

## PART THREE – RESPONSIBILITY FOR FUNCTIONS

### Section E – Scheme of Delegation – Section 2 General Delegations to Directors

#### **Section 2 GENERAL DELEGATIONS TO DIRECTORS**

#### **General Functions delegated to Directors in their service areas:**

##### **General**

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

##### **Incidental powers**

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

##### **Service Performance**

- To make arrangements to secure value for money in respect of their service areas, to secure continuous improvement in the way functions are exercised having regard to a combination of economy, efficiency and effectiveness, and to maximise economic, environmental and social value
- To arrange consultation with tax payers, non-domestic rate-payers, service users and other local representatives about fulfilment of the best value duties and to involve representatives of local persons in the exercise of Council functions
- To meet business critical and key performance indicator targets
- To enter into any agreement with any other public body for the supply of goods and services subject to this being in accordance with the Council's Budget & Policy Framework, the Financial Regulations and the Contract Standing Orders

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- To make arrangements for co-ordinating the activities of the Council and those of any charity established for purposes similar or complementary to services provided by the Council in the interests of persons who may benefit from those services or from the charity and to disclose to any such charity any information obtained in connection with the services provided by the Council

#### **Legal**

- To authorise, institute, prosecute, defend, compromise, or adjourn any form of legal proceedings or enforcement functions or statutory procedure and to make or defend any appeal in criminal or civil proceedings where such action is desirable to protect the Council's interests, subject to advice from Legal Services and the agreement of the Monitoring Officer as appropriate
- Subject to the agreement of the Monitoring Officer, to authorise officers to prosecute or defend or to appear on the Council's behalf in proceedings before any Court or Tribunal
- To prepare, issue and serve any statutory notice, demand, certificate, order, or requisition for information in respect of functions in their area, including the authentication of such documents save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Monitoring Officer in accordance with Article 13.04
- To authorise officers to enter and/or inspect any land or premises in respect of which the Council has a statutory power or duty to enter or inspect including the obtaining and enforcement of a search warrant
- To authorise any officer exercising a power to enter and/or seize items found on premises to exercise the powers of seizure, to give the required notice and to perform the duties to return certain items seized and to secure certain items seized
- To apply, or to authorise other officers to apply, to a Court for a warrant to enter any land or premises, in exercise of his/her responsibilities;
- To authorise the institution of any process or proceedings for administering or enforcing the functions of the Council
- To certify that any document forms part of the records of the Council for the purpose of admitting that document as evidence in civil proceedings
- To authorise the recovery by legal proceedings of any sum to which the Council is entitled
- To take the action necessary to comply with any Court Order made against the Council
- To appoint officers as authorised officers for any statutory purpose
- To accept, hold and administer any property on trust (in consultation with the Chief Finance Officer and the Monitoring Officer)
- To supply photocopies of documents to the general public subject to making such charges as may be agreed in an approved scheme, subject to the provisions of the Copyright, Designs and Patents Act 1988

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#### **Personnel Matters:**

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

- Taking all decisions relating to changes to the establishment; save in relation to the Strategic Leadership Team and Statutory Officers which is delegated to the Chief Executive. All such changes are to be contained within existing budgets and in accordance with agreed procedures and legislative requirements
- Power to designate posts as casual or essential car users in accordance with agreed procedures
- Power to defray expenses properly incurred by an officer of the Council
- Extension of sickness pay (half and full pay) or extension beyond the national, provincial or local agreements
- Approval of extension of special leave with pay
- Extensions of accident pay beyond the national, provincial or local agreements
- Grant of honoraria and where relevant ex-gratia payments to employees
- Approval to changes to grades on various scales/conditions for all employee groups subject to the agreement of the Assistant Director for Human Resources and save in relation to Directors which is reserved to the General Purposes Committee
- Re-designation of posts subject to normal consultative procedures
- Decisions not to reclaim financial assistance granted under the Post-Entry Training Scheme
- To consider requests from employees to engage in any other regular employment for which payment is received
- Decisions not to reclaim maternity pay
- Deletion of vacant and creation of new posts
- Appointments to posts in accordance with agreed procedures and pay scales, save in relation to Directors which is reserved to the Appointments Panel Committee;
- Power to authorise recruitment and retention terms for individual posts save in relation to Directors which is reserved to the General Purposes Committee
- Disciplinary/capability action, save in relation to the Council Leadership Team and Statutory Officers which is delegated to the Chief Executive, in accordance with agreed procedures. The Chief Executive shall act in accordance with Part 4 Section K of the Constitution.
- Dismissals of officers, save in relation to Directors which is reserved to the Disciplinary, Grievance and Dismissal Panel . The power to approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme is delegated to the Chief Finance

