

## Part Seven – Council Officers

### Section Two – Functions Delegated to Officers

#### STATUTORY OFFICERS

By law, the Council must designate a post to undertake each of the statutory roles set out below. The Council or Executive of the Council assigns many of the duties of these officers by legislation:

<b>Legislation</b>	<b>Function</b>	<b>Post</b>
Section 4, Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 5, Local Government and Housing Act 1989	Monitoring Officer	Chief Solicitor
Section 151, LGA 1972	Chief Finance Officer and S151 Officer	Executive Director, Resources & Assets
Section 151, LGA 1972	Deputy Chief Finance Officer and S151 Officer	Director of Financial Management
Section 8, Representation of the People Act 1983	Electoral Registration Officer	Chief Executive
Section 35, Representation of the People Act 1983	Returning Officer	Chief Executive
Section 6(A1), Local Authority Social Services Act 1970	Director of Adult Social Services	Executive Director of Adult Social Care and Health
Section 18, Children Act 2004	Director of Children's Services	Executive Director, Children's Services
Section 72(1)(a), Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Director for Public Protection
Section 31, Local Democracy, Economic Development and Construction Act 2009	Scrutiny Officer	Scrutiny Manager
Section 73A, National Health Service Act 2006	Director of Public Health	Director of Public Health
Article 38, General Data Protection Regulations; Section 69 Data Protection Act 2018	Data Protection	Data Protection Officer

## **Roles and Functions of the Head of Paid Service, Monitoring Officer and Chief Finance Officer**

### **7.06 Functions of the Head of Paid Service**

#### **(a) Discharge of Functions by the Council**

The Head of Paid Service reports to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions, and on the organisation of officers.

#### **(b) Restrictions on Functions**

The Head of Paid Service cannot be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### **7.07 Functions of the Monitoring Officer**

#### **(a) Maintaining the Constitution**

The Monitoring Officer maintains an up-to-date version of the Constitution and ensures that it is widely available for consultation by members, staff and the public.

#### **(b) Ensuring Lawfulness and Fairness of Decision-making**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer reports to the full Council - or to the Executive in relation to an executive function – if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered.

#### **(c) Supporting standards and ethical conduct**

The Monitoring Officer contributes to the promotion and maintenance of high standards of conduct and deals with complaints about breaches of the Members' Code of Conduct in accordance with procedures.

#### **(d) Qualified Person for the purposes of the Freedom of Information Act**

The Monitoring Officer has been authorised by the Secretary of State as the primary qualified person for the purposes of the Freedom of Information Act 2000 (prejudice to effective conduct of public affairs). In the absence of the Monitoring Officer the Chief Executive is so authorised.

#### **(e) Advising whether Executive Decisions are within the Budget and Policy Framework**

The Monitoring Officer advises whether decisions of the Executive are in accordance with the budget and policy framework.

(f) **Providing Advice**

The Monitoring Officer provides advice on issues to all Councillors on the scope of powers and authority to make decisions, maladministration, financial impropriety, probity, and budget and policy framework.

(g) **Restrictions on Posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

**7.08 Functions of the Chief Finance Officer and Deputy**

(a) **Ensuring Lawfulness and Financial Prudence of Decision-making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer reports to the full Council or to the Executive (in relation to an executive function) and to the Council's external auditor (if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully).

(b) **Administration of Financial Affairs**

The Chief Finance Officer has responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to Corporate Management**

The Chief Finance Officer contributes to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing Advice**

The Chief Finance Officer provides advice to all Councillors on the scope of powers and authority to make decisions, maladministration, financial impropriety, probity and budget and policy framework issues, and will support and advise Councillors and officers in their respective roles.

(e) **Give Financial Information**

The Chief Finance Officer provides financial information to the media, members of the public and the community.

**7.09 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

The Council provides the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## PROPER OFFICERS

The Council employs the following ‘Proper Officers’ with responsibility for particular functions:

<b>Legislation</b>	<b>Function</b>	<b>Post</b>
<b>Local Government Act 1972</b>		
Section 83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive
Section 84(1)	Receipt of notice of resignation of elected Member	Chief Executive
Section 88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chair	Chief Executive
Section 89(1)	Notice of casual vacancy	Chief Executive
Section 100 (except 100(D))	Admission of public (including press) to meetings	Chief Executive
Section 100(D)	Compile list of background papers for reports and make copies available for public inspection	Chief Executive
Section 115(2)	Receipt of money due from officers	Chief Executive
Section 146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Chief Executive
Section 191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Director of Planning and Borough Development
Section 225	Deposit of documents	Chief Executive
Section 228(3)	Accounts for inspection by any member of the Council	Executive Director, Resources and Assets
Section 229(5)	Certification of photographic copies of documents	Director of Law
Section 234	Authentication of documents	Director of Law
Section 238	Certification of byelaws	Director of Law
Section 248	Officer who will keep the Roll of Freemen	Chief Executive
<b>Schedule 12</b>		
Para 4(1A)(b)	Signing of summons to Council meeting	Chief Executive

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Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Chief Executive
<b>Schedule 14</b>		
Para 25	Certification of resolution concerning the Public Health Acts 1875 to 1925	Director for Public Protection
<b>Local Government Act 1974</b>		
Section 30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
Section 41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Chief Executive
<b>Local Authorities Cemeteries Order 1977</b>		
Regulation 10	To sign exclusive rights of burial	Exec Director, Environment & Communities
<b>Representation of the People Act 1983</b>		
Sections 82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
<b>Local Elections (Principal Areas) (England and Wales) Rules 2006</b>		
Rule 50	Receipt of notice of elected candidates	Chief Executive
<b>Local Elections (Parishes and Communities) (England and Wales) Rules 2006</b>		
Rule 5	Filling of casual vacancy	Chief Executive
<b>Local Government and Housing Act 1989</b>		
Section 2(4)	Recipient of the list of politically restricted posts	Director of Governance & Co-Ordination
<b>Local Government (Committees and Political Groups) Regulations 1990</b>		
Regulation 8	For the purposes of the composition of committees and nominations to political Groups	Director of Governance & Co-Ordination

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<b>Localism Act 2011</b>		
Section 33	Receipt of applications for dispensations for members with disclosable pecuniary interests	Monitoring Officer
<b>Local Authorities (Standing Orders)(England) Regulations 2001</b>		
Schedule 1 Part 2	Notification of appointment or dismissal of officers	Director of Governance & Co-Ordination
<b>The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</b>		
Regulations 3 and 4	Meetings of local authority executives (Cabinets) to be held in public	Director of Governance & Co-Ordination
Regulation 5	Advance notice of private meetings	Director of Governance & Co-Ordination
Regulation 6	Advance notice of public meetings	Director of Governance & Co-Ordination
Regulation 7	Access to agenda and reports	Director of Governance & Co-Ordination
Regulations 8, 9 and 10	Key decisions, urgency and special urgency	Director of Governance & Co-Ordination
Regulation 12	Written records of Cabinet etc. decisions	Director of Governance & Co-Ordination
Regulation 13	Recording of executive decisions made by individual Cabinet Members or by officers	Director of Governance & Co-Ordination
Regulation 14	Inspection of documents following executive decisions	Director of Governance & Co-Ordination
Regulation 15	Inspection of background papers	Director of Governance & Co-Ordination

