

# DELEGATED AUTHORITY TO OFFICERS

## 26.1 OFFICER DELEGATIONS

1. Executive Directors are authorised to exercise those powers and duties of the Council in relation to the service and activities for which they are responsible which are not reserved to the Council, the Cabinet/a Cabinet Member or a Committee, and to exercise the professional and managerial responsibilities of their posts. They are accountable to the elected members of the Council for the efficient and economic discharge of these responsibilities. Elected members are accountable to the public and are responsible for all major matters which impact upon the public in the course of the Council exercising its powers and duties. Accordingly officers may exercise only the powers delegated to them and these are exercisable only subject to:
  - (a) the strategies, policies, and priorities determined by the members of the Council
  - (b) The Council's Financial Regulations, Procurement Code and Human Resources Policies
  - (c) referral to the appropriate body of members for consultation or decision on all matters of public controversy or undecided matters of policy or substantial change from previous practice or which involve difficult or major issues relating to (a) above where custom and practice or initial consultation with elected members indicates that such referral should take place;
  - (d) members with specific functional responsibilities and ward members receiving appropriate information about the exercise of the powers;
  - (e) compliance with the law and all policies, regulations, orders, codes, protocols, and similar documents approved by the Council, Cabinet, the Standards Committee or a Regulatory Committee;
  - (f) consultation with appropriate officers and proper regard to any advice given;
  - (g) other specific delegations in this scheme or similar documents to another officer;
  - (h) decisions by the Chief Executive or the Monitoring Officer on whether officers should exercise any delegated power.
2. In addition to the constraints referred to above, there are limitations upon all delegated powers. In particular there is no delegation to officers of:

- (a) matters specifically reserved to members by resolution of Council or the Cabinet;
  - (b) approval to exceed the provision in the revenue or capital budgets for their service responsibilities;
  - (c) decisions on permanent savings in the budget to achieve the Council's policies;
  - (d) the making of an order for the compulsory acquisition of land;
  - (e) the right to make appointments to posts which are made by the Appointments Sub-Committee unless these are delegated in accordance with Standing Orders.
  - (f) the right to determine a major employee re-organisation.
3. The Chief Executive shall have all the powers delegated to other Executive Directors and any other Senior Leadership Team (SLT) Member (n.b. a SLT Member is defined as an officer graded at Band 6 or 7) and shall be able to exercise those powers in their place. In the event of any dispute or doubt as to the delegated powers of any other Executive Director or SLT member, the Chief Executive shall have the power to determine which officer is to exercise the power.
  4. Where any new power or duty, other than a local choice function, is conferred on the Council the exercise of that power or duty will be undertaken by the relevant Executive Director or other SLT Member until such time as the allocation of responsibility has been determined by the Leader or the Council.
  5. Where a function is delegated to an Executive Director, the Executive Director may (without prejudice to the ability to authorise any member of staff to exercise the function) sub-delegate the function to any other SLT Members who may then exercise the function themselves. Where any function is sub-delegated in this way the Executive Director retains the power to recall any matter for decision.
  6. Subject to the above constraints and limitations, officers may exercise all powers within their respective areas of responsibility, and the absence of a specific delegation to an officer shall not be taken as implying an absence of authorisation to act.
  7. The Leader and each Cabinet Member shall, in accordance with the Executive Procedure Rules, retain the right to amend or withdraw any delegation upon written notice to the Chief Executive.

## **26.2 DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE, EACH EXECUTIVE DIRECTOR AND OTHER MEMBERS OF THE CORPORATE LEADERSHIP TEAM**

Officers graded at Band 6 or 7 are the SLT Members (this list is subject to change) and is not attached to this version. It is available upon request).

Any power delegated to the Chief Executive or any other SLT member may also be exercised by any member of staff who has been so authorised by the Chief Executive or SLT member to whom the said power is delegated, or in their absence or non-availability, by the officer having responsibility for the relevant Unit.

