

Part 3.6 Scheme of Delegation to Officers

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Section 1 - Guiding Principles

1.1. Introduction

This document sets out how the Council has delegated its executive and non executive powers to officers. Its purpose is to ensure that there are sufficient properly authorised, officers to carry out the Council's business, lawfully and effectively and that everyone: officers, members and the public, knows who they are.

These delegations to officers are the last link in the chain of delegation which begins with the framework described in the Constitution. They must be read in conjunction with the Constitution itself, and in particular the arrangements for discharge of executive and non-executive functions set out in Part 3, and those delegations to Committees, sub Committees and Directors.

General principles

Officers may exercise delegated powers provided that the matter:-

- is covered by an approved policy
- there are no unusual features
- there are no political or other significant issues,

otherwise the matter should be referred to Members to determine.

In exercising delegated powers officers must:

- Incur expenditure within approved estimates/limits.
- Comply with the Council's procedural rules and constitution, including the Contract Procedure Rules and Financial Procedure Rules in force at the time.
- Comply with any policy, plan or direction of the Council, Cabinet or Committee.
- Comply with the Council's internal policies, procedures and guidance.
- Consult where appropriate, and/or agree with other relevant officers.
- Consult or refer the matter to the Chief Executive, s.151 Officer and/or Monitoring Officer in appropriate cases.
- Keep appropriate records and registers of decisions and report to Council, Cabinet or Committee if required.

In using delegated powers, officers are accountable to the Council or Cabinet or the Committee from which those delegated powers derive.

Acts of officers done under delegated powers are deemed to be acts of the Council.

1.2. Structure of the Scheme

Section 2 of the Scheme is the **General Delegations**. These are delegated powers which are common to all parts of the Council and relate to the Finance, Procurement, Human Resources, Legal transactions and Property Management functions which support the main work of the Council.

Section 3 lists the 'Proper Officers' described in Part 3.6.4 of the Council's Constitution. These are posts which are created by legislation rather than resulting from a chosen structure. The proper officers are listed and cross referenced to officer posts in each directorate. 'Proper Officers' include the 'statutory chief officers' whose roles are set out in Article 13 of the Constitution. Although they retain personal responsibility for how their powers are used, they may delegate some of their duties to other officers.

Section 4 sets out the functions delegated to each Directorate. The Executive Director is responsible for maintaining a written internal scheme of delegation setting out particular posts or groups of posts can exercise functions and make decisions. The internal scheme is subject to restrictions set out in the constitution and where the two documents do not align, the constitution takes precedence.

1.3. Reserved Matters, deemed delegations and general authorities

Matters reserved to the Council, the Executive, and their Committees:

Functions may be specifically reserved to the Council, or a Committee of the Council, or to the Executive of the Council, either under the Articles of the Constitution, Part 3 of the Constitution (Responsibilities for Functions), Financial Regulations or Contract Procedure Rules. Functions may also be reserved under the Scheme of Delegations. These reserved functions may not be carried out by any officer unless they have been specifically delegated to him/her by the person or body holding the reserved power. The only exception is the urgency provision set out in paragraph 1.4 below.

Deemed delegations to officers:

- Any matter not specifically reserved in this way will be deemed to be within the delegated authority of the Chief Executive or the relevant Executive Director.

The Chief Executive may exercise any function delegated to any other officer, except those functions of the other statutory chief officer or where the delegation is to an officer with a required appointment process e.g. appointed health and safety inspector. Executive Directors may exercise any function outside their directorate delegations delegated to them by the Chief Executive.

- Statutory chief officers and proper officers should make arrangements to appoint a individual to undertake their responsibilities during period of absence.
- London Borough of Harrow has a delegation of function to:
 - commence, defend or settle any legal proceedings as necessary to protect the interests of the Council, whether or not specifically delegated under

this scheme.

- Take any action in order to protect the interests of the Council or of any person or property to whom, or for which, the Council has responsibility or in order to give legal effect to any decision or action properly taken by the Council or a Committee or person on behalf of the Council, including certifying documents as a copy of the original.
- Sign any documentation to give effect to any resolution of the Council in any tribunal or court.
- Sign any document necessary to give effect to any decision of the Council.

