

Part 2F

Delegation to Officers

Head of Paid Service, Chief Officers and Statutory Officers

1. Introduction

- 1.1 This Scheme sets out those delegations made to the Head of Paid Service and Chief Officers whether by the Council or by Cabinet (the Executive). The Scheme also sets out the powers of the Statutory Officers of the Council.
- 1.2 The Head of Paid Service, Chief Officers and Statutory Officers may (where statute allows this) further delegate responsibility for matters to officers within their departments. These delegations must be in writing.
- 1.3 The source of each delegation is specified in the Scheme.
- 1.4 Council, Cabinet or Committees may reserve to themselves decisions that have been delegated to officers by giving notice to the relevant Chief Officer or the Head of Paid Service.
- 1.5 When any new power or duty is given to the Council and it is unclear where responsibility for that function lies, the exercise of that power or duty will be undertaken by the Head of Paid Service or relevant Chief Officer.

2. Principles of Delegation

- 2.1 Officers may exercise delegated powers provided that the matter:
 - 2.1.1.1. is covered by an approved policy
 - 2.1.1.2. there are no unusual features
 - 2.1.1.3. there are no political, controversial or other significant issues, otherwise the matter should be referred to Members to determine.
- 2.2 In exercising delegated powers officers must:
 - 2.2.1 Incur expenditure within approved estimates/limits.
 - 2.2.2 Comply with the Council's Procedure Rules and Financial Regulations in force at the time.
 - 2.2.3 Comply with any policy, plan or direction of the Council, Cabinet or Committee.
 - 2.2.4 Consult and undertake an equality impact assessment where appropriate, and/or agree with other relevant officers.
 - 2.2.5 Consult or refer the matter to the Head of Paid Service in appropriate cases.
 - 2.2.6 Keep appropriate records and registers of decisions and report to Council, Cabinet or Committee if required. Such decisions are to be recorded in the form of a Delegated Powers Report or Officer Decision Report.
 - 2.2.7 In using delegated powers, officers are accountable to the Council or Cabinet or the Committee from which those delegated powers derive.
 - 2.2.8 Acts of officers done under delegated powers are deemed to be acts of the Council.
 - 2.2.9 Delegations exercised in relation to contracts must follow the Contract Procedure Rules in force at the time.

2.2.10 Delegations exercised in relation to land and property transactions must follow the Land and Property Transactions Authorisation Limits in force at the time.

3. Non Executive Decision Procedure (Council Side Officer Decisions)

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

4. Urgent Non-Executive Decisions and Minor Matters

4.1 Matters which are the responsibility of Full Council

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

5. Matters which are the responsibility of Committees of the Council

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

6. Safeguards

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

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

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

6.4. For minor matters the subject matter:

6.4.1. should not give rise to implication of a policy or resource nature for the authority;

6.4.2. the cost of implementing the decision must not exceed agreed budgets; and

6.4.3. the decision should not conflict with any plan or strategy agreed by the Council.

7. Urgent Executive Decisions and Minor Matters Procedure

7.1. Matters, which are the responsibility of the Cabinet

All executive decisions shall be referred to the relevant Cabinet Member or the Cabinet as appropriate for decision. There is an urgency procedure for the Leader to take urgent action as detailed in the Appendix to the Executive Procedure Rules.

8. General

- 8.1. Where appropriate the Head of Paid Service may exercise any function delegated to any other officer, e.g in case of absence.
- 8.2. Chief Officers may exercise any function delegated to any other officer within their directorate.
- 8.3. The Head of Paid Service and Chief Officers have the general powers in addition to their schemes of delegation which can be located on the Council’s website:
- 8.4. To manage and promote the services and functions for which they are responsible. This includes:

Delegated Powers	Source of Delegated Powers
<p>General</p> <p>1. Taking and implementing any decision required for operational effectiveness.</p>	Executive and Council
<p>2. Responding to consultation documents, which are considered appropriate to be dealt with at officer level.</p> <p>The Leader or appropriate Cabinet Member will deal with all other consultation responses</p>	Executive
<p>3. Bid for external resources for services within their remit.</p>	Executive
<p>4. Liaise and develop partnerships with external agencies, Government departments and stakeholder organisations.</p>	Executive
<p>Financial</p> <p>5. Financial delegations are set out in the Financial Regulations</p>	Council
<p>Contracts</p> <p>6. Contractual Delegations are set out in the Contract Procedure Rules.</p>	Executive
<p>Human Resources</p> <p>7. To appoint, suspend and dismiss staff. (except where there is a requirement for this to be done by Employment Sub-Committee or Council)</p>	Council

