
Chapter 6 – Scheme of Delegation to Officers

Part 1 - Functions which are Delegated to Officers

This section sets out those functions which have been delegated to officers.

1. Powers of delegation

- 1.1 Non-Executive Functions are delegated to Officers from Council, Committees and Sub-Committees under section 101 of the Local Government Act 1972. In the case of licensing and gambling, under section 10 of the Licensing Act 2003 or section 154 of the Gambling Act 2005
- 1.2 Executive functions are delegated to Officers by the Leader or from the Cabinet, Cabinet Committees or individual Cabinet Members under section 14 of the Local Government Act 2000.

2. Basis of Delegation

- 2.1 Where the Council, a Committee or Sub-Committee, the Leader, Cabinet, a Cabinet Committee or an individual Cabinet Member has delegated a function to an Officer, the person or body making the delegation may at any time resume responsibility for the function either in respect of a particular matter or generally, and so may exercise the function despite the delegation.
- 2.2 An Officer to whom a power is delegated may refer the matter to the Chief Executive, or to the person or body making the delegation, for their determination. It will be appropriate for the Officer so to refer a matter:
 - (a) To the Chief Executive where the determination of the matter raises issues of corporate priorities or the co-ordination of the discharge of various functions of the authority
 - (b) To the person or body making the delegation where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for Members to determine; or could, by its scale or complexity expose the Council to major corporate risk which cannot be contained within Directorate Budgets
- 2.3 In exercising any delegated powers, Officers should ensure that decisions are consistent with Council policy, within approved spending limits, and in the best interests of residents and the Council as a whole. Elected Members should be informed/consulted as appropriate depending on the nature and sensitivity of the decision.

3. Conflicts of Interest

- 3.1 Every Officer is responsible for identifying whether he/she has any conflict of interest in any matter which is under consideration, actual or perceived, within the authority, and notifying the authority (including under section 117 of the Local Government Act 1972).
- 3.2 Where an Officer has a conflict of interest in any matter, he/she shall not participate in that matter in his/her capacity as an Officer except with the prior approval of his/her line manager, the Monitoring Officer or the Chief Executive.
- 3.3 Where the Chief Executive is unable to act on a matter because of a conflict of interest, the matter shall be discharged by the Assistant Chief Executive, where the Assistant Chief Executive is unable to act the matter shall be discharged by the Directors collectively, or by such Officer as they shall determine for this purpose.
- 3.4 Where a Director is unable to act on a matter because of a conflict of interest, the Chief Executive shall discharge the matter him/herself or allocate the matter to another Officer.

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- 3.5 Where the Monitoring Officer is unable to act on a matter in his/her statutory capacity under section 5 of the Local Government and Housing Act 1989, the matter shall be discharged by the Officer designated by the Monitoring Officer as Deputy Monitoring Officer.
- 3.6 Where the Monitoring Officer is unable to act on a matter under the Standards Committee Regulations 2008 in relation of Member conduct, the matter shall be discharged by the person appointed by the Monitoring Officer for this purpose under section 82A of the Local Government Act 2000.
- 3.7 Where any other Officer is unable to act on a matter that Officer's line manager or the Chief Executive may arrange for another Officer to discharge the matter.

4. The Context for the Exercise of Functions

- 4.1 The Chief Executive and Chief Officers/Directors are authorised to discharge all the functions of the authority within their areas of responsibility as defined below and subject to the General Conditions and Limitations set out below. Each Chief Officers/Director is required to agree with the Chief Executive an internal scheme of management for their Directorate.

