

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## PART 3 - RESPONSIBILITY FOR FUNCTIONS

Local Authority Functions are split between Executive Functions which are the responsibility of the Mayor and Executive and then Non-Executive Functions which are the responsibility of Council and its Committees. These functions derive from specific legislation and cannot be the responsibility of the Executive. The Council is required to set out where there are delegations of Council functions to Committees and officers.

This part of the Constitution sets out which parts of the Council are responsible for carrying out particular functions. Functions fall into three categories:

- i. Council functions (sometimes referred to as non-executive functions). These functions may be exercised by the Council itself or by a Committee, Sub-Committee or officer. Where a matter is delegated to a Committee or Sub-Committee, it will be set out in the Terms of Reference for that Committee/Sub-Committee in section 2 below.
- ii. Executive functions. The Mayor may decide to arrange for these functions to be delegated to the Executive (Mayor and Cabinet), a Committee of the Executive, a single Executive (Lead) Member or an officer.
- iii. Local choice functions. These are functions which the Council can choose to discharge either through a Committee/Sub-Committee or the Executive. They may also be delegated to officers. Where the Council discharges local choice functions these must comply with all relevant local acts connected to the London Borough of Croydon.

### 1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

The Council has determined that all local choice functions (set out in the table below) contained in Schedules 2 of The Local Authorities (Functions and Responsibilities) Regulations (to be known as the Functions Regulations) except approval of non- executive contracts, are to be Executive functions.

<b>Function</b>
The determination of any appeals against any decision of the Council
The appointment of review boards under regulations made under Section 34(4) Social Security Act 1998 (determination of claims and reviews)

Making arrangements for appeals against exclusions of pupils from maintained schools
Making arrangements for admissions appeals under Section 94(1) (1A) and (4) School Standards and Framework Act 1998
Making arrangements for appeals by governing bodies under Section 95(2) School Standards and Framework Act 1998 in respect of children who have been excluded from 2 or more schools
Functions relating to contaminated land
Functions relating to the control of pollution or the management of air quality
The service of an abatement notice in respect of a statutory nuisance (Section 80 Environmental Protection Act 1990)
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the area
The inspection of the area to detect any statutory nuisance (Section 79 Environmental Protection Act 1990)
Investigation of complaints relating to existence of statutory nuisance
Obtaining information under Section 330 Town and Country Planning Act 1990 as to interests in land
Obtaining particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976
Making agreements for the execution of highways works
<p>Appointments to any office (save employment with the Council) and to any body (or committee or sub committee of such a body) save the Council itself or a joint committee of two or more authorities and the revocation of any such appointment provided that the body etc is exercising executive functions.</p> <p>For example, it will be the responsibility of the Executive to make the following appointments:-</p> <p>Local Government Association, One Croydon Alliance, The Place Committee (sub-committee of South West London Integrated Care Board) and any other bodies, which in the opinion of the Monitoring Officer, are of a similar nature.</p> <p>The making of all other appointments will be a non-executive responsibility.</p>
The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities

## 2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

The Council has delegated the responsibilities and functions to the Committees and Sub- Committees named below. These Committees may consider and decide any matter of relevant non-executive business referred to the Committee by a Sub-Committee, the Chief Executive or a Corporate Director.

All Committees have power to create such Sub-Committees as are necessary for the efficient conduct of their business.

### 2.1 Appointments and Disciplinary Committee (Membership 6 including at least one Member of the Cabinet)

1. To carry out interviews and make appointments in accordance with the Staff Employment Procedure Rules at Part 4.J of the Constitution.
2. To carry out interviews and recommend to Council appointments to the roles of the Head of Paid Service (Chief Executive), Chief Finance Officer and Monitoring Officer in accordance with the Staff Employment Procedure Rules at Part 4.J of the Constitution.
3. To carry out interviews and recommend to Council the appointment of the Independent Chair of Audit and Governance Committee.
4. Approve the grading and conditions of service of staff employed on the JNC conditions of service for Chief Executives and Chief Officers (respectively).
5. Subject to the exceptions specified below, agree the level of remuneration for Chief Officer posts\* not in existence at the time of the publication of the Council's Pay Policy Statement (current at the time) if the proposed remuneration is £100,000 per annum and above. The exceptions are: (1) roles which transfer to the Council through either TUPE or any other equivalent or similar statutory transfer process; or (2) roles arising out of restructures to which the Council is obliged to match existing employees to or conduct a ring-fenced recruitment exercise.
6. Consideration of disciplinary action which could result in dismissal and any disciplinary action short of dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer in accordance with the Staff Employment Procedure Rules at Part 4.J of the Constitution.
7. Consideration of Suspension of the Head of Paid Service, Chief Finance Officer or Monitoring Officer, including following provisional suspension, in accordance with the Staff Employment Procedure Rules at Part 4.J of the Constitution.
8. Consideration of appeals by Non-Statutory Chief Officers (including the statutory roles of Director of Children's Services and Director of Adult

Social Services) against dismissal or disciplinary action in accordance with the Staff Employment Procedure Rules at Part 4.J of the Constitution.

9. If the proposals are being made in the context of litigation and the making of the decision is urgent, consideration of severance packages of staff above such specified threshold as may, from time to time, be updated by statutory guidance.
10. To agree the Committee's processes and procedures for the consideration of disciplinary matters in accordance with the Staff Employment Procedure Rules at Part 4.J of the Constitution.
11. Consideration and recommendation to Full Council of the Pay Policy Statement as and when required.
12. Consideration of any other staffing matter which is neither reserved to Full Council nor delegated to another committee and is referred to the Committee by the Head of Paid Service or Chief People Officer.

\* As defined in the Council's Pay Policy Statement (current at the time).

## **2.2 Appeals Committee**

(Membership 6: Members who shall not be members of Appointments and Disciplinary Committee but must include at least one member of the Executive).

### Purpose

1. To hear appeals against any action short of dismissal taken by the Appointments and Disciplinary Committee against the Head of Paid Service, Monitoring Officer or Chief Finance Officer.
2. To hear appeals against disciplinary action (including dismissal) taken by the Appointments and Disciplinary Committee against Non-Statutory Chief Officers (including the statutory roles of Director of Children's Services and Director of Adult Social Services) in accordance with the Staff Employment Procedure Rules at Part 4.J of the Constitution.