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Regulation 16	Additional rights of Council and Scrutiny Committee Members	Director of Governance & Co-Ordination
Regulation 17	Additional rights of access to documents for Members of Overview and Scrutiny Committees	Director of Governance & Co-Ordination
Regulation 18	Reports to the local authority where the key decision procedure is not followed	Director of Governance & Co-Ordination
Regulation 19	The Leader to report to the Council on urgent decisions	Director of Governance & Co-Ordination
Regulation 20	Confidential information, exempt information and advice of a political adviser or assistant	Director of Governance & Co-Ordination
Regulation 21	Inspection and supply of documents	Director of Governance & Co-Ordination
<b>Housing Act 1985</b>		
S.606	Submission of reports on particular houses or areas by the Proper Officer	Director of Housing Management
<b>Building Act 1984</b>		
Section 93	Authentication of documents	District Surveyor
<b>Food Safety Act 1990</b>		
Section 49(3)(a)	Authentication of documents	Director of Public Health
<b>Public Health Act 1936</b>		
Section 85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Director for Public Protection
<b>Public Health Act 1961</b>		
Section 37	Control of any verminous article	Director for Public Protection

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<b>Public Health (Control of Disease) Act 1984</b>		
Section 11	Receiving and dealing with notifications about cases of notifiable diseases and food poisoning	Director of Public Health
Section 18	Obtaining information about cases of notifiable disease or food poisoning	Director of Public Health
Section 20	Stopping of work to prevent spread of disease	Director of Public Health
Section 21	Exclusion from school of a child liable to convey a notifiable disease	Director of Public Health
Section 22	Requesting names and addresses of pupils attending a school or department of a school	Director of Public Health
Section 24	Disinfection of infected articles before being taken to a laundry.	Director of Public Health
Section 31	Certification by officer of need for disinfection of premises	Director of Public Health
Section 32	Certification by officer of need to remove person from infected house	Director of Public Health
Section 36	Issuing certificates to obtain an order for and carrying out a medical examination of persons believed to be carrying a notifiable disease	Director of Public Health
Section 40	Obtain a warrant to and carry out a medical examination of inmates of a common lodging house	Director of Public Health
Section 42	Certifying a common lodging house to be free from infection	Director of Public Health
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	Director of Public Health
Section 48	Certifying that the retention of a body in a building would endanger health	Director of Public Health
Section 59	Authentication of documents relating to matters within his/her responsibility	Director of Public Health
Section 61	Power of authorised officers to enter premises and obtain warrant including proper officer.	Director of Public Health



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	Authorised officers may also take other persons with them (Section 62).	
<b>Public Health (Infectious Disease) Regulations 1988</b>		
Section 6	Informing on cases of disease subject to the International Health Regulations and serious outbreak of disease including food poisoning. Send any certificate received for certain diseases to the Chief Medical Officer for England.	Director of Public Health
Section 8	Submitting returns to the Registrar General and the Medical Officer of the District Health Authority.	Director of Public Health
Section 9 & Schedules 3 & 4	Reporting cases of Typhus or Relapsing Fever and food poisoning. Serving notices under Schedules 3 and 4, in urgent situations.	Director of Public Health
Section 10	To arrange a vaccination programme for an area to prevent the spread of any notifiable disease.	Director of Public Health
<b>National Assistance Act 1948</b>		
Section 47	Removal to suitable premises of people in need of care and attention	Executive Director for Adult Social Care & Health
<b>National Assistance (Amendment) Act 1951</b>		
Section 1	Certification of the need for immediate action	Executive Director for Adult Social Care & Health
<b>Registration Service Act 1953</b>		
Section 9	Registration matters	Director of Libraries and Registration Services

## **GENERAL**

1. While the law requires that some particular local authority decisions or types of decisions are taken (or functions exercised by) Full Council, by the Council's Executive (called the 'Leadership Team' here at the Royal Borough) or by specific Council committees, many decisions are in practice delegated to officers, i.e. Councillors give senior officers the authority to take those decisions, usually of a more routine type, on their behalf.
2. All such delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed by the Executive or the committee which delegated that authority.
3. Where the exercise of a function delegated to officers is marked with an asterisk in this document, the responsibility for setting any charge in connection with that function is reserved to the relevant Executive Member or Committee as appropriate, and is not delegated to officers.
4. All delegated powers are derived from either the Council, or a committee thereof, or the Executive. The source of each delegation is specified in the body of the list of delegations.
5. Any matter that does not fall within the key decision definition at Part Four, Section One, paragraph 1.20 of the Constitution is delegated to the relevant officer of the Authority.
6. All executive directors and directors are authorised to make arrangements for the proper administration of the functions falling within their responsibility. An executive director may authorise a director or head of service, and a director may authorise a head of service, to act as their deputy with power to exercise any of the powers of the authorising executive director or director respectively. Such departmental schemes of delegation must be kept in writing and up-to-date. An executive director or director may exercise any of the functions delegated to directors or heads of service within their directorate.
7. Where a particular matter under delegated authority gives the officer (or the relevant Executive Member or chairman) cause for concern, it should be the subject of a report to the relevant Executive Member or committee.
8. Executive Members or committees may reserve to themselves decisions that have been delegated to officers by giving notice to the relevant director.
9. Where any new power or duty is given to the Council, the exercise of that power or duty will be undertaken by the relevant executive director or director until such time as the allocation of responsibility has been determined by the Leader or the Council.
10. In all cases where the exercise of executive functions is not specifically reserved to the executive, those functions are deemed to be delegated to the Chief Executive and the executive director and/or director with responsibility for the relevant function as set out in this Part of the Constitution.
11. Delegated decisions which are taken under (a) a specific express authorisation or (b) under a general authorisation and which grant a permission or licence, affect the rights of an individual or which is an Executive Decision must be recorded and published in accordance with the requirements of the relevant regulations.

## ALL EXECUTIVE DIRECTORS AND DIRECTORS

### General

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| <p>1. To manage and promote the services for which they are responsible. This includes taking and implementing decisions which help to maintain the operational effectiveness of the services within their remit and which fall within a policy decision made by the executive or the Council. These above powers are to be exercised:</p> <p>(a) having regard to any legal advice from the Director of Law and/or the Monitoring Officer;</p> <p>(b) in accordance with any instructions given by the Chief Executive, statutory codes of conduct or statutory guidance, and codes and protocols as may be approved by the Executive or the Council;</p> <p>(c) in accordance with financial and contract procedure rules; and</p> <p>(d) within any budgets or policies approved by the Council, and not committing the Council’s budget to growth for future financial years.</p> | <p>Council and Executive</p> |
| <p>2. To be responsible for the overall financial management within their business group or department and for ensuring that all staff under their responsibility are aware of the existence and content of the Council’s Financial Procedure Rules and that they comply with them.</p>   | <p>Council and Executive</p> |
| <p>3. To respond to consultation documents where the response would not amount to a key decision.</p>   | <p>Executive</p>             |
| <p>4. To open tenders in accordance with the Council’s Procurement Framework and the Contract Regulations at Part 8 of the Constitution.</p>  | <p>Executive</p>             |
| <p>5. To award contracts and approve variations in contracts in accordance with the Council’s Procurement Framework and the Contract Regulations at Part 8 of the Constitution.</p>   | <p>Executive</p>             |
| <p>6. To write off any debt due to the Council in accordance with the Council’s Financial Procedure Rules at Part 8 of the Constitution.</p>  | <p>Executive</p>             |
| <p>7. To choose not to exercise their delegated power and refer the exercise of the delegated power to the relevant Lead Member or Committee.</p>   | <p>-</p>                     |
| <p>8. To the extent that it is permitted by law, to authorise all or any of their delegated functions to other officers within their departments or to agents, either fully or under their general supervision and control. <b>[Note: There is an expectation that each department or business group will maintain their own scheme of delegation showing in particular which post(s) have been authorised to exercise any of the delegated powers listed in this Scheme.]</b></p>  | <p>Council and Executive</p> |
| <p>9. To enter and inspect premises, and to make applications for warrants.</p>   | <p>Council and Executive</p> |

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| 10. To promote services (not policy).   | Council and Executive |
| 11. To give factual information to the press.   | Council and Executive |
| 12. To enter into arrangements or do anything else which is considered necessary or expedient in respect of functions delegated to them.  | Council and Executive |
| 13. To provide a remedy under the Council's complaints scheme, including a payment or other benefit (any payment or benefit of a sum/value of more than £1,000 shall be subject either to approval by the Administration Committee or agreed following consultation with the Chairman of the Administration Committee). | Council               |
| 14. To promote services (not policy), ensuring always that publications are compliant with the Council's Publications Guidelines.   | Council               |