General Conditions and Limitations

- 4.2 In taking any decision, each Officer must ensure that they have acted in a considered, well informed and defensible manner which is in the best interests of the Council and its residents. The more significant the decision, the greater the obligation to demonstrate that appropriate consideration has been given to the way the decision was made.
- 4.3 As a general rule all decisions will need to be made with a full understanding of Council policy relating to the decision, an awareness of relevant legal obligations including equality requirements, and a clear assessment of the impact of the decision on those affected. Decisions will also need to be consistent with the Council's Budget strategy and will need to be effectively risk assessed.
- 4.4 The obligation to ensure that these issues are properly understood rests with decision makers. Where doubt exists advice must be taken from those officers who are professionally qualified to give advice such as the Council's Monitoring Officer. Officers must not commit the Council to a course of action which will entail financial obligations beyond those approved by the Council.
- 4.5 Where the decision is politically sensitive or likely to affect significant numbers of residents, decision makers are under a general obligation to consult with those from whom the decision is delegated and ward Members where appropriate. Where realistic choices exist and where good practice would suggest it to be appropriate public consultation should be undertaken after consulting with appropriate Members.
- 4.6 No Officer other than the Head of Legal Services shall authorise or institute any legal proceedings or process or instruct legal agents or Counsel without the prior written consent of the Head of Legal Services.
- 4.7 The powers delegated to Officers shall not include the power to take a Key Decision, save that the Chief Executive and Chief Officers/Directors may take a Key Decision where the matter is so urgent that it is appropriate, for the protection of the interests of the authority or its area. For the purposes of this scheme, urgent shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the Council may be compromised. These powers shall be exercised in accordance with Contract Procedures Rules.
- 4.8 This Scheme of Delegation is set out as far as possible, in terms of broad areas of responsibility rather than in terms of specific statutory powers. The Chief Executive shall be responsible for co-ordinating the discharge of the authority's functions between the various Officers.

- 4.9 The Chief Executive may allocate or re-allocate responsibility for functions between Officers as necessary for the effective discharge of those functions or to cover absence of particular Officers.
- 4.10 Where an Officer is going to be absent for a period of time, he/she or his/her line manager may re-allocate responsibility for that Officer's functions as necessary to ensure the effective discharge of those functions during the Officer's absence. Where the Chief Executive is going to be absent for a period of time then responsibility for the Chief Executive's functions as necessary to ensure the effective discharge of those functions during the Chief Executive's absence shall be allocated to the Assistant Chief Executive, unless otherwise allocated by the Chief Executive. Where the Assistant Chief Executive is also absent the Chief Executive functions shall be discharged by the Directors collectively, or by such Officer as they shall determine for this purpose
- 4.11 Where a function is delegated to a Head of Service, it shall also be exercisable by the Chief Executive and Chief Officers/Directors. Where a function is delegated to a Chief Officer/Director it shall also be exercisable by the Chief Executive, except the functions of Monitoring Officer and Section 151 Officer. Where a function is stated to be specifically delegated to a particular Officer, that function shall not be exercised by any other Officer, except in accordance with this Scheme.

General Delegation to Chief Executive and Chief Officers/Directors and Head of Legal Services

- 4.12 Without prejudice to the generality of the foregoing the Chief Executive and Chief Officers/Directors shall have the power:
- (a) to take all lawful action consistent with overall Council policy to deliver agreed strategy plans and policy within their area of responsibility and within approved Budgets, service plans, contract and financial procedural Rules, the general obligation to act in the best interests of Residents and the Council and to achieve value for money. This shall include, but not exhaustively:
 - (b) to incur expenditure on the Council's behalf within the sums approved by Council and to procure goods and services consistent with the Council's procurement policies
 - (c) to deal with invitation and acceptance of tenders within the limits set out in the Contracts Procedure Rules including:
 - (i) submission of bids for funding in consultation with the relevant Cabinet Member where this does not imply an ongoing commitment to the Council when the funding ends, requires match funding that cannot be met within Directorate Budgets or could, by its scale or complexity expose the Council to major corporate risks which cannot be contained within Directorate Budgets.
 - (ii) write-off of irrecoverable debts within the limits of the Finance Procedure Rules
 - (iii) virement (within the Budget and Policy Framework) and limits of the Finance Procedure Rules
 - (iv) service or placing of any necessary statutory or other notices (other than those expressly reserved to Council, Committee or Cabinet)
 - (v) after consultation with the Head of Legal Services, authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the authority
 - (vi) the award of settlements arising from Ombudsmen's' recommendations under £10,000

- (d) to put in place staffing and management arrangements for the delivery of services which are consistent with the Council's strategic management arrangements and staffing policies

Where decisions involve significant ongoing financial commitments, legal obligations, changes to the way services are provided these will require executive approval

4.13 The Head of Legal Services is authorised:

- (a) to take any action to implement any decision taken by or on behalf of the authority, including the signature or service of statutory and other notices and any document
- (b) to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary, in the view of the Head of Legal Services, to give effect to decisions of the authority or in any case where the Head of Legal Services considers that such action is necessary to protect the authority's interests
- (c) to instruct counsel, solicitors or other experts for legal proceedings, public inquiries, or other matters involving the authority
- (d) to enter objections to any proposal affecting the authority, the authority's area or the inhabitants of the authority's area.
- (e) to act as the authority's Monitoring Officer under sections 5 and 5A, Local Government and Housing Act 1989

