
<b>Planning (Hazardous Substances) Act 1990</b>		
Section 24	Power to issue a Hazardous Substances Contravention Notice	<b>AD-P&amp;R HDM</b>
<b>Town and Country Planning Act 1990</b>		
Sections 70, 70A, 72, 73 & 73A	<b>Limited Delegation:</b> Power to determine applications for planning permission, including the imposition, variation and removal of conditions, and power to decline to determine applications, subject to the limitations on delegation set out in Appendix 1 below	<b>AD-P&amp;R* HDM* only</b>

Section 106	<b>Limited Delegation:</b> Power to enter into planning agreements/obligations in accordance with, or to give proper effect to, existing decisions or policies of the Planning Committee	<b>AD-P&amp;R*</b> <b>HDM*</b> <b>only</b>
Section 107	<b>Limited Delegation:</b> Power to pay compensation for revocation or modification of planning permission after obtaining advice from the Head of Property Services and the Head of the Legal Service.	<b>AD-P&amp;R</b> <b>HDM</b> <b>only</b>
Sections 69, 71, 78, 78A, 110, 127, 132, 139, 146, 151, 152, 159 & 169	All functions under these provisions relating to applications generally including the register of planning applications, consultation on applications, notices to applicants, compensation claims and notices, purchase notices & response notices and blight notices & counter-notices	<b>AD-P&amp;R</b> <b>HDM</b>
Part VII	All functions under this Part relating enforcement of planning control including planning contravention notices, enforcement notices, stop notices, injunctions, certificates of lawful use or development and rights of entry	<b>AD-P&amp;R</b> <b>HDM TL-PE H-Enf</b>
Part VIII	All functions under these provisions relating to trees including tree preservation orders, trees in conservation areas, tree replanting, controls on works to trees, rights of entry and powers to prosecute, and all functions relating to land adversely affecting local amenity and control of advertisements	<b>AD-P&amp;R</b> <b>HDM TL-PE H-Enf</b>
Section 247	<b>Limited Delegation:</b> Power to submit a holding objection, on behalf of the local highway authority or local planning authority, in respect of proposals in another London Borough to stop up highway(s) for development until such time as the proposed stopping-up can be reported to Members for a formal decision and power to authorise the stopping up or diversion of any highway if necessary to enable development (permitted by the Planning Committee or under other powers delegated to officers) to be carried out	<b>AD-P&amp;R*</b> <b>HDM*</b> <b>TTL*</b> <b>HST*</b> <b>only</b>

Sections 324	Power to authorise officers to enter land for any purposes under this section	<b>AD-P&amp;R HDM H- Enf TL-PE only</b>
Section 325, 329 & 330	Power to prosecute for obstructing officers exercising rights of entry, to serve any notice or other document under the Act and to serve notices requiring information as to the nature of interest in the land/premises and to prosecute for non-compliance	<b>AD-P&amp;R HDM H- Enf TL-PE</b>
<b>Planning (Listed Buildings &amp; Conservation Areas) Act 1990</b>		
Sections 7, 9, 42, 43 & 59	Powers to prosecute for executing etc. works or demolition to listed buildings or buildings in conservation areas that are unauthorised or in breach of condition, powers to authorise entry onto land and to prosecute for non-compliance with a listed building enforcement notice or a conservation area enforcement notice and to recover the costs of steps required and power to prosecute for acts damaging listed buildings	<b>H-Enf AD-P&amp;R HDM TL-PE</b>
Sections 14, 15, 16, 17, 18, 19, 28, 29, 38, 44A, 53, 54 & 55	Powers and duties relating to the determination of applications for listed building consent and conservation area consent or variations, functions relating to compensation for revocation of listed building consent or service of a listed building preservation notice, functions relating to the management and disposal of land acquired under the Act, powers to execute urgent work for the preservation of listed buildings and to recover costs. Powers to issue listed building and conservation area enforcement notices and power to apply to Court for injunctions to restrain unauthorised works	<b>AD-P&amp;R HDM only</b>
<b>Environmental Protection Act 1990</b>		

Part 1	Functions in relation to integrated pollution control and air pollution control under this Part of the Act include authorisations and enforcement	<b>H-Enf</b>
Part II – Sections 33, 33C, 34, 34A to C, 35, 44, 47ZA, 47ZB, 59, 59C, 59ZA, 60, 62 & 63	Functions in relation to waste on land under this Part of the Act including powers to prosecute, give fixed penalty notices and enforce against unauthorised deposits of waste and breaches of the duty of care, waste management licence conditions, requirements relating to the collection of household, commercial and industrial waste and requirements relating to special and controlled waste	<b>H-Enf</b> <b>H-EnvRes</b>
Part II - Sections 46, 47 & 55	Powers to impose requirements by notice in relation to the collection of household, commercial and industrial waste, powers to fix local rates of charge and powers to buy, use or dispose of waste in connection with recycling	<b>H-EnvRes</b> <b>Contract monitoring manager &amp; contract monitoring officers</b>
Part IIA	Functions under this Part relating to contaminated land	<b>H-Enf</b>
Part III & Part IV	Functions under these Parts relating to statutory nuisances, litter and abandoned shopping trolleys	<b>H-Enf</b>
Part VIII & Part IX	Functions under these Parts include powers to enforce against injurious substances, restrictions on the import/export of waste, obtaining information about hazardous substances, power to seize and receive stray dogs and power to serve notices	<b>H-Enf</b>
Section 143	Duty to compile and maintain a public register of land subject to contamination	<b>H-EnvRes</b> <b>H-Enf</b>
<b>Food Safety Act 1990</b>		
Whole Act	All functions under the Act including food hygiene, powers of entry, inspection, sampling, analysis, seizure enforcement and the prosecution of offences	<b>H-Enf</b>
<b>Breeding of Dogs Act 1991</b>		
Sections 1 & 2	Power to authorise officers to obtain justice's warrant to enter unlicensed premises and to apply to Court for disqualification from holding licence	<b>H-Enf</b>

<b>London Local Authorities Act 1991</b>		
Sections 6 to 12	<b>Limited Delegation:</b> Powers to grant, renew and transfer unopposed applications for a special treatment licence (use for massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment including vapour sauna or other baths) and the imposition of conditions, variation and cancellation of licences. Opposed applications for licences and their proposed revocation are referred to the Miscellaneous Functions Sub-Committee for decision	<b>H-Enf</b>
Sections 14, 23 & 25	Powers to control the installation of audible intruder alarms and to enforce the provisions of the Act including entry and inspection of premises	<b>H-Enf</b>
<b>New Roads &amp; Street Works Act 1991</b>		
Part III	Functions under this Part relate to street works licensing, enforcement of controls, advance notice of works, timing directions, duties to re-instate, charges for occupation of the highway by undertakers, location of apparatus and the prosecution of offences and recovery of costs	<b>HST</b>
<b>Land Drainage Act 1991</b>		
Sections 14, 15, 17, 20 & 25	Powers to maintain, improve and construct works, to apply for powers of entry, to apply to the National Rivers Authority to carry out drainage works and to enter into agreements, serve notices and recover costs	<b>HST</b>
<b>Property Misdescriptions Act 1991</b>		
Section 3 and Schedule	Power to enforce provisions of the Act	<b>H-Enf</b>
<b>Dangerous Dogs Act 1991</b>		
Sections 1, 3 & 5	Powers to enter premises, seize dangerous dogs and enforce provisions of the Act	<b>H-Enf</b>

<b>Deer Act 1991</b>		
Section 11	Power to inspect the records of licensed game dealers and to enforce the provisions of the Act	<b>H-Enf</b>
<b>Water Industry Act 1991</b>		
Section 84	Power to authorise appropriate officers to exercise the powers of entry	<b>AD-FS H-Enf only</b>
Section 85	Power to serve on any person a notice requiring them to furnish information	<b>H-Enf</b>
Section 115	Power to agree use of highway drains	<b>HST</b>
<b>Children and Young Persons (Protection from Tobacco) Act 1991</b>		
Whole Act	Enforcement functions to prevent children and young persons from being sold tobacco	<b>H-Enf</b>
<b>Road Traffic Act 1991</b>		
Sections 66, 69 & 77	Power to give or fix penalty charge notices to stationary vehicles in a designated parking place, power to fix immobilisation devices to vehicles and power to give or fix penalty charge notices to stationary vehicles outside a designated parking place and to fix an immobilisation device	<b>CEOs and Parking Supervisors</b>
Section 71(7)	Power to determine sums to be refunded under section 71(6) when statutory ground is established	<b>HP &amp; Parking Service Managers</b>
Section 71(6) and Schedule 6	Powers to consider representations made concerning the removal or immobilisation of vehicles and to serve notice as to whether the Council accepts that a statutory ground has been established and power to serve notices to owner on the expiry of a penalty charge notice, power to consider representations and to serve notice as to whether statutory grounds are established and powers to serve and enforce a charge certificate	<b>HP &amp; Parking Service Managers, Customer Administration Officers &amp; Team Leaders, Parking Revenue Officers &amp; Team</b>

		<b>Leaders</b>
<b>Timeshare Act 1992</b>		
Section 10 and Schedule	Power to enforce provisions of the Act	<b>H-Enf</b>
<b>Leasehold Reform, Housing and Urban Development Act 1993</b>		
Sections 104 to 120	Powers relating to the Council's voluntary home sales scheme and to the rents to mortgages scheme	<b>AD-SCH</b>
<b>Clean Air Act 1993</b>		
Whole Act	Functions under the Act include approving furnaces and chimneys, powers relating to smoke control areas, adaptations to fireplaces and dwellings, content of fuel, air pollution controls, obtaining information, powers of entry, inspection, enforcement and powers to prosecute	<b>H-Enf</b>
<b>Noise and Statutory Nuisance Act 1993</b>		
Section 8 & Schedule 2 and Section 9 & Schedule 3	Power to grant consent for the operation of a loudspeaker and power to enforce requirements as to audible intruder alarms	<b>H-Enf</b>
<b>Radioactive Substances Act 1993</b>		
Sections 18 & 39	Power to make charges in respect of special precautions as to authorised disposal of radioactive waste and power to main records sent to authority under the Act and to make copies available to public	<b>H-Enf</b>
<b>Criminal Justice and Public Order Act 1994</b>		
Sections 77 & 78	Powers to give direction to leave Council owned land and to authorise Court proceedings for failure to comply or for re-entry onto the land and for the removal of persons and vehicles from Council owned land	<b>H-Enf</b>
<b>Sunday Trading Act 1994</b>		

Section 1 and Schedules 1, 2 and 3	Power to enforce the provisions of Schedule 1 [restrictions on Sunday opening of large shops], Part 2 of Schedule 2 [shops occupied by persons observing Jewish Sabbath] and Schedule 3 [restrictions on loading and unloading at large shops on Sunday morning]	<b>H-Enf</b>
<b>Trade Marks Act 1994</b>		
Section 93	Power to investigate and enforce provisions of the Act against unauthorised use of trade marks in relation to goods	<b>H-Enf</b>
<b>London Local Authorities Act 1995</b>		
Sections 11 & 12	Power to issue a notice requiring the removal of unauthorised advertisement hoardings and to enter land to enforce removal and recover reasonable expenses, and powers to enforce provisions in relation to defacement of buildings	<b>AD-P&amp;R</b> <b>HDM</b> <b>H-Enf</b>
Part 4	Powers to grant, renew, transfer, vary and refuse near beer licences and to prescribe standard terms, conditions and restrictions for attachment to licences including powers of entry, inspection, seizure, enforcement and prosecution	<b>H-Enf</b>
<b>Olympic Symbol etc. (Protection) Act 1995</b>		
Sections 8 & 8A	Power to prosecute offences in relation to goods infringing the Act	<b>H-Enf</b>
<b>Town and Country Planning (General Permitted Development) Order 1995</b>		
Schedule 2, Parts 24, 25 & 31.	Power to determine applications for development by telecommunications code system operators and power to decide any application for a determination as to whether the prior approval of the authority will be required to the method of a proposed demolition and any proposed restoration of the site.	<b>AD-P&amp;R</b> <b>HDM</b>
<b>Environment Act 1995</b>		

Sections 82, 83, 84, 108 & 113	Powers to review Air Quality regularly, to designate Air Quality Management Areas, to disclose information in accordance with the Act and to investigate and enforce the provisions of the Act	<b>H-Enf</b>
<b>The Party Wall etc Act 1996</b>		
Section 10 (8)	Power to appoint independent surveyor in neighbour disputes concerning party walls	<b>HBC</b>
<b>Housing Grants, Construction and Regeneration Act 1996</b>		
Sections 81, 82, 84 & 86	Functions and determinations in relation to Deferred Action Notices	<b>HIMPS</b>
<b>Noise Act 1996</b>		
Whole Act	Powers to investigate noise complaints including the service of warning notices and fixed penalty notices and powers to enter dwellings and seize equipment	<b>H-Enf</b>
<b>London Local Authorities Act 1996</b>		
Section 4	Power to serve penalty charge notices with respect to contraventions of any Traffic Regulation Order affecting a bus lane	<b>CEOs and Parking Supervisors, CCTV Operators &amp; CCTV Supervisors</b>
Section 6 and Schedule 1	Power to serve enforcement notices, consider representations and serve notices as to whether statutory grounds are established and powers to serve and enforce charge certificates	<b>HP Parking Service Managers, Customer Administration Officers &amp; Team Leaders, Parking Revenue Officers &amp; Team Leaders, CCTV Operators &amp; CCTV</b>

		<b>Supervisors</b>
<b>Housing Act 1996</b>		
Part V	Power to take any decisions in the Council's interests in accordance with (i) policies agreed by the Cabinet and (ii) the Management Agreement with Homes for Haringey Ltd in relation to Part V (conduct of tenants)	<b>DUE AD-SCH only</b>
Part VI Sections 159 to 160A, 166 to 168, 170 & 171	Functions relating to the allocation of housing accommodation, the allocation scheme and co-operation with registered social landlords and powers to prosecute for false information and other contraventions	<b>AD-SCH HHNL</b>
Part VII	Functions relating to homeless persons and those threatened with homelessness and powers to prosecute for false information and other contraventions	<b>AD-SCH HHNL</b>
<b>Knives Act 1997</b>		
Sections 1 & 2	Powers to enforce against unlawful marketing of knives and associated publications	<b>H-Enf</b>
<b>Protection from Harassment Act 1997</b>		
Sections 1, 2, 4 & 5	Power to authorise prosecutions for harassment and putting people in fear of violence and powers relating to restraining orders	<b>H-Enf</b>
<b>Crime and Disorder Act 1998</b>		
Section 1	Power to apply for and enforce anti-social behaviour orders (ASBOs)	<b>H-Enf</b>
<b>Building (Local Authority Charges) Regulations 1998</b>		
	Authority to revise scale of charges (in consultation with Cabinet Member, Environment)	<b>AD-P&amp;R* HBC*</b>
<b>Town and Country Planning (Environmental Impact Assessment) (England and Wales)</b>		

<b>Regulations 1999 - 2008</b>		
	<ul style="list-style-type: none"> <li>• Power to adopt a screening opinion i.e. to determine whether or not development is "EIA development", within the meaning of the Regulations.</li> <li>• Power to adopt a scoping opinion on the information or matters to be covered by an environmental statement.</li> <li>• Powers to seek further information or to secure compliance with the Regulations</li> </ul>	<b>AD-P&amp;R HDM only</b>
<b>Breeding and Sale of Dogs (Welfare) Act 1999</b>		
Sections 8 & 9	Power to enforce provisions of the Act on sale of dogs by keepers of licensed breeding establishments	<b>H-Enf</b>
<b>Food Standards Act 1999</b>		
Sections 10 to 14 & 27	Powers to carry out observations, enter premises and take samples in accordance with authorisation by the Food Standards Authority (FSA), to enforce Regulations as to the notification of tests for food borne disease and to publish reports and supply information to the FSA on Council enforcement activity	<b>H-Enf</b>
<b>Greater London Authority Act 1999</b>		
Part 9	Power to provide information in response to directions and requests from the Mayor as to waste, air quality and noise.	<b>H-Enf</b>
<b>Pollution Prevention and Control Act 1999</b>		
Section 2	Power to enforce Regulations to control polluting activities.	<b>H-Enf</b>
<b>Regulation of Investigatory Powers Act 2000</b>		
Sections 28 and 29	Power to authorise directed surveillance or	<b>DUE AD-</b>

	the conduct and use of a covert human intelligence source for the purpose of preventing or detecting crime	<b>FS H-Enf - only</b>
<b>Local Government Act 2000</b>		
Sections 2 to 4	<b>Limited Delegation:</b> Powers to take steps to promote economic, social and environmental well-being subject to advice from the Head of Legal Services on each proposed exercise of these powers	<b>AD-P&amp;R H-Econ Reg</b>
<b>London Local Authorities Act 2000</b>		
Part 2	Enforcement of powers relating to parking controls	<b>HP</b>
Part 3 including section 19	Enforcement of powers relating to waste control and litter including power to require by cleansing notice the sweeping and cleansing of land and power to revoke notices	<b>H-Enf H-EnvRes</b>
Part 5 and section 50	Enforcement of all provisions relating to buskers including power to grant licences subject to conditions, to refuse applications and to cancel or revoke licences and power to enforce against the obstruction of authorised officers	<b>H-Enf</b>
Section 45	Powers to take emergency measures to deal with dangerous buildings including the making of representations to a Magistrate's Court in respect of dangerous buildings or structures	<b>AD-P&amp;R HBC Principal Building Surveyors, Senior Building Surveyors</b>
<b>Criminal Justice and Police Act 2001</b>		
Sections 19, 20, 22, 25, 29 to 32 & 46	Powers relating to closure notices against unlicensed sales of alcohol on premises, powers to control or prevent the purchase or consumption of alcohol by young persons and powers to enforce against the placing of advertisements in or near public telephones relating to prostitution	<b>H-Enf</b>
<b>Vehicles (Crime) Act 2001</b>		
Sections 1 to 5, 7, 8,	Powers in relation to the registration of	<b>H-Enf</b>