## **2.3 Audit and Governance Committee**

(Membership 9: one independent, suitably qualified Chair who may not be a Member or officer of the Council and one independent, suitably qualified co-optee)

## Purpose

The Audit and Governance Committee provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. The Committee's purpose is to:

1. provide independent assurance to the Council of the adequacy of the risk management framework and the internal control environment;
2. oversee internal and external audit, helping to ensure that efficient and effective assurance arrangements are in place;
3. provide independent review of the Council's governance, risk management and control frameworks
4. oversee the financial reporting and annual governance processes and
5. provide independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment.

## Governance, risk and control

1. To monitor the effective development and operation of the Council's risk management arrangements, the control environment and associated anti-fraud, whistleblowing and anti-corruption, strategies, actions and resources. To consider a quarterly report on whistleblowing activity in the Council.
2. To monitor progress in addressing risk-related issues reported to the committee. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
3. To consider the Council's framework of assurance, including the Statement on Internal Control, and ensure that it adequately addresses the risks and priorities of the Council. To review the Council's corporate governance arrangements against the good governance framework and consider the local code of governance. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances.
4. To review the governance and assurance arrangements for significant partnerships or collaborations. To ensure appropriate arrangements are in place in relation to any subsidiary bodies controlled by the Council.

5. To consider the effectiveness of the Council's policies, standards and processes for transparency, ensuring that they meet Government requirements and take into account best practice.
6. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
7. To approve the internal audit charter.

#### Internal audit

8. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To periodically review safeguards to limit such impairments.
9. To review (but not direct) internal audit's risk-based strategy, plan and resource requirements, the approach to using other sources of assurance and any work required to place reliance on those other sources. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
10. To review summary internal audit reports and the main issues arising and seek assurance that action has been taken where necessary. To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
11. To receive the annual report of the Head of Internal Audit and make recommendations as appropriate to management, Cabinet and/or Full Council. To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services and make recommendations as appropriate to management, Cabinet and/or Full Council.
12. To advise and recommend on effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
13. To contribute to the Quality Assurance Improvement Programme and in particular to the external quality assessment of internal audit.
14. To provide free and unfettered access to the Committee Chair for the head of internal audit, including the opportunity for a private meeting with the Committee.

### External audit

15. To consider the external auditor's annual assessment of its independence and review any issues raised by Public Sector Audit Appointments Ltd.

16. To make recommendations to Council relating to the appointment of the external auditor.

17. To consider the reports of external audit and inspection agencies and make recommendations as appropriate to management, Cabinet and/or Full Council. To review the external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit.

18. To comment on the scope and depth of external audit work and ensure it gives value for money.

### Financial reporting

19. To review the annual statement of accounts and specifically to consider whether appropriate accounting policies and the CIPFA Financial Management Code have been followed, and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

### Accountability and escalation

20. To report to the full Council on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of the Council's governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.

21. To make an annual report to the full Council on the Committee's performance in relation to its terms of reference and the effectiveness of the Committee in meeting its purpose.

## **4. Ethics Committee (Membership 6)**

1. Supporting the statutory role of the Monitoring Officer as set out in Article 9 of the Constitution, including the promotion of high standards of Member conduct.

1. Receiving reports from the Monitoring Officer on matters of probity and ethics, and to consider and recommend any necessary revisions of the Members' Code of Conduct (the Code) to the Council.

2. Reviewing the operation of the Code and recommending revisions for the consideration of full Council as necessary.
3. Monitoring compliance with the Code and granting any dispensations church and parent governor representatives from requirements relating to interests set out in the Code.
4. Commenting on the content of guidance and advice to be issued to elected and non-elected Members.
5. Considering reports and recommendations from the Member Development Panel in relation to training for elected and co-opted Members.
6. Agreeing programmes of advice and training for elected, co-opted and non- elected Members on ethics and probity, and on the Code.
7. To consider applications for a grant of dispensation in the following circumstances:
  - a. That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
  - b. That the authority considers that the dispensation is in the interests of persons living in the authority's area.
  - c. That the authority considers that it is otherwise appropriate to grant a dispensation.
  - d. If referred to them for consideration by the Monitoring Officer, to advise on or express a view on whether a dispensation would be appropriate in either of the following circumstances:
    - i. That so many Members of the decision-making body have disclosable pecuniary interests (DPIs), Other Registrable Interests (ORIs) or Non-Registrable Interests (NRIs) in a matter that it would impede the transaction of the business; or
    - ii. That, without a dispensation, no Member of the Cabinet would be able to participate on this matter.
8. To agree the processes and procedures for the Appointments and Disciplinary Committee for the consideration of disciplinary action and suspension pursuant to Part 4J of the Constitution.
9. To make future invitations for appointment of Independent Persons in accordance with and for the purposes of the Staff Procedure Rules.
10. To undertake the role of Hearings Panel in respect of a complaint that a Member or co-opted Member has failed to comply with the Code of Conduct upon the matter being referred to the Committee by the



Monitoring Officer in accordance with the arrangements adopted by the Council under the Localism Act 2011.

## **2.5 General Purposes Committee (Membership 8)**

1. Periodic review of the Scheme of Members' Allowances and approval of arrangements in respect of the scheme to reimburse costs incurred for childcare/dependent relative care, travel and subsistence whilst a Member is on Council business.
2. Appointments to outside bodies, subsequent to the Annual Council Meeting. [Note: The Monitoring Officer, after consultation with the Chair of the General Purposes Committee or (in respect of Executive appointments) the Mayor, may also make appointments to outside bodies as necessary during the year.]
3. Consideration of changes to the Constitution recommended by the Constitution Working Group, except for the allocation of responsibilities by the Mayor, and referral of any proposals to full Council for approval. Periodic review of the Constitution.
4. The Authority's Consultation requirements with the staff side.
5. Consideration and recommendation to Full Council of the Pay Policy Statement as required.
6. The function in respect of voting on severance packages of staff above such specified threshold as may, from time to time, be updated by statutory guidance. If the proposals are being made in the context of litigation and the making of the decision is urgent.
7. The function of deciding, in respect of severance packages, whether the Council wishes to vote on a severance package above the specified threshold.
8. Any matter not reserved to the Council or delegated to another Committee which pertains to a staffing matter and is referred to the Committee by the Head of Paid Service for consideration.
9. Receive reports relating to the Council's use of powers under the Regulation of Investigatory Powers Act 2000.
10. Any matter not reserved to the Council or delegated to another Committee and related to a non-executive function.
11. Subject to paragraph 6, any matter reserved to the Council and a non-executive function, or a matter reserved to a non-executive committee or sub-committee of the Council which requires, in the Committee's view or on the recommendation of the Mayor, the Chief Executive or a Corporate Director, action as a matter of urgency.

