

Chapter 6 – Scheme of Delegation

Part 1 – Functions which are Delegated to Officers

1. Introduction

- 1.1 This Scheme of Delegation sets out the powers that have been delegated to Officers by the Council and the Cabinet. It provides a framework, set by Members, for Officer decision-making.
- 1.2 Cabinet has delegated certain Executive Functions to Officers in order to facilitate the smooth running of the Council. This reflects Members' role as policy makers and Officers' role as implementers of policy decisions.
- 1.3 This Scheme of Delegation also sets out specific authorisations granted to Officers by statute. Where an Officer is exercising a power given to them under legislation, they will be acting as the "Proper Officer" in respect of that power. While these powers are not strictly "delegated" by Council, they are included in this Scheme of Delegation to provide clarity on Officer decision-making as a whole. Proper Officers are authorised under statute to make decisions within the scope of that authorisation without recourse to the Cabinet or the Leader.
- 1.4 While this Scheme of Delegation sets out how delegations have been made at a high level, the Officers to whom delegations are made in section 3.1 will, by necessity, involve other Officers in the decision-making process. Executive Directors will record these sub-delegations in a Directorate Scheme of Delegation for their Directorate. Further detail relating to Directorate Schemes of Delegation is set out in section 4.
- 1.5 This Scheme of Delegation will be kept under regular review to ensure that it provides an appropriate decision-making framework over time.
- 1.6 This Scheme of Delegation should be read in conjunction with the Finance Procedure Rules (Chapter 9, Part 3), the Contract Procedure Rules (Chapter 9, Part 2), the Council-owned Company provisions (Chapter 12, Part 3) and the Intervention provisions (Chapter 0).
- 1.7 For details of the role of the Commissioners, please see Chapter 0 of this Constitution. It should be noted that under the current arrangements with DLUHC, certain decisions (e.g., to undertake new borrowing) can only be made with the Commissioners' agreement.

2. Principles of delegation

- 2.1 This Scheme of Delegation has been approved by Full Council and the Leader. It sets out the authorisations that have been given to Officers to make decisions on behalf of the Council. It covers all of the Council's powers and duties, whether derived from legislation or otherwise, including all incidental powers and duties.
- 2.2 This Scheme of Delegation is intended to empower Officers to make decisions about how the Council's services are managed. As such, it is to be interpreted broadly, within the governance arrangements set out in this Constitution. However, Officers must be mindful

when exercising delegated decision-making powers that they should act in a responsible and transparent manner and should not expose the Council to unnecessary risk. This Scheme of Delegation also builds in checks and balances to ensure that there is accountability in decision-making.

- 2.3 Officers making decisions under this Scheme of Delegation will be politically restricted under section 2(1)(g) of the Local Government and Housing Act 1989. This means that while they hold a decision-making post in the Council, they may belong to a political party but may not have an active political role either in or outside the workplace.
- 2.4 When making a decision under this Scheme of Delegation, Officers must have due regard to any advice provided, and must consult relevant Members and Officers, in relation to the matter for decision. Officers must keep Members (including Local Members) informed (and consulted, where appropriate) about relevant decisions.
- 2.5 Officers must also consult the Monitoring Officer and/or the Section 151 Officer (as appropriate) when making decisions that have legal or financial implications. All reports to Members that contain financial or legal implications must be reviewed by the Monitoring Officer and the Section 151 Officer (as appropriate) before they are presented to Members for decision-making purposes.
- 2.6 An Officer may choose not to make a decision that has been delegated to them if they feel that it is not appropriate for them to make that decision, for example, where the issue is sensitive or contentious, or where the decision could be construed as a policy rather than an operational decision. In these circumstances, the decision should be referred to the relevant Cabinet Member(s) or Committee for decision.
- 2.7 Any person or body that has made a delegation under this Scheme of Delegation may resume responsibility for the function at any time, either in respect of a particular matter or generally, and so may exercise the function despite the delegation.
- 2.8 Certain decisions made under delegated powers must be recorded. Details of how and when decisions should be recorded are set out in section 2 of Part 2 of this Scheme of Delegation.

3. Authorisations

- 3.1 Specific delegations are made to the named Officers below. Details of the delegations made to each named Officer are set out in Part 2.

