

APPENDIX 1

[the words recommended for addition or insertion are shown in italics and underlined]

PART F.7 of the Constitution – Scheme of Delegation to Officers

[this extract starts at page 172 of Part F.7 in the version of the Constitution updated in June 2005]

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 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 26th October 1972, to the Clerk of the Council or the Town Clerk of the Borough;
- (b) Any statutory function of a Proper Officer, or other specified officer, in any legislation, whenever made, not otherwise expressly provided for in this Constitution;
- (c) The Local Government Act 1972, Sections 83, 84, 88(2), 89(1)(b), 96, 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 thereunder (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 Officers' attendance at any conference/seminar/symposium etc. * after consultation with the appropriate Executive Member, where the conference / seminar / symposium etc. is outside Great Britain;
- (h) To authorise Members' attendance at any conference/ seminar/ symposium etc.* in consultation with the Leader, where the conference / seminar / symposium etc. is outside Great Britain.

1.2 **Director of Finance**

The Director of Finance has been 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;
- (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 has been appointed Proper Officer and specified officer in relation to:

- (a) Sections 229 and 238 of the Local Government Act 1972 (certification of documents);
- (b) Schedule 29, paragraph 41(3) of the Local Government Act 1972 (appointment of interim Registrar of Births, Marriages & Deaths on vacancy);
- (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 sections 66 and 81 of the Local Government Act 2000 and Regulations made thereunder.

1.4 **Head of Members' and Democratic Services**

The Head of Members and Democratic Services has been appointed Proper Officer and specified officer in relation to:

- (a) Part VA and Schedule 12A of the Local Government Act 1972 (Access to Information) and the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000-2002 (Access to Information);
- (b) Except as provided in 1.6 below, section 191 (information to assist Ordnance Survey) of the Local Government Act 1972;
- (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) The Local Government and Housing Act 1989, Section 2(2) (Maintenance of list of politically restricted posts);
- (e) Section 19 of the Local Government & Housing Act 1989 and Regulations made thereunder (Members' Interests Regulations);
- (f) Section 8 of the Representation of the People Act 1983, as the officer who will act as Deputy to the Electoral Registration Officer in the event of the latter's incapacity or a vacancy arising.

In addition the Head of Members' and Democratic Services is empowered:

- (g) 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;
- (h) To determine the membership of individual Appeals Panels (under (g) above) and the selection of Chairs of these Panels;
- (i) To make appointments of representative School Governors as notified by the Executive Member for Education or the Opposition Spokesperson, as appropriate;*
- (j) To make appointments to vacancies on the Standing Advisory Council on Religious Education and Conference Committees;
- (k) *In consultation with the Chair of the Licensing Committee, to appoint substitute Members to Licensing Sub-Committees for one hearing or one meeting from among the membership of the parent Licensing Committee when any permanent Sub-Committee Member is unable to attend for any reason.*

1.5 **Head of Personnel**

The Head of Personnel is authorised to provide the "Certificate of Opinion" for employees on SCP44 or above making application

for exemption from political restriction under section 3 of the Local Government and Housing Act 1989 – (Politically Restricted Posts).

1.6 **Director of Environmental Services**

The Director of Environmental Services is appointed the Proper Officer in relation to the functions of his Services for the purposes of Sections 191 Local Government Act 1972 (information to assist Ordnance Survey), Section 78(8) Building Act 1984 (urgent action on dangerous buildings) and section 205 of the Highways Act 1980 (certification under the private street works code).

1.7 **Director of Housing Services**

The Director of Housing Services is appointed the Proper Officer for the purposes of section 606 of the Housing Act 1985 (reports on unfit houses).

1.8 **Director of Social Services**

The Director of Social Services is authorised to appoint Review Panels to consider Stage 3 complaints in Social Services that fall within the National Health Service and Community Care Act 1990.

1.9 **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.

1.10 **Attestation of Seal**

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

Chief Executive, Director of Finance, 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.