11 & 12 and Part 2	motor salvage operators and to enforce provisions relating to registration plate suppliers	
<b>Private Security Industry Act 2001</b>		
Section 13	Power to undertake relevant licensing functions in accordance with regulatory provisions as to door supervisors	<b>H-Enf</b>
<b>Tobacco Advertising and Promotion Act 2002</b>		
Sections 13, 14 & 15	Power to enter premises, apply for warrants, make purchases and enforce provisions	<b>H-Enf</b>
<b>Enterprise Act 2002</b>		
Part 8 & Part 9	Power to enforce provisions including prior consultation, applying to Court for enforcement order, accepting undertakings, serving and enforcing information notice and power to disclose information under the Act	<b>H-Enf</b>
<b>Proceeds of Crime Act 2002</b>		
Parts 2, 5 and 8	Power to institute proceedings for the recovery of assets and to engage the services of the Asset Recovery Agency, Regional Asset Recovery Team or an accredited Financial Investigator when appropriate	<b>H-Enf</b>
<b>The Regulatory Reform (Housing Assistance) Order 2002</b>		
Articles 3 to 7	<b>Limited Delegation:</b> Power to provide assistance for the acquisition, improvement, repair, demolition or replacement of living accommodation and functions in relation to supplementary and protective provisions and the provision of information and evidence. This delegation can only be exercised in accordance with a policy for the provision of assistance under Art.3 adopted by the Cabinet Member or Cabinet meeting	<b>AD-SCH HIMPS</b>
<b>London Local Authorities and</b>		

<b>Transport for London Act 2003</b>		
Sections 4, 5, 6, 8, 9, 16, 17, 22 and Schedules 1 to 4	Powers to serve penalty charge notices in relation to road traffic contraventions, to issue operator's notices and to enforce against contraventions of lorry ban order, to serve fixed penalty notices for prescribed offences under the Highways Act 1980, to enforce in relation to vehicle crossings over footways and in relation to the removal of things deposited on the highway and to recover the expenditure incurred and to enforce against obstruction of authorised officers	<b>HP H-Enf CEOs and Parking Supervisors</b>
Section 21	Power to appoint authorised officers under this Act	<b>AD-FS HP H-Enf only</b>
<b>Fireworks Act 2003</b>		
Section 12	Power to enforce Regulations made under section 2 of the Act	<b>H-Enf</b>
<b>Licensing Act 2003</b>	<b>Limited Delegation:</b> The delegations to officers under this Act exclude all the matters reserved by law to the Licensing Committee and Licensing Sub-Committees as set out in Appendix 2 below	
Section 5	Power to consult about the Statement of Licensing Policy or revisions but excluding the final adoption of the Statement of Licensing Policy or revisions to it	<b>H-Enf</b>
Section 8 and Schedule 3	Duties in relation to the register of prescribed licensing information	<b>H-Enf</b>
Sections 13, 69, 108 and 179	Power to appoint authorised persons or officers for purposes of this Act	<b>AD-FS H-Enf - only</b>
Part 3 and Schedule 5 Part 1	Powers in relation to Premises Licenses including applications for, and the grant, duration, variation, updating, transfer and review of, licences and provisional statements, interim authority notices and inspection of premises. Powers in relation to the conduct of appeals and the enforcement of these provisions	<b>H-Enf</b>
Part 4 and Schedule 5 Part 2	Powers in relation to Club Premises Certificates including applications for, and	<b>H-Enf</b>

	determinations relating to, the grant, duration, variation, updating, withdrawal and review of, certificates. Powers in relation to the conduct of appeals and the enforcement of these provisions	
Part 5 and Schedule 5 Part 3	Powers in relation to Permitted Temporary Activities including Temporary Event Notices and objections, modifications, rights of entry and copies. Powers in relation to the conduct of appeals and the enforcement of these provisions	<b>H-Enf</b>
Part 6 and Schedule 5 Part 3	Powers in relation to Personal Licences, Including applications for, and the grant and renewal of, licences including notification of changes and convictions. Powers in relation to the conduct of appeals and the enforcement of these provisions	<b>H-Enf</b>
Parts 7, 8 & 9 and all Regulations made under the Licensing Act 2003	Powers in relation to offences, closure of premises and miscellaneous and supplementary matters, including special events and exemptions, and all procedural or operational matters excluding final decisions on applications which are reserved to Members	<b>H-Enf</b>
<b>Criminal Justice Act 2003</b>		
Sections 22, 23 & 24	Power to give conditional cautions where the Council has been specified as a "relevant prosecutor" and power to enforce the provisions of the Act against failure to comply with any conditions of a conditional caution	<b>H-Enf</b>
<b>Anti-Social Behaviour Act 2003</b>		
Part 1A	Powers in relation to closure notices and orders in respect of premises associated with persistent disorder or nuisance	<b>H-Enf</b>
Part 6	Powers in relation to the environment, noisy premises, graffiti, fly-posting, adverts, aerosol paints, litter and waste and the enforcement of this Act and prosecution of offences	<b>H-Enf</b>
Part 8	Powers in relation to complaints about high hedges including the issue, relaxation or withdrawal of remedial notices and power to enter land, take samples and other	<b>H-Enf</b>

	required action and to recover expenditure incurred	
Parts 1A, 6 & 8	Power to appoint authorised officers for the purposes of the Act	<b>H-Enf only</b>
<b>London Local Authorities Act 2004</b>		
Section 6	Powers to enter a vehicle in the Council's custody in order to remove anything in the interests of safety	<b>H-Enf HP Abandoned vehicle inspectors</b>
Section 9	Power to take action in relation to nuisance from birds	<b>H-Enf</b>
Section 28	Power to appoint "authorised officers" under this and previous London Local Authorities Acts and related legislation	<b>AD-FS H-Enf H-EnvRes only</b>
<b>Christmas Day Trading Act 2004</b>		
Sections 1 & 2	Powers to enforce provisions of the Act	<b>H-Enf</b>
Section 3	Power to appoint inspectors for purposes of the Act	<b>H-Enf only</b>
<b>Planning and Compulsory Purchase Act 2004</b>		
Sections 13, 24, 32 & 35	Powers to survey and review matters affecting development, to request the opinion of the Mayor of London as to the general conformity of a development plan document or a local development document with the spatial development strategy, to disregard representations made in relation to a local development document if statutory conditions apply and to make annual monitoring report to the Secretary of State	<b>AD-P&amp;R</b>
Section 15	<b>Limited Delegation:</b> Power to prepare the Local Development Scheme for approval by the Cabinet before submission to the Secretary of State, to make amendments directed by the Secretary of State and to carry out all related functions under this section	<b>AD-P&amp;R</b>
Sections 17 & 19	<b>Limited Delegation:</b> Powers to prepare and keep Local Development Documents (LDDs) under review, carry out appraisals of sustainability of proposals, and take all related action subject to approval of LDDs	<b>AD-P&amp;R</b>

	by Members	
Section 18	<b>Limited Delegation:</b> Power to prepare and consult upon a draft Statement of Community Involvement for approval by full Council	<b>AD-P&amp;R</b>
Section 20	<b>Limited Delegation:</b> Powers to prepare Development Plan Documents (DPDs) for approval by full Council before submission to the Secretary of State and to take all related action	<b>AD-P&amp;R</b>
Section 26	<b>Limited Delegation:</b> Powers to prepare a revision of a LDD subject to approval of the revised LLD by Members and to take steps directed by the Secretary of State	<b>AD-P&amp;R</b>
<b>Traffic Management Act 2004</b>		
Sections 16 & 17(1)(4)(5) & (6)	Functions relating to the network management objectives and powers to make arrangements to perform the network management duties	<b>AD-FS HST</b>
Section 17(2)	Power to appoint the “traffic manager” under this provision	<b>DUE AD-FS only</b>
Sections 33 to 37	Powers in relation to the preparation, implementation, variation and revocation of permit schemes for street works	<b>AD-FS HST</b>
Section 76	Power to appoint civil enforcement officers in relation to enforcement against road traffic contraventions under the Act	<b>AD-FS HP</b>
Part 6 and Schedule 7 Part 1	Powers and functions of civil enforcement officers in relation to all parking contraventions in Schedule 7 Part 1 of the Act	<b>CEOs, Parking Supervisors, CCTV Operators &amp; CCTV Supervisors</b>
Part 6 and Schedule 7 Part 2	Powers and functions of civil enforcement officers in relation to all bus lane contraventions in Schedule 7 Part 2 of the Act	<b>CEOs, Parking Supervisors, CCTV Operators &amp; CCTV Supervisors</b>
Part 6 and Schedule 7 Part 4	Powers and functions of civil enforcement officers in relation to all moving traffic contraventions in Schedule 7 Part 4 of the Act	<b>CEOs, Parking Supervisors, CCTV Operators &amp; CCTV</b>

		Supervisors
<b>Housing Act 2004</b>		
Part 1 Sections 3 to 45 and 49 to 50 and Schedules 1, 2 & 3	Powers relating to the assessment of housing conditions, enforcement of housing standards, improvement notices, prohibition orders and hazard awareness notices, emergency measures and recovery of enforcement expenses	<b>AD-SCH HIMPS</b>
Part 2 Sections 61 to 76 and Schedules 4 & 5	Powers relating to the licensing of houses in multiple occupation including exemptions, grants, refusals, conditions, variations, revocations, appeals and enforcement	<b>AD-SCH HIMPS</b>
Part 3 Sections 79 & 85 to 98 and Schedules 4 & 5	Powers relating to the selective licensing of other residential accommodation including exemptions, grants, refusals, conditions, variations, revocations, appeals and enforcement	<b>AD-SCH HIMPS</b>
Part 4 Sections 101 to 145 and Schedules 6 & 7	Powers relating to interim and final management orders, including the making, operation, variation, review and revocation of orders and powers relating to interim and final empty dwelling management orders including payment of compensation and powers relating to overcrowding notices	<b>AD-SCH HIMPS</b>
Part 5 Sections 165 to 169 and Schedule 8	Powers to enforce duties relating to Home Information Packs including restrictions on unauthorised disclosure from the register of home condition reports, requirement to produce home information packs, the issue or withdrawal of penalty charge notices, considering representations and enforcement against obstruction	<b>H-Enf Weights and Measures Inspectors only</b>
Part 7 Sections 232, 235, 236 & 238 to 242	Powers to maintain and make available the register of licences, temporary exemption notices and management orders, to enforce requirements to produce information or documents, to enforce against false or misleading information and obstruction and powers to enter premises and apply for warrants and to supply information about action taken to owners	<b>AD-SCH HIMPS</b>
Section 243	Power to give authorisations to officers for	<b>AD-SCH</b>

	the purposes mentioned in this section	<b>HIMPS only</b>
Sections 246 to 248 and 255 to 256	Powers to operate provisions relating to service of documents including electronic communications and powers to serve and revoke notice declaring building to be house in multiple occupation	<b>AD-SCH HIMPS</b>
<b>Clean Neighbourhoods and Environment Act 2005</b>		
Part 2 Sections 3 to 7	Powers to enforce against nuisance and illegal parking including exposing vehicles for sale and repairing vehicles on a road and powers to give fixed penalty notices and require names and addresses	<b>H-Enf HP</b>
Part 6 Sections 55 to 61	Powers to enforce controls on dogs including the making, amendment and revocation of dog control orders, giving of fixed penalty notices, fixing penalties and requiring names and addresses	<b>H-Enf</b>
Part 7 Sections 69 to 79	Powers relating to audible intruder alarms noise including the designation of alarm notification areas and the withdrawal of such designation, the giving of fixed penalty notices, fixing penalties, requiring names and addresses, powers of entry and application for justice's warrants	<b>H-Enf</b>
Section 96	Power to use fixed penalty receipts for qualifying functions	<b>DUE AD-FS H-Enf only</b>
<b>Gambling Act 2005</b>	<b>Limited Delegation:</b> The delegations to officers under this Act exclude all the matters reserved by law to the Licensing Committee and Licensing Sub-Committees as set out in Appendix 2 below	
Sections 29, 30, 350 and Schedule 6 Parts 1 & 4	Duties and powers to provide information required or requested by the Gambling Commission or other bodies	<b>H-Enf</b>
Sections 33, 37, 41, 42 to 44, 185, 242, 258 to 262, 305, 307, 309 to 315, 317 to 319, 322 & 326	Power to prosecute and enforce against offences under these provisions and powers of entry for the purposes of these provisions	<b>H-Enf</b>
Part 8 Sections 156, 161, 163 to 165, 167 to 169, 186 to 190,	Functions in relation to the register of premises licences. Powers to make representations on applications for	<b>H-Enf</b>

192 to 200 and 206 to 209	premises licences, to determine applications where valid representations have not been made, to notify surrenders, to revoke premises licence on non-payment of fees, to reinstate licences, to handle applications for review of a premises licences and to conduct appeals	
Part 9 Sections 218, 220, 222, 225, 226, 227, 228 and 234	Power to give counter-notice in response to a temporary use notice, to acknowledge temporary use notice, to agree with other parties in the event of objection that a hearing is unnecessary, to dismiss objections, to conduct appeals and to endorse, return and provide copies of temporary use notices and to maintain and make available the register	<b>H-Enf</b>
Section 247 and Schedule 10	Power to determine applications for the grant or renewal of permits for family entertainment gaming machines including consideration of representations, the conduct of appeals and the enforcement of all provisions	<b>H-Enf</b>
Section 262 and Schedule 11 Parts 4 & 5	Power to determine applications to register small society and non-commercial society lotteries in accordance with the provisions including the conduct of appeals, and the enforcement of all provisions	<b>H-Enf</b>
Section 274 and Schedule 12	Power to determine applications for the grant or renewal of club gaming permits or club machine permits in accordance with the provisions including grant by "fast track procedure", the conduct of appeals and the enforcement of all provisions	<b>H-Enf</b>
Section 283 and Schedule 13	Power to determine applications relating to licensed premises gaming machine permits in accordance with the provisions including the conduct of appeals and the enforcement of all provisions	<b>H-Enf</b>
Section 289 and Schedule 14	Power to determine applications for the grant or renewal of prize gaming permits in accordance with the provisions including the conduct of appeals, and the enforcement of all provisions.	<b>H-Enf</b>
Section 304	Power to designate officers as authorised persons for the purposes of the Act	<b>AD-FS H-Enf only</b>
Section 349	Power to prepare and consult upon a draft statement of principles and any review or	<b>H-Enf</b>

	revision of such statement subject to Members' approval of the final statement or revision	
<b>Legislative and Regulatory Reform Act 2006</b>		
Whole Act	Power to enforce all Orders in Council, Regulations or other subordinate legislation made under this Act relating to the functions of the Directorate	<b>H-Enf</b>
<b>Animal Welfare Act 2006</b>		
Section 51	Power to appoint officers to be inspectors for the purposes of this Act	<b>H-Enf only</b>
Sections 10, 18, 19, 23, 25 to 30, 54 & 56	All powers of inspectors and local authorities under these provisions	<b>H-Enf</b>
<b>Charities Act 2006</b>		
Sections 58 to 66	All powers under these provisions relating to permits for charitable collections in public places including appeals, prosecution of offences, service of documents and all functions under related Regulations	<b>H-Enf</b>
<b>Fraud Act 2006</b>		
Sections 1 to 16	All powers to enforce against and prosecute any offence under this Act relating to the Directorate's functions	<b>H-Enf</b>
<b>Health Act 2006</b>		
Sections 1 to 12	All powers to enforce against and prosecute any offence under this Act and Regulations relating to smoke-free premises and requirements	<b>H-Enf</b>
<b>London Local Authorities Act 2007</b>		
Parts 2, 5 & 6 (except sections 73 & 75)	Powers in relation to unauthorised advertising, graffiti, waste and litter and other controls including prosecution and enforcement	<b>H-Enf</b>
Sections 20 to 22	Functions relating to the regulation of household, commercial and industrial waste	<b>H-EnvRes</b>
<b>London Local Authorities and Transport for London Act 2008</b>		
Section 9	Power to remove anything obscuring the	<b>H-Enf</b>

	registration mark of a vehicle	<b>Parking Supervisors and CEOs</b>
Section 11	Power to remove abandoned apparatus from streets	<b>HST H- Enf</b>

#### **APPENDIX 1 – DELEGATIONS TO PLANNING OFFICERS OF MATTERS OTHERWISE WITHIN THE TERMS OF REFERENCE OF THE PLANNING COMMITTEE**

Authority to determine the following categories of application for planning permission or other consents is delegated to the officers listed below and shall be exercised by any one or more of those officers acting in consultation with the Chair (or in the Chair's absence, the Deputy-Chair) of the Planning Committee:

##### Officers

- (i) The Assistant Director, Planning & Regeneration\*
- (ii) The Heads of Development Management – North & South\*
- (iii) The Head of Development Management, Major Sites\*
- (iv) The General Manager, Planning Policy\*

##### Categories of Application

- (a) Development within the curtilage of an existing residential property, including extensions, alteration and ancillary buildings and works, and including works that would be permitted development but for

- the use of the premises as flats or the effect of express planning conditions.
- (b) Conversion of dwelling houses or non-residential buildings into two or more self-contained dwellings.
  - (c) Formation of vehicular access, or alteration to existing vehicular access, on to highways.
  - (d) Minor amendments to the siting and design of buildings following approval or original developments.
  - (e) The erection of not more than 5 dwellings.
  - (f) Changes of use to up to 500 sq. metres of floor spaces (including application for H.M.O.'s and hostels).
  - (g) Erection, or extension, of non-residential buildings where the new build does not exceed 500 sq. metres of total floor area (including installation of underground fuel and other storage tanks).
  - (h) Installation of shop fronts.
  - (i) Continuation of temporary planning permissions.
  - (j) Display of advertisements.
  - (k) Listed building consent applications, and applications for demolition of buildings or structures in Conservation Areas.
  - (l) Works to trees (including pruning, lopping or felling) covered by a Tree Preservation Order, and works to trees within a Conservation Area; works to trees covered by a planning condition.
  - (m) Certification of Lawfulness for Proposed or Existing Development
  - (n) Sundry minor developments not including above and not involving the provision of more than 100 sq. metres of floor space (e.g. walls, fences, windows, replacement roofs or walls, electricity installations, external staircases, satellite dishes, cash dispensers, and the like).
  - (o) The determination of the need for further details on outline applications; the approval of reserved matters following the grant of outline permission, and the approval of matters subject of condition on a full planning permission.
  - (p) The determination of proposals for the erection or installation of telecommunications equipment, including masts, antennae, and equipment

cabinets, including those submitted under the Prior Notification procedures of the General Permitted Development Order.

