

Appendix 5: Officer Scheme of Delegation (2013)

SCHEME OF DELEGATED AUTHORITY TO OFFICERS (2013)

1. Officer Delegations

This scheme sets out those delegations made to the Chief Executive and Chief Officers (as listed in Article 11) whether by the Council (refers to the 63 Councillors meeting as a body) or by Cabinet (the Executive) or derived from statute. The Scheme also sets out the powers of the Statutory Officers of the Council.

Chief Officers are authorised to exercise those powers and duties of the Council in relation to the service and activities for which they are responsible which are not reserved to Council, a Committee or Sub-Committee, Cabinet or a Cabinet Committee, to the Leader or a member of the Cabinet, or to another officer.

They are accountable to the elected Members of the Council for the efficient and economic discharge of these responsibilities. They are, in turn, accountable to the public and are responsible for all matters which impact upon the Council exercising its powers and duties.

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

Except as specifically provided in this Scheme of Delegations or in Statute, the exercise of any power or duty of the authority is only delegated where the exercise would be (a) in accordance with any approved plan, policy or strategy, (b) not raising new issues of policy or precedent, and (c) not of such sensitivity or significance that it is appropriate for the matter to be referred to members for decision.

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2. Delegation of Powers

In exercising delegated powers officers must:

- a. Comply with any strategy, policy, plan or direction directed by Members of the Council
- b. Comply with the Council's Financial Regulations, Contract Procedure Rules and Human Resources Policies in force at the time.
- c. Only incur expenditure within approved limits/estimates
- d. Refer to the appropriate body of members for consultation or decision on all matters of public controversy or undecided matters of policy or substantial change from previous practice or which involve difficult or major changes where custom and practice or initial consultation with elected Members should have taken place.
- e. Ensure compliance with the law and all policies, regulations, orders, codes, protocols and similar documents approved by the Council, Cabinet or a Regulatory Committee

- f. Inform members with specific functional responsibilities and ward members about the exercise of powers
 - g. Consult with other relevant officers with proper regard to any advice given.
 - i. Authorise another officer or officers to exercise those powers when they are absent or cannot be notified.
 - j. Keep appropriate records and registers of decisions and report to Council, Cabinet or Committee if required.
 - k. Be accountable to the Council and Members or Cabinet or Committee, from which those powers derive.
 - l. Be subject to decisions by the Chief Executive or the Monitoring Officer on whether officers should exercise any delegated power.
 - m. Operate under the terms of officers holding politically restricted posts.
3. Where appropriate the Chief Executive may exercise any function delegated to any other officer, unless prohibited by law.
 4. Chief Officers may exercise any function delegated to any other officer within their directorates, unless prohibited by law.
 5. In the event of any dispute as to the delegated powers of any senior officer the Chief Executive shall have the power to determine which officer is to exercise the power.
 6. Where a function is delegated to the Chief Executive or a Chief Officer he/she may sub-delegate responsibility for matters to another officer subject to the Chief Executive or Chief Officer retaining the power to recall any matter for decision, unless prohibited by law.
 7. Officers exercising delegated powers may make decisions that were not anticipated within the budget or Service Plan but nevertheless relate to everyday business.
 8. Responsibility for monitoring that specific Council strategies and plans are focused on the commissioning and delivery of services to achieve the best outcomes for the people of Barnet and the delivery of outstanding customer service across all services.
 9. The use of Delegated Power Reports (DPR) will be by exception and only when there is a clear need to do so.
 10. There are limitations upon all delegated powers. In particular there is no delegation of power to officers of:
 - a. Matters reserved specifically to Members by resolution of Council or the Cabinet
 - b. Approval to exceed the provision in the revenue or capital budgets for their service responsibilities
 - c. Decisions on permanent savings in the budget to achieve the Council's policies
 - d. The right to determine a major employee re-organisation

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- e. Where the officer is of the opinion that the matter is of such significance or sensitivity that it should be referred to members for decision

DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE AND EACH CHIEF OFFICER

Any power delegated to the Chief Executive (Head of Paid Service) may also be exercised by any member of staff who has been so authorised by the Chief Executive to whom that power is delegated, or in their absence or non-availability, by the nominated officer having responsibility of the said function, subject to any requirement, condition, restriction or limitation specified by the Chief Executive.

