

Appendix 1

Article 13 - Officers

Management structure

13.1 General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

13.2 Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	<p><u>Head of Paid Service. Managerial leadership of the Council including responsibility for overall corporate management and operational responsibility for all staff. Providing and securing of advice to the Council, and councillors, on strategy and policy. Acting in an executive capacity by making decisions or ensuring a system is in place for other officers to make decisions, as authorised by the Council. Delivering probity, value for money and continuous improvement.</u></p> <p>Overall corporate management and operational responsibility (including overall management responsibility for all officers) and provision of professional advice to all parties in the decision making process. Management of policy, performance, scrutiny, partnership, community engagement, communications, complaints, human resources, equalities, business support, legal services, procurement, electoral committee, member and Mayoral services, Freedom of Information, finance, audit and investigation, IT, public health.</p>
<u>Chief Operating Officer</u>	<p><u>Management of policy, performance, scrutiny, partnership, community engagement, communications, complaints, human resources, equalities, business support, legal services, procurement, electoral committee, member and Mayoral services, Freedom of Information, finance, audit and investigation, IT, public health, highways, transport strategy, Brent Transport Services, transportation, refuse and street cleansing, parking, parks and open spaces, cemeteries, accident prevention, emergency planning and business continuity, waste management and recycling, street lighting, environment, CCTV monitoring, sport and leisure, leisure centres, arts, libraries, museums, and archives, community safety, nationality service, Registrar of Births,</u></p>

	<u>Deaths and Marriages, customer services, revenue and benefits.</u>
Strategic Director Children & Young People	Statutory Director of Children's Services, school improvement service, outdoor education, pupil referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities and all functions of the Local Education Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people.
Strategic Director Adults	Statutory Director of Adult Social Services, health, adult physical disability, learning disability, mental health services, services to older people, <u>safeguarding adults</u> , emergency duty team, asylum in so far as it is not a housing matter, adult social care complaints, and any other function listed in Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Strategic Director Children and Young People.
Strategic Director Regeneration and Growth	Regeneration, urban renewal, economic development, building new education facilities, statutory land use, planning, development and building control, land charges, street naming and numbering, housing regeneration, affordable housing development, corporate property, facilities and premises management. All permanent and temporary housing, including temporary accommodation for asylum seekers, right to buy management, private sector housing services (including related environmental health functions) , liaison and transactions with Housing Associations, and homelessness and housing strategy, housing management, customer services , adult and community education , revenue and benefits , <u>environmental health, licensing, street trading, trading standards, mortuary, health & safety, contaminated land, pollution control, food safety and pest control.</u>
Strategic Director Environment Neighbourhoods	Arts, Libraries, museums, archives, environment, environmental health (other than in relation to private sector housing), highways and emergency operations, transport strategy, Brent transport services, transportation, streetcare, refuse and street cleansing, parks, parking and open spaces, cemeteries and mortuary, licensing, street trading, trading standards, health and safety, contaminated land, accident prevention and emergency planning, waste

~~management and recycling, street lighting, CCTV monitoring, pollution control, food safety, pest control, sport and leisure, leisure centres, community safety, nationality service, Registrar of Births, Deaths and Marriages.~~

Head of Paid Service, Monitoring Officer and Chief Finance Officer and other Statutory Chief Officer posts

13.3 The Council has made the following designations:

Post	Designation
Chief Executive	Head of Paid Service
Director of Legal and Procurement Chief Legal Officer	Monitoring Officer
Chief Finance Officer	Chief Finance Officer
Strategic Director Children and Young People	Director of Children's Services
Strategic Director Adults	Director of Adult Social