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Officer, save in relation to Directors which is reserved to the Disciplinary, Grievance and Dismissal Panel

- Approval of settlements for individual post holders, at termination of employment or in legal proceedings including those reached by settlement agreement, subject to the approval of the Assistant Director for Human Resources and save in relation to Directors which is reserved to the Disciplinary, Grievance and Dismissal Panel
- Exercising of discretions in accordance with Council policy pursuant to the Local Government Pension Scheme Regulations 2013
- Exercising of discretions in accordance with Council policy pursuant to the Teachers' Pensions Regulations 2010
- Approval of payment of allowances to employees
- Approval of more than 5 days carry-over of annual leave to the following leave year

#### **Administrative Matters**

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

#### **Finance**

Officers are referred to the Financial Regulations at Part Four Section I of the Constitution

#### **Contracts**

Officers are referred to the Contract Procedure Rules at Part Four Section J of the Constitution

#### **Property Matters**

- 1) Except as set out below any decision concerning the management, administration, need for or use of land held for the operational requirements of the officers of a service area or any other decisions relating to a property can only be taken by the Director of Placemaking and Housing and the decision must be in accordance with the Strategic Asset Management & Property Improvement Plan or any other equivalent replacement plan.
- 2) The Assistant Director for Capital Projects and Property, shall have the power:
  - a) 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,

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- b) to survey land which the Council proposes to acquire compulsorily,
  - c) 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. This would be in accordance with relevant legislation pertaining to the acquisition or disposal of land and meet requirements for land referencing and assessment.
- 3) Decisions to acquire or dispose of any land or property except by use of compulsory powers or in advance of identified requirements shall be taken as follows:
- a) Decisions to acquire or dispose of any land or property with a capital value equalling or exceeding £250,000 but less than £500,000 except by use of compulsory powers or in advance of identified requirements is reserved to the Director of Placemaking and Housing;
  - b) Decisions to acquire or dispose of any land or property with a capital value of equivalent or less than £249,999 except by use of compulsory powers or in advance of identified requirements is reserved to the Assistant Director for Capital Projects and Property;
  - c) Decisions to take or grant a lease or licence of any land or property for any period where the rent equals or exceeds £100,000 per annum but is less than £500,000 is reserved to the Director for Placemaking and Housing;
  - d) Decisions to take or grant a lease or licence of any land or property for any period where the rent is less than £100,000 per annum is reserved to The Assistant Director for Capital Projects and Property.
- 4) Powers to take any action or sign any document under the Land Registration Rules, including the release of mortgages or charges; and powers to give any undertaking under the Greater London Council (General Powers) Act 1974 are reserved to the Monitoring Officer.

\*The above delegated decisions must be recorded and reported on as decisions taken under the Officer Scheme of Delegation in accordance with Part Three Section E - paragraphs 3.01 to 3.05 of the Council's Constitution. Property decisions, of £100,000 or more should be reported to Cabinet.

\*The Cabinet have responsibility for the acquisition or disposal of Council interest in land and buildings with a capital value equalling or exceeding £500,000 and any Key Decisions relating to property matters. Where a

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delegated decision outlined above is of particular significance as defined in Part 3 Section E paragraph 3.04, this can still be put forward to the Leader or Cabinet (as the case may be) for a decision in accordance with the decision making protocol.

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

- Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and L.A Gold is of the opinion that it is likely to affect the whole or part of the Council's area or all or some of its inhabitants, all Directors may:
  - a) incur such expenditure as is considered necessary in taking action (either by the Council itself or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in the Borough or among its inhabitants the effects or potential effects of the event; and
  - b) make grants or loans to other persons or bodies in respect of any such action taken by those persons or bodies, subject to ratification where necessary, as soon as possible.
- This power is to be exercised by Directors in accordance with Article 11.07 of the Constitution.

#### **Safeguarding**

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

#### **Equalities and Public Health**

- To have due regard, when carrying out any of the Council's functions, to the Council's Equal Opportunities Policy and the need to eliminate discrimination, harassment and victimisation and to promote equality of opportunity and foster good relations

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

#### **Energy and Climate Change**

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

#### **Health and Safety**

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

#### **Access to Information**

- To comply with the duties and powers imposed by Part 4 Section D of the Constitution

#### **Responding to consultations and proposals**

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

#### **Submission of grant funding bids**

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

#### **Complaints**

- To take action regarding complaints received
- To settle any Ombudsman / Complaint Cases:
  - (i) cases of alleged maladministration where there has not been a finding of maladministration by the Ombudsman

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- (ii) complaints that have been brought against the Council under any of its internal complaints procedures in conjunction with the Monitoring Officer
- To approve compensation payments to remedy complaints in accordance with the Corporate Complaints Procedure and Financial Regulations