**Legal Procedures**

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| 15. To authorise the Director of Law to issue legal proceedings in respect of functions delegated to them.                   | Council and Executive |
| 16. To authorise the Director of Law to prepare any legal agreement or document.   | Council and Executive |
| 17. To prepare and serve any statutory notice in respect of functions delegated to them.                                     | Council and Executive |
| 18. To authorise the Director of Law to prepare and serve any statutory notice in respect of functions delegated to them.    | Council and Executive |
| 19. To issue formal cautions where criminal offences are admitted, in conjunction with the Director of Law, where necessary. | Executive             |
| 20. To use and occupy the premises and estate efficiently.   | Executive             |
| 21. To take enforcement action including the issuing of fixed penalty notices.   | Council and Executive |

**Human Resources**

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| 22. To appoint, suspend and dismiss staff.  | Council |
| 23. To take action under the Council's employment policies and procedures, including in the case of Executive Directors and Directors, appeals in relation to redundancy or redeployment. | Council |
| 24. To authorise overtime and leave.  | Council |
| 25. To delete vacant posts and create new posts.  | Council |

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| 26. To reimburse staff for the cost of professional fees.  | Council |
| 27. To approve officer attendance at conferences or training courses that cost less than £1,000 (and any attendance costing more than this shall only be agreed following consultation with the relevant Lead Member). | Council |
| 28. To authorise ex-gratia payments, in conjunction with the relevant Executive Member and the Chief Executive.  | Council |
| 29. To authorise interest-free season ticket loans and car loans.  | Council |
| 30. To pay removal expenses, in conjunction with the Chief Executive.  | Council |
| 31. To negotiate with trade unions.  | Council |
| 32. To authorise extensions of sickness allowances and extensions of service, in conjunction with the Chief Executive.   | Council |
| 33. To approve Acting Allowances and Honoraria up to a limit set by the Chief Executive.   | Council |

**Goods and Services**

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| 34. To bid for external resources for services within their remit.   | Executive             |
| 35. To invite and accept tenders and quotations in accordance with the Council's Procurement Procedure Rules and Contract Regulations at Part 8 of the Constitution. | Executive             |
| 36. To instruct and engage contractors and consultants.  | Executive             |
| 37. To liaise and consult with external inspectors, consultants and other persons in respect of functions delegated to them.   | Executive             |
| 38. To set, vary and recover costs, fees and charges for goods and services provided in respect of functions delegated to them.                                      | Council and Executive |

**Financial**

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| 39. To approve funding for voluntary organisations up to £49,999 per annum (with proposed grants above this figure being the subject of a key decision).  | Executive |
| 40. To approve the use of funds from small charities where the Council acts as the honorary secretary.  | Executive |
| 41. To write off debts due to the Council, dispose of any non-property asset or vire budgets due to the Council in accordance with the Council's Financial Procedure Rules at Part 8 of the Constitution. | Executive |

## **CHIEF EXECUTIVE**

1. Generally to take action in relation to the overall corporate management and operational responsibilities of the Council. Executive
2. To carry out or delegate to other officers functions relating to the appointment, promotion, dismissal, retirement and other human resources matters. Council
3. To consider and determine salary settlement and PRP for staff on personal contracts. Council
4. To make any decision which is delegated to any executive director or director. Council and Executive
5. To consider and determine applications from directors for appointments to overlap. Council
6. In the absence of the Monitoring Officer to carry out the functions of the qualified person for the purposes of Section 36 of the Freedom of Information Act 2000 (prejudice to effective conduct of public affairs). Executive
7. Overall responsibility for the Council's commercial initiatives. Executive
8. To discharge functions under Section 138(1) of the Local Government Act 1972 (Powers of principal councils with respect to emergencies or disasters) on behalf of the London Borough Councils and the Common Council of London following the convening of the Strategic Co-ordinating Group ('Gold Command') to respond to an incident requiring a 'Level 2' response (i.e. a single site or wide-area disruptive challenge which requires a co-ordinated response by relevant agencies). Executive
9. To establish and maintain appropriate arrangements for dealing with complaints made against the Council, reporting to appropriate member forums as necessary. Executive
10. To decide appeals by complainants against such decisions of the Monitoring Officer. Council
11. To issue agendas, call meetings and, where members are called from a panel or pool to particular meetings, arrange which panel members will serve in each instance.

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| 12. In relation to town and village greens:   | Executive |
| (a) to discharge all functions including assessing whether the criteria for making an application has been established and to determine any applications for the registration of a town and a village green which, having regard to the application and representations, may be dealt with by officers; and |           |
| (b) to take any enforcement steps, including issuing notices or instruct the Director of Law to issue prosecution proceedings to protect village or town greens.  |           |

## **EXECUTIVE DIRECTOR, RESOURCES & ASSETS**

### **Finance**

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| 1. To make arrangements for the proper administration of the Council's financial affairs.  | Executive |
| 2. To approve the detailed format of the financial plan and the revenue budget prior to approval by the Council.   | Executive |
| 3. To determine the Annual Treasury Strategy and carry out all treasury management activities.   | Executive |
| 4. To be accountable for the capital programme, capital receipts and the Council's income and investments (excluding HRA residential stock, highway land and their associated assets) and to decide on the funding of the capital programme in order to fund the programme in the most cost effective way. | Executive |
| 5. To set the Council Tax Base, following consultation with the Lead Member for Corporate Services and Finance.  | Council   |
| 6. To approve the forecast with respect to National Non-Domestic Rates and complete the NNDRI form, following consultation with the Lead Member for Corporate Services and Finance.  | Council   |
| 7. To raise money for revenue purposes and to make suitable arrangements for the investment of surplus Council funds.  | Executive |
| 8. To approve the carry forward into the ensuing year of expenditure on approved projects included in the revenue estimates, but which have either not been started or completed in the year for which expenditure has been voted.   | Executive |
| 9. To raise loans for capital requirements.  | Executive |
| 10. To agree maximum limits for departments' cash holdings.  | Executive |
| 11. To approve leasing arrangements to finance capital expenditure.  | Executive |

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| 12. | To effect all insurance cover, including the approval/acceptance of contracts for insurance cover.   | Executive |
| 13. | To write off any debt due in accordance with the Council's Financial Procedure Rules at Part 8 of the Constitution.  | Executive |
| 14. | To determine entitlement to housing and Council tax benefit and pay such amounts as are due.   | Executive |
| 15. | To determine entitlement to discretionary housing payments and pay such amounts as are due.  | Executive |
| 16. | To make decisions, following consultation with the relevant Executive Member, on applications for council tax discretionary discounts.                         | Executive |
| 17. | To make decisions, following consultation with the relevant Executive Member, on applications for business rates hardship relief and business rates discounts. | Executive |
| 18. | To make decisions on applications for partly occupied relief from business rates.  | Executive |
| 19. | To determine the grant of specific government funded discretionary business rates reliefs.   | Executive |

**Goods and Services**

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| 20. | To pay invoices on receipt of certification from the relevant director. | Executive |
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**Human Resources and Organisational Development**

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| 21. | To account for all payroll transactions and make appropriate arrangements for their payment.  | Council |
| 22. | To select and appoint external fund managers in respect of the Superannuation Fund.   | Council |
| 23. | To approve the early payment of termination/pension benefits in conjunction with the Director of Human Resources.   | Council |
| 24. | To extend the time limit for the repayment or refund of pension fund contributions for local authority service beyond the statutory six-month time limit. | Council |
| 25. | To approve supplementary estimates required to meet additional expenditure caused by salary and wage awards, and other inflationary allowances.           | Council |