(q) Any other applications where the officer's recommendation is for refusal

unless requested by the Chair to be considered at the Planning Committee.

(r) Any other applications where the officer's recommendation is for approval

and the proposal is in accordance with agreed planning policy, following

discussion of the case with the Chair (or in the Chair's absence, the Deputy-

Chair) of the Planning Committee. Applications where there have been objections from a single Ward Councillor and/or a local community body and/or a local residents' association, are excluded from this delegation and will be referred to the Planning Committee for determination

**APPENDIX 2 – MATTERS WITHIN THE TERMS OF REFERENCE OF THE LICENSING COMMITTEE AND LICENSING SUB-COMMITTEES EXCLUDED FROM DELEGATION TO OFFICERS**

<b>Licensing Act 2003</b>	<b>Function</b>
Section 5(1) & (4)	Adopting the Council's Statement of Licensing Policy and any revisions to it
Section 18(3)	Determination of applications for premises licences where relevant representations have been made
Section 31(3)	Determination of applications for provisional statements where relevant representations have been made
Section 35(3)	Determination of applications for variations of premises licences where relevant representations have been made
Section 39(3)	Determination of applications to vary designated premises supervisors following police objection
Section 44(5)	Determination of applications for transfer of premises licences following police objection
Section 48(3)	Consideration of police objection made to interim authority notices
Section 52(2) or (3)	Determination of valid applications for review of premises licences where relevant representations have been made
Section 72(3)	Determination of applications for club premises certificates where relevant representations have been made
Section 85(3)	Determination of applications to vary club premises certificates where relevant representations have been made
Section 88(2) or (3)	Determination of valid applications for review of club premises certificates where relevant representations have been made
Section 105(2)	Decisions to give counter notices following police objection to temporary event notices
Section 120(7)	Determination of applications for grants of personal licences following police objection

Section 121(6)	Determination of applications for renewals of personal licences following police objection
Section 124(4)	Decisions on revocation of personal licences where convictions come to light after grant
Section 167(5)	Determination of statutory review following closure order in any case where relevant representations have been made

<b>Gambling Act 2005</b>	<b>Function</b>
Section 163	Determination of applications for premises licences where relevant representations have been made under section 161
Section 166	Passing a resolution not to issue any casino premises licences in the Borough
Section 187 and related provisions	Determination of applications for the variation of premises licences where relevant representations have been made under section 161 as applied by section 187
Section 188	Determination of applications for the transfer of premises licences where relevant representations have been made by the Gambling Commission or others
Section 195	Determination of applications for the reinstatement of a premises licence where relevant representations have been made under section 161
Sections 201 and 202	Determination of applications for the review of premises licences
Section 204 and related provisions	Determination of applications for a provisional statement in respect of premises where relevant representations have been made under section 161 as applied by section 204
Section 212	Determination of fee levels for premises licences
Section 224	Deciding whether to give a counter-notice where a person has given a temporary use notice which has been followed by a notice of objection
Schedule 12 paragraphs 4 to 9 and 24	Determination of applications for the grant or renewal of club gaming permits and club machine permits where a valid objection has been made

Schedule 12 paragraph 21	Determination of proposals by Licensing Officers to cancel a club gaming permit or a club machine permit where the permit holder requests a hearing
Section 284 and Schedule 13 paragraph 16	Determination of proposals by Licensing Officers: (i) to make an Order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines or facilities for equal chance gaming, or (ii) to cancel or vary a licensed premises gaming machine permit
Schedule 13 paragraphs 1 to 6 and 15	Determination of applications for the grant or variation of licensed premises gaming machine permits where this is for 5 or more machines or in any case where the Chair of the Licensing Committee considers that there is cause for concern about the proper management of the application premises
Section 349	Adopting the Statement of Gambling Policy and any revisions to it

### **Section 5 - The Children and Young People's Service - Scheme of Delegation to Officers**

#### **To the Director of the Children and Young People's Service**

All Education Service functions of the Council and all Social Care functions of the Council relating to children. Excluded from this delegation are matters which are:

- (i) Key Decisions,
- (ii) Expressly reserved to the Cabinet or Cabinet Committee within its terms of reference
- (iii) Included on the Forward Plan
- (iv) Expressly reserved to full Council within its terms of reference
- (v) Expressly reserved to a non-executive Committee or Sub-Committee within its terms of reference
- (vi) Expressly excluded from the scheme of delegation to officers under paragraphs 4.01 and 4.02 of Part 3 Section E of the Constitution. Such an exclusion will not apply where the

power to set fees or charges is specifically delegated in the statutory or non-statutory delegations below.

In addition the following matters are reserved to The Cabinet/Cabinet Member and excluded from this delegation:

- (a) Local Management of Schools – significant variations to the Scheme and any cases of a withdrawal of delegated powers;
- (b) The adoption of a syllabus of religious education on the recommendation of the Standing Advisory Council on Religious Education (SACRE);
- (c) The determination of discretionary awards;
- (d) The establishment or discontinuance of schools
- (e) Permanent closure, relocation or change of use of residential establishments and day establishments providing services for children.

Without prejudice to the generality of the delegation above, there are included in this delegation all the statutory and non-statutory functions delegated to the designated officers as listed below. The Director has authority to exercise the powers delegated to all officers reporting to him/her and the Deputy Directors and Assistant Directors have the same authority in relation to all officers reporting to them.

Any Deputy Director or Assistant Director in the Children's Service may exercise the delegated powers of any other Deputy Director or Assistant Director if that other officer is absent in order to ensure 24 hour service provision

**Schedule of abbreviations used for designated officers**

Director of the Children and Young People's Service	<b>DCYPS</b>
Deputy Director - School Standards	<b>DDSS</b>
Deputy Director – Children & Families	<b>DDC&amp;F</b>
Deputy Director – Business Support & Development	<b>DDBS&amp;D</b>
Assistant Director – Children's Networks	<b>ADCN</b>
Attendance and Welfare Strategy Officers	<b>AWSOs</b>
Chief Financial Officer	<b>CFO</b>
Risk and Insurance Manager	<b>R&amp;IM</b>

In the event that any of the designated officer posts above are renamed or the duties varied, then the powers delegated to that post

in this section of the scheme will continue to be delegated to the post that substantially fills the duties of the original post.

Those delegated powers where prior consultation with, or instructions from, a Member or Member body are required before officers can exercise the powers are shown with an asterisk \* in the right hand column.

### Non-statutory delegations

<b>Further Education Matters</b>	
1. Power to approve applications from full-time youth workers employed by the Borough to accompany youth groups on residential visits as part of their official duties subject to the time spent on such visits not exceeding 10 working days in any year and each individual residential visit not exceeding 5 working days.	<b>DDSS</b>
2. Power to approve arrangements for youth service leadership and other training courses.	<b>DDSS</b>
<b>School Matters</b>	
1. Power to deal with application for compensation in respect of lost or stolen property belonging to pupils whilst at school.	<b>CFO</b> <b>R&amp;IM</b>
2. Power to consider applications and grant assistance towards the cost of boarding education within the agreed criteria.	<b>DDC&amp;F</b>
3. Power to place children with special educational needs at suitable residential schools as and when necessary.	<b>DDC&amp;F</b>
4. Power to consider and decide upon applications by teaching staff for leave of absence.	<b>DDSS</b>
5. Power to approve school journeys and payment of assistance to pupils and teachers in accordance with the approved regulations for such journeys.	<b>DDBS&amp;D</b>
6. Power to enforce requirements regarding school attendance and the employment of children or young persons and discretion to institute a Parenting Order as an alternative to prosecution for non-attendance.	<b>ADCN</b>
7. Power to vary the teacher/pupil ratio for staff accompanying children from Special Schools or classes.	<b>DDSS</b>
8. Power to make exceptions for urgent medical or social reasons to the policy of admissions of pupils below statutory school age.	<b>DDBS&amp;D</b>
9. Power to increase price of school meals to meet inflation.	<b>DDBS&amp;D</b>
10. Power to authorise a review of the group of a special school in response to representations from the governors of the head teacher	<b>DCYPS</b>

of the school.	
11. Power to determine the school term and holiday dates including in-service training days for any community, community special or voluntary controlled school.	<b>DDBS&amp;D</b>
12. Power to undertake the appointment of appraisers of head teachers.	<b>DDSS</b>
13. Authority to determine response to governing bodies in respect of teachers below head teacher, secondary deputy head or posts of comparable level in respect of premature retirement.	<b>DDSS</b>
14. Authority to agree to the LEA meeting the costs of the employers' contribution in appropriate cases where changes in the employment status of teachers are effected in the interests of the effective discharge of the education function. The exercise of this power is subject to consultation with, and the agreement of, the Cabinet Member. In the event of disagreement, the matter shall be reported for decision to the Cabinet.	<b>DCYPS* CFO*</b>
15. Power to authorise all enforcement action and prosecutions under any legislation relating to school attendance or related matters.	<b>ADCNA WSOs</b>
<b>Educational Development Matters</b>	
1. Power to approve the acceptance of any tender for a minor works project which exceeds the approved estimated cost by up to 10% and to utilise as necessary the contingency sum in this respect.	<b>DDBS&amp;D</b>
2. Power to take action for the security of educational premises to prevent damage and trespass at schools.	<b>DDBS&amp;D</b>
3. Power to determine the future siting of mobile classrooms having regard to the amount allocated for this purpose in the approved estimates and to the proved need for such accommodation.	<b>DDBS&amp;D</b>
4. Power to approve the occupation of residential properties on education land.	<b>DDBS&amp;D</b>
5. Power to agree on appropriate charges in exceptional circumstances and settle questions of interpretation re letting of education premises.	<b>DDBS&amp;D</b>
6. Power to approve voluntary projects for buildings where a loan is not required; the proposal does not involve an additional teaching space; the proposed building is in permanent, traditional or pre-fabricated concrete construction and the Chief Executive and Chief Financial Officer are satisfied that the revenue implications of the proposed development can be contained within the appropriate budget.	<b>DDBS&amp;D</b>
7. Power to apply for deemed planning permission for all appropriate building projects provided that the project is within an approved programme or, in the case of the projects which are the responsibility of schools or the college under the schemes of local management,	<b>DDBS&amp;D</b>

that an appropriate resolution has been passed by the governing body approving the project.	
8. Power to determine each year for schools not having a delegated budget the standard charge for the various categories of lettings within the approved scheme of lettings.	<b>DDBS&amp;D</b>
9. Power to implement the provisions of uncontested statutory notices.	<b>DCYPS</b>
10. Power to exercise all the functions of the Director of the Children & Young People's Service under Contract Procedure Rules (Part 4 Section J of the Constitution) in relation to the all capital programmes in the Directorate	<b>DDBS&amp;D</b>
<b>Social Care Matters</b>	
1. Appoint review panels to consider stage 3 complaints relating to children that fall within the National Health Service and Community Care Act 1990	<b>DCYPS</b>
2. Power to determine requests for access to personal files relating to children	<b>DDC&amp;F</b>
3. Consent to passport application of a child subject to a Care Order	<b>DDC&amp;F</b>
4. Consent to medical treatment for a child subject to a Care Order	<b>DDC&amp;F</b>

### Statutory Delegations

**NOTE**  
person

A "child" is defined in the Children Act 1989 as a person under the age of 18. Different ages may be relevant to the statutory duty in the case of former "looked after" children and for the purposes of other Statutes.

The statutory delegations listed in the Schedule below include all local authority functions (whether expressed as a power, duty, discretion or otherwise) under the sections/parts of the Acts listed in the left hand column. These include any related Schedules, or the whole Act if so stated, and all subordinate legislation arising under the listed Acts. The fact that certain subordinate legislation is expressly listed and other subordinate legislation is not listed does not affect the generality of this delegation. The statutory delegations include all subsequent legislative amendments and additions to the listed provisions. Except where a power is expressly stated to be a "Limited Delegation", the delegations are not limited, conditioned or qualified in any way by the descriptions of the powers in the middle column which are for information only.

With the exception of the statutory powers that are shown in the right hand column as delegated to specified officers "only", all the powers listed below are delegated to each Service Manager, Group Manager and Team Leader reporting to the specified Assistant Director, Deputy Director or the Director.

### Schedule of Statutory Delegations

<b>Children &amp; Young Persons Act 1963</b>		
Sections 37, 39, 41 & 56	Powers relating to the licensing of child performances	<b>ADCN AWSOs</b>
<b>Health Services &amp; Public Health Act 1968</b>		
Section 65	Power to give assistance by way of grant or loan to a voluntary organisation providing a similar service	<b>DDC&amp;F</b>
<b>Children &amp; Young Persons Act 1969</b>		
Sections 23 & 30	Powers relating to the detention of children and young persons in secure accommodation and other places	<b>DDC&amp;F</b>
<b>Local Government Act 1972</b>		
Section 195(3)	Powers to make arrangements for the care of mothers and young children subject to the approval of the Secretary of State	<b>DDC&amp;F</b>
<b>Adoption Act 1976</b>		
Sections 18 to 21	Functions concerning to the adoption of children and adopted persons including powers to apply to a Court for an Order declaring a child free for adoption and related matters	<b>DDC&amp;F</b>
<b>Supreme Court Act 1981</b>		
Section 41	Power to make wardship applications in respect of minors	<b>DDC&amp;F</b>

<b>Mental Health Act 1983</b>		
Section 27	Powers of nearest relative in respect of children and young persons in care of local authority.	<b>DDC&amp;F</b>
<b>Adoption Agencies Regulations 1983</b>		
Whole Regulations	<b>Limited Delegation:</b> (1) Power to establish an Adoption Panel to exercise functions under the Adoption Agencies Regulations 1983 including recommendations in adoption cases, and (2) Power to make decisions in adoption cases in accordance with the above Regulations, and (3) Power to nominate another officer within the CYPS to do (1) or (2) above, subject to the proviso that if the Director, or any nominated officer, establishes an Adoption Panel under (1) they shall not make a decision in an adoption case under (2)	<b>DCYPS only</b>
<b>Disabled Persons (Services, Consultation and Representation) Act 1986</b>		
Sections 5 and 6	Powers in relation children with special educational needs and disabled children and students	<b>DDC&amp;F</b>
<b>Children Act 1989</b>		
Whole Act except section 36(1)	All functions relating to the welfare of children including children at risk and looked after children, payments and expenses, complaints, voluntary organisations, fostering, care and accommodation, educational welfare, assessment of needs and Court proceedings	<b>DDC&amp;F</b>
Section 36(1)	Power to apply for Education Supervision Order	<b>DDSS ADCN</b>
Section 36(8)	Power to respond to consultations by the Local Education Authority prior to the LEA making an application for an Education Supervision Order	<b>DDC&amp;F ADCN</b>
<b>Complaints Procedure Directions 1990</b>		
Whole Directions	Power to take action on recommendations of the Review Panel	<b>DDC&amp;F</b>

