Section 3 DELEGATIONS TO THE CHIEF EXECUTIVE AND STATUTORY OFFICERS

Introduction

The Council is required to designate a number of officers to discharge statutory functions. The legal provisions and the officer designated by the Council to discharge each function are listed in the table below. Further detail about the responsibilities of the Chief Executive and each Statutory Officer then follows.

Legislation	Statutory Power the Council must designate to an officer	Officer Designated as the Statutory Officer
S4 Local Government and Housing Act 1989	Designate one of their officers as the Head of Paid Service	Chief Executive
S151 Local Government Act 1972	Appoint an officer responsible for the administration of the authority's financial affairs	Director of Finance
S5 Local Government and Housing Act 1989	Designate one of their officers as the Monitoring Officer	Monitoring Officer
S36 Freedom of Information Act 2000	Qualified person in relation to s36 of the Act.	Monitoring Officer
S6 Local Authority Social Services Act 1970	To appoint an officer known as the Director of Social Services	Director of Adults and Health
S18 Children Act 2004	To appoint an officer to carry out the functions listed under s18(2) of the Act (education functions; functions conferred on the authority under ss 10-12 and 17 of the 2004 Act, social services functions relating to children, functions under s75 of the Children Act 1989 and the National Health Service Act 2006 and those conferred on the authority under Part 1 of the Childcare Act 2006	Director of Children's Services
S73 National Health Service Act 2006	To appoint a Director of Public Health	Director of Public Health

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S72 Weights and Measures Act 1985	To appoint a chief Inspector of Weights and Measures	Senior Trading Standards Officer (or other suitably qualified
		Trading Standards Officer in the absence of a STSO in post)
S9FB Local Government Act 2000	To designate an officer as the Scrutiny Officer	Director for Customers Transformation and Resources
Regulation 53~~a~~A of the 2013 Local Government Pension Scheme Regulations	To designate an officer to ensure that the fund is appropriately managed and resourced in respect of all matters relating to the LGPS. This includes administration, investment and governance.	LGPS Senior Officer

Functions delegated to the Head of Paid Service (Chief Executive)

1. To act as the Council's statutory Head of Paid Service pursuant to section 4 Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Head of Paid Service under the Council's Constitution generally

2. Where he or she considers it appropriate to do so, to prepare a report to the authority setting out their proposals as to:

   (a) the manner in which the discharge by the authority of their different functions is co-ordinated;

   (b) the number and grades of staff required by the authority for the discharge of their functions;

   (c) the organisation of the authority's staff;

   (d) the appointment and proper management of the authority's staff.

3. To be responsible for and take action in relation to Corporate strategy, policy initiatives and integrated planning and service delivery.

4. The corporate management of the Council and, specifically:

   (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.

5. As required to exercise any function delegated to any other officer of the Council, with the exception of those functions delegated exclusively to the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer. Further, in the event of any dispute or doubt as to the delegated powers of any other Director, the Chief Executive shall have the authority to determine which Director is to exercise that power.

6. To provide the 'certificate of opinion' for an employee 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).

7. The authority to institute, defend or settle any legal proceedings or arbitration where urgent action is needed to protect the interests of the Council.

8. 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.

9. 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.

10. To nominate other senior officers of the Council, whether orally or in writing, to take administrative decisions in the event of an emergency.

11. In the event that the Chief Executive is absent or unable to act for any reason, the powers in paragraphs 8, 9 & 10 above may be exercised by any other Chief Officer who is available to act.

12. 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.

13. In the event that all members of the Cabinet are removed from office under Article 7, to exercise all Cabinet functions in consultation with the Mayor until a new Cabinet has been appointed.

14. To discharge the functions of Electoral Registration Officer, electoral Returning Officer in local elections and Acting Returning Officer in parliamentary elections.

15. Taking all decisions relating to changes to the establishment for all staff including the Corporate Board and Statutory Officers, such changes to be contained within existing budgets and in accordance with agreed procedures and legislative requirements.

16. To take disciplinary action, not including dismissal, against any members of the Strategic Leadership Team or any Statutory Officer. In the case of the Monitoring Officer and Chief Finance Officer to act in accordance with Part 4 Section K of the Constitution and agreed procedures.

17. To authorise the issuance of council tax bills for Band C properties for a maximum period of six months (from 3 March 2023 to 2 September 2023) showing an aggregate amount of £1770.95 rather than £1770.96, and permit officers to take all steps preparatory or incidental to the issuance of such bills.