The Chief Executive, Chief Operating Officer, Strategic Director of Communities, and Strategic Director for Growth and Environment comprise the Strategic Commissioning Board (SCB) which is tasked to deliver the Council's themes, as agreed by Members.

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The Chief Executive and Chief Officers have the following general powers:

(a) To manage and promote the services and functions for which they are responsible.

(b) Taking and implementing any decision required for operational effectiveness.

(c) To discharge the powers conferred on Chief Officers by Standing Orders, Financial Regulations, Human Resources Policies and Contract Procurement Rules.

(d) Authorisation and acceptance of quotations for contracts to the limits placed on Chief Officers by Contract Procedure Rules.

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(e) Expenditure within approved revenue budget estimates.

(f) Virement of resources for sums in excess of £50,000 between service directorates and employee and non-employee expenditure

(g) Agreement of settlements of up to £1,000 subject to the approved budget.

(h) Bidding for external resources for services within their remit.

(i) Writing off of debts and disposal of assets as prescribed in Council Financial Regulations.

(j) Liaison with and development of partnerships with external agencies, government departments and stakeholder organisations.

(k) The setting, variation and recovery of costs, fees and charges for goods funded by the Council.

(l) Exercise of discretionary powers in relation to all staffing matters detailed within the Council's Human Resources Policies including the appointment, promotion and dismissal of permanent and temporary staff, the remuneration and rewarding of staff within approved budgets and the authorisation of staff absence, leave, payments including overtime, expenses and ex gratia payments.

| (m) Giving officers authority to enter premises where powers of entry are conferred for the purposes of fulfilling a function for which the Chief Officer is responsible.

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Deleted: The taking and implementation of any decision required for operational effectiveness, entering into arrangements to do anything which is considered necessary or expedient in respect of functions delegated to them

DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE

The Chief Executive has lead responsibility to implement the Council's policies, ensuring that it delivers to its objectives and duties, within budget, and according to strategic priorities and statutory requirements.

Responsibility for functions including:

To be the Head of the Paid Service	The Local Government and Housing Act (1989)
Authority over all officers so far as it is necessary for the efficient management and execution of the Council's affairs, functions or services - except where officers are exercising specific responsibilities under statute as set out in Article 11 as Statutory Officers .	Council and Executive
Leadership of the Strategic Commissioning Board to set overall outcomes for the Council and develop commissioning strategies.	Council and Executive
Co-ordination, direction and monitoring of the Council's initiatives to achieve efficiency and best value in the delivery of its functions.	Council and Executive
Taking any action necessary to ensure the effective and efficient management and operations of the Council.	Executive
Reporting 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 the organisation of officers.	Section 4, Local Government Act and Housing Act (1989)
Taking any action necessary to ensure the effective development and delivery of the Council's key strategies and services.	Council
To make any decision delegated to another officer.	Council and Executive
The appointment, promotion and dismissal of staff including the forming, varying and ending of contracts of employment for Officers below Chief Officer as set out in the Council's Human Resources Regulations.	Section 4-12 of the Local Government and Housing Act and Section 112 of the Local Government Act 1972
Appointment of officers to deliver the statutory functions of the Council and authorise them to do so under relevant legislation.	Council and Executive
Exercise the powers of the Council in relation to well-being	General Power of Competence, Section 1 Localism Act 2011
Discharge of the functions of the Electoral Registration Officer and, where required, the Returning Officer	Council
Appointment and proper management of the	Council and

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authority's staff subject to the DCLG guidance on appointment of staff with remuneration packages of £100,000 by the Remuneration Committee	Executive
Ensure the facilitation of the Barnet Partnership Board and that it meets Government requirements.	Executive
Preparation of the Barnet Corporate Plan and other key corporate policies as appropriate, for agreement by Cabinet and Council.	Council and Executive
Responsibility for the overall co-ordination and performance management of the Council's operations, including arrangements for managing major projects.	Council and Executive
Responsibility for Council communications.	Executive
Responsibility for the Council's risk and reputation management by ensuring it operates in an open, accountable and democratic manner.	Council

DELEGATED AUTHORITY TO THE CHIEF OPERATING OFFICER/ DIRECTOR OF FINANCE

The Chief Operating Officer/Director of Finance has the powers set out in the Financial Standing Orders.

