

COVER

This part sets out which body or individual is responsible for exercising each of the functions assigned to the Council by law. Under the Local Government Act 2000 (as amended), each of the Council's functions falls into one of the following categories:

- Council functions, which are the responsibility of the full Council and/or its committees and sub-committees or joint committees
- executive functions, which are the responsibility of the Executive, meaning the Leader, the Cabinet or individual Cabinet members or joint committees.
- local choice functions, where the Council determines whether the function is the responsibility of the Council or of the Executive.

Both Council functions and executive functions may (with some exceptions) be delegated to staff.

This part sets out responsibility for functions as follows:

1 Council functions

- 1.1 Functions exercised by full Council alone
- 1.2 Functions delegated to general council committees
- 1.3 Statutory and non-statutory bodies
- 1.4 Functions delegated to Overview and Scrutiny Sub-Committees or the Overview and Scrutiny Board

2 Executive functions

- 2.1 Functions exercised by Cabinet alone
- 2.2 Functions delegated to individual Cabinet members
- 2.3 Functions exercised by joint arrangements with another Council or other Councils.

3 Functions delegated to staff

- 3.1 General provisions and limitations
- 3.2 Powers of Chief Executive
- 3.3 Powers of Members of the Senior Leadership Team
- 3.4 Powers of Second Tier Managers
- 3.4A Powers of Third Tier Managers
- 3.5 Functions relating to Children's Services Directorate
- 3.6 Functions relating to Adult Services and Health Directorate
- 3.7 Functions relating to the Chief Operating Officer Directorate
- 3.8 Functions relating to the Neighbourhoods Directorate
- 3.9 Functions relating to the OneSource group of services

3.10 Statutory Officer Functions

4 **Functions not to be the responsibility of an authority's Executive**

5 **Local choice functions**

6 **Proper officer functions**

7 **Statutory officer functions**

8 **Appendices**

A: Enactments enforceable by Assistant Director Environment and Public Protection Staff

B: Code of practice: disposal of surplus property

1 Council functions

1.1 Functions exercised by full Council alone

Only the Council will exercise the following functions:

- (a) adopting the constitution
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget
- (d) appointing the Leader and the Mayor
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them
- (f) adopting an allowances scheme under Article 2.04
- (g) changing the name of the area, conferring the honorary freedom of the borough or appointing honorary aldermen
- (h) confirming the appointment and dismissal of the Head of Paid Service
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (j) the decision to introduce or revise a council tax reduction scheme
- (k) agreeing council tax discounts and exemptions
- (l) adoption of the members' code of conduct
- (m) approving the annual pay policy statement
- (n) Resolution to make a change in governance arrangements
- (o) all local choice functions set out in Part 3 of this constitution assigned under Part 3, section 4 which the Council decides should be undertaken by itself rather than the Executive:
- (p) all other matters which, by law, must be reserved to Council.

1.2 Functions delegated to general council committees

The following functions are delegated to the general council committees. Any reference to “the regulations” is a reference to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as subsequently amended. Reference is made to the following functions:

- functions not to be the responsibility of an authority’s Executive, set out in Part 3, section 4 (delegated in accordance with schedule 1 of the regulations)
- local choice functions, set out in Part 3, section 5 (delegated in accordance with schedule 2 of the regulations).

Council committee	Functions
Audit	<p>Internal control</p> <ul style="list-style-type: none"> • To consider and monitor the adequacy and effectiveness of the authority’s risk management and internal control environment and to make recommendations to full Council where necessary <p>External audit</p> <ul style="list-style-type: none"> • To monitor the adequacy and effectiveness of the External Audit Service and respond to its findings <p>Internal audit</p> <ul style="list-style-type: none"> • To support the Officers with their delegated responsibility of ensuring arrangements for the provision of an adequate and effective internal audit • To monitor the adequacy and effectiveness of the internal audit service and to receive and monitor an annual internal audit plan from the audit manager • To approve the Annual Statement of Accounts, including the Annual Governance Statement, and to recommend as necessary to the Governance Committee regarding the committee’s responsibilities to monitor corporate governance matters generally. • To monitor proactive fraud and corruption arrangements
Governance	<p>Monitoring constitution</p> <p>In accordance with Part 2, Article 11 of this constitution:</p> <ul style="list-style-type: none"> • To monitor and review operation of the constitution to ensure that the aims and principles of the constitution are given full effect • To make recommendations to the Council about amending the constitution • To monitor and review the Members’ Allowance Scheme and make recommendations to Council • To monitor and review the role of Overview and Scrutiny including numbers, operation and responsibility of the Overview and Scrutiny Board and Sub-Committees and their terms of reference and make recommendations

Council committee	Functions
	<p>Staff disciplinary, capability and grievance procedures</p> <ul style="list-style-type: none"> • Where necessary, to establish a panel to consider and determine any appeal by the Head of Paid Service, a SLT Director, Monitoring Officer or a Second Tier Manager from the decision of a panel of the Appointments Committee. • Where necessary, to establish a panel to hear a grievance submission made by the Head of Paid Service, a SLT Director, Monitoring Officer or a Second Tier Manager • Where necessary to establish a panel to consider and determine any appeal against dismissal or final stage grievance lodged by “Havering Grade” staff. <p>Appointments and dismissals</p> <ul style="list-style-type: none"> • To make recommendations to Council about appointing and dismissing the Head of Paid Service. • To appoint and dismiss SLT Directors, Director of Public Health, the Monitoring Officer and Second Tier Managers, in accordance with the procedures set out in the Staff Employment Procedure Rules in Part 4 of this constitution. • Where necessary to establish a panel to consider and determine any allegation under the Council’s disciplinary or capability procedures against the Head of Paid service, a SLT Director, Director of Public Health, Monitoring Officer or Second Tier Manager . • To appoint (or in the case of appointments to be made by the Executive, to recommend for appointment) any individual: <ul style="list-style-type: none"> (a) to any office (other than an office in which he is employed by the authority) in the authority’s gift (b) as the authority’s representative to any body other than the authority or to any committee or sub-committee of such a body and to revoke any such appointment (see Part 3, section 5: local choice functions) • To approve delegated arrangements for such appointments • To interview candidates for the independent member positions on the Adjudication and Review Committee and to make recommendations to Council about the appointment of the independent members <p>Terms and conditions and general employment matters</p> <ul style="list-style-type: none"> • To determine matters relating to the Council’s responsibilities as an employer, where a member-level decision is required and can be delegated to a committee, including the overall framework of terms and conditions of employment for employees. • To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Services, SLT Directors, the Monitoring Officer and Second Tier Managers. <p>Member Conduct</p> <ul style="list-style-type: none"> • To promote and maintain high standards of conduct by the members and co-opted members of the authority • To assist members and co-opted members of the authority to observe

Council committee	Functions
	<p>the authority's code of conduct</p> <ul style="list-style-type: none"> To advise the authority on the adoption or revision of a code of conduct (The Adjudication and Review Sub-Committee, will hear, determine and report upon any allegation of breach of code of conduct, including the application of any permitted sanction.) <p>Guidelines for members in dealing with staff</p> <ul style="list-style-type: none"> To advise the authority on the adoption or revision of the Guidelines on members dealing with staff. <p>Protocol on probity in planning</p> <ul style="list-style-type: none"> To advise the authority on the adoption or revision of the Protocol on Probity in Planning. <p>Whistleblowing Policy and Procedure</p> <ul style="list-style-type: none"> To monitor and evaluate complaint numbers and general types made in respect of the Council Whistleblowing policy and procedure and to make any recommendations for improvement to staff and/or Cabinet. <p>Member support</p> <p>To oversee matters related to the facilities available to support members</p> <p>Regulatory and investigatory Powers Act 2000</p> <p>To review the Council's use of the Regulation of Investigatory Powers Act 2000 and the Council's policy at least once every year and to make recommendations for changes to the policy</p> <p>Miscellaneous</p> <p>To undertake those functions assigned under Part 3, section 4: functions not to be the responsibility of an authority's Executive (group EA functions)</p>
Highways Advisory	<p>a) To advise the Council's Executive on local highway and traffic management schemes</p> <p>b) To consider representation made as a result of public consultation on proposed schemes.</p> <p>c) To make recommendations to the Cabinet Member for, Regulatory Services and Community Safety for the implementation of proposed schemes.</p>
Pensions	<p>Pension fund</p> <p>To consider and agree the investment strategy and statement of investment principles for the pension fund and subsequently monitor and review performance</p> <p>Advisers and investment managers</p> <p>Authorise staff to invite tenders and to award contracts to actuaries, advisers and fund managers and in respect of other related investment matters.</p> <p>To appoint and review the performance of advisers and investment managers for pension fund investments.</p> <p>Other Non-executive matters</p> <p>To take decisions on those matters not to be the responsibility of the Executive under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to those matters concerning the Local</p>

Council committee	Functions
	Government Pension Scheme.
Strategic Planning	<ol style="list-style-type: none"> 1) To receive presentations in the pre-application or pre-determination stage. 2) To determine: <ol style="list-style-type: none"> a) Applications for Planning Permission; or b) Applications for Listed Building Consent; which, in the opinion of the Head of Planning acting in his or her discretion, raise strategic issues and should be determined by the Strategic Planning Committee. 3) Any other planning matter which, in the opinion of the Head of Planning acting in his or her discretion, raises strategic issues and should be referred to the Strategic Planning Committee

Council committee	Functions
<p>Planning</p>	<p>Planning</p> <p>1) To determine:</p> <ul style="list-style-type: none"> a) Applications for Planning Permission; or b) Applications for Listed Building Consent; <p>except where they are referable to the Strategic Planning Committee.</p> <p>2) Any planning matter referred to the Planning Committee by the Head of Planning acting in his or her discretion.</p> <p>Health and safety</p> <p>To carry out functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.</p> <p>Highways use and regulation</p> <p>To exercise powers relating to the regulation of the use of highways as set out in Part 3, section 4: functions not to be the responsibility of an authority’s or to staff.</p>
<p>Adjudication & Review</p>	<p>Appeals and complaints</p> <p>To determine an appeal against any decision made by or on behalf of the authority, except where statute provides for some other route of appeal (see Part 3, section 4: functions not to be the responsibility of an authority’s Executive (group B functions) and Part 3, section 5: local choice functions) – see Hearings Panel</p> <p>Admission and exclusion of pupils</p> <ul style="list-style-type: none"> • To make arrangements pursuant to Chapter I of Part III of the School Standards and Framework Act 1998 (admission appeals) • To make arrangements pursuant to Chapter V of Part II of the School Standards and Framework Act 1998 (exclusion appeals and children to whom section 87 applies: appeals by governing bodies) <p>Governing bodies</p> <p>To hear appeals from teachers about early retirement decisions by governing bodies.</p> <p>Members’ conduct</p> <p>To consider allegations of breaches by Members of the Code of Conduct and the appropriate sanctions, if any, to be applied in consequence of a finding that the Code has been breached.</p>

Sub-Committees

Committee establishing sub-committee	Name of sub-committee	Functions
Governance	Appointments Sub-Committee	<p>Appointments and dismissals</p> <ul style="list-style-type: none"> To make recommendations to Council about appointing and dismissing the Head of Paid Service To appoint and dismiss SLT Directors and Second Tier Managers, in accordance with the procedures set out in the Staff Employment Procedure Rules in Part 4 of this constitution. For appointments to oneSource Managing Director and Monitoring Officer and Chief and Deputy Chief Officers of oneSource to appoint following recommendations from the oneSource Joint Committee. Where necessary to establish a panel to consider and determine any allegation under the Council's disciplinary or capability procedures against the Head of Paid Service, a SLT Director, the Monitoring Officer or Second Tier Managers. To make recommendations to Council about the appointment of Independent Persons for Standards matters. <p>Terms and conditions</p> <p>To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Service, SLT Directors, Monitoring Officer and Second Tier Officers</p>

By convention, the Council agrees that the following sub-committees should be exempt from political balance requirements imposed under section 17(1) of the Local Government and Housing Act 1989.

Committee establishing sub-committee	Name of sub-committee	Functions
Adjudication and Review Committee	Hearings Panel	<p>In relation to each category of hearing listed below, the Hearings Panel is empowered to make such awards as it considers appropriate in the interests of justice provided that it does not act outside of Council Policy.</p> <p>If the Hearings Panel is of the view that Council Policy is erroneous the Chairman of the Panel shall draw the policy provision to the attention of the relevant SLT Director and Cabinet Member for consideration and possible review.</p> <p><u>General hearings</u></p> <p>Member Review Panels – To review complaints referred to Members for their adjudication under the agreed Corporate Complaints procedure.</p> <p>To consider complaints by service users relating to the service made available to them, in accordance with the authority's agreed complaints procedure</p> <p><u>Hearings under the Children Act 1989 Representations</u></p>

Committee establishing sub-committee	Name of sub-committee	Functions
		<p><u>Procedure (England) Regulations 2006</u></p> <p>To consider representations by or on behalf of users of children's services in accordance with the Regulations</p> <p><u>Hearings under the Local Authority Social Services Complaints and NHS (England) Regulations 2009</u></p> <p>To consider representations by or on behalf of users of adult services in accordance with the Regulations</p> <p><u>Secure accommodation hearings</u></p> <p>To carry out reviews for the purposes of the Secure Accommodation Regulations 1991</p> <p><u>Housing Service appeals</u></p> <ul style="list-style-type: none"> • To consider the case of any tenants' association which is not recommended for recognition by the Council in accordance with the criteria from time to time adopted by the Council for that purpose. (Part IV of the Housing Act 1985) • To consider non-Homes in Havering cases referred where: <ul style="list-style-type: none"> (a) a suspended order for possession of a dwelling-house on grounds of non-payment of rent has been granted by the court, and (b) the tenant has failed to comply with the terms on which the court suspended that order, and (c) it is considered that, in all the circumstances, it is now appropriate to obtain and execute a warrant for possession of the premises on grounds of continued non-payment of rent and breach of the terms of suspension of the possession order, and (d) the tenant concerned is desirous of being heard by the Hearings Panel before authority is given for the warrant of possession to be executed, so that the panel may have opportunity to consider the circumstances • To consider and determine representations from tenants made under the following section of the Housing Act 1996: <ul style="list-style-type: none"> (a) section 164 (applicants' right to request review of decisions in respect of inclusion etc. on the housing register) (b) section 202 (review of decisions in respect of people who are homeless) <p><u>Members' conduct</u></p> <p>To deal with complaints about breaches by Members of the Code of Conduct (see specific provision for Assessment and Hearing Panels below).</p>

Committee establishing sub-committee	Name of sub-committee	Functions
		<p>Access to files</p> <ul style="list-style-type: none"> To review decisions made pursuant to the: <ul style="list-style-type: none"> (a) Access to Personal Files (Housing) Regulations 1989 (b) Access to Personal Files (Social Services) Regulations 1989 <p>where the applicant is aggrieved</p>
Adjudication and Review Committee (Members' Code of Conduct)	Assessment Panel (Members' Code of Conduct)	To assess complaints referred for attention by the Adjudication and Review Committee
	Hearings Panel (Members' Code of Conduct)	To consider the outcome of investigations and determine whether or not there has been a breach of the Member's Code of Conduct by one or more members and, if there has been a breach, what penalty should be imposed.

1.3 Statutory and non-statutory bodies

The Council has established (or convenes as necessary) various bodies in accordance with legislative requirement or Government guidelines. These bodies will continue to meet (or be convened) as necessary. The bodies are as follows:

Name of body	Functions
Admissions Forum	To undertake the functions assigned by the School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008
Adoption Panel	To undertake the functions assigned by the Adoption Agencies Regulations
Corporate Parenting Panel	To co-ordinate Councillors' response to the Government's Care Matters Protects Initiative and to raise awareness of their responsibilities as corporate parents
Standing Advisory Council on Religious Education (SACRE)	To advise the Council as Local Education Authority on matters relating to Religious Education.
Children's Trust	To uphold and champion the vision, principles and commitments for children and young people in Havering.
Havering Local Pension Board	Assisting the scheme manager (i.e. the Council) in relation to the following matters. <ul style="list-style-type: none"> (a) securing compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme and any statutory pension scheme that is connected with it; (b) securing compliance with requirements imposed in relation to the scheme and any connected scheme by the Pensions Regulator;

Name of body	Functions
	(c) such other matters as the scheme regulations may specify.
Local Safeguarding Children Board	(a) to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the Havering area; and (b) to ensure the effectiveness of what is done by each such person or body for each purpose.
Safeguarding Adults Board	(a) to help and protect adults at risk of neglect or abuse. (b) To ensure the effectiveness of what each of its members does

1.4 Functions delegated to Overview and Scrutiny Board and Sub-Committees

Section 21 of the Local Government Act 2000, requires that the Overview & Scrutiny Sub-Committees and Board be empowered to undertake the following activities:

- a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Cabinet, including power—
 - (i) to recommend that the decision be reconsidered or
 - (ii) to arrange for the Council to review that decision;
- (b) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the Cabinet;
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet;
- (d) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Cabinet; and
- (e) to make reports or recommendations to the Council or the Cabinet on matters which affect the Council's area or the inhabitants of that area.

The Health Overview & Scrutiny Sub-Committee has powers under the National Health Service Act 2006; and the Crime & Disorder Scrutiny Sub-Committee has powers under the Police & Criminal Justice Act 2006. (except any referral to Secretary of State, which is reserved to the Council by resolution)

Overview and Scrutiny	Area of responsibility
Board	<ul style="list-style-type: none"> • Strategy and commissioning • Local Strategic Partnership • Partnerships with Business • Customer access • E-government and ICT • Finance (although each committee is responsible for budget processes that affect its area of oversight) • Human resources • Asset Management • Property resources • Facilities Management • Communications • Democratic Services • Social inclusion • Councillor Call for Action
Overview and Scrutiny Sub-Committee	Area of responsibility
Children & Learning	<ul style="list-style-type: none"> • Pupil and Student Services (including the youth service) • Children's Social Care • Safeguarding Children • Adult education • Social inclusion • Issues relating to the Children and Families Act 2014. • Councillor Call for Action
Environment	<ul style="list-style-type: none"> • Environment • Local Development Framework and Strategic Transport • Transport for London • Environmental Strategy • Community safety • StreetCare • Parking • Social Inclusion • Councillor Call for Action
Individuals	<ul style="list-style-type: none"> • Personalised services agenda • Adult Social Care • Diversity • Social Inclusion

	<ul style="list-style-type: none"> • Councillor Call for Action
Towns & Communities	<ul style="list-style-type: none"> • Regulatory Services • Planning and Building Control • Town centre strategy • Licensing • Leisure, arts, culture • Housing Retained Services • Community safety • Social and economic regeneration • Parks • Social inclusion • Councillor Call for Action
Health	<ul style="list-style-type: none"> • Scrutiny of NHS bodies including the Havering Clinical Commissioning Group, NHS trusts, NHS foundation trusts and other providers of NHS services within the borough or to residents of the borough • To consider and provide recommendations on any proposed substantial development of the health service in the borough or any substantial variation of health services currently provided which are referred to it by the relevant health service commissioner or provider. (except any referral to Secretary of State, which is reserved to the Council by resolution)
Crime and Disorder	<ul style="list-style-type: none"> • Exercise of the functions conferred on the Committee by the Police & Justice Act

2 Executive functions

The Leader of the Council is responsible for arranging for the exercise of all executive functions and may by way of written notice delegate Executive functions to:

1. Cabinet
2. A committee of the Cabinet
3. Individual Cabinet Members
4. Staff
5. Joint Committees

And may exercise any Executive functions personally provided notice is given to the Proper Officer.

The Leader of the Council will give notice in writing, duly signed and dated, to the Proper Officer as to the exercise of Executive functions and will submit a fresh notice on each occasion that those delegations are amended

Executive functions may not be exercised by the Leader or individual Cabinet Members until written notice has been received by the Proper Officer. The Proper Officer will maintain a record of Leader delegations

The following General functions are a list of functions which the Leader may delegate to full Cabinet. The Leader may upon giving written notice to the Proper Officer add other Executive functions to this list.

2.1 General functions of Cabinet

Policy matters

- (a) To formulate the Council's overall policy objectives and priorities and to recommend them to Council for approval where they fall within the budget and/or policy frameworks.
- (b) To determine the Council's strategy and programme in relation to the policy and/or budget frameworks set by full Council.
- (c) To determine all substantial policy matters and strategic decisions and those minor matters which are referred by the Leader at the request of an individual Cabinet Member as being particularly contentious.
- (d) To determine the Council's policy, strategy and programme in relation to the area and in respect of all Executive matters.

- (e) To co-ordinate the statutory functions and obligations of the Council with respect to equality of opportunity and non-discrimination, including its function as an employer save where these concern non-executive functions
- (f) To promote strategic and Council-wide initiatives to improve the quality, efficiency and effectiveness of the Council's services to the public.

Other matters

- (g) To allocate and control financial and land and property resources, to determine priorities in the use of these resources, and take any other action necessary to achieve those objectives.
- (h) To have overall responsibility for acquisitions and disposal of any interest in land, buildings or the real and leasehold property of the Council and to have responsibility for land and property used for operational purposes, 'in principle', disposals of land in excess of £1,000,000 [with the Leader of the Council having authority to agree the 'in principle' disposal of land etc., below that sum.]
- (i) To exercise control over the Council's revenue and capital budgets (including the housing revenue account).
- (j) To exercise control over all human resource matters including the number and type of staff, payroll and pensions, equalities issues, occupational health and safety and organisational development (subject to the Council's policies and procedures) except for staff appointments and dismissals and other non-executive functions.
- (k) To oversee and take responsibility for effective joint work with partner agencies.
- (l) To approve funding for voluntary organisations.
- (m) To affiliate with and appoint representatives to outside bodies, where these are not specifically identified elsewhere in this constitution.
- (n) To consider whether the Council should give evidence before a parliamentary select committee, royal commission, Government committee or similar body.
- (o) To undertake those functions assigned to the Cabinet under Part 3, section 5: local choice functions.
- (p) To award all contracts above a total contract value of £10,000,000.
- (q) To approve applications for the submission of bids for grants and other financial assistance which require the provision of additional finance or match funding or are likely to lead to residual costs or implications for the Council or where the amount of the grant application exceeds £500,000.