<b>Education Act 1996</b>		
Sections 29 & 518	Duty to make such reports to the Secretary of State as required and powers to pay expenses to children and to grant scholarships to people over compulsory school age	<b>DCYPS only</b>
Sections 14, 14A, 16, 17, 408, 459, 508A, 508E & 509 to 513	Functions relating to securing and maintaining sufficient schools, considering parental representations on education, provision of information, promoting sustainable travel and school travel schemes/arrangements, and in respect of charges for clothing, milk, meals & refreshments	<b>DDBS&amp; D</b>
Sections 13A, 18, 19, 316, 316A, 453, 455 to 457, 494, 515, 520, 526, 527, 529 & 560	Functions relating to promotion of education standards, provision of education at non-maintained schools and education for excluded or sick children, recovery of exam fees and permitted charges, payments in respect of excluded pupils, provision of teachers at day nurseries, provision of medical & dental inspections for pupils, research & conferences on education, acceptance of gifts for educational purposes and arrangements to provide work experience for pupils	<b>DDSS</b>
Sections 317 to 329A, 331 & 528	Functions relating to special educational needs and statemented children including assessment, reviews, monitoring, disputes, appeals and provision of information and duty to publish disability statements relating to further education	<b>DDC&amp;F</b>
Sections 437 to 444B, 447, 507A, 521 to 523 & 559	Functions relating to school attendance, including service of notices of intention, orders, penalty notices and education supervision orders and relating to recreation/training facilities for pupils under 13 and ensuring the cleanliness of pupils	<b>ADCN</b>
Sections 15A, 409 & 547	Functions relating to the provision of suitable full/part time education for 16-18s, the handling of complaints and the prosecution of persons causing nuisance/disturbance on school premises	<b>DDBS&amp; D DDSS</b>
Sections 332A, 332B & 348	Functions relating to the provision of advice and information for parents, making arrangements to resolve disputes and the costs of special education at non-maintained schools	<b>DDC&amp;F DDSS</b>
Sections 436A & 507B	Duty to make arrangements to identify children of compulsory school age not receiving suitable	<b>ADCN DDSS</b>

	education and functions in respect of leisure activities for 13-19s	
Section 508	Duty to secure that secondary education includes adequate facilities for social physical and recreational training and powers to provide or assist with camps, holiday classes, playing fields, play centres and other recreational and training facilities	<b>DDSS ADCN DDBS&amp; D</b>
Section 461	Power to recover education related charges as civil debts	<b>CFO</b>
<b>Housing Act 1996</b>		
Section 213A	Power to make a request for advice and assistance from the housing authority where a case is referred to children's social services under this section (case of person under 18 living with applicant for housing who is likely to be unsuccessful)	<b>DDC&amp;F</b>
<b>Education Act 1997</b>		
Section 43	Duty to provide careers education	<b>DDSS</b>
<b>School Standards and Framework Act 1998</b>		
Sections 15(2) & 16A	Powers to give warning notice to the governing body of a maintained school where conditions in s.15(1) are met and to provide for school governing body to consist of interim executive members	<b>DCYPS only</b>
Sections 22, 51A, 86, 88 to 90A, 92, 94 & 95	Functions in relation to the maintenance of schools, recovery of LEA maintenance costs from governing bodies, compliance with parental preferences, school admission arrangements including arrangements for appeals by parents and governing bodies	<b>DDBDS</b>
Sections 96 to 97C, 118 & 118A	Power to give direction to admit a child to a specified school and related functions and duties to secure sufficient nursery education and to review sufficiency of childcare in the Borough	<b>DDBS&amp; D only</b>
Section 67	Duty to arrange appeals against exclusions	<b>DDBS&amp; D DDSS</b>
Section 52	Functions in relation to annual financial statements	<b>CFO</b>
<b>The Teaching &amp; Higher Education</b>		

<b>Act 1998</b>		
Sections 22 to 24	Function in relation to the award of support for students in further and higher education	<b>DDBS&amp;D</b>
<b>Adoption (Inter-country Aspects) Act 1999</b>		
Section 2(4)	Powers in relation to inter-country adoption under Article 9(a) to (c) of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption 1993 (Hague Convention)	<b>DDC&amp;F</b>
<b>Protection Of Children Act 1999</b>		
Sections 2, 4C and 7	Powers in relation to individuals who are considered unsuitable to work with children	<b>DDC&amp;F</b>
<b>Immigration and Asylum Act 1999</b>		
Sections 95, 99 and 100	Powers in relation to support for asylum seekers	<b>DDC&amp;F</b>
<b>Criminal Justice and Court Services Act 2000</b>		
Section 34	Power to apply to the High Court for an order disqualifying a person from working with children	<b>DDC&amp;F</b>
<b>Care Standards Act 2000</b>		
Whole Act	All functions in relation to children's homes and residential family centres and in relation to adoption and fostering in so far as this relates to children	<b>DDC&amp;F</b>
<b>Carers and Disabled Children Act 2000</b>		
Sections 1, 2, 3 & 6	Powers in relation to the assessment and support of carers for disabled children	<b>DDC&amp;F</b>
<b>The Learning and Skills Act 2000</b>		
Sections 114 & 116	Functions in relation to arrangements for the provision of services to assist participation by young people in education and training	<b>DDSS</b>
<b>The Adoption and Children Act 2002</b>		
Sections 3, 4, 9 to	Powers in relation to adoption services and	<b>DDC&amp;F</b>

11, 15, 18, 22 to 24, 41, 44 & 53	adoption agencies	
<b>Education Act 2002</b>		
Sections 2 ,19 & 20 to 23 & Schedule 1	Power to apply to the Secretary of State for the relaxation of statutory requirements and powers in relation to the membership, governance and proceedings of governing bodies and connected matters including the appointment of clerks	<b>DCYPS only</b>
Sections 32, 37, 131, 190 & 207	Powers in relation to determining school term dates, recovery of costs of premature staff retirement from governing bodies, teachers' performance appraisal, awarding/authenticating academic and vocational qualifications and recouping costs of education provision for pupils from outside Borough	<b>DDBD&amp; S</b>
Sections 35 & Schedule 2	Powers in relation to the staffing of community, voluntary, controlled and community special schools	<b>DCYPS DDBS&amp; D only</b>
Section 52	Powers under Regulations made under this section in relation to appeals concerning the exclusion of pupils	<b>DDBS&amp; D DDSS</b>
<b>Fostering Services Regulations 2002</b>		
Whole Regulations	<p><b>Limited Delegation:</b></p> <p>(1) Power to establish a Fostering Panel to exercise functions under the Fostering Services Regulations 2002 including the assessment of prospective foster parents, and</p> <p>(2) Power to decide whether to approve another person as a foster parent including the terms of any such approval, and</p> <p>(3) Power to nominate another officer within the CYPS to do (1) or (2) above, subject to the proviso that if the Director, or any nominated officer, establishes a Fostering Panel under (1) they shall not approve a person as a foster parent under (2)</p>	<b>DCYPS only</b>

<b>Anti-Social Behaviour Act 2003</b>		
Sections 19 to 29 Part 3	Powers in relation to parenting contracts and Parenting Orders	<b>ADCN</b>
<b>Children Act 2004</b>		
Section 18 (1), (2), & (4)	Power to exercise all the officer functions relating to children set out in the sub-sections here specified	<b>DCYPS only</b>
<b>Education Act 2005</b>		
Sections 38, 39, 40 & 51	Powers in relation to maintained schools	<b>DCYPS only</b>
<b>Childcare Act 2006</b>		
Section 3	Duties in relation to the provision of early childhood services	<b>ADCN DDSS</b>
Section 4	Duty to make arrangements to work with relevant partners in relation to childcare provision	<b>DCYPS only</b>
Sections 6, 11 & 12	Duties to secure sufficient childcare for working parents, to assess sufficiency of childcare in the Borough and to provide information, advice and assistance to parents	<b>DDBD&amp; S</b>
Section 7	Duty to secure sufficient early years provision free of charge	<b>DDBS&amp; D ADCN</b>
Sections 8, 9, 10, 13 & 91	Functions in relation to the provision of childcare including payments, information advice and training for childcare providers and duty to co-operate with requests made by the Chief Inspector	<b>DDBS&amp; D ADCN DDSS</b>
<b>Education and Inspections Act 2006</b>		
Sections 5 & 155	Duties to appoint accredited school improvement partners and to pay prescribed annual fee to Chief Inspector	<b>DDSS only</b>
Sections 60 & 65	Powers in relation schools eligible for intervention and their governing bodies	<b>DCYPS only</b>
Section 106	Power to appoint authorised officers to give	<b>ADCN</b>

	penalty notices relating to excluded pupils in public places	<b>only</b>
<b>Education and Skills Act 2008</b>		
Sections 12, to 14, 17, 40, 41, 45 to 47, 50, 51, 53, 56 to 58, 72, 73 & 77	Functions relating to young persons failing to participate in education or training including identification, requesting and sharing information, parenting contracts, parenting orders, attendance notices, penalty notices and prosecutions for non-compliance and enforcement through the Courts	<b>ADCN</b>
Sections 48 & 54	Functions in relation to the establishment of, and making appeals to, Attendance Panels against attendance notices	<b>ADCN DDBS &amp; D</b>
Sections 68 to 71	Duties to provide support services to encourage, enable or assist young persons to participate in education and training	<b>ADCN DDSS</b>

<b>Section 6 Adult, Culture and Community Services - Scheme of Delegation to Officers</b>
---

### **To the Director of Adult, Culture and Community Services**

All the Social Care functions of the Council relating to Adult Services, Adult Culture, Learning, & Libraries and Recreation and Leisure Services. Excluded from this delegation are matters which are:

- (i) Key Decisions,
- (ii) Expressly reserved to the Cabinet or Cabinet Committee within its terms of reference
- (iii) Included on the Forward Plan
- (iv) Expressly reserved to full Council within its terms of reference
- (v) Expressly reserved to a non-executive Committee or Sub-Committee within its terms of reference
- (vi) Expressly excluded from the scheme of delegation to officers under paragraphs 4.01 and 4.02 of Part 3 Section E of the Constitution. Such an exclusion will not apply where the matter is specifically delegated in the statutory or non-statutory delegations listed below.

In addition, decisions on the permanent closure, relocation or change of use of residential establishments and day establishments, are

excluded from this delegation and reserved to The Cabinet/Cabinet Member.

Without prejudice to the generality of the delegation above, there are included in this delegation all the statutory and non-statutory functions delegated to the designated officers as listed below. The Director has authority to exercise the powers delegated to all officers reporting to him/her and Assistant Directors and Heads of Service have the same authority in relation to all officers reporting to them.

Any Assistant Director in the Directorate may exercise the delegated powers of any other Assistant Director if that other officer is absent in order to ensure 24 hour service provision.

### **Schedule of abbreviations used for designated officers**

Director of Adult, Culture and Community Services	<b>DACCS</b>
Assistant Director – Adult Services	<b>AD-AS</b>
Assistant Director – Recreation & Leisure Services	<b>AD-RLS</b>
Assistant Director – Culture, Libraries & Learning	<b>AD-CLL</b>
Assistant Director – Commissioning & Strategy	<b>AD-CS</b>

In the event that any of the designated officer posts above are renamed or the duties varied, then the powers delegated to that post in this section of the scheme will continue to be delegated to the post that substantially fills the duties of the original post.

Those delegated powers where prior consultation with, or instructions from, a Member or Member body are required before officers can exercise the powers are shown with an asterisk \* in the right hand column.

### **Non-statutory delegations**

Appointing review panels to consider Stage 3 complaints in Social Services that fall within the National Health Service and Community Care Act 1990	<b>DACCS</b>
Power to determine requests for access to personal files	<b>DACCS</b>
Power to take part in such schemes of co-operation	<b>AD-CLL</b>

between library authorities as will improve the library service.	
Power to permit groups from interested organisations to visit the library buildings at suitable times during the day and after closing hours when necessary.	<b>AD-CLL</b>
Power to approve the conditions for the display of works of historical, archaeological and artistic interest which are the responsibility of the Libraries and Community Information Department where it may be desirable to show them elsewhere than in Library premises.	<b>AD-CLL</b>
Power occasionally to vary library opening hours.	<b>AD-CLL</b>
Power to fix the number of items loaned per borrower	<b>AD-CLL</b>
Power to adopt appropriate pricing policy for sale of withdrawn stock	<b>AD-CLL</b>
Power to charge for copies of local studies material	<b>AD-CLL</b>
Power to permit the use of library premises for adult literacy and English language classes	<b>AD-CLL</b>
Power to determine the charges for the reproduction of the local studies material required for commercial purposes having regard to the scales recommended by the Museums Association	<b>AD-CLL</b>
Power to approve appropriate charges for events of an educational or cultural nature held on library premises	<b>AD-CLL</b>
Power to approve charges for individual library or museums publications	<b>AD-CLL</b>
Power to alter the library charge for copies produced from microfilms to conform to that levied by the Planning Service	<b>AD-CLL</b>

### **Statutory delegations**

The statutory delegations listed in the Schedule below include all local authority functions (whether expressed as a power, duty, discretion or otherwise) under the sections/parts of the Acts listed in the left hand

column. These include any related Schedules, or the whole Act if so stated, and all subordinate legislation arising under the listed Acts. The fact that certain subordinate legislation is expressly listed and other subordinate legislation is not listed does not affect the generality of this delegation. The statutory delegations include all subsequent legislative amendments and additions to the listed provisions. Except where a power is expressly stated to be a “Limited Delegation”, the delegations are not limited, conditioned or qualified in any way by the descriptions of the powers in the middle column which are for information only.

With the exception of the statutory powers that are shown in the right hand column as delegated to specified officers “only”, all the powers listed below are delegated to each Service Manager, Group Manager and Team Leader reporting to the specified Assistant Director or the Director.

**Schedule of Statutory Delegations**

<b>Public Health Acts Amendment Act 1890</b>		
Section 44	<b>Limited Delegation:</b> Power to close and grant the exclusive use of parks and pleasure grounds except for events within any of the categories below for which express Cabinet Member approval is required: <ul style="list-style-type: none"> <li>• Over 10,000 persons attending per day;</li> <li>• Duration of more than 7 days;</li> <li>• Duration of more than 2 days with 5,000 persons or more attending per day;</li> <li>• Occupying the site for more than 14 days</li> </ul>	<b>AD-RLS* only</b>
<b>Open Spaces Act 1906</b>		
Sections 10 & 11	Power to administer and maintain opens spaces and burial grounds	<b>AD-RLS</b>
<b>Public Health Acts Amendment Act 1907</b>		

Section 76(1)(a) & (b)	<b>Limited Delegation:</b> Power to enclose part of park or ground for games and recreations, and to charge for admission, except for events within any of the categories below for which express Cabinet Member approval is required: <ul style="list-style-type: none"> <li>• Over 10,000 persons attending per day;</li> <li>• Duration of more than 7 days;</li> <li>• Duration of more than 2 days with 5,000 persons or more attending per day;</li> <li>• Occupying the site for more than 14 days</li> </ul>	<b>AD-RLS* only</b>
Section 76(1)(c),(f),(g),(h) & (i)	Powers to provide apparatus & facilities for games and recreations	<b>AD-RLS</b>
<b>The Small Holdings and Allotments Act 1908</b>		
Sections 26, 28, 30, 44 and 46	All functions relating to allotments, allotment land and connected interests	<b>AD-RLS</b>
<b>Census Act 1920</b>		
Section 3(1)(d)	Duty to comply with and to exercise and perform any powers and duties contained in any regulations made under this section with regard to the making of census returns in respect of the inmates of any institution for which the Council is responsible	<b>DACCS AD-AS AD-CS</b>
<b>Allotments Act 1922</b>		
Sections 2 and 11	All functions relating to allotments, allotment land and connected interests	<b>AD-RLS</b>
<b>Public Health Act 1925</b>		
Section 56	<b>Limited Delegation:</b> Power to agree the use of part of a park or ground set aside for games or recreation facilities subject to the charges for such uses being approved by the Cabinet Member	<b>AD-RLS</b>
<b>National Assistance Act 1948</b>		
Sections 21 to 24 (except the limited delegation in section 22 below), 26, 29, 30, 32, 43, 45, 47 to 49, 55 & 56	Functions relating to the provision of accommodation for, and the protection of, vulnerable adults including financial arrangements	<b>AD-AS AD-CS</b>

Section 22	<b>Limited Delegation:</b> Power to fix any standard rates for accommodation under this section shall be exercised in consultation with the relevant Cabinet Member	<b>AD-CS* only</b>
<b>Allotments Act 1950</b>		
Sections 4 and 5	All functions relating to allotments, allotment land and connected interests	<b>AD-RLS</b>
<b>National Assistance (Amendment) Act 1951</b>		
Section 1	Power to make an application under section 47 of the National Assistance Act 1948 without notice where the medical officer and another medical practitioner certify that removal is necessary without delay	<b>AD-AS AD-CS</b>
<b>Births and Deaths Registration Act 1953</b>		
Sections 16 and 18	Duties to give information to the registrar in respect of persons dying in Council maintained institutions	<b>AD-AS AD-CS</b>
<b>Disabled Persons (Employment) Act 1958</b>		
Section 3	Power to seek approval from the Secretary of State for, and to comply with directions from the Secretary of State with regard to, the making of arrangements for the provision of facilities for any of the purposes mentioned in section 14(1) of the Disabled Persons (Employment) Act 1944 (provision of employment or work for registered persons who are seriously disabled)	<b>DACCS AD-AS AD-CS AD-RLS AD-CLL</b>
<b>Public Health Act 1961</b>		
Section 52, 54 & 75	All functions relating to the management of parks and pleasure grounds	<b>AD-RLS</b>
<b>Public Libraries and Museums Act 1964</b>		
Sections 7, 9, 12, 14, 15, 19 & 20	All functions relating to library services, library premises, museums and galleries	<b>AD-CLL</b>
<b>Health Services and Public Health Act 1968</b>		
Section 45	Power to seek the approval of the Secretary of State for arrangements for promoting the welfare of old people, and to employ any voluntary organisation or other person as the Council's agent in this respect	<b>AD-AS AD-CS only</b>

Section 65	Power to give assistance by way of grant or loan to a voluntary organisation whose activities consist of or include the provision of a service similar to a relevant service (services under the National Assistance Act 1948 and National Health Service Act 2006)	<b>AD-AS</b> <b>AD-CS</b>
<b>Greater London Council (General Powers) Act 1969</b>		
Section 43	Power to grant exclusive right of burial in any part of a burial ground or cemetery	<b>AD-RLS</b>
<b>Local Government Grants (Social Need) Act 1969</b>		
Section 1	Power to comply with and to exercise and perform any powers and duties contained in any conditions made by the Secretary of State when making a grant to the Council	<b>DACCS</b> <b>AD-AS</b> <b>AD-CS</b>
<b>The Chronically Sick and Disabled Persons Act 1970</b>		
Sections 1 & 2	Powers relating to the provision of welfare services to disabled persons	<b>AD-AS</b> <b>AD-CS</b>
<b>Local Authority Social Services Act 1970</b>		
Sections 7 & 7A	Powers relating to the exercise of social services functions	<b>DACCS</b> <b>AD-AS</b> <b>AD-CS</b>
<b>Local Government Act 1972</b>		
Section 145 (except the limited delegation below)	Power to make arrangements for the provision of entertainments and the development of arts and crafts	<b>DACCS</b> <b>AD-CLL</b> <b>only</b>