Responsibility for functions including:

To be the Council's statutory Chief Finance Officer and S151 Officer	Section 151, Local Government Act 1972)
Ensuring that the Council operates within required financial policies and procedures to ensure the efficient and appropriate use of public money.	Section 151, Local Government Act 1972)
The proper administration of the financial affairs of the Council which responsibilities shall include all arrangements covering financial planning, financial control, banking, accounts, income, insurances, investments, binds, loans, leasing, borrowing (including methods of borrowing), trust and pension funds, the payment of creditors and the payment of salaries, wages, pension scheme benefits and gratuities.	Section 115 (2), Local Government Act 1972
Make any statutory declaration in connection with the transfer of securities.	Section 146, Local Government Act 1972
Responsibility for the provisions of the Accounts and Audit Regulations in respect of the need to maintain an adequate and effective system of internal audit of the Council's accounting records and of its system of internal control in accordance with proper internal audit practices.	Accounts and Audit Regulations 2003
Exercising the functions of the Council relating to procurement.	Executive
To agree to revenue or capital expenditure not provided for within the control budget being incurred if the Chief Operating Officer is satisfied that it is wholly reimbursable to the Council, or compensatory savings have been identified with expenditure consistent with performance management plans.	Council and Executive
To take the most appropriate form of borrowing from the approved sources and to make the most appropriate form of investments in approved instruments.	Council and Executive
To write off debt amounts up to and including £5,000 in consultation with the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service (HB Public Law).	Executive
Authority to write off overpayments of salary allowances or pensions which occur as a result of the death of an employee or pensioner.	Section 30, Local Government (Miscellaneous Provisions) Act

	1976
Responsibilities as set out in the Pension Fund Governance Compliance Statement.	Council
With the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service (HB Public Law) to make decisions about operational and works licences, easements, rent reviews and licences to assign, lease renewals where this represents best consideration, the entering into new leases of less than 21 years, where the consideration is less than £25,000 per annum and at best consideration and where the Council is granting the lease, acquisitions of land, whether freehold or leasehold, for less than £10,000 per annum or as a one off consideration, to respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land.	Local Government Act 1972
Responsibility to report if an Executive or Council decision will or is likely to incur unlawful expenditure or where expenditure exceeds or is likely to exceed the resources available or would cause a loss or deficiency to the Council or entry of an unlawful item of account.	Section 114 and 114a, Local Government Finance Act (1988)
Report on the robustness of the authority's budget calculations and the adequacy of the Council's proposed financial reserves.	Section 25, Local Government 2003
Authority to provide financial information to the media, members of the public and the community.	Executive

DELEGATED AUTHORITY TO THE MONITORING OFFICER

Responsibility for functions including:

To be the Council's statutory Monitoring Officer with responsibility for ensuring that the Council meets its legal and statutory obligations in relation to issuing appropriate guidance to member and officers in the undertaking of their roles.	Section 5 and 5a, Local Government and Housing Act (1989)
All democratic processes for the Council.	Council
The delivery of all assurance functions for the Council including the functions of the Corporate Anti-Fraud Team and Internal Audit.	Council
Ensuring that the Council meets the highest standards of governance, risk management and probity and that sound governance principles are embedded across the organisation and its partners.	Council
Reporting on the contravention or likely contravention of an enactment or rule of law and any maladministration or injustice where an Ombudsman has carried out an investigation.	Section 5 and 5a, Local Government and Housing Act (1989)
Maintenance of the Register of Members' Interests, Gifts and Hospitality	Sections 29 and 30, Localism Act (2011), The Relevant Authorities (disclosable pecuniary interests) Regulations (2012)
Advice to Members of the Members Code of Conduct	Members Code of Conduct
Key role in the framework for local determination of complaints	Sections 28-34, Localism Act (2011)
Advice to Members on Compensation or remedy for maladministration	Section 92, Local Government Act (2000)
The provision of advice on the scope of powers and authorities to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.	Council
Holding of any reserve powers to exercise all or any of the powers delegated to the Head of Legal or the Head of Governance under the Constitution subject to the Inter Authority Agreement between the London Boroughs of Barnet and Harrow	
The maintenance of the Constitution and its availability to members, officers and the public. Authority to amend the Constitution to give effect to decisions of Council or the	Council