Chief Executive

Chief Financial Officer and Section 151 Officer

Executive Director Corporate Services and Monitoring Officer

Executive Director Adults, Housing and Health

Executive Director Children's Services

Director of Human Resources, Organisational Development and Transformation

Executive Director Place

Director of Public Health

Assistant Director Strategy, Policy, Performance and Partnerships

Assistant Director Communications and Engagement

3.2 In addition, this Scheme of Delegation allows any other Officer to exercise delegated powers if they have been authorised to do so directly by an Officer named in Part 2. These delegations will be documented in the relevant Directorate Scheme of Delegation (see section 4 below).

3.3 The following principles apply to authorisations to Officers:

- (a) authorisations can be general or specific in terms of the powers delegated and the Officers to which the authorisation applies;
- (b) delegated powers are subject to any restrictions and limits set out in the authorisation;
- (c) save as provided in section 5 below, no authorisation may allow an Officer to:
 - (i) make a decision with financial implications above the Key Decision Threshold (see section 6); or
 - (ii) make a decision which the authorising Officer could not make under this Scheme of Delegation; and
- (d) all authorisations and decisions made by Officers under delegated arrangements must be recorded in a register maintained by the Monitoring Officer.

3.4 An Officer to whom a power is delegated may refer the matter to the Chief Executive, or to the person or body that made the delegation, for their determination. It will be appropriate for the Officer so to refer a matter:

- (a) To the Chief Executive where the determination of the matter raises issues of corporate priorities or the co-ordination of the discharge of the Council's functions.
- (b) To the person or body that made the delegation where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for Members to determine; or could, by its scale or complexity expose the Council to major corporate risk which cannot be contained within Directorate Budgets.

3.5 The Chief Executive may exercise any power delegated to another Officer, including an Executive Director, except the statutory functions of the Monitoring Officer and the Section 151 Officer. The Chief Executive and/or Executive Directors may exercise any power delegated to an Assistant Director.

- 3.6 The Chief Executive is authorised to make any arrangements required (including re-allocation of delegations) for the necessary discharge of the Council's functions, for example, during a period of absence of an Officer to whom powers have been delegated.

4. Directorate Schemes of Delegation

- 4.1 Each Executive Director is required to agree with the Chief Executive a Directorate Scheme of Delegation. Each Directorate Scheme of Delegation will set out how sub-delegations of delegated powers under this Scheme of Delegation have been made. Officers will make decisions in accordance with their Directorate Scheme of Delegation.
- 4.2 Each Executive Director will provide their Directorate Scheme of Delegation to the Monitoring Officer and will review and update it regularly and not less frequently than once a year.

5. Decisions in exceptional circumstances

- 5.1 In exceptional circumstances, it may be necessary for decisions to be made quickly by Officers.
- 5.2 Any such decision may be made by an Executive Director or their nominee in accordance with this Scheme of Delegation provided that:
- (a) they have consulted with the relevant Cabinet Member(s) (or, in their absence, the Leader); and
 - (b) the decision has been approved by the Chief Executive, the relevant Commissioner(s) and the Section 151 Officer.
- 5.3 Any decision made under this section 5 which is a Key Decision must be:
- (a) reported to Cabinet as soon as reasonably practicable, with justification for the decision and an explanation of the reason for the decision being made under this section 5;
 - (b) published on the Council's website in accordance with the Access to Information Procedure Rules; and
 - (c) circulated to the relevant Overview and Scrutiny Committee.

6. Financial limits

- 6.1 The financial limits for decision making are as set out in the Financial Limits Annex.
- 6.2 Save as provided otherwise in this Constitution, an Officer who is not a permanent employee of the Council may not make any decision with financial implication above the Key Decision Threshold.

7. Limits on delegations

- 7.1 Officers may not make a decision that is:

- (a) contrary to the Policy Framework (any such decision should be presented to Cabinet, who will make a recommendation to Full Council on whether the decision should be made);
 - (b) contrary to applicable law and this Constitution (including Standing Orders, the Contract Procedure Rules and the Finance Procedure Rules);
 - (c) outside any applicable spending limit;
 - (d) not supported by adequate budgetary provision in respect of its financial implications;
 - (e) a Key Decision, other than as specifically set out in this Scheme of Delegation (see section 6);
 - (f) contrary to any procedural or other requirements set out by the Section 151 Officer and/or the Monitoring Officer.
- 7.2 Officers are not authorised to change fees, charges or concession policies, save that Officers may:
- (a) apply inflationary increases to fees, charges and concession policies;
 - (b) determine fees for one-off events or activities; and
 - (c) determine the fees to be charged to other public bodies for services provided by the Council on a commercial or full-cost recovery basis.
- 7.3 This Scheme of Delegation does not authorise any Officer to make a compulsory purchase order, or the acquisition of an interest in land in anticipation of future requirements.
- 7.4 Unless otherwise specified in this Scheme of Delegation, Officers are not authorised to confirm any order or grant of any permission, consent or licence or other determination where a response is received expressing opposition to the proposed course of action.
- 7.5 An Officer may not appoint or dismiss an Executive Director or Assistant Director except:
- (a) to make a temporary or interim appointment of an Executive Director or Assistant Director for up to one year (with any decision to re-appoint or extend the appointment beyond one year being referred to the General Services Committee);
 - (b) to dismiss a person appointed under (a) above; or
 - (c) to make a decision relating to a Head of Service reporting to an Assistant Director.

