

Scheme of Delegation

Proper Officer and General Statutory Functions

March 2011

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Purpose

To set out the delegations from the Council's Executive and Council bodies to Chief and Deputy Chief Officers where the legislation requires that a proper officer be appointed for the purposes of discharging the statutory provision.

Related Policies and Documents

All parts of the Officers scheme of delegation
Proper Officer and General Statutory Functions Services Service Schemes of Authorisations

Who is governed by this policy?

The scheme of delegations will apply to all permanent, contract and temporary staff working for the Council.

Executive Summary

All delegations are subject to compliance with the law, the Council's Constitution, its Procurement Code, Financial Regulations and other relevant policies and procedures. All delegations may be exercised by the Chief Executive as well as those posts set out in this Scheme of Delegation.

This section sets out the powers which are conferred on the Council and its Executive which are exercisable by Officers and is the list maintained pursuant to Section 100 (G) (2) of the Local Government Act 1972. Under the provisions of the Local Government and Housing Act 1989 (S2) as amended by the Provisions of S202 of the Local Government and Public Involvement in Health Act 2007 and S30 of the Local Democracy Economic Development and Construction Act 2009 the post holders in this Scheme of Delegation hold politically restricted posts.

Although these powers have been delegated to officers, there is a requirement to consult local ward councillors and community lead councillors if the decision you are making has a direct impact on a local community. Please consult Democratic Services for advice. In addition, please be aware that at the very least local ward councillors should be kept aware of any decision made and implemented under delegated powers that affects members of the community in their ward and this would normally be through the ward based bulletin.

PART A The following statutory provisions give powers to the duly authorised Proper Officers. The following sets out the Proper Officers for the functions identified

No.	STATUTE AND FUNCTION/POWER	PROPER OFFICER
NATIONAL ASSISTANCE ACT 1948 AND NATIONAL ASSISTANCE (AMENDMENT) ACT 1951		
SP1	Section 47 of the 1948 Act and Section 1 of the 1951 Act - Proper officer to seek an order for removal of persons into care	Any Level Two officer in Children and Young People Services or the relevant Executive Director with responsibility for the function
REGISTRATION SERVICES ACT 1953 AND REGULATIONS 1968 TO 1994		
SP2	Proper officer for Births Deaths and Marriages	Divisional Director Legal Services
<u>GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1969</u>		
SP3	Certification of documents as a decision of any officer of the Council exercising delegated powers	Divisional Director Legal Services
<u>LOCAL GOVERNMENT ACT 1972</u>		
SP4	Section 83 (1) – The officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act	Chief Executive
SP5	Section 83 (3)(b) – The officer before whom a declaration of acceptance of office of Chair of Council or Deputy Chair of Council may be made	Chief Executive
SP6	Section 84 – The officer to whom written notice of resignation of elected office shall be delivered	Chief Executive
SP7	Section 86 - To declare any vacancy in any office under the Section	Chief Executive
SP8	Section 88 (2) – The officer by whom a meeting of the Council for the election of the vacant office of Chair person of the Council may be convened	Chief Executive
SP9	Section 89 (1)(b) – The officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the Borough	Chief Executive

No.	STATUTE AND FUNCTION/POWER	PROPER OFFICER
SP10	Section 96 – The officer to whom general notices and recording of disclosures of interests under Section 94 should be given	Head of Democratic Services
SP11	Section 99 + Schedule 12 - To give notice and send summonses in respect of any Council meeting	Chief Executive
SP12	Section 100 - To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press	Chief Executive
SP13	Section 100B (2) – The officer to exclude from committees, sub committees, Council or Executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Head of Democratic Services or his/her nominee
SP14	Section 100B (7)(c) – The officer to supply to any newspaper copies of documents supplied to Members of committees, sub-committees, Council or Executive meetings in connection with an item for consideration	Head of Democratic Services or his/her nominee
SP15	Section 100C (2) – The officer to prepare a written summary of proceedings of committees, sub-committees, Council or the Executive from which the public were excluded	Head of Democratic Services or his/her nominee
SP16	Section 100D (1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive	Head of Democratic Services or his/her nominee
SP17	Section 100D (5) – The Officer to determine which documents constitute background papers and Section 100H - ability to charge for the provision of such documents	Head of Democratic Services or his/her nominee
SP18	Section 100F (2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Head of Democratic Services or his/her nominee
SP19	Section 100G - To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like	Chief Executive
SP20	Section 115 – The officer to whom money properly due from officers shall be paid	Executive Director of Resources
SP21	Section 123 - The officer responsible for certifying or obtaining a certificate of ‘Best Consideration’ on the disposal of land and property.	Divisional Director Property Services