Delegated Powers	Source of Delegated Powers
8. To take any action under the Council’s employment policies and procedures including the Humans Resources Regulations.	Council
9. To re-organise staff within their directorates subject to: <ul style="list-style-type: none"> • Any requirement for approval by the Employment Sub-Committee • Consultation with Head of Paid Service and Head of HR • Where appropriate, consultation with staff and/or their representatives. • Compliance with any relevant Council policies or procedures. • No service policy implications. • No expenditure in excess of budget. • No growth in net expenditure beyond the current year. 	Council
10.To authorise absence leave and payments, including overtime, expenses, loans, and ex gratia payments subject to approval as set out in the Financial Regulations and the Council’s Employment Policies.	Executive
11.To authorise training and development and associated matters.	Executive

Individual Delegations	Source of Individual Delegated Powers
1. Chief Executive (Head of Paid Service) (In the absence of this post holder these will be delegated to the Deputy Chief Executive) 2. To take any action necessary to ensure the effective and efficient management and operations of the Council. If following a Borough Election the Leader has not been elected as a councillor or, if re-elected, the political party of which they are a member does not have a majority on the Council, then until a Leader is appointed, the Head of Paid Service (in consultation with all Group Leaders) shall be 1. Authorised to take and implement any decision required for	Executive and Council

Individual Delegations	Source of Individual Delegated Powers
operational effectiveness of the Council but excepting any such responsibilities, duties and powers specifically reserved to any other person or body.	
3. To promote the importance of the ethical agenda and to sustain the highest standards of ethical behaviour on the part of the Council's officers in accordance with the Code of Conduct for Council Employees.	Council
4. To make any decision delegated to another officer (except where restricted by law)	Executive and Council
5. Act in minor or urgent matters where to delay for a Council meeting would not, in his/her opinion, be in the Council's interest, subject to written approval of the Leaders of the political groups.	Council
6. Act in minor or urgent matters where to delay for a Council committee meeting would not in his/her opinion, be in the Council's interests, subject to consultation with the political groups or their nominees.	Council
7. Following consultation with the Leader and Leader of the Opposition, to suspend the Monitoring Officer or Chief Finance Officer in cases of emergency as defined in the JNC procedure.	Council
8. Following consultation with the Leader and Leader of the Opposition, to refer matters of discipline (as defined in the disciplinary procedure) in respect of the Monitoring Officer or Chief Finance Officer to the Employment Sub-Committee.	Council
9. To make payments or provide other benefits in cases of maladministration etc in accordance with s92 of the Local Government Act 2000.	Council
10. To take any action necessary to ensure the effective development and implementation of the Council's key strategies and services.	Executive and Council
11. To undertake any action necessary to ensure the effective development and	Executive and Council

Individual Delegations	Source of Individual Delegated Powers
implementation of the Council’s Corporate Governance Framework.	
12. Representing the Council on partnership or external bodies as required (by Statute or Council) except for those appointed to by Full Council.	Executive and Council

9. **The powers would be used only on production of a Delegated Powers Report, including financial and legal implications. All decisions taken using the powers in 4 and 5 above must be reported to the next meeting of the relevant committee or Council.**

Individual Delegations	Source of Individual Delegated Powers
<p>Chief Officers</p> <ol style="list-style-type: none"> 1. Chief Executive 2. Deputy Chief Executive 3. Executive Director Children and Young People 4. Executive Director Adult, Communities and Health 5. Executive Director of Strategy and Resources 6. Executive Director of Assurance and Public Protection 7. Director of Public Health and Prevention 8. Transformation Director <p>All have the following delegated powers and duties</p>	
1. To take any action necessary to ensure the effective and efficient management of their directorate	Council and Executive
2. To act in minor or urgent matters where to delay to a Council Committee meeting would not, in his/her opinion, be in the Council’s interest, subject to consultation with the Chief Executive and Leaders of the political groups or their nominees.	Council
3. To take any action necessary to ensure the effective development and implementation of the Council’s key strategies and services relating to their directorate.	Council and Executive
4. To undertake any action necessary to ensure the effective development and	Council and Executive

implementation of the Council’s Corporate Governance Framework.	
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10. Statutory Officers