- (r) To be responsible for all executive matters even if not expressly set out in Part 3 of this constitution.

2.2. Corporate functions of Cabinet

Finance

- (a) To take decisions on all matters relating to the Council's finances including but not exclusively:
 - (i) budgetary control
 - (ii) establishing long and short term capital and revenue programmes for all areas of service and allocations of both capital and revenue expenditure to other services
 - (iii) financial planning
 - (iv) operational management of insurance arrangements
 - (v) budget revisions
 - (vi) considering the annual estimates of revenue expenditure and income and the Treasury Policy Statement and make recommendations to the Council on the setting of the council tax
 - (vii) virements £1 million or more
 - (viii) virements between services over £250,000 and up to and including £999,999

Treasury management strategy

- (b) To consider the Council's treasury management strategy, making recommendations to full Council on its content and to subsequently monitor its effectiveness taking account of appropriate expert advice

Resource management

- (c) To exercise the Council's functions relating to the use of the Council's resources and, where these are not non-executive functions, human resources. Such functions include:
 - (i) corporate human resources policies and procedures
 - (ii) e-government and customer access
 - (iii) responsibility for the Council's health and safety policies as an employer
 - (iv) Council's Employment Relations framework
 - (v) overall responsibility for properties held for investment purposes

- (vi) corporate purchasing policies and procedures
- (vii) corporate communication strategies
- (viii) overall responsibility for the management and maintenance of the Council's office accommodation and corporate assets
- (ix) emergency planning and civil defence.

2.3 Education functions of Cabinet

To exercise the Council's functions in relation to education including the formulation of the Council's future policies for recommendation to Council where appropriate and their co-ordination and implementation. Such functions include, but are not limited to, the following:

- (a) proposals for schemes of the fair funding of schools, including special schools
- (b) making awards and other allowances to students attending courses at institutions for further and higher education and exercising the discretionary powers of the Council in that connection
- (c) the provision of day care under section 18 of the Children Act within Early Years' Service.

2.4 Quality of life functions of Cabinet

Environment

- (a) To exercise the Council's functions in relation to environmental matters including the formulation of the Council's policies for referral to Council where appropriate and their co-ordination and implementation. Such functions include (but are not limited to) the following except to the extent that they are non-executive functions:
 - (i) town planning
 - (ii) environmental health
 - (iii) highway engineering
 - (iv) public health
 - (v) building control
 - (vi) consumer protection and licensing
 - (vii) traffic management and parking control
 - (viii) transport planning
 - (ix) waste and energy management
 - (x) cemeteries
 - (xi) managing the transport fleet.
- (b) To encourage and promote the environmentally sustainable development and regeneration of the borough and the health of the population through

its planning, transport, economic planning, waste and energy management and environmental health policies and programmes.

- (c) To adopt or amend Interim Planning Guidance for the borough and to approve planning briefs and guidance for the development of sites in the borough and conservation area statements.
- (d) To respond to consultation exercises or notices of intent by external authorities where they relate to strategic issues pertaining to planning control.

Housing

- (e) To exercise the Council's functions in relation to housing and homelessness including the formulation and co-ordination of policies and their co-ordination and implementation. Such functions include, but are not limited to, the following:
 - (i) assessing housing need, demand and supply and developing appropriate strategies, including specific strategies for groups in need
 - (ii) managing and maintaining all land and property held for the Council's housing functions other than that land and property the management of which has been delegated to Homes in Havering.
 - (iii) assessing and setting rents and other charges
 - (iv) setting and varying charges for the use of garages, car parking spaces and other facilities on the Council's housing estates
 - (v) making and rescinding compulsory purchase order resolutions under the relevant housing legislation
 - (vi) keeping under review issues affecting non-public housing tenures in accordance with the Council's housing strategy, in pursuance with the Council's duties under current legislation
 - (vii) taking responsibility for all matters relating to housing associations except the appointment of Members

Leisure and cultural services

- (f) To exercise the Council's functions in relation to leisure services, including the formulation and co-ordination of policies and their co-ordination and implementation. Such functions include (but are not limited to) the following:
 - (i) library and information services

- (ii) arts and museum services
 - (iii) providing and maintaining leisure facilities for children and young persons
 - (iv) providing facilities for sports
 - (v) developing tourism opportunities and provision of tourism services
 - (vi) taking responsibility for provision and upkeep of the Council's public parks, gardens, open spaces, allotments, cemeteries and burial grounds.
- (g) To develop strategic policies for the provision of co-ordinated, accessible and quality leisure services that reflect the multi-ethnic, social and cultural diversity of those who live, work and study within the borough.
- (h) To plan the provision of leisure facilities whether provided by the Council or others.

Social care and health

- (i) To exercise the Council's functions in relation to social services including the formulation of the Council's policies and their co-ordination and implementation. Such functions include (but are not limited to) the following:
- (i) all matters within Schedule 1 of the Local Authority Social Services Act 1970 and, in particular, functions in relation to child protection, children in need, community care and mental health provision
 - (ii) all matters relating to the National Health Services, including the consideration and review of NHS policies in so far as they affect the borough and in particular to have responsibility for joint care planning and liaison with the appropriate health authorities.
 - (iii) All matters relating to public health and dental health as conferred onto the authority by virtue of the National Health Service Act 2003, the Health and Social Care Act 2012 and any subsequent legislation (but excluding functions that are the statutory responsibility of the Health and Wellbeing Board.)

2.5 The following Functions may be delegated to individual Cabinet members by the Leader.

Each individual Cabinet member, as appropriate, may be delegated one or more of the following functions, within the portfolio allocated to him or her by the Leader. If a Cabinet member is unable to act, the Leader may act on his or her behalf, or may authorise another Cabinet member to do so. Matters delegated to individual Cabinet members under this section give them

individual decision making powers. Where any paragraph refers to 'in conjunction with' or 'in consultation with' the decision remains that of the individual Cabinet member.

- (a) To monitor the budgets and the performance of the services allocated by the Leader.
- (b) Where there are implications for policies of the Council, to agree members of staff's responses to consultation papers from:
 - (i) the Government (including White and Green papers)
 - (ii) the London Councils, the Greater London Authority, the Local Government Association and all other bodieswhere those papers affect the services allocated.
- (c) To agree an appropriate response by members of staff to issues raised in respect of allocated services
- (d) To determine priorities in conjunction with the relevant member of SLT (within the policy framework and budget).
- (e) To make suggestions for policy initiatives (within the budget and/or policy frameworks) and for amendments to the budget and/or policy framework, for agreement by the Cabinet and Council.
- (f) To recommend to the Cabinet a response to reports from the Overview and Scrutiny Board and relevant Sub-Committees in respect of the allocated services.
- (g) To approve an exception to the Contracts Procedure Rules set out in Part 4 of this constitution, in accordance with Rule 14(1) of those Rules.
- (h) To award contracts, agree extensions of contract terms and awards/extensions of Consortia contracts of a value above £5,000,000 and up to £10,000,000 and contracts where external funding is guaranteed and there is no longer term financial commitment to the Council. (*Note: Pension Committee has powers to invite tenders and award contracts for investment matters within their terms of reference*)
- (i) To review customer satisfaction, results of consultation with stakeholders and the efficiency of service provision generally and to agree arrangements for continuous improvements to be made.
- (j) To consider and recommend plans in respect of the portfolio allocated.
- (k) To consider the needs of the allocated service for particular properties and to make recommendations to the Cabinet as appropriate.
- (l) To promote effective relationships and partnerships between the Council and all other bodies and agencies affecting the community.

- (m) To consider reports on the exercise of virement, within the Budget Framework Procedure Rules and/or Finance Procedure Rules set out in Part 4 of this constitution.
- (n) To consider reports on contract overspends and to report to Cabinet as necessary.
- (o) To consult any advisory bodies as directed by the Cabinet
- (p) To agree the demolition of housing stock in appropriate cases
- (q) To agree minor matters and urgent or routine policy matters
- (r) To approve supplementary planning guidance and policies.
- (s) To consider recommendations of the Highways Advisory Committee relating to highways and traffic schemes and to make decisions relating to them.
- (t) To approve the 'in principle' decision of the Council disposing of or acquiring an interest in property or land where the disposal or acquisition receipt is not considered likely to exceed £1,000,000.
- (u) To approve individual virements within a service above £250,000 up to and including £999,999.
- (v) To approve virements within services where resources are available or where they are not but the virement is below the identified threshold.
- (w) To approve all virements between services over £250,000.
- (x) To approve all in year changes to both fees and charges.
- (y) To determine allocations from the contingency.
- (z) To consider and agree the setting up of any specific services earmarked reserves along with the arrangements for their use.
- (aa) To authorise expenditure of the Cemeteries and Crematorium Improvement from Income Fund and the Cemeteries and Crematorium Improvement Donation Fund above the level delegated to the Assistant Director Development.
- (bb) To approve all Community Safety Partnership Strategies arising under the Crime and Disorder Act or other related legislation.
- (cc) The Leader may delegate other functions not expressly set out herein to individual Cabinet Members provided they are Executive functions and provided due notice of the exact terms of the delegation and the name of the Cabinet Member is lodged with the Proper Officer.

2.6 Portfolios to be assigned to individual Cabinet members

The Leader is responsible for assigning portfolios to individual Cabinet members Any Cabinet member, including the Leader, may hold more than one portfolio, although a Cabinet Member need not hold any portfolio. Suggested portfolios are as follows, although the Leader may determine the nature of any portfolio as he or she considers appropriate:

- (a) Information & Communication Technology
- (b) Procurement
- (c) Project Management
- (d) Asset Management
- (e) Development Control
- (f) Building Control
- (g) Internal Shared Services
- (h) Finance Procurement
- (i) Human Resources
- (j) Commissioning
- (k) Adult Social Care
- (l) Children & Young People's Services
- (m) Learning & Achievement
- (n) Schools for the Future
- (o) Community Engagement
- (p) Policy and Partnerships
- (q) Communications
- (r) Culture & Leisure
- (s) Customer Services
- (t) Housing
- (u) Public Protection
- (v) Regeneration
- (w) Strategic Planning
- (x) StreetCare
- (y) Highways and traffic schemes
- (z) Legal Services
- (aa) Democratic Services
- (bb) Community Safety
- (cc) Health & Safety
- (dd) Electoral Registration
- (ee) Public Health

The names of individual Cabinet Members are listed on the Council's website and on a list which is available at the Town Hall reception.

2.7 Health and Wellbeing Board

The Health and Wellbeing Board is by virtue of the provision of the Health and Social Care Act 2012 an executive committee of the Council to exercise those functions prescribed under the Health and Social Care Act 2012. In particular to:

Duty to encourage integrated working

To encourage organisations involved in the provision of any health or social care services in the borough to work in an integrated manner.

- (a) To advise, support and encourage (where appropriate) section 75 arrangements under the National Health Service Act 2006 in connection with the provision of health services.
- (b) To encourage all those involved in the provision of health-related services to work with the Board.
- (c) To arrange and encourage any persons involved in the provision of health-related services to work in cooperation with the Health and Wellbeing Board.

Other Functions

- (d) To exercise those functions conferred on the Council by virtue of the Local Government and Public Involvement in Health Act 2007, namely
 - o Preparation of a Joint Strategic Needs Assessment, and;
 - o Preparation of a Health and Wellbeing Strategy
- (e) To inform the Council on whether or not the Council is meeting its duties under section 116B of the Local Government and Public Involvement in Health Act 2007 (duty to have regard for strategies).

Discharge of Functions

- (f) If appropriate, to make arrangements for its functions to be discharged jointly with the Board of another authority and/or by joint sub-committees.

Supply of Information

- (g) To request, where necessary, information from any organisation represented on the Board that relates to the function of the organisation from which the information is requested and that is for the purpose of enabling or assisting the Board in fulfilling its functions.

Health Protection Forum

To provide assistance and guidance to the Director of Public Health to enable them to fulfil their function with regard to health protection and emergency planning as prescribed in section 12 of the Health and Social Care Act 2012

2.8 Joint working delegations

The Council and the Executive have established the following joint arrangements under section 101(5) of the Local Government Act 1972:

- (a) London Councils
- (b) Shared Services Joint Committee (oneSource)

The functions delegated to each of these joint arrangements are set out below:

(a) London Councils Committees

London Councils Leaders Committee

This comprises one member from each of the 33 London local authorities.

Its functions are set out in full in Schedule 2 of the *Association of London Government Agreement* dated 13 December 2001 (as amended). In summary, the Council committee is authorised to deal with the following matters:

- (i) consulting on common interests of London local authorities, discussing local government matters and providing forums for such discussion
- (ii) representing the interests of London local authorities to other bodies, including national and local government, Parliament and the European Union
- (iii) formulating policies for the development of democratic and effectively managed local government
- (iv) appointing representatives or staff to serve on any other body
- (v) representing the interests of London local authorities as employers
- (vi) disseminating relevant information to London local authorities
- (vii) providing information to the public and other bodies on London Councils policies and local government issues relevant to London
- (viii) acting as the regional body of the Local Government Association.

London Councils have the following other committees:

Transport and Environment Committee

This committee comprises one member from each of the 33 London local authorities and a member from Transport for London (which is part of the Greater London Authority).

Its functions are set out in full in Schedule 2 of the *Association of London Government Transport and Environment Committee Agreement* dated 13 December 2001 (as amended). In summary, the committee is authorised to deal with the following matters:

- (a) undertaking various matters related to parking adjudicators, including making appointments, providing accommodation and administrative staff, determining the places at which adjudicators will sit and making an annual report on adjudicators' discharge of their functions
- (b) determining penalty charge levels and fees and discounts for early payment
- (c) publishing and updating the Code of Practice for Parking in London
- (d) co-ordinating and maintaining vehicle removal and clamping operations
- (e) establishing and maintaining a communications and control service to deal with vehicle removals
- (f) overseeing the London lorry ban
- (g) overseeing the London taxicard scheme.

Housing Forum

This committee comprises one representative from each of the following London local authorities:

Barnet, Brent, Camden, Croydon, Ealing, Enfield, Greenwich, Hackney, Hammersmith and Fulham, Haringey, Havering, Hillingdon, Hounslow, Islington, Lambeth, Lewisham, Merton, Newham, Redbridge, Southwark, Tower Hamlets and Waltham Forest.

Its functions are set out in full in Schedule 3 of the *Association of London Government Agreement* dated 13 December 2001 (as amended). In summary, the committee is authorised to deal with the following matters:

- (a) considering housing functions of local authorities generally and housing activities of other housing agencies where relevant
- (b) providing, organising and co-ordinating housing publicity and information on issues relevant to member authorities
- (c) conducting research, evaluation and analysis on housing matters including housing policy and service delivery
- (d) conducting investigations into and collecting information about housing, and making such information available
- (e) assisting member boroughs with publicity on housing functions

- (f) providing professional, administrative and technical assistance to member boroughs and other bodies in the preparation and implementation of specific projects.

The London Grants Committee

This committee comprises one member from each of the 33 London local authorities.

Its functions are:

- (a) To make grants to voluntary organisation benefiting more than one London borough.
- (b) To consider and review the needs of London in relation to the grants scheme.
- (c) To recommend an annual budget to the London Councils which, once approved, must be agreed to by a two-thirds majority of the London local authorities before it can be binding on all London local authorities.

(b) OneSource Joint Committee

This is a committee of this Council, the London Borough of Newham and the London Borough of Bexley, with a membership of 3 councillors from the executive of Havering and Newham Councils and one from Bexley Council. The committee's functions are to control and co-ordinate the back-office functions of both Councils, in the case of Havering these will be:

- (a) Finance & Procurement
- (b) Exchequer Services
- (c) Asset Management
- (d) Legal Services
- (e) Democratic Services
- (f) Strategic HR and Organisational Development
- (g) Business Systems

These functions are set out in detail in Schedule 2 of the Joint Committee Agreement with the London Boroughs of Newham and Bexley.

2.9 Delegation of Functions to another Local Authority

The Council has delegated under Section 101(1) (b) of the Local Government Act 1972, Section 19 of the Local Government Act 2000 and Regulation 7 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, the following functions to Birmingham City Council:

- (a) Enforcement of Parts III and IV of the Consumer Credit Act 1974, and

- (b) the enforcement functions and powers under Parts XI and XII of the Consumer Credit Act 1974, and
- (c) the power of prosecution under section 222 of the Local Government Act 1972

All in connection with money-lending or the activities of money lenders and/or their agents and associates, and the laundering of the proceeds of illegal money-lending.

3 Functions delegated to staff

- 3.1 General provisions and limitations
- 3.2 Powers of the Chief Executive
- 3.3 Powers of members of the Senior Leadership Team
- 3.4 Powers of Second Tier Managers
- 3.4A Powers of Third Tier Managers
- 3.5 Functions relating to the Children's Services Directorate
- 3.6 Function relating to the Adult Services and Health Directorate
- 3.7 Functions relating to the Chief Operating Officer Directorate
- 3.8 Functions Relating to the Neighbourhood Directorate
- 3.9 Functions relating to the OneSource group of services
- 3.10 Statutory Officer functions

3.1 General provisions and limitations

- (a) Staff shall exercise powers under this scheme in compliance with:
 - (i) the rules of procedure set out in Part 4 of this constitution
 - (ii) corporate policies and strategies
 - (iii) any additional conditions imposed either by the Council or by statute or any statutory code of practice.
- (b) The exercise by staff of the powers delegated under this constitution involving the incurring of any expenditure is subject to there being sufficient approved provision within the budget to cover that expenditure.
- (c) A staff member exercising a decision-making power delegated under this constitution may consult with the Leader of the Council, with the relevant individual Cabinet member or with the Chairman of the relevant committee, as appropriate, when the staff member considers such consultation necessary or appropriate in light of the decision required.

- (d) A staff member may refer any matter within a delegation or authorisation to them to the Leader of the Council, the Cabinet, the relevant individual Cabinet member or to an appropriate Council committee or sub-committee for decision provided that the matter is within the delegated powers and duties of whom or to which it is referred
- (e) Where functions of a post are transferred to another post the delegated powers which attach to the transferred function shall also transfer to the other post.
- (f) A member of the Senior Leadership Team (SLT), or a Second Tier Manager may authorise any Third Tier Manager or more junior manager in their line management to exercise any of the powers delegated to them under this constitution in relation to the service which that manager manages, in so far as is legally permissible. Any such authorisation must be:
 - (i) recorded in writing; and
 - (ii) lodged with the Monitoring Officer who will keep a public record of all such delegations.

Any such delegation will become valid only when these conditions are complied with.

- (g) From time to time the Chief Executive may assign Second Tier Managers to the other members of SLT. Each SLT Director shall have all the powers and duties delegated to the Second Tier Managers assigned to them, so far as legally permissible.
- (h) The Chief Executive or any other SLT member is authorised to discharge the relevant functions of the Council where:
 - (i) the matter is of minor importance, whether urgent or not and/or
 - (ii) as a matter of urgency in other cases, it is necessary that action should be taken before the date of a meeting of a body in whom the power of decision rests
- (i) In the following delegations, “the relevant Cabinet Member” means the Leader of the Council or another Cabinet Member to whom the Leader has assigned a portfolio or otherwise delegated authority to act in relation to that matter.

3.2 Powers of the Chief Executive

- (a) To exercise authority over all other SLT members and Second Tier Managers including allocating SLT portfolios and from time to time assigning Second Tier Managers to particular SLT members.

- (b) To exercise the powers delegated to any member of staff so far as the law allows.
- (c) To carry out the functions of the Council for civil aid and emergency planning and to take any action, including incurring expenditure, in connection with an emergency or a disaster in the borough.
- (d) To undertake those functions assigned under:
 - (i) Part 3, section 4 of this constitution: functions not to be the responsibility of an authority's Executive
 - (ii) Part 3, section 5 of this constitution: local choice functions.
 - (iii) Part 3, section 6, of this constitution: Proper Officer functions
- (e) To authorise activities under the Regulation of Investigatory Powers Act 2000
- (f) To exercise the following Local Authority Gold resolution approved on 19 April 2006:
 - (i) This resolution is made in accordance with section 138 Local Government Act 1972, section 101 Local Government Act 1972, section 19 Local Government Act 2000, Regulations 7 and 10 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and all other enabling powers. The resolution has regard to "Emergency Response and Recovery" the non-statutory Guidance issued pursuant to the Civil Contingencies Act 2004.
 - (ii) As from the date of this resolution the Council's functions under section 138(1) Local Government Act 1972 (Powers of principal councils with respect to emergencies or disasters) are delegated to the Council which has appointed the Head of Paid Service as defined in paragraph 3 below in the circumstances set out below.
 - (iii) The Head of Paid Service is the person appointed by one of the Councils under section 4 Local Government and Housing Act 1989 who, following the convening of the Strategic Co-ordinating Group ("Gold Command") to respond to an incident requiring a "Level 2" response (as defined in paragraph 4 below) has agreed to discharge the functions under section 138(1) Local Government Act 1972 ("the functions") on behalf of the Councils.
 - (iv) An emergency requiring a Level 2 response is a single site or wide-area disruptive challenge which requires a co-ordinated response by relevant agencies.
 - (v) The functions hereby delegated shall not be exercised until resolutions delegating the functions have been made by all the Councils.