12. Any protocol concerning the exercise of relevant delegated powers of the Committee.

### **General Purposes Urgency Sub-Committee**

(Membership of 4 drawn from the Membership of the General Purposes Committee and constituted as and when necessary, by the Monitoring Officer)

All of the responsibilities and functions of the General Purposes Committee where in the opinion of the Monitoring Officer it is necessary for a decision to be taken before the next meeting of the Committee.

## **2.6 Health and Wellbeing Board**

3 Conservative Group Members (voting) including the Cabinet Member for Health and Adult Social Care

(NB: one of the Conservative Group Members includes the Executive's Mayor's nomination under s194(2)(a) and (3) of the Health and Social Care Act 2012. If, at any time, the Executive Mayor exercises his right to be a member of the Board in accordance with s194(4) of that Act, he will count as a Conservative Group Member.

3 Labour Group Members (voting)

The Corporate Director Adult Social Care & Health (non-voting),

The Corporate Director Children Young People and Education (non-voting)

The Director of Public Health (non-voting)

1 Integrated Care Board (ICB) representative (voting),

The Croydon University Hospital Chair (non-voting)

1 Healthwatch representative (voting)

1 South London and the Maudsley Hospital representative (non-voting)

1 Community and Voluntary Sector representative (non-voting)

## **2.7 Licensing Committee** (Membership 12. A further 10 Members shall form a pool of reserve Members for the Committee).

1. All licensing, registration and related functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and the Licensing Act 2003 (Note: Applications and other matters under the Licensing Act 2003 shall be determined in accordance with the schedule of delegations at Annex 3 to the Protocol on Licensing Hearings. Responsibility for hearing and determining applications where a hearing is required under the provisions of the Licensing Act 2003 shall be delegated to the Licensing Sub- Committee).

2. Matters relating to the adoption or review of the Authority's Licensing Statement prior to final consideration by the Council as part of the policy framework.
3. Subject to any matters reserved to the full Council by statute, to exercise all functions of the Council as Licensing Authority under the Gambling Act 2005 including the power to set fees under s212 of the Act. (Note: Responsibility for hearing and determining applications where a hearing is required under the Gambling Act 2005 shall be delegated to the Licensing Sub-Committee).
4. To comment on the three-year Statement of Principles in respect of the Authority's functions under the Gambling Act 2005 prior to its adoption by the full Council; and to make recommendations to the full Council on all Licensing functions under both the Gambling Act 2005 and the Licensing Act 2003 where those functions are reserved to full Council.
5. Health and Safety functions under the relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.
6. Registration of births, deaths and marriages.
7. To agree any protocol concerning the exercise of relevant delegated powers.

**Licensing Sub-Committee** (Membership 3, drawn from the Membership of the Licensing Committee and constituted as and when necessary by the Monitoring Officer)

Hearing and determining applications when a hearing is required under the provisions of the Licensing Act 2003 and the Gambling Act 2005. Hearings will be conducted in accordance with the requirements of the relevant Act, Regulations issued under the Act, and the Council's agreed Protocol for Licensing Hearings.

**2.8 Civic Mayoralty and Honorary Freedom Selection Committee**  
(Membership 6. A further 6 Members shall form a pool of reserve Members for the Committee)

To make recommendations directly to the Council on the selection of:

- a. The Civic Mayor;
- b. Persons that should be admitted to the Roll of Honorary Aldermen and Alderwomen;

- c. Persons or organisations that should be granted Freedom of the Borough; and
- d. Honorary Recorder.

**2.9 Pension Board** (Membership 1 Independent non-voting Chair, 3 Employer representatives (one to be a Councillor) and 3 Employee representatives)  
The Pension Board, with an independent non-voting Chair, is formed of three employer representatives and three representatives of the Pension Fund.

The Board secures the effective and efficient governance and administration of the Croydon Council Pension Fund.

**2.10 Pension Committee** (Membership 8, plus 1 Staff side voting co-opted member nominated by the unions, 1 non-Council Employer side voting co-opted member nominated by the other Pension Fund employers and 2 Pensioner side co-opted members (1 voting co-opted member and one non-voting co-opted member) appointed following an election by ballot of Pension Fund pensioners. The Staff side co-opted member is appointed on an annual basis. Pensioner side co-opted members are appointed normally for a term of four years. Terms of Reference are set out at Part 4N.

2.10.3 To discharge its fiduciary responsibility in the best interest of the Fund, in particular:

- a. To set the investment policy and review the performance of the Fund's investment managers, pooling operators, scheme administration, and external advisors;
- b. To make arrangements for the triennial actuarial valuation;
- c. To determine the Pension Administration Strategy;
- d. To approve and monitor compliance of statutory statements and policies required under the Regulations;
- e. To approve the Fund's Statements of Accounts and annual report;
- f. To ensure that the Council discharges its obligation, as administrating authority for the local government pension scheme, to other scheme employers;
- g. To make representations to government as appropriate concerning any proposed changes to the Local Government Pension Scheme; and
- h. To keep these terms of reference under review.

**2.11 Planning Committee** (Membership: 10. A further 10 councillors shall form a pool of reserve members for the committee.)

1. To determine applications for planning permission, where the recommendation is for approval by the Director of Planning & Sustainable Regeneration, and the development is for:

- a. a residential development containing 200 or more new dwellings or, where the number of dwellings is not given, the site area is 4 hectares or more; or
- b. the erection of a building or buildings with a gross floor space of 10,000 square metres or more or, where the floorspace is not given, the site area is 2 hectares or more.

2. To determine applications for planning permission where the recommendation is for approval and the application exceeds the Sub Committee thresholds (see 2.10 below) and the development is for:

- a. a residential development containing less than 200 new dwellings or, where the number of dwellings is not given, the site area is less than 4 hectares; or
- b. the erection of a building or buildings with a gross floor space of less than 10,000 square metres or, where the floor space is not given, the site area is 2 hectares or more:

where the Committee Consideration Criteria (part 4K of this Constitution) are met.