Chief Finance Officer (Section 151 Officer)	Statutory Source of Function
1. Oversight of proper administration of financial affairs.	Section 151 Local Government Act 1972
2. Duty to nominate a member of his/her staff as chief financial officer (if unable to act owing to absence or illness).	Section 114 Local Government Finance Act 1988
3. Duty to report on a Council decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114 Local Government Finance Act 1988
4. Duty to report if the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.	Section 114 Local Government Finance Act 1988
5. Duty to report on an Executive decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114A Local Government Finance Act 1988
6. Duty to report on the robustness of the authority’s budget calculations.	Section 25 Local Government Act 2003
7. Duty to report on the adequacy of the authority’s proposed financial reserves.	Section 25 Local Government Act 2003
8. Duty to report on previous years’ financial reserves if it appears that controlled reserves is or likely to be inadequate, including recommendations for appropriate actions to rectify.	Section 27 Local Government Act 2003
9. Duty to assist the Council in carrying out regular budget monitoring.	Section 28 Local Government Act 2003

Director of Children's Services	Statutory Source of Function
1. Responsible for functions conferred on or exercisable by the authority in their capacity as a local education authority.	Section 18 Children Act 2004
2. Responsible for functions conferred on or exercisable by the authority, which are social services functions, so far as those functions relate to children.	Section 18 Children Act 2004
3. Responsible for functions under section 23C to 24D of the Children Act 1989, relating to looked after children.	Section 18 Children Act 2004
4. Improving well-being of children in the authority's area.	Sections 10 and 18 Children Act 2004
5. Safeguarding and promoting the welfare of children.	Sections 11 and 18 Children Act 2004
6. Responsible for any function under section 75 of the National Health Service Act 2006 on behalf of an NHS body so far as those relate to children.	Section 18 Children Act 2004
7. Responsible for functions conferred on the authority by Part 1 of the Childcare Act 2006.	Section 18 Children Act 2004
8. Responsible for functions conferred on the authority under section 2 of the Childcare Act 2016.	Section 18 Children Act 2004
9. Responsible for any additional functions as the authority consider appropriate	Section 18 Children Act 2004

Director of Adult Social Services	Statutory Source of Function
1. Responsibility for all social services functions (other than those for which the Director of Children's Services is responsible under section 18 of the Children Act 2004).	Section. [1A] and Schedule 1 of the Local Authority Social Services Act 1970

Director of Public Health	Statutory Source of Function
1. Responsibility for the functions under S2B National Health Service Act – taking steps to improve Health.	Ss 2B and 73A National Health Service Act 2006.
2. Responsibility for the functions under S111 National Health Service Act – dental public health.	Ss 111 and 73A National Health Service Act 2006.

3. Responsibility for the functions under S249 National Health Service Act – joint working in respect of prison health.	Ss249 and 73A National Health Service Act 2006.
4. Responsibility for compliance with regulations made under s6C(1) or (3) National Health Service Act 2006 –requirement to undertake functions of the Secretary of State	Ss 6C(1) and (3) National Health Service Act 2006
5. Responsibility for the functions under S7A National Health Service Act – arrangements to undertake Secretary of State’s functions.	Ss 7A and 73A National Health Service Act 2006.
6. Responsibility for the exercise by the authority of its functions under Schedule 1 National Health Service Act 2006 - inspection of school pupils.	Schedule 1 National Health Service Act 2006
7. Responsibility for any functions that relate to planning for or responding to emergencies involving a risk to public health.	S73A National Health Service Act 2006.
8. Responsibility for the functions under S325 Criminal Justice Act 2003 – arrangements for assessing risk of certain offenders.	S325 Criminal Justice Act 2003
9. To prepare an annual report on the health of the people in Barnet	S73B(5) National Health Service Act 2006
10. To be a member of the Health and Wellbeing Board	S194(2)(d) Health and Social Care Act 2012
11. Responsibility for the exercise of all other Local Authority’s public health functions specified in S73A(1) National Health Service Act 2006.	S73A National Health Service Act 2006.
Statutory Health and Safety Advice 12. Assist the employer in undertaking the measures needed to take to comply with the requirements and prohibitions imposed upon them by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997.	Regulation 7(1) - The Management of Health and Safety at Work Regulations 1999