4.14 For the avoidance of doubt, anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the Chief Executive.

5. Recording, Implementing and Accounting for Decisions

- 5.1 Each Officer is responsible for ensuring that any decision which they take is adequately recorded, and that the record of that decision is available to other Officers, to Members and to the public as required by statute and this Constitution, particularly if the decision relates to a change in policy or practice, or a financial commitment.
- 5.2 Every Officer is responsible for ensuring that any decision which he/she takes is implemented in accordance with that decision.
- 5.3 Every Officer is accountable for each decision which he/she takes and may be called to provide an explanation of his/her reasons for the decision and account for its implementation to other Officers, Members and statutory regulators

6. Areas of Responsibility

- 6.1 All matters not reserved to the Council, to the Executive, or to a Committee for decision are delegated to the appropriate Chief Officer/Director subject to the Conditions and Limitations above and the Contract and Finance Procedure Rules. Each Chief Officer/ Director in making decisions under this scheme is required to do so within the internal scheme of management for their own Directorate. This will include appropriate monitoring arrangements and dissemination of information both internally and externally to the Council.
- 6.2 The areas of responsibility of each Chief Officer/Director shall be as follows, and shall include the areas of responsibility of each Officer within his/her Directorate.

7. The Chief Executive

- 7.1 The Chief Executive shall:
 - (a) be Head of Paid Service

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- (b) exercise corporate Council functions
 - (c) incur expenditure and delegate responsibility to incur expenditure in the event of a civil emergency
 - (d) in cases of urgency or emergency, take any decision on behalf of the Council (after consultation with the Leader)
 - (e) for the purposes of the Local Government (Contracts) Act 1997, have authority with the Chief Finance Officer, and one of the following – Director of Finance and Corporate Governance, Monitoring Officer and Head of Legal Services – to sign each certificate given under the Act
 - (f) with a nominee of the Head of Human Resources, to make decisions on employee terms and conditions, (including procedures for dismissal), except those relating to:
 - Chief Executive, Chief Officers/Directors or other Senior Officer posts
 - changes to the Council's corporate pay grade structure
 - approving redundancies and early retirement applications, including access to superannuation benefits and discretionary severance payments where the decision will be taken after advice from the Monitoring Officer and in consultation with the Section 151 Officer and the Leader
 - a compromise agreement, where the decision will be taken by the General Services Committee
 - (g) be responsible for determining Emergency Planning and Management Services with operational responsibility for the provision of these services being delegated to the Director Sustainable Communities as Deputy to the Chief Executive in relation to this matter.
 - (h) be responsible for making appropriate management arrangements for the discharge of the following functions:
 - Performance Management arrangements throughout the Council
 - The efficiency programme of the Council
 - Communications, Policy and Performance
 - Overall corporate and commercial management of the Council's contract with Vertex including, Strategic Information and Communication Technology, Strategic Procurement, Strategic Human Resources / Organisational Development and Customer Services
 - Efficient management of the Thurrock Local Strategic Partnership, partnerships governance and the development of the sustainable community strategy

The Chief Executive will also be responsible for setting the strategic management arrangements for the Council and for the allocation of roles to Directors other than those which are statutorily prescribed.

8. Assistant Chief Executive

8.1 The areas of responsibilities of the Assistant Chief Executive shall be:

- a) Chief Executive's Delivery Unit
- b) Community Development

- c) Corporate Communications, including the communications team, the design studio and web team
- d) Equality and Diversity
- e) Policy and Strategy
- f) Regeneration

9. Director of People Services

9.1 The Director of People Services shall act as the statutory officer under section 18(1) of the Children's Act 2004 and will be responsible for all matters relating to the education of children and young people, for the safeguarding of vulnerable children and for promoting the general wellbeing of children and families and services as well as all learning and cultural services. The Director of People Services shall also act as the statutory officer for adult social services under section 6(A1) of the Local Authority Social Services Act 1970 as amended by section 18(1) of the Children Act 2004 and will be responsible for all matters relating to the care and support of vulnerable adults, safeguarding of vulnerable adults. The Director of People Services shall also be responsible for the Council's public protection and community safety responsibilities. The duties include:

- (a) Children's Social Care
- (b) Children, Youth and Family Services
- (c) Schools Provision
- (d) Strategic Commissioning & Resources
- (e) Libraries and Cultural Services
- (f) Transformation and Independence for adults
- (g) Environmental Services
- (h) Public Protection
- (i) Licensing