3. The confirmation of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 – as amended.

4. Any other application or planning matter referred to the Planning Committee by the Director of Planning & Sustainable Regeneration acting in his or her discretion.

5. Planning Committee will only deal with reserved matters pursuant to outline planning permission where the Planning Committee have expressly requested (when determining applications for outline planning permission) that the subsequent reserved matters should be referred to Planning Committee for determination. This request should be included in the minutes and specified by way of an informative attached to the outline planning permission.

6. Applications for minor material amendments, variations of planning conditions and non-material amendments submitted under S.73 and S.96A of the Town and Country Planning Act 1990 will be determined by officers under delegated authority in all instances unless they fall within the remit of Planning Sub Committee (see 2.10 below).

7. Where the 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, in accordance with the substantive nature of the committee's decision, is delegated to the Director of Planning & Sustainable Regeneration;

b. The Director of Planning & Sustainable Regeneration has delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Director of Planning & Sustainable Regeneration 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 change(s) could reasonably have led to a different decision having been reached by the committee.

8. Meetings of the Planning Committee shall ordinarily conclude by 10pm. In the event that there is remaining business by 9.55pm the Chair shall interrupt the meeting and call for a vote of Members present on whether the meeting shall continue for a further 30 minutes. If Members decide that the meeting shall not continue, or if there is remaining business after the additional period of 30 minutes, any item on the agenda that has not started to be considered by the Committee is delegated to the Director of Planning & Sustainable Regeneration to determine along the lines set out in the Committee report unless the meeting has already voted (on a two thirds majority) to defer or adjourn the non-determined item earlier in the meeting.

**2.12 Planning Sub-Committee** (Membership: for each meeting, 6 drawn from the Membership of the Planning Committee and constituted as and when necessary, by the Monitoring Officer).

1. To determine the following application types where the recommendation is for approval:

a. Applications for Planning Permission made under the Town & Country Planning Act 1990 for the construction of or a development in relation to building(s) with an existing

b. floorspace of no greater than 500 square or building(s) or extension(s) within the curtilage of such qualifying building(s);

c. Applications for planning permission made under the Town & Country Planning Act 1990 for development providing up to 5 units of residential accommodation;

d. Applications for listed building consent made under the Planning and Conservation Areas Act 1990;

e. Variations of planning conditions (covering issues such as variations in hours of use or other related changes in how a use operates pursuant to previous grants of planning permission)

where the Committee Consideration Criteria (part 4K of this Constitution) are met.

2. All applications submitted pursuant to the Town and Country Planning (General Permitted Development) Order, applications for advertisement consent, minor material amendments and non-material amendments submitted under S.73 and 96A of the Town and Country Planning Act 1990, applications to discharge planning conditions and notwithstanding the above, minor extensions and alterations (including boundaries and rear outbuildings) involving less than 20 square metres of additional internal accommodation (gross internal) will be determined by officers under delegated authority in all instances

3. Any other application or planning matter referred to the Planning Sub-Committee by the Director of Planning & Sustainable Regeneration acting in his or her discretion.

4. The Planning Sub-Committee may refer agenda items to Planning Committee for consideration and determination if they consider it necessary or appropriate to do so.

5. Where the Planning Sub-Committee determine 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 in accordance with the substantive nature of the committee's decision, is delegated to the Director of Planning & Sustainable Regeneration;

b. The Director of Planning & Sustainable Regeneration has delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Director of Planning & Sustainable Regeneration 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 change(s) could reasonably have led to a different decision having been reached by the committee.

6. Meetings of the Planning Sub-Committee shall ordinarily conclude by 10pm. In the event that there is remaining business by 9.55pm the Chair shall interrupt the meeting and call for a vote of Members present on whether the meeting shall continue for a further 30 minutes. If Members decide that the meeting shall not continue, or if there is remaining business after the additional period of 30 minutes, any item of the agenda that has not started to be considered by the Committee is delegated to the Director of Planning & Sustainable Regeneration to determine along the lines set out in the Committee report.

### **3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

- 3.1 Other than those matters reserved to the Council or delegated to a non-executive Committee or to the Chief Executive as a non-executive function, all other remaining functions are allocated as executive functions.
- 3.2 The Mayor has power to create Cabinet Committees, agree protocols on matters relating to the operation of their remit and, between Annual Meetings of the Council, to make nominations to Outside Bodies where Executive Members are required to be appointed.
- 3.3 The Mayor will provide the Monitoring Officer with a list ('the Executive Scheme of Delegation') setting out who of the following are responsible for particular Executive functions:
- Mayor
  - the Mayor and Cabinet collectively; or
  - an individual Cabinet Member; or
  - a committee of the Cabinet; or
  - an officer; or
  - a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007; or
  - through joint arrangements.
- The Mayor may revoke any delegations at any time.
- 3.4 If the Mayor amends the Executive Scheme of Delegation the Mayor must provide the Monitoring Officer with an updated scheme within five working days.
- 3.5 In the event that the Mayor wishes to delegate executive decision-making powers to an individual Cabinet Member or Members; or to a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007, they will first need to take advice from the Monitoring Officer as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so exercised.

### **4. CORPORATE DIRECTORS**

1. The Council may appoint such officers as it considers appropriate for the discharge of its functions. The following posts shall be Corporate Directors for the purposes of this Constitution and which form the Corporate Management Team together with the Chief Executive and Assistant Chief Executive:

Corporate Director /DCS Children, Young People & Education  
Corporate Director/DASS Adult Social Care & Health  
Corporate Director Sustainable Communities, Regeneration & Economic Recovery  
Corporate Director Resources  
Corporate Director Housing  
Assistant Chief Executive



The statutory officers are detailed in Article 12 of this Constitution.