The Chief Executive, each Executive Director and other members of the SLT are delegated the following authority:

1. To exercise the powers conferred on members of the Corporate Leadership Team by Standing Orders, Financial Regulations, the Human Resources Policies and the Procurement Code.
2. To serve notices requiring the provision of information relating to ownership and use of property where such information is necessary to enable the Council to discharge or exercise any of its functions and the Council is authorised by statute to require such information.
3. To give officers within their respective departments authority to enter premises where powers of entry are conferred by Act of Parliament for the purposes of fulfilling a function for which the SLT member concerned is the proper officer.
4. To authenticate documents as a proper officer in accordance with Section 234(1) of the Local Government Act 1972, or with any enactment within the meaning of Section 234(3) of that Act, where such document is required in connection with a function for which the officer concerned is the proper officer, and to authorise members of staff to affix a facsimile stamp bearing his name for the purpose of the said authentication.
5. To appoint, promote and dismiss permanent and temporary staff (save in relation to posts to which appointments are made by the Appointments Sub-Committee) within approved budgets and in accordance with the Council's agreed Human Resources Policies.
6. To remunerate and reward staff within approved budgets and in accordance with the Council's Human Resources Policies, consulting where appropriate with the Director of People Services.
7. To exercise the discretionary powers in relation to all staffing matters detailed in the Human Resources Policies.
8. To attend or nominate members of their staff to attend conferences and seminars convened by institutional or professional associations and like

bodies, and to authorise the payment of proper expenses incurred in respect of such attendance.

9. To authorise officers of the Council to give evidence on behalf of the Council in Courts or at Inquiries or before Tribunals or Committees.
10. To consult with all relevant bodies on behalf of the Council on a scheme or proposal that has been included in the budget and has received approval by the Cabinet or the Cabinet Member.
11. To respond to consultation documents where the response would not amount to a key decision.
12. To approve, in consultation with the Chief Executive where appropriate, foreign visits by officers, in accordance with Council policy (detailed in the Code of Governance).
13. To approve bids to undertake cross boundary tendering in accordance with agreed policy and criteria.
14. To undertake, in consultation with the Director of People Services, minor re-organisations of staff structure (directly affecting a maximum of 25 posts) provided no post subject to Member appointment procedures is affected, there is no increase in cost and the relevant Cabinet Member is advised in advance about forthcoming minor re-organisations.
15. To make staff redundant and incur the payment of appropriate redundancy and severance payments in carrying out minor re-organisations within their departments where the staff directly affected by the re-organisation do not exceed a maximum of 25 posts.
16. To enter into arrangements or do anything else which is considered necessary or expedient in respect of functions delegated to them.
17. To deal with lost and uncollected property.

### **26.3 DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE**

1. To be the Head of the Paid Service in accordance with the Local Government and Housing Act 1989.
2. To have authority over all other officers including the exercising and allocation of any of the delegations set out in this schedule so far as is necessary for the efficient management and execution of the Council's affairs, functions or services except:
  - (i) where officers are exercising specific responsibilities imposed on them under statute;

- (ii) that where the professional judgment or expertise of a Director is involved the officer shall have full opportunity to explain his or her views.
- 3. Subject to observance of the appropriate procedures and rights of appeal, to decide disciplinary, incapability and salary related matters concerning Executive Directors.
- 4. To appoint or remove officers from the Corporate Leadership Team.
- 5. Now General Power of Competence under Localism Act 2011
- 6. To be responsible for the preparation of key corporate policies as appropriate, for agreement by the Cabinet, Council and Cabinet Members.
- 7. To co-ordinate, direct and monitor the Council's initiatives to achieve efficiency and best value in the delivery of its functions.
- 8. To designate "Authorised Officers" for the purposes of particular statutory functions from time to time and so authorise them to perform the functions of such a person under relevant legislation.
- 9. To discharge the functions of Electoral Registration Officer and in the case of local elections, Returning Officer.
- 10. To be responsible for the Council's responsibilities as an employer under Health and Safety legislation.
- 11. To approve requests for the flexible retirement scheme submitted by Executive Directors, in consultation with the relevant Cabinet Members.
- 12. To exercise the functions of the proper officer for the purposes of matters relating to formal Member decision making and meetings as included in the Council's Constitution.
- 13. To act as proper officer for functions within the Council's Constitution, including notification of meeting, except as otherwise stated as part of this Scheme of Delegations.
- 14. To be responsible for the Council's functions relating to Human Resources.
- 15. To ensure that the Council's Scrutiny Officer has sufficient resources to support the Council's Policy and Scrutiny function.

