

3B DELEGATIONS TO THE HEAD OF PAID SERVICE CORPORATE DIRECTORS AND STATUTORY OFFICERS

This Scheme sets out those delegations made to the Head of Paid Service and Corporate Directors whether by the Council or by Cabinet (the Executive) or derived from statute. The Scheme also sets out the powers of the Statutory Officers of the Council.

The Head of Paid Service, Corporate Directors and Statutory Officers may (where statute allows this) further delegate responsibility for matters to officers within their departments. These delegations must be in writing.

All delegated powers are derived from either the Council or Executive. The source of each delegation is specified in the Scheme.

Council, Cabinet or Committees may reserve to themselves decisions that have been delegated to officers by giving notice to the relevant Corporate Director or the Head of Paid Service.

When any new power or duty is given to the Council and it is unclear where responsibility for that function lies, the exercise of that power or duty will be undertaken by the Head of Paid Service or relevant Corporate Director.

Principles of Delegation

- 1 Officers may exercise delegated powers provided that the matter:-
 - a) is covered by an approved policy
 - b) there are no unusual features
 - c) there are no political or other significant issues,otherwise the matter should be referred to Members to determine.
2. In exercising delegated powers officers must:
 - 2.1 Incur expenditure within approved estimates/limits.
 - 2.2 Comply with the Council's Procedural Rules and Financial Regulations in force at the time.
 - 2.3 Comply with any policy, plan or direction of the Council, Cabinet or Committee.
 - 2.4 Consult and where appropriate, and/or agree with other relevant officers.
 - 2.5 Consult or refer the matter to the Head of Paid Service in appropriate cases.

- 2.6 Keep appropriate records and registers of decisions and report to Council, Cabinet or Committee if required.
3. In using delegated powers, officers are accountable to the Council or Cabinet or the Committee from which those delegated powers derive.
4. Acts of officers done under delegated powers are deemed to be acts of the Council.
5. Delegations exercised in relation to contracts must follow the Contract Procedure Rules in force at the time.

Non Executive Decision Procedure

The Head of Paid Service, Corporate Directors and Statutory Officers may be specifically authorised to take decisions on behalf of the Council or a Committee in cases of urgency or in relation to minor matters. In doing the procedure set out below must be followed:

1. Urgent Non-Executive Decisions and Minor Matters

1.1 Matters which are the responsibility of Council

In relation to matters which are the responsibility of Council, subject to consultation with the Leader of the Council (or in his/her absence the Deputy Leader) and the leaders of the political groups or their nominees, the Head of Paid Service, Corporate Directors and Statutory Officers shall have the power to act on behalf of the Council in cases of urgency and on minor matters, where the urgent matter is of such a nature that it may be against the Council's interest to delay and where it is not practicable to obtain the approval of the Council. In the event of disagreement between the Members consulted, the delegated action shall not be exercised. The matter must be referred to the Council. The safeguards in 1.3. below must be followed.

1.2 Matters which are the responsibility of Committees of the Council

In relation to matters which are the responsibility of a Council Committee, subject to consultation with the Chair of the relevant committee and the nominated members of the political groups or their nominees, the Head of Paid Service, Corporate Directors and Statutory Officers shall have the power to act on behalf of the Council in cases of urgency and on minor matters, where the urgent matter is of such a nature that it may be against the Council's interest to delay and where it is not practicable to obtain the approval of the Council Committee. In the event of disagreement between the Members consulted, the matter shall be referred to the Head of Paid Service who may take the decision after consultation with the Leaders of all political groups or their nominees, and if appropriate, with the statutory officers. The safeguards in 1.3. below must be followed.

1.3 Safeguards

The procedure must only be used when considered essential to achieving the efficient administration of the service and for urgent matters consideration must be given to whether the matter can wait until the next scheduled meeting or whether the calling of a special meeting can be justified.

The information in the report form must be given the same care and attention as a report to the committee or to Council. Councillors must be given all the information they need in order to fully consider the matter.

All decisions taken by officers under this delegated power must be reported for information to the next meeting of the appropriate committee.

For minor matters the subject matter:

- should not give rise to implication of a policy or resource nature for the authority;
- the cost of implementing the decision must not exceed agreed budgets; and
- the decision should not conflict with any plan or strategy agreed by the Council.