This delegation is exercised by the Head of Legal, London Borough of Harrow, who is permitted to delegate the function to any of her officers. The Monitoring Officer also has power to exercise these functions.

1.4. Urgency provisions – Non Executive functions

The following provisions apply regardless of any specific reservations to Members:

- The Chief Executive has power to act in cases of emergency or urgency to discharge non-executive functions.
- In the absence of the Chief Executive the Executive Director nominated to deputise will exercise emergency or urgency powers in the same way.

Urgency provisions – Executive functions

- Subject to consultation with the Leader of the Council (or in his/her absence the Deputy Leader) where possible, the Chief Executive (and his or her appointed deputy in the case of absence) shall have the power to exercise executive functions in cases of emergency or urgency.

When deciding whether a matter is an emergency or urgent, consideration should be given to the following:

- whether it is prejudicial to the Council's interest to delay
- whether it is practicable to call an emergency member meeting
- whether it is appropriate to refer the matter to a member meeting following the action

1.5. Incidental and ancillary functions, successor legislation, meaning of 'officer'

Incidental functions: any reference to officers being authorised to carry out or perform any functions in the schemes shall be deemed to include the authority to carry out any other functions which are necessary or incidental to, or required to facilitate or be conducive to the performance of the function in question.

Successor legislation: any reference in the Schemes to any legislation or to any Council procedure or rule shall be deemed to include a reference to any successor legislation, procedure or rule as may be introduced or enacted by way of substitution, revision or amendment.

If the Council acquires a new function responsibility will fall to the Chief Executive or Executive Director with responsibility for the relevant service area.

Restructure

If the Council restructures its organisation, delegated authority will be deemed to be held by the chief officer with responsibility for the service area.

Section 2 - General Delegations

Delegated Powers

General

Taking and implementing any decision required for operational effectiveness.

Taking any action necessary to ensure the effective development and implementation of the Council's key strategies and services relating to directorates.

Investigating and resolving complaints, including agreeing the payment of compensation, including payments or other benefits in cases of maladministration

Responding to requests for data or information in accordance with information law procedures.

Attending and representing the Council on partnership boards.

To conduct criminal investigations, including exercising statutory powers, administering cautions and conducting financial investigations in relation to proceeds of crime.

Exercising proper officer functions where these are not specifically designated under section 3 below.

Financial – these are subject to limits within the Financial Procedure Rules

Preparation for member approval of the annual directorate budget

Monitoring of directorate budget

Authorise expenditure within approved revenue budget estimates.

Virement of revenue and capital in accordance with Financial Procedure Rules.

Authorise collection of income

Authorise expenses

To agree in-year variations to costs, fees and charges

- up to 3% plus inflation

Applying for grants

Disposing of non-land assets

Write off debts

Procurement – these are subject to limits within Contract Procedure Rules

Authorise tendering processes

Approve contracts

Approve variations in contracts

Approve use of consultants

Human Resources – these are subject to internal HR policies and procedures

To appoint, suspend and dismiss staff

To take any action under the Council's employment policies and procedures

To re-organise staff within their directorates, subject to budgetary implications

Consultation with trade unions on staff organisational changes

Maintaining an up to date staffing structure

Property - subject to budgetary provision and compliance with internal procedures and statutory processes

To authorise the granting, renewal, termination, assignment or sub-letting of leases, tenancies or other interests in land and property.

To approve variations in rent arising from rent reviews of land and property leased to or by the Council.

To authorise the acquisition of legal estates or interest in land and property in accordance with agreed policy and within the capital programme.

To authorise the disposal of legal estates or interests in land and property not required by the Council.

To authorise the taking, granting, revocation or termination of covenants, easements, wayleaves, licences and other rights or user.

To serve and respond to statutory notices in relation to land.

To authorise the appropriation of land, including appropriation by the HRA from the general fund.