**Systems**

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| 26. | To approve the form of the Council's accounting records. | Executive |
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| 27. | To make arrangements for an internal audit system.                                      | Executive |
| 28. | To approve departments' policies for the retention or destruction of financial records. | Executive |

### **Legal Procedures**

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| 29. | To issue legal proceedings in respect of housing benefit and Council Tax benefit overpayments. | Executive |
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### **General**

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| 30. | To declare the Council's local interest rate and to apply the relevant rate of interest to borrowers' accounts. | Executive |
| 31. | To apportion and certify the rateable value of partly-occupied hereditaments.                                   | Executive |
| 32. | To open and close bank accounts and sign bank mandates.   | Executive |
| 33. | To authorise cash transfers.  | Executive |

## **DIRECTOR OF LAW**

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| 1.  | To issue, defend, settle or participate in any legal proceedings and legal procedure where such action is necessary to give effect to the decisions of the Council, or in any case where the Director of Law considers that such action is necessary to protect the Council's interests. | Council and Executive |
| 2.  | To sign any legal document on behalf of the Council.   | Executive             |
| 3.  | To witness the affixing of the Council's seal.   | Executive             |
| 4.  | To register and enforce a charge on the title of any property, in conjunction with the relevant Executive Member.  | Executive             |
| 5.  | To consent to the registration of other charges on the title of any property where the Council already holds a charge.   | Executive             |
| 6.  | To take out letters of administration or grant of probate on behalf of the Council.  | Executive             |
| 7.  | To nominate assistant chief officers responsible for the management of operations in connection with the exercise of their regulatory powers.  | Executive             |
| 8.  | To instruct Counsel and external solicitors.   | Executive             |
| 9.  | To engage professional experts and witnesses.  | Executive             |
| 10. | To waive, alter or modify public hearing procedure rules and rules governing applications for licences, registrations and consents.  | Executive             |

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| 11. | To write off any debt due to the Council in accordance with the Council's Financial Procedure Rules at Part 8 of the Constitution.   | Executive |
| 12. | To approve the persons designated for the purposes of Part Two of the Regulation of Investigatory Powers Act 2000 to grant authorisations for the carrying out of directed surveillance. | Executive |

## **MONITORING OFFICER**

To decide, following consultation with the Independent Person and the Chairman of the Audit and Transparency Committee, whether complaints should be formally investigated.	Council
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## **DIRECTOR FOR CORPORATE PROPERTY**

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| 1.  | Accountability with the Chief Executive for the capital programme, capital receipts and the Council's income and investments (excluding HRA residential stock, highway land and their associated assets);  | Executive |
| 2.  | Financial control and management of capital building works and maintenance projects (including minor works programmes, but excluding VA or Faith schools) funded through the capital programme;  | Executive |
| 3.  | To approve the acquisition of (freehold or leasehold), disposal of or granting of an interest in land (lease or licence);  | Executive |
| 4.  | To be responsible for all asset management activities and all revenue expenditure in respect of the Council's operational property-related running costs.  | Executive |
| 5.  | To permit, restrict and close access to the whole or part of any of the corporate facilities owned or occupied by the Council. In relation to the catering waiver and to lettings of the Great Hall, the Small Hall, the Main Hall and the Small Hall combined, the Cadogan Suite and Kensington Town Hall Committee Rooms, except that, where an organisation has previously made a booking, the power to set the charge with the same rate is delegated. | Executive |
| 6.  | To approve the acceptance of utility contracts.  | Executive |
| 7.  | To fix rent assessments for Council-owned staff accommodation.   | Executive |
| 8.  | To authorise the granting of a licence by the Council for the assignment of a lease.   | Executive |
| 9.  | To grant licences in respect of Council-owned property.  | Executive |
| 10. | To agree rent reviews.   | Executive |
| 11. | To offer Council properties for sale to tenants who qualify for the Right-to-Buy Scheme.   | Executive |

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|-----|--|-----------|
| 12. | To consent to the sub-letting of property mortgaged by the Council.  | Executive |
| 13. | To approve, following consultation with the relevant Lead Member, the renewal of leases on the basis of the existing terms up to a maximum term of 15 years, excepting rent. | Executive |

## **DIRECTOR OF HUMAN RESOURCES**

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|-----|---|---------|
| 1.  | To implement the local decisions and the decisions of the National Joint Council regarding conditions of service, wage and salary awards.   | Council |
| 2.  | To calculate and pay salaries, wages and benefits, including performance related pay.   | Council |
| 3.  | To make arrangements for the administration of the Local Government Pension Scheme.   | Council |
| 4.  | To pay honoraria, acting allowances and bonuses, in accordance with the relevant national and local schemes, and with the relevant director.  | Council |
| 5.  | To carry out functions relating to the appointment, promotion, dismissal, retirement and other human resources matters affecting staff graded below a Deputy Chief Officer.   | Council |
| 6.  | To approve the early payment of termination/pension benefits in conjunction with the Chief Executive, and to exercise discretion to reinstate a children's pension where a break between two courses of education or training has occurred. | Council |
| 7.  | To approve gradings and designation of posts.   | Council |
| 8.  | To grant merit increments to officers on recommendation from the relevant director.   | Council |
| 9.  | To operate the Staff Travelcard Allowance Scheme.   | Council |
| 10. | To approve additions to the approved list of car allowances.  | Council |
| 11. | To approve the list of telephone rental allowances.   | Council |

## **HEAD OF COMMUNICATIONS**

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|----|---|-----------|
| 1. | To promote the working of the Council, within the <i>Code of Practice on Local Authority Publicity</i> .  | Executive |
| 2. | To issue statements to the press on behalf of the Council if the public standing of the Authority could be affected by the absence of a statement, whether or not it has been agreed with the Executive Member or committee chairman concerned. | Executive |
| 3. | To promote the Council's views as agreed by Councillors in the relevant decision-making forum.  | Executive |

## **EXECUTIVE DIRECTOR, CHILDREN’S SERVICES**

### **Education**

1. To exercise powers of intervention for those schools which are subject to a formal warning, which have serious weaknesses, or require special measures. Executive
2. To administer the arrangements for admission and exclusion appeals. Executive
3. To provide meals in relation to a pupil’s education. Executive

### **Children in Need**

4. To provide services, advice, information facilities and assistance for children in need, their families and others. Executive
5. To assess a child who appears to be in need. Executive
6. To investigate and report to a court on matters relating to the welfare of a child. Executive
7. To act as a supervisor in respect of supervision orders. Executive
8. To regulate childcare provision. Executive

### **Child Protection**

9. To assess a child who appears at risk of significant harm. Executive
10. To decide upon and arrange the action to be taken to protect children. Executive
11. To provide care and accommodation to looked-after children and review arrangements. Executive
12. To consent to applications for residence and contact orders. Executive
13. To place and keep a child in secure accommodation. Executive

### **Adoption**

14. To establish and maintain an adoption service, and provide the requisite facilities. Executive
15. To arrange and supervise the adoption of a child and provide post-adoption support.\* Executive
16. To investigate and report to court on matters relating to the adoption of children. Executive
17. To consider the recommendations of the Adoption Advisory Group and to make decisions in relation to those matters. Executive

**Fostering**

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|---|-----------|
| 18. To regulate private fostering.  | Executive |
| 19. To assess the welfare of privately fostered children.   | Executive |
| 20. To assess, train, approve, supervise and review foster carers.  | Executive |
| 21. To accept offers and approve placements for children and young people with independent fostering agencies and residential care providers. | Executive |

**Young Offenders**

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|---|-----------|
| 22. To provide accommodation and supervision for young offenders.   | Executive |
| 23. To maintain a youth offending team.   | Executive |
| 24. To assist a local education authority in exercising its functions in relation to special educational needs. | Executive |