Section 145	<b>Limited Delegation:</b> Power to enclose or set aside part of a park or pleasure ground for provision of an entertainment, to charge for admission and to agree terms for use with any other person providing entertainment except for events within any of the categories below for which express Cabinet Member approval is required: <ul style="list-style-type: none"> <li>• Over 10,000 persons attending per day;</li> <li>• Duration of more than 7 days;</li> <li>• Duration of more than 2 days with 5,000 persons or more attending per day;</li> <li>• Occupying the site for more than 14 days.</li> </ul>	<b>AD-RLS* only</b>
Section 195(3)	Powers to make arrangements for the provision of accommodation welfare and employment for disabled persons subject to the approval of the Secretary of State	<b>AD-AS</b>
Section 214	Powers to provide and maintain cemeteries, to contribute to expenses, to grant burial rights and rights to erect memorials, to enter into agreements to maintain graves and memorials, to extend the period of grant of exclusive right to burial for up to a maximum of 100 years.	<b>AD-RLS</b>
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
Section 19	<b>Limited Delegation:</b> Powers to provide indoor or outdoor recreational facilities but subject to any charges for such facilities being approved by the Cabinet Member	<b>AD-RLS* AD-CLL*</b>
<b>Greater London Council (General Powers) Act 1978</b>		
Section 12	<b>Limited Delegation:</b> Power to close park or pleasure ground on a Sunday in consultation with the Cabinet Member	<b>AD-RLS* only</b>
<b>Mental Health Act 1983</b>		
The whole Act	All functions in relation to mental health, patients, offenders and connected services	<b>AD-AS</b>
<b>Health and Social Services &amp; Social Security Adjudications Act 1983</b>		

Sections 17, 21 & 22	Power to determine and recover charges and to create charges on land in respect of services and accommodation	<b>AD-CS</b>
Section 24	<b>Limited Delegation:</b> Power to determine the rate of interest payable in respect of any charge created under section 22 of this Act. This power is to be exercised in consultation with the Chief Financial Officer.	<b>AD-CS only</b>
<b>Public Health (Control Of Disease) Act 1984</b>		
Section 46	Power to bury or cremate the body of any person who has died whilst receiving accommodation under Part 111 of the National Assistance Act 1948, and to recover the costs of burying or cremating any person who was receiving Part 111 accommodation	<b>AD-RLS</b>
<b>Transport Act 1985</b>		
Section 106	Power to make grants for transport facilities and services for disabled people	<b>AD-AS</b>
<b>Disabled Persons (Services Consultation and Representation) Act 1986</b>		
Sections 1 & 2	Powers relating to services for, and the appointment of authorised representatives of, disabled persons	<b>AD-AS AD-CS AD-RLS AD-CLL</b>
Sections 3, 4, 7 & 8	Powers relating to services for, and the assessment of, disabled persons and their carers	<b>AD-AS AD-CS</b>
<b>Social Security Act 1988</b>		
Section 13	Duty to comply with and to exercise and perform any powers and duties contained in any regulations made under this section with regard to the distribution of welfare foods	<b>DACCS</b>
<b>Firearms (Amendment) Act 1988</b>		
Section 19 and Schedule	Power to apply to the Secretary of State for a firearms licence in respect of any firearms or ammunition to be kept in a museum	<b>AD-CLL</b>
<b>NHS &amp; Community Care Act 1990</b>		

Section 46	<b>Limited Delegation:</b> Power to consult in connection with and to publish any plan for community care services. (The power to adopt and modify any such plan is not delegated)	<b>AD-AS only</b>
Section 47	Power to carry out any assessment of any person's need for community care services, and to exercise all functions set out in directions made by the Secretary of State under this section	<b>AD-AS AD-CS</b>
<b>Carers (Recognition and Services) Act 1995</b>		
Section 1	Power to carry out an assessment of any carer's ability to provide and continue to provide care for any person when so requested before making any decision as to the care to be provided by the Council, and to comply with any directions made by the Secretary of State under this section with regard to the carrying out of such assessments	<b>AD-AS AD-CS</b>
<b>Housing Act 1996</b>		
Sections 182 & 213(1)(b)	Duties to have regard to any guidance issued by the Secretary of State under this section when performing any functions under Part VII of this Act (homelessness) and to co-operate in assisting any local housing authority in discharging homelessness functions where so requested	<b>DACCS AD-AS</b>
<b>Housing Grants Construction and Regeneration Act 1996</b>		
Sections 19 to 24, 29 to 43, 51, 52 & 57	Powers relating to Disabled Facilities Grant including assessments, extent of works, conditions and provisions for payment and repayment	<b>AD-AS AD-CS</b>
<b>Education Act 1996</b>		
Section 15B	Power to secure part time or full time education suitable for persons of 19 or over	<b>AD-CLL</b>
<b>Care Standards Act 2000</b>		
Sections 12, 15, 16, 18, 21, 22, 28, and 31 to 33	Functions relating to the registration and inspection of care homes, residential family centres and other care premises and the regulation of care workers and managers	<b>AD-AS AD-CS</b>

Section 82	Duty to refer to the Secretary of State a care worker for inclusion in the list maintained under section 81 of this Act (individuals who are considered unsuitable to work with vulnerable adults)	<b>AD-AS AD-CS only</b>
<b>Local Government Act 2000</b>		
Section 93	Power to apply to the Secretary of State for any grant under this section in respect of welfare Services and all related functions	<b>DACCS AD-AS AD-CS only</b>
<b>Health and Social Care Act 2001</b>		
Section 50, 51 and 54 to 57	Functions in relation to the provision of community care services and arrangements for the provision of accommodation under the National Assistance Act 1948	<b>AD-AS AD-CS</b>
<b>Homelessness Act 2002</b>		
Section 1	Power to assist in the carrying out of a homelessness review, and to take account of any homelessness strategy formulated under this section	<b>DACCS</b>
<b>Health and Social Care (Community Health and Standards) Act 2003</b>		
Section 114	Powers to make arrangements and to take steps, in accordance with Regulations, in relation to the handling and consideration of complaints about the discharge of the Council's Social Services functions	<b>DACCS only</b>
<b>Mental Capacity Act 2005</b>		
Section 39	Powers in relation to arrangements for the provision of residential accommodation for persons lacking the capacity to agree arrangements	<b>AD-AS AD-CS</b>
<b>National Health Service Act 2006</b>		
Sections 74 & 76	Functions in relation to co-operation, entering into prescribed arrangements and financial arrangements with NHS bodies in accordance with Regulations	<b>DACCS AD-AS AD-CS</b>

Section 75 & 82	Power to enter into prescribed arrangements with NHS bodies in accordance with Regulations under this section, including procurement arrangements, subject to Council Contract Procedure Rules, and powers to carry into effect the duty to co-operate with NHS bodies in exercising functions	<b>DACCS AD-AS AD-CS only</b>
<b>Health and Social Care Act 2008</b>		
Sections 11, 14, 19, 27 & 32	Powers in relation to registration with the Care Quality Commission as social care provider and/or manager including applications for variation of conditions and making representations and appeals	<b>DACCS AD-AS AD-CS only</b>
Section 50(4)	Power to take any action which the Care Quality Commission has specified in a notice under this section that the Council should take to remedy a failure	<b>DACCS AD-AS AD-CS</b>

## **Section 8 General Delegations**

### **Exclusion from the General Delegations**

Excluded from these delegations below are matters which are:

- (i) Key Decisions,
- (ii) Expressly reserved to the Cabinet or Cabinet Committee within its terms of reference
- (iii) Included on the Forward Plan
- (iv) Expressly reserved to full Council within its terms of reference
- (v) Expressly reserved to a non-executive Committee or Sub-Committee within its terms of reference
- (vi) Expressly excluded from the scheme of delegation to officers under paragraphs 4.01 and 4.02 of Part 3 Section E of the Constitution. Such an exclusion will not apply where the power to set fees or charges is specifically delegated in the statutory or non-statutory delegations below.

### **General Non-Statutory Delegations to all Chief Officers and Deputy Chief Officers:**

The Chief Executive, Assistant Chief Executives, Directors and the General Manager of Alexandra Palace & Park, and all Deputy Chief Officers reporting to the afore-mentioned Chief Officers, may exercise any functions, powers and duties of the Council to take management and operational decisions on behalf of the Council. For the avoidance of doubt, these delegations are granted to all the senior officers reporting directly to the Chief Financial Officer. Decisions under these delegations must be taken in accordance with the law in those areas of responsibility assigned to the officers mentioned above in Appendix D of the Constitution from time to time:

- to secure the effective management of their services including the authorisation of any procedures or contracts within the framework of Financial Procedure Rules and Contract Procedure Rules;
- to implement and develop initiatives within the strategic policy framework and other Council plans and policy documents;
- to carry out, or authorise the carrying out, of the functions of the proper officer of the Council in any legislation relating to those areas of responsibility assigned to senior officers in Appendix D.

This authorisation includes power:

- to authorise the service of any statutory notice;
- to authorise officers to enter any land or premises in pursuance of a statutory function of the Council;
- to apply, or to authorise other officers to apply, to a Court for a warrant to enter any land or premises, in exercise of his/her responsibilities;
- to authorise the institution of any process or proceedings for administering or enforcing the functions of the Council;
- to authorise the recovery by legal proceedings of any sum to which the Council is entitled;
- to appoint officers as authorised officers for any statutory purpose;
- to supply photocopies of documents to the general public subject to making such charges as may be agreed in a scheme approved by the Chief Executive and Director of Corporate Resources, subject to the provisions of the Copyright, Designs and Patents Act 1988
- to take action on any urgent matter, whether or not power to do so is specifically delegated elsewhere, between meetings of the Cabinet or any Committee or Sub-Committee of the Council subject to statutory provisions and the provisions of Part 3 Section E of the Constitution;
- to commit the Council to any action or process when the decision-maker is acting as the principal representative of the Council on a subordinate body of the Haringey Strategic Partnership subject to

this being in accordance with the Council's Budget & Policy Framework, Finance Procedure Rules and Contract Procedure Rules;

- To make decisions on expenditure and project implementation under the "Making the Difference" Budget, and in accordance with the wishes of Area Assemblies, subject to an annual limit of £50,000, or agreed increase in this limit, when the officer is appointed as an "Area Liaison Officer";

This authorisation includes the following powers in Personnel Matters:

- Taking all decisions relating to changes to the establishment, affecting 20 posts or less, where the relevant employees' side are in agreement or have not raised objections within the agreed timetables, but excluding the closure of schools or colleges. Consultation with the relevant Cabinet Member is required before the delegated decision is taken;
- For the avoidance of doubt, when calculating the number of posts affected by a change to the establishment, this means the number of posts to be added or deleted even though a different number of posts may be subject to alteration of terms and conditions in the same restructuring;
- Power to designate posts as casual or essential users in accordance with criteria as determined by the Head of Human Resources;
- Approval of sickness pay (half and full pay) or extension beyond the national, provincial or local agreements;
- Extensions of service in accordance with agreed procedures, beyond the age of 65
- Approval of extension of special leave with pay;
- Extensions of accident pay beyond the national, provincial or local agreements;
- Grant of honoraria and where relevant ex-gratia payments to employees;
- Power to appoint applicants above the minimum permissible increment point upon appointment;
- Power to authorise accelerated increments below Senior Management pay grades;
- Approval to changes to grades on various scales/conditions for all employee groups, except for Chief Officers and Deputy Chief Officers;
- Re-designation of posts - subject to normal consultative procedures;
- Decisions not to reclaim financial assistance granted under the Post-Entry Training Scheme;
- Decision not to reclaim maternity pay;
- Deletion of vacant, unfunded posts;

- Approval of minor changes in conditions of service established practice;
- Appointments to vacancies and new posts below Deputy Chief Officer or equivalent level in accordance with agreed procedures;
- The establishment and deletion of Chief Officer and Deputy Chief Officer or equivalent level posts, the setting of the initial terms of employment including the level of starting salary, and any variation of the duties of such posts, are decisions delegated to the Chief Executive for determination in accordance with the decisions(s) previously made by the Cabinet on the service delivery aspects of a service restructuring. All appointments to such Senior Management posts must be made by an Appointments Panel, in accordance with Part 4, Section K of the Constitution, unless the Monitoring Officer advises a different procedure in any individual case for employment law reasons. The remuneration and other terms and conditions of Senior Management posts are subject to review by the Remuneration Committee;
- Dismissals and disciplinary/capability action below Deputy Chief Officer or equivalent level in accordance with agreed procedures ;
- Approval of more than 5 days carry-over of annual leave to the following leave year.

### **General Non-Statutory Delegations to all Chief Officers**

The Chief Executive, Assistant Chief Executives, Directors, and the General Manager of Alexandra Palace & Park are granted the non-statutory powers set out below.

### **Administrative Matters**

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

### **Property Matters**

Any decision concerning the management or use of land held for the operational requirements of the officers of a Directorate may be taken by the relevant Director or Chief Officer. Any decision on the letting or disposal of land held for the Directorate shall be referred to the Director of Corporate Resources or the Head of Property in accordance with

their respective delegated powers, unless it is a key decision referred to The Cabinet or the appropriate individual Cabinet Member.

### **Statutory Delegations**

The statutory powers in the Schedule below are granted to the Chief Executive, Assistant Chief Executives, Directors and the General Manager of Alexandra Palace & Park, and all Deputy Chief Officers reporting to the afore-mentioned Chief Officers. For the avoidance of doubt, these delegations are granted to all the senior officers reporting directly to the Chief Financial Officer.

Those delegated powers, where prior consultation with, or instructions from, a Member or Member body are required before officers can exercise the powers, are shown with an asterisk \* in the right hand column.

The statutory delegations listed in the Schedule below include all local authority functions (whether expressed as a power, duty, discretion or otherwise) under the listed sections/parts of the Acts, including any related Schedules, or the whole Act if so stated, and all subordinate legislation arising under the listed Acts. The fact that certain subordinate legislation may be expressly listed, and other subordinate legislation is not listed, does not affect the generality of this delegation. The statutory delegations include all subsequent legislative amendments and additions to the listed provisions. Except where a power is expressly stated to be a "Limited Delegation", the delegations are not limited, conditioned or qualified in any way by the descriptions of the powers in the right hand column which are for information only.

<b>Schedule of Statutory Delegations</b>	
--	--

<b>Local Government (Records) Act 1962</b>	
Sections 1 & 2	Powers to promote adequate use of records and to acquire by agreement, or accept as gifts, any records of local interest
<b>Local Government (Financial Provisions) Act 1963</b>	
Section 5	Power to defray expenses properly incurred by an officer of the Council.

<b>G.L.C (General Powers) Act 1969</b>	
Section 37	Power to microfilm documents and to designate an officer who shall certify microfilm copies for evidence in Court
<b>Local Authorities (Goods &amp; Services) Act 1970</b>	
Section 1	Power to enter into any agreement with any other public body for the supply of goods and services subject to this being in accordance with the Council's Budget & Policy Framework, Finance Procedure Rules and Contract Procedure Rules;
<b>The Chronically Sick &amp; Disabled Persons Act 1970</b>	
Sections 4, 7 & 8A	Duty to make provision for the persons with needs under the Act who are members of the public or Council employees in Council premises including means of access, parking facilities sanitary conveniences and appropriate signage
<b>Town &amp; Country Planning Act 1971</b>	
Section 125	Power to manage or use a listed building occupied by the Council.
<b>Local Government Act 1972</b>	
Section 138 (1)	<b>Limited Delegation:</b> Power to incur such expenditure as is considered necessary in taking action calculated to avert, alleviate or eradicate the effects of an emergency or disaster affecting the whole or part of the Borough which has occurred or is apprehended subject to the arrangements for co-ordinating response to emergencies in Article 11.07 of the Constitution
<b>Health &amp; Safety at Work Etc Act 1974</b>	
Section 2(1)	Duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees.
<b>Local Government Act 1974</b>	
Section 36(1)	Power to recover administration costs in addition to actual costs of undertaking work.
<b>Sex Discrimination Act 1975</b>	

Section 76A	Duties to promote equality of opportunity between men and women and to eliminate unlawful discrimination and harassment
<b>Race Relations Act 1976</b>	
Section 71	Duty to have due regard, when carrying out any of the Council's functions, to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups, and to perform such duties as may be imposed by the Secretary of State by order under this section in relation to the better performance of such functions
<b>Local Government (Miscellaneous Provisions) Act 1976</b>	
Section 16	Power to serve on any person occupying, having an interest in, or managing any land a notice requiring them to furnish the Council with information regarding the nature of their interest in the land and the name and address of others occupying, managing or having an interest in the land.
<b>Representation of the People Act 1983</b>	
Section 35(6)	Power to place the services of any Council officers at the disposal of any person acting as the returning officer at any Greater London Authority election for an electoral area situated wholly or partly in the Borough.
<b>Local Government &amp; Housing Act 1989</b>	
Section 150	<b>Limited Delegation:</b> To exercise and perform any powers and duties contained in any regulations made by the Secretary of State under this section permitting the making of a charge for any Council function for which there is no other statutory power to charge. The power to set any charges or scales of charges shall be exercised in consultation with the relevant Cabinet Member. *
<b>Charities Act 1993</b>	