- (vi) The powers hereby delegated to the Council which has appointed the Head of Paid Service shall not include any power to incur expenditure or to make grants or loans to any person unless either:
 - (a) the Head of Paid Service has received confirmation from the Minister that expenditure reasonably incurred by the Head of Paid Service in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience will be reimbursed by HM Government; or
 - (b) the Head of Paid Service has received confirmation on behalf of the Council(s) in whose area(s) the incident has occurred that expenditure reasonably incurred by the Head of Paid Service in taking immediate action to safeguard life or property; to prevent suffering or severe inconvenience and to promote community cohesion and a return to normality, will be met by the Council (or the Councils in proportions to be agreed by them).
- (vii) In discharging the functions, the Head of Paid Service shall, insofar as reasonably practicable, consult with and inform any Council whose area is affected by the emergency regarding any action proposed to be taken in that Council's area
- (g) To exercise the power on behalf of the Council to consent to a dispersal order under the Anti-Social Behaviour Act 2003 and to be a consultee for the purpose of a closure notice under the Anti-Social Behaviour Act 2003.
- (h) To exercise the power to enter into agreement with other local authorities for the placing of the services of officers from one local authority, at the disposal of the other in accordance with Section 113, Local Government Act 1972 as amended.

3.3 Powers of Members of the Senior Leadership Team

Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 above.

General powers

- (a) To take any steps necessary for proper management and administration of allocated portfolios.
- (b) To exercise all the powers delegated to them personally and those powers delegated to Second Tier Managers and other staff members in their directorate where circumstances require and so far as legally permissible. Exercise of such powers should be recorded where appropriate. Where possible, a SLT member should give notice to a

relevant staff member that he or she intends to exercise a specified power that is delegated to that staff member.

- (c) To make arrangements to secure continuous improvement in the way the Council's functions are exercised having regard to a combination of economy, efficiency and effectiveness etc as required by external regulatory agencies.
- (d) To monitor the progress within their Directorates of national and other performance indicators against agreed targets.
- (e) To restructure within existing service budgets and/or if budgetary provision is already made in the budget.
- (f) Each member of SLT shall ensure that the rules of procedure set out in Part 4 of this constitution are observed throughout their service.

Human resource powers

To exercise overall responsibility within their Group Directorate for human resource matters.

Financial responsibilities

- (a) To incur expenditure within the revenue and capital budgets for their allocated portfolio as approved by the Council, or as otherwise approved, subject to any variation permitted by the Council's contract and financial procedure rules.
- (b) To oversee the delivery of programmes agreed by Council and Cabinet.
- (c) In consultation with the relevant Cabinet Member to apply for, accept and manage external funding up to a limit of £500,000 per grant in support of any function within their Directorate provided that any financial contributions by the Council are made from within existing budgets.
- (d) To authorise the making of ex gratia payments to individuals where the Ombudsman has recommended that such payment be made in local settlement of a complaint.

Contract powers

- (a) To approve commencement of a tendering process for all contracts above a total contract value £500,000.
- (b) To award all contracts with a total contract value of between £500,000 and £5,000,000 other than contracts covered by Contract procedure Rule 16.3.

- (c) To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.

3.4 Powers of Second Tier Managers

Second Tier Managers are those managers directly reporting to a SLT Director. Second Tier Managers all have delegated authority to act as follows within the assigned service, subject to the general provisions and limitations set out in section 3.1 above.

General powers

- (a) To take any steps necessary for proper management and administration for their allocated portfolios.
- (b) To exercise all the powers delegated to relevant staff members where circumstances require, so far as legally permissible. Exercise of such powers should be recorded. Where possible, a Second Tier Manager should give notice to a relevant staff member that he or she intends to exercise a specified power that is delegated to that staff member.
- (c) To manage buildings and facilities under their control including letting, hiring or otherwise permitting the use of such premises and property for occasional purposes and to dispose of obsolete, worn out and surplus stores, equipment and vehicles, ensuring that value for money is obtained on all asset disposals
- (d) To be responsible and accountable for all health and safety matters.
- (e) To monitor the progress within their Service of national and other performance indicators against agreed targets.
- (f) To apply for statutory consent, e.g., planning permission.
- (g) To undertake consultation with the Council's customers and relevant stakeholders, in accordance with the Council's consultation procedures, in order to establish:
 - (i) levels of customer satisfaction with the Council's services
 - (ii) the public and stakeholders' responses to consultation documents, strategies and surveys.

Human Resource powers

To exercise responsibility for all human resource matters within their service, providing that the following requirements are met:

- (a) all decisions must be taken in accordance with human resource policies

- (b) all appointments to permanent posts must be within the approved establishment and be appointments to an identifiable vacant post and all appointments to temporary posts must be within existing service budgetary provision
- (c) the creation of a new post outside of the Council's organisational change process requires the agreement in writing or by e-mail of
 - (i) the relevant Cabinet Member for a post up to PO7 or
 - (ii) the relevant Cabinet Member and the Leader of the Council for a post above PO7

such agreement to be given or withheld within seven working days of being sought
- (d) suspension and dismissal of employees must be undertaken in accordance with the Council's procedures
- (e) a notice of compulsory redundancy to individual employees where all options for redeployment have been exhausted must be issued in accordance with the Council's procedures
- (f) payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties must be made in consultation with Head of Shared Services or otherwise in accordance with the oneSource delegations.
- (g) to approve applications for leave for trade union conferences and training courses in consultation with the Head of Shared Services
- (h) to approve payment of claims by employees for loss or damage to property and clothes up to the limit specified from time to time otherwise payment must be made in consultation with the appropriate Director under the oneSource Scheme of Delegations to grant permission for employees to undertake outside work or duties whether paid or unpaid subject to there being no conflict of interest
- (i) to approve honoraria payments in consultation with the Director of HR or otherwise in accordance with the oneSource delegations.

Financial responsibilities

- (a) To incur expenditure within the revenue and capital budgets for the relevant service as approved by the Council, subject to any variation permitted by the Council's contract and financial procedure rules.
- (b) To implement any approved financial programme, including the authorisation of expenditure and procurement of goods and services.

- (c) To implement approved fees, charges, rents etc. and to ensure that proper arrangements exist for their collection.
- (d) In consultation with the relevant Cabinet Member, to apply for, accept and manage external funding up to a limit of £250,000 per grant in support of any function within their service provided that any financial contributions by the Council are made from within existing budgets.

Contract powers

- (a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.
- (b) To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.

3.4A Powers of Third Tier Managers

Third Tier Managers are managers who report directly to a Second Tier Manager

- (a) To hear and determine disciplinary hearings of more junior staff including those involving accusations of gross misconduct
- (b) To hear and determine grievance hearings.

3.5 Functions relating to the Children's Services Directorate,

This section covers the following members of staff:

- 3.5.1 Director of Children's Services
- 3.5.2 Assistant Director for Children's Social Care
- 3.5.3 Assistant Director for Education Services

Each member of staff listed has delegated authority to act as follows, subject to the general provisions and limitations set out in section 3.1 of Part 3 of this constitution. In relation to the Director role these delegations are in addition to the broad delegations of functions pertaining to this portfolio set out in 3.3 above.

3.5.1 DIRECTOR OF CHILDREN'S SERVICES

- (a) To act as the Council's Statutory Director of Children's Services
- (b) To exercise the Council's functions regarding the procedures for dealing with complaints and representations relating to Children's Social Services.

- (c) On behalf of the Council, to institute and conduct proceedings under any enactments or any statutory instruments relevant to those enactments in respect of Children and Young People.
- (d) To appoint school governors on behalf of the Council on the recommendation of the Governor Panel.
- (e) To exercise all the Council's powers and duties acting as the local social services authority so far as they relate to children and young people and the local education authority, except for those matters reserved to other bodies within the constitution.
- (f) To undertake the powers and duties of the Council as an Adoption Agency and to act as "Decision Maker" in that capacity.
- (g) To maintain strategic oversight of the use and development of ICT for Children's Services
- (h) To make any necessary determinations and to implement, if appropriate, formal guidance and directions or orders given by:
 - (i) the Secretary of State
 - (ii) the Department for Children, Schools and Families
 - (iii) OFSTED
 - (iv) any other regulatory or judicial body as contained in circulars, directives, codes of practice, orders of court or any other tribunal. This includes the collation and provision of information.

3.5.2 ASSISTANT DIRECTOR CHILDREN'S SOCIAL CARE

- (a) To authorise the payment of legal fees for adopters where legal representation is necessary and there is no possibility of legal aid being allowed, and to authorise the payment of medical fees in connection with adoption, in appropriate circumstances.
- (b) To exercise the powers of the Council under the Adoption Act 1976, Adoption and Children Act 2002 and the Children Act 1989, including the approval of adoptive parents and the placement of children for adoption together with any necessary expenditure.
- (c) To supervise and review children in the care of the Council including the giving of any necessary consents.
- (d) To approve the payment of allowances to foster carers and other approved carers.
- (e) To approve care packages formulated to meet the assessed needs of individual children in accordance with the approved care plan.
- (f) To carry out all the powers and duties of the local authority under the Children Act 1989 (including urgent powers and duties) and to act as Receiver of the Court of Protection.

- (g) Where required, to provide consent to applications by foster parents for residence orders made under the Children Act 1989.
- (h) To exercise the powers and duties of the Council in respect of children and young persons in their care including the power to place children and young persons in any accommodation within or outside the borough, to meet their special needs and to appoint independent persons as visitors.
- (i) To arrange investigations to safeguard and promote the welfare of children within the borough who are or may be in need or who are looked after by the Council, including children subject to care, interim or supervision orders and those accommodated under the Children Act 1989.
- (j) On behalf of the Council, to exercise parental responsibility as considered appropriate in respect of any children in care.
- (k) To arrange for statutory visits to the place of accommodation of children looked after by the Council in order to enable parents, guardians, relatives or appointed visitors to visit such children, and to authorise expenditure incurred for the purpose of visiting a child looked after by the Council.
- (l) To authorise the payment of appropriate allowances (in accordance with approved procedures and scales) to foster parents of children in their care, prospective adopters and persons undertaking the long-term care of children.
- (m) To authorise the provision of financial assistance to children and young people in care and leaving care and to approve expenditure of the sums specified under sections 17 and 24 of the Children Act 1989, in each case up to the limit specified from time to time by the Chief Operating Officer
- (n) To make grants and/or loans to children and their relatives, up to the limit specified from time to time by the Chief Operating Officer; otherwise payment must be made in consultation with the Chief Operating Officer. To authorise and administer conditional grants to foster carers in order to provide suitable accommodation standards for foster children up to a maximum sum approved by the Council.
- (o) To give rent guarantees for families in danger of eviction.
- (p) To carry out reviews for the purposes of the Secure Accommodation Regulations 1983.
- (q) To make grants and/or loans to children and their relatives. This function must be exercised in accordance with the maximum limit specified by the Chief Operating Officer from time to time and with agreed procedures.

- (r) To approve the making of payments for the assistance of children in need, or of their families, in accordance with Part III of the Children Act 1989, including where the amount involved exceeds the sum specified by the Chief Operating Officer from time to time in any one case in any period of twelve consecutive calendar months
- (s) To administer arrangements for the care of children and young persons.
- (t) To instruct the Director of Legal and Governance to act on behalf of children in the care of the local authority should they personally be willing and able to accept instructions.
- (u) To take or defend proceedings in any court in connection with children and young persons (after consultation with the Director of Legal and Governance).
- (v) To exercise the Council's powers and duties under the Nationality Immigration and Asylum Act 2002.

3.5.3 ASSISTANT DIRECTOR OF EDUCATION SERVICES

Youth service

- (i) To arrange for the provision of a youth service including establishing, maintaining and managing youth clubs, youth centres, camps and holiday clubs, playing fields, play centres and other facilities for vocational, recreational, social and physical training and organised leisure time occupation associated with education for persons receiving primary, secondary and further education
- (ii) To prepare a Youth Service plan to submit to the Secretary of State to review and modify the plan as necessary and arrange for the publishing and implementation of the plan.
- (iii) The Assistant Director may also provide support to voluntary bodies providing facilities of a similar character subject to a financial limit of £1,000.
- (iv) To maintain the process whereby proposed educational visits by the Youth service are properly risk assessed at the appropriate level and that training is provided for those assessing such risks. To adequately monitor risk assessments to assure basic standards of performance.

Special Educational needs

To act as follows in respect of children who have, or may have, special educational needs:

- (i) arranging for assessments and reviews to be undertaken by educational psychologists

- (ii) administering all aspects of the process of assessment, the making of statements of special educational needs, maintaining and reviewing the content of the statements, making any necessary amendments or additions or cessation and transfer
- (iii) making any necessary determinations in relation to assessment, statements of special educational needs, reviews or cessation and transfer
- (iv) arranging for the provision of appropriate educational and non-educational services to meet such children's needs
- (v) representing the Council in any proceedings brought against the Council in a Special Educational Needs Tribunal, or nomination of an officer to act on his/her behalf.
- (vi) arranging for the supply of services relating to special educational needs to governing bodies of schools and determining charges for such supply

Education

- (a) To determine, maintain and keep under review a policy on the payment of fees, expenses of board and lodging and any other grants, exhibitions, bursaries and allowances to pupils and other eligible students. To make arrangements for the implementation of such a policy and to make any necessary determinations relating thereto.
- (b) To determine, maintain and keep under review a policy on the provision of clothing to pupils and other eligible students.
- (c) To make arrangements to provide clothing for pupils and other eligible students qualifying for such assistance and to make any necessary determinations in relation thereto.
- (d) To be responsible for organisational development across Children's Services and in conjunction with the Chief Operating Officer, ensure effective arrangements exist within the service for the provision of professional development and information management.
- (e) Provide a Research & Development function across Children's Services to ensure the needs of the Directorate and its partners are met in areas of common concern.
- (f) Making claims for recouping expenditure on educational and other support from other authorities where necessary, agreeing with other authorities the amount that ought to be received, dealing with claims from other authorities including agreement as to the amount of reimbursement and referring (and dealing with) any disputes to the Secretary of State for determination. This function also applies to pupils receiving education in hospital.

LEA

To exercise all the powers and duties of the Council acting as Local Education Authority as they relate to the general matters listed in the functions below -

- (g) To exercise strategic oversight and supervision of Schools' HR Services, and to
 - (i) act in relation to the recruitment, appointment, employment, discipline and termination of employment of teaching and support staff in schools, including payroll, pensions and nominations of prospective staff, and to advise governing bodies on such matters;
 - (ii) nominate specific officers to advise governing bodies.

- (h) To arrange for the provision of or assistance in the conducting of research and to organise, administer and participate in conferences for the consideration of educational issues.

- (i) Maintained Schools
 - (i) To make all necessary arrangements for the drafting, making and amendment of Instruments of Government in maintained schools.
 - (ii) To act as follows in relation to the suspension of a delegated budget at a maintained school –
 - (a) making any necessary determinations
 - (b) conducting all relevant consultation and take any other necessary action including the service of notices and the appointment of additional governors to the governing body.

- (p) Governing Bodies
 - (i) To make all the necessary arrangements for elections of governors to the governing bodies of schools and of parent governors to the relevant Overview and Scrutiny Sub-Committee.
 - (ii) To oversee the proceedings and conduct of governing bodies of schools and annual parents' meetings including requesting minutes, proffering appropriate advice and giving directions.
 - (iii) To advise governing bodies of schools, issue any reports, notices or directions and make any necessary decisions on or in relation to -

- (a) any personnel issues, including the selection, recruitment, appointment, discipline, performance or dismissal of head teachers, deputy head teachers, teachers and school support staff;
 - (b) the government of a school.
- (q) To formulate, maintain, review and administer a scheme for paying allowances to governors of schools without delegated budgets.
- (r) To act on matters relating to curriculum, including -
 - (i) giving advice
 - (ii) taking such action as is necessary to ensure that the curriculum within each maintained school (including religious education) complies with legislative requirements and is effectively delivered.
 - (iii) To act on matters relating to school performance, including -
 - (i) providing advice, issuing notices and directions on performance, school leadership, management and pedagogy.
 - (ii) administering a base line assessment scheme.
 - (iii) using statutory powers of intervention when a school is failing.
- (s) To exercise Local Authority functions so as to secure participation in the daily collective worship required in schools.
- (t) To arrange a complaints procedure for dealing with complaints concerning:
 - (i) the basic curriculum
 - (ii) the national curriculum
 - (iii) religious education
 - (iv) collective worship
 - (v) Standing Advisory Committee on Religious Education (SACRE)
 - (vi) external qualifications or syllabuses
- (u) To formulate, determine, publish, maintain and review a disability statement relating to further education.
- (v) To act as follows in respect of children who are not attending school regularly:
 - (i) arranging for assessments of the education being provided to them
 - (ii) making any necessary determinations in relation to the education of such children

- (iii) taking any necessary action to promote the attendance of such children at school including designation of premises and notification to the relevant Police authority under section 16 of the Crime and Disorder Act 1998, service of notices and school attendance orders, bringing and conducting applications for education supervision orders in the Family Proceedings Court and bringing and conducting prosecutions against parents.
- (w) To act as follows in respect of children under 16 who intend to or do take part in public performances:
 - (i) administering the process of licensing
 - (ii) making any necessary determinations relating to the granting of licenses
 - (iii) taking any necessary action to enforce the provisions of the relevant legislation including the authorisation of appropriate legal proceedings.
- (x) To act as follows in respect of school pupils who are employed:
 - (i) arranging for assessment and investigation of the suitability of such employment
 - (ii) making any relevant determination and taking any necessary action to ensure that such pupils are not employed unsuitably, including serving notices and authorising legal proceedings.
- (y) To act as follows in respect of admission arrangements and admission numbers for schools:
 - (i) administering any necessary consultation and the admission process generally
 - (ii) making any determination as to the admission arrangements, admission numbers and any reviews, and amendments to any of these matters
 - (iii) advising governing bodies
 - (iv) objecting to admission arrangements determined by governing bodies
 - (v) publicising these arrangements
 - (vi) giving relevant notices and directions to admit children to specific schools
 - (vii) representing the Council, or nominating an officer to do so, at the Admission Appeals Panel and the Appeals Panel, in relation to directions to admit a “twice excluded” pupil.
- (z) To act as follows in respect of pupils excluded from schools:

- (i) dealing with generally, including assessing pupils, advising governing bodies and convening reintegration panels to prepare plans for pupils and parents
 - (ii) representing the Council at any hearing before a School Disciplinary Committee or an Exclusions Appeal Panel or nominating an officer to do so
 - (iii) arranging for the provision of education for such pupils at a pupil referral unit or otherwise.
- (aa) To make arrangements to provide education to children or young people under 18 who may not receive suitable education at school at pupil referral units, through home tuition or otherwise.
- (bb) To manage all aspects of pupil referral units' activities including:
- (i) establishing a management committee
 - (ii) preparing policies relating to admissions, curriculum, behaviour and a complaints procedure
 - (iii) excluding pupils
 - (iv) providing careers advice
 - (v) making any necessary determinations as to the opening or closing of a pupil referral units.
- (cc) To prepare, review and publicise a behaviour support plan in conjunction with the Behaviour and Attendance Partnership.
- (dd) Transport
- (i) To determine, maintain and keep under review a policy on transport arrangements for school pupils and other eligible students.
 - (ii) To make arrangements for the provision of transport or otherwise to facilitate attendance of children, pupils and other eligible students at schools and other education institutions and to make any necessary determinations.
- (ee) To determine and take any other relevant action in relation to the dates of school terms and holidays and to determine who is to be regarded as a parent of a registered pupil at a school when a governing body takes action to determine the times of school sessions.
- (ff) To act as follows in relation to the children of travellers and displaced persons:
- (i) making arrangements to provide education, assistance, advice and counselling
 - (ii) providing advice and training for schools and staff.

- (gg) Board and lodging
 - (i) To determine, maintain and keep under review a policy on the provision of board and lodging to pupils and other eligible students.
 - (ii) To make arrangements to provide board and lodging for pupils and other eligible students whose educational needs make this necessary and to make any necessary determinations relating thereto.

- (hh) To authorise the institution of a prosecution against the parent for breach of section 525 of the Education Act 1996.

- (ii) To arrange for the establishment and maintenance of an early years development partnership.

- (jj) To prepare a Childcare Quality and Sufficiency Plan, to review and modify the Plan as necessary and to arrange for the publishing and implementation of the Plan.

- (kk) To make arrangements for the provision of nursery education.

- (ll) To undertake those functions assigned under Part 3, section 4 of this constitution: functions not to be the responsibility of an authority's Executive

- (mm) School organisation, funding and governance
 - (i) Advise on all aspects of school organisation, governance and relationships including Federations and Trusts and arrangements for commissioning.
 - (ii) Respond formally to proposals by schools for organisational or governance change.
 - (iii) Keep under review school organisation, including monitoring demographic and other social changes and to take all necessary action and make any determinations in relation to the proposals for the establishment, alteration, amalgamation or discontinuance of schools.
 - (iv) Maintain and review the asset management plan for schools.
 - (v) Make arrangements for the provision of all necessary services and assistance, including expenditure, in relation to the maintenance of school premises.
 - (vi) To control and manage any premises or land held for educational purposes, including taking all necessary action to exclude persons if the circumstances warrant it.