2. Urgent Executive Decisions and Minor Matters Procedure

Matters, which are the responsibility of the Cabinet

All executive decisions shall be referred to the Portfolio Holder or the Cabinet as appropriate for decision.

General

1. Where appropriate the Head of Paid Service may exercise any function delegated to any other officer, eg in case of absence.
2. Corporate Directors may exercise any function delegated to any other officer within their directorate.
3. Corporate Directors may exercise any function outside their directorate delegations delegated to them by the Head of Paid Service.

The Head of Paid Service and Corporate Directors have the following general powers:

4. To manage and promote the services and functions for which they are responsible. This includes:

| Delegated Powers | Source of Delegated Powers |
|--|----------------------------|
| <p><u>General</u></p> <p>3.1 Taking and implementing any decision required for operational effectiveness.</p> | Executive and Council |
| <p>3.2 Responding to consultation documents, which are considered appropriate to be dealt with at officer level. β</p> <p>β. The Leader and Portfolio Holder for Performance, Customer Services and Corporate Services, will deal with all other consultation responses – Section 3A Allocation of Responsibilities</p> | Executive |
| <p>3.3 Bid for external resources for services within their remit.</p> | Executive |
| <p>3.4 Liaise and develop partnerships with external agencies, Government departments and stakeholder organisations.</p> | Executive |
| <p><u>Financial</u></p> <p>3.5 Authorise expenditure within approved revenue budget estimates.</p> | Council |
| <p>3.6 Vire resources within the rules set out in Section 3, paragraphs 13-16 of the Financial Regulations.</p> | Executive |
| <p>3.7 Approve orders.</p> | Executive |
| <p>3.8 Authorise payment of invoices.</p> | Executive |

| | |
|--|-----------------------|
| 3.9 Authorise the collection of income. | Executive |
| 3.10 Authorise petty cash and expenses via payroll. | Executive |
| 3.11 Write off debts up to £10,000. | Executive |
| 3.12 To dispose of any minor asset (e.g furniture and equipment) up to £10k in value. | |
| 3.13 To set, vary and recover costs, fees and charges for goods and services funded by the Council. | Executive |
| <u>Contracts</u> | |
| 3.14 Approve contracts without limit that do not require sealing. | Executive |
| 3.15 Approve variations in contracts. | Executive |
| 3.16 Approve use of consultants. | Executive |
| <u>Human Resources</u> | |
| 3.17 To appoint, suspend and dismiss staff. | Council and Executive |
| 3.18 To take any action under the Council's employment policies and procedures. | Council and Executive |
| 3.19 To re-organise staff within their directorates subject to: <ul style="list-style-type: none"> ▪ Consultation with Head of Paid Service and Head of HR ▪ Where appropriate, consultation with staff and/or their representatives. ▪ No service policy implications. ▪ No expenditure in excess of budget. ▪ No growth in net expenditure beyond the current year. | Council and Executive |

| | |
|--|---------------------------------------|
| 3.20 To authorise absence leave and payments, including overtime, expenses, loans, and ex gratia payments. | Executive |
| 3.21 To authorise training and development and associated matters. | Executive |
| INDIVIDUAL DELEGATIONS | Source of Individual Delegated Powers |
| <p><u>Head of Paid Service</u></p> <p>1. To take any action necessary to ensure the effective and efficient management and operations of the Council. If following a Borough Election the Leader has not been elected as a councillor or, if re-elected, the political party of which they are a member does not have a majority on the Council, then until a Leader is appointed, the Head of Paid Service (in consultation with all Group Leaders) shall be authorised to take and implement any decision required for operational effectiveness of the Council but excepting any such responsibilities, duties and powers specifically reserved to any other person or body.</p> | Executive and Council |
| <p>2. To promote the importance of the ethical agenda and to sustain the highest standards of ethical behaviour on the part of the Council's officers in accordance with the Code of Conduct for Council Employees.</p> | Council |
| <p>3. To make any decision delegated to another officer with the exception of any decision delegated to the Director of Legal and Governance in respect of the Alternative Business Structure licence obtained from the Solicitor's Regulatory Authority.</p> | Executive and Council |