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

Registrar for Births, Deaths and Marriages 1. To act as the proper officer for the purposes of Births, Deaths and Marriages.	Council
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Monitoring Officer	Statutory Source of Function
1. Report on contravention or likely contravention of any enactment or rule of law.	Section 5 & 5A Local Government and Housing Act 1989.
2. Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3. Appointment of Deputy Monitoring Officer.	Section 5 Local Government and Housing Act 1989.
4. Report on resources needed to undertake Monitoring Officer functions.	Section 5 Local Government and Housing Act 1989.
5. Establish and maintain registers of member's interests and gifts and hospitality.	Sections 29 and 30 Localism Act 2011 The Relevant authorities (Disclosable Pecuniary Interests) Regulations 2012
6. Advice to Members on interpretation of the Members Code of Conduct.	Members' Code of Conduct
7. Key role in framework for local determination of complaints namely to: 7.1 Decide, in consultation with an Independent Person, whether to dismiss complaints that are outside the Members Code of Conduct, are considered to be frivolous or vexatious, are about events which took place more than 6 months prior to the receipt of the complaint by the Monitoring Officer, unless there are exceptional circumstances and/or do not merit further investigation on public interest grounds. 7.2 To follow the procedure for the investigation of complaints against Members. 7.3 Advise Members, officers and the public on the operation of the Code and how alleged breaches should be investigated.	Sections 28 – 34 Localism Act 2011

8. Advice to Members on Compensation or remedy for maladministration.	Section 92 Local Government Act 2000.
9. Advice on vires issues, law, maladministration, financial impropriety, probity, policy framework and budget issues to all members.	Guidance.
10. Following consultation with the Leader and Leader of the Opposition, to suspend the Head of Paid Service in cases of emergency as defined in the JNC procedure.	Council
11. Following consultation with the Leader and Leader of the Opposition, refer matters of discipline (as defined in the disciplinary procedure) in respect of the Head of Paid Service to the Employment Sub-Committee.	Council
12. To make minor and administrative changes to the Constitution in order to ensure the aims and principles of the Constitution are given full effect and to make amendments in accordance with changes to the law. All such changes must be reported to the Council as soon as possible after the change is made.	Section 9P Local Government Act 2000
13. To undertake any legal action necessary to ensure the effective development and implementation of the Council's Corporate Governance Framework.	
14. To authorise the affixing of the Council's seal and execution of deeds as detailed in the section below.	
15. To keep the Common Seal of the Council in a safe place.	
16. To witness, or authorise others to witness, the affixing of the Common Seal to those documents which, in his or her opinion, should be sealed.	

11. Legal Proceedings

- 11.1 The Executive Director of Assurance and Public Protection is authorised to institute, defend or participate in any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests.
- 11.2 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.

11.3 Its functions and delegated powers include responsibility for the following functions:

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. Authorising staff to appear in court
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, or any Committee or Sub-Committee.

11.4 To delegate to any officer authority to institute defend or participate in any legal proceedings, in any Court or Tribunal and in any case where such action is necessary to give effect to decisions of the Council, or in any case where they consider that such action is necessary to protect the Council's interests. To authorise officers to appear in Court on the Council's behalf.

12. Authentication of Documents

12.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Executive Director of Assurance and Public Protection or Monitoring Officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

12.2 Any contract with a value exceeding £214,904 and made under the Common Seal of the Council shall be attested by at least two duly authorised officers in accordance with paragraph 13.1.

13. Sealing and Execution of Documents

13.1 The Chief Executive, Executive Director of Assurance and Public Protection, Monitoring Officer or the Head of Governance or another officer authorised in writing by any of the aforesaid shall have authority:

13.1.1 To affix the Common Seal and execute under Seal any deed or document subject to at least two of the above named Officers of the Council (or their duly authorised deputies) being present and being signatories.

13.1.2 The Officers of the Council referred to above (or their duly authorised deputies) shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.

14. Officer Interests

14.1 Where it becomes apparent to an Officer involved in the sealing or execution of documents, that they have a personal interest in a matter to which the document relates, a declaration of the existence and nature of that interest should be made as soon as possible.

15. Record of Sealing of Documents

15.1 An entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Head of Governance (or duly authorised deputy) in a book or electronic record to be provided for the purpose.

16. The Council will designate officers as required including to the following statutory posts:

Statutory Post	Designated Officer
Electoral Registration Officer	Chief Executive Officer
Returning Officer	Chief Executive Officer
Registrar for Births Deaths and Marriages	Registrar of Births and Deaths Superintendent Registrar
Proper Officer for births, deaths and marriages	Assistant Director, Resident Experience and Digital
Data Protection Officer	Service Manager - Records and Information management
Local Authority Designated Officer (LADO)	LADO Allegations Manager
Chief Internal Auditor	Head of Internal Audit
Virtual Headteacher	Head of the Virtual School
Land Charges Registrar	Principal Local Land Charges Officer
Proper Officer (Local Government Act 1972)	Monitoring Officer
Health and Safety Advisor	Head of Safety, Health And Wellbeing
RIPA Monitoring Officer	Executive Director of Assurance and Public Protection