**26.4 DELEGATED AUTHORITY TO THE OFFICER APPOINTED TO EXERCISE THE DUTIES OF THE OFFICER APPOINTED FOR THE PURPOSES OF SECTION 151 OF THE LGA 1972 (THE EXECUTIVE DIRECTOR OF FINANCE AND RESOURCES**

1. To be responsible for the proper administration of the financial affairs of the Council in accordance with section 151 of the Local Government Act 1972, which responsibility shall include all arrangements concerning financial planning, financial control, banking, accounts, income, insurances, investments, bonds, loans, leasing, borrowing (including methods of borrowing), trust and pension funds (within the scope of the Council's pension fund investment policies that are approved by the Pension Fund Committee), the payment of creditors and the payment of salaries, wages, pension scheme benefits and gratuities.
2. To be responsible for the provisions of the Accounts and Audit Regulations 2011 (as amended) in respect of the need to maintain an adequate and effective system of internal audit of the Council's accounting records and of its system of internal control in accordance with proper internal audit practices.
3. To be the Proper Officer of the Council in relation to the following statutory provisions:

Local Government Act 1972

- (a) Section 115(2) - the officer to whom all money due from every officer employed by the Council shall be paid.
- (b) Section 146 - the officer to make any statutory declaration in connection with the transfer of securities.

Local Government (Miscellaneous Provisions) Act 1976

- (c) Section 30 - the officer to write off overpayment of salary, allowances or pensions which occur as a result of the death of an employee or pensioner.

Local Government Finance Act 1988

- (d) Section 114-115 - the officer responsible for reporting on unlawful expenditure decisions or where expenditure exceeds the resources available.
4. To exercise the functions of the Council relating to procurement.
  5. To exercise the functions of the Council relating to information technology including the development thereof across the Council.

## **6. GENERAL PROPERTY MATTERS**

### **6.1 DISPOSALS:**

6.1.1 To approve the terms for adhoc disposal of non Housing Revenue Account (HRA) land and property subject to paragraph 6.5.1 below and any statutory requirements, provided that:-

- (a) in the case of freehold land and/or property , the premium does not exceed £500,000; and
- (b) in the case of leasehold transactions :
  - (i) the premium does not exceed £500,000; and
  - (ii) the rental value does not exceed £150,000 per annum; and
  - (iii) the term does not exceed 25 years

### **6.2 ACQUISITIONS:**

6.2.1 To approve the terms of adhoc purchases and taking of leases and licences of land and property subject to paragraph 6.5.1 below and any statutory requirements provided that :

- (i) in the case of freehold land and/or property being acquired, the premium does not exceed £500,000; and
- (ii) in the case of leasehold transactions the premium rental does not exceed £500,000 and the rental does not exceed £150,000 p.a.

6.3 To select tenants for land and property (other than dwellings to be let on secure tenancies) subject to consultation with the relevant Cabinet member in any case where any change of policy or special difficulty are anticipated.

### **6.4 PROPERTY MANAGEMENT :**

6.4.1 To deal with all questions of routine property management, including power to:-

- (a) approve and grant licences and tenancies where the value does not exceed £125,000 pa;
- (b) serve statutory notices relevant to routine property management including dealing with the release of charges, restrictions or notices against properties which are no longer valid, or have expired or have been redeemed;

- (c) authorise and pay discretionary contributions towards trade/loss and/or removal expenses in accordance with good estate management practice;
- (d) repair, maintain and improve property and other works for which appropriate budgetary provision has been made;
- (e) enter into deeds of variation or release in respect of all interests where any adjustment to the rental value does not exceed £150,000 p.a. or where any premium does not exceed £500,000;
- (f) settle dilapidation claims where appropriate budgetary provision exists;
- (g) give consent in the Council's capacity as Corporate Landlord to applications by tenants under the terms of any lease subject to 6.2 above ;
- (h) agree rent reviews and sign Rent Review Memoranda; and
- (i) deal with the surrender and/or renewal or regearing of leases where any adjustment to the rental does not exceed £150,000 p.a. or where any premium does not exceed £500,000.

6.4.2 To be responsible for the management and maintenance of commercial property within the Housing Revenue Account and to work closely with the Executive Director of Environment and City ensure effective management information is in place and that the use of HRA commercial property aligns with Council and HRA objectives and to deal with all routine property management as set out in Section 27.7 paragraph 27.4 below

6.4.3 To apply for Planning and listed building consents for the Council's corporate property portfolio.

6.4.4 To be responsible for the Council's function in relation to Total Facilities Management.

## **6.5 REGENERATION/DEVELOPMENT SCHEMES**

6.5.1 All decisions relating to disposals and acquisitions that relate to a regeneration/development schemes are not covered by this Scheme of Delegation and should be determined by the Cabinet or relevant Cabinet member with appropriate budgetary provision being made.