- (vii) To act as follows in relation to the occupation and use of school premises:
 - (a) considering and determining whether any directions are necessary
 - (b) preparing and serving any such directions and taking any other appropriate action.
- (ix) To formulate, consult upon, determine, maintain and review a scheme for the allocation of budget shares to each maintained school and for the financing of such schools.
- (x) To provide relevant advice and assistance and to make arrangements for the payment of the Local Authority's contribution in relation to capital works undertaken on school premises.
- (xi) Represent the interests of the Council and act as lead Head of Service on the Schools Forum.
- (oo) Catering
 - (i) Arrange for the provision of school meals and milk in schools Catering
 - (ii) To act as the responsible officer for all borough catering by:
 - (a) determining arrangements for managing in house catering options
 - (b) commissioning and advising on specifications for externally provided catering services
 - (c) providing expert contract management for externalised services
- (pp) Health and Safety
 - (i) Exercise health and safety functions in relation to schools
 - (ii) To maintain the process whereby proposed educational visits by schools are risk assessed at the appropriate level and that training is provided for those assessing such risks and adequately to monitor risk assessments to assure basic standards of performance.

3.6 FUNCTIONS DELEGATED TO THE ADULT SERVICES AND HEALTH DIRECTORATE

This section covers the following members of staff:

3.6.1 Director of Adult Services and Health

3.6.2 Director of Public Health

Each member of staff listed has delegated authority to act as follows, subject to the general provisions and limitations set out in section 3.1 of Part 3 of this constitution. In relation to the Director role these delegations are in addition to the broad delegations of functions pertaining to this portfolio set out in 3.3 above

3.6.1 DIRECTOR OF ADULT SERVICES AND HEALTH

- (a) To act as the Council's Statutory Director of Adult Social Services.
- (b) To exercise the statutory powers in respect of Adult Social Services as applicable and set out in the Local Authority Social Services Act 1970.
- (c) To exercise the Council's functions regarding the procedures for dealing with complaints and representations relating to Adult Social Services.
- (d) To determine grants and contracts with voluntary organisations across the spectrum of health and social care needs.
- (e) To approve travel abroad for vulnerable people in the Council's temporary or permanent care.
- (f) To make arrangements with or contributions to other local authorities or voluntary or private organisations providing accommodation or premises.
- (g) To ensure that all provisions of the Section 75 Agreement (National Health Services Act 2006) for the delivery of Learning Disability services are fully implemented and complied with.
- (h) To ensure that all provisions of the Section 75 Agreement (National Health Services Act 2006) between the Council and North East London Foundation Trust (or any NHS provider offering mental health services) for the delivery of mental health services are fully implemented and complied with.
- (i) To enter into contracts for the provision of residential and other care services to individuals pursuant to the community care provisions of the Care Act 2014. Such a contract must be entered into in accordance with existing care standards and service specifications.
- (j) To accredit service providers

- (k) To manage Adult Social Care grants as appropriate, including the use and application of grants and delivery of the programme in accordance with the grant conditions and strategy.
- (l) To exercise the Council's duties pursuant to the Data Protection Act 1998 and associated Regulations.
- (m) To determine grants and contracts with voluntary organisations across the spectrum of health and social care needs.
- (n) To be responsible for organisational development across Social Care and in conjunction with the Chief Operating Officer, ensure effective arrangements exist within the service for the provision of professional development and information management.
- (o) To prepare all relevant financial statements, analysis, reports and arrangements required for the pooling of expenditure under the NHS Act 2006
- (p) To assess and determine contributions required for services, to reduce or waive such contributions in special circumstances and to take any appropriate steps to recover unpaid charges, including to institute and conduct proceedings to recover arrears of such contributions (after consultation with the Director Legal & Governance
- (q) To exercise the powers and duties of the Council in relation to the powers and duties of the Council under Part II of the Mental Health Act 1983 (as amended 2007) in relation to the guardianship of persons suffering from mental disorder
- (r) To administer arrangements for the provision of services for disabled and older persons and their carers including placement in residential or nursing homes in the statutory or independent sector, home care, respite care, and any other appropriate care and support, pursuant to the Care Act 2014
- (s) To exercise the functions of Caldicott Guardian to ensure that where confidential personal information is shared it is done properly, legally and ethically.
- (t) To approve or refuse applications to be registered as physically disabled.
- (u) In special circumstances, to exceed the maximum personal allowance for community care services under the Care Act 2014
- (v) To take charges against interests in property in accordance with the following legislation: section 55 of the Health and Social Care Act 2001 and associated Regulation; section 34 of the Care Act 2014 and associated Regulations. To release charges taken (pursuant to the following legislation: section 22 of the Health and Social Services and Social Security Adjudication Act 1983 and associated Regulation;

section 55 of the Health and Social Care Act 2001 and associated Regulation; section 34 of the Care Act 2014 and associated Regulations) against interests in property

- (w) In exceptional circumstances, to waive assessed contributions for adaptations to homes or provision of equipment, subject to the contribution not exceeding £1,000 or such other sum as may from time to time be fixed by the Council.
- (x) To make application to act, and to act, as deputy for finance and affairs for person who, for reason of mental disorder, are incapable of managing their own affairs, or to act as appointee for the receipt of DWP benefits
- (y) To decide whether to accept the conditional discharge of a patient detained either in hospital or on a restriction order.
- (z) To make arrangements for the burial or cremation of persons in accordance with the Care Act 2014 where no other arrangements have been made, and to recover funeral expenses from the deceased's estate.
- (aa) To administer all arrangements including assessments, payments, refusals and termination with respect to the making of direct payments to people eligible to receive care and support including carers.
- (bb) To administer the issuing of concessionary travel permits (freedom passes) for disabled people to eligible persons
- (cc) To exercise the Council's powers and duties under the Nationality Immigration and Asylum Act 2002
- (dd) to make any necessary determinations and to implement, if appropriate, formal guidance and directions or orders given by –
 - (i) the Secretary of State
 - (ii) any other regulatory or judicial body

as contained in circulars, directives, codes of practice, orders of court or any other tribunal. This includes the collation and provision of information.

3.6.2 DIRECTOR OF PUBLIC HEALTH

- (a) To take responsibility for all the Council's public health functions.
- (b) To oversee all services relating to the public health function.
- (c) To provide information and advice on public health matters.

- (d) To provide services and facilities designed to promote healthy living.
- (e) To provide services and facilities for the prevention of illnesses.
- (f) To provide assistance (including financial assistance) to help individuals to minimise risks to health arising from their accommodation or environment.
- (g) To provide or participate in the provision of training for persons working or seeking to work in the field of health improvement.
- (h) The exercise of the local authority function in the National Health Service Act 2006 as amended.
- (i) The planning for and responding to emergencies involving a risk to public health.
- (j) The liaising with the Commissioner of the Metropolitan Police and the local probation board on assessing and managing the risks posed by sexual and violent offenders and other offenders who may cause serious harm to the public.
- (k) The medical inspection and treatment of pupils in attendance at schools maintained by the Council.
- (l) The provision of advice, examination and treatment of persons seeking advice on contraception and the supply of contraceptive substances and appliances.
- (m) To authorise Patient Group Directions on behalf of the Council

3.7 Functions relating to the Chief Operating Officer Directorate

This section covers the following members of staff:

- 3.7.1 Chief Operating Officer
- 3.7.2 Assistant Director Transformation & Customer Services
- 3.7.3 Head of Communications
- 3.7.4 Assistant Director Policy, Performance & Community
- 3.7.5 Head of Joint Commissioning Unit
- 3.7.6 Registrars and Bereavement Services Manager \

Each member of staff listed has delegated authority to act as follows, subject to the general provisions and limitations set out in section 3.1 of Part 3 of this constitution.

In relation to the Director role these delegations are in addition to the broad delegations of functions pertaining to this portfolio set out in 3.3 above.

3.7.1 CHIEF OPERATING OFFICER

- (a) To act as the Section 151 Officer.
- (b) To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs
- (c) Develop commissioning capability across the Council and provide advice and guidance to operational services directors.
- (d) To develop Transformation and Programme Management capability across the Council.
- (e) To oversee the reporting of Performance across the Council.
- (f) To ensure the Council has an appropriate and robust approach to Emergency Planning.

3.7.2 ASSISTANT DIRECTOR TRANSFORMATION AND CUSTOMER SERVICES

To client manage the contract for the provision of leisure services across the Borough.

- (a) To manage the Council's responsibilities in relation to the Queen's Theatre.
- (b) To approve externally funded arts projects undertaken by the Council, subject to regular report to the Cabinet.
- (c) To exercise the powers of the Council in relation to:
 - (i) managing, supervising and controlling public museums and art galleries, including acquiring museum exhibits and objects of art;
 - (ii) providing, managing, supervising and controlling exhibitions, displays, lectures, concerts and other events to promote the arts.
- (d) To implement the Public Libraries and Museums Act 1964.
- (e) To manage, supervise and control public libraries, library halls and related matters, including the acquisition of sound recordings, pictures, books, bibliographies and other matters.
- (f) To deal with the day-to-day management of the library service.

- (g) To manage, supervise and control the Havering Music School.
- (h) To administer the issuing of concessionary travel permits for elderly people to eligible persons.
- (i) To oversee the Council's relationships with its customers.

3.7.3 HEAD OF COMMUNICATIONS

- (a) To authorise expenditure on the promotion of the Borough and the external profile of the Council and on internal communications and engagement with Council staff
- (b) To monitor performance and oversee the development of policy in relation to public information issues, including media relations, council publications, e-communications and public affairs.
- (c) To oversee campaigns, consultation exercises and events, and appropriate marketing of the Council's facilities.
- (d) To publicise activities of the Council, by means such as advertisements and information leaflets, where the Head of Communications considers an activity is of sufficient public interest to warrant such publicity.
- (g) To foster good relations with organisations and interests inside and outside the Borough.

3.7.4 ASSISTANT DIRECTOR POLICY, PERFORMANCE AND COMMUNITY

Emergency Planning

- (a) To be responsible for all emergency planning matters.

3.7.5 HEAD OF JOINT COMMISSIONING UNIT

No additional delegations

3.7.6 REGISTRARS AND BEREAVEMENT SERVICES MANAGER

To exercise the Council's powers and duties under the Registration Service Act 1953 and any regulations made under it.

- (a) To exercise the Council's powers and duties under the Marriage Act 1984 and the Marriages (Approved Premises) Regulations 1995.
- (b) To exercise the powers of the Council to operate and maintain the Council's cemeteries and crematorium.
- (c) To set fees for occasional and special items at the cemeteries and crematorium and to vary fees when it has not been possible to meet the agreed service standard.

- (d) To spend up to 20 percent of the annual income of the Cemeteries and Crematorium Improvement from Income Fund and the Cemeteries and Crematorium Improvement Donation Fund.

3.8 Neighbourhoods Directorate

This section covers the following members of staff:

- 3.8.1 Director of Neighbourhoods
- 3.8.2 Assistant Director, Housing
- 3.8.3 Assistant Director, Environment
- 3.8.4 Assistant Director Planning

Each member of staff listed has delegated authority to act as follows, subject to the general provisions and limitations set out in section 3.1 of Part 3 of this constitution. In relation to the Director role these delegations are in addition to the broad delegations of functions pertaining to this portfolio set out in 3.3 above.

3.8.1 DIRECTOR OF NEIGHBOURHOODS

Responsible for services that shape the physical nature of the borough:

- (a) Travel and building planning
- (b) Developer engagement and regeneration
- (c) Delivery of clear and safe public realm
- (d) Housing provision in the borough
- (e) Social housing delivery
- (f) Regulatory Services
- (g) Licensing

3.8.2 ASSISTANT DIRECTOR HOUSING

- (a) To exercise the Council's functions with regard to homeless persons.
- (b) To procure and/or manage temporary accommodation in support of the homeless function.
- (c) To exercise the Council's functions with regard to the right to buy scheme for council houses and flats and to authorise the sale of additional land to applicants under the right to buy scheme.
- (d) To allocate council accommodation and nominate applicants to properties owned by Registered Social Landlords (RSLs) and to administer the housing register and applications for transfer or exchange of tenancies.

- (e) To nominate and monitor RSL new-build within the East London Housing Protocol that has been provided by funding from the Homes & Communities Agency. is this still current
- (f) To determine the policy on the issuing of tenancies that are not secure as defined by the Housing Act 1985 (as amended).
- (g) To declare the “local average rate” for mortgage interest purposes, and appropriate to housing purposes “right to buy” monies sold under the general rate fund at the sale price. (In consultation with the Chief Operating Officer)
- (h) To undertake the following:
 - (i) submit the housing strategy to the Department for Communities & Local Government and /or its successor bodies.
 - (ii) determine levels of housing need, stock condition and market conditions to assist the Council to deliver the Council’s Housing Strategy and the London Mayor’s Housing Plan.
 - (iii) draw up schemes in conjunction with Registered Social Landlords (RSLs).
 - (iv) pay social housing grants to RSLs on approved development schemes.
 - (v) To make house purchase advances:
 - (vi) Make demolition and closing orders, and service of repair notices
 - (vii) act under the Rent Acts or similar legislation protective of tenants’ rights
 - (viii) manage and maintain any Council residential caravan site or sites for travellers
 - (ix) provide warden services to elderly people under powers derived from the Health Services and Public Health Act 1968, in respect of appropriate housing schemes.
- (i) To provide to the owners of a dwelling occupied by a physically disabled person all necessary professional and technical services required for the adaptation of premises, in line with Council policy. This includes:
 - (i) engaging contractors in the name of the Council with suitable safeguards, provided that the contractors’ services are limited to works necessary to meet the needs of the person concerned or are directly ancillary to those needs
 - (ii) carrying out the necessary inspections and authorising payments to the owner including the final certificate where a private consultant is engaged by such owner.

- (j) To approve grants or interest-free loans for adapting dwellings for the benefit of disabled people where there is no, or insufficient, entitlement to a disabled facilities grant or to minor works assistance, up to the limit specified from time to time by the Chief Operating Officer.
- (k) To waive assessed contributions for adaptations to homes or provision of equipment in exceptional circumstances, subject to the agreed criteria and the contribution not exceeding £1,000 or such other sum as may from time to time be fixed by the Council.
- (l) To exercise the Council's regulatory and enforcement functions in relation to housing in the area, as conferred under any enactment including Anti-social behaviour under the Crime and Disorder Act and the Anti-Social Behaviour Act. This includes:
 - (i) taking all steps in connection with the issue or withdrawal of notices, orders or other documents which the Council is authorised or required to serve
 - (ii) selecting the most effective means of enforcement whether by agreement, works in default, prosecution or otherwise.
- (m) To exercise the Council's functions with regard to private housing sector renewal and to authorise house renovation grants, home insulation grants and other grants for the repair and adaptation and/or installation of amenities in dwellings.
- (n) To waive the repayment of improvement grants in appropriate cases (in consultation with the Chief Operating Officer).
- (o) To exercise all discretionary functions with regard to the repayments of Disabled Facilities Grants (in consultation with the Chief Operating Officer) pursuant to The Housing Grants, Construction and Regeneration Act 1996, The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008 (SI 2008/1189 and The Housing Renewal Grants (Amendment) (England) Regulations 2008 (SI 2008/1190).
- (p) To deal with applications under Part XVI of the Housing Act 1985 for:
 - (i) repurchase assistance on the grounds that it would be unreasonable to require the applicants to await, or to secure, the carrying out of reinstatement works
 - (ii) grants of 100 percent where there would otherwise be financial hardship.
- (q) To approve the transfer of the tenancy and/or succession of a dwelling from one person to another, including the transfer of a tenancy to a surviving child or children of a former tenant, subject to such conditions may be reasonable and to the provisions of Part IV of the Housing Act 1985.

- (r) To provide support services for elderly and other vulnerable people (whether or not they are tenants of the Council) in accordance with approved schemes.
- (s) To exercise the Council's functions under the 2002 Regulatory Reform Order, in relation to minor works assistance.
- (t) To decide on the demolition of Council stock that is dangerous.
- (u) To authorise refunds of rent in appropriate cases.
- (v) To assess housing rents in accordance with council policy and Government guidance.
- (w) To review and set miscellaneous charges for non-dwellings on an annual basis
- (x) In appropriate cases, to authorise the purchase from a tenant, where the tenant is vacating a council dwelling, of any garage erected by the tenant on the Council's land.
- (y) To approve the payment of reasonable removal expenses incurred by a tenant who moves from one council dwelling to another dwelling at the Council's request, any ex-gratia payments towards adapting existing furnishings and any loss consequential from the relocation.
- (z) To consider whether to approve, on behalf of the Council as landlord, improvements included by a council tenant in an application for grant
- (aa) To agree arrangements with tenant management organisations.
- (bb) To provide a 7/24 contact centre for Supported Housing, Care-Line and corporate out-of-hours functions.
- (cc) To undertake those functions assigned under:
 - (i) Appendix A to Part 3, Section 3 of this constitution
 - (ii) Part 3, section 4 of this constitution: functions not to be the responsibility of an authority's Executive
 - (iii) Part 3, section 5 of this constitution: local choice functions
- (dd) To carry out the following functions:
 - (i) To undertake management responsibility for the Council's freehold interest where property has been disposed of on a leasehold basis under the right to buy legislation. This includes:
 - enforcing covenants
 - carrying out repairs
 - recharging liabilities

- consulting with and involving leaseholders and their management organisations as necessary.
- (ii) To manage the Council's housing stock and authorise action to obtain possession of council housing accommodation and recover rent arrears, including the service of all necessary notices and action (including applying for injunctions) to enforce or vary the Council's tenancy agreement.
- (iii) Where appropriate, to write off former tenants' arrears up to a maximum sum specified by the Chief Operating Officer
- (iv) To settle claims submitted by council tenants for compensation in recovery of damage caused to tenants' property as a result of occurrences over which the tenants have no control.
- (v) To repair and maintain Council housing stock.
- (vi) To issue any consents under the tenancy agreement.
- (vii) To deal with compensation claims from tenants/leaseholders arising from works carried out by or on behalf of the Council.
- (viii) To deal with applications to carry out internal redecoration at any council dwelling at the Council's expense.
- (ix) To grant formal recognition to tenants' organisations complying with the Council's criteria for that purpose.
- (x) To grant (subject to conditions) permission to a tenant to park one car or one light van in the front garden of the tenant's dwelling.
- (xi) To approve applications to the Council, as landlords, for approval of structural alterations to council dwellings.
- (xii) To approve applications for the carrying out at the Council's expense of internal decorations at council dwellings occupied by a tenant who is, or whose spouse is, vulnerable.
- (xiii) To exempt tenants from responsibility for any of the items of repair specified in the conditions of tenancy where:
 - hardship might otherwise result, or
 - the nature of the defect or type of dwelling involved is such that to hold the tenant responsible for an item would in the circumstances be unreasonable.
- (xiv) To settle claims submitted by a council tenant for compensation in recovery of damages caused to the tenant's property as a result of occurrences over which the tenant had no control.

- (xv) To authorise expenditure on aids and equipment for the disabled within the policy laid down by the Council, including the installation of stair lifts and like appliances in houses occupied by registered disabled people where the cost of the appliance and any associated works does not exceed the sum specified by the Chief Operating Officer from time to time.

3.8.3 ASSISTANT DIRECTOR OF ENVIRONMENT

Street care

- (a) To exercise the Council's powers and duties arising under the New Roads and Streetworks Act 1991 and Traffic Management Act 2004.
- (b) Other than in those matters delegated to the Lead Member following consideration by the Highways Advisory Committee, to exercise all powers and duties in respect of maintaining and improving highways, providing facilities, and interference with highways arising under Parts IV, V, VII, IX and XIV of the Highways Act 1980.
- (c) To manage all highway trees and to take appropriate action where necessary
- (d) To determine requests from individuals and voluntary, national and commercial organisations to use the public highway.
- (e) To arrange for the removal and disposal of untaxed, abandoned and other nuisance vehicles and the prosecution of vehicle owners under the Refuse Disposal (Amenity) Act 1978, the Road Traffic Regulation Act 1984, Part 2 of the Clean Neighbourhoods and Environment Act 2005, the Removal and Disposal Regulations 1986, the London Local Authorities Act 1990 (as amended), the Vehicle excise and Registration Act 1994, the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1996 and other relevant legislation arising therefrom.
- (f) To exercise the Council's powers and duties relating to litter and shopping trolleys arising from the Environmental Protection Act 1990 and the Clean Neighbourhoods and Environmental Protection Act 2005.
- (g) To manage arrangements for collecting and enforcement of domestic, non-domestic and special waste including powers under parts 2, 3 and 4 of the Environmental Protection Act 1990 and parts 3 and 5 of the Clean Neighbourhoods and Environment Act 1990.
- (h) To authorise the issue of any notice or prosecution in relation to waste collection and disposal including notices under parts 2, 3 and 4 of the Environmental Protection Act 1990, Part 3 of the Clean Neighbourhoods and Environment Act 2005, Section 6 of the Refuse Disposal (Amenity)

Act 1978, section 78 of the Public Health Act 1936, Part 8, Chapter 2 of the Town and Country Planning Act 1990 Section 4 of the Prevention of Damage by Pests Act 1949, section 34 of the Public Health Act 1961, the Environmental Protection (Duty of Care) Regulations 1991, the Environmental Protection (Duty of Care) (England) (Amendment) Regulations 2003, and the Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005 and other relevant legislation arising therefrom.