Section 78	Power to make arrangements for co-ordinating the activities of the Council and those of any charity established for purposes similar or complementary to services provided by the Council in the interests of persons who may benefit from those services or from the charity and to disclose to any such charity any information obtained in connection with the services provided by the Council.
<b>Civil Evidence Act 1995</b>	
Section 9	Power to certify that any document forms part of the records of the Council for the purpose of admitting that document as evidence in civil proceedings
<b>Disability Discrimination Act 1995</b>	
Sections 4, 4A, 6, 15C, 21, 21E & 49A	Duties to prevent discrimination against disabled persons in Council employment, applicants for employment or Council service users including the taking of reasonable steps with respect to the physical features of premises or with respect to any practice, policy or procedure concerning service provision
<b>Local Government Act 1999</b>	
Sections 3 & 3A	Duty to arrange consultation with tax payers, non-domestic rate-payers, service users and other local representatives about fulfilment of the best value duties and duty to involve representatives of local persons in the exercise of Council functions
<b>Local Government Act 2000</b>	
Sections 2, 3 & 4	<b>Limited Delegation:</b> Powers to take steps to promote economic, social and environmental well-being subject to advice from the Head of Legal Services on each proposed exercise of these powers
Section 92	Power to approve compensation payments to remedy complaints in accordance with the Corporate Complaints Procedure and Financial Regulations
<b>Criminal Justice &amp; Court Services Act 2000</b>	

Section 35	Duty to ensure that a person who is disqualified from working with children under the terms of this Act is not offered work in a regulated position (as defined in section 36 of this Act) and that any such person who is so employed is removed from such work.
<b>Criminal Justice and Police Act 2001</b>	
Sections 50, 52-55, 60-62	Power to authorise any officer exercising a power to enter and/or seize items found on premises to exercise the additional powers of seizure contained in this section, to give the required notice under section 52 of this Act, and to perform the duties contained in sections 53-55 of this Act (to return certain items seized) and sections 60-62 of this Act (to secure certain items seized).
<b>Local Government Act 2003</b>	
Section 93	Power to charge for discretionary services.
<b>Civil Contingencies Act 2004</b>	
Sections 5 & 7	Powers to implement Central Government Orders and Directions on civil protection
<b>Equality Act 2006</b>	
Section 52	Duty to take steps to prevent acts constituting discrimination on the grounds of religion or belief
<b>Climate Change and Sustainable Energy Act 2006</b>	Duty to have regard to the most recent energy measures report from central government when exercising delegated powers and making recommendations to Members
Section 3	
<b>Local Government and Public Involvement in Health Act 2007</b>	

Section 108	Duty to have regard to relevant local improvement targets specified in the local area agreement when exercising delegated powers and making recommendations to Members
-------------	--

**Section 9 Proper Officer and Specified Officer Functions**

**1.1 Chief Executive**

The Chief Executive is appointed Proper Officer and specified officer in relation to:

- (a) Any reference to “the Clerk of the Council” or “the Town Clerk of the Borough” contained in any enactment, passed before, or during, the 1971/72 sessions of Parliament (other than the Local Government Act 1972) or in any instrument made before 26<sup>th</sup> October 1972;

- (b) Any statutory function of a Proper Officer, or other specified officer, contained in any legislation, whenever made, whether or not expressly delegated to any other officer(s) in this Constitution;
- (c) The Local Government Act 1972, Sections 83, 84, 88(2), 89(1)(b), and 225 and Schedule 12, Part I, paragraphs 4(2)(b) and 4(3) (notices relating to Members and meetings);
- (d) The Representation of the People Act 1983, Sections 8 (Registration Officer) and 35(3) (Returning Officer at an election of Councillors);
- (e) The Local Government and Housing Act 1989, Sections 4 (Head of Paid Service), and notifications pursuant to sections 15 to 17 and Schedule 1 and Regulations made under the Act (Political Balance);
- (f) Section 234 of the Local Government Act 1972. This authorises the Chief Executive to sign any notices or other documents which the Council is statutorily empowered to give, make or issue. This delegation is in addition to, and does not reduce, the power of individual senior officers to sign such notices or other documents, as provided for elsewhere in this Constitution.

In addition the Chief Executive is empowered:

- (g) To authorise any officer to attend any conference, seminar, or symposium etc. after consultation with the appropriate Cabinet Member, where the conference, seminar or symposium etc. is outside Great Britain; \*
- (h) To authorise any Member to attend any conference, seminar, symposium etc. after consultation with the Leader, where the conference, seminar or symposium etc. is outside Great Britain. \*

## 1.2 **Chief Financial Officer**

The Chief Financial Officer is appointed Proper Officer and specified officer in relation to:

- (a) The proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972;
- (b) Sections 115 and 146 of the Local Government Act 1972 (receiving monies due from other officers and certifying changes in name or area of Council);
- (c) Part VIII (sections 111 to 116) of the Local Government Finance Act 1988 (Financial administration and the duty to report to Cabinet/Council on any unlawful expenditure);
- (d) Responsibility for the overall management of the internal audit function in accordance with the Accounts and Audit Regulations 2003;
- (e) Budget calculations and budget monitoring under Part 2 of the Local Government Act 2003.

### 1.3 **Head of Legal Services**

The Head of Legal Services is appointed Proper Officer and specified officer in relation to:

- (a) Sections 6, 8, 9 and 13 of the Registration Services Act 1953 (appointment of superintendent registrars and registrars of births and deaths and their deputy and interim officers and related functions);
- (b) Sections 229 and 238 of the Local Government Act 1972 (certification of documents and byelaws);
- (c) Section 30(5) of the Local Government Act 1974 (public notice of Ombudsman's reports);
- (d) Authorising any officer to appear on behalf of the Council in proceedings before a Magistrates Court under Section 223(1) of the Local Government Act 1972 and in proceedings before a County Court under Section 60 of the County Courts Act 1984. This includes

the power to certify such authorisation under Section 41 (3) of the Local Government (Miscellaneous Provisions) Act 1976;

(e) Signing on behalf of the Council to certify a contract under the Local Government (Contracts) Act 1997;

(f) The functions of the Monitoring Officer under sections 5 and 5A of the Local Government and Housing Act 1989 and Part 3 of the Local Government Act 2000 or other legislation relating to Local Government and Regulations made under the above;

(g) Determining whether the public interest requires information to be treated as "exempt information" in any report or related background paper and whether any meeting of the Council or a Council body is likely not to be open to the public because of the risk of disclosure of confidential or exempt information or the advice of a political assistant under Part VA and Schedule 12A of the Local Government Act 1972 and the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000-2006 (Access to Information);

(h) Determining whether the public interest in maintaining the exemption of information, or the exclusion of the duty to confirm or deny, outweighs the public interest in disclosure in relation to any request for information, or to any internal review after the refusal of a request, under section 2 and Part 2 of the Freedom of Information Act 2000;

(i) Being the "qualified person" to form a reasonable opinion as to

whether disclosure of information would be likely to inhibit the free and frank provision of advice or exchange of views or would be likely otherwise to prejudice the effective conduct of public affairs under section 36 of the Freedom of Information Act 2000;

#### 1.4 **Head of Local Democracy and Member Services**

The Head of Local Democracy and Member Services is appointed Proper Officer and specified officer in relation to:

- (a) Those proper officer functions relating to access to information not delegated to the Head of Legal Services above under Part VA and Schedule 12A of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000-2006;
- (b) Section 191 of the Local Government Act 1972 (providing information to assist the Ordnance Survey);
- (c) Sections 225 and 229 and Schedule 14, Part II, Paragraph 25 (7) of the Local Government Act 1972, and Section 41 (1) of the Local Government (Miscellaneous Provisions) Act 1976 (custody of, and certifying, documents);
- (d) Section 8 of the Representation of the People Act 1983 (the officer who will act as Deputy to the Electoral Registration Officer in the event of the latter's incapacity or a vacancy arising);
- (e) Section 2(2) of the Local Government and Housing Act 1989 (Maintenance of the list of politically restricted posts);

In addition the Head of Local Democracy and Member Services is empowered:

- (f) To determine the appointment of outside members to the "pool" from which the membership of School Admissions Appeals Panels and School Exclusions Appeals Panels are drawn;

- (g) To determine the membership of individual Appeals Panels (under (f) above) and the selection of Chairs of these Panels;
- (h) To make appointments of representative School Governors as notified by the Executive Member for Education or the Opposition Spokesperson, as appropriate; \*
- (i) To make appointments to vacancies on the Standing Advisory Council on Religious Education and Conference Committees;
- (j) To make appointments to the membership of Special Licensing Sub-Committees from among the Members of the Licensing Committee; \*
- (k) To appoint an additional Member or Members to any scheduled meeting of a Licensing Sub-Committee from among the Members of the Licensing Committee whenever the appointment of a substitute Member under the Committee Procedure Rules (Part 4, Section B) would be impracticable and the meeting would otherwise be inquorate; \*
- (l) The exercise of the delegated powers in (j) and (k) above shall be, so far as practicable, in consultation with the Chair of the Licensing Committee and the Chief Whip of each Group and with a view to achieving political balance in the membership of Licensing Committees. \*

### 1.5 **Head of Human Resources**

The Head of Human Resources is authorised to provide the "Certificate of Opinion" for an employee s on SCP44 or above making application to the Standards Committee for exemption of his/her post from political restriction under section 3 of the Local Government and Housing Act 1989 – (Opinion as to

whether the duties of the post involve regularly giving advice to Members or speaking to journalists/broadcasters).

1.6 **Director of Urban Environment**

The Director of Urban Environment is appointed Proper Officer and specified officer in relation to:

- (a) Section 606 of the Housing Act 1985 (reports on unfit houses);
- (b) Section 191 Local Government Act 1972 (information to assist the Ordnance Survey);
- (c) Section 205 of the Highways Act 1980 (certification of proposed works, estimated cost and provisional apportionment under the private street works code).

1.7 **General Provisions**

- (a) All Chief Officers have been appointed Proper Officers in relation to the functions of their respective Services for the purposes of section 234 of the Local Government Act 1972 (signing or authenticating any notice, order or other document which the Council are authorised or required to issue under any enactment);
- (b) Any reference to the function of a Proper Officer in relation to any legislation is to be taken as including subordinate legislation and any enactment for the time being amending or replacing such legislation;
- (c) If the office of any of the officers referred to above is vacant or the officer is absent or otherwise unable to act, his/her deputy, or, failing that deputy, the most suitable senior officer, is hereby authorised to act as the Proper Officer.

1.8 **Attestation of Seal**

The Seal on documents shall be attested by any one of the following officers:

Chief Executive, Director of Corporate Resources, Chief Financial Officer, Head of Legal Services, Deputy Head of Legal Services or any officer authorised by the Head of Legal Services either in relation to a specific document or particular categories of documents.

This page is intentionally left blank

## Part Four, Section I Financial Regulations

---

<b>Contents</b>	<b>Page</b>
<b>Part 1 - <u>Status of Financial Regulations</u></b>	<b>2</b>
1. Status	2
2. Recording delegations	3
3. Financial Control Framework	4
4. Devolution of Financial Management and Accounting	4
<b>Part 2 - <u>Financial Management</u></b>	<b>5</b>
5. Financial Management (including virement rules)	5
6. Financial Planning	18
7. Risk Management and Control of Resources	22
8. Systems and Procedures	27
9. External Arrangements	30
10. Retention of Records	32

## Part 1 - Status of Financial Regulations

### 1. Status

- 1.1. Our Financial Regulations provide the framework for managing the Council's financial affairs and for resources that the Council or its employees manage on behalf of others. They apply to every **Councillor** and **Officer** of the Council and to the ALMO in respect of debt write off.
- 1.2. All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 1.3. The regulations identify the financial responsibilities of:
  - the **full Council**;
  - the **Cabinet**;
  - the **Overview and Scrutiny Committee**;
  - the **Head of the Paid Service (Chief Executive)**;
  - the **Monitoring Officer (Head of Legal Services)**;
  - the **Section 151 Officer (Chief Financial Officer)** and other **Directors** (being for the purposes of these Regulations the Chief Executive, the Assistant Chief Executives, the Directors of Children and Young People's Service, Adults Culture and Community Services, Urban Environment and Corporate Resources);
  - **Business Unit Heads and Budget Holders** within Directorates.
- 1.4. **The Section 151 Officer (Chief Financial Officer)** is responsible for maintaining a continuous review of these Financial Regulations and submitting any additions or changes necessary to the **Constitution Review Working Group** and **full Council** for approval.
- 1.5. **The Section 151 Officer** is responsible for issuing advice and guidance to underpin these Financial Regulations that **Councillors, Officers and others acting on behalf of the Council** are required to follow. This advice and guidance will generally be based on CIPFA Standards of Professional Practice, which are available on [www.cipfa.org.uk](http://www.cipfa.org.uk).

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

- 1.6. **The Section 151 Officer** is also responsible for reporting, where appropriate, breaches of these Financial Regulations to the **Council** and/or to the **Cabinet Members**.
- 1.7. These Financial Regulations are supported by detailed financial procedures setting out how these Financial Regulations will be implemented.
- 1.8. **Director/Assistant Chief Executives** are responsible for ensuring that all staff in their directorates are aware of the existence and content of the Council's Financial Regulations and other internal regulatory documents and that they comply with them.
- 1.9. It is a disciplinary offence to breach these Financial Regulations. A breach of these regulations should be reported to the Section 151 Officer as soon as is practicable to do so.
- 1.10. All staff are required to conduct themselves to the highest standards. The involvement of staff in any form of bribery, corruption, fraud or deception will not be tolerated.
- 1.11. For any aspect of finance relating to schools the Haringey Schools Financial Regulations, which are designed to give detailed assistance to schools, should be referred to.

## **2. Recording delegations**

- 2.1. **Director/Assistant Chief Executives** should maintain written records where financial decision making has been delegated to members of their staff, including seconded or temporary staff. Where decisions have been delegated or devolved to other responsible officers references to **Directors** in the regulations should be read as referring to them.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**3. Financial Control Framework**

3.1. The financial administration framework of the Council is organised in accordance with Section 151 of the Local Government Act 1972, requiring that every Local Authority in England and Wales should **'make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has responsibility for the administration of those affairs.'** The framework comprises:

- **Constitution:** The principal rules governing the Council's affairs, including financial affairs, and the delegation of authority to **Councillors and Officers;**
- **Financial Regulations:** This document is part of the Constitution, created by the Council, but amendments are delegated to the **Section 151 Officer;**
- **Schemes of Financial Delegation for each Directorate;**
- **Contract Standing Orders;**
- **Procurement Code of Practice; and**
- **Medium Term Financial Strategy.**

**4. Devolution of Financial Management and Accounting**

4.1. The Council seeks to unite operational and financial responsibility to empower managers to give them the tools to deliver high quality services. Part of that empowerment is to give them control of the resources needed to deliver the service so that they can plan and use these resources to obtain the maximum benefit for the service.

4.2. The Council also needs to balance responsibilities with accountability and protection for Officers so that they know their authorisation levels and the limit to those authorities.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Part 2 – Financial Management**

**5. Financial Management (including virement rules)**

**Introduction**

- 5.1. Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget. The Financial Regulations are not an exhaustive document and proper financial management should be applied in all circumstances even if not specifically referred to.

**The Full Council and the Cabinet**

- 5.2. The **full Council** is responsible for adopting the Council's constitution and Members' code of conduct and for approving the policy framework and budget within which the **Cabinet** operates. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The framework is set out in this constitution. The **full Council** is also responsible for monitoring compliance with the agreed policy and related **Cabinet** decisions.
- 5.3. The **Leader** alone has powers to take any decision, including a key decision, which the **Cabinet** could have taken but only in cases of urgency between meetings. This is in Part 3 Section D Section 1 at paragraph 2.6 of the revised Council Constitution. When **Cabinet Members** take decisions on reports, the reports must comply with the Protocol for Decision-making in Part 5 Section D and this must include the provision of the **Chief Financial Officer's** comments on the financial implications.
- 5.4. The **Cabinet** is responsible for proposing the policy framework and budget to the **full Council** and for discharging Executive functions in accordance with the policy framework and budget.
- 5.5. **Cabinet** decisions can be delegated, in accordance with the delegation arrangements set out in Part 3 of this Constitution.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Committees of the Council**

**Overview and Scrutiny Committee**

5.6. The **Overview and Scrutiny Committee** is responsible for scrutinising **Cabinet** decisions before or after they have been implemented and for holding the **Cabinet** to account. The **Overview and Scrutiny Committee** is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Council.

**Audit Committee**

5.7. The **Audit Committee** is established by the **full Council**. It has right of access, through the officer acting as Chief Internal Auditor (currently the Head of Audit and Risk Management) from time to time, to all the information it considers necessary and can consult directly with internal and external auditors. The **Audit Committee** is responsible for reviewing the external auditor's reports and the Annual Audit and Inspection Letter and internal audit's annual report. The **Audit Committee** also monitors responses to audit reports.

**Standards Committee**

5.8. The **Standards Committee** is established by the **full Council** and is responsible for promoting and maintaining high standards of conduct amongst **Councillors** as Members. In particular, it is responsible for advising the Council on the adoption and revision of the Members' code of conduct and for monitoring the operation of the code.

**The Pensions Committee**

5.9. The **Pensions Committee** acts as the quasi-trustee of the Local Government Pension Scheme for the Council.

**Alexandra Palace and Park Board**

5.10. Alexandra Palace and Park Board is a Committee of the Council with responsibility for discharging a specific statutory charity trustee role. It has its own financial regulations and governance but is, nonetheless, subject overall to the Section 151 Officer who has responsibility for its financial affairs. It is also subject to charities law and accounting practice.

## **The Statutory officers**

### **Head of Paid Service (Chief Executive)**

- 5.11. The **Chief Executive** as Head of Paid Service is responsible, in relation to these financial regulations, for the corporate and overall strategic management of the Council as a whole. The **Chief Executive** must report to and provide information for the **Cabinet**, the **full Council**, the **Overview and Scrutiny Committee** and **other committees**.
- 5.12. The **Chief Executive** is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The **Chief Executive** is also responsible, together with the **Monitoring Officer**, for the system of record keeping in relation to all the **full Council's** decisions.