10. Director of Housing

10.1 The areas of responsibilities of the Director of Housing shall be:

- (a) Strategic housing services, including housing options, homelessness, choice based lettings, gypsy and travellers sites and unauthorised encampments, housing strategy, private sector housing – enforcement, renewal, adaptations and grants, empty properties
- (b) Statutory housing functions relating to social housing, allocations and private sector housing
- (c) Landlord and tenant services including tenancy services management, area offices, rents and welfare, sheltered housing, caretaking, CCTV / Concierge, tenancy audit, travellers, tenant participation
- (d) Housing/building maintenance, business support team, housing contract management, and technical support
- (e) Housing Strategy and Regeneration Management

11. Director of Sustainable Communities

11.1 The areas of responsibilities of the Director of Sustainable Communities shall be:

- (a) Environmental services
- (b) Strategic Planning, Highways and Transport

12. Director of Finance and Corporate Governance

12.1 The areas of responsibilities of the Director of Finance and Corporate Governance shall be:

- (a) the exercise of corporate Council functions in relation to finance services, revenues and benefits, including benefits fraud, the Council's fraud strategy and associated arrangements, debt recovery, corporate governance framework, treasury management, the set up of arrangements for independent advice for the level of Members' allowances and expenses, insurance and associated risk management, asset management including the Council's corporate asset management strategy), complaints, information management, legal and democratic services, electoral services, register office, internal audit, the Local Government Pension Scheme and securing the Council's constitution
- (b) to be the Council's Chief Financial Officer under section 151 of the Local Government Act 1972
- (c) exclusion from the above delegations
 - the approval of virements, carry forwards and writing off irrecoverable debts above the limits contained within the Financial Procedure Rules
 - determination of applications for mandatory and discretionary non-domestic rate relief and discretionary housing benefit outside the approved scheme.

13. The Director of Transformation

13.1 The areas of responsibilities of the Director of Transformation shall be:

- (a) Lead the Transformation Programme
- (b) Lead the Transformation Directorate including Business Services; Organisational Development and Customer Strategy; Performance Management and Risk; Corporate Programme Team; Workforce Planning
- (c) Manage the overall Vertex Partnership and the Commercial client and the Strategic client for ICT, HR, Procurement, Customer Services, Administration, Procurement
- (d) Manage the clienting of other contracts as required

14. Detailed Scheme of Management

14.1 Each Chief Officer/Director and/or Head of Service in making decisions under the above scheme is required to do so within the internal scheme of management for their own Directorate.

14.2 This internal scheme of management will be approved by the Chief Executive and reviewed annually.

Part 2 – Statutory Functions which are allocated to Officers

This section sets out those Officers who have been designated by the authority to discharge specified statutory functions

1. Legislation Function Post

Legislation	Function	Proper Officer
Section 4 Local Government and Housing Act 1989	Chief Executive	The Chief Executive
Sections 5 and 5A Local Government and Housing Act 1989	Monitoring Officer	Head of Legal Services
Section 151 LGA 1972	Chief Finance Officer	Director of Finance and Corporate Governance
Section 35(1) Representation of the People Act 1983	Returning Officer	The Chief Executive
Section 8 Representation of the People Act 1983	Electoral Registration Officer	The Chief Executive
Section 6(A1) Local Authority Social Services Act 1970	Director of Adult Social Services	Director of People Services
Section 18 Children Act 2004	Director of Children's Services	Director of People Services
Section 72(1)(a) Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Head of Public Protection

2. The Council employs the following Proper or appropriate Officers:

Legislation	Function	Proper Officer
Local Government Act 1972		
Section 83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	The Chief Executive
Section 84(1)	Receipt of notice of resignation of elected Member	The Chief Executive
Section 88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chair	The Chief Executive
Section 89(1)	Notice of casual vacancy	The Chief Executive
Section 100A – 100H (except 100(D))	Admission of public (including press) to meetings	The Chief Executive