- 6.5.2 Subject to 6.5.1 above to authorise routine acquisition settlements (to include disturbance claims, Home Loss payments, Loss Payments, discretionary payments and compensation);
- 6.5.3 Subject to 6.5.1 above to authorise the submission of compulsory purchase compensation claims to the Lands Tribunal to determine the compensation payable for schemes
- 6.5.4 Subject to 6.5.1 above to enter into any associated planning agreements as landowner that relate to a regeneration/development scheme

## **26.5 DELEGATED AUTHORITY TO THE EXECUTIVE DIRECTOR FOR CHILDREN'S SERVICES**

1. To exercise the functions of the Council in the following areas
  - (a) Education services — the Council's functions in its capacity as a local education authority, except those excluded under Section 18(3) of the Children Act 2004 (namely certain functions relating to further education, higher education and adult education).
  - (b) Social services — the Council's social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children, and the Council's functions for children and young people leaving care.
  - (c) Health services — any health related functions exercised on behalf of an NHS body under Section 75 of the National Health Service Act 2006, insofar as they relate to children and young people.
  - (d) Inter-agency co-operation — the Council's functions as set out in the Children Act 2004, in particular building and leading the arrangements for inter-agency co-operation as set out below:
    - (i) Section 10— the duty to make and sustain arrangements to promote co-operation between the Council and its partner organisations to improve the well being of children in the Council's area.
    - (ii) Section 11 — the duty to make arrangements to ensure the Council's functions are discharged having regard to the need to safeguard and promote the welfare of children.
    - (iii) Section 12— any duty to establish, maintain and operate a database of basic information on all children in the authority or, if the duty to create a database or databases is placed on another body, to participate in its operation.
    - (iv) Sections 13, 14, 15 and 16 — the duty to establish a Child Safeguarding Practice Review Panel, as per the Children and Social

Work Act 2017, to co-ordinate and ensure the effectiveness of board members' activities for the purpose of safeguarding and promoting the welfare of children in the Council's area.

(v) Section 17— the duty to prepare and publish a Children and Young People's Plan to set out the Council's strategy for discharging their functions in relation to children and young people.

(vi) Section 20(8)(d) — subject to consultation and the laying of Regulations, responsibility for co-ordinating statements of proposed action in light of a Joint Area Review report, in consultation with partners. In addition, the Strategic Director will also exercise a key role in monitoring and evaluating implementation of the proposed action.

(e) Other responsibilities

(i) Seconding at least one children's social worker and at least one education professional to the Youth Offending Team as required by section 39(5) of the Crime and Disorder Act 1998.

(ii) The duty to promote the educational achievement of looked after children. This function is set out in the Children Act 1989 (as amended); and

(iii) The duty to provide the Secretary of State, if s/he so directs, with information on individual children. This function is set out in the Children Act 1989 (as amended).

(iv) To exercise all functions, powers and duties of a Children's Services Authority under all relevant legislation including, but not limited to, Education, Social Services and Health functions.

## **26.6 DELEGATED AUTHORITY TO EXECUTIVE DIRECTOR FOR ADULT SOCIAL CARE AND PUBLIC HEALTH**

1. To exercise the functions of the Council with regard to the delivery of those functions in respect of adults as set out in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those functions for which the Executive Director for Children's Services is responsible.
2. To safeguard vulnerable adults within Westminster and secure provisions of first steps and personal and community development learning to meet the needs of the community.
3. To arrange for the effective operation of the Council's responsibilities for the assessment, purchase and provision of social care services for adults including people disabilities, older people, people with mental health needs, people with substance misuse problems, adults with learning disabilities

(including people with autistic spectrum disorder and a dual diagnosis incorporating mental health needs and learning disability) and people with HIV/AIDS.

4. To implement the Council's statutory functions as follows:
  - to assess the need for, and where necessary provide, services and/or residential accommodation for those suffering from a disability, including a mental disability Care Act 2014.
  - To assess, and plan to meet, the needs of carers of vulnerable people.
  - To act as the "appropriate adult" within the definition of the Police and Criminal Evidence Act in relation to persons with a mental disorder (which may include a learning disability) who are detained at a police station.
5. To promote the welfare and independence of, and ensure the protection of vulnerable adults through the assessment of needs, the arrangement of services and the provision of facilities and assistance, where appropriate, to meet those needs, for adults and their carers.
6. To lead and direct the continuous improvement of high quality services to the customer in the area of Council funded care and housing support services to adults. These services include:
  - Development of commissioned care and support services (including supported accommodation)
  - Delivery of Assessment/Care management services (including ensuring resource allocations to eligible individuals to buy care and support)
  - Performing management and quality assurance (including information, IT and contract monitoring).
7. To represent the Council in joint planning with the Health Service and other agencies.
8. To exercise all functions, powers and duties of an Adult Services Authority under all relevant legislation including, but not limited to Social Services, safeguarding adults, Deprivation of Liberty, Mental Health services and Health functions.
9. To be authorised to agree expenditure on relevant public health budgets subject to each Bi-Borough Council's constitution. Such authority can be delegated in writing to others.