### **Monitoring Officer**

- 5.13. The **Monitoring Officer** is responsible, in relation to these financial regulations, for promoting and maintaining high standards of financial conduct and therefore provides support to the **Standards Committee**. The **Monitoring Officer** is also responsible for reporting any actual or potential breaches of the law or maladministration to the **full Council** and/or to the **Cabinet**.
- 5.14. The **Monitoring Officer** (together with the **Section 151 Officer**) is responsible for advising the **Cabinet** or the **full Council** about whether a decision is likely to be considered contrary to, or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- (a) initiating a new policy;
  - (b) committing expenditure in future years above the budget level;
  - (c) incurring inter-directorate transfers above virement limits; and
  - (d) causing the total expenditure financed from Council tax, grants and corporately held reserves to increase.
- 5.15. The **Monitoring Officer** is responsible for maintaining an up-to-date constitution.

**The Section 151 Officer (Chief Financial Officer)**

5.16. The **Section 151 Officer** has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:

- (a) Section 151 of the Local Government Act 1972;
- (b) The Local Government Finance Act 1988;
- (c) The Local Government and Housing Act 1989;
- (d) The Accounts and Audit Regulations 2003 as amended in 2004 and 2006.

5.17. The **Section 151 Officer** is responsible, in relation to these regulations for:

- (a) the proper administration of the Council's financial affairs, including the determination of the appropriate staffing level to ensure proper administration;
- (b) setting and monitoring compliance with financial management standards;
- (c) amendments to these Financial Regulations;
- (d) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- (e) providing financial information;
- (f) preparing the revenue budget and capital programme;
- (g) treasury management;
- (h) internal audit;
- (i) anti-fraud;
- (j) risk management; and
- (k) insurance.

The Section 151 Officer may from time to time delegate responsibility to a suitable qualified officer.

The Head of Profession role in each Directorate/Service Area is responsible within their area for the development of financial standards and staff, ensuring and monitoring compliance with financial regulations. This will be undertaken by the **Head of Finance** for each Directorate/Service.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

5.18. Section 114 of the Local Government Finance Act 1988 requires the **Section 151 Officer** to report to the **full Council**, the **Cabinet** and external auditor if the Council or one of its officers:

- (a) has made, or is about to make, a decision which involves incurring unlawful expenditure;
- (b) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficit to the Council; or
- (c) is about to make an unlawful entry in the Council's accounts.

Section 114 of the 1988 Act also requires:

- (a) the **Section 151 Officer** to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under Section 114 personally. This is currently the **Director of Corporate Resources**; and
- (b) the Council to provide the **Section 151 Officer** with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under Section 114.

**Directors/Assistant Chief Executives**

5.19. **Directors/Assistant Chief Executives** are responsible for:

- (a) ensuring that **Cabinet** Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the **Section 151 Officer**;
- (b) ensuring compliance with Contract Standing Orders;
- (c) control of income and expenditure within the approved budget and ensuring that expenditure is not incurred without an appropriately approved budget in place;
- (d) reporting significant and potentially significant variances from budget to the **Section 151 Officer**, through the formal budget management processes;
- (e) appointing budget managers for all areas of their own budget;
- (f) monitoring performance levels with budget performance;
- (g) adherence to the Budget Management process contained within Directorate Schemes of Financial Delegation including virement management; and

PART FOUR - RULES OF PROCEDURE

Section I- Financial Regulations

- (h) ensuring records and systems are up to date and made available for audit.
- 5.20. It is the responsibility of **Directors/Assistant Chief Executives** to consult with the **Section 151 Officer** and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.
- 5.21. **Directors/Assistant Chief Executives, Business Unit Heads and Budget Holders** are supported in the completion of their financial responsibilities by a Head of Finance. Heads of Finance are part of the Corporate Finance Business Unit and report directly to the Head of Corporate Finance and through that post to the **Section 151 Officer**. They have a link, therefore, to the **Section 151 Officer** and a functional relationship to their Service **Director** or **Assistant Chief Executive**.

**Business Unit Heads**

- 5.22. **Business Unit Heads** have responsibility for the financial affairs of their Business Unit including any financial staff, processes and systems. They must equally report financial issues to the appropriate **Director/Assistant Chief Executive** and **Section 151 Officer**. The responsibilities of the role include:
- (a) leading the production of revenue and capital programme budgets with their **Director/Assistant Chief Executive** as appropriate and ensuring all plans have appropriate and necessary approved budgetary provision in place;
  - (b) ensuring that detailed plans and realistic prudent profiled budgets exist for the delivery of the Medium Term Financial Strategy and to report variances and forecast outturn adverse or favourable variances immediately they exist;
  - (c) ensuring that appropriate financial controls exist and are maintained properly within Directorates and report on any deficiencies to the **Section 151 Officer** and their **Director/Assistant Chief Executive**;
  - (d) providing appropriate financial information to the **Section 151 Officer** and their **Director/Assistant Chief Executive** and their respective teams in a timely, accurate and appropriate form and level of detail. e.g. to permit final accounts to be prepared at year end in accordance with appropriate accounting codes as necessary and the Council's accounting procedures;

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

- (e) actively seeking additional income or savings opportunities, including grant and new financing opportunities, and reporting them to the **Section 151 officer** and their **Director/Assistant Chief Executive**;
- (f) ensuring that the necessary systems and controls are in place to ensure that all the Council's cash is paid into its bank accounts quickly and efficiently;
- (g) reconciling all cash received by the Council on a regular basis (at least monthly);
- (h) ensuring all monies due to the Council are recorded accurately and recovered promptly;
- (i) ensuring that all accounts payable are settled within 30 days unless special terms have been agreed by the **Section 151 Officer**; and
- (j) ensuring all assets are appropriately protected, accounted for and reconciled.

5.23. **Business Unit Heads** should report to the **Section 151 Officer** and where appropriate the **Director/Assistant Chief Executive**:

- (a) any unlawful or inappropriate expenditure immediately it is realised that it is about to take place or has taken place;
- (b) any area where a loss or deficiency is about to occur;
- (c) any occasions where the overall Directorate budget is projected to be overspent or where any individual budget is projected to be overspent by more than £50,000;
- (d) any concerns as regards the slow or non-banking of cash immediately;
- (e) any significant loss of stock or concerns to the **Section 151 Officer** immediately; and
- (f) any other matter of financial significance.

5.24. To confidentially advise the **Section 151 Officer** and/or the **Head of Audit and Risk Management** of any fraudulent activity and other losses through error and mismanagement by any party connected with or employed by the Council.

5.25. To liaise with the **Director/Assistant Chief Executive** in agreeing the annual audit plan of the Directorate. To report to the **Section 151 Officer** any concerns where an audit is considered necessary but is not being undertaken.

PART FOUR - RULES OF PROCEDURE

Section I- Financial Regulations

- 5.26. To ensure that all necessary and appropriate working papers are in place that meet the requirements of external audit in any procedures or processes including the closing of accounts and grant claims.
- 5.27. To ensure that appropriate timely arrangements are in place to sign off the financial implications of all reports including comments from the **Section 151 Officer** where appropriate prior to their submission to the full Council, Cabinet, a Committee, Chief Executives Management Board (CEMB) or other bodies within and external to the Council.
- 5.28. To ensure that all appropriate financial controls and systems are in place where not specified above, in particular adequate separation of duties and accurate and timely reconciliations.

**Budget Holders**

- 5.29. The **Budget Holder** is responsible for the management of the budget for which he/she is allocated by management. The responsibilities of the role include:
- (a) leading the production of revenue and capital programme budgets for the service area ensuring all plans have appropriate and necessary budget provision;
  - (b) ensuring plans and realistic prudent profiled budgets exist for the delivery of the Medium Term Financial Strategy and to report year to date variances and forecast outturn adverse or favourable variances immediately they exist;
  - (c) ensuring that appropriate financial controls exist and are maintained properly within the service area and report on any deficiencies to **Business Unit Heads**;
  - (d) providing appropriate financial information to **Business Unit Heads** and their respective teams in a timely, accurate and appropriate form and level of detail;
  - (e) actively seeking additional income or savings opportunities, including grant and new financing opportunities, and reporting to **Business Unit Heads**;
  - (f) ensuring that appropriate financial controls exist and are applied within the service area and report on any deficiencies to **Business Unit Heads**;
  - (g) ensuring that the appropriate financial controls are in place to ensure that all the Council's cash is paid into its bank accounts quickly and efficiently;

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

- (h) ensuring value for money is obtained for the whole Council when undertaking any procurement activity;
- (i) reconciling all cash received by the service area on a regular basis (at least monthly);
- (j) ensuring all monies due to the council are recorded accurately and recovered promptly; and
- (k) ensuring that all accounts payable are settled within 30 days unless special terms have been agreed by the **Section 151 Officer**.

5.30. The Budget Holder should report to **Business Unit Heads**:

- (a) any unlawful or inappropriate expenditure immediately it is realised that it is about to take place or has taken place;
- (b) any area where a loss or deficiency is about to occur;
- (c) any occasions where the overall service budget is projected to be overspent or where any individual budget (cost centre) is projected to be overspent by more than £10,000;
- (d) any concerns as regards the slow or non-banking of cash immediately;
- (e) any significant loss of stock or concerns immediately; and
- (f) any other matter of financial significance.

5.31. To confidentially advise the **Section 151 Officer** and/or the **Head of Audit and Risk Management** of any fraudulent activity and other losses through error and mismanagement by any party connected with or employed by the Council.

5.32. To ensure that all financial implications of all reports are agreed and approved with **Business Unit Heads** and the **Section 151 Officer** prior to their submission to the **full Council, Cabinet**, a Committee, Council Management Team or other bodies within and external to the Council.

5.33. To ensure that all appropriate financial controls and systems are in place where not specified above.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Other Financial Accountabilities**

**Virements – Revenue and Capital**

- 5.34. The Council controls approved budgets and transfers of budgetary provision (i.e. virements) at four levels; namely
- gross expenditure;
  - gross income;
  - net expenditure; and
  - at a Business Unit level.
- 5.35. The **Section 151 Officer** will prescribe where in-year changes to budgets require approval by the **Cabinet** which shall in any case be:
- (a) all changes in gross expenditure and/or income budgets between business units in excess of £100,000; and
  - (b) all changes in gross expenditure and/or income budgets within business units in excess of £100,000.
- 5.36. Other changes within business units or between business units below £50,000 (expenditure and/or income budgets) may be approved by the relevant **Business Unit Head(s)** provided that overall net expenditure remains unchanged.
- 5.37. Changes between £50,000 and £100,000 within business units or between business units (expenditure and/or income budgets) may be proposed by the relevant **Business Unit Head(s)** and approved by **Director(s)/Assistant Chief Executive(s)** provided that overall net expenditure remains unchanged.
- 5.38. Any virement that affects achievement of agreed policy or produces a future year's budget impact will require **Section 151 Officer** approval and if over £100,000 will also need to be approved by the **Cabinet**.
- 5.39. Any changes which result in a net change to a Directorate cash limit which is in excess of £250,000 (two hundred and fifty thousand) shall be a key decision and therefore requires approval by the **Cabinet**.
- 5.40. The addition of or amendment to any scheme in the capital programme above £100,000 requires the approval of the **Cabinet**. The **Section 151 Officer** may approve changes to schemes up to £100,000. All changes must be recorded on the accounting system.

PART FOUR - RULES OF PROCEDURE

Section I- Financial Regulations

- 5.41. Virements in excess of £250,000 between programme areas within Directorate capital budgets shall be a key decision.
- 5.42. Business Unit Head(s), Director(s) and Assistant Chief Executive(s) must submit appropriately completed virement pro-formas to Corporate Finance for formal ratification and subsequent adjustment of approved cash limits.
- 5.43. All virements must be recorded on the Council's main accounting system (currently SAP).

**Treatment of year-end balances**

- 5.44. The **Section 151 Officer** will consider requests to carry forward underspends at year-end before approval by the **Cabinet**. The **Section 151 Officer** will also consider whether any overspends at the year-end on service budgets should be carried forward before approval by the **Cabinet**.

**Accounting policies**

- 5.45. The **Section 151 Officer** is responsible for selecting accounting policies and ensuring that they are applied consistently. The **Directors/Assistant Chief Executives** are responsible for adhering to these policies.

**Accounting records, procedures and returns**

- 5.46. The **Section 151 Officer** is responsible for determining the accounting procedures and records for the Council and has a duty to ensure accounting procedures meet statutory duties. Such procedures may include procedures and timetables for the preparation of the budget and the Council's financial statements. **Directors** have a responsibility to:
- (a) comply with the procedures and timetables determined by the **Section 151 Officer**;
  - (b) regularly monitor, reconcile and clear the control accounts;
  - (c) supply information to comply with statutory timetables;
  - (d) complete grant claims etc. by due dates; and
  - (e) retain appropriate financial records as required by the **Section 151 Officer**.

### **The Annual Statement of Accounts**

- 5.47. The **Section 151 Officer** is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The **Section 151 Officer** has the authority to make such amendments to the treatment of the Council's transactions as are in the overall interest of the Council including the optimisation of the capital financing position and the management of earmarked reserves. The **General Purposes Committee** and **Pensions Committee** are responsible for approving their respective parts of the annual statement of accounts.
- 5.48. Each **Director/Assistant Chief Executive** has a responsibility to supply budget monitoring information on time. **Directors/Assistant Chief Executives** are accountable for the income and expenditure in their budgets and for the service area budgets. **Directors/Assistant Chief Executives** must supply required information and produce appropriate documents on time as requested by the **Section 151 Officer**. **Directors/Assistant Chief Executives** need to protect against the risks of creating contingent liabilities and to keep the **Section 151 Officer** informed of any new contingent liabilities as they arise.

### **Bribery, Corruption and Financial Irregularities**

- 5.49. All employees shall conduct themselves to the highest standards. Any employee involved in bribery, corruption, fraud or deception places themselves in a position which the Council will find unacceptable.

### **Bribery and corruption**

- 5.50. It is a criminal offence for any person to use their position with the Council to accept or ask for any gift, reward or other advantage from work done in an official capacity. In addition such acts seriously undermine the public image of the Authority and its staff. As a result the Council will discipline staff on the grounds of gross misconduct if they breach this regulation.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Financial Irregularities**

- 5.51. Staff must act with absolute honesty when dealing with the assets of the Council, and any other assets for which the Council is responsible. The Council will rigorously enforce sanctions laid down in the Disciplinary Code of Practice if staff are found to have acted dishonestly. The Code gives examples of financial irregularities that are considered to be gross misconduct.
- 5.52. All staff must ensure that any irregularity or suspected irregularity involving Council funds, property or any other assets for which the Council is responsible is reported immediately to the **Head of Audit and Risk Management**. This also applies to the misuse of computer passwords, misuse of information obtained in any other way, the deliberate malicious damage to information assets and the disclosure to unauthorised individuals of information obtained by their use.
- 5.53. The Council has an approved Anti-Fraud and Corruption Policy and Fraud Response Plan which set out the Council's expectations in relation to standards of behaviour and how it will respond in cases where fraud is suspected. The Anti-Fraud and Corruption Policy is supported by the Council's Whistleblowing Policy, which sets out how the Council will support anyone who wishes to report cases where they suspect fraud.
- 5.54. The **Head of Audit and Risk Management** will decide how such matters should be investigated. Service officers should not undertake any investigation or interview those involved unless prior agreement has been given by the **Head of Audit and Risk Management**.

**The Role of Internal Audit**

- 5.55. The statutory responsibility for internal audit derives from the **Section 151 Officer's** responsibilities under the 1972 Local Government Act, the Local Government Finance Act 1988 and the specific duties detailed in the Accounts and Audit Regulations as amended 2006. In accordance with these and the Auditing Practices Board guidelines the **Head of Audit and Risk Management** will provide a continuous audit of the accounting, financial and other operations of the Authority.
- 5.56. The **Head of Audit and Risk Management** has authority to:
- (a) enter at any time all Council premises or land;

PART FOUR - RULES OF PROCEDURE

Section I- Financial Regulations

- (b) have unrestricted access to all records, documents, and correspondence relating to any financial and other transactions;
- (c) remove and/or secure any computer equipment, record, document, and correspondence of the Council as considered necessary;
- (d) require and receive such explanations as s/he considers necessary concerning any matter being examined; and
- (e) obtain from Council employees cash, stores or any other property owned, hired, leased or borrowed by the Authority.

5.57. The decision to report financial irregularities to the Police shall be made by the **Head of Audit and Risk Management**. Where employees are involved, the **Head of Audit and Risk Management** will inform the **Chief Executive** and appropriate **Director/Assistant Chief Executive**.

5.58. The **Head of Audit and Risk Management** has authority to report to any body of the Council matters which are considered to adversely affect the efficient/proper use of the Council's resources.

**Unofficial Funds**

5.59. The **Section 151 Officer** shall be notified of any funds arising from unofficial sources, including school funds, and shall approve audit and accounting arrangements for these funds:-

- (a) that come under the control of any **Committee, Sub-Committee** or **Panel** of the Council;
- (b) where a member of staff is involved as a result of their employment with the Authority.

**6. Financial Planning**

**Introduction**

6.1. **Full Council** is responsible for agreeing the Council's policy framework and budget, which will be proposed by the **Cabinet**. The Council uses the Community Strategy and the Council Plan as its framework for determining priorities and is delivered through the business planning process. In terms of financial planning, the key elements are:

- (a) the medium term financial strategy;
- (b) the budget; and
- (c) the capital programme.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Policy framework**

- 6.2. The **full Council** is responsible for approving the policy framework and budget. The policy framework comprises the statutory plans and strategies set out in Part 2, Article 4 (on page 7) of the Constitution and the budget. Pensions Committee approves the policy framework for the Pension Fund; namely the investment strategy, Funding Strategy Statement, the Statement of Investment Principles and Responsible Investment policy.