- (i) To exercise the Council's powers in relation to providing public conveniences.
- (j) Other than in respect of those matters delegated to a Highways Advisory Committee to exercise all powers related to the creation and dedication of public highways and adoption of highways as maintainable at public expense.
- (k) To authorise the issue of temporary traffic orders, temporary traffic notices and temporary prohibitions of waiting and loading.
- (l) To exercise all powers and duties arising under Parts 2, 3, 4, 5 and 6 of the Clean Neighbourhoods and Environment Act 2005
- (m) To exercise the Council's powers and duties relating to graffiti and flyposting in Part 4 of the Clean Neighbourhoods and Environment Act 1990, Part 6 of the Anti-Social Behaviour Act 2003 and Part 8 of the Town & Country Planning Act 1990; and to serve notices related to these offences and issues. **(Informative: the powers under Section 117 of the Town & Country Planning Act are also held by the Assistant Director Planning)**
- (n) To exercise the Council's powers and duties relating to builders' skips, scaffolding, builder's materials and excavations in Part 5 of the Traffic Management Act 2004 and Part IX Highways Act 1980.
- (o) To exercise the Council's powers and duties relating to abandoned vehicles, parking, vehicle crossings removal of deposits on the highway, cleansing, refuse and litter in the various London Local Authorities Acts and the London Local Authorities and Transport for London Act 2003.
- (p) To exercise the Council's powers to require information under
 - (i) Section 16 Local Authorities (Miscellaneous Provisions) Act 1976.
 - (ii) Section 17 GLC (General Powers) Act 1972.
 - (iii) Section 26 London Local Authorities Act 2004 (as amended by London Local Authorities Act 2007)
 - (iv) Section 71 of the Environmental Protection Act 1990.

(v) Section 108 of the Environment Act 1995.

(Informative: the power at (i) to (iii) are also held by a number of others).

- (q) To compile and maintain selective tendering lists for civil engineering matters, highway works, construction services and architectural and building related professional consultants.
- (r) To approve local highway management schemes in principle for public consultation.
- (s) To authorise minor alterations to traffic management orders to enable implementation of approved proposals or continuation of traffic management schemes.
- (t) To amend or suspend any experimental traffic management order.
- (u) To authorise the creation, amendment and removal of disabled persons' parking bays and footway parking bays and at any time waiting restrictions at bends and road junctions
- (v) To exercise all powers and duties under the Highways Act 1980 that are not delegated to the Leader or Cabinet Member.
- (w) To exercise all powers for the collection of parking fees owed to the Council relating to car parks operated within the Borough and in conjunction with current Traffic Management Orders.
- (x) To exercise all powers in relation to the issuing and pursuance of Penalty Charge Notices (PCNs) in accordance with the Traffic management Act 2004, including:
 - (i) Collection, administering and writing off PCNs (the latter in consultation with the Chief Operating Officer).
 - (ii) Clamping or removal of vehicles contravening the Traffic Management Act 2004.
- (y) To exercise all of the Council's powers under the Reservoirs Act 1975.
- (z) To exercise power under Section 78 of the Public Health Act 1936 to clean private courtyards and passages and to recover the costs from the occupiers of any building which fronts or abuts the court or yard in relevant proportions.
- (aa) To manage all highway grass verges, shrub beds and seasonal plantings and take appropriate action where necessary.
- (bb) To manage the highway weed control and take appropriate action where necessary.

- (cc) To manage highway trees including determining requests for removal and/or replacement of trees
- (dd) To determine the provision, positioning and layout of road signs and other street furniture.
- (ee) To undertake those functions assigned under:
 - (i) Part 3, section 4 of this constitution; functions not to be the responsibility of an authority's Executive.
 - (ii) Part 3, section 5 of this constitution: local choice functions.
- (ff) To authorise the making of and consultation on Orders under Section 21 of the Town and Police Clauses Act 1847.
- (gg) To approve or reject for further consideration proposals made to the Council for local highway management schemes in accordance with the criteria agreed from time to time by the Cabinet Member for Environment, provided that the proposal has previously been notified to members via Calendar Brief and no member has requested within 7 days of the notification that the proposal be referred to the Highways Advisory Committee for consideration.
- (hh) To determine the making of Tree Preservation Orders and applications for the topping, lopping and felling of trees where the trees are covered by a Tree Preservation Order; to confirm or revoke Tree Preservation Orders; to waive the requirements to replace trees where appropriate; to serve Tree Replacement Notices where necessary.
- (ii) To exercise the Council's functions under the Local Government (Miscellaneous Provisions) Act 1976 in respect of complaints regarding dangerous trees posing an imminent risk to persons or property or causing damage to property.
(Informative: powers in (hh) & (ii) area also held by the Assistant Director Development)

Licensing

- (a) The Assistant Director, Environment, the Public Protection Manager and any of the Public Protection Divisional Managers
 - (i) To exercise all functions under the Licensing Act 2003 and Gambling Act 2005 including all administrative functions and determinations of unopposed applications for premises licences, personal licences, club premises certificates, temporary events notices, regulated entertainment and late night refreshments, permits and the setting of fees and charges.
 - (ii) To enforce the enactments set out in Appendices A, Part 3, Section 3 of this Constitution, headed licensing and registration of premises or persons.

- (iii) To authenticate on the Council's behalf of any notice, certificate or other document required to be issued in relation to the enactments in Appendix A of this Part of the constitution, subject to the matter being referred to the Planning Committee where policy or financial considerations are involved and have not previously been determined by the sub-committee.
- (iv) To license and register those matters/premises and/or persons listed in Appendix A of this Part of the Constitution where applicable.
- (v) To determine the grant and renewal of street trading licences and to enforce the terms of these licences.
- (vi) To determine applications for consents for the use of loudspeakers in streets under the Noise and Statutory Nuisance Act 1993 and to enforce the terms of these consents.

Public Protection

- (a) The Assistant Director Environment, the Public Protection Manager, and any of the Public Protection Divisional Managers to enforce the enactments set out in Appendix A of this part of the Constitution and
- (b) To undertake those functions assigned under;
 - (i) Part 3, Section 4 of this Constitution; functions not to be the responsibility of an authority's Executive.
 - (ii) Part 3, Section 5 of this Constitution, local choice functions

The Assistant Director Environment is empowered to approve activities under the Regulation of Investigatory Powers Act 2000 (other officers empowered to authorise activities under RIPA are the Chief Executive, the Director of Legal and Governance and oneSource officers in accordance with the shared service delegations)

Staff approved by the Home Office to be a Single Point of Contact for the acquisition of communications data are empowered to exercise their responsibilities and duties under Part 1, Chapter II of the Regulations of Investigatory Powers Act 2000.

- (c) Staff accredited by the National Crime Agency as Financial Investigators or Senior Appropriate Officers are empowered to exercise their responsibilities and duties under the Proceeds of Crime Act 2002
- (d) Trading standards
 - (i) To advise and assist consumers on matters arising from the purchase of goods or services.

- (ii) The Trading Standards Manager is authorised to exercise the powers and duties of the Council on matters relating to trading standards, consumer protection and metrology including:
 - (a) making such test purchases of goods and services as may be expedient for effective enforcement.
 - (b) exercising and enforcing appropriate enactments listed in Appendix A of this Part of the Constitution, including any regulation made under those enactments.

[This function must be exercised subject to the Director of Legal and Governance, Deputy Director of Legal Service and Governance or the relevant Legal Manager authorising the institution and conduct of any legal proceedings except in such circumstances where a potential defendant is being held at a police station and the custody charging the individual. In such exceptional circumstances the power to charge the offender is limited to the Trading Standards Operations Divisional Manager and Trading Standards Fair Trading Divisional Manager. This procedure will only be used when dealing with itinerant persons where charging by way of summons would not be effective.]

Parks and environment

- (a) To manage and control parks, open spaces and recreation and pleasure grounds including enforcing relevant byelaws; to organise musical festivals, band contests and sports festivals and to make security arrangements. To include determining applications for circuses with performing dogs and horses to take place on council-owned land in parks or open spaces

3.8.4 ASSISTANT DIRECTOR PLANNING

Planning

1. To deal with planning related matters in the following parts of the Constitution:
 - a. part 3 section 4: functions not to be the responsibility of the Executive;
 - b. part 3, section 5: local choice functions; and
 - c. part 3 section 6: proper officer functions,
2. Except where it is indicated that it is a matter that:
 - a. is required to be determined by SPC/PC in accordance with the Committee Consideration Criteria in the Planning Committee Procedure Rules;
 - b. is an Executive function and is dealt with at Cabinet or by a Cabinet Member delegation; or
 - c. is retained by Council to determine.

3. Planning related matters delegated to the Council by other bodies except where a matter is required to be determined by Planning Committee in accordance with the Committee Consideration Criteria in the Planning Committee Procedure Rules.
4. Where Cabinet or Council determines an item on an agenda:
 - a. in the event of changes being made to an officer recommendation by Cabinet/Council, the task of formalising the wording of those changes, within the substantive nature of the Cabinet/Council decision, is delegated to the Report Author;
 - b. the Report Author has delegated authority to make changes to the wording of the Cabinet/Council decision prior to the decision being actioned, provided that the Report Author is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by Cabinet/Council nor that such changes could reasonably have led to a different decision having been reached by Cabinet/Council.
5. Where Planning Committee determines an item on an agenda:
 - a. in the event of changes being made to an officer recommendation by the committee, the task of formalising the wording of those changes, within the substantive nature of the committee decision, is delegated to the Head of Planning;
 - b. the Head of Planning has delegated authority to make changes to the wording of the committee decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) and to accept changes to the application prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such changes could reasonably have led to a different decision having been reached by the committee.
6. Any other planning related matter delegated from Council to officers.

Building Control

- (a) To exercise the powers and duties of the Council including determining applications and serving and enforcing notices and prosecuting offences under the following enactments:
 - (i) The Building Act 1984 and the Building Regulations 2000 and associated legislation
 - (ii) The Safety at Sports Ground Act 1975
 - (iii) The Fire Safety and Safety of Places of Sports Act 1987

- (iv) The London Building Acts and building control matters in the Local Government Act 2000.
- (b) To exercise all appointing officer functions under section 10 of the Party Wall Act 1996.
- (c) To exercise the powers contained within Section 29 and 32 of the Local Government (Miscellaneous Provisions) Act 1982 (protection of buildings and power of entry)

3.9 Functions relating to the OneSource Group of Services

This section covers functions delegated to the Joint Committee with the London Borough of Newham and London Borough of Bexley which in turn has delegated them to the relevant officer in the joint structure.

Each member of staff listed has delegated authority to act as follows, subject to the general provisions and limitations set out in section 3.1 of Part 3 of this constitution

3.9.1 FINANCIAL FUNCTIONS

- (a) To advise on and monitor the revenue and capital budgets of the Council, including the Housing Revenue Account, and the determination of Council Tax and housing rent levels.
- (b) To write off sums which are irrecoverable and to settle claims on behalf of the Council.
- (c) To implement the Council's early retirement, retirement and redundancy policies in consultation with the Head of Human Resources and the Director of Legal and Governance.
- (d) To award all gas and electricity supply contracts where offers are made on a short restricted time basis and where there is insufficient time to obtain a Cabinet Member decision.
- (e) To instruct the Council's insurers and, upon their advice, to negotiate and settle insurance claims up to maximum of £145,000 for motor insurance, £147,750 for liability insurance and motor vehicles, and £50,000 for property insurance.
- (f) To review and, if necessary, amend the limits in (e) above on an annual basis, following discussion with the Council's insurers.
- (g) To set future inter-authority and standard charges for residential and day-care accommodation, in accordance with the formula recommended by the Local Government Association.
- (h) To increase the specified sums set out in delegations to staff in accordance with Retail Prices Index (RPI).
- (i) In consultation with the relevant SLT Member, to authorise virements.

- (j) To make or enter into leasing arrangements for vehicles, plant and equipment.
- (k) To monitor the implementation of the charging policy including any relevant deadlines. To advise on reviews of fees and charges.
- (l) To act on decisions of a pensions panel consisting of Director of Finance, Director of Legal and Governance and Director Human Resources (or their nominated deputies) for the purposes of:
 - (i) Stage 2 appeals within the Internal Dispute Resolution Procedure regulations and exercising other discretions within the Local Government Pension Schemes.
 - (ii) To grant discretionary payments to retiring employees in accordance with the Council's approved policy.
 - (iii) To implement the Council's early retirement, retirement and redundancy policies.

3.9.2 TRANSACTIONAL FUNCTIONS

- (a) To advise on, co-ordinate and manage all payroll functions on behalf of the Council.
- (b) To administer the Council's pension fund.
- (c) The exercise of the client monitoring function in respect of occupational health and the Council's recruitment advertising contracts, and the power to select and accept tenders for external consultants or contracts in accordance with the Council's standing orders.
- (d) To grant gifts for long service up to the limit specified from time to time by the Head of Finance.
- (e) To approve the arrangements for members' training and development.
- (f) To approve proposals for the payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties.
- (g) To undertake the role of appointed person for the Council in all matters relating to the Criminal Records Bureau.
- (h) To grant car and season loans to eligible staff.
- (i) To exercise the Council's discretionary powers in relation to writing off amounts due for national non-domestic rate or surcharge on grounds of hardship or general rate on grounds of poverty, up to a maximum level of £10,000.
- (j) To exercise the Council's discretionary powers in relation to relief for Council Tax and commercial rates.

- (k) To act as statutory officer pursuant to the collection of council tax and commercial rates.
- (l) To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs.

3.9.3 ASSET MANAGEMENT FUNCTIONS

- (a) To provide a security service for the Council's administrative buildings.
- (b) To exercise general use and hire of public halls and buildings owned by the Council (except the Town Hall) for the purpose of community use, meetings and other authorised events in accordance with approved fee scales and principles but to be able to waive or reduce scales of fees and charges in suitable cases.
- (c) Subject to the availability of finance to be responsible for any alternation or improvement of facilities to the Council Chamber, Committee Rooms and other accommodation for Members.
- (d) To exercise all the powers delegated to the Property Strategy Manager so far as legally permissible.
- (e) To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs, where relevant.
- (f) To exercise the powers and duties of the Council in relation to concessionary fares and similar schemes (including the taxicard scheme).
- (g) In relation to the taxicard scheme:
 - (i) to admit to the scheme persons from the waiting list of applicants
 - (ii) to agree a higher trip limit where justified by the degree of disability of the individual
 - (iii) to approve dual holding of a concessionary fares permit and a taxicard where, in view of the individual's condition, it is appropriate to do so.
- (h) To issue permits under the Minibus and Other Section 19 Permit Buses Regulations 1987 to appropriate organisations.
- (i) **Property Strategy Functions**
 - (i) To conduct preliminary negotiations, negotiate, agree and conclude all property matters including the making and settling of rating appeals on council property and property valuations for all purposes.

- (ii) To undertake marketing of any Council property.
- (iii) To instruct external property advisors, surveyors, auctioneers and consultants where necessary on property transactions.
- (iv) To procure property and property services to meet the Council's occupation needs including responsibility for space use and allocation together with strategic facilities management. This function must be exercised subject to obtaining members authority for any financial approval not within budget.
- (v) To agree with a potential purchaser of a Council-owned property that the Council should retain an area of land where it is expedient to do so.
- (vi) Following notification to the relevant ward members, to vary but not extend existing agreements for mobile phones masts at school sites in circumstances where installations are to be upgraded and lower emissions will result to enable Landlord's consent to be granted for the installation.
- (vii) To agree and incur reasonable pre-sale expenses up to a limit of £100,000 per transaction when disposing of property, such expenses to be offset against the capital receipts arising.
- (viii) The Property Strategy Manager must exercise the functions delegated to them subject to the following requirements:
 - (a) complying with the Code of Practice on the Disposal of Surplus Property, set out in Appendix B
 - (b) in cases where the Cabinet has already approved the principle but not the terms of a property disposal without the invitation of competitive bids, the provisionally agreed terms of any disposal exceeding £1,000,000 shall be reported to Cabinet for approval before the transaction is concluded.
 - (c) In cases that have not been the subject of competitive bids but are below £1,000,000 in value, the provisionally agreed terms of disposal shall be reported to the Chief Operating Officer, before the transaction is concluded.
 - (d) complying with relevant Council policy on property transactions
 - (e) referring a matter for Member decision where it is proposed to recommend other than the best financial bid

- (f) concluding valuation and property disputes forming part of a pending or active court or arbitration proceedings, after consultation with either the Director of Legal and Governance or the S151 Officer, where there is insufficient time or opportunity to obtain a Member decision
- (g) Making or settling rating appeals only in the Council's financial interests.
- (ix) To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation and use, reviews, acquisitions and disposals, and commercial estate management.
- (x) To exercise all powers relating to Romford Market, including granting and revoking licences and enforcing relevant bylaws.

3.9.5 ICT/ BUSINESS SYSTEMS FUNCTIONS

- (a) To develop the Council's e-government and t-government strategies.
- (b) To develop the Council's information systems, and information technology and e-government strategies.
- (c) To develop the Council's information and communications technology strategies including the supply, withdrawal, data protection, security and integrity of the systems to staff and members.
- (d) To supply connections and services to public sector partners and other organisations, provided that the integrity of the Council's information systems is maintained.

3.9.6 STRATEGIC HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT FUNCTIONS

- (a) To develop and implement the Council's human resources, organisation development, remuneration and occupational health strategies.
- (b) To implement any decisions and recommendations of recognised national negotiating bodies in respect of pay. Where a supplementary estimate is required, the cost must be reported to the Cabinet.
- (c) To implement decisions and recommendations of recognised national negotiating bodies on all employment matters including terms and conditions of employment. Where there is a cost implication, a report must be made to the Cabinet.

- (d) Subject to appointments, dismissals, assimilation and redundancies for Second Tier Managers and above being authorised by Appointments Committee, or decided in accordance with any delegations made by that committee, to implement the procedure for any senior management re-alignment or restructuring including;
 - (i) Achieving any necessary reduction through voluntary redundancy;
 - (ii) Considering applications from unaffected Second Tier Managers or above which would create a suitable alternative employment opportunity for an affected Second Tier Manager or above;
 - (iii) Deciding upon the ring fence arrangements and inviting applications for assimilation; and
 - (iv) Arranging advertisements and assessment centres, and, subject to compliance with Contract Procedure Rules, appointing external recruitment consultants.
- (e) In consultation with the Director of Legal and Governance to amend HR policies where necessary in consequence of legislation, organisational or other changes that have no adverse effect.
- (f) To act on and make decisions as a pensions panel consisting of the Director of Finance, Director of Legal and Governance and Director of Human Resources (or their nominated deputies) for the purposes of:
 - (i) Stage 2 appeals within the Internal Dispute Resolution Procedure regulations and exercising other discretions within the Local Government Pension Scheme
 - (ii) To grant discretionary payments to retiring employees in accordance with the Council's approved policy.
 - (iii) To implement the Council's early retirement, retirement and redundancy policies.

3.9.7 GOVERNANCE

- (a) To prepare, approve and issue or serve all legal documentation on behalf of the Council.
- (b) To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.
- (c) To defend all legal proceedings brought against the Council and to take any steps that are in their opinion expedient to that end.

- (d) To sign, serve, advertise and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.
- (e) To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.
- (f) To sign or endorse any documents on behalf of the borough where so requested by a citizen.
- (g) To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.
- (h) Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.
- (i) To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.
- (j) To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or appropriate SLT Director, or Second Tier Manager and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.
- (k) In consultation with the Director of Finance to settle claims in proceedings commenced or about to be commenced against the Council in a court or tribunal up to a limit of £100,000. Settlement of claims that exceed £100,000 require the approval of the relevant individual Cabinet Member or of the Cabinet, unless the decision is required to be made immediately before, at, or during a hearing.
- (l) To name, rename, number and renumber streets and premises
- (m) To maintain the register of highways that are maintainable at public expense
- (n) To arrange for the administration of all statutory appeals.
- (o) To allocate information technology facilities to members, including ordinary telephones, mobile telephones and facsimile machines.
- (p) To implement the Council's early retirement, retirement and redundancy policies in consultation with the Director of Finance and the Director of Human Resources.

- (q) To alter the financial amounts in Contract Procedure Rules specifically relating to EU contracts and occurring either due to exchange rate changes or EU directed amendments.
- (r) To authorise Council staff to represent the Council and Newham London Borough Council in proceedings in the County Court and the Magistrates Court
- (s) To take any necessary action to address any conflicts of interest arising in the Havering Local Pension Board.
- (t) Solicitors (in the name of the Director of Legal and Governance):**
 - (i) To prepare, approve and issue or serve the form and content of all legal documentation on behalf of the Council.
 - (ii) To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.
 - (iii) To defend all legal proceedings brought against the Council and to take any steps that are in his or her opinion expedient to that end.
 - (iv) To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.
 - (v) Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.
 - (vi) To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.
 - (vii) To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or appropriate SLT Director, or Second Tier Manager and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.
- (u) To undertake those functions assigned under:
 - (i) Part 3, Section 4 of the Constitution: functions not to be the responsibility of an Authority's Executive
 - (ii) Part 3, Section 5 of this Constitution: local choice functions
 - (iii) Part 3, Section 6 of this constitution: Proper Officer function

- (v) To authorise activities under the Regulation of Investigatory Powers Act 2000 and to monitor proper use of activities under that Act
- (w) To develop and implement the Council's Health & Safety Strategy.
- (x) To develop and implement the Council's information governance policies and protocols.
- (y) To approve arrangements for members' training.
- (z) To approve the attendance of members at conferences or training events outside the borough but within the United Kingdom, including any travel and accommodation arrangements.