**Other functions**

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|--|-----------|
| 25. To approve registration of voluntary organisations providing community education and youth services.*                  | Executive |
| 26. To provide support, transport, clothing and other assistance in relation to a pupil's education.*                      | Executive |
| 27. To prepare disability statements relating to further education.  | Executive |
| 28. To provide careers education and guidance in pupil referral units.   | Executive |
| 29. To act as the responsible person for the registration of play centres providing out-of-school care.*                   | Executive |
| 30. To determine the grading of posts within the scope of the Joint Negotiating Committee for Youth and Community Workers. | Executive |
| 31. To consider appeals against gradings by staff employed by voluntary organisations through direct grant.                | Executive |
| 32. To maintain a register of childcare providers.   | Executive |

**Legal Procedures**

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|---|-----------------------|
| 33. To take enforcement action in relation to the education, employment and training of children and young persons. | Council and Executive |
|---|-----------------------|

## **DIRECTOR OF EDUCATION**

1. To give directions to the governing body about the employment, number and conditions of service of staff of foundation, voluntary-aided and foundation special schools. Council
2. To consent to the appointment or dismissal of staff at foundation, voluntary-aided and foundation special schools. Council
3. To delegate budgets to schools. Executive
4. To take steps required to prevent the breakdown or continuing breakdown of discipline at a school. Executive
5. To make arrangements for the provision of suitable education in pupil referral units or elsewhere. Executive
6. To direct a school to admit a pupil. Executive
7. To assess and review the educational needs of a child. Executive
8. To make and maintain an Education, Health and Care Plan. Executive
9. To determine what action should be taken where a child does not attend school regularly. Executive
10. To provide and pay for transport, board and lodging, and other assistance if it is necessary for special education provision. Executive
11. To give directions and make arrangements regarding the medical examination and cleansing of pupils and their clothing at schools. Executive
12. To discharge any Council functions on respect of the employment of children, including granting licences for the employment of children and children taking part in public performances. Council
13. To give directions in relation to the occupation and use of community schools. Executive
14. To make Instruments of Governance for school governing bodies. Executive

## **DIRECTOR OF FAMILY SERVICES**

1. To manage statutory responsibilities and policy matters regarding services to children in need including safeguarding and looked after children. Executive
2. To provide specialist and integrated services to young offenders and children with complex needs and disabilities. Executive
3. To provide the professional support to the Local Safeguarding Children's Board. Executive

4. To be responsible for the provision of Children’s Centres. Executive
5. To advise, guide and provide assistance for young people between the ages of 16 and 24, who were formerly looked after by the Council. Executive

## **EXECUTIVE DIRECTOR, ADULT SOCIAL CARE & HEALTH**

### **Disability**

1. To promote the welfare of persons with disabilities in line with the Care Act 2014. Executive
2. To assess and provide services and equipment for the welfare of persons with disabilities under the Care Act 2014. Executive
3. To keep and maintain a register of persons with disabilities. Executive

### **Mental Health**

4. To assess and provide services and equipment for the welfare of persons with mental health problems including those persons admitted to hospital for assessment and treatment. Executive
5. To exercise the functions and duties of nearest relative in respect of persons with mental health problems. Executive
6. To make an application and act as guardian for persons with mental health problems. Executive
7. To make applications for the admission to hospital of persons with mental health problems for the purposes of assessment, detention and treatment. Executive
8. To provide after-care services to persons with mental health problems who have ceased to be detained and have left hospital. Executive
9. To appoint approved social workers. Executive

### **Community Care**

10. To assess the need for, provide and review community care services in line with the Care Act 2014. Executive
11. To make direct payments to persons to secure the provision of community care services where appropriate. Executive
12. To assess the ability of carers to provide care. Executive
13. To provide temporary protection for property belonging to persons in hospital or residential accommodation. Executive

### **Residential Accommodation**

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| 14. To assess and provide residential accommodation, other care services and equipment for adults.* | Executive |
| 15. To make rules as to the conduct of premises under the Council's management.                     | Executive |

### **General**

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|---|-----------|
| 16. To provide goods, services and social work support to health authorities and NHS Trusts where agreed.   | Executive |
| 17. To determine complaints about the discharge of social services functions which have been unresolved by the previous stages of the complaints procedure.         | Executive |
| 18. To bury or cremate the body of any person found dead in the Borough where no suitable arrangements have been made.  | Executive |
| 19. To assist a local housing authority in exercising its functions in relation to homelessness and threatened homelessness.  | Executive |
| 20. To promote the welfare of old people and vulnerable groups.   | Executive |
| 21. To approve the allocation of funds to individual projects within the Social Services Capital Programme up to the approved annual cash limit for this programme. | Executive |
| 22. To provide home adaptations up to £25,000 in value (and any higher sum shall only be agreed following consultation with the relevant Executive Member).         | Executive |

### **DIRECTOR OF PUBLIC HEALTH**

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|--|-----------|
| 1. To provide leadership, expertise and formal advice on all aspects of the Public Health Service and to take and implement all necessary action and administrative procedures.  | Executive |
| 2. To agree expenditure on relevant public health budgets.   | Executive |
| 3. To provide advice to the public in any period where local health protection advice is likely to be necessary or appropriate.  | Executive |
| 4. To promote action across the 'life course', working together with local authority colleagues such as the Executive Director of Children's Services and the Executive Director of Adult Social Care and with NHS colleagues. | Executive |
| 5. To work through 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.  | Executive |



6. To work with local criminal justice partners, and with the Mayor’s Office for Policing and Crime, to promote safer communities. Executive
7. To work with the wider civil society to engage local partners in fostering improved health and wellbeing. Executive
8. 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. Executive
9. To contribute to, and influence, the work of NHS Commissioners, ensuring a ‘whole system’ approach across the public sector Executive
10. To exercise the powers and duties of a responsible authority under the Licensing Act 2003. Council

## **EXECUTIVE DIRECTOR, ENVIRONMENT & COMMUNITIES**

1. Generally to take action and operate all legislative and administrative procedures in relation to the regulation of parks, waste management and cleansing of streets and other public areas, public library and registration services, planning, arts and culture, highways and transport, environmental services, public protection and community safety. Executive
2. To be responsible for working with the Event Organiser and other agencies for a safe and spectacular Notting Hill Carnival. Executive

## **DIRECTOR OF CLEANER GREENER & CULTURAL SERVICES**

### **Waste Management**

1. Generally to take action and operate all legislative and administrative procedures in relation to the regulation of waste management and cleansing of streets. Council and Executive

### **Markets and Street Trading**

2. Generally to take action and operate all legislative and administrative procedures relating to the regulation of street trading. Specifically, but not exclusively: Council
- (a) To designate streets as prohibited or licence streets;
- (b) To grant and renew, to refuse to grant or renew street trading licences to revoke street trading licences for non-payment and to consent to the succession of a licence;
- (c) To consent to the transfer of established traders to other sites\*;
- (d) To make or to vary conditions (whether standard or non-standard conditions) to be attached to street trading licences;
- (e) To remove, sell, let, hire or otherwise provide receptacles for trading or for the deposit of refuse to licensees and maintain accommodation for the storage of receptacles\*; and
- (f) To seize, dispose of and sell any article, thing, receptacle or equipment used in relation to unlicensed street trading.