| | |
|---|-----------------------|
| 4. Approve minor and technical changes to the Council constitution in consultation with the Monitoring Officer. | Council |
| 5. Act in minor or urgent matters where to delay for a Council meeting would not, in his/her opinion, be in the Council's interest, subject to written approval of the Leaders of the political groups. β | Council |
| 6. Act in minor or urgent matters where to delay for a Council committee meeting would not in his/her opinion, be in the Council's interests, subject to consultation with the political groups or their nominees.β | Council |
| 7. To take such action in relation to Statutory Chief Officers and Chief Officers as assigned in Rule 7 of Section 4H. | Council |
| 8. To report as appropriate to the Authority in the manner in which the Authority discharges its functions: <ul style="list-style-type: none"> ▪ the number and grades of staff required to discharge its functions ▪ the organisation of the Authority's staff ▪ the appointment and management of the Authority's staff. | Council and Executive |
| 9. To make payments or provide other benefits in cases of maladministration etc in accordance with s92 of the Local Government Act 2000. | Council |
| 10. To take any action necessary to ensure the effective development and implementation of the Council's key strategies and services. | Executive and Council |
| 11. To undertake any action necessary to ensure the effective development and implementation of the Council's Corporate Governance Framework. | Executive and Council |

β The powers in 5 and 6 above would be used only on production of a report, including financial and legal implications. All decisions taken using the powers in 5 and 6 above must be reported to the next meeting of the relevant committee or Council.

| | |
|---|------------------------------|
| <p>The Corporate Directors for Community, Health & Wellbeing Environment & Enterprise Resources Children & Families</p> <p>All have the following delegated powers and duties</p> | |
| <p>1. To take any action necessary to ensure the effective and efficient management of their directorate</p> | <p>Council and Executive</p> |
| <p>2. To act in minor or urgent matters where to delay to a Council Committee meeting would not, in his/her opinion, be in the Council's interest, subject to consultation with the Chief Executive and Leaders of the political groups or their nominees.</p> | <p>Council</p> |
| <p>3. To take any action necessary to ensure the effective development and implementation of the Council's key strategies and services relating to their directorate.</p> | <p>Council and Executive</p> |
| <p>4. To undertake any action necessary to ensure the effective development and implementation of the Council's Corporate Governance Framework.</p> | <p>Council and Executive</p> |
| <p>Director of Legal and Governance Services</p> <p>1. To institute, defend or participate in any legal proceedings, in any Court or Tribunal and in any case where such action is necessary to give effect to decisions of the Council, or in any case where he or she considers that such action is necessary to protect the Council's interests.</p> | <p>Council</p> |

| | |
|--|------------------------------|
| <p>2. To delegate to any officer authority to institute defend or participate in any legal proceedings, in any Court or Tribunal and in any case where such action is necessary to give effect to decisions of the Council, or in any case where he or she considers that such action is necessary to protect the Council's interests.</p> | <p>Council</p> |
| <p>3. To authorise officers to appear in Court on the Council's behalf.</p> | <p>Council</p> |
| <p>4. To act as the proper officer for the purposes of Births, Deaths and Marriages</p> | <p>Council</p> |
| <p>5. To undertake any action necessary to ensure the effective development and implementation of the Council's Corporate Governance Framework.</p> | <p>Council and Executive</p> |
| <p>6. To authorise the affixing of the Council's seal and execution of deeds</p> | <p>Council and Executive</p> |
| <p>7. To take all decisions in relation to HB Public Law Limited, subject to the controls given to the Council by the shareholder agreement, and exercise day to day control of the Alternative Business Structure attached to the company.</p> | <p>Council and Executive</p> |

STATUTORY OFFICERS

| Head of Paid Service | Statutory Source of Function |
|---|---|
| <p>1. Duty to prepare a report setting out proposals on the following matters:</p> <ul style="list-style-type: none"> 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 | <p>Sections 4 and Local Government and Housing Act 1989</p> |
| <p>2. Duty to arrange for a copy of the report to be sent to each member of the authority</p> | <p>Section 4 Local Government and Housing Act 1989</p> |
| <p>3. Arrange for the authority to consider the report at a meeting held not more than three months after copies are first sent to members of the authority.</p> | <p>Section 4 Local Government and Housing Act 1989</p> |
| <p>4. All staff to be appointed on merit</p> | <p>Section 7 Local Government and Housing Act 1989</p> |
| <p>5. Duty to adopt Standing Orders with respect to staff.</p> | <p>Section 8 Local Government and Housing Act 1899</p> |
| <p>6. Confidentiality of staff records</p> | <p>Section 11 Local Government and Housing Act 1989</p> |
| <p>7. Conflicts of interest in staff negotiations</p> | <p>Section 12 Local Government and Housing Act 1989</p> |