**Preparation of the Sustainable Community Strategy**

- 6.3. The Head of the Paid Service (**Chief Executive**) is responsible for proposing the Sustainable Community Strategy to the **Cabinet** for consideration before its submission to the **full Council** for approval.

**Preparation of the Council Plan**

- 6.4. The **Assistant Chief Executive (Policy, Performance, Partnerships and Communications)** is responsible for producing an updated Council Plan annually and reporting this to the **Cabinet** for consideration before its submission to the **full Council** for approval. The Council Plan also includes our new National Indicator Set performance indicators from 2008/09 which will be published for residents to show the Council's performance.

**Budgeting**

**Budget format**

- 6.5. The general format of the budget will be approved by the **full Council** and proposed by the **Cabinet** on the advice of the **Section 151 Officer**. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Budget preparation**

- 6.6. The **Section 151 Officer** is responsible for ensuring that a revenue budget is prepared on an annual basis and a financial plan over three years for consideration by the **Cabinet**, before submission to the **full Council**. The **Section 151 Officer** also has responsibility to confirm budget pressures, robustness of estimates and adequacy of reserves in accordance with Section 25 of the Local Government Act 2003. The **full Council** may amend the budget or ask the **Cabinet** to reconsider it before approving it.
- 6.7. It is the responsibility of **Directors/Assistant Chief Executives** to ensure that realistic budget estimates reflecting agreed service plans are submitted to the **Cabinet** and that these estimates are prepared in line with guidance issued by the **Cabinet**, through the **Section 151 Officer**. The Budget risk is managed through the monthly budget management meetings in which the variances are analysed and decisions made accordingly.

**Budget management and control**

- 6.8. The **Section 151 Officer** is responsible for providing appropriate financial information to enable budgets to be monitored effectively. The **Section 151 Officer** must monitor and control expenditure against budget allocations and report to the **Cabinet** on the overall position on a regular basis. There will be a monthly budget management process determined by the **Section 151 Officer**. Any decision to alter or increase any of the existing services of the Council in such a way as may result in a material increase in the expenditure to be provided for in the budget for the current and future financial years will be subject to the approval of the **Cabinet**.
- 6.9. It is the responsibility of **Directors/Assistant Chief Executives** to control income and expenditure within their area and to monitor performance, taking account of financial information provided by their staff and the **Section 151 Officer**. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the **Section 151 Officer** to any problems.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Resource allocation**

6.10. The **Section 151 Officer** is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full Council's policy framework.

**Preparation of the capital programme**

6.11. The Section 151 Officer is responsible for ensuring:

- (a) the preparation of the Council's medium-term capital programme on an annual basis, for consideration by the **Cabinet** before submission to **full Council**;
- (b) that the Council's Corporate Capital Strategy is kept up-to-date;
- (c) financial monitoring of the capital programme;
- (d) preparation of an Asset Management Plan;
- (e) value for money objectives are met;
- (f) adherence to CIPFA Prudential guidelines;
- (g) adherence to the Council's Treasury Management Strategy;
- (h) maximisation of external funding opportunities; and
- (i) financial appraisal/evaluation of proposed capital schemes and options.

The medium-term capital programme models income and expenditure and resource requirements (both internal and external financing) over a minimum of three years and is reviewed and updated at least annually.

The Capital Strategy sets out strategic guidance on the Council's approach to capital investment. It provides clear objectives and priorities which are informed by overall corporate and service objectives, the Haringey community and other stakeholders including central government.

**Cabinet** approval is required before any preliminary design or other work is carried out on a capital project. Capital expenditure will only be incurred other than provided for above when the appropriate **Director/Assistant Chief Executive** and **Section 151 Officer** have jointly reported the financial implications to the **Cabinet** for approval. All such reports requesting financial provision must be supported by a professionally prepared estimate of the costs of the project. Once financial approval has been obtained the specifications and assumptions upon which the written appraisal of costs was based

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

cannot be substantially altered without the further approval of the **Cabinet**.

### **Guidelines**

6.12. Guidelines on budget preparation may be issued to **Members** and **Directors/Assistant Chief Executives** by the **Cabinet** following agreement with the **Section 151 Officer**. The guidelines will take account of:

- (a) legal requirements;
- (b) medium-term planning prospects;
- (c) the community strategy;
- (d) available resources;
- (e) spending pressures;
- (f) best value/value for money and other relevant government guidelines;
- (g) other internal policy documents; and
- (h) cross-cutting issues (where relevant).

### **Maintenance of Reserves**

6.13. It is the responsibility of the **Section 151 Officer** to advise the **Cabinet** and the **full Council** on prudent levels of general reserves for the Council. When fixing the level of reserves an assessment is made of the key financial risks facing the Council.

## **7. Risk Management and Control of Resources**

### **Introduction**

7.1. It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services. The effective identification and management of risks is a responsibility that sits with all **Directors/Assistant Chief Executives**.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Risk Management**

- 7.2. The **Audit Committee** is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The **Section 151 Officer** is responsible for and has delegated authority to ensure that proper insurance exists where appropriate.
- 7.3. The **Section 151 Officer** is responsible for preparing the Council's risk management policy statement and for promoting it throughout the Council.
- 7.4. At a Directorate level **Directors/Assistant Chief Executives** should ensure that the Council's risk management strategy is complied with. The risk management strategy specifies that **Directors/Assistant Chief Executives** and **Business Unit Heads** must align the assessment of their risks and the actions to manage these to the Council's business planning processes. This must be done so that the Council is able to identify any significant risks that could jeopardise delivery of business plans in the following year and for which appropriate actions will need to be taken.

**Internal control**

- 7.5. Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded. The Council prepares an Annual Governance Statement each year. **Directors/Assistant Chief Executives** have a role to provide assurances to support the production of the Annual Governance Statement and to maintain appropriate systems of governance and internal control.
- 7.6. The **Section 151 Officer** is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

- 7.7. It is the responsibility of **Directors/Assistant Chief Executives** to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency, propriety, regularity and effectiveness and for achieving their financial performance targets.

**Audit requirements**

- 7.8. The Accounts and Audit Regulations 2003 as amended in 2004 and 2006 issued by the Secretary of State for the Environment require every local authority to maintain an adequate and effective internal audit. The rights of the internal audit function are set out in these Regulations (see paragraphs 1.54 to 1.57 inclusive).
- 7.9. The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- 7.10. The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

**Preventing fraud and corruption**

- 7.11. The **Section 151 Officer** is responsible for the development and maintenance of an anti-fraud and anti-corruption policy. **Directors/Assistant Chief Executives** shall notify the **Head of Audit and Risk Management** immediately of any suspected fraud, theft or misuse of the authority's assets or resources. Further guidance can be found in the Haringey Anti-fraud and Corruption Strategy and the Whistleblowing Policy.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Assets**

7.12. **Directors/Assistant Chief Executives** should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place. Any disposal of any asset no longer required by the Council shall be for the best available consideration. Inventories of the Council's assets, other than stores, must be kept by the **Business Unit Head** concerned. The inventories must be in a form approved by, and include the items defined by, the **Section 151 Officer**. Any write off of stocks must be in accordance with the Council's stock write off policy.

**Treasury Management**

7.13. The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.

7.14. The **full Council** is responsible for approving the treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities. The policy statement is proposed to the **full Council** by the **Cabinet**. The **Section 151 Officer** has delegated responsibility for implementing and monitoring the statement. The Council sets its Treasury Management Strategy in line with the indicators required under the CIPFA Prudential Code for Capital Finance introduced from 1 April 2004.

7.15. The **Section 151 Officer** is responsible for reporting to the **Cabinet** a proposed Treasury Management Strategy for the coming financial year at or before the start of each financial year.

7.16. All decisions on borrowing, investment, leasing or financing shall be delegated to the **Section 151 Officer**, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.

7.17. The **Section 151 Officer** is responsible for reporting to the **Cabinet** not less than twice in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 June of the succeeding financial year.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Arrangements for Cash and Banking**

7.18. All money in the hands of the Council is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, in the Council's case the **Section 151 Officer** and save as allowed in Financial Regulations for Schools where, in any case, arrangements shall be made for the **Section 151 Officer** to be able to exercise control upon the withdrawal of delegation or otherwise, no officer other than the **Section 151 Officer** may:

- (a) open a bank or credit/purchase card account ;
- (b) agree to or sanction the arrangements for the handling of any liquid resource, cash or instrument of payment;
- (c) make payments, save through imprest accounts; or
- (d) authorise direct debits.

The **Section 151 Officer** makes imprest advances to certain officers for giving out petty cash disbursements on behalf of the Council. The value of any advance is subject to the agreement of the **Section 151 Officer**. The officer named as responsible for each imprest is accountable for the full value of the sum advanced at any time. Imprest accounts must be operated in accordance with the procedures set down by the **Section 151 Officer**. Detailed imprest account procedure rules are available from Corporate Procurement Division.

**Amenity, Trust and Other Unofficial Funds**

7.19. Funds held by the Council on behalf of other bodies or persons must be dealt with in accordance with procedures set down by the **Section 151 Officer**. **Directors/Assistant Chief Executives** and **Business Unit Heads** must ensure such funds are held securely and in such a way that they can be identified, accounted for and reconciled, at any time, separately from Council monies. **Directors/Assistant Chief Executives** and **Business Unit Heads** are accountable for the appropriate expenditure from such funds or repayment thereof.

**Staffing**

7.20. **Full Council** is responsible for determining how officer support for Executive and non-Executive roles within the Council will be organised.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

- 7.21. The Head of Paid Service (**Chief Executive**) is responsible for providing overall management to staff. The **Chief Executive** is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- 7.22. **Directors/Assistant Chief Executives** are responsible for controlling total staff numbers by:
- (a) advising the **Cabinet** on the budget necessary in any given year to cover estimated staffing levels;
  - (b) adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs; and
  - (c) the proper use of appointment procedures.

## 8. **Systems and Procedures**

### **Introduction**

- 8.1. Sound systems and procedures are essential to an effective framework of accountability and control.

### **General**

- 8.2. The **Section 151 Officer** is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by **Directors/Assistant Chief Executives** to the existing financial systems or the establishment of new systems must be approved by the **Section 151 Officer**. However, **Directors/Assistant Chief Executives** are responsible for the proper operation of financial processes in their own Directorate in line with overall procedures set by the Council and the **Section 151 Officer**.
- 8.3. Any changes to agreed procedures by **Directors/Assistant Chief Executives** to meet their own specific service needs should be agreed with the **Section 151 Officer**.
- 8.4. **Directors/Assistant Chief Executives** should ensure that their staff receive relevant financial training that has been approved by the **Section 151 Officer**.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

- 8.5. **Directors/Assistant Chief Executives** must ensure that staff are aware of their responsibilities under data protection, freedom of information legislation and the Computer Misuse Act.
- 8.6. **Directors/Assistant Chief Executives** must ensure that proper business continuity planning is in place for the delivery of financial services in the event of any incident that affects systems.

**Income and expenditure**

- 8.7. It is the responsibility of **Directors/Assistant Chief Executives** to ensure that a proper scheme of delegation in respect of financial matters has been established within their area and is operating effectively. The Council's Scheme of Financial Delegation provides detailed procedures for:
- (a) ordering and payment procedures: sets out the Service's procedures for the making of payments to employees and creditors, and to ensure that the systems in place provide an adequate basis for control of payments and that they are properly operated in practice;
  - (b) income, cash and banking: covers procedures for grant income, external income policy, cash income and banking;
  - (c) control of assets, stocks and stores: includes the responsibility of **Business Unit Heads** and **Budget Holders**;
  - (d) contracts and procurement: includes detailed procurement rules and procedures for contract standing orders;
  - (e) in addition it is the responsibility of **Directors/Assistant Chief Executives** to ensure the annual review of all fees and charges and to obtain agreement by **Cabinet** if proposed increases are below the level of inflation.

**Payments to employees and members**

- 8.8. The **Section 151 Officer** is responsible for the approval of the arrangements for the payment of all salaries, wages, pensions, compensation, other emoluments and any ex-gratia payments. **Directors/Assistant Chief Executives** and **Business Unit Heads** must supply such certificates relating to the employment of staff as the **Section 151 Officer** deems necessary. The **Assistant Chief Executive (People, Organisation and Development)** is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Taxation**

- 8.9. The **Section 151 Officer (and the Assistant Chief Executive (People, Organisation and Development))** for PAYE and NI) are responsible for advising **Directors/Assistant Chief Executives**, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council. **Directors/Assistant Chief Executives** should discuss with the **Section 151 Officer** potential tax implications of any new initiatives. **Directors/Assistant Chief Executives** have a responsibility for the proper application of tax rules as advised.
- 8.10. **Directors/Assistant Chief Executives** are responsible for ensuring that the appropriate controls and procedures are operated within the Directorate or relevant service area in relation to taxation issues.
- 8.11. The **Section 151 Officer (and the Assistant Chief Executive (People, Organisation and Development))** for PAYE and NI) are responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
- 8.12. **All staff and Councillors** should adhere to VAT rules & regulations and also guidance issued by the **Section 151 Officer**.

**Trading accounts/business units**

- 8.13. It is the responsibility of the **Section 151 Officer** to advise on the establishment and operation of trading accounts and business units. **Directors/Assistant Chief Executives** have a responsibility to advise the **Section 151 Officer** on any plans to utilise trading arrangements.

**Debt Write Off**

- 8.14. Arrears of housing rents and other housing income administered by the ALMO (Homes for Haringey) below £5,000 (five thousand pounds) may be written off on the authority of the **Section 151 Officer** upon the advice of the **Chief Executive of the ALMO**. The ALMO shall keep a record of all sums written off.

PART FOUR - RULES OF PROCEDURE

Section I- Financial Regulations

- 8.15. Arrears of housing rents and other housing income administered by the ALMO of £5,000 (five thousand pounds) or above may be written off on the authority of the **Cabinet Member for Resources** upon the advice of the **Chief Executive of the ALMO** and the **Section 151 Officer**. The ALMO shall keep a record of all such sums written off.
- 8.16. All other debts if below £5,000 (five thousand pounds) which remain unpaid can be written off on the authority of the **Section 151 Officer** upon the advice of the relevant **Director**. Debts of £5,000 (five thousand pounds) or above may be written off on the authority of the **Cabinet Member for Resources** upon the advice of the relevant **Director** and the **Section 151 Officer**. Corporate Finance shall keep a record of all such sums written off.
- 8.17. It is important that Council income is maximised and therefore to ensure that systems and procedures are in place to collect income promptly and to minimise the level of any bad debts.

**Instructions**

- 8.18. From time to time the **Section 151 Officer** may issue instructions pursuant to these financial regulations or his statutory duties or otherwise. Failure to comply with a lawful instruction is a disciplinary offence.

**9. External Arrangements**

**Introduction**

- 9.1. The Council provides a distinctive Leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.
- 9.2. The Council works closely with other agencies and private service providers. Government funding streams brought together in the Local Area Agreement (LAA) and other funding such as New Deal for Communities (NDC) and European funding provide additional resources to enable the Authority to deliver services to the local community.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Partnerships**

- 9.3. The **Cabinet** is responsible for approving delegations, including frameworks for partnerships. The **Cabinet** is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 9.4. The **Cabinet** can delegate functions – including those relating to partnerships to officers. These are set out in the scheme of delegation that forms part of the Council’s constitution. Where functions are delegated, the **Cabinet** remains accountable for them to the **full Council**.
- 9.5. The Head of the Paid Service (**Chief Executive**) represents the Council on partnership and external bodies, in accordance with the scheme of delegation.
- 9.6. The **Section 151 Officer** is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.
- 9.7. The **Section 151 Officer** must ensure that the accounting arrangements to be adopted relating to partnerships, pooled budgets and joint ventures are satisfactory.
- 9.8. The **Monitoring Officer** must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- 9.9. **Directors/Assistant Chief Executives** are responsible for ensuring that appropriate approvals both internal and external are obtained before any negotiations are concluded in relation to work with external bodies.

**External Funding**

- 9.10. **The Chief Financial Officer** is responsible for ensuring that all funding noted by external bodies is received and properly recorded in the Council’s accounts.

PART FOUR - RULES OF PROCEDURE  
Section I- Financial Regulations

**Work for Third Parties**

9.11. The **Cabinet** is responsible for approving the contractual arrangements for any work for third parties or external bodies. Advice should be obtained from the **Section 151 Officer** and the **Monitoring Officer** before entering into a contract for supply to others.

**10. Retention of Records**

10.1 Records held locally in establishments shall be retained in accordance with the approved records management policy, which in turn must meet the Council's standards.

10.2 **Directors/Assistant Chief Executives, Business Unit Heads and Budget holders** shall be responsible for ensuring that financial records are carefully and systematically filed and retained for inspection by the **Section 151 Officer** or agencies (e.g. HM Revenue & Customs) in line with the approved local management information schemes that meets relevant statutory requirements.

10.3 The advised minimum periods for the retention of financial records are set out in the Retention Guidelines for Local Authorities (LA Guide).

10.4 The list is not exhaustive and, where there is uncertainty, the advice of the **Section 151 Officer** and the Council's **Head of Legal Services** must be sought. Periods referred to are in addition to the current year of account, which ends at the conclusion of the annual external audit of the Council's accounts (i.e. usually 30 September following the end of the financial year).

10.5 The **Section 151 Officer** or his representative shall have access to documents as deemed necessary.

10.6 An information governance framework is being drafted to assist services to meet the requirements of the Data Protection Act, the Freedom of Information Act and other statutory requirements.