### **Legal Procedures**

3. To take all enforcement action in relation to waste management, parks and leisure. Council and Executive

### **Arts**

4. To authorise outside bodies to carry out filming in the Council's parks, cemeteries, sports centres and open spaces. Executive
5. To be responsible for Arts and the Museums Service. Executive

## **DIRECTOR OF LIBRARIES AND REGISTRATION SERVICES**

1. To be responsible for the provision of statutory public library services and borough archives and local studies. Executive
2. To discharge any Council functions in respect of the solemnisation of marriages, including approval of premises for civil marriages. Council
3. To be responsible for the registration of births, deaths and marriages and notice of intention to marry or enter a civil partnership, provision of a weddings and ceremonies service which includes citizenship ceremonies. Council

## **DIRECTOR FOR PUBLIC PROTECTION**

### **Food Safety**

1. Generally to take action and operate all legislative and administrative procedures in pursuit of food safety. \*In relation to food export certificates and training fees for food hygiene, food safety courses and health and safety courses (discharged otherwise than in the Council's capacity as an employer). Specifically, but not exclusively, to prohibit food business operations; promote food safety and undertake training; require information; and seize unfit food. Council and Executive

### **Health and Safety**

2. Generally to take action and operate all legislative and administrative procedures in pursuit of health and safety in workplaces where enforcement is the responsibility of the Council. Specifically, but not exclusively to:
  - appoint inspectors;
  - agree transfers of enforcement responsibility between the Health and Safety Executive and the Council; Council
  - promote health and safety, and undertake training;
  - require information; and
  - seize articles and equipment.

### **Weights and Measures and Consumer Protection**

3. Generally to take action and operate all legislative and administrative procedures in pursuit of fair-trading and consumer protection. Specifically, but not exclusively, to:
  - give consent to other local authorities to investigate or prosecute video recordings offences suspected to have arisen within the Borough; Executive
  - prohibit the sale of dangerous goods, substances or articles;
  - promote consumer safety and fair-trading; and
  - require information.

### **Noise and Other Nuisance**

4. Generally to take action and operate all legislative and administrative procedures in relation to noise and other nuisances. Specifically, but not exclusively, to:

- consent to the use of noisy equipment and approaches where building work is proposed;
- require information;
- seize articles and equipment; and
- undertake work in default where a notice is not complied with.

Executive

### **Air Quality, Contaminated Land and Private Water Supplies**

5. Generally to take action and operate all legislative and administrative procedures in relation to air quality, contaminated land and private water supplies. Specifically, but not exclusively, to maintain a register of remediation notices in relation to contaminated land; authorise specified burning processes; carry out Part IIA contaminated land investigations and identify remedial requirements; undertaken environmental permitting; review and monitor air quality; and environmental management of construction sites.

Executive

## Housing

6. Generally to take action and operate all legislative and administrative procedures in relation to housing and private land where enforcement is the responsibility of the Council. Specifically, but not exclusively, to:
- approve discretionary house renovation grants up to a value of £10,000 (and any higher sum shall only be agreed following consultation with the relevant Executive Member);
  - approve mandatory disabled facilities;
  - approve the reassessment of mandatory and discretionary renovation grants and disabled facilities grants by amounts of up to £10,000 (and any higher sum shall only be agreed following consultation with the relevant Executive Member);
  - cancel renovation grants on expiry of the period allowed for the works to be completed;
  - determine emergency remedial action and emergency prohibition orders;
  - determine demolition orders and slum clearance declaration;
  - grant tenancies and sign tenancy agreements in respect of properties subject to interim and final management order or interim and final empty dwellings management order made by the Council; Executive
  - pay approved grants on completion of works, or lesser amounts where variations to the works have taken place;
  - reconnect gas, water and electricity supplies and terminate the Council's responsibility for such supplies;
  - vary and revoke direction orders;
  - waive the requirements for lessees to repay any part of a house renovation grant where breaches of conditions occur by an act on the part of a superior landlord;
  - monitor and make decisions in relation to overcrowded premises;
  - license Houses in Multiple Occupation;
  - cleanse and disinfect filthy or verminous persons and premises; and treat and take other action in relation to infestations of pests;
  - undertake work in default where a notice is not complied with;
  - serve notices under S.215 of the Town and Country Planning Act 1990.

## General

7. Generally to take action and operate all legislative and administrative procedures in relation to environmental health. Specifically, but not exclusively, to: maintain a register of notices served under environmental health legislation apart from those which relate solely to the protection of persons at work; and to determine and issue civil penalty notices up to £30,000 and recover debts owed to the Council through non payment of fees and charges, Executive
8. To be responsible for the Council's licensing and registration functions generally, including specifically (but not exclusively) functions under the Licensing Act 2003, the Gambling Act 2005, or any Acts/legislation amending or replacing the same.
9. To issue, defend, settle or participate in any legal proceedings and legal procedure where such action is necessary to give effect to the decisions of the Council or the Licensing Committee or its Sub-Committees including the settlement of any appeal proceedings in consultation with the Chairman of the relevant Sub-Committee. Council
10. Generally to take action and operate all legislative and administrative procedures in relation to:
- the enforcement of the Smoke Free legislation;
  - animal welfare, animal health and animal waste products;
  - the designation of public places for the control of alcohol consumption.
- Council

## Licensing and Registration

11. Generally to take action and operate all legislative and administrative procedures in relation to the licensing and registration of premises. Specifically, but not exclusively, to: determine applications for the grant, renewal, transfer and variation of special treatment, sex shops, sex encounter and sex establishment, exhibition licences or such other applications where applications attract fewer than three separate objections from the public and statutory consultees and none from Ward Councillors. Council
12. To grant consent for pop concerts under the provision of the Council's standard conditions for places of public entertainment; Council

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| <p>13. To issue a permit or consent or approve, register, inspect or licence premises or persons in respect of the following:</p> <ul style="list-style-type: none"> <li>• animal boarding, animal trainers and exhibitors</li> <li>• guard dogs and breeding of dogs</li> <li>• dangerous wild animals</li> <li>• pet shops, riding establishments, knacker's yards and zoos</li> <li>• movable dwellings and camping/caravan sites</li> <li>• occasional sales and sale of goods by competitive bidding</li> <li>• operation of a loudspeaker in a street or road</li> <li>• public exhibitions</li> <li>• scrap metal dealers</li> <li>• explosives and fireworks.</li> </ul> | <p>Council</p> |
| <p>14. To determine the level of licensing fees retained where an application is withdrawn;</p>  | <p>Council</p> |
| <p>15. To classify films which have not been classified by the British Board of Film Classification;</p>   | <p>Council</p> |
| <p>16. To determine applications for loading and unloading at large shops before 9.00am on Sundays.</p>  | <p>Council</p> |

### Legal Procedures

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| <p>17. To issue, defend, settle or participate in any legal proceedings, legal procedure and lawful enforcement action in relation to all matters delegated to this Officer.</p> | <p>Council</p> |
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## DIRECTOR, TRANSPORTATION, HIGHWAYS, PARKS & LEISURE

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| <p>I. Generally to take action and operate all legislative and administrative procedures in relation to transportation and highways. To assert and protect the rights of the public to use and enjoy highways. Specifically, but not exclusively, to issue licences, permits and consents in respect of:</p> |                  |
| <p>(i) tables and chairs on the highway where applications attract fewer than three separate objections from the public and statutory consultees and none from Ward Councillors.</p>   | <p>Council</p>   |
| <p>(ii) overhead and underground wires;</p>  | <p>Executive</p> |
| <p>(iii) skips, scaffolding, hoardings and the deposit of building materials on the public highway;</p>  | <p>Council</p>   |
| <p>(iv) street works*;</p>   | <p>Council</p>   |

*Constitution Part Seven, Section Two – Functions Delegated to Officers*

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|--|-----------------------|
| (v) vaults, cellars and other constructions under or supporting the public highway; and                            | Council               |
| (vi) pleasure boats and other vessels.   | Council               |
| 2. To make traffic management orders.*   | Executive             |
| 3. To make highway stopping-up orders.*  | Council and Executive |
| 4. To erect and control the erection of rails, beams, banners and other similar apparatus over highways.           | Executive             |
| 5. To create footpaths and bridleways.   | Council               |
| 6. To lay and alter footway and carriageway markings and erect street furniture.                                   | Executive             |
| 7. To vet proposals for new local direction signs.*  | Executive             |
| 8. To affix signs to the external walls of buildings fronting onto a road.   | Executive             |
| 9. To control vehicle crossings over footways and verges.  | Executive             |
| 10. To enter into highways agreements pursuant to the Highways Act 1980 and other relevant legislative provisions. | Council               |