(aa) **Head of Democratic Services**

- (i) To undertake all the administrative procedures for Schools Appeals, Hearings Panels and any other panels or Sub-Committees required under the terms of reference of the Adjudication and Review Committee and Licensing Committee: including but not limited to the appointment and re-appointment of independent persons for school appeals and other hearings, the selection of members or independent persons to consider specific cases, the consideration of applications for re-hearing of School Admission Appeals, the arrangement of panels and dates and the appointment of Chairmen of panels.
- (ii) In consultation with the Leader of the Group of which the previous appointee is a Member, to appoint a Member of the Council to fill a casual vacancy in any appointment to another organisation arising during the course of a municipal year.
- (iii) In consultation with Cabinet Members, Group Leaders and the Chairmen of Committees, to determine the schedule of meetings for each municipal year (including dates, times and places of meeting), on the basis that, so far as possible and practicable:
 - (a) The Planning and Strategic Planning Committees shall generally meet every month (except around the Christmas/New Year period)
 - (b) The Audit, Governance, Pensions, Adjudication and Review Committees, Overview and Scrutiny Board and the Overview & Scrutiny Sub-Committees shall generally meet once during each period between ordinary Council meetings
 - (c) Meetings will only be arranged for Monday or Friday evenings in exceptional circumstances.
- (iv) To exercise general use and hire of the Town Hall for the purpose of meetings and other authorised events in accordance with approved fee scales and principles and guidelines agreed by the Governance Committee, but to be able to waive or

reduce scales of fees and charges in suitable cases. To exercise general management of the Council Chamber, Committee Rooms and other accommodation for Members, including any audio-visual or other information technology equipment installed therein

- (bb) Undertake those functions assigned under:
- (i) Part 3, Section 6 of this constitution: Proper Officer functions

(cc) **Electoral Services Manager**

To undertake those functions assigned under Part 3, section 6 of this constitution (Proper Officer function)

3.10 Statutory Officer Functions

- The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.
- The Chief Executive and the Monitoring Officer are designated by the Secretary of State as qualified persons for the purpose of Section 36 of the Freedom of Information Act 2000. The Monitoring Officer is to be the primary qualified person with the Chief Executive carrying out the function in the Monitoring Officer's absence.
- The Monitoring Officer and Chief Finance Officer are each responsible for designating the post of the member of staff who will serve as his or her deputy office.

3.10.1 Functions of the Head of Paid Service

- (a) The Head of Paid Service may, where appropriate, report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of staff required for the discharge of functions and the organisation of staff.
- (b) The Head of Paid Service may not be the Monitoring Officer but may be the Chief Finance Officer if a qualified accountant.
- (c) Where he or she is consulted by the Monitoring Officer or Chief Officer, the Head of Paid Service will provide that officer with an opinion as to whether decisions of the Executive or staff are in accordance with the budget and/or policy frameworks.

3.10.2 Functions of the Monitoring Officer

- (a) To maintain an up-to-date version of the constitution and ensure that it is widely available for consultation by members, staff and the public.
- (b) After consulting with the Head of Paid Service and the Chief

Finance Officer, to report to the full Council or to the Cabinet in relation to any function if:

- (i) he or she considers that any proposal, decision or omission would give rise to unlawfulness, or
- (ii) where a Local Commissioner has conducted an investigation to the proposal, decision or omission concerned, any proposal, decision or omission has given rise to maladministration.

Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (c) To conduct investigations as directed by the Adjudication & Review Sub-Committee (or its Hearing Panel) into alleged breaches by members of the code of conduct and to report upon them to the Sub-Committee. This function will also be carried out by Deputy Monitoring Officers.
- (d) To ensure that executive decisions, together with the reasons for those decisions and relevant staff reports and background papers are made publicly available as soon as possible.
- (e) To advise whether decisions of the Executive or staff are in accordance with the policy framework in consultation with the Head of Paid Service and the Chief Finance Officer, where appropriate.
- (f) To provide advice on the scope of powers and authority to take decisions, maladministration (where first investigated by a Local Commissioner), financial impropriety, probity and budget and policy framework issues.

3.10.3 S151 Officer Functions

- (e) After consulting with the Head of Paid Service and the Monitoring Officer, to report to the full Council or to the Cabinet in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully (this is a statutory function).
- (f) To make such arrangements as are necessary to control and regulate the expenditure and income of the Council including the exercise of borrowing powers and treasury management powers (this is a statutory function).
- (g) To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget framework issues to all councillors and will support and advise councillors and staff in their respective roles.

- (h) To advise whether decisions of the Executive or staff are in accordance with the budget framework in consultation with the Head of Paid Service and the Monitoring Officer, where appropriate.
- (i) To contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (j) To manage the Council's loan debt, investments, and temporary investments, pension scheme and pension fund, insurance fund, act as registrar of loan instruments, manage all banking arrangements including numbers and types of accounts and arrange insurance of property and the selecting and accepting of tenders for insurance cover and related services which are considered to offer best value for the Council promoting good risk management practices at all times.
- (k) To undertake all other financial matters arising within the Council, subject to the following requirements:
 - (i) Authority to incur expenditure being approved or sanctioned by the Council or the Cabinet.
 - (ii) Powers of borrowing being exercised within guidelines agreed by the Council and any current codes of practice.
 - (iii) All matters being within accepted accounting practice and standards and within statutory requirements.
 - (iv) Any necessary reference to the Council's external Auditors.
 - (v) An annual report being presented to the Audit Committee by 30 September in each year on the activities undertaken in respect of treasury management powers in the preceding financial year.
 - (vi) Reports of the external Auditors and other relevant Inspectorates upon the audit of the Council's activities being considered.
 - (vii) To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio in consultation with the Chairman of Pensions.
- (l) To set the Council Tax Base and Commercial Rate yield each year unless it involves matters of policy.
- (m) To accept grants and the terms and conditions thereof for and on behalf of the Council.
- (n) To approve the Financial Framework and any amendments to it.

3.10.4 Functions of Scrutiny Officer

- (a) To promote the role of the authority's Overview and Scrutiny Board or Sub-Committees;
- (b) To provide support to the authority's Overview and Scrutiny Board or Sub-Committees and the members of that committee or those committees;
- (c) To provide support and guidance to –
 - (i) members of the authority,
 - (ii) members of the executive of the authority, and
 - (iii) officers of the authority, in relation to the functions of the authority's Overview and Scrutiny Board or Sub-Committees

Appendix A

Enactments enforceable by Assistant Director Environment , the Public Protection Manager, and any of the Public Protection Divisional Managers

This appendix sets out enactments which the Assistant Director Environment has delegated authority to enforce. The Assistant Director of Environment, the Public Protection Manager and any of the Public Protection Divisional Managers may authorise their staff to enforce these enactments and to authenticate, on the Council's behalf, any notice, certificate or other document required to be issued in relation to the enactments.

Environmental Health

Enactment	Relevant provisions and notes
Agriculture (Miscellaneous Provisions) Act 1968	Part I
Animal Boarding Establishments Act 1963	
Animal Health Act 1981	
Animal Welfare Act 2006	
Anti-social Behaviour, Crime and Policing Act 2014	
Breeding of Dogs Act 1973	
Building Act 1984	<ul style="list-style-type: none"> sections 59 to 69 (relating to drainage of buildings and to sanitary conveniences) section 70 (food storage accommodation in existing houses) section 76 (relating to defective premises) section 79 (relating to ruinous and dilapidated buildings)
Caravan Sites Act 1968	
Caravan Sites Control & Development Act 1960	
Clean Air Act 1993	
Clean Neighbourhoods & Environment Act 2005	Parts 3, 5, 6 & 7
Control of Pollution Act 1974	section 13 (Part III, sections 60 to 62 and regulations made under section 78 (sulphur content of fuel oil)) and 1990
Criminal Justice and Police Act 2001	Sections 19 to 27 (closure of unlicensed premises)
Dangerous Dog Acts 1871 & 1991	
Dangerous Wild Animals Act 1976	
Environment Act 1995	

Enactment	Relevant provisions and notes
Environmental Protection Act 1990	Parts I, II (Sections 33, 34 & 59), IIA, III, IV and VIII (Section 150)
Essex County Council Act 1922	Part IV (Massage and Special Treatment)
European Communities Act 1972	<ul style="list-style-type: none"> • Common Agricultural Policy (Wine) Regulations 1973 • any other regulations that may be made
Factories Act 1961	
Fire Safety and Safety of Places or Sport Act 1987	
Food Act 1984	
Food Hygiene (England) Regulations 2006	
Food Safety Act 1990	
Food and Environment Protection Act 1985	Part III
Gambling Act 2005	
Guard Dogs Act 1975	
Greater London Council (General Powers) Act 1967	(Registration of hairdressers, etc.)
Greater London Council (General Powers) Act 1973	section 31
Greater London Council (General Powers) Act 1979	(control of brown tail moth)
Greater London Council (General Powers) Act 1984	(registration of certain sleeping accommodation)
Greater London Council (General Powers) Act 1986	
Health Act 2006	Part I, Chapter I (smoke- free premises, places and vehicles)
Health and Safety at Work, Etc. Act 1974	(other than in respect of requirements imposed upon the Council as employers)
Highway Act 1980	Part IX
Housing Act 1985	
Housing Act 2004	
Housing (Construction and Regeneration) Act 1996	
Hypnotism Act 1952	
Landlord and Tenant Act 1985	
Licensing Act 1964	sections 78 and 79
Licensing Act 2003	
Local Government and Housing Act 1989	
Local Government (Miscellaneous Provisions) Act 1976	<ul style="list-style-type: none"> • section 15 (survey of land for the purposes of compulsory purchase) • section 16 (power to serve notices –

Enactment	Relevant provisions and notes
	requisition for information) <ul style="list-style-type: none"> • section 20 (provision of sanitary conveniences at places at entertainment) • section 35 (power to require the removal of obstructions from private sewers)
Local Government (Miscellaneous Provisions) Act 1982	<ul style="list-style-type: none"> • sections 14 to 16 • section 17 (exercise powers relating to entry in relation to registered premises in the Council's area) • section 29 and 30 (powers of entry) • section 32 (recovery of costs) • Schedule 3 (sex establishments)
London Government Act 1963	
London Local Authorities Act 1990	Part III (street trading)
London Local Authorities Act 1990	
London Local Authorities Act 1991	Part II, Part III and section 23
London Local Authorities Act 1995	
London Local Authorities Act 1996	
London Local Authorities Act 2000	
Medicines Act 1968	(such orders and regulations as the Council may be appointed to enforce)
Mobile Homes Act 1983	
Noise Act 1996	sections 2 to 9
Noise & Statutory Nuisance Act 1993	(loudspeakers in streets)
Offices, Shops and Railway Premises Act 1963	
Official Feed and Food Controls (England) Regulations 2006	
Performing Animals (Reg) Act 1925	
Pet Animals Act 1951	
Poisons Act 1972	
Pollution Prevention & Control Act 1999	
Prevention of Damage by Pests Act 1949	
Protection from Eviction Act 1977	
Psychoactive Substances Act 2016	
Public Health Act 1936	
Public Health Act 1961	
Public Health Control of Disease Act 1984	

Enactment	Relevant provisions and notes
Rag Flock and Other Filling Materials Act 1951	
Rent Act 1977	(provisions relating to certificates of disrepair pursuant to section 27 and schedule 6)
Riding Establishments Acts 1964 and 1970	
Scrap Metal Dealers Act 2013	
Shops Act 1950 – 1965	
Sunday Observance Act 1780	
Sunday Trading Act 1994	
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015	
Town & Country Planning Act 1990	Sections 215-219 Powers to deal with land adversely affecting amenity of the neighbourhood.
Vehicle (Crime) Act 2001	
Wildlife and Countryside Act 1981	
Young Persons (Employment) Acts 1938 and 1964	
Zoo Licensing Act 1981	

Trading Standards

Enactment	Relevant provisions and notes
Administration of Justice Act 1970	section 40
Agricultural Act 1970	Part IV
Agricultural Produce (Grading and Marketing) Acts 1928 and 1931	
Anti-Social Behaviour Act 2003	
Anti-social Behaviour, Crime and Policing Act 2014	
Building Act 1984	Insofar as it relates to energy performance for public buildings
Business Names Act 1986	section 4
Cancer Act 1939	
Celluloid and Cinematograph Film Act 1922	
Children and Young Persons Act 1933	section 7 (sale of tobacco etc., to persons under 16)
Children and Young Persons (Protection from Tobacco) Act 1991	
Children and Families Act 2014	tobacco, nicotine products and smoking provisions only
Civil Aviation Act 1982	

Enactment	Relevant provisions and notes
Clean Air Act 1993	sections 30 and 32
Consumer Credit Act 1974	
Consumer Protection Act 1987	Parts II and III
Consumer Rights Act 1985	
Control of Pollution Act 1974	section 75 (regulations concerning lead content of motor fuel)
Copyright, Designs and Patents Act 1988	
Crossbows Act 1987	
Development of Tourism Act 1969	section 18 (relating to price displays)
Education Reform Act 1988	sections 214 to 217 (provisions relating to unrecognised degrees)
Energy Act 1976	
Energy Conservation Act 1981	
Enterprise Act 2002	
Estate Agents Act 1979	
European Communities Act 1972	(Regulations relating to: <ul style="list-style-type: none"> • eggs (marketing standards) • crystal glass (description) • Package Travel, Package Holidays, Package Tours Regulations 1982 • textile products (indication of fibre content) • aerosol dispensers (EU requirements) • Non-Automatic Weighing Instruments • Consumer Protection from Unfair Trading Regulations 2008 • Business Protection from Misleading Marketing Regulations 2008 • any other regulations as may be made from time to time)
Explosive Acts 1875 and 1923	
Explosives (Age of Purchase) Act 1976	
Fair Trading Act 1973	(orders under section 22)
Firearms Act 1968	
Fireworks Act 2003	
Food and Environmental Protection Act 1985	Part III
Food Safety Act 1990	
Forgery and Counterfeiting Act 1981	
Fraud Act 2006	
Greater London Council (General Powers)	(registration of premises in respect of the

Enactment	Relevant provisions and notes
Act 1984	sale of goods by competitive bidding)
Hallmarking Act 1973	
Health Act 2009	provisions relating to tobacco only
Health and Safety at Work etc. Act 1974	(other than in respect of requirements imposed upon the Council as employers) (including the Manufacture and Storage of Explosives Regulations 2005)
Housing Act 2004	Part 5
Hire Purchase Act 1964	Part III

Enactment	Relevant provisions and notes
Insurance Brokers (Registration) Act 1977	
Intoxicating Substances Supply Act 1985	
Knives Act 1997	
Licensing Act 2003	
Medicines Act 1968	orders under sections 62(1)(b) and 90 (provisions relating to animal feeding stuffs and fertilisers)
Merchant Shipping Act 1979	
Mock Auctions Act 1961	
Motorcycle Noise Act 1987	
National Lotteries etc. Act 1993	
Offensive Weapons Act 1996	
Olympic Symbol etc (Protection) Act 1995	
Prices Acts 1974 and 1975	
Proceeds of Crime Act 2002	
Property Misdescriptions Act 1991	
Protection of Children (Tobacco) Act 1986	
Psychoactive Substances Act 2016	
Restriction of Offensive Weapons Act 1959	
Road Traffic Acts 1988 & 1991	
Road Traffic (Foreign Vehicles) Act and Regulations 1972	
Road Traffic Offenders Act 1988	
Solicitors Act 1974	section 22
Sunbeds (Regulation) Act 2010	
Telecommunications Act 1984	
Theft Acts 1968 and 1978	
The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a	

Scheme etc.) (England) Order 2014	
Timeshare Act 1992	
Trade Descriptions Act 1968	
Trademarks Act 1994	
Trading Representations (Disabled Persons) Acts 1958 and 1972	(provisions relating to goods represented as being made by blind or disabled persons)
Trading Stamps Act 1964	
Unsolicited Goods and Service Acts 1971 and 1975	(provisions relating to unsolicited goods and directory entries)
Video Recordings Act 1984 and 1993	
Weights and Measures Act 1985	Limited to officers with DTS or equivalent

Licensing and registration of premises or persons

Licensing matter	Enactment
Animal boarding establishments	Animal Boarding Establishments Act 1963
Caravan Sites	Caravan Sites and Control of Development Act 1960
Dangerous wild animals	Dangerous Wild Animals Act 1976
Dog-breeding premises	Breeding of Dogs Act 1973
Establishments for massage and special treatment	London Local Authorities Act 1991
Gambling	Gambling Act 2005
Licensing	Licensing Act 2003
Housing	Housing Act 2004
Pet shops	Pet Animals Act 1961
Riding establishments	Riding Establishments Act 1964
Sex establishments	Local Government Miscellaneous Provisions Act 1982
Storage of Explosives	Health and Safety at Work, Etc. Act 1974 (Manufacture and Storage of Explosives Regulations 2005)
Street trading	London Local Authorities Act 1990

Registration matter	Enactment
Food premises	EC Regulation 852/2004, Article 6(2)
Hairdressers' and barbers' establishments	Greater London Council (General Powers) Act 1967, section 21
Premises for competitive bidding (auctions)	Greater London Council (General Powers)

	Act 1984 – Part VI
Scrap metal dealers	Scrap Metal Dealers Act 1964
Motor Salvage Operators	Vehicles (Crime) Act 2001
Storage of Explosives	Health and Safety at Work, Etc. Act 1974 (Manufacture and Storage of Explosives Regulations 2005)

Code of practice: disposal of surplus property

This appendix sets out the code of practice for the disposal of surplus property. The Property Strategy Manager is required to comply with this code when exercising the functions delegated in Part 3 of this constitution, section 3.7.5(i).

Member authority

Disposal of surplus property will be dealt with through the Cabinet or in accordance with other authorised arrangements for decisions in place at the time.

Any report requesting a decision will incorporate the views and advice of the Chief Operating Officer, the Director of Legal and Governance and the Property Strategy Manager.

Method of disposal

The Property Strategy Manager shall determine the method by which surplus property should be disposed of. This method should require the open invitation of competitive bids, unless the Cabinet has already agreed an alternative method of disposal or the Property Strategy Manager decides, in consultation with Lead Member Finance and Commerce that an alternative method of disposal would be appropriate. Examples of possible exceptions include:

- (a) sale to a sitting tenant
- (b) sale to adjoining owner
- (c) sale of an access which would enable a purchaser to release development value locked up in backland
- (d) sale of a part-interest in a property where amalgamation of interests could enable substantial “marriage value” to be realised
- (e) sale to a party offering other benefits to the Council, such as a housing association.

These examples are given on the basis that the Property Strategy Manager considers that negotiations with one party would produce a higher figure or other benefits than competition, and that the best interests of the Council would be served by allowing such exceptions.

1. Where land is disposed of by auction, it will be subject to a reserve price agreed between the Property Strategy Manager and the auctioneer.

Any pre-auction bid shall be accepted only upon the recommendation of the auctioneer.

2. Where land is disposed of by public tender, the Council's standing orders relating to tenders and contracts will be applied as appropriate.
3. During any negotiations being conducted in accordance with paragraph 3, any other offer received from a third party or parties before exchange of contracts shall be considered and dealt with on its merits either with a report to members or in accordance with the scheme of delegation. Any offer which, on the evidence available, is considered to be incomplete, insubstantial or in any other way defective, mischievous or frivolous shall be rejected.

Any offer which, on the evidence available, does appear to:

- (a) offer benefits substantially in excess of those currently being negotiated, and
- (b) be capable of substantiation in a reasonable time scale shall be the subject of further consideration in accordance with this code and the scheme of delegation. If appropriate a report of a protocol shall be made to members. The substance of the offer (which in most cases will be the monetary amount of the offer) shall then be made known to the party with whom the Council is already conducting negotiations, and that action shall be communicated to the party making the late offer.

Consultation with external valuer

4. At the discretion of the Property Strategy Manager, the District Valuer or other external specialist or external valuer will be consulted whenever required on important matters of principle, or valuation "practice".

Valuation

5. Terms will not be finalised without the benefit of a current valuation. Every valuation by the Property Strategy Manager shall state the date beyond which it is not to be regarded as valid without further certification by him or her. The general presumption is that all transactions will be in accordance with section 123 of the Local Government Act 1972 and disposal will not be at the consideration less than the best that can reasonably be obtained. The General Disposal Consent 2003 provides a framework for local authorities to agree a disposal at less than best consideration in certain circumstances. This is dealt with in paragraph 7.

Negotiations

6. In concluding negotiations for a land transaction above a capital sum of £500,000, two members of staff should be present, one of whom should be the Property Strategy Manager or him or her representative. Within three working days of the meeting, a file note recording the discussion should be placed on the relevant file. The requirement shall not apply in respect of the

ancillary terms of a proposed property transaction, where the price has already been established through competitive marketing.

Transactions at less than market value

7. Approval must be obtained from or on behalf of the Cabinet to all disposals or lettings which are proposed to be less than open market value, unless there is already a defined subsidy policy in place which has been agreed by members for the type of transaction proposed. When members are invited to consider the principle or details of a below market value transaction, the unrestricted value of the property shall be reported so that the level of subsidy is apparent when a decision is taken.

The council has powers derived from the Housing Act 1985 to dispose of land to Registered Social Landlords at less than open market value. Other cases would be dealt with under the terms of the local Government Act 1972: General Disposal Consent (England) 2003.

The General Consent 2003 allows authorities to exercise local discretion on proceeding with undervalue property disposals, providing the amount of undervalue is not more than £2 million and the local authority considers disposal is likely to contribute to the achievement of the Local Government Act 2000 objectives and will help secure the promotion or improvement of the economic, social or environmental well-being of its area. A proposed transaction at an undervalue in excess of £2 million will also require ODPM consent.

The Council must be able to substantiate that it has acted reasonably in agreeing an undervalue transaction; that there was an appropriate decision making process and that regard has been had to general fiduciary obligations. Decision must be robust and defensible and the monetary or benefit assessment of impacts will require detailed individual assessment in every case.

The Council's Cabinet at its meeting of 29th September 2004 agreed a decision-making process-chart that should be addressed in all cases. Not all elements will be required in each case but a substantial number will feature in any assessment.