### **Delegations to the Chief Executive and Corporate Directors**

2. The Chief Executive has delegated to them all the powers of the Council other than those reserved to the Council or to a Non-Executive Committee or Sub-Committee or allocated to the Mayor by Statute or this Constitution.
- 4.3 The Chief Executive and the Corporate Directors may exercise any functions of the Council or the Executive which have been delegated to any other officer and may delegate decisions or functions to one or more officers in any of the Council's Directorates, except when prohibited to do so by this Constitution or by law.
- 4.4 Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made.
- 4.5 The Corporate and Officer Schemes of Delegation are made under Section 101 of the Local Government Act 1972 and all other powers enabling such delegation. They delegate all the powers and duties necessary for the discharge of the Council's functions and not specifically reserved to the Mayor or the Mayor and Cabinet, the Council or a Committee or Sub-Committee of Council to the Officers. The delegations include:
- All functions powers and duties of the Authority, whether under any specific legislation identified in the scheme or not.
  - All powers incidental to Section 101 of the Local Government Act 1972 including the application of the incidental powers under Section 111 of the Local Government Act 1972 and including management of the human and material resources made available for the service areas unless specifically reserved to Council, a Committee or Sub-Committee of the Council or to the Mayor, the Mayor and Cabinet or a Cabinet Sub-Committee.
- 4.6 The Corporate and Officer Schemes of Delegations do not delegate:
- Any matter reserved to the Council by law or by Council's Constitution.
  - Any matter which is a function which cannot by law be discharged by an officer.
  - Any matter which is specifically excluded from delegation by this Scheme or by resolution of Council, a Committee or a Sub-Committee (in the case of a Council function), or the Mayor, Mayor in Cabinet or cabinet sub-Committee (in the case of an executive function)
  - Any matter where an Officer has declined to exercise delegated powers and instead reports to the Mayor, Executive or appropriate Committee.

- 4.7 This delegation is subject to:
- 4.7.1 the relevant Procedure Rules set out in this Constitution and such protocols as may be approved by a Committee or Sub-Committee from time to time and deposited with the Monitoring Officer;
  - 4.7.2 all Policies of the Authority;
  - 4.7.3 any consequent expenditure being included in the Council's Revenue Budget or approved Capital Programme;
  - 4.7.4 the requirements of the Tenders and Contracts and Financial Regulations;
  - 4.7.5 compliance with any legal requirements and the provisions of any statutory codes of conduct or statutory guidance;
  - 4.7.6 the approval of the Director of Legal Services to the instigation and conduct and settlement of legal proceedings and to the engagement of any lawyer to act for the Council;
  - 4.7.7 compliance with any legal requirements and the provisions of any statutory codes of conduct or statutory guidance;
  - 4.7.8 the approval of the Chief People Officer to the grading and conditions of service of staff (other than those based in schools or subject to the JNC conditions of service for Chief Officers and Chief Executives respectively);
  - 4.7.9 the approval of the Appointments and Disciplinary Committee to the grading and conditions of service of staff employed subject to the JNC conditions of service for the Chief Officers and Chief Executives (respectively).
  - 4.7.10 any instructions given by the Chief Executive.
- 4.8 Officers exercising delegated powers should also have regard to:
- any legal advice given by the Director of Legal Services
  - any financial advice given by the Corporate Director Resources.
  - any appropriate technical or other advice given by a suitably qualified Council officer.
  - all other parts of this Constitution.
- 4.9 In exercising any delegated function, the following principles apply:
- Corporate Directors must ensure that this Scheme is fully implemented, monitored, maintained and regularly reviewed and any changes required to Directorate Schemes are reported to the Monitoring Officer.

- Corporate Directors and Directors may further delegate their powers to officers within their Directorate or withdraw powers provided that
    - a. such action is in writing, is subsequently included in the Directorate's Officer Scheme of Delegation and the Monitoring Officer is notified in writing.
    - b. any such delegation, while being as near to the point of service delivery as possible, is only to officers within their Directorate that hold the appropriate level of responsibility.
- 4.10 The Corporate and Directorate Schemes of Delegations will be superseded in any case where a Council or Mayoral decision expressly delegates any of the powers in this Scheme to a specific officer or officers whether for a single event, decision or transaction or permanently.
- 4.11 Where it is considered that in exercising a delegated power or duty a departure in policy, procedure or a significant change in financial practice is likely to be involved, the decision maker shall consult with the Director of Legal Services and/or the Corporate Director, Resources as appropriate, who shall, if necessary, refer the matter to the Mayor, the Mayor in Cabinet or the appropriate Council Committee/Sub-Committee.
- 4.12 Where any function is delegated to an officer, that officer may choose not to exercise that function and may instead refer a matter to Council, the Mayor, the Mayor in Cabinet, a Cabinet Sub-Committee or relevant Council Committee as appropriate with the agreement of the appropriate Corporate Director. The criteria that officers may have to consider when determining whether to exercise a function could include-
- Whether the decision may incur a significant social, economic reputational or environmental risk.
  - The likely extent of the impact of the decision both within and outside of the borough.
  - Whether the decision is likely to be a matter of political controversy.
  - The extent to which the decision is likely to generate substantial public interest.
- 4.13 If at any time, the Authority acquires a new duty, power or function, in the absence of any Member decision with regard to delegation, the Chief Executive and the Corporate Director with responsibility for the relevant service shall be deemed to have full delegated authority to discharge the duty, power or function on the authority's behalf unless it is expressly reserved to the Council, a Council Committee or Sub-Committee or the Mayor/Mayor in Cabinet either by law or in this Constitution.
- 4.14 Any function or power which may be discharged by a Corporate Director, may also be discharged by any person(s) formally "acting-up" into that post or an

“interim” post holder or who is deputising (whether on a full, part time or on an ad hoc basis) for that post or occupies a successor post following any reorganisation, restructure or similar process.

- 4.15 The Mayor, Mayor in Cabinet, a Cabinet Sub-Committee or a Council Committee/ Sub-Committee may reserve to themselves decisions delegated to officers, by giving notice to the officer holding the delegated power or to the Chief Executive of their intention to do so.
- 4.16 References in the Corporate and/or Officer Schemes of Delegations to any statute, statutory instrument, regulation, rule, circular, agency or other agreement or any such matter in respect of which a power or duty is delegated shall be deemed to include any modification or re-enactment of the same as may be made from time to time.
- 4.17 The Mayor’s delegation of Executive functions is contained in Part 6C of this Constitution. The Council’s Scheme of Delegation to Officers is contained within this section of the Constitution (Responsibility for Functions) and the Mayor’s Scheme of Delegation.