**Highways and Open Space**

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|---|-----------|
| 11. To grant permission for events of a non-contentious nature within parks, open spaces and sports centres.* | Executive |
| 12. To prohibit the parking of vehicles and to remove vehicles from any part of the highway.                  | Executive |
| 13. To remove abandoned vehicles from the public highway.   | Executive |
| 14. To remove other objects deposited on the public highway.  | Council   |
| 15. To approve sponsored litterbin designs.   | Executive |
| 16. To remove shopping or luggage trolleys found in the open air.   | Executive |
| 17. To maintain street furniture.   | Executive |
| 18. To hire plant and vehicles.   | Executive |

**Cemeteries etc**

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| 19. Generally to take action and operate all legislative and administrative procedures in relation to the regulation to cemeteries.* | Executive |
| 20. To extinguish rights of interment.   | Executive |



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| 21. To approve and sign grave grants and extinguish rights in respect of graves.  | Executive |
| 22. To administer the Council’s role as a ‘contributing authority’ in respect of the Mortuary Service, which is provided jointly with Westminster City Council, which is the ‘providing authority’; and | Executive |
| 23. To liaise with the Coroners’ Service.   | Executive |

## **DIRECTOR OF PLANNING & PLACE**

### **Planning Permissions and Consents**

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|---|-----------------------|
| I. Generally to take action and operate all legislative and administrative procedures in relation to planning and conservation, subject to the following  | Council and Executive |
| (i) The Council recognizes that there is a balance to be struck between dealing with applications for planning permission in public at Committee and delegating certain decisions to the Director of Planning and Place. Appropriate delegation is in the public interest to improve response times to applications |                       |
| (ii) The Planning Committee or the Planning Applications Committee (see Paragraphs 3.B.11 and 3.B.12) will determine applications for planning permission and other matters as set out in the Constitution.   |                       |
| (iii) The Planning Committee will not delegate its functions to the Director, except that it may delegate to the Director the conclusion of detail including conditions and other matters.  |                       |
| (iv) The Director can determine applications for planning permission, listed building consent, conservation area consent, advertisement consent and other applications under the planning legislation in the following circumstances:   |                       |
| (a) Where the Chairman of the Committee has not asked for the matter to be determined by the Committee.   |                       |
| (b) Where no other Councillor has asked for the matter to be determined by the Committee.   |                       |
| (c) Where there are not three or more valid planning objections received by the end of the relevant statutory consultation period which cannot be overcome by conditions.   |                       |
| (d) Where an application is contrary to the Council’s planning policies, to refuse permission whether or not there are objections to the application.   |                       |
| (v) The Director may grant planning permission, listed building consent, conservation area consent in any matter where the Planning Applications Committee has indicated its requirements and the   |                       |

applicants have amended an application in consequence.

- (vi) The Director can issue planning consent at his discretion, but without delay, following determination of an application by the Planning Committee or the Planning Applications Committee, and upon the conclusion of appropriate documentation
- (vii) The Director can grant conservation area consent for demolition associated with acceptable development. Council
- (viii) The Director can decline to determine planning applications, in which case the matter shall be put before the relevant committee. Council
- (ix) Where planning obligations have been approved by the Planning Applications Committee or the Planning Committee the Director may approve minor variations to the terms of the obligations prior to their completion. Council
- (x) Where there is a planning application, which can be determined under delegated powers, and a s106 agreement has been completed in connection with an existing planning permission on the same site for a similar scheme the Director may agree to the Council entering a new agreement under s106 of the Town and Country Planning Act 1990 and other related legislation on substantially the same terms. Council
- (xi) Where there is a planning application for residential development involving a net gain of less than ten units which can be dealt with under delegated powers the Director may agree to the Council entering into an agreement under s.106 of the Town and Country Planning Act 1990 (and other related legislation) to secure the payment of a range of financial contributions and permit free planning obligations in accordance with the Council's Planning Obligations SPD (including contributions in lieu of affordable housing for those proposals involving a net increase of residential floorspace of between 800 sq. m. and 1200 sq. m. as described in the SPD and Policy CH2 of the Core Strategy). Council
- (xii) Where the Chairman of the Committee has not asked for the matter to be determined by Committee the Director may agree to minor variations to the terms of existing s.106 agreements or to the terms of proposed s.106 agreements already approved by Committee. Council
- (xiii) Where conditions attached to planning permissions and other consents require the approval of details or other matters, to approve those details or other matters and, where necessary, to confirm whether or not the relevant conditions have been complied with. Council
- (xiv) The Director will decline to exercise any of the above delegations and will place any application on the agenda of the Planning Applications Committee in any circumstances where he judges the Council

public interest would be best served by so doing.

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| (xv) The Director of Planning and Place can withdraw a report that is on the agenda of the Planning Applications Committee or the Planning Committee following consultation with the Chairman of the meeting or if they are not available the Chairman of the relevant Committee. | Council   |
| 2. To grant consents under highways legislation incidental to applications for planning permission.   | Executive |
| 3. To add additional conditions, reasons and amended drawing numbers as required by the Historic Buildings and Monuments Commission to those decisions that have already been considered by the Committee.  | Council   |
| 4. To grant or refuse certificates of lawful development.   | Council   |
| 5. To consider and approve the planning aspects of applications for the re-siting of pillar-boxes and telephone kiosks.   | Council   |

### **Demolition**

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| 3. With regard to control over demolition to:   | Council |
| (i) determine whether prior approval of details of demolition is, or is not, required;  |         |
| (ii) approve details of demolition and any proposed restoration of a site, including the imposition of conditions, in relation to minor non-controversial demolition; and |         |
| (iii) approve details of demolition forming part of other applications, where the demolition is minor or non-controversial.   |         |

### **Trees**

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| 4. To take steps and do works in relation to dangerous trees on private land for the purpose of making the trees safe.                        | Executive |
| 5. To determine all applications relating to trees on Council-owned land, except the felling of trees in Council-owned parks and open spaces. | Council   |
| 6. To make tree preservation orders (TPOs) with all opposed orders remaining a matter for the Planning Applications Committee.                | Council   |
| 7. To grant or refuse permission to remove, top or lop trees that are the subject of TPOs or are situated in conservation areas.              | Council   |
| 8. To plant street trees, to remove dangerous trees and to approve work to trees on the highway.  | Executive |

### **Legal Procedures**

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| 9. To take enforcement action under planning legislation. | Council |
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10. To issue appropriate statutory notices under planning legislation or other relevant legislation. Council

**General**

11. Generally to take action and operate all statutory and administrative procedures under the planning legislation and other relevant legislation. \*In relation to supplementary land charge questions and photocopying. Council and Executive
12. To make directions removing permitted development rights (Article 4 Directions). Executive
13. To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights. Council
14. To register notices and make decisions in respect of temporary sleeping accommodation. Executive
15. To remove or obliterate placards, posters or unauthorised advertisement hoardings. Council
16. To remove signs or graffiti on buildings. Council
17. To remove dilapidated and neglected structures. Council
18. To award grants and loans from the 'Brighten Up the Borough' Fund. Executive
19. To exercise the powers and duties of a responsible authority under the Licensing Act 2003. Council
20. To exercise the powers and duties of a responsible authority under the Gambling Act 2005. Council
21. To consider applications to bring garden squares under the provisions of the Kensington Improvement Act 1851 or the Town Gardens Protection Act 1863. Executive
22. To maintain the Local Land Charges Register and to issue official search certificates. Executive
23. To exercise the functions of Lead Local Flood Authority, and to prepare and publish the Local Flood Risk Strategy and Flood Risk Management Strategy following consultation with the relevant Executive Member(s). Executive
24. To approve where no valid objections have been received the naming and numbering of any street or building. Executive
25. To deal with complaints in relation to high hedges pursuant to the Anti-Social Behaviour Act 2003. Council
26. To deal with applications for and designating 'assets of community value' pursuant to the Localism Act 2011. Executive