Decision-Making Process Chart for Undervalue Transactions

- Identify Strategic Policy Link – Relate to Well-Being Powers (Community Strategy/ Quality of Life Indicators/ Other Corporately adopted Plans)
- Identify Aims/ Inputs/ Outputs/ Outcomes
- Identify the benefit
- Set out the basis of assessment

- Provide sources of comparable evidence
- Can non-market benefits and impacts be evaluated? – if so, identify method of cost/ value-benefit applied
- State the monetary value arrived at or detail other assessments of worth relied upon
- Adopt assessment categories of
 - (n) Property Value
 - (o) Other Benefits capable of monetary assessment
 - (p) Benefits not capable of monetary assessment
- Where appropriate consider a comparison of benefits against the Capital Prioritisation Assessment the Council would apply to its own schemes.
- Provide Valuations – Restricted and unrestricted – (Technical Appendix requirements)
- If property has not been competitively marketed, assess financial position of organisation/ person receiving subsidy – what is financial position of purchaser, is subsidy required?
- Is the amount of undervalue proportional to benefit anticipated?
- Are outputs/ outcomes proportional to inputs?
- What would be the effect of less subsidy?
- Is Value for Money being achieved?
- Apply the 'Do Nothing' test – What would be the effect?
- How can outcomes be secured in practice to justify subsidy (Claw-backs/ covenants/ grants)
- Consider medium and longer term estate management considerations. Ensure the inclusion, as necessary, of additional terms that protect the Council's future property use options.
- Is it possible to have a grant/ leasehold arrangement rather than an outright disposal?
- Ensure Legal/ Finance review/ overview of final case data and business case
- Obtain Member authority to transaction of the undervalue is less than £2m and additionally from ODPM if above £2m.

Functions not to be the responsibility of the Council's Executive

The following functions are specified as functions that are not to be the responsibility of an authority's Executive by Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

A. FUNCTIONS RELATING TO PLANNING

Function	Provision of Act or Statutory Instrument	Decision-making body
Functions relating to development plans	Part 2 of the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004	Head of Planning, except where: <ul style="list-style-type: none"> approval by the Executive is required for consultation on a Local Development Framework Document; approval by the Executive is required for adoption of a Supplementary Planning Document, the Local Development Scheme, the Statement of Community Involvement or the Authority's Monitoring Report; approval by Council is required for submission or adoption of a Development Plan Document
Functions relating to control over development (including the assessment of environmental effects)	Part 3 of the Town and Country Planning Act 1990	Head of Planning, except where: <ul style="list-style-type: none"> an application for Planning Permission is required to be determined by Planning Committee in accordance with the Committee Consideration Criteria in the Planning Committee Procedure Rules
Functions relating to planning enforcement	Part 7 of the Town and Country Planning Act 1990	Head of Planning
Functions relating to special planning controls (e.g. trees,	Part 8 of the Town and Country Planning Act 1990	Head of Planning

Function	Provision of Act or Statutory Instrument	Decision-making body
amenity land and advertisements)		
Functions relating to highways and planning	Part 10 of the Town and Country Planning Act 1990	Head of Planning
Functions relating to statutory undertakers and planning	Part 11 of the Town and Country Planning Act 1990	Head of Planning
Functions relating to Crown land and planning	Part 13 of the Town and Country Planning Act 1990	Head of Planning
Functions relating to financial provisions for planning	Part 14 of the Town and Country Planning Act 1990	Head of Planning
Functions relating to miscellaneous and general planning provisions (e.g. rights of entry)	Part 15 of the Town and Country Planning Act 1990	Head of Planning
Functions relating to listed buildings	Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Head of Planning, except where: <ul style="list-style-type: none"> an application for Listed Building Consent is required to be determined by Planning Committee in accordance with the Committee Consideration Criteria in the Planning Committee Procedure Rules
Functions relating to conservation areas	Part 2 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Head of Planning, except where: <ul style="list-style-type: none"> approval of the Executive is required to designate a conservation area
Functions relating to general matters relating to listed buildings and conservation areas (e.g. Crown land and rights of entry)	Part 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Head of Planning
Functions relating to controls over hazardous substances	Planning (Hazardous Substances) Act 1990	Head of Planning
Functions relating to Certificates of Appropriate Alternative Development	Part 3 of the Land Compensation Act 1961	Head of Planning
Functions relating to the control of advertisements, displays etc	Part 3 of the London Local Authorities Act 1995	Head of Planning
Functions relating to surveillance and covert human intelligence sources	Part II of the Regulation of Investigatory Powers Act 2000	Head of Planning
Functions relating to the civil recovery of the proceeds etc of unlawful conduct	Part 5 of the Proceeds of Crime Act 2002	Head of Planning

Function	Provision of Act or Statutory Instrument	Decision-making body
Functions relating to charging for discretionary services	Part 8 Chapter 1 of the Local Government Act 2003	Head of Planning
Functions relating to Nationally Significant Infrastructure Projects	Parts 1 to 9 of the Planning Act 2008	Head of Planning
Functions relating to the Community Infrastructure Levy	Part 11 of the Planning Act 2008	Head of Planning, except where: <ul style="list-style-type: none"> approval by Council is required to submit a draft charging schedule for examination, approve a charging schedule or withdraw a charging schedule approval by the Executive is required to consult on or adopt a new or amended Regulation 123 List
Functions relating to Neighbourhood Planning	Part 6 Chapter 3 of the Localism Act 2011	Head of Planning, except where: <ul style="list-style-type: none"> approval by the Executive is required to authorise a Plan to be put to referendum or to agree that a Plan be Made
Functions relating to self-build and custom house building	Part 1 Chapter 2 of the Housing and Planning Act 2016	Head of Planning

B. LICENSING AND REGISTRATION FUNCTIONS (IN SO FAR AS NOT COVERED BY ANY OTHER PARAGRAPH OF THIS SCHEDULE).

1. Power to issue licences authorising the use of land as a caravan site (“site licences”)	Section 3(3) of the Caravan Sites and Control of Development Act 1960	Assistant Director Environment , the Public Protection Manager and any of the Public Protection Divisional Managers with reference to Licensing Committee where the matter is contested
2. Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers with reference as above
3. Power to license hackney	(a) as to hackney carriages, the Town Police Clauses Act 1847, as	<i>Not applicable</i>

carriages and private hire vehicles	<p>extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976</p>	
4. Power to license drivers of hackney carriages and private hire vehicles	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<i>Not applicable</i>
5. Power to license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<i>Not applicable</i>
6. Power to register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order]	<i>Not applicable</i>

Function	Provision of Act or Statutory Instrument	Decision-making body
7. Power to grant track betting licences	Schedule 3 to the Betting, Gaming and Lotteries Act 1963. [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order.]	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers with reference to Licensing Committee where the matter is contested
8. Power to license inter-track betting schemes	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order.]	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers with reference as above
9. Power to grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968 [as saved for certain purposes by article 4(2)(1) and (m) of the Gambling Act Order.]	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers with reference as above
10. Power to register societies wishing to promote lotteries	Schedule 1 to the Lotteries and Amusements Act 1976 [as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order.]	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers with reference as above
11. Power to grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the Lotteries and Amusements Act 1976 [as saved for certain purposes by the article 5(2)(d) and (5) of the Gambling Act Order.]	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers with reference as above
12. Power to issue cinema and cinema club licences	Section 1 of the Cinema Act 1985	<i>Not applicable</i>
13. Power to issue theatre licences	Sections 12 to 14 of the Theatres Act 1968	<i>Not applicable</i>
14. Power to issue entertainments licences	Section 12 of the Children and Young Persons Act 1933, section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act	<i>Not applicable</i>

Function	Provision of Act or Statutory Instrument	Decision-making body
	1967 and Part 1 of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982	
14A. All functions relating to licensing under the Licensing Act 2003	Sections 5 to 8 of the Licensing Act 2003	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers: Licensing Committee; Council as appropriate
14AA. Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the 2005 Act.	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers
14AB. Functions relating to exchange of information	Section 30 of the 2005 Act	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers
14AC. Functions relating to occasional use notices	Section 39 of the 2005 Act	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers
14B. Power to resolve not to issue a casino premises licence	Section 166 of the 2005 Act	Licensing Committee
14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the 2005 Act	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers
14CA Power to make order dis applying section 279 or 282 (1) of the 2005 At in relation to specified premises]	[Section 284 of the 2005 Act	Assistant Director Environment , Public Protection Manager Licensing Committee if referred by Assistant Director Environment
14D. Power to institute criminal proceedings	Section 346 of the 2005 Act	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers Director of Legal and Governance as appropriate

Function	Provision of Act or Statutory Instrument	Decision-making body
14E. Power to exchange information	Section 350 of the 2005 Act	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers
14F. Functions relating to the determination of fees for premises licences	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479)	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers Licensing Committee if referred by Assistant Director Environment
14G Functions relating to the registration and regulation of small society lotteries	[Part 5 of Schedule 11 to the 2005 Act]	Assistant Director of Regulatory Services, the Public Protection Manager and any of the Public Protection Divisional Managers
15. Power to license sex shops, sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference to Licensing Committee where the matter is contested
16. Power to license performances of hypnotism	The Hypnotism Act 1952	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,
18. Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,
19. Power to register door staff	Paragraph 1(2) and 9 of Schedule 12 to the London Government Act 1963 and Part V of the London	<i>Not applicable</i>

Function	Provision of Act or Statutory Instrument	Decision-making body
	Local Authorities Act 1995	
20. Power to license markets and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c.xii)	Assistant Director Environment, with reference to Licensing Committee where the matter is contested
21. Power to license night cafes and take-away food shops	Section 2 of the Late Night Refreshment Houses Act 1969, Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.	<i>Not applicable</i>
22. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,
23. Power to license dealers in game and the killing and selling of game	Sections 5, 6, 17 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.	<i>Not applicable</i>
24. Power of register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,
25. Power to license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference to Licensing Committee where the matter is contested
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975	Assistant Director Environment, with reference as above
27. Power to issue, cancel, amend or replace safety	Part III of the Fire Safety and	Assistant Director Environment, with

Function	Provision of Act or Statutory Instrument	Decision-making body
certificates for regulated stands at sports grounds	Safety of Places of Sport Act 1987	reference as above
28. Power to issue fire certificates	Section 5 of the Fire Precautions Act 1971	<i>Not applicable</i>
29. Power to license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishment Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973; and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,
31. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,
32. Power to license zoos	Section 1 of the Zoo Licensing Act 1981	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers
33. Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976	Assistant Director Environment of Regulatory Services, the Public Protection Manager and any of the Public Protection Divisional Managers
34. Power to license knackers' yards	Section 4 of the Slaughterhouses Act 1974. <i>See also</i> the Animal By-Products Order 1999 (S.I. 1999/646	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,
35. Power to license the employment of children	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act	Assistant Director of Education Services , with reference as above

Function	Provision of Act or Statutory Instrument	Decision-making body
	1963	
36. Power to approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510)	Chief Operating Officer and Registrars and Bereavement Services Manager
37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)	Director of Legal and Governance, with reference as above
38. Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471)	Director of Legal and Governance, with reference as above
39. Power to license persons to collect for charitable and other causes	Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939	<i>Not applicable</i>
40. Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,
41. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991	Assistant Director Environment,
42. Power to license agencies for the supply of nurses	Section 2 of the Nurses Agencies Act 1957	<i>Not applicable</i>
43. Power to issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,
44. Power to license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,

Function	Provision of Act or Statutory Instrument	Decision-making body
45. Power to license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,
46. Power to issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998 (S.I. 1998/871).	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,
46A. Power to grant permission for provision, etc, of services, amenities, recreation and refreshment facilities on highway, and related powers	Sections 115E, 115F and 115K of the Highways Act 1980	Assistant Director Environment with reference to Licensing Committee where the matter is contested
47. Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980	Assistant Director of Environment, with reference as above
[47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980]	Assistant Director of Environment, with reference as above
48. Power to license planting, retention and maintenance of trees etc in part of highway.	Section 142 of the Highways Act 1980	Assistant Director of Environment, with reference as above
49. Power to authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980	Assistant Director Environment, with reference as above
50. Power to license works in relation to buildings etc. which obstruct the highway	Section 169 of the Highways Act 1980	Assistant Director Environment, with reference as above
51. Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980	Assistant Director Environment, with reference as above
52. Power to dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980	Assistant Director Environment, with reference as above
53. Power to restrict the placing of rails, beams etc over highways.	Section 178 of the Highways Act 1980	Assistant Director Environment, with reference as above
54 Power to consent to construction of cellars etc. under street	Section 179 of the Highways Act 1980	Assistant Director Environment, with reference as above
55. Power to consent to the making of openings into cellars etc under streets, and pavement	Section 180 of the Highways Act 1980	Assistant Director Environment, with reference as above

Function	Provision of Act or Statutory Instrument	Decision-making body
lights and ventilators		
56. Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
57. Power to approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
58. Power to approve premises for the production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
59. Power to approve dairy establishments	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
60. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520)	The Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763)	<i>Not applicable</i>
62. Power to approve fish products premises	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish)(Hygiene) Regulations 1998 (SI 1998/994)	The Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
63. Power to approve dispatch or purification centres	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish)(Hygiene) Regulations 1998	Assistant Director Environment, the Public Protection Manager and any of the Public

Function	Provision of Act or Statutory Instrument	Decision-making body
		Protection Divisional Managers, with reference as above
64. Power to register fishing vessels on board which shrimps or molluscs are cooked	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
65. Power to approve factory vessels and fishery product establishments	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
66. Power to register auction and wholesale markets	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
67. Duty to keep register of food business premises	Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828)	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
68. Power to register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
[69. Power to issue near beer licence	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section (3), section 25 of that Act.	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
70. Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii)]	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above

Function	Provision of Act or Statutory Instrument	Decision-making body
71. Power to register motor salvage operators	Part I of the Vehicles (Crime) Act 2001 (c.3).	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above
72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)	Director of Legal and Governance
73. Power to grant, vary or renew a scrap metal dealers site licence	Section 2&3 and Sch1 Scrap Metal Dealers Act 2013	Assistant Director Environment; the Public Protection Divisional Manager; with reference as above
74. Power to grant or vary a scrap metal collector's licence	Section 2&3 and Sch 2 Scrap Metal Dealers Act 2013	Assistant Director Environment; the Public Protection Divisional Manager; with reference as above
75. Power to revoke a scrap metal dealers or collectors licence	Section 4 Scrap Metal Dealers Act 2013	Assistant Director Environment; the Public Protection Divisional Manager with reference as above

C. FUNCTIONS RELATING TO HEALTH AND SAFETY AT WORK

Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer	Part I of the Health & Safety at Work etc. Act 1974	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, with reference to Licensing Committee where the matter is contested
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D. FUNCTIONS RELATING TO ELECTIONS

Function	Provision of Act or Statutory Instrument	Decision-making body
1. Duty to appoint an electoral registration officer	Section 8(2) of the Representation of the People Act 1983	Full Council
2. Power to assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983	Chief Executive
3. Functions in relation to parishes and parish councils	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.	<i>Not applicable</i>
4. Power to dissolve small parish councils	Section 10 of the Local Government Act 1972	<i>Not applicable</i>
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972	<i>Not applicable</i>
6. Duty to appoint returning officer for local government elections	Section 35 of the Representation of the People Act 1983	Full Council
7. Duty to provide assistance at European Parliamentary elections	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002]	Chief Executive
8. Duty to divide constituency into polling districts	[Sections 18A and 18E of, and Schedule A1 to,] the Representation of the People Act 1983	Full Council
9. Power to divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983	Full Council
10. Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983	Chief Executive Returning Officer
11. Power to pay expenses properly incurred by electoral registration officers	Section 54 of the Representation of the People Act 1983	Chief Executive
12. Power to fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985	<i>Not applicable</i>
13. Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972	Chief Executive
14. Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972	Chief Executive
15. Power to make temporary appointments to parish councils	Section 91 of the Local Government Act 1972	<i>Not applicable</i>

Function	Provision of Act or Statutory Instrument	Decision-making body
16. Deleted from legislation		
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000	Full Council
18. Duty to consult on change of scheme for elections.	Sections 22(2), 38(2) and 40(2) of the 2007 Act	Full Council
19. Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act	Chief Executive
20. Duties relating to notice to Electoral Commission	Sections 36 and 42 of the 2007 Act	Chief Executive
21. Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act	<i>Not applicable</i>
22 Functions relating to change of name of electoral area	Section 59 of the 2007 Act	Full Council

E. FUNCTIONS RELATING TO NAME AND STATUS OF AREAS AND INDIVIDUALS

Function	Provision of Act or Statutory Instrument	Decision-making body
1. Power to change the name of a county, district or London borough	Section 74 of the Local Government Act 1972	Full Council
2. Power to change the name of a parish	Section 75 of the Local Government Act 1972	<i>Not applicable</i>
3. Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972	Full Council
4. Power to petition for a charter to confer borough status	Section 245b of the Local Government Act 1972	<i>Not applicable</i>

EA: FUNCTIONS RELATING TO COMMUNITY GOVERNANCE

Function	Provision of Act or Statutory Instrument	Decision-making body
1. Duties relating to community governance reviews	Section 79 of 2007 Act	Full Council
2. Functions relating to community governance petitions	Section 80, 83 to 85 of the 2007 Act	Governance Committee
3. Functions relating to terms of reference review	Sections 81(4) to (6)	Full Council

Function	Provision of Act or Statutory Instrument	Decision-making body
4. Power to undertake a community governance review	Section 82 of the 2007 Act	Full Council
5 Functions relating to making recommendations	Sections 87 to 92 of the 2007 Act	Governance Committee
6. Duties when undertaking review	Section 93 to 95 of the 2007 Act	Governance Committee
7. Duty to publicise outcome of review	Section 96 of the 2007 Act	Head of Democratic Services
8. Duty to send two copies of the order to Secretary of State and Electoral Commission	Section 98(1) of the 2007 Act	Head of Democratic Services
9. Power to make agreements about incidental matters	Section 99 of the 2007 Act	Governance Committee

F. POWER TO MAKE, AMEND, REVOKE OR RE-ENACT BYLAWS

Power to make, amend, revoke or re-enact bylaws	Any provision of any enactment (including local Act), whenever passes, and section 14 of the Interpretation Act 1978	Full Council
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FA. FUNCTIONS RELATING TO SMOKE-FREE PREMISES ETC.

1. Duty to enforce Chapter 1 and regulations made under	Section 10(3) of the 2006 Act	Assistant Director Environment
2. Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to the 2006 Act	Assistant Director Environment
3. Functions relating to fixed penalty notices	Paragraph 13, 15 and 16 of Schedule 1 to the 2006 Act	Assistant Director Environment
4. Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement Regulations 2006 (SI 2006.3368).]	Assistant Director Environment

G. POWER TO PROMOTE OR OPPOSE LOCAL OR PERSONAL BILLS

Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972	Full Council
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H. FUNCTIONS RELATING TO PENSIONS ETC

Function	Provision of Act or Statutory Instrument	Decision-making body
1. Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972	Pensions Committee
[2. Functions under the Firefighter's Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.]	[Sections 34 and 36 of the Fire and Rescue Services Act 2004	<i>Not applicable</i>

I. MISCELLANEOUS FUNCTIONS

Part I: functions relating to public rights of way

1. Power to create footpath or bridleway by agreement	Section 25 of the Highways Act 1980	Planning Committee
2. Power to create footpaths and bridleways	Section 26 of the Highways Act 1980	Planning Committee
3. Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980	Assistant Director Environment,
4. Power to stop up footpaths and bridleways	Section 118 of the Highways Act 1980	Planning Committee
5. Power to determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980	Planning Committee
6. Power to make a rail crossing extinguishment order	Section 118A of the Highways Act 1980	Planning Committee
7. Power to make a special extinguishment order	Section 118B of the Highways Act 1980	Planning Committee
8. Power to divert footpaths and bridleways	Section 119 of the Highways Act 1980	Planning Committee
9. Power to make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980	Planning Committee
10. Power to make a rail crossing diversion order	Section 119A of the Highways Act 1980	Planning Committee
11. Power to make a special diversion order	Section 119B of the Highways Act 1980	Planning Committee
12. Power to require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980	Planning Committee
13. Power to make an SSSI diversion order	Section 119D of the Highways Act 1980	Planning Committee

Function	Provision of Act or Statutory Instrument	Decision-making body
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980	Assistant Director Environment
15. Power to decline to determine certain applications	Section 121C of the Highways Act 1980	Planning Committee
16. Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980	Assistant Director Environment
17. Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980	Planning Committee
18. Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980	Planning Committee
19. Power to authorise temporary disturbance of surface of footpath or bridleway	Section 135 of the Highways Act 1980	Assistant Director Environment
20. Power temporarily to divert footpath or bridleway	Section 135A of the Highways Act 1980	Planning Committee
21. Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980	Planning Committee
22. Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980	Planning Committee
23. Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981	Planning Committee
24. Duty to keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981	Planning Committee
25. Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981	Planning Committee
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981	Assistant Director Environment
27. Duty to reclassify roads used as public paths	Section 54 of the Wildlife and Countryside Act 1981	Planning Committee
28. Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981	Planning Committee
29. Power to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984	Planning Committee

Function	Provision of Act or Statutory Instrument	Decision-making body
30. Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981	Planning Committee
30A. Power to authorise stopping up or diversion of the highway	Section 247 of the Town and Country Planning Act 1990	Planning Committee
31. Power to authorise stopping-up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990	Planning Committee
32. Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990	Planning Committee
33. Power to enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000	Planning Committee
34. Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000	Planning Committee

Part II: other miscellaneous functions

35. Functions relating to sea fisheries	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulations Act 1966	<i>Not applicable</i>
36. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972	Full Council
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Section 112 of the Local Government Act 1972	<ul style="list-style-type: none"> • Full Council (appointment etc of Head of Paid Service) • Governance Committee or its Appointments Sub-Committee (appointment etc of SLT Directors, Monitoring Officer and Second Tier Managers Head of Paid Service, or the relevant SLT Director, Second Tier Managers on his or her behalf (appointment etc of all staff under Second Tier Managers
38. Power to make standing orders as to contracts	Section 135 of the Local Government Act 1972	Full Council

Function	Provision of Act or Statutory Instrument	Decision-making body
39. Duty to make arrangements for proper administration of financial affairs etc	Section 151 of the Local Government Act 1972	<ul style="list-style-type: none"> • Appointments Committee (appointment of Chief

Function	Provision of Act or Statutory Instrument	Decision-making body
		Finance Officer) <ul style="list-style-type: none"> Chief Finance Officer (arrangements for proper administration of financial affairs)
40. Power to appoint officers for particular purposes (appointment of "proper officers")	Section 270(3) of the Local Government Act 1972	Full Council
41. Power to make limestone pavement order	Section 34(2) of the Wildlife and Countryside Act 1981 (c.69)	<i>Not applicable</i>
42. Power to make closing order with respect to take-away food shops	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982	<i>Not applicable</i>
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc	Section 4(1) of the Local Government and Housing Act 1989	Full Council
44. Duty to designate officer as the monitoring officer, and to provide staff, etc	Section 5(1) of the Local Government and Housing Act 1989	<ul style="list-style-type: none"> Appointments Committee (designating Monitoring Officer) Full Council (providing staff)
44A. Duty to provide staff, etc. to person nominated by Monitoring Officer.	Section 82A(4) of the Local Government Act 2000	Council
44B. Powers relating to Overview and Scrutiny Sub-Committees (voting rights of co-opted members)	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.]	Council
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be)	The Accounts and Audit Regulations 1996 (SI 1996 No. 590)	Audit Committee
46. Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (SI 1997 No. 1160)	Assistant Director Environment
47. Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (SI 1999 No. 1892)	Assistant Director Environment Head of StreetCare
47A. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003	Assistant Director Environment
48. Power to make payments or provide other benefits in cases of maladministration etc	Section 92 of the Local Government Act 2000	Council
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption	Section 13(2) of the Criminal Justice and Police Act 2001.	