## **Functions of Statutory Officers and members of the Corporate Management Team**

### **Functions of the Chief Executive as Head of Paid Service**

- 4.18 The Chief Executive is appointed as Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 to carry out the Council’s statutory obligations to report to the Council as appropriate with regard to the way in which the overall discharge by the Council of its different functions is co-ordinated, the number and grades of staff required for the discharge of these functions, the way in which these people are organised and managed, and the way in which they are appointed under that Act.
- 4.19 This post is responsible for the corporate and overall strategic management of the Council as a whole and is responsible for establishing a framework for management direction, style, culture and standards and for monitoring the performance of the Council. Its overriding responsibility is to the Council and not to the Mayor, any party-political group, or other grouping of Members. It must report to and provide information for the Executive, the full Council, the Scrutiny and Overview Committee and other Committees. The political neutrality of the office holder must be respected at all times.
- 4.20 **Working with the Mayor.**

The Chief Executive works closely with the Mayor to assist in the development of the Mayor’s strategic policy and to ensure that such is then put into practice and, in that regard, will:

- i. Strategic direction. Ensure that the Mayor and Council's priorities and goals can be implemented in a timely, efficient and innovative way through focused strategies, projects and programmes.
  - ii. Policy advice. Act as the principal policy adviser to the Mayor and Members and will secure the best professional advice on all relevant matters in respect of the Council's functions and services. In consultation with the Monitoring Officer and Chief Finance Officer, the Chief Executive will take action if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to unlawful action.
- (iii) Partnerships (internal). Develop a professional partnership with the Mayor and Members to ensure that the Council's vision, goals and core values are made reality and to provide a clear sense of direction, optimism and purpose and marshal the resources of the whole organisation to this end.
- (iv) Partnerships (external). Assist the Mayor in partnership working by taking the lead in developing effective partnerships at management level with other public agencies, private companies and local community organisations to achieve better public services and improved results for local people.

#### 4.21 **Emergency or Extreme Urgency.**

- i. The Chief Executive may exercise any executive function in cases of **emergency or extreme urgency** whether or not reserved to the Mayor, subject to complying with any statutory requirements and following the exercise of such power will provide a written report to the Mayor setting out the decision taken and the reason for it including the reasons for emergency or extreme urgency.
- ii. The Chief Executive may exercise any non-executive function in cases of emergency or extreme urgency whether or not reserved to the Council, subject to complying with any statutory requirements and following the exercise of such power will provide a written report to the Council setting out the decision taken and the reasons for it, including the reasons for emergency or extreme urgency.

#### 4.22 **Ensuring overall correctness of decision making.**

- i. The Chief Executive is also responsible for ensuring that all decisions made by the Mayor and the reasons for them are made public and will ensure that Council Members are aware of decisions made by the Mayor and of those made by officers who have delegated executive responsibility.
- ii. If the Chief Executive considers that any proposal, decision or omission raises a significant concern it must be reported in writing by

the Monitoring Officer to the Mayor in relation to an executive function or to the Council in relation to a non-executive function. Such a report will have the effect of immediately stopping the proposal or decision being implemented until the report has been considered. The report must be considered within 21 days at a meeting of either Council or the Mayor/Mayor in Cabinet as appropriate.

- iii. As soon as practicable after either the Council or the Mayor/Mayor in Cabinet has considered this report, it shall prepare and publish a report that will include;
  - a. what action it has taken in response to the report;
  - b. what action it proposes to take in response to the report and when it proposes to take that action;
- (c) the reasons for taking that action, or the reason for not taking any action.

The exercise of this function needs to be considered in conjunction with the Monitoring Officer ensuring lawfulness and fairness of decision making and the Chief Finance Officer to ensure lawfulness and financial prudence of decision-making.

#### **4.23 Management Structure.**

The Chief Executive will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.

#### **4.24 Restrictions on functions.**

The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

#### **4.25 Consideration of applications for dispensation by Executive Members in relation to Conflicts of Interest relating to Executive Decisions in which they are involved.**

The Chief Executive, by virtue of the Access to Information Procedure Rules in Part 4B of the Constitution, is required to consider applications for a dispensation from Members of the Executive in relation to an Executive Decision where they are either:

- i. a Member of the executive decision making body and have a conflict of interest; or
- ii. are consulted by a Member taking an Executive Decision and the Executive Member consulted has a conflict of interest; or
- iii. are consulted by an officer taking an Executive Decision and the Executive Member consulted has a conflict of interest

And grant a note of dispensation if satisfied that it is appropriate to do so.

### **Functions of the Monitoring Officer**

- 4.26 The Monitoring Officer is appointed under the provisions of s5 of the Local Government and Housing Act 1989 to be the Council's Monitoring Officer and to carry out the Council's statutory functions under that Act in respect of matters of legality, conduct, and probity. A Monitoring Officer Protocol is included at Part 5C of this Constitution.

### **Maintaining and interpreting the Constitution.**

- 4.27 The Monitoring Officer shall maintain an up-to-date version of the Constitution including making such changes as envisaged by paragraph 15.02 of the Articles and shall ensure that it is widely available on the Council's website for Members, staff and the public to consult. The Monitoring Officer will monitor and review the operation of the Constitution and may make recommendations to ensure that the aims and principles of the Constitution are given full effect. The Monitoring Officer will advise as to the construction or application of the Constitution and will consult with the Chief Executive and Chief Finance Officer as required.

### **Ensuring lawfulness and fairness of decision-making.**

- 4.28 After consulting with the Chief Executive and the Chief Finance Officer, the Monitoring Officer shall report to the Full Council, or the Mayor in relation to an executive function, if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to unlawful action. Such a report shall have the effect of stopping the proposal or decision being implemented until the report has been considered. The report must be considered within 21 days at a meeting of either Council or by the Mayor/Mayor in Cabinet as appropriate.
- 4.29 As soon as practicable after Council or the Mayor/Mayor in Cabinet has considered the Monitoring Officer's report, it shall prepare and publish a report that will include:
- i. what action it has taken in response to the report;
  - ii. what action it proposes to take in response to the report and when it proposes to take that action;
  - (iii) the reasons for taking that action, or the reasons for not taking any action. (The exercise of this function needs to be considered in conjunction with the function of the Chief Executive to ensure lawfulness and fairness of decision making and the function of the Chief Finance Officer to ensure lawfulness and financial prudence of decision-making).

