

CHAPTER 6 – SCHEME OF DELEGATION
TO OFFICERS

DELEGATED AUTHORITY TO OFFICERS

26.1 OFFICER DELEGATIONS

1. 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 to another officer;
 - (h) decisions by the Chief Executive or the Monitoring Officer on whether officers should exercise any delegated power.
 - (i) having regard to the corporate interests of the Council, Best Value principles, and using the most efficient and effective means available.
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 (defined in 26.2 below).

3. The **Chief Executive** shall have all the powers delegated to other Executive Directors (with the exception of s151, Monitoring Officer and other statutory officer functions) 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. 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.
5. An officer to whom powers are delegated may authorise an officer(s) to exercise, on her/his behalf, functions delegated to her/him. Any decision taken under this authority shall remain the responsibility of the relevant officer named in this Scheme of Delegation and must be taken in the name of that officer who shall remain accountable and responsible for such decisions.

26.2 CHIEF EXECUTIVE

The Chief Executive holds the statutory role of Head of Paid Service (as required by s4 Local Government and Housing Act 1989).

The Chief Executive is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:

1. Subject to observance of the appropriate procedures and rights of appeal, to decide disciplinary, incapability and salary related matters concerning Executive Directors.
2. To be responsible for the preparation of key corporate policies as appropriate, for agreement by the Cabinet, Council and Cabinet Members.
3. To co-ordinate, direct and monitor the Council's initiatives to achieve efficiency and best value in the delivery of its functions.
4. 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.

5. To discharge the functions of Electoral Registration Officer and in the case of local elections, Returning Officer.
6. To be responsible for the Council's responsibilities as an employer under Health and Safety legislation.
7. 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.
8. To hold Executive Directors to account for the performance of their services.
9. To be responsible for employee reorganisations which by reason of cost, impact and the seniority of those involved require Head of Paid Service consideration in consultation with the Executive Director Corporate Services.

26.3 EXECUTIVE DIRECTOR OF FINANCE AND RESOURCES

The Executive Director Finance and Resources holds the statutory role for the Council of s151 Officer Local Government Act 1972.

The Executive Director is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:

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.
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 exercise the functions of the Council relating to information technology and digital transformation.
4. To be responsible for the Council's Customer Services and Corporate Contact Centre.
5. To be responsible for revenues and benefit including council tax collection and support, and business rates.
6. To be responsible for treasury management and pension fund investments.
7. To be responsible for the Council's corporate property and property investment Including responsibility for Building Safety Act and Fire Safety Act functions in relation to those properties.
8. To approve the terms for the acquisition or disposal of non Housing Revenue Account (HRA) land and property (except those relating to a regeneration/development scheme), 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.

9. To deal with all questions of routine property management, provided rental value does not exceed £150,000 p.a. or any premium does not exceed £500,000.
10. To be responsible for the management and maintenance of commercial property within the Housing Revenue Account Including responsibility for Building Safety Act and Fire Safety Act functions in relation to those properties.
11. To be responsible for the Council's functions in relation to Total Facilities Management.
12. To be responsible for Strategy and Intelligence
13. To deal with other non-housing property related matters arising from regeneration/ development schemes.

26.4 EXECUTIVE DIRECTOR FOR CHILDREN'S SERVICES

The Executive Director Children's Services holds the statutory role for the Council of the Director of Children's Services (required by Section 18 of the Children Act 2004).

1. The Executive Director is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:
 - (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, as far 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, as far 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 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) — responsibility for co-ordinating statements of proposed action in light of a Joint Area Review report.

(e) 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.

2. To be responsible for the Council's functions relating to Libraries Services (including Registrars).

26.5 EXECUTIVE DIRECTOR FOR ADULT SOCIAL CARE AND PUBLIC HEALTH

The Executive Director (Adult Social Care and Public Health) holds the statutory role for the Council of the Director of Adult Social Services (required by Section 6 of the Local Authority Social Services Act 1970).

The Executive Director is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:

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. To exercise the statutory functions of the Director of Public Health.

Adult Social Care Operations

- Adult Social Care Services – Community Teams
- Adult Social Care – Hospital Teams
- Mental Health and Learning Disability Services
- Adult Safeguarding

- Provided Services
- Governance and Operations

Public Health

- Public Health Intelligence
- Health Improvement
- Public Health Protection and the Wider Determinants of Health
- Section 75 of the National Health Service Act 2006 and NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000

Commissioning

- Integrated commissioning - Communities and Public Health commissioning, contract management and quality assurance
- Integrated commissioning – Adult Social Care commissioning, contract management and quality assurance
- Adult Social Care Business Support and Finance.

26.6 EXECUTIVE DIRECTOR FOR ENVIRONMENT AND COMMUNITIES

The Executive Director is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:

Environment and Neighbourhood Services

- Waste Management/ cleansing
- Greenspace Management/ Parks/ Public Realm
- Bereavement Services / cemeteries
- Energy and Carbon Strategy/ Climate Emergency/ Biodiversity
- Environmental Protection / enforcement activities generally
- Food Safety
- Animal Health and Welfare
- Licensing and registration
- Sports and Leisure Services
- Anti-social Behaviour and Community Enforcement
- CCTV

- Emergency Planning including power to expend £0.5m in an emergency
- Arboriculture
- Public conveniences
- Voluntary and Community Sectors
- Communities/ Community Strategy/ Area working and neighbourhoods/
Neighbourhood Forums and Parish Councils

Infrastructure and Highways

- Walking, Cycling and Active Travel
- Parking Services - Operations and Enforcement
- Traffic Management
- Highways Management and Maintenance
- Highways Service Contract Management
- Highways and Transport Capital Programme
- Flood Risk Management

26.7 EXECUTIVE DIRECTOR CORPORATE SERVICES/ MONITORING OFFICER

The Executive Director Corporate Services holds the statutory role for the Council of Monitoring Officer (required by Section 5 of the Local Authority and Housing Act 1989).

1. The Executive Director is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:
 - Governance and Compliance
 - Legal Services
 - Democratic Services and Member Support
 - Policy and Projects
 - Communications
 - Human Resources and Organisational Development
 - Mayoralty
 - New models of service delivery
 - Ward Budget programme

- Media spokesperson
 - Marketing
 - Local Strategic Partnerships
 - Website/ Social media/ Westminster Reporter
 - Elections
 - Coroner
 - Land Charges
 - Information Services
2. 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 Councils insurance policies.
 3. 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.
 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 Executive Leadership Team member acting within delegated power.
 6. To make appointments to outside bodies in accordance with the nominations made by the Party Whips.

26.8 EXECUTIVE DIRECTOR FOR REGENERATION, ECONOMY AND PLANNING

The Executive Director is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:

Planning

1. To exercise the functions of the Council relating to town and country planning and building control.
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 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.

4. To be responsible for the Council's functions under the Building Act 1984 and the London Building Acts (save in respect of Building Safety and Fire Safety responsibilities allocated to officers elsewhere in this scheme of delegation), including responsibility for Building Safety Act and Fire Safety Act functions in relation to building control/ planning matters and development of new homes.

5. To be responsible for investigation into and take action to enforce against unauthorised development under the planning acts and the control of advertisements.
6. To be responsible for the Local Development Plan.
7. To be responsible for CIL/ s 106 funds.
8. To approve the allocation of funds to individual projects to be supported through regeneration programmes.

Economy and Skills

1. To be responsible for the Council's functions relating to Westminster Adult Education Service, subject to the approved Instrument of Governance or other document setting out agreed arrangements for governance of the Service as the Executive Director has approved.
2. To be responsible for the Council's functions relating to economic development and regeneration.
3. To be responsible for the Council's BIDS Programme.
4. To be responsible for Council initiatives relating to the alleviation of worklessness.

Regeneration/ Development

1. To be responsible for the Council's functions relating to economic development and regeneration.
2. 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.
3. To approve the terms for the acquisition or disposal of property relating to a regeneration/development scheme, 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.

Culture and Place Shaping

1. To be responsible for special events and Westminster Together.
2. To be responsible for Neighbourhood Planning Forums.
3. Culture and Tourism/ City Lions.

26.9 EXECUTIVE DIRECTOR HOUSING AND COMMERCIAL PARTNERSHIPS

The Executive Director is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:

HRA Housing

- To approve the terms for the acquisition or disposal of Housing Revenue Account (HRA) land and property (except those relating to a regeneration/development scheme), 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.
- To deal with all questions of routine property management, provided rental value does not exceed £150,000 p.a. or any premium does not exceed £500,000.
- To approve applications for housing and allocate properties in accordance with the Council's established allocations policy and the granting of temporary accommodation units.
- To be responsible for commissioning services relating to the management and maintenance of the Council's housing stock.
- To be responsible for Building Safety Act and Fire Safety Act functions in relation to HRA housing properties.
- Disposal of Council properties to tenants who qualify for the Right to Buy Scheme.
- Service of statutory notices in relation to the management of HRA properties.
- Management of service charges and rent setting, including agreement of arrangements and options for the recovery of lessees' contributions to major works, and the waiver or reduction of lessees' contributions towards service charges or contributions.
- Proceeding with capital funded schemes where there are irrecoverable elements of
 - lessees' contributions because of the existence of pre 1987 leases.

Procurement

To exercise the functions of the Council relating to procurement