No.	STATUTE AND FUNCTION/POWER	PROPER OFFICER
SP22	Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Executive Director of Resources
SP23	Section 151 (and section 114 of the Local Government Finance Act 1988) – The officer to be responsible for the proper administration of the Authority’s financial affairs (and to issue a report to Members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Executive Director of Resources
SP24	S.223 Authorising officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984	Level one, two and three officers
SP25	Section 225 (1) – The officer to receive and retain statutory documents on behalf of the Authority	Divisional Director Legal Services
SP26	Section 229 (5) – The officer to certify photographic copies of documents	Divisional Director Legal Services
SP27	Section 233 – The officer to receive documents required to be served on the Authority	Divisional Director Legal Services
SP28	Section 234 (1) & (2) – The officer to authenticate documents on behalf of the Authority	Divisional Director Legal Services
SP29	Section 238 – The officer to certify printed copies of bylaws	Divisional Director Legal Services
SP30	Section 248 – The officer responsible for the keeping of the roll of freemen	Head of Democratic Services
SP31	Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Head of Democratic Services
SP32	Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions	Head of Democratic Services or Divisional Director Legal Services
SP33	Schedule 29 [paragraph 41] – The officer responsible for the exercise of functions under Section 9 (1) & (2), 13 (2) (h) and (3) (b) and 20 (b) of the Registration Services Act 1953 (Proper Officer)	Divisional Director Legal Services
	<u>LOCAL GOVERNMENT ACT 1974</u>	
SP34	Section 30(5) - Notice of Local Government Ombudsman’s Report	Chief Executive

No.	STATUTE AND FUNCTION/POWER	PROPER OFFICER
	<u>LAND CHARGES ACT 1975</u>	
SP35	Section 19 – The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975	The Executive Director with responsibility for the function.
	<u>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</u>	
SP36	Section 41 – The officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings	Head of Democratic Services or Divisional Director Legal Services
SP37	Section 16 - Notices requiring details of interest in land.	Any officer of the Council.
	<u>EUROPEAN PARLIAMENTARY ELECTIONS ACT 1978 and 2002 and GREATER LONDON AUTHORITY ACT 1999</u>	
SP38	Acting Returning Officer for European Parliamentary Elections and Greater London Authority Elections and all other powers in relation to such elections.	Chief Executive
	<u>REPRESENTATION OF THE PEOPLE ACT 1983</u>	
SP39	Section 8 - To appoint a Registration Officer for the purpose of the registration of electors and approve the Deputy Electoral Registration Officer	Chief Executive
SP40	Section 18 - Division of the area into polling districts and keeping the districts under review.	Chief Executive
SP41	Section 35 – The Returning Officer at an election of London Borough Councillors	Chief Executive
SP42	Section 28 – Acting Returning Officer at an election of a Member of Parliament	Chief Executive
SP43	Sections 82 and 89 - Receipt of election expense declarations returns and the holding of those documents for public inspection	Chief Executive
	<u>PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984, FOOD SAFETY (GENERAL FOOD HYGIENE) REGULATIONS 1995 AND THE MILK AND DAIRIES (GENERAL) REGULATIONS 1969 AND THE PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS 1988</u>	

No.	STATUTE AND FUNCTION/POWER	PROPER OFFICER
SP44	Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	As may be appointed from time to time by the Relevant Executive Director with responsibility for the function
	<u>LOCAL GOVERNMENT FINANCE ACT 1988</u>	
SP45	Section 116 - Notification to the Council's auditor of any meeting to be held under Section 15 of the 1988 Act (meeting to consider any report of the Chief Finance Office under Section 114)	Executive Director of Resources
SP46	Section 139A - Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required.	Executive Director of Resources
	<u>ROAD TRAFFIC ACT 1988</u>	
SP47	Holder of the Council's Vehicle Operations Licence	Executive Director of Environment
	<u>LOCAL GOVERNMENT AND HOUSING ACT 1989</u>	
SP48	Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 - provision of certificates as to whether a post is politically restricted	Deputy Divisional Director Human Resources
SP49	Section 4 – The officer to be designated Head of Paid Service	Chief Executive
SP50	Section 5 – The officer to be designated Monitoring Officer	Divisional Director Legal Services
SP51	Sections 15 – 17 (and regulations made thereunder) – The officer to receive notices relating to the membership of political groups	Chief Executive
	<u>CIVIL EVIDENCE ACT 1995</u>	
SP52	To certify Council records for the purposes of admitting the document in evidence in civil proceedings.	Divisional Director Legal Services, Chief Executive, Executive Directors.
	<u>LOCAL GOVERNMENT (CONTRACTS) ACT 1997</u>	
SP53	Certification of relevant powers to enter into contracts	Executive Director of Resources