Executive and changes of fact and law.	
Power to conduct or appoint officers or others to conduct investigations into allegations of breach of the Code of Conduct.	Council
Authority to stop a proposal or decision being implemented if it is considered that any proposal, decision or omission would give rise to unlawfulness or maladministration.	Council
To authorise payments of up to £5,000 in settlement of maladministration, subject to subsequent report to the Portfolio Holder.	Council

LEGAL SERVICES

The Council operates a joint legal service with Harrow Council. It has resolved to delegate the exercise of its legal functions to the London Borough of Harrow under Section 101 of the Local Government Act 1972 and of the Local Government (Arrangement for the Discharge of Functions) (England) Regulations 2000. Its functions and delegated powers include:

Responsibility for functions including:

Acting as Solicitor to the Council and to institute, conduct and, where appropriate, defend and settle criminal and civil legal proceedings and claims concerning the Council's responsibilities and interests except in relation to those covered by the Council's insurance policies.	
Taking any action in order to protect the interests of the Council or of any person or property to whom, or for which, the Council has responsibility or in order to give legal effect to any decision or action properly taken by the Council or a Committee or person on behalf of the Council.	
Lodging appeals against any adverse finding against the Council in any tribunal or court.	
Signing any documentation to give effect to any resolution of the Council in any tribunal or court.	
Signing any document necessary to give effect to any resolution of the Council, the Cabinet, a Cabinet Member or any Committee or Sub-Committee.	

DELEGATED AUTHORITY FOR THE DIRECTOR OF **COMMUNITIES**

Taking and implementing any decision required for operational effectiveness of Children's Services in accordance with her role as Director of Children's Services in conjunction with the Chief Executive

Council

Taking and implementing any decision required in relation to the commissioning of services for children's services, adult social care and education and skills

Council

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IN HER CAPACITY AS DIRECTOR OF CHILDREN'S SERVICES (DCS):

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Responsibility for functions including:

Those duties conferred on or exercisable in its capacity as a local education authority.	Section 18 (3), Children Act 2004
Powers to take all necessary action to ensure that the Council's duties are properly and effectively discharged in child protection and care cases	Section 18 (3), Children Act 2004
Exercise all functions, powers and duties of a Children's Services Authority under all relevant legislation, but not limited to, Education, Social Services and Health functions.	Local Authorities Social Services Act 1970 and Section 75, National Health Service Act 2006
Functions relating to looked after children	Section 18 (23c - 24d) Children's Act 1989 and Section 18, Children Act 2004
Duty to make and sustain arrangements to promote co-operation between the Council and its partner organisations to improve the well-being of the children within the authority	Section 10 Children Act 2004
Duty to make arrangements to ensure the Council's functions are discharged having regard to the need to safeguarding and promote the welfare of children	Sections 11 and 18, Children Act 2004
Duty to establish a Local Safeguarding Children Board (LSCB) to co-ordinate and ensure the effectiveness of board members' activities for the purpose of safeguarding and promoting the welfare of children in the Council's area.	Sections 13, 14, 15, 16, Children Act 2004
Establish and maintain information databases in relation to the well-being and safeguarding of children.	Section 12 and 18, Children Act

	2004
Preparation and publication of a Children's and Young People Plan	Sections 17 and 18, Children Act 2004
Duty to promote the educational achievement of looked after children.	Children's Act 1989 (as amended)
Duty to provide the Secretary of State , if so directed, with information on individual children	Children's Act 1989 (as amended)
Any function under section 75 of the National Health Act 2006 on behalf of an NHS body as far as those results relate to children.	Section 18, Children Act 2004
Responsibility for any additional functions as the authority consider appropriate	Section 18, Children Act 2004

DIRECTOR OF ADULT SOCIAL SERVICES

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Responsibility for functions including:

Exercise the functions of the Council with regard to the delivery of those functions in respect of adults (other than those for which the Director of Children's Services is responsible)	Section (1a) and Schedule 1 of the Local Authority Services Act 1970
Exercise of all functions, powers and duties of an Adult Services Authority including, but not limited to Social Services, safeguarding of adults, Deprivation of Liberty, Mental Health services and Health functions	
Arrangement for the effective operation of the Council's responsibilities for the assessment, purchase and provision of social care services for adults including people disabilities, older people, people with mental health needs, people with substance misuse problems and adults with learning disabilities.	Executive
Assessment of the need for, and where necessary provide, services and/or residential accommodation for those suffering from a disability, including a mental disability.	Pursuant (but not limited to) the National Assistance Act 1948, the Mental Health Act, the Chronically Sick and Disabled Persons Act, the Disabled Persons (Services, Consultation and Representation) Act, the National Health and

	Community Care Act, the Health and Social Care Act and the Mental Capacity Act.
Assessment and planning to meet the needs of carers of vulnerable people.	The Carers and Disabled Children Act 2000.
Acting as the 'appropriate adult' in relation to persons with a mental disorder (which may include a disability) who are detained at a police station.	The Police and Criminal Evidence Act
Leadership of the continuous improvement of high quality care and support services to adults including the development of commissioned and care and support services and the delivery of assessment/care management services (including ensuring resource allocations to eligible individuals to but care and support).	Executive

Director for Growth and Environment

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<u>Commissioning services for and making any decision for the operational effectiveness of housing, cemeteries and crematoriums, highways, regeneration, planning and development management, building control, trading standards and licensing, environmental health, land charges and strategic planning</u>	<u>Council</u>
<u>Taking and implementing any decision required for the operational effectiveness of Street Scene services in conjunction with the Chief Executive</u>	<u>Council</u>

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DIRECTOR OF PUBLIC HEALTH (DPH)

The Council operates a joint Specialist Public Health Service with Harrow Council. It has resolved that the statutory responsibilities for local health protection, health improvement and reducing health inequalities should be hosted by Harrow Council.

Responsibility for functions including:

Write and publish the Annual Report on the health of the local population	Section 73B (5) & (6) of The NHS Act 2006, inserted by section 31 of the 2012 Act). (Directors of Public Health in Local Government: i. Roles, responsibilities and context (Oct. 2012, p.9., para. 3.2.)
All of the local authority's duties to take steps to improve public health	Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act, Directors of Public Health in Local Government: i. Roles, responsibilities and context Oct. 2012, p.9., para. 3.3
Exercising their local authority's functions in planning for, and responding to, emergencies that present a risk to public health	Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act.
Responsibility for the local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders	Section 73A (1) of the 2006 Act, inserted by section 30 of the 2012 Act.
Responsibility for the local authority's public health response as a responsible authority in areas such as making representations about licensing applications	The Licensing Act 2003 and regulations made under section 73A (1) of the 2006 Act, inserted by section 30 of the Health and Social Care Act 2012. Sections 5 (3), 13 (4), 69 (4) and 172B (4) of the Licensing Act, as amended by Schedule 5 of the

<p>Duty to ensure plans are in place to protect the population including through screening and immunisation. Provide independent scrutiny and challenge of the plans of the NHS Commissioning Board (CB), Public Health and Environment (PHE) and providers. PHE will support the Director in the duty to hold the NHS CB to account through the provision of data and information on performance against standards. The Director will need to be satisfied that the combined plans of all these organisations will deliver effective screening and immunisation programmes to their local populations.”</p>	<p>2012 Act. National screening and immunisation programmes. Letter from the Department of Health, 23/08/2012, p5.</p>
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Definitions

For the purposes of this scheme the following will be used throughout the document and therefore the common definitions are attached:

“Authority” – refers to the legal entity of Barnet Council

“Cabinet” – refers to the 10 Executive members meeting as a body

“Council” – refers to 63 Councillors meeting as a body

“Delegated Powers Report (DPR)” – a delegated powers report is a summary of the decision that has been made and the powers being used either by the Executive or the Officer.

“Executive” – to mean any part of the authority when discharging executive functions