### **Supporting the Ethics Committee.**

- 4.30 The Monitoring Officer shall contribute to the promotion and maintenance of high standards of conduct through provision of support to the Ethics Committee, in particular by:

**Receiving reports.** Receiving and having regard to recommendations from the Ethics Committee regarding Member conduct.

**Register of Interests.** Establishing and maintaining a Register of Interests of Members and Co-opted Members of the Council.

**Conducting investigations.** The Monitoring Officer shall conduct investigations into matters referred by the Ethics Committee including investigations required in accordance with the agreed arrangements for dealing with an alleged breach of the Code of Conduct by a Member, conducting or arranging for that investigation to be carried out and shall make reports and recommendations in respect of them to the Ethics Committee.

### **Dispensations where Disclosable pecuniary interests exist.**

- 4.31 The Monitoring Officer shall consider applications for a grant of a dispensation for a Member with a Disclosable Pecuniary Interest (DPI), Other Registrable Interest (ORI) or Non-Registrable Interest (NRI) in the following circumstances:

- (i) That so many Members of the decision-making body have DPis, ORIs or NRIs in a matter that it would impede the transaction of the business; or
- (ii) That without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter; or
- iii. That the dispensation is in the interests of persons living in the Borough; or
- iv. That, without a dispensation, no Member of the Cabinet would be able to participate in consideration of this matter; or
- v. That it is otherwise appropriate to grant a dispensation.

And may refer the dispensation request in relation to grounds (i) and (iv) above to the Ethics Committee to advise on or express a view should the Monitoring Officer consider it appropriate to do so. In respect of grounds (ii), (iii) and (v) above granting dispensations is a matter reserved to the Ethics Committee after consultation with the Independent Person. The



Monitoring Officer will report at least annually to Ethics Committee on any dispensations granted.

### **Proper Officer for Access to Information**

- 4.32 The Monitoring Officer shall ensure that Cabinet and other executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

### **Advising whether decisions are within the Budget and Policy Framework**

- 4.33 The Monitoring Officer shall advise whether decisions of the Council, a Committee, or Sub-Committee, the Mayor, the Cabinet, or Cabinet Committee or an Officer under their allocated or delegated powers are in accordance with the budget and policy framework.

### **Providing advice**

- 4.34 The Monitoring Officer shall provide advice on the scope of powers and authority to take decisions, maladministration, probity and Budget and Policy Framework issues to the Mayor and all Members.

### **Restrictions on functions**

- 4.35 The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive but will liaise as appropriate with the Head of Paid Service in the discharge of their functions as Monitoring Officer.

### **Functions of the Corporate Director of Resources as Chief Finance Officer**

- 4.36 The Corporate Director, Resources has the statutory responsibilities defined in section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988 as the Council's Chief Finance Officer to ensure the proper administration of the financial affairs of the Authority including:
- Leading development and implementation of the financial strategy necessary to deliver the Council's strategic objectives sustainably;
  - Promoting and delivering good financial management;
  - Leading the coordination and facilitation of a culture of efficiency and value for money
  - Implementation and maintenance of a framework of financial controls and procedures for managing financial risks;
  - Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;

- Providing financial information for decision makers (in conjunction with Senior Managers);
- Ensuring that the annual statement of accounts is prepared in accordance with appropriate financial standards and within the statutory deadlines.
- Preparing the revenue budget and capital programme relating to the General Fund and the Housing Revenue Account and Parking Places Reserve Account
- Providing information and advice to those who officially scrutinise and review the authority.

### **Ensuring lawfulness and financial prudence of decision-making.**

- 4.37 After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer shall report to the Full Council, or to the Leader (and/or Cabinet as appropriate) in relation to an executive function, and the Council's external auditor if they consider that any proposal, decision or course of action shall 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.
- 4.38 Such a report will have the effect of immediately stopping the proposal or decision being implemented until such time as the report has been considered. Once Members have received the Monitoring Officer's report, the report must be considered within 21 days at a meeting of either Council or the Mayor as appropriate.
- 4.39 As soon as practicable after Council or the Mayor/Mayor in Cabinet has considered the report, it shall prepare and publish a report that will include:
- i. what action it has taken in response to the report;
  - (ii) what action it proposes to take in response to the report and when it proposes to take that action;
  - (iii) the reasons for taking that action, or the reasons for not taking any action. The exercise of this function needs to be considered in conjunction with the function of the Monitoring Officer to ensure lawfulness and fairness of decision making and the function of the Chief Executive to ensure lawfulness and financial prudence of decision-making.

### **Administration of financial affairs**

- 4.40 The Chief Finance Officer shall have responsibility for the administration of the financial affairs of the Council, including:
- Determining the accounting procedures and records for the authority.
  - Maintaining a regular review of the Financial Regulations and issuing updates as necessary.

- Setting and monitoring compliance with financial management standards
- Reporting breaches of the Financial Regulations to the Audit and Governance Committee and the external auditor.

**Contributing to corporate management.**

4.41 The Chief Finance Officer shall contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

**Providing advice.**

4.42 The Chief Finance Officer shall provide advice on the scope of powers and authority to take financial decisions, financial impropriety, probity and budget and policy framework issues to the Mayor and all Members and shall support and advise the Mayor and all Members and staff in their respective roles.

**Give financial information.**

4.43 The Chief Finance Officer shall provide requisite financial information to the media, members of the public and the community.

**Assets and disposals.**

4.44 The Chief Finance Officer is:

- i. required to issue guidelines on best practice for the disposal of land based assets and to approve the purchase or sale of land if it has been declared surplus by the Mayor/Mayor in Cabinet and if authority to do so has been delegated to him/her;
- (ii) authorised to recommend to the Mayor/Mayor in Cabinet for acceptance, disposals which are proposed to be less than the unrestricted market value as defined by the General Disposal Consent (England) 2003 and/or where State Aid issues may arise. The report shall make the level of undervalue explicit and the report will need to set out the well-being benefits to be derived and provide a statement that the wellbeing “value” matches or exceeds the value foregone. Where a sale is pursuant to Section 123 Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 Local Government Act 1988, consent of the Secretary of State may be sought as necessary, unless the sale falls within the General Housing Consents 2013 issued pursuant to powers contained in sections 32, 33 and 34 Housing Act 1985, 133 of the Housing Act 1988, which permit certain disposals to occur without the need to secure express consent.
- (iii) authorised to accept a late offer for land/property, with the prior agreement of the Director of Legal Services, if to do so, would ensure

that the Council secures best consideration, provided other bids have not been opened.