Legislation	Function	Proper Officer
Section 100(D)	Compile list of background papers for reports and make copies available for public inspection	The Chief Executive
Section 115(2)	Receipt of money due from officers	The Chief Executive
Section 146(1)(a)&(b)	Declarations and certificates with regard to transfer of securities	Director of Finance and Corporate Governance
Section 191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Director of Sustainable Communities
Section 225	Deposit of documents	The Chief Executive
Section 228(3)	Accounts for inspection by any Member of the Council	Director of Finance and Corporate Governance
Section 229(5)	Certification of photographic copies of documents	Head of Legal Services
Section 234	Authentication of documents	Head of Legal Services
Section 238	Certification of byelaws	Head of Legal Services
Section 248	Officer who will keep the Roll of Freemen	The Chief Executive
Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	The Chief Executive
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	The Chief Executive
Schedule 14		
Para 25	Certification of resolution concerning the Public Health Acts 1875 to 1925	Director of Sustainable Communities
Local Government Act 1974		
Section 30(5)	To give notice that copies of an Ombudsman's report are available	The Chief Executive
Local Government (Miscellaneous Provisions) Act 1976		
Section 41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	The Chief Executive
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Director of Sustainable Communities

Legislation	Function	Proper Officer
Representations of the People Act 1983		
Sections 82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	The Chief Executive
Local Elections (Principal Areas) (England) Rules 2006		
Schedule 2, Rule 53	Retention and public inspection of documents after an election	The Chief Executive
Local Government and Housing Act 1989		
Section 2(4)	Recipient of the list of politically restricted posts	Head of Legal Services
Local Government (Committees and Political Groups) Regulations 1990		
Regulation 8	For the purposes of the composition of Committees and nominations to political groups	Monitoring Officer
Local Authorities (Members' Interests) Regulations 1992		
Regulations 3,4,5 and 6	Functions relating to keeping a record of Members' interests	Monitoring Officer
Local Authorities (Standing Orders)(England) Regulations 2001		
Schedule 1 Part 2	Notification of appointment or dismissal of officers	The Chief Executive
The Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000		
Regulation 3	Recording of Executive decisions made at meetings of the Executive Board	Monitoring Officer
Regulation 5	Inspection of documents following Executive decisions	Monitoring Officer
Regulation 6	Inspection of background papers	Monitoring Officer
Regulation 9	Individual Executive decisions	Monitoring Officer
Regulation 11	Access to agenda and connected reports	Monitoring Officer
Regulation 12	Publicity in connection with key decisions	Monitoring Officer
Regulation 15	General exception relating to the Forward Plan	Monitoring Officer
Regulation 17	Members' rights of access to documents	Monitoring Officer
Regulation 21	Confidential/exempt information and exclusion of public from meetings	Monitoring Officer

Legislation	Function	Proper Officer
Building Act 1984		
Section 93	Authentication of documents	Head of Planning and Transportation
Food Safety Act 1990		
Section 49(3)(a)	Authentication of documents	Head of Public Protection
Public Health (Control of Disease) Act 1984		
[NB Repeal of sections 31-32 due to be brought into effect under s 130, Health and Social Care Act 2008]		
Section 31	Certification by officer of need for disinfection of premises	Head of Public Protection
Section 32	Certification by officer of need to remove person from infected house	Head of Public Protection
Public Health Act 1936		
Section 85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Head of Public Protection
Public Health Act 1961		
Section 37	Control of any verminous article	Head of Public Protection
Public Health (Control of Disease) Act 1984		
(As above repeal due to be brought into effect under s 130, Health and Social Care Act 2008 – save for sections 48 and 59 below)		
Section 11	Receiving and dealing with notifications about cases of notifiable diseases and food poisoning	Head of Public Protection
Section 18	Obtaining information about cases of notifiable disease or food poisoning	Head of Public Protection
Section 20	Stopping of work to prevent spread of disease	Head of Public Protection
Section 21	Exclusion from school of a child liable to convey a notifiable disease	Head of Public Protection
Section 22	Requesting names and addresses of pupils attending a school or department of a school	Head of Public Protection
Section 36	Issuing certificates to obtain an order for and carrying out a medical examination of persons believed to be carrying a notifiable disease	Head of Public Protection
Section 40	Obtain a warrant to and carry out a medical examination of inmates of a	Head of Public Protection

Legislation	Function	Proper Officer
	common lodging house	
Section 42	Certifying a common lodging house to be free from infection	Head of Public Protection
Section 43	Certifying that the body of a person who dies in hospital from a notifiable disease shall not be moved except to be taken to a mortuary or immediately buried or cremated	Head of Public Protection
Section 48	Certifying that the retention of a body in a building would endanger health	Head of Public Protection
Section 59	Authentication of documents relating to matters within his/her responsibility	Head of Public Protection
National Assistance Act 1948		
Section 47	Removal to suitable premises of people in need of care and attention	Director of People Services,
National Assistance (Amendment) Act 1951		
Section 1	Certification of the need for immediate action	Director of People Services,