Any proposed appointment of an Executive Director or an Assistant Director must be notified to the Leader and the General Services Committee (if required by the Leader). No Officer is authorised to make a decision about the remuneration of an Executive Director or Assistant

Director other than one appointed under section 7.5(a) above, other than to adjust their pay to the assessed “rate for the job” for their pay grade.

- 7.6 Notwithstanding the provisions of section 7.5 above, Executive Director and Assistant Director appointments are subject to any shortlisting and interview processes required by the Commissioners.
- 7.7 Before making any decision set out below, an Officer must consult the Section 151 Officer and the Monitoring Officer (or their nominee(s)):
- (a) changing the management structure of the Council;
 - (b) a decision that would affect the pay of more than one employee or contractor; and/or
 - (c) adopting any policy or plan relating to the exercise of the Council’s functions as an employer.
- 7.8 No Officer other than the Monitoring Officer shall authorise or institute any legal proceedings or process or instruct legal agents or Counsel without the prior written consent of the Monitoring Officer.

8. Conflicts of Interest

- 8.1 Officers are responsible for identifying whether they have a conflict of interest in respect of any matter and notifying any such conflict of interest to the Council in accordance with the Council’s Officer Declaration of Interests Policy. Where an Officer has a conflict of interest in respect of a matter that has been delegated to them, they shall not exercise that delegated power unless approved by the Chief Executive, or the Monitoring Officer.
- 8.2 Where the Chief Executive is unable to act on a matter because of a conflict of interest, the matter shall be discharged by the Monitoring Officer.
- 8.3 Where an Executive Director is unable to act on a matter because of a conflict of interest, the Chief Executive shall discharge the matter or allocate the matter to another Officer.
- 8.4 Where the Monitoring Officer is unable to act on a matter in their statutory capacity under section 5 of the Local Government and Housing Act 1989, the matter shall be discharged by the Officer designated by the Monitoring Officer as Deputy Monitoring Officer.
- 8.5 Where the Monitoring Officer is unable to act on a matter of Member conduct, the matter shall be discharged by the person appointed by the Monitoring Officer for this purpose under section 82A of the Local Government Act 2000.
- 8.6 Where any other Officer is unable to act on a matter, the Executive Director of the relevant Directorate or the Chief Executive may arrange for another Officer to discharge the matter.

9. General delegations

- 9.1 Subject to the Finance Procedure Rules and the Financial Limits Annex, Executive Directors have delegated authority to exercise any of the Council’s functions and powers so far as

necessary or conducive to provide the service for which they have management responsibility, including (but not limited to):

- (a) managing the resources available to deliver the service for which they are responsible (including staff, materials and equipment) in accordance with the Council's policies on pay, recruitment, procurement and any other applicable policy;
- (b) dealing with invitations and acceptances of tenders, and entering into contracts, in accordance with the Contract Procedure Rules;
- (c) implementing a policy or decision previously approved or taken by Full Council, a committee, the Cabinet or a Cabinet Member and/or anything incidental to, or required to facilitate, such a decision;
- (d) taking enforcement action, serving any notice, or making any order; and/or
- (e) authorising other Officers to take steps necessary or conducive to the performance of any function under this section 9.1.

9.2 For the avoidance of doubt:

- (a) anything which is not covered by this Scheme of Delegation, including the appointment of a Proper Officer for the purpose of any statutory function, will be determined by the Chief Executive; and
- (b) any Key Decision will require Cabinet approval unless specific decision-making arrangements set out in this Scheme of Delegation apply.

Part 2 – Specific Delegations and Statutory Functions

1. Specific delegations

In addition to the general delegations set out in Part 1, the following named Officers shall have additional specific delegations.