| | |
|---|---|
| 8. Appointment of Staff | Section 112 Local Government Act 1972 |
| Monitoring Officer | Statutory Source of Function |
| 1. Report on contravention or likely contravention of any enactment or rule of law. | Section 5 & 5A Local Government and Housing Act 1989. |
| 2. Report on any maladministration or injustice where Ombudsman has carried out an investigation. | Section 5 Local Government and Housing Act 1989. |
| 3. Appointment of Deputy Monitoring Officer. | Section 5 Local Government and Housing Act 1989. |
| 4. Report on resources needed to undertake Monitoring Officer functions. | Section 5 Local Government and Housing Act 1989. |
| 5. Establish and maintain registers of member's interests and gifts and hospitality. | Sections 29 and 30 Localism Act 2011 The Relevant authorities (Disclosable Pecuniary Interests) Regulations 2012 |
| 6. Advice to Members on interpretation of the Code. | Members' Code of Conduct |
| 7. Key role in framework for local determination of complaints namely to: <ul style="list-style-type: none"> a. Decide, in consultation with an Independent Person, whether to dismiss complaints that are outside the Code of Conduct, are considered to be frivolous or vexatious, are about events which took place more than 6 months prior to the receipt of the complaint by the | Sections 28 – 34 Localism Act 2011 |

Monitoring Officer, unless there are exceptional circumstances and/or do not merit further investigation on public interest grounds.

- b. Decide, taking into account the recommendations of the Standards Working Group following initial consideration of a complaint which of the following options should be pursued:
 - the complaint should be investigated;
 - the matter should proceed no further on the grounds that there is no breach of the Code or that it is not in the public interest to proceed;
 - there has been a breach of the Code and that a particular sanction should be applied;
 - that further information should be supplied to the Standards Working Group.
- c. Appoint an investigator to investigate allegations of misconduct of Members in accordance with the Standards framework.
- d. Decide, following consideration of an investigation report by the Standards Working Group and taking into account their recommendations, whether a hearing should be held by the Standards Working Group or whether no further action is required.
- e. Decide, following a local hearing by the Standards Working Group and taking into account their recommendations, whether to take action against a member on the grounds that he or she has breached the Code of Conduct or to take no action.
- f. If he or she feels it appropriate, refer a matter back to the Standards Working Group for further consideration where he or she disagrees with their recommendations following a local hearing.
- g. If he or she feels it appropriate, refer a matter to the Governance, Audit, Risk

| | |
|--|--|
| <p>Management and Standards Committee for decision. This can be done where he or she disagrees with the recommendations of the Standards Working Group following a local hearing and further consideration as set out in f. above.</p> <p>h. Advise Members, officers and the public on the operation of the Code and how alleged breaches should be investigated.</p> <p>In exercising the delegations under a. - b. and d. – e to seriously consider the view of the Independent Person or Standards Working Group as appropriate.</p> | |
| <p>8. Advice to Members on Compensation or remedy for maladministration.</p> | <p>Section 92 Local Government Act 2000.</p> |
| <p>9. Advice on vires issues, maladministration, financial impropriety, probity, policy framework and budget issues to all members.</p> | <p>ODPM guidance.</p> |

| <p>Chief Finance Officer (Section 151 Officer)</p> | <p>Statutory Source of Function</p> |
|--|--|
| <p>1. Oversight of proper administration of financial affairs.</p> | <p>Section 151 Local Government Act 1972</p> |
| <p>2. Duty to nominate a member of his/her staff as chief financial officer (if unable to act owing to absence or illness).</p> | <p>Section 114 Local Government Finance Act 1988</p> |
| <p>3. Duty to report on a Council decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.</p> | <p>Section 114 Local Government Finance Act 1988</p> |
| <p>4. Duty to report if the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available</p> | <p>Section 114 Local Government Finance Act 1988</p> |