## DISTRICT SURVEYOR

1. Generally to take action and operate all legislative and administrative procedures in relation to building control and regulation. Executive

### Dangerous Structures

2. To survey and certify dangerous structures. Executive
3. To secure dangerous structures and erect hoardings or fences for the protection of the public. Executive
4. To remove any immediate danger in a dangerous structure Executive
5. To remove occupants of buildings in the vicinity of dangerous structures. Executive

*Dangerous structures functions under the London Building Acts (Amendment) Act 1939 and any other relevant functions under the building control legislation - insofar as these apply to Grenfell Tower, Lancaster West Estate, London W11 - are delegated temporarily to the London Borough of Harrow*

### Building

6. To pass, reject or impose conditions on plans for proposed work and impose requirements on persons carrying out building work. Executive
7. To determine an application to dispense with or relax building regulation requirements. Executive
8. To consent to the alteration and uniting of buildings. Executive
9. To consent to the erection or retention of temporary buildings or structures. Executive
10. To require information as to ownership of premises. Executive
11. To issue regularisation and completion certificates. Executive
12. To sign house type approval notices. Executive
13. To act as the 'appointing officer' under Section 10 of The Party Wall etc Act 1996. Executive

### Legal Procedures

14. To take enforcement action under building control legislation. Executive

### Financial

15. To set the threshold for payment of performance-related bonuses in conjunction with the Director of Human Resources. Council

## **CHIEF COMMUNITY SAFETY OFFICER**

1. To manage all aspects of the Council’s work with the Metropolitan Police, the Royal Parks Police, the British Transport Police and any other relevant law enforcement agency, to reduce and prevent crime, disorder and anti-social behaviour and the fear thereof. Executive
2. Generally to take action and operate all legislative and administrative procedures to reduce and prevent crime, disorder and anti-social behaviour and the fear thereof. Executive
3. To take enforcement action to reduce and prevent crime, disorder and anti-social behaviour and the fear thereof. Executive
4. To be responsible for emergency planning and business continuity. Executive

## **CHIEF OFFICER, COMMUNITIES AND PREVENT**

1. To be responsible for the delivery of the Government’s Prevent Strategy and statutory Prevent Duty. Executive
2. To be responsible for the coordination of the Council’s proactive (non-emergency) response to Counter Terrorism. Executive
3. To provide strategic lead for engagement with the Home Office. Executive
4. To be responsible for the delivery of the Government’s Counter Extremism Strategy. Executive
5. To be responsible for community cohesion and inter-faith dialogue and engagement. Executive

## **EXECUTIVE DIRECTOR, GRENFELL TEAM**

The following functions relating to Grenfell Recovery: housing, community and people, financial payments and expenditure control and communications and community engagement. Executive

## **DIRECTOR OF HOUSING NEEDS & SUPPLY**

1. To provide housing advice and information. Executive
2. To assess applicants’ housing need and priority for re-housing. Executive
3. To determine eligibility for resettlement support. Executive
4. To make homelessness decisions. Executive
5. To provide the ‘Right-to-Review’ on homelessness and suitability of housing decisions. Executive

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| 6.  | To arrange and withdraw the temporary re-housing of persons.   | Executive |
| 7.  | To offer accommodation to persons from clearance or redevelopment areas with the prescribed residential qualifications.  | Executive |
| 8.  | To select and nominate eligible persons including tenants from the statutory register to Council and non-Council housing.  | Executive |
| 9.  | To allocate social housing.  | Executive |
| 10. | To make advances to registered social landlords for the acquisition, conversion, repair and construction of dwellings.   | Executive |
| 11. | To permit minor amendments and revisions to registered social landlords schemes that have previously been approved for inclusion in the programme.   | Executive |
| 12. | To lend money to individual borrowers under the Council's scheme for making advances.  | Executive |
| 13. | To delete the 'clawback' clause (the sliding scale for sharing appreciation in value of a lease between a co-ownership association and its lessee and/or members) from the lease of a co-ownership association, if the association so requests. This is provided that the association:                   | Executive |
|     | <ul style="list-style-type: none"> <li>• agrees to pay all costs incurred;</li> <li>• does not have a Council loan which is to be repaid through the association's share of profits from the 'clawback' clause; and</li> <li>• is not in arrears with its mortgage repayments to the Council.</li> </ul> |           |

**In relation to housing stock only (i.e. not operational or commercial stock)**

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| 14. | To grant licences in respect of Council property, in conjunction with the Director of Corporate Property.  | Executive |
| 15. | To issue leases to effect the conversion of social rent properties to intermediate rents when suitable properties become available (e.g. such as, but not exclusively, a property within a tower block with a high level of repair liability). | Executive |
| 16. | To issue leases to effect the conversion of social rent properties to intermediate rents when suitable properties become available (e.g. such as, but not exclusively, a property within a tower block with a high level of repair liability). | Executive |
| 17. | To issue leases to effect the conversion of social rent properties to intermediate rents when suitable properties become available (e.g. such as, but not exclusively, a property within a tower block with a high level of repair liability). | Executive |

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| 18. | To grant rent reductions in connection with renewal projects and or major repairs.   | Executive |
| 19. | To negotiate deeds of variation to leases.   | Executive |
| 20. | To consent to improvements to private sector housing.  | Executive |
| 21. | To have regard to all written observations received from leaseholders in connection with statutory notices for works, not requiring specific approval by the Lead Member for Housing and Property. | Executive |
| 22. | To approve applications by Council borrowers to sub-let property mortgaged by the Council.   | Executive |
| 23. | To issue legal proceedings in relation to housing and landlord and tenant legislation.   | Executive |

## **DIRECTOR OF HOUSING MANAGEMENT**

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| 1. | To provide financial and other assistance to organisations or individuals providing external housing services, which the relevant Lead Member has approved.   | Executive |
| 2. | To approve the allocation of funds to individual projects within the Housing Revenue Account Capital Programme and the Housing Refurbishment Programme.   | Executive |
| 3. | To manage the Council's housing stock including any organisations charged or contracted to undertake this.  | Executive |
| 4. | To approve the disposal of assets within the Housing Revenue Account up to a value of £50,000.  |           |
| 5. | Generally to take action and operate all legislative and administrative procedures in relation to housing where enforcement is the responsibility of the Council. Specifically, but not exclusively, to:<br>(a) approve discretionary house renovation grants up to a value of £10,000 (and any higher sum shall only be agreed following consultation with the relevant Executive Member);<br>(b) approve the mandatory disabled facilities and home repairs assistance grants;<br>(c) approve the reassessment of mandatory and discretionary renovation grants by amounts of up to £10,000 (and any higher sum shall only be agreed following consultation with the relevant Executive Member);<br>(d) cancel renovation grants on expiry of the period allowed for the works to be completed;<br>(e) determine closing orders;<br>(f) grant tenancies and sign tenancy agreements in respect of | Executive |



properties subject to a control order made by the Council;

- (g) pay approved grants on completion of works, or lesser amounts where variations to the works have taken place;
- (h) reconnect gas, water and electricity supplies and terminate the Council's responsibility for such supplies;
- (i) vary and revoke direction orders;
- (j) waive the requirements for lessees to repay any part of a house renovation grant where breaches of conditions occur by an act on the part of a superior landlord; and
- (k) monitor and make decisions in relation to overcrowded premises.

## **DIRECTOR OF COMMUNITIES AND PEOPLE**

- 1. To be responsible for Grenfell care and support, but not statutory children's or adults' social care interventions. Executive
- 2. To be responsible for liaison and co-operation with the Director of Children's Services and Director of Adults' Services to ensure the co-ordination of case management. Executive

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