### **Restrictions of Functions.**

4.45 The Chief Finance Officer cannot be the Monitoring Officer.

### **The Corporate Resources portfolio**

4.46 The Corporate Resources portfolio currently includes: Finance, Internal Audit, Insurance, Anti-Fraud and Risk, Treasury Management and Pensions, Commercial Investment and Property and Legal Services. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

### **The Director of Legal Services**

4.47 The Director of Legal Services is authorised to:

- i. institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where such action is considered to be necessary to protect the Council's interests and may designate nominated officers to carry out this function on their behalf.
- ii. consult with and instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council, and the negotiation and settlement of legal disputes on behalf of the Council, the Mayor, Mayor and Cabinet, Committees of the Council or officers and arrangements for their representation in any court, public inquiry or other forum where formal representation is considered to be proper, including the incurring of such fees in respect thereof as may be appropriate.
- iii. sign any document that is necessary to any legal procedure or proceedings on behalf of the Council, or to authorise another to sign, unless any enactment otherwise authorises or requires, or the Council has given specific authority to some other person.
- iv. sign contracts (and similar documents where intended to have legal binding effect) on behalf of the Council, where any required authority or approval of the Mayor/Mayor and Cabinet, a Committee or a Sub-Committee has been obtained, or where such authority has been delegated to another officer of the Council and that officer has requested the Director of Legal Services to do so.
- v. keep the Common Seal of the Council in a safe place. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which should be sealed. The

affixing of the Common Seal will be attested by the Director of Legal Services or any other duly authorised person.

- vi. authorise officers to appear on behalf of the Council in proceedings in the magistrate' courts, pursuant to section 223 of the Local Government Act 1972.
- vii. authorise officers to appear on behalf of the Council in any proceedings in the county court in relation to the recovery of possession of a house belonging to the Council or the recovery of any rent, mesne profits, damages or other sum claimed in respect of the occupation by any person of such a house, pursuant to section 60 of the County Courts Act 1984.
- viii. contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

### **Functions of the Corporate Director, Adult Social Care and Health**

- 4.48 The Corporate Director, Adult Social Care and Health is the Statutory Director of Adult Social care under s 6 of the Local Authority Social Services Act 1970 as amended by s18 of the Children Act 2004 and is responsible for the delivery of those local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the Director of Children Young People and Education is responsible, and the public health functions contained in the Health and Social Care Act 2012. The function includes the role of Caldicott Guardian.
- 4.49 The Corporate Director, Adult Social Care and Health is responsible for implementing and ensuring compliance with any statutory guidance issued by the Department of Health or other Government department and is currently required to:-
- Assess local needs and ensure availability and delivery of a full range of local authority services;
  - Give professional leadership, including workforce planning;
  - Lead the implementation of standards;
  - Manage cultural change;
  - Promote local access and ownership and drive partnership working;
  - Deliver an integrated whole systems approach to supporting communities; and
  - Promote social inclusion and wellbeing.
- 4.50 The Adult Social Care and Health portfolio currently includes Adult Social Care and Health and Integrated Commissioning. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

## **Functions of the Corporate Director, Children, Young People and Education**

- 4.51 The Corporate Director, Children, Young People and Education is the Council's Statutory Director of Children's services under s 18(7) of the Children Act 2004 with statutory duties to discharge the education and children's social care functions of the local authority including those detailed as follows:
- a. education functions conferred on or exercisable by the Council;
  - b. functions conferred on or exercisable by the Council which are social care functions so far as those functions relate to children;
  - c. the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph (b));
  - d. the functions conferred on the authority under sections 10 to 12, 12C, 12D and 17A of the Children Act 2004;
  - e. any functions exercisable by the Council under section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children;
  - f. the functions conferred on the Council under Part 1 of the Childcare Act 2006;
  - g. the role of Caldicott Guardian; and
  - h. any function conferred on the authority under section 2 of the Childcare Act 2016.
- 4.52 The Children, Young People and Education portfolio currently includes Children's Social Care; Education and Partnership, and Youth and Children's Commissioning. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

## **Functions of the Corporate Director, Sustainable Communities, Regeneration and Economic Recovery**

- 4.53 The Sustainable Communities, Regeneration and Economic Recovery portfolio currently includes responsibility for discharging all the Council's duties, powers and functions in the following areas:- Property and Major Programmes; Growth, Economic Development and Regeneration; Planning and Building Control; Public Realm (including Highways, Trading Standards and Environmental Health); Community Safety; Sports, Leisure, Libraries and Culture. These functions can be varied at any time by the

Chief Executive, who may also allocate to the role additional functions and responsibilities.

- 4.54 The Corporate Director, Sustainable Communities, Regeneration and Economic Recovery is authorised to consider and determine any applications for licenses not specifically reserved to the Licensing Committee under the Constitution and all applications for licences where no objections have been received.

### **Functions of the Corporate Director, Housing**

- 4.55 The Housing portfolio currently includes responsibility for discharging all the Council's duties, powers and functions in relation to:
- i) properties held within the Council's Housing Revenue Account and properties held within the Council's General Fund and used as temporary accommodation;
  - ii) homelessness

These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

- 4.56 The Corporate Director Housing is authorised to approve any sale or lease of land pursuant to the Right to Buy or the Right of Enfranchisement under the Housing Act 1985, the Leasehold Reform Act 1967 or The Leasehold Reform Housing and Urban Development Act 1993 subject to compliance with the relevant statutory procedures.

### **Functions of the Assistant Chief Executive**

- 4.57 The Assistant Chief Executive portfolio currently includes responsibility for discharging all the Council's duties, powers and functions in the following areas: - HR and Organisational Development, IT, Customer Services, Public Health, Information Management, Freedom of Information and Subject Access Requests, Registrars, Elections, Mayoral Support, Coroner and Policy, Partnerships and Projects. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

### **The Director of Public Health**

- 4.58 The Director of Public Health is the statutory Director of Public Health under section 73 of the National Health Service Act 2006 as amended by s30 of the Health and Social Care Act 2012.