10. To lead on personnel decisions, including recruitment, appraisal and disciplinary decisions, subject to the City of Westminster's internal procedures only.
11. To report to the Chief Executive and relevant Cabinet Members and relevant Scrutiny Committee. To provide policy advice, if requested, to any political party represented on any of the participating councils.
12. To exercise the statutory functions of the Director of Public Health. These responsibilities may be delegated in writing to named public health consultants in each borough.
13. To report to each Council's Chief Executive on the performance of the function and to support the accountability of the Chief Executive for grant expenditure.
14. To ensure that each participating authority has up-to-date plans, meeting statutory requirements and the demands of good practice.
15. To be the officer responsible for leadership, expertise and formal advice on all aspects of the Public Health Service.
16. To provide advice to the public in any period where local health protection advice is likely to be necessary or appropriate, in conjunction with each Council's communications team.
17. To promote action across the life course, working together with local authority colleagues such as the Executive Director of Children's Services and the Executive Director of Adult Social Care and with NHS colleagues.
18. To work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health.
19. To work with local criminal justice partners and Police and Crime Commissioners to promote safer communities.
20. To work with the wider civil society to engage local partners in fostering improved health and wellbeing.
21. To be an active member of the Health and Wellbeing Board, advising on and contributing to the development of joint strategic needs assessments and joint health and wellbeing strategies and commission appropriate services accordingly.
22. To take responsibility for the management of their authority's public health services with professional responsibility and accountability for their effectiveness, availability and value for money.
23. To play a full part in their authority's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding

Children Board.

24. To contribute to and influence the work of NHS Integrated Care Partnerships\_ensuring a whole system approach across the public sector.

## **26.7 DELEGATED AUTHORITY TO EXECUTIVE DIRECTOR FOR ENVIRONMENT AND CITY MANAGEMENT**

1. To be responsible for the Council's licensing and registration functions generally, including specifically (but not exclusively) functions under the Licensing Act 2003, the Gambling Act 2005 and the City of Westminster Act 1999.
2. To be responsible for the Council's on-street and parking enforcement services.
3. To be responsible for the Council's functions with respect to the regulation of waste management and the cleansing of streets.
4. To take enforcement action on behalf of the Council in relation to waste management, licensing, transportation and highways, trading standards, food hygiene, weights and measures and consumer protection legislation.
5. To be responsible for environmental enforcement activities
7. To be responsible for parks and cemeteries.
8. To be responsible for the Council's functions with respect to arboriculture.
9. To be responsible for all matters relating to the Council's functions relating to crime and disorder. To exercise the functions of the Council under the Crime and Disorder Act 1998, save for the secondment of officers to the Youth Offending Team as required by section 39(5).
10. To be responsible for the Council's obligations as an enforcing authority in respect of Health and Safety legislation.
11. To be responsible for all of the Council's public conveniences
12. To be responsible for the Council's functions relating to Sports and Leisure.
13. To be responsible for emergency planning and business continuity and undertake executive powers where necessary in the event of a civil emergency.
14. To incur, in exercise of his role as Emergency Controller, un-programmed revenue expenditure in the event of an emergency affecting the Council, or the inhabitants of its area, up to a maximum of £500,000 in dealing with the immediate effects of the emergency, subject to such expenditure being reported at the first opportunity to the Leader.

15. To be responsible for the Council's functions relating to Libraries Services (including Registrars).
16. To be responsible for enforcement action in relation to transportation and highways.
17. To be responsible for the functions of the Council as Road Traffic Authority including its powers under the Road Traffic Regulation Act 1984.
18. To be responsible for the Council's functions under the New Roads and Street Works Act 1991.
19. To either act as the Traffic Manager for purposes of Section 17 (2) of the Traffic Management Act 2004 or to appoint a person to exercise the Network Management Duty under Section 16 of the Act.
20. To exercise the functions of the Council as highways, transportation and road traffic authority, and in particular:
  - (a) the functions of the Council under the Highways Act 1980.
  - (b) the functions of the Council as road traffic authority including its powers under the Road Traffic Regulation Act 1984.
  - (c) the Council's functions under New Roads and Street Works Act 1991.
21. To be responsible for the Council's functions in relation to area working and neighbourhoods.
22. To be responsible for highways maintenance and the management of utility works.
23. To be responsible for the management of the Council's highways contracts and the delivery of an annual programme of works agreed with the Executive Director for Growth, Planning and Housing.
24. To be responsible for highways planning functions including the stopping up of the highway in connection with a development which has the benefit of planning permission.
25. To maintain and manage an inventory of the Council's highways and public realm assets.
26. To implement and enforce all housing and all environmental health legislation in relation to residential properties, including the service of notices and authorization of proceedings.
27. To take enforcement action on behalf of the Council in relation to Coronavirus legislation (excluding the issuing a direction in respect of premises, events

and public outdoors spaces, and any other action directed by the Leader as being reserved for the Leader or Cabinet).

## **26.8 HOUSING REVENUE ACCOUNT**

1. To arrange for the effective operation of the Council's responsibilities for housing, including the recommending of strategies for all aspects of housing related activity, relationships with other public sector organisations, social landlords and with the private sector and to commission housing work to Westminster Community Homes in accordance with the Council's Procurement Policy.

### **2. DISPOSALS**

- 2.1 To approve terms for the adhoc disposal of HRA land and property, subject to paragraph 27.5 below and subject to any statutory requirements, provided that:

- (a) in the case of freehold land and/or property being disposed, the premium does not exceed £500,000; and
- (b) in the case of leasehold transactions;
  - i) the premium does not exceed £500,000; and
  - ii) the rental value does not exceed £150,000 p.a.; and
  - iii) the term does not exceed 25 years.

### **3 ACQUISITIONS**

- 3.1 To approve terms for the purchase and taking of leases and licences of HRA land and property, subject to paragraph 27.5 below and any statutory requirements:

- a) in the case of freehold land and/or property being acquired, the premium does not exceed £500,000; and
- b) in the case of leasehold transactions the premium rental does not exceed £500,000 and the rental does not exceed £150,000 p.a.

### **4. PROPERTY MANAGEMENT (HRA properties)**

- 4.1 To deal with all questions of routine property management and to take action and operate all legislative and administrative procedures in relation to housing where it is the responsibility of the Council, including but limited to:-

- (a) approve and grant licences, tenancies where the rental value does not exceed £150,000 p.a.;
- (b) to offer and dispose of Council properties for sale to tenants who

qualify for the Right to Buy Scheme.

- (b) serve statutory notices relevant to routine property management including dealing with the release of charges, restrictions or notices against properties which are no longer valid, or have expired or have been redeemed;
- (c) authorise and pay discretionary contributions towards trade/loss and/or removal expenses in accordance with good estate management practice;
- (d) repair, maintain and improve property and other works for which appropriate budgetary provision has been made;
- (e) enter into deeds of variation or release in respect of all interests where any adjustment to the rental value does not exceed £150,000 p.a. or where any premium does not exceed £500,000;
- (f) settle dilapidation claims where appropriate budgetary provision exists;
- (g) give consent in the Council's capacity as Housing Landlord to applications by tenants under the terms of any lease subject to 26.8.1 above;
- (h) deal with the surrender and/or renewal or re-gearing of leases where any adjustment to the rental does not exceed £150,000 p.a. or where any premium does not exceed £500,000.
- (i) The management and maintenance of commercial property within the Housing Revenue Account will be undertaken by Executive Director of Finance and Resources as set out in Section 26.4 paragraph 6.4.2 above.

## **5. REGENERATION/DEVELOPMENT SCHEMES**

- 5.1 All decisions relating to disposals and acquisitions that relate to a regeneration/development schemes are not covered by this Scheme of Delegation and should be determined by the Cabinet or relevant Cabinet member with appropriate budgetary provision being made.
- 5.2 Subject to 6.5.1 above to authorise routine acquisition settlements (to include disturbance claims, Home Loss payments, Loss Payments, discretionary payments and compensation);
- 5.3 Subject to 6.5.1 above to authorise the submission of compulsory purchase compensation claims to the Lands Tribunal to determine the compensation payable for schemes



- 5.4 Subject to 6.5.1 above to enter into any associated planning agreements as landowner that relate to a regeneration/development scheme
- 5.5 To approve applications for housing and allocate properties in accordance with the Council's established allocations policy and the granting of temporary accommodation units.
- 5.6 To be responsible for commissioning services relating to the management and maintenance of the council's housing stock, including responsibility for the efficiency and sustainability of the Housing Revenue Account and investment strategies relating to the suitability, condition and sustainability of the City Council's housing stock.
- 5.7 To approve changes in charges for housing HRA and HGF rents, service charges, heating and hot water charges, including refunds, reductions and waivers as appropriate.
- 5.8 To agree the provision of payment arrangements and options for the recovery of lessees major works.
- 5.9 To waive or reduce lessee's contributions towards service charges or cap service contributions, and to proceed with capital funded schemes where there are irrecoverable elements as a consequence of the existence of pre 1987 leases.
- 5.10 To authorise the commencement of legal proceedings, including to recover the possession of temporary accommodation, following non-payment of rent or other breach of tenancy conditions.
- 5.11 To make arrangements to provide housing advice and support to prevent homelessness including the letting, managing, repairing etc. of residential units and associated commercial property; where households are assessed as being homeless in line with current legislation, make arrangements to provide temporary accommodation until permanent housing is secured.
- 5.12 To arrange for the use of properties, on a short term lease basis, and other forms of temporary accommodation for use by homeless people.
- 5.13 To develop and commission a wide range of housing services for vulnerable adults, in particular those that prevent and alleviate rough sleeping and reduce the impact of associated street activity.
- 5.14 To approve and pay and recover monies in the making of mandatory and discretionary housing assistance.
- 5.15 To approve the allocation of funds to individual projects to be supported through regeneration programmes.

- 5.16 To be responsible for new affordable housing supply including supporting social housing providers to develop social housing and making investment decisions from the Affordable Housing Fund.
- 5.17 To be responsible for funding to other housing related programmes e.g. advice services; handyperson schemes.
- 5.18 To be responsible for Council initiatives relating to the alleviation of worklessness.
- 5.19 To apply for Planning and listed building consents for the Council's HRA property portfolio and, in accordance with the provisions of the Financial Regulations and corporate accounting procedure, deal with appropriations.
- 5.20 To be responsible for the Council's functions relating to Westminster Adult Education Service.

## **26.9 DELEGATED AUTHORITY TO EXECUTIVE DIRECTOR FOR GROWTH, PLANNING AND HOUSING**

- 1. To exercise the functions of the Council relating to town and country planning and building control, but not the strategic functions relating to strategy or policy which fall to the Director of Policy, Performance and Communication.
- 2. In the case of town and country planning, the delegation includes power to determine all applications for planning permission, advertisement consent, Listed Building Consent, application for the Council's own development and Hazardous Substances consent except where:
  - (a) In the opinion of the Executive Director the application is of a major controversial or sensitive nature or where in his/her opinion the decision would be contrary to approved planning policies.
  - (b) It is proposed to grant permission, consent or approval and in the opinion of the Executive Director, this would set a significant precedent or have a significant impact on the environment.
  - (c) It is proposed to grant permission, consent or approval for an application which is the subject of objection on planning (or hazardous substances) grounds. Referral to Planning Applications Sub-Committee will not be required where in the opinion of the Executive Director:
    - (i) The objection(s) are not specifically related to the application;  
OR
    - (ii) The objection(s) can be met by the imposition of conditions;  
OR
    - (iii) The proposal complies with adopted policies or standards.

- (d) In the opinion of the Executive Director it would be inappropriate to do so having regard to representations received from one or more elected Members of the Council or to the nature and extent of representations made in response to public consultation.
  - (e) The application is for the Council's Own Development and the Executive Director is minded to refuse permission or consent, in which case the application shall be referred to the Planning Applications Sub-Committee for determination.
  - (f) The application has been submitted by or on behalf of an elected Member of the Council (or their spouse/partner) or by any officer (or their spouse/partner).
  - (g) An elected Member of the Council has requested that the application be determined by the Planning Applications Sub-Committee.
3. To determine applications under the Planning Acts which, before the expiry of the period allowed for the submission of observations by public advertisement or notice, have been considered by Planning Applications Sub-Committee, or where either Committee has deferred a decision but has authorised the Executive Director to make the final decision.
  4. To determine applications to discharge conditions imposed on a grant of planning permission, listed building consent or on permission for the Council's own development. These will be dealt with by a Planning Applications Sub-Committee unless the Executive Director is of the opinion that no significant issues are raised.
  5. To deal with applications where it is found that permission is not required in that they do not constitute development or relate to development.
  6. To issue a "screening opinion" (to determine whether a project requires an Environmental Impact Assessment) and/or a "scoping opinion" (on the impacts and issues that the EIA should address) as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 except where:
    - (a) in the opinion of the Executive Director the proposed project is of a major controversial or sensitive nature
    - (b) in the opinion of the Executive Director it would be inappropriate to do so having regard to representations received from one or more elected Members of the Council or to the nature and extent of representations made in response to public consultation.
  7. To arrange for the effective performance and development of the Council's duties and services and provide advice in relation to environmental matters.

8. To be responsible for the Council's functions under the Building Act 1984 and the London Building Acts.
9. To be responsible for the Council's functions relating to economic development and regeneration.
10. To be responsible for investigation into and take action to enforce against unauthorised development under the planning acts and the control of advertisements.

### **ECONOMY AND SKILLS**

- 11 To be responsible for the Council's functions relating to Westminster Adult Education Service.
- 12 To be responsible for the Council's functions relating to economic development and regeneration.
- 13 To be responsible for the Council's BIDS Programme.

### **26.10 DELEGATED AUTHORITY TO THE EXECUTIVE DIRECTOR OF INNOVATION AND CHANGE**

1. To be responsible for communications (both internal and external) marketing and the Council's lobbying strategy.
2. To ensure the facilitation of the Council's Local Strategies Partnership and that this meets Government requirements.
3. To be responsible for the Council's functions relating to neighbourhoods to approve the allocation of funds to individual projects to be supported through regeneration programmes such as the single regeneration budget and Neighbourhood Renewal and Neighbourhood Management Programmes.
4. To deal with all matters under the Localism Act (2011) and Neighbourhood Planning Regulations (2012) relating to neighbourhood planning and any other neighbourhood planning matters that are not delegated to the Cabinet Member; in particular:
  - The consideration and approval or refusal of applications for the designation a neighbourhood area;
  - The consideration and approval or refusal of applications for designation as a representative neighbourhood forum
  - The consideration of applications to develop a statutory neighbourhood plan
5. To be responsible for the Ward Budget programme including the allocation of funds and projects agreed as part of the Ward Budget programme where the expenditure is less than £10,000.

6. To be responsible for the management and administration of Westco referring strategic decisions for consideration by the Cabinet Member for Finance, Property and Corporate Services.
7. To act as the editor of the Westminster Reporter.
8. To act as the Council spokesperson when engaging with the media and to authorise other officers in the Policy, Performance and Communications department.
9. To prepare the Community Strategy and other key corporate policies as appropriate for agreement by the Council.
10. To determine the Council's policies in respect of the use of social media.
11. To be responsible for the management and content strategy of the Council's website.
12. To be responsible for the Council's Contact Centre Contract.
13. To be responsible for, in consultation with, the relevant Cabinet Member, the Council's Open Forums, Neighbourhood Forums and Parish Councils – in respect of both their creation and any work going forward required to support and facilitate their activities.
14. To exercise the functions relating to the Council's Customer Services programme.
15. To be responsible for the functions of the Council's special events team and their activities.
16. To be responsible for all matters relating to the Local Development Plan which are not delegated to the Cabinet Member.

#### **26.11 DELEGATED AUTHORITY TO THE DIRECTOR OF LAW**

1. To act as Solicitor to the Council and to institute, conduct and, where appropriate, defend and settle disputes, criminal and civil legal proceedings and claims concerning the Council's responsibilities and interests except in relation to those covered by the Council's insurance policies.
2. To take any action in order to protect the interests of the Council or of any person or property to whom, or for which, the Council has responsibility or in order to give legal effect to any decision or action properly taken by the Council or a Committee or person on behalf of the Council.

3. To be the Monitoring Officer and the Proper Officer in accordance with the Local Government Acts (except where signified under other officer delegations).
4. To lodge appeals against any adverse finding against the Council in any tribunal or court.
5. To sign any document necessary to give effect to any resolution of the Council, the Cabinet, a Cabinet Member or any Committee or Sub-Committee or Corporate Leadership Team member acting within delegated power.
6. To make appointments to outside bodies in accordance with the nominations made by the Party Whips.