| | |
|--|--|
| to it to meet that expenditure. | |
| 5. Duty to report on an Executive decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account. | Section 114A Local Government Finance Act 1988 |
| 6. Duty to report on the robustness of the authority's budget calculations. | Section 25 Local Government Act 2003 |
| 7. Duty to report on the adequacy of the authority's proposed financial reserves. | Section 25 Local Government Act 2003 |
| 8. Duty to report on previous years' financial reserves if it appears that controlled reserves is or likely to be inadequate, including recommendations for appropriate actions to rectify. | Section 27 Local Government Act 2003 |
| 9. Duty to assist the Council in carrying out regular budget monitoring. | Section 28 Local Government Act 2003 |
| Director of Children's Services | Statutory Source of Function |
| 1. Responsible for functions conferred on or exercisable by the authority in their capacity as a local education authority | Section 18 Children Act 2004 |
| 2. Responsible for functions conferred on or exercisable by the authority, which are social services functions, so far as those functions relate to children. | Section 18 Children Act 2004 |
| 3. Responsible for functions under section 23C to 24D of the Children Act 1989, relating to looked after children. | Section 18 Children Act 2004 |
| 4. Improving well-being of children in the authority's area. | Sections 10 and 18 Children Act 2004 |
| | |

| | |
|--|--|
| 5. Safeguarding and promoting the welfare of children. | Sections 11 and 18 Children Act 2004 |
| 6. Establish and maintain information databases in relation to the well-being and safeguarding of children | Section 12 and S18 Children Act 2004 |
| 7. Preparation and publication of a Children's and young people's plan. | Sections 17 and 18 Children Act 2004. |
| 8. Responsible for any function under section 75 of the National Health Service Act 2006 on behalf of an NHS body so far as those relate to children. | Section 18 Children Act 2004 |
| 9. Responsible for any additional functions as the authority consider appropriate | Section 18 Children Act 2004 |
| Director of Adult Social Services | Statutory Source of Function |
| 1. Responsibility for all social services functions (other than those for which the Director of Children's Services is responsible under section 18 of the Children Act 2004). | Section. [1A] and Schedule 1 of the Local Authority Social Services Act 1970 |
| Director of Public Health | Statutory Source of Function. |
| 1. Responsibility for the functions under S2B National Health Service Act – taking steps to improve Health. | Ss 2B and 73A National Health Service Act 2006. |
| 2. Responsibility for the functions under S111 National Health Service Act – dental public health. | Ss 111 and 73A National Health Service Act 2006. |
| 3. Responsibility for the functions under S249 National Health Service Act – joint working in respect of prison health. | Ss249 and 73A National Health Service Act 2006. |
| 4. Responsibility for compliance with regulations | Ss 6C(1) and (3) |

| | |
|---|---|
| made under s6C(1) or (3) National Health Service Act 2006 –requirement to undertake functions of the Secretary of State | National Health Service Act 2006 |
| 5. Responsibility for the functions under S7A National Health Service Act – arrangements to undertake Secretary of State’s functions. | Ss 7A and 73A National Health Service Act 2006. |
| 6. Responsibility for the exercise by the authority of its functions under Schedule 1 National Health Service Act 2006 - inspection of school pupils. | Schedule 1 National Health Service Act 2006 |
| 7. Responsibility for any functions that relate to planning for or responding to emergencies involving a risk to public health. | S73A National Health Service Act 2006. |
| 8. Responsibility for the functions under S325 Criminal Justice Act 2003 – arrangements for assessing risk of certain offenders. | S325 Criminal Justice Act 2003 |
| 9. To prepare an annual report on the health of the people in Harrow | S73B(5) National Health Service Act 2006 |
| 10. To be a member of the Health and Wellbeing Board | S194(2)(d) National Health Service Act |
| 11. Responsibility for the exercise of all other Local Authority’s public health functions specified in S73A(1) National Health Service Act 2006. | S73A National Health Service Act 2006. |

| Scrutiny Officer | Statutory Source of Functions |
|---|--|
| <p>To promote the role of the Overview and Scrutiny Committee and its sub-committees, to provide support and guidance to members and officers of the Committee and its sub-committees and to provide support and guidance to members and officers in relation to the functions of the Committee and its sub-committees.</p> | <p>Section 9FB of the Local Government Act 2000.</p> |