1.1 The Chief Executive

The following Executive Functions have been delegated to the Chief Executive:

- (a) To act as the Council's Head of Paid Service and to make any decision on behalf of the Council as an employer, including determining the management structure of the Council.
- (b) To exercise corporate Council functions.
- (c) To incur expenditure and delegate responsibility to incur expenditure in the event of a civil emergency.
- (d) In cases of urgency or emergency, to make any decision on behalf of the Council (after consultation with the Leader, or in their absence, the deputy Leader), including Key Decisions and any decision delegated to another Officer under this Scheme of Delegation (save that, the Chief Executive shall not be authorised to make a decision on behalf of the Section 151 Officer or the Monitoring Officer in respect of their statutory duties).
- (e) For the purposes of the Local Government (Contracts) Act 1997, have authority with the Section 151 Officer, the Monitoring Officer and the Deputy Monitoring Officer to sign each certificate given under that Act.
- (f) With a nominee of the Director of HR & OD, to make decisions on employment terms and conditions, (including procedures for dismissal), except those relating to:
 - (i) the employment terms and conditions of the Chief Executive, Executive Directors, Assistant Directors, and other senior Officer posts;
 - (ii) changes to the Council's corporate pay grade structure;
 - (iii) approving redundancies (other than those which arise purely as a matter of law) and early retirement applications, where there is a cost involved, including access to superannuation benefits and discretionary severance payments. Any such decision will be taken after advice from the Monitoring Officer and in consultation with the Section 151 Officer and the Leader;
 - (iv) a settlement agreement for Executive Directors / Assistant Directors. Any such decision will be taken by the General Services Committee.

- (g) To be responsible for determining emergency planning and management services. Operational responsibility for the provision of these services is delegated to the Strategic Lead as Deputy to the Chief Executive in relation to this matter.
- (h) To be responsible for making appropriate management arrangements for the discharge of the following functions:
 - (i) performance management arrangements throughout the Council;
 - (ii) the efficiency programme of the Council; and
 - (iii) communications, policy and performance.
- (i) Overall corporate and commercial management of any external strategic partners of the Council including, Strategic Information and Communication Technology, Strategic Procurement, Strategic Human Resources / Organisational Development and Customer Services.
- (j) Efficient management of strategic partnerships, partnerships governance and the development of the sustainable community strategy.
- (k) Any Executive Function not expressly designated as within the remit of the Leader, Cabinet, a Committee of Cabinet, or a Cabinet Member, or otherwise expressly delegated to an Officer.

The Chief Executive will be the Proper Officer in respect of the following statutory functions:

| Legislation | Function |
|--|--|
| Local Government and Housing Act 1989 | |
| Section 4 | Head of paid service |
| Local Government Act 1972 | |
| Section 83(1) to (4) | Witness and receipt of declaration of acceptance of office |
| Section 84(1) | Receipt of notice of resignation of elected Member |
| Section 88(2) | Convening a meeting of Council to fill a casual vacancy in the office of Council Chair |
| Section 89(1) | Receipt of notice of casual vacancy |
| Section 100A – 100H (except 100(D)) | Admission of public (including press) to meetings |
| Section 100(D) | Compilation of list of background papers for reports and making copies available for public inspection |

| Legislation | Function |
|---|---|
| Section 115(2) | Receipt of money due from Officers |
| Section 225 | Deposit of documents |
| Section 248 | Keeping the roll of freemen |
| Schedule 12, Para 4(2)(b) | Authentication of summonses to Council meetings |
| Schedule 12, Para 4(3) | Receipt of notice of address to which summonses to Council meetings is to be sent |
| Local Government Act 1974 | |
| Section 30(5) | To give public notice that copies of a Local Government and Social Care Ombudsman report are available for inspection |
| Local Government (Miscellaneous Provisions) Act 1976 | |
| Section 41(1) | To certify copies of evidence of Council resolutions, orders, reports, and minutes of proceedings |
| Representation of the People Act 1983 | |
| Section 8 | Electoral registration officer |
| Section 35(1) | Returning officer |
| Sections 82 and 89 | Receipt of election expense declarations and returns and the holding of those documents for public inspection |
| Local Elections (Principal Areas) (England and Wales) Rules 2006 | |
| Schedule 2, Rule 53 | Retention and public inspection of documents after an election |
| Local Authorities (Standing Orders) (England) Regulations 2001 | |
| Schedule 1, Part II | Appointment and dismissal of, and taking disciplinary action against, Officers |

1.2 Chief Finance Officer and Section 151 Officer

The Chief Finance Officer will act as the Council's Officer appointed under section 151 of the Local Government Act 1972 and to make such decisions as are necessary for the proper administration of the Council's financial affairs. This includes a number of statutory responsibilities, such as:

- (a) Overall responsibility for setting and managing revenue and capital Budgets, developing and delivering Treasury Management strategies, and for updating the Council's Medium-Term Financial Strategy.
- (b) Personal responsibility to consider and report on the adequacy of working balances and reserves.
- (c) Duty to issue a public report if they consider that the Council cannot balance its budget in any given financial year.
- (d) Responsibility for maintaining adequate accounting records and systems of internal control.

The Chief Finance Officer shall also exercise corporate Council functions in relation to:

- (a) accountancy;
- (b) counter fraud and investigation;
- (c) internal audit;
- (d) insurance and risk;
- (e) revenues and housing benefits;
- (f) procurement;
- (g) essential living fund;
- (h) exchequer services;
- (i) information technology;
- (j) democratic services; and
- (k) elections.

Notwithstanding the foregoing, the Chief Finance Officer is not authorised in respect of the following:

- (a) The approval of virements, carry forwards and writing off irrecoverable debts above the limits contained within the Finance Procedure Rules and the Financial Limits Annex. These require Member approval in accordance with the Finance Procedure Rules and Financial Limits Annex.
- (b) The determination of applications for mandatory and discretionary non-domestic rate relief and discretionary housing benefit outside the approved scheme.

The Chief Finance Officer will be the Proper Officer in respect of the following statutory functions:

| Legislation | Function |
|----------------------------------|---|
| Local Government Act 1972 | |
| Section 146(1)(a) and (b) | Declarations and certificates with regard to transfer of securities |
| Section 151 | Administration of the Council's financial affairs |
| Section 228(3) | Accounts for inspection by any Member |

1.3 Executive Director Corporate Services and Monitoring Officer

The Executive Director Corporate Services is authorised:

- (a) To have responsibility for Legal and Member Services.
- (b) To act as the Council's Monitoring Officer under sections 5 and 5A, Local Government and Housing Act 1989.
- (c) To take any action to implement any decision taken by or on behalf of the Council, including the signature or service of statutory and other notices and any document.
- (d) To institute, defend, settle or participate in any legal proceedings in any case where such action is necessary, in the view of the Executive Director Corporate Services, to give effect to the Council's decisions, or in any case where the Executive Director Corporate Services considers that such action is necessary to protect the Council's interests.
- (e) To instruct counsel, solicitors or other experts for legal proceedings, public inquiries, or other matters involving the Council.
- (f) To enter objections to any proposal affecting the Council, the Council's area or the inhabitants of the Council's area.
- (g) to be responsible for the following:
 - (i) Human Resources, Organisational Development and Payroll.
 - (ii) Resourcing and Improvement.
 - (iii) Information Management.
 - (iv) Transformation.

The Executive Director Corporate Services will be the Proper Officer in respect of the following statutory functions:

| Legislation | Function |
|--|---|
| Local Government and Housing Act 1989 | |
| Section 2(4) | Receipt of the list of politically restricted posts |
| Section 5 | Monitoring Officer |
| Section 5A | Report to Cabinet in relation to unlawful activity / maladministration |
| Local Government Act 1972 | |
| Section 229(5) | Certification of photographic copies of documents |
| Section 234 | Authentication of documents |
| Section 238 | Certification of byelaws |
| Local Government (Committees and Political Groups) Regulations 1990 | |
| Regulation 8 | Receipt of notice of constitution of a political group |
| Localism Act 2011 | |
| Section 29 | Establishing and maintaining a register of Members' interests |
| The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 | |
| Regulation 3 | Recording of executive decisions |
| Regulation 5 | Making documents available for inspection following an executive decision |
| Regulation 6 | Making background papers available for inspection |
| Regulation 9 | Making reports considered in relation individual executive decisions available for inspection |
| Regulation 11 | Making meeting agenda and connected reports available for inspection |
| Regulation 12 | Publicity in connection with key decisions |
| Regulation 15 | Notice requirements in relation to general exception to include Key Decisions on the Forward Plan |
| Regulation 17 | Determining when information is exempt from disclosure to Members |

| Legislation | Function |
|---------------|--|
| Regulation 21 | Determining when information is exempt from disclosure to the public |

1.4 Executive Director Adults, Housing and Health

The Executive Director Adults, Housing and Health shall act as the statutory Officer for adult social services under the Care Act 2014 and will be responsible for all matters relating to the care and support of vulnerable adults and the safeguarding of vulnerable adults. The duties include:

- (a) Adult Social Care Services (commissioning contracts and procurement service).
- (b) Housing Management.
- (c) Adult Social Care Fieldwork (safeguarding and legal intervention, mental health for older people, complex care, learning disabilities, east and west independence and prevention teams, rapid response and assessment, preparing for adulthood disabled young people 14-25, local area co-ordinators and community led support).
- (d) Adult Social Care Provider Services (carers centre services, Collins House residential care home, extra care, joint reablement team, Thurrock homecare and wellbeing teams).
- (e) Health and Care Transformation.
- (f) Community Development and Equalities Team.
- (g) Housing (business improvement, rents and welfare, tenancy services, travellers' service, estate services, sheltered housing, housing asset management, anti-social behaviour, housing safeguarding, private housing services, housing allocation and registration, housing solutions (housing options and temporary accommodation), concierge and CCTV).

The Executive Director Adults, Housing and Health will be the Proper Officer in respect of the following statutory functions:

| Legislation | Function |
|---|---|
| Care Act 2014 | Responsibility for delivering the Council's duties in relation to adult social care |
| National Assistance Act 1948 | |
| Section 47 | Removal to suitable premises of people in need of care and attention |
| National Assistance (Amendment) Act 1951 | |

| Legislation | Function |
|-------------|--|
| Section 1 | Certification of the need for immediate action |

1.5 Executive Director Children's Services

The following Executive Functions have been delegated to the Executive Director Children's Services:

- (a) The Executive Director Children's Services shall act as the statutory Officer under section 18(1) of the Children's Act 2004 and will be responsible for all matters relating to the education of children and young people, for the safeguarding of vulnerable children and for promoting the general wellbeing of children and families and services as well as all learning and cultural services. The duties include:
- (i) Children's Social Care, youth offending and brighter futures early intervention.
 - (ii) Children and Families.
 - (iii) Learning and Universal Outcomes (school improvement, children with special needs and disabilities and admissions).
 - (iv) Schools Transport.
 - (v) Children's Commissioning and service transformation.
 - (vi) Managing the DSG budget and determining annual budgets delegated to schools.

The Executive Director Children's Services will be the Proper Officer in respect of the following statutory functions:

| Legislation | Function |
|--------------------------|------------------|
| Children Act 2004 | |
| Section 18 | See 1.5(a) above |

1.6 Executive Director Place

The areas of responsibility of the Executive Director Place shall be:

- (a) Business Development.
- (b) Traded Services.
- (c) Property and Development Teams.
- (d) Lower Thames Crossing.

- (e) Street Scene and Leisure (clean and green services, recreation and leisure, waste services, enforcement and community protection).
- (f) Highways, Fleet and Logistics (highways infrastructure, network management, passenger transport unit and fleet management).
- (g) Clean and Green Services (street cleaning, parks and open spaces, burial services and arboriculture).
- (h) Recreation and Leisure.
- (i) Waste Services (waste collection, disposal and commercial waste).
- (j) Household Waste and Recycling Centre.
- (k) Enforcement and Community Protection (enforcement, Thurrock Community Safety Partnership, local community and visibility and counter extremism and terrorism).
- (l) Planning Transport and Public Protection.
- (m) Development Management (planning applications, planning committee, planning enforcement and building control).
- (n) Strategic Planning (local plan and joint strategic plan across South Essex).
- (o) Transport Development (supporting growth agenda, local transport scheme, funding bids).
- (p) Public Protection (environmental health, trading standards, emergency planning, food safety, licensing and health and safety).
- (q) Economic Development

The Executive Director Place will be the Proper Officer in respect of the following statutory functions:

| Legislation | Function |
|--|---|
| Local Government Act 1972 | |
| Section 191 | Receipt of applications under S.1 of the Ordnance Survey Act 1841 |
| Schedule 14, Para 25 | Certification of resolution concerning the Public Health Act 1875, the Public Health Acts Amendment Act 1907 and the Public Health Act 1925 |
| Local Authorities Cemeteries Order 1977 | |
| Regulation 10 | To sign exclusive rights of burial |

| Legislation | Function |
|--|--|
| Planning and Compulsory Purchase Act 2004 | |
| Section 33A(1) | Duty to cooperate in relation to planning of sustainable development |
| Building Act 1984 | |
| Section 93 | Authentication of documents |

1.7 Director Public Health

The Director Public Health shall act as the statutory Officer under section 73A of the National Health Service Act 2006, and in particular will act as lead for the delivery of public health services within the Borough. The areas of responsibilities of the Director Public Health shall be:

- (a) Health Improvement (address inequalities, improving wider determinants of ill health, strengthening families and communities, improving lifestyles).
- (b) Healthcare Public Health (improving clinical effectiveness, improving service efficiency, planning new services, audit and evaluation, clinical governance and ensuring equity of provision of and access to services).
- (c) Health Protection (controlling infectious diseases, chemicals and poisons, radiation, emergency response and environmental health hazards).
- (d) Children and Young People's Public Health.
- (e) Health Improvement and Protection.
- (f) Environment, Place and Community based Public Health.
- (g) Health Intelligence, Healthcare and Social Care Public Health.

The Director Public Health will be the Proper Officer in respect of the following statutory functions:

| Legislation | Function |
|---|--|
| National Health Service Act 2006 | |
| Section 73A | As above |
| Section 73A(1)(a) | The exercise by the authority of its functions under section 2B (improvement of public health), 111 (dental public health) or 249 (joint working with the prison service) or Schedule 1 (further provisions) |

| Legislation | Function |
|--------------------|--|
| Section 73A(1)(b) | The exercise by the authority of its functions by virtue of section 6C(1) or (3) (exercising public health functions of the Secretary of State as required by regulations) |
| Section 73A(1)(c) | Anything done by the authority in pursuance of arrangements under section 7A (exercise of Secretary of State's public health functions) |
| Section 73A(1)(ca) | Any public health functions of the Secretary of State exercisable by the authority in pursuance of arrangements made with another body by virtue of section 65Z5 (joint working and delegation arrangements) or 75 (arrangements between NHS bodies and local authorities) |
| Section 73A(1)(d) | The exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health |
| Section 73A(1)(e) | The functions of the authority under section 325 of the Criminal Justice Act 2003 (arrangements for assessing etc risks posed by certain offenders) |
| Section 73A(1)(f) | Such other functions relating to public health as may be prescribed |

1.8 Assistant Director Strategy, Policy, Performance and Partnerships

The areas of responsibility for the Assistant Director Strategy, Policy, Performance and Partnerships shall be:

- (a) Strategy and Corporate Performance.

1.9 Assistant Director Communications and Engagement

The areas of responsibility for the Assistant Director Communications and Engagement shall be:

- (a) Communications.
- (b) Web.
- (c) Customer Services.
- (d) Performance, Quality and Business Intelligence (Social Care, Education).

1.10 Chief Planning Officer

The Chief Planning Officer will be the Proper Officer in respect of the following statutory functions:

| Legislation | Function |
|--|--|
| Weights and Measures Act 1985 | |
| Section 72(1)(a) | Chief inspector of weights and measures |
| Food Safety Act 1990 | |
| Section 49(3)(a) | Authentication of documents |
| Public Health Act 1936 | |
| Section 85(2) | Report and authorisation in relation to cleansing of verminous persons or articles |
| Public Health Act 1961 | |
| Section 37 | Control of verminous household articles |
| Public Health (Control of Disease) Act 1984 | |
| Section 48 | Certifying that the retention of a body in any place would endanger health |
| Section 59 | Authentication of documents relating to matters within their responsibility |

2. Recording decisions

2.1 Any decision made by an Officer under this Scheme of Delegation that:

- (a) grants a permission or licence;
- (b) affects the rights of an individual; or
- (c) awards a contract or incurs expenditure which, in either case, materially affects the Council's financial position.

must be recorded in writing. For the purposes of (c) above, a contract value or expenditure of £500,000 or more will be deemed to have a material effect on the Council's financial position.

2.2 This written record must be produced as soon as practicable after the decision has been made, and should contain the following information:

- (a) the date of the decision;
- (b) details of the decision and the reasons for it;
- (c) details of any alternative options considered and rejected; and

- (d) where the decision has been delegated under a specific express authorisation, the names of any Member who has declared a conflict of interest in relation to the decision.
- 2.3 The written record of the decision, together with any background papers, must be made available for inspection by members of the public as soon as reasonably practicable after the decision has been made:
 - (a) at all reasonable hours at the Civic Offices;
 - (b) on the Council's website; and
 - (c) by such other means that the Council considers appropriate.
- 2.4 The written record of the decision must be retained and made available for public inspection for at least 6 years. Any background papers referred to by the decision-maker must be retained and made available for public inspection for at least 4 years. The relevant retention period will begin with the date on which the decision, to which the written record and any background papers relates, was made.
- 2.5 For the avoidance of doubt, Chapter 8 (Access to Information Procedure Rules) of this Constitution shall apply to any record of a decision, and the Council is not required to make public any confidential or exempt information.
- 2.6 The Head of Democratic, Scrutiny and Member Services and the Monitoring Officer are responsible for ensuring that decisions are properly recorded in accordance with this section 2 and that the record of any decision is available to Officers, Members and to the public, particularly if the decision relates to a change in policy or practice, or a financial commitment not already included in approved Budget plans.
- 2.7 Officers making a decision are responsible for:
 - (a) ensuring that the decision is implemented in accordance with that decision; and
 - (b) responding to any request for an explanation of their reasons for the decision from, and accounting for its implementation to, other Officers, Members and statutory regulators.

Part 3 – Investment Delegations

1. Introduction

- 1.1 Local authorities have certain powers to make investments in order to utilise surplus cash, to generate income in a prudent manner that does not expose the Council to unnecessary risk. The Council will only make such investments where they are appropriate, they have been subject to appropriate due diligence, and they have been approved in accordance with this Scheme of Delegation. This Part 3 sets out the basis on which the Council is authorised to make investments and the governance controls around investment decision-making.
- 1.2 Investments include all of the Council's financial assets as well as other non-financial assets that the organisation holds primarily or partially to generate a profit, for example, investment property portfolios. Investments also include loans made by the Council to any Council-owned Company, to a joint venture, or to a third party, and equity investments, for example shares in limited companies. The term does not include pension funds or trust fund investments, which are subject to separate regulatory regimes.

2. Investment strategy

- 2.1 For each financial year, the Council will prepare an Investment Strategy. The Investment Strategy should contain the disclosures and reporting requirements specified in the Statutory Guidance on Local Government Investments issued under section 15(1)(a) of the local Government Act 2003.
- 2.2 The Council has also put in place a Disinvestment Strategy, setting out how it proposes to rationalise previous investment holdings which no longer represent good value for money.
- 2.3 The Investment Strategy and Disinvestment Strategy will be presented to full Council for approval before the start of each financial year.
- 2.4 Any material change to the Investment Strategy and Disinvestment Strategy must be approved by full Council before the change is implemented.
- 2.5 When setting its Investment Strategy, the Council must have regard to:
- (a) relevant statutory requirements, and statutory guidance;
 - (b) CIPFA guidance, primarily Treasury Management in the Public Services: Codes of Practice and Cross-Sectoral Guidance Notes and the CIPFA Prudential Code for Capital Finance in Local Authorities; and
 - (c) any specific requirements set by the Commissioners and/or the Department for Levelling Up, Housing and Communities.

3. Investment principles and governance controls

- 2.1 The following principles shall apply to any decision by the Council to make an investment:

- (a) All investments should be made in accordance with the Council's Treasury Management Indicators.
 - (b) The Council should consider the diversity of its investment portfolio before making an investment to ensure that the risk profile of the Council's total investment portfolio is appropriate.
 - (c) Before any significant investment is made, the Council should undertake rigorous due diligence and risk assessment, engaging experts as required. This may require the production of a business case for a specific investment, setting out the risks and anticipated benefits of the investment and the likely returns available to the Council.
 - (d) The risk of any investment should be balanced against the Council's requirement to deliver services and the over-riding requirement to rationalise investment balances in order to reduce debt.
 - (e) The decision to make any significant investment should involve the Cabinet and the wider Council and should be subject to appropriate scrutiny.
 - (f) Where the Council proposes to invest in private sector markets, appropriate expertise must be engaged to manage commercial entities to ensure that the Council's role remains clear, and those commercial entities are managed effectively.
- 2.2 For the purposes of this section 2 a "significant" investment is one which exceeds £0.5m in value and/or does not relate to the Council's municipal functions (i.e., it would be classed as a commercial investment for the generation of income).
- 2.3 All investment decisions must be approved by the Section 151 Officer, the Chief Executive, the Commissioners, and the Cabinet Member for Finance.
- 2.4 Investments above £0.5m must be approved by full Council.
- 2.5 Any borrowing required to finance a proposed investment must be approved by the Chief Executive, the Commissioners and the Section 151 Officer.