Functions delegated to the S151 Chief Finance Officer (Director of Finance)

1. To act as the Council's statutory Chief Finance Officer pursuant to section 114A Local Government Finance Act 1988 and carry out the responsibilities assigned to the Chief Finance Officer under the Council's Financial Regulations and under the Constitution generally, including carrying out all Treasury Management activities

2. To make arrangements for the proper administration of the Council's financial affairs in accordance with section 151 Local Government Act 1972

3. To contribute to the corporate management of the Council, in particular thorough the provision of professional financial advice

4. To approve the detailed format of the financial plan and the revenue budget prior to approval by the Council

5. To approve the annual calculation of the Council's Council Tax requirement in accordance with section 31A Local Government Finance Act 1992

6. To report annually to Council on the robustness of the budget and adequacy of reserves as required by section 25 Local Government Act 2003

7. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to Council officers and members

8. To report to members, in consultation with the Monitoring Officer, if there is or there is likely to be unlawful expenditure or an unbalanced budget as required by sections 111-116 Local Government Finance Act 1988

9. To establish and maintain the general fund and collection fund of the authority in accordance with the provisions of the Local Government Act 1988

10. To manage the Capital Programme flexibly and to make adjustments to the phasing of approved projects within the limits of available capital resources

11. To approve the draft Council's Accounts and Accounting Policies and the draft Pension Fund Accounts by 30 June each year in accordance with the Accounts and Audit (England) Regulations 2011

~~12. To exercise all responsibilities as Pension Fund Administrator for the LGPS not reserved to the Pensions Committee~~

~~13.~~12. 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, in accordance with agreed procedures, save in relation to Directors which is reserved to the Staffing and Remuneration Committee

~~14.~~13. To exercise the functions of the duly authorised representative of the Council as the corporate member of Alexandra Palace Trading Limited

~~15.~~14. To provide financial information to the media, members of the public and the community

Functions delegated to the Monitoring Officer

1. To act as the Council's statutory Monitoring Officer pursuant to section 5 and 5A Local Government and Housing Act 1989 and carry out the

Commented [TM1]: This amendment needs to be removed as that is now the responsibility of the LGPS Senior Officer

responsibilities assigned to the Monitoring Officer under the Council's Constitution generally

2. To ensure that the Council, its officers and its elected members maintain the highest standard of conduct

3. To contribute to the corporate management of the Council, in particular thorough the provision of professional legal advice

4. To establish and maintain the Members' Code of Conduct, dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity

5. To establish and maintain a register of interests of members and coopted members of the authority in accordance with the provisions of the Localism Act 2011

6. To contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee

7. To receive and act on reports made by the Standards Committee

8. To consider complaints against members referred to him including conducting investigations into matters as appropriate and the making of reports or recommendations in respect of them to the Standards Committee

9. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to Council officers and members

10. To report to members on any actual or potential breaches of the law or maladministration as required by section 5 Local Government Housing Act 1989

11. To advise whether decisions of the Cabinet are in accordance with the budget and policy framework

12. To be responsible for the maintenance and operation of the Council's Constitution

13. To advise and assist the Democratic Services Manager with the proper performance of the Access to Information requirements

14. To fulfil the requirements of the 'qualified person' in relation to section 36 of the Freedom of Information Act 2000.

Functions delegated to the Director of Children's Services

1. To act as the Council's statutory Director of Children's Services

2. To carry out all functions as set out in s18(2) of the Children Act 2004 including:

   (a) All education and children's social care functions conferred on or exercisable by the Council

   (b) Making arrangements to promote co-operation between the authority and partners to improve the well-being of children

   (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of children

   (d) The establishment of a Local Safeguarding Children Board

   (e) The preparation and publication of a Children and Young People's Plan

   (f) Improving preventative services and delivering earlier intervention

   (g) Any functions exercisable by the authority under s75 the National Health Service Act 2006 on behalf of an NHS body and any functions exercised pursuant to an arrangement made under s10 of the Children Act 2004 to include making arrangements for the management of services provided

3. To provide strategic management and direction for Children's Services across the Council

4. To secure that there are sufficient youth justice services available in the Borough

5. To appoint an interim executive board to a school which is eligible for intervention subject to the agreement of the Secretary of State

6. Education **services will be led by the Assistant Director of Schools and Learning who is responsible for education services functions on behalf of the Council. Commissioning within Children's Services will be led by the Assistant Director of Commissioning who is responsible for the commissioning of children's and adult social care functions on behalf of the Council. The Accountability**

Protocol for the Director of Children's Services sets out the arrangements in place to enable the Director of Children's Services to meet all statutory responsibilities and ensure the effective integration of all services for children and young people in the borough

7. Commissioning in common with the Director of Adult Social Services to meet relevant care needs in the borough.

Functions delegated to the Director of Adults, ~~and~~ Health ~~&Services~~ Communities

1. To act as the Council's statutory Director of Adult's Social Services in accordance with s 6 Local Authority Social Services Act 1970

2. To be accountable for the delivery of local authority social services functions as set out in Schedule 1 Local Authority Social Services Act 1970 in respect of adults and other than those which the Director of Children's Services is statutorily responsible, including:

   (a) Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services

   (b) Responsibility for assessing, planning and commissioning adult social care and wellbeing services to meet the needs of all adults with social care needs in the borough

   (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of vulnerable adults

   (d) Professional leadership including workforce planning

   (e) Leading the implementation of standards

   (f) Managing cultural change

   (g) Promoting local access and ownership and drive partnership working

   (h) Delivering an integrated, whole system approach to supporting communities

   (i) Promoting social inclusion and well being

   (j) Improving preventative services and delivering earlier intervention

(k) Any functions exercisable by the authority under S75 National Health Service Act 2006 on behalf of an NHS body to include making arrangements for any services provided

(l) Commissioning in common with the Director of Children's Services to meet relevant care needs in the borough

3. To provide strategic management and direction for Adult's Services across the Council

Functions delegated to the Director of Public Health

1. All functions of the statutory Director of Public Health to take steps to improve health in accordance with section 73A and 73B National Health Services Act 2006 including:

(a) the responsibility for mandated public health functions of the local authority

(b) planning for and responding to emergencies that present a risk to public health

(c) the cooperation of the authority with the police, probation service and prisons service to assess the risk posed by sexual and violent offenders

(d) to give views on licensing applications and on the statement of licensing policy in accordance with the Licensing Act 2003

(e) the provision of healthy start vitamins, oral health promotion programmes and oral health surveys

(f) to prepare and publish an annual report on the health of people in the area

2. To provide leadership, expertise and advice on all aspects of the Public Health Service including advice on outbreaks of disease and emergency preparedness

3. To promote health and wellbeing to reduce health inequalities

4. Preparation of the joint strategic needs assessments and joint Health Wellbeing Strategy

5. To provide the public with advice on health matters

6. To promote action across the 'life course', working together with local authority colleagues such as the Director of Children and Young People's Services, the Director of Adults and Housing Services and with NHS colleagues

7. To work though local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health

8. To work with local criminal justice partners and police and crime commissioners to promote safer communities

9. To work with wider civil society to engage local partners in fostering improved health and wellbeing

10. To play a full part in the Council's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children Board

11. To contribute to and influence the work of NHS commissioners, ensuring a 'whole system' approach across the public sector

12. To have regard to the NHS Constitution in exercising public health functions

Functions delegated to the Chief Inspector of Weights and Measures (Senior Trading Standards Officer)

1. To be responsible to the local weights and measures authority for the custody and maintenance of the local standards, working standards and testing and stamping equipment provided for the area for which he was appointed and generally for the operation of the arrangements made to give effect in that area to the purposes of this Act and the packaged goods regulations.

Functions delegated to the Statutory Scrutiny Officer (Director for Customers, Transformation and Resources)

To promote the role of the authority's overview and scrutiny committee or committees,

1. To provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees,

2. To provide support and guidance to—

(i) members of the authority,

(ii) members of the executive of the authority, and

(iii) officers of the authority,

in relation to the functions of the authority's overview and scrutiny committee or committees.

Functions delegated to the LGPS Senior Officer

1. All functions relating to the management of the Local Government Pension Scheme in accordance with Regulation 53A of the LGPS Regulations 2013.

2. To be responsible ~~responsibility~~ for the day-to-day management of the administering authority across all pension functions, including (but not limited to) investments, administration, funding, and governance and communications.

To ensure

3. ~~ensuring~~ compliance with scheme regulations, statutory guidance, other relevant legislation and The Pension Regulator's General Code.

~~1.~~ To be the principal advisor to ~~ensuring that~~ the Pensions Committee and Board whilst ensuring that it has access to adequate professional advice on all areas, including actuarial, governance, legal and procurement advice.

~~2.~~4.

~~3.~~

5. To ensure that draft statutory strategies such as the Investment Strategy Statement, Funding Strategy Statement and Administration Strategy, are prepared and implemented in accordance with legislation and guidance (the final strategy is a delegated responsibility of the ~~pension committee~~Pensions Committee and Board ~~or officer~~).

6. To ensure that ensuring that LGPS functions are well resourced and structured including responsibility for the LGPS workforce and safeguarding the fund from being impacted by policies implemented by the AA .

7. To supports the effective governance of the administering authority and appropriate implementation of the governance strategy and training strategy in accordance with guidance.
~~4.~~
8. To be responsible for ensuring that the administering authority participates appropriately in the governance structures of the investment pool as shareholder or client representative, depending on the governance set up of the pool.

~~5.~~
9. To be responsible for monitoring the pool's performance in implementing of the investment strategy and whether the collective pool oversight process is meeting the requirements of the administering authority.

10. To ensure that the administering authority carries out Independent Governance Reviews as required by regulation 116A of the LGPS Regulations 2013 and develops an action plan in response to any recommendations or findings.

11. To discharge any other statutory responsibilities applicable to the LGPS Senior Officer, having regard to guidance issued by the Secretary of State from time to time.

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