Legal transactions

Instructing HB Public Law (London Borough of Harrow) or the Monitoring Officer in relation to legal matters and disputes

Instructing external lawyers in relation to legal matters and disputes, where agreement has been sought from the HB Public Law or the Monitoring Officer, that instructions are appropriate

Authorising officers to attend court and appear on behalf of the Council under s.223 Local Government Act 1972 and the County Courts Act 1984, following consultation with the Monitoring Officer or HB Public Law.

Section 3 – Proper Officer and Statutory Officer designations (statutory chief officers are set out in Article 12)

Post	Designation	Function
	Electoral Registration Officer	Section 8 - Representation of the People Act 1983
Chief Executive	Returning Officer	Section 35 - Representation of the People Act 1983
Chief Executive	Acting Returning Officer	Section 28 - Representation of the People Act 1983
Superintendent Registrar	Proper Officer for Births, Deaths and Marriages	Registration Services Act 1953
	Scrutiny Officer	Section 31 – Local Democracy, Economic Development and Construction Act 2009
	Virtual School Head	
	Data Protection Officer	
	Local Authority Designated Officer	
	Chief Internal Auditor	
Chief Executive	Proper Officer for notices regarding councillor appointments and resignations	Section 83 to 99 Local Government Act 1972
Chief Executive	Proper Officer for notices of council meetings	Section 100 to 100G Local Government Act 1972
Monitoring Officer	Proper Officer for deposit of documents and certifying documents.	Section 225 Local Government Act
	Local Registrar	Section 19 of the Land Charges Act 1975

Section 4 – Specific Delegations

Chief Executive

To take any action necessary to ensure the effective and efficient management and operations of the Council and the effective development and implementation of the Council's key strategies and services. 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.

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 and to undertake any action necessary to ensure the effective development and implementation of the Council's Corporate Governance Framework.

Approve minor and technical changes to the Council constitution in consultation with the Monitoring Officer.

Following consultation with the Leader and Leader of the Opposition, to suspend the Monitoring Officer or officer designated as Chief Finance Officer in exceptional circumstances for up to ten days pending the Chief Officer's Employment Panel being convened to consider the suspension in accordance with Part 4H of the constitution.

Following consultation with the Leader and Leader of the Opposition, to refer matters of discipline (as defined in the disciplinary procedure) in respect of the Monitoring Officer or officer designated as Chief Finance Officer to the Chief Officers' Employment Panel.

Appointing officers to represent the Council on outside bodies, including as company director of such bodies, subject to compliance with internal processes in relation to the appointment.

Executive Director – Corporate Operations

Functions in relation to:

Finance
Business support
Fraud & Risk
Democratic Services
Information governance
Human Resources
ICT

Following consultation with the Leader and Leader of the Opposition and the Monitoring Officer, to suspend the officer designated as Head of Paid Service in exceptional circumstances for up to ten days pending the Chief Officer's Employment Panel being convened to consider the suspension in accordance with Part 4H of the constitution.

Following consultation with the Leader and Leader of the Opposition, to refer matters of discipline (as defined in the disciplinary procedure) in respect of the officer designated as Head of Paid Service to the Chief Officers' Employment Panel.

Executive Director – Customer and Community

Functions in relation to:

Customer services
Revenue and benefits
Housing recovery
Tenant services
Housing allocations and social lettings
Locality and neighbourhood management
Learning, skills and employment

Executive Director – People (Adults)

Functions in relation to:

Adult social care operations
Adult social care commissioning
Mental health
Public health
Communities, libraries and leisure

Executive Director – People (Children)

Functions in relation to:

Children's social care
Children's centres and early help services
Early years
Access and inclusion
School effectiveness
Education services
Special educational needs and disabilities
Youth services

Executive Director – Place

Functions in relation to:

Assets management
Regeneration development and delivery
Cemeteries and crematoriums
Food and safety
Community safety partnerships and prevention
Transport planning
Planning services

Executive Director of Strategy & Innovation

Functions in relation to:

Transformation