Function	Provision of Act or Statutory Instrument	Decision-making body
50. Power to make or revoke an order designating a locality as an alcohol disorder zone	Section 16 of the Violent Crime Reduction Act 2006	Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers Licensing Committee if referred by the Assistant Director of Environment
51. Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006	Director of Legal and Governance
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2)(a) of the Commons Act 2006	Director of Legal and Governance
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006	Director of Legal and Governance

5 Local choice functions

The following functions are specified as local choice functions in schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the regulations). Council has decided on how the functions should be exercised as shown

Function	Decision-making body
1. Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the regulations	Cabinet
2. Determining an appeal against any decision made by or on behalf of the authority	Adjudication and Review Committee
3. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	Adjudication and Review Committee
4. The making of arrangements pursuant to Sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals)	Adjudication and Review Committee
5. The making of arrangements pursuant to Section 95(2) of the School Standards and Framework Act 1998 (Children to whom Section 87 applies): appeals by governing bodies	Adjudication and Review Committee
6. Any function relating to contaminated land	Public Protection Manager
7. Discharging any function relating to the control of pollution or the management of air quality	Public Protection Manager
8. Serving an abatement notice in respect of a statutory nuisance	Public Protection Manager
9. Passing a resolution that schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	
10. Inspecting the authority's area to detect any statutory nuisance	Public Protection Manager
11. Investigating any complaint as to the existence of a statutory nuisance	Public Protection Manager
12. Obtaining information under section 330 of the Town and Country Planning Act 1990 about interests in land	Public Protection Manager Assistant Director Environment Assistant Director Planning Director of Legal and Governance Head of StreetCare
13. Obtaining particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Assistant Director Environment Assistant Director Planning Director of Legal and Governance

Function	Decision-making body
	Assistant Director of Economic Development
14. Making agreements for the execution of highways works	Head of StreetCare Director of Legal and Governance Assistant Director Environment
15. Appointing any individual: (a) to any office other than an office in which he is employed by the authority (b) to any body other than: <ul style="list-style-type: none"> • the authority • a joint committee of two or more authorities, or (c) to any committee or sub-committee of such a body And the revocation of such appointment	Governance Committee
16. Making agreements with other local authorities for the placing of staff at the disposal of those other authorities	Cabinet
17. Functions under Sections 106, 110, 111 and 113 of the Local Government & Local Involvement in Health Act relating to local area agreements	[Sections 106,110 and 111] Cabinet [Section 113] Chief Operating Officer Assistant Director, Customer and Community Engagement.

6 Proper officer functions

The following tables show the Proper Officers appointed for the functions specified.

The deputy proper officer is shown after the proper officer. The deputy proper officer is appointed to act where the proper officer is absent and/or unable to act. Where neither the designated proper officer nor the designated deputy proper officer is able to act, or if there is no specified designated proper officer, the Chief Executive is appointed to act or may designate an appropriate person to act as proper officer or deputy proper officer. If the Chief Executive is unable to act, this power shall be delegated to the Director of Legal and Governance or, if the Director of Legal and Governance is unavailable, to the next most senior lawyer employed by the Council available to act.

Public Health Act 1936

Section	Description	Proper officer
84	Officer authorised to issue a certificate requiring an article to be cleansed purified, disinfected or destroyed.	The Council hereby appoints any person for the time being employed by the North East London Health Protection Unit as Consultant in Communicable diseases (CCDC) or by the North East London Primary Care Trusts (PCTs) as Consultant in Public Health Medicine (CPHM) for the authority's area as proper officer. Public Protection Manager.
85	Officer authorised to issue report to take measures to cleanse verminous clothing.	As above Public Protection Manager.

National Assistance Act 1948

Section	Description	Proper officer
47	Officer authorised to issue a certificate to enable a local authority to apply for a court order to remove a person from insanitary living conditions	The Council hereby appoints any person for the time being employed by the North East London Health Protection Unit as

Section	Description	Proper officer
		Consultant in Communicable diseases (CCDC) or by the North East London Primary Care Trusts (PCTs) as Consultant in Public Health Medicine (CPHM) for the authority's area as proper officer.

National Assistance (Amendment Act) 1951

Section	Description	Proper officer
48	Amends section 47 of the National Assistance Act 1948 (as above) to enable a local authority to apply for a court order to remove a person from insanitary living conditions without giving notice of intention to apply for the order.	As above

Public Health Act 1961

Section	Description	Proper officer
37	Officer authorised who may cause verminous articles to be disinfected or destroyed.	The Council hereby appoints any person for the time being employed by the North East London Health Protection Unit as Consultant in Communicable diseases (CCDC) or by the North East London Primary Care Trusts (PCTs) as Consultant in Public Health Medicine (CPHM) for the authority's area as proper officer. Public Protection Manager.

Local Government Act 1972

Section	Description	Proper officer
83(1)-(4)	Officer to whom persons elected to any of the following offices of the Council shall make declaration of acceptance of office: mayor, deputy mayor, councillor	Chief Executive Director of Legal and Governance

Section	Description	Proper officer
84	Officer to whom a person elected to any office under the Council may give written notice of resignation	Chief Executive Director of Legal and Governance
88(1)	Receiving notice of casual vacancy in office of councillor	Chief Executive Director of Legal and Governance
88(2)	Officer who may convene a meeting of the Council for the election to fill a vacancy	Chief Executive Any SLT Director
89(1)(b)	Officer who may receive notice in writing of a casual vacancy in the office of councillor from two local government electors	Chief Executive Director of Legal and Governance
100B(2)	Officer who may think fit to exclude from reports open to inspection parts relating to items during which the meeting is likely not to be open to the public	Committee Administration and Member Support Manager Principal Democratic Services Officer
100B(7)(c)	Officer who may think fit to supply to the press additional material supplied to members of the Council in connection with items of business to be discussed	Director of Legal and Governance Deputy Director of Legal and Governance
100C(2)	Officer responsible for preparing a written summary of those parts of the committee proceedings which disclose exempt information	Head of Democratic Services Principal Democratic Services Officer
100D(1)(a) and (5)(a)	Officer responsible for identifying background papers and compiling list of such documents	Head of Democratic Services Principal Democratic Services Officer
100F(2)	Officer making decision as to documents disclosing exempt information which are not required to be open to inspection by council members	Chief Executive Director of Legal and Governance
115	Officer to whom all officers shall pay monies received by them and due to the local authority	Chief Operating Officer Head of Procurement
146(1)	Officer authorised to produce a statutory declaration specifying securities and verifying name change of authority	Chief Operating Officer Head of Procurement

Section	Description	Proper officer
210(6) and (7)	Officer in whom power in respect of a charity will vest as at 1 April 1974	Director of Legal and Governance Deputy Director of Legal and Governance
225(1)	Officer with whom documents may be deposited pursuant to law to make notes or endorsements and give acknowledgements or receipts	Director of Legal and Governance Deputy Director of Legal and Governance
229(4) and (5)	Officer who shall certify that a document is a photographic copy of a document in the custody of the Council	Director of Legal and Governance Deputy Director of Legal and Governance
234(1)	Officer who may authenticate documents	Director of Legal and Governance Deputy Director of Legal and Governance
236(9)	Officer responsible for sending certified copies of bylaws to appropriate bodies	Director of Legal and Governance Deputy Director of Legal and Governance
238	Officer who shall certify copies of bylaws as true copies	Director of Legal and Governance Deputy Director of Legal and Governance
248(2)	Officer who shall keep the roll of freemen of the borough	Chief Executive Director of Legal and Governance
Para 4(2)(b) of Part I of Schedule 12	Officer who may sign a summons to council meetings	Monitoring Officer
Para 4(3) of Part I of Schedule 12	Officer who may receive notice from a member of address to which a summons to a meeting is to be sent	Head of Democratic Services Principal Democratic Services Officer
Para 25(7) of Part II of Schedule 14	Officer who may certify copies of resolutions passed under the Public Health Acts 1875 to 1925 as true copies for production in legal proceedings	Director of Legal and Governance Deputy Director of Legal and Governance

Local Government Act 1974

Section	Description	Proper officer
30(5)	Officer responsible for arranging publication in newspapers of notice of Local Commissioner's report on investigation of a complaint	Head of Democratic Services Principal Democratic Services Officer

Local Government (Miscellaneous Provisions) Act 1976

Section	Description	Proper officer
41	Officer responsible for certifying copies of resolutions, minutes and other documents	Head of Democratic Services Principal Democratic Services Officer

Local Government (Miscellaneous Provisions) Act 1982

Section	Description	Proper officer
Para 13(6) of schedule 3	Certification, for legal proceedings, of copy of any regulations made by the appropriate authority	Director of Legal and Governance Deputy Director of Legal and Governance

Representation of the People Act 1983

Section	Description	Proper officer
8	Officer acting as registration officer for registration of parliamentary and local government electors	Chief Executive Director of Legal and Governance
35	Officer acting as returning officer for council elections	Chief Executive Director of Legal and Governance

Building Act 1984

Section	Description	Proper officer
78(8)	Officer responsible for taking immediate action in relation to dangerous buildings	Assistant Director Planning

Public Health (Control of Diseases) Act 1984

Section	Description	Proper officer
11	Officer to be informed of a notifiable disease or food poisoning	The Council hereby appoints any person for the time being employed by the North East London Health Protection Unit as Consultant in Communicable diseases (CCDC) or by the North East London Primary Care Trusts (PCTs) as Consultant in Public Health Medicine (CPHM) for the authority's area as proper officer. Public Protection Manager
18	Officer responsible for furnishing information with regard to notifiable diseases or food poisoning	As above
20	Officer empowered to prevent someone working in order to stop spread of disease	As above
21	Officer empowered to exclude a child from school if the child is liable to convey a notifiable disease	As above
22	Officer responsible for maintaining a list of day pupils at school having a case of notifiable diseases	As above
24	Officer responsible for ordering that infected articles not be sent to any laundry	As above
29	Officer responsible for letting of house or room after recent case concerning a notifiable disease	As above
31	Officer responsible for ordering disinfection of premises	As above
32	Officer responsible for ordering a person removed from an infected house	As above
36	Officer who may issue certificate stating that a person is believed to carry an organism capable of causing a notifiable disease and that a medical examination is expedient	As above
40	Officer who may apply for a warrant to enter a common lodging-house and examine any person for a notifiable disease	As above

Section	Description	Proper officer
42	Officer who may certify a common lodging-house which has been closed to be free from infection	As above
43	Officer who may certify that a person who has died in hospital while suffering from a notifiable disease should not be removed from the hospital except to be taken directly to a mortuary or to be buried or cremated	As above
48	Officer responsible for ordering removal of body to a mortuary or for immediate burial	As above
59	Officer responsible for authenticating documents	As above
60	Officer responsible for serving notices and other documents	As above

The Health Protection (Notification) Regulations 2010

Section	Description	Proper officer
Regulations 6, 8, 9 10 and Schedule 3 and 4		As above

Housing Act 1985

Section	Description	Proper officer
606(1) and (2)	Officer responsible for making reports on unfitness and clearance	Public Protection Manager

Local Elections (Principal Areas) Rules 1986

Rule	Description	Proper officer
44	Officer [to whom returning officer gives notice] giving public notice of name of successful candidate/s in Council elections	Chief Executive Director of Legal and Governance
46	Officer to whom, after election, returning officer forwards ballot papers and related documents for safe custody	Chief Executive Director of Legal and Governance

Section	Description	Proper Officer
47	Officer whom court may order to produce ballot papers and related documents	Chief Executive Director of Legal and Governance
48	Officer responsible for retaining ballot papers and related documents for public inspection, prior to destroying the documents after a six month period	Election Services Manager

Local Government Finance Act 1988

Section	Description	Proper officer
114	Officer responsible for making financial report to the authority	Chief Operating Officer

Local Government & Housing Act 1989

Section	Description	Proper officer
2	Officer responsible for receiving deposit of list of politically restricted posts	Director of HR/ Organisational Development

Local Government (Committees and Political Groups) Regulations 1990

Regulation	Description	Proper officer
8(1) and (5)	Officer to whom notice is delivered about the constitution of a political group, or the change or name of a political group	Head of Democratic Services Principal Democratic Services Officer
9 and 10	Officer to whom notice is delivered about a councillor's membership of, or cessation of membership of, a political group	Head of Democratic Services Principal Democratic Services Officer
13	Officer to whom the wishes of a political group are expressed	Head of Democratic Services Principal Democratic Services Officer
14	Officer responsible for notifying a political group about allocations and vacations of seats	Head of Democratic Services Principal Democratic Services Officer

Environmental Protection Act 1990

Section	Description	Proper officer
149	Officer for discharging functions for dealing with stray dogs	Public Protection Manager
	Dogs Act 1871 and Dangerous Dogs Act 1991	Public Protection Manager
	Guard Dogs Act 1975	Public Protection Manager

Food Safety Act 1990

Section	Description	Proper officer
49	Officer authorised to sign any document that the Council, as food authority, is authorised or required to make under the Act	Public Protection Manager

Party Wall etc. Act 1996

Section	Description	Proper officer
10(8)	Officer responsible for appointing a third surveyor where this becomes necessary	Assistant Director Planning

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000

Regulation	Description	Proper officer
3(1)	<p>Officer responsible for producing a written statement of all executive decisions made at a public or private meeting of Cabinet, including the information specified in regulation 3(2)</p> <p>This officer is the proper officer referred to in rule 18 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
4(1)	<p>Officer responsible for producing a written statement of all executive decisions made by an individual Cabinet member, including the information specified in regulation 4(2)</p> <p>This officer is the proper officer referred to in rule 20(c) of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>

Regulation	Description	Proper officer
5(1)	<p>Officer responsible for ensuring that a copy of the following documents is available for public inspection:</p> <ul style="list-style-type: none"> • the written statement referred to in regulations 3 and 4 above • part or all of any report considered by the decision-maker and relevant to the decision made <p>This officer is the proper officer referred to in rule 6 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
6	<p>Officer responsible for compiling a list of background papers to the report referred to in regulation 5 above</p> <p>This officer is the proper officer referred to in rule 8 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
9(2)	<p>Officer responsible for making publicly available any report which an individual Cabinet member or member of staff intends to consider when making a key decision</p>	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
9(4)	<p>Officer responsible for including a list of background papers for the report referred to in regulation 9(2) above and for making available copies of those papers where appropriate</p>	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
11(2)	<p>Officer who may exclude whole or part of any report provided for public inspection under regulation 11(1), where the part excluded relates to a matter for which the proper officer considers a meeting is not likely to be open to the public</p> <p>This officer is the proper officer referred to in rule 11 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
11(7)(c)	<p>Officer who may supply to a newspaper a copy of any document supplied to Cabinet members, if he or she thinks fit</p>	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>

Regulation	Description	Proper officer
12(1)	<p>Officer responsible for publishing the information relating to key decisions specified in regulation 12(1)</p> <p>This officer is the proper officer referred to in rule 14 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
15(1)	<p>Officer responsible for doing the following where the inclusion of a matter on the forward plan is impracticable and the matter would be a key decision:</p> <ul style="list-style-type: none"> • giving notice to the Chairman of the Overview and Scrutiny Board or relevant Sub-Committee • making that notice available for public inspection <p>This officer is the proper officer referred to in rule 15 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
17(3) and (4)	<p>Officer responsible for determining whether compliance with regulations 17(1) or 17(2) would involve the disclosure of either exempt information or advice provided by a political adviser or assistant</p>	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
21(4)(a) and (b)	<p>Officer who may form an opinion as to whether a document contains or is likely to contain information confidential information, exempt information or the advice of a political adviser or assistant</p>	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>

The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000

Regulation	Description	Proper officer
4(2)	<p>Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area</p>	<p>Election Services Manager</p>

The Local Authorities (Standing Orders) (England) Regulations 2001

Regulation	Description	Proper officer
Paragraphs 5 and 6 of Part II of Schedule 1	<p>Officer for receiving notification of proposed appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment</p> <p>This officer is the proper officer referred to in rules 9 and 10 of the Staff Employment Procedure Rules set out in Part 3 of this constitution</p>	Head of Shared Services

Proper officer functions referred to in guidelines issued by the Secretary of State under section 38 of the Local Government Act 2000 and set out in Part 3 of this constitution

Rule	Description	Proper officer
<i>Access to Information Procedure Rules</i>		
4(c)	Officer who may supply copies of documents supporting reports that are open to public inspection	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
<i>Committee Procedure Rules</i>		
3(a)	Officer who may summon a special meeting of the committee at any time	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
3(b)	Officer who may summon a special meeting of the committee on the requisition in writing of a quarter of the members of the committee, delivered not less than fourteen days before the date of the next ordinary meeting of the committee, specifying the business to be considered at the special meeting.	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
<i>Executive Procedure Rules</i>		
4(b)	Officer who will summon all Members of the Cabinet to meetings by sending an agenda and accompanying papers to each Cabinet Member and by publishing the Agenda in accordance with the statutory requirements	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>
5	Officer notified of the portfolio designations by the Leader, setting out what individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Executive functions	<p>Head of Democratic Services</p> <p>Principal Democratic Services Officer</p>

Rule	Description	Proper officer
6	Officer responsible for contents of Cabinet agendas, including items where full Council resolve that the item be considered by the Cabinet, where relevant Overview and Scrutiny Sub-Committee refer an item for consideration, or at the request of a Champion.	Head of Democratic Services Principal Democratic Services Officer
14	Officer responsible for publishing the Forward Plan	Head of Democratic Services Principal Democratic Services Officer
15	Officer responsible for publishing a written statement as soon as reasonably practicable after an individual Executive decision has been made.	Head of Democratic Services Principal Democratic Services Officer
16	Officer responsible for making available for public inspection as soon as reasonable practicable after the Cabinet Member of Officer receives them	Head of Democratic Services Principal Democratic Services Officer
<i>Overview and Scrutiny Procedure Rules</i>		
7	Officer who may call a meeting of the Overview and Scrutiny Board or relevant Sub-Committee meeting if he or she considers it necessary or appropriate.	Head of Democratic Services Principal Democratic Services Officer
9	Officer who may place an item on the next available agenda of the Overview and Scrutiny Board or Sub-Committee upon receiving notice from any member of the committee	Head of Democratic Services Principal Democratic Services Officer
11(a)	Officer to whom the Overview and Scrutiny Board or Sub-Committee must submit any report containing recommendations on proposals for policy development, if the committee wishes the Cabinet to consider the report	Head of Democratic Services Principal Democratic Services Officer
11(d)	The Council or Cabinet must consider the report of the Overview and Scrutiny Board or Sub-Committee within two months of being submitted to the officer.	Head of Democratic Services Principal Democratic Services Officer
14(b)	Officer to whom: <ul style="list-style-type: none"> • an Overview and Scrutiny Board or Sub-Committee must submit any report relating to a matter for which an individual Cabinet member has delegated decision- making power • the individual Cabinet member must 	Head of Democratic Services Principal Democratic Services Officer

Rule	Description	Proper officer
	provide a copy of his or her written response to the Overview and Scrutiny Board or Sub-Committee's report	

The Local Democracy, Economic Development and Construction Act 2009

Section	Description	Proper officer
31	Officer responsible for promoting and providing support and guidance to Overview & Scrutiny Board or Sub-Committees and its Members	Head of Democratic Services

Notes on the proper officer functions

- The Chief Executive may sign any notice, order or other document that the Council is authorised or required to give, make or issue. The Chief Executive may not exercise this power if:
 - it would require him or her to undertake a statutory or professional function that he or she is not qualified to undertake
 - the Council has designated a proper officer (other than the Chief Executive) responsible for signing the notice, order or document in question.
- The Chief Executive shall be the proper officer in respect of any statutory functions not referred to in this constitution.
- In the absence of the Chief Executive, any SLT Director and the Director of Legal and Governance shall be empowered to act, where legally permissible.