No.	STATUTE AND FUNCTION/POWER	PROPER OFFICER
	<u>DATA PROTECTION ACT 1998</u>	
SP54	Duty to notify the Information Commission of any changes in accordance with Section 20 of the DPA 1998	Chief Information Officer
	<u>CRIME AND DISORDER ACT 1998</u>	
SP55	Section 12 - to apply for the discharge or variation of a Child Safety Order	Executive Director with responsibility for children's services
SP56	Sections 17 and 37 to have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	All Executive Directors
	<u>LOCAL GOVERNMENT ACT 2000 AND LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) ACCESS TO INFORMATION (ENGLAND) REGULATIONS 2000</u>	
SP57	The officer responsible for ensuring a proper record and access is made of Executive reports, background papers and decisions and that the document comprising the Authority's Forward Plan is published in accordance with the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000	Chief Executive
SP58	To establish and maintain the Members Register of Interests (Section 81 LG A2000) and ensure it is available for public inspection	Monitoring Officer
SP59	To ensure that copies of the constitution are available for inspection	Monitoring Officer
SP60	To make payments of relevant allowances in accordance with the Council's Members allowances scheme	Executive Director of Resources
SP61	To defray expenses of any Members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough	Chief Executive
	<u>CRIMINAL JUSTICE AND POLICE ACT 2001</u>	

No.	STATUTE AND FUNCTION/POWER	PROPER OFFICER
SP62	Delegated power to authorise officers to enter premises and seize items where the Council has a power of seizure under this Act and to perform other related duties (return and security of seized items)	All Level One and Level Two Officers
	<u>LOCAL GOVERNMENT ACT 2003</u>	
SP63	Requirement to report to Council annually on the robustness of estimates and financial reserves	Executive Director of Resources (Chief Finance Officer)
	<u>MONEY LAUNDERING REGULATIONS 2003 - PROCEEDS OF CRIME ACT 2002</u>	
SP64	Money Laundering Reporting Officer for the purposes of receiving disclosure on suspicions of money laundering and reporting as necessary.	Divisional Director of Finance
	<u>CHILDREN ACT 2004</u>	
SP65	Section 18 Officer responsible for welfare of children	Executive Director Children and Young People
	<u>HOUSING ACT 2004</u>	
SP66	Section 4 - Proper Officer for the purposes of receiving complaints that any category 1 of 2 hazard may exist of that on area should be dealt with as a clearance area	Strategic Manager - Private Sector Housing
	<u>TRAFFIC MANAGEMENT ACT 2005</u>	
SP67	To act as the Council's Traffic Manager for the purposes of the 2005 Act	Head of Network Management
	<u>OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS</u>	
SP68	Any other miscellaneous proper or statutory officer functions not otherwise specifically delegated by the Authority	Chief Executive or his/her nominee

PART B The following general statutory requirements shall be exercisable by all officers insofar as is relevant for the effective performance of their duties and within their job description and are of responsibility.

SP1	Audit	To comply with any powers and duties contained in directions made by the Audit Commission including publication of performance standards and provision of information.
SP2	Protecting Children	To improve the well-being of children in the Borough, to reduce inequalities, children's facilities provided in an integrated manner and have regard to guidance issued under Children Act 2006 in the provision of services to children, parents, prospective parents and young people.
SP3	Disabled Persons	Make provision for the supply of services and admission to public buildings and premises for those who are disabled, ensure proper signage and make appropriate adjustments for staff and service users.
SP4	Civil Contingencies	Comply with any order in relation to the prevention or control of an emergency and provide appropriate information in relation to the steps taken by the Council to comply with these duties.
SP5	Climate Change	Have regard to the Council's policy on combating climate change and the desirability of alleviating fuel poverty and securing diverse and viable long term energy supply.
SP6	Crime and Disorder	Take all necessary steps to prevent crime and disorder in the area when carrying out the Council's functions.
SP7	Criminal Proceedings	Have regard to the Council's protocol in relation to the bringing of Council proceedings when deciding whether a person should be charged with any offence.
SP8	Best Value	To have regard to Best Value duties on the Authority when providing services and to keep under review the provision of all services to ensure Best Value.
SP9	Equalities	Ensure that the Council's functions are carried out to eliminate discrimination and promote equality of opportunity and good relations and carry out appropriate equalities impact assessments of service delivery, policies and strategies and any changes.
SP10	Identity Checks	To comply with any powers or duties contained in any Regulations or statutory provisions with regard to the necessity to check identification before the provision of public services.
SP11	Proceeds of Crime and Money Laundering	To notify the Council's Money Laundering Officer (Head of Finance) of any matter where proceeds from crime maybe used to fund an acquisition, benefit, agreement or services from the Council or where there is a suspicion that same are may be harbouring the proceeds of crime.

SP12	Human Rights	Have regard to the provisions of the Human Rights Act in relation to the provision and public services to individuals, service delivery arrangements and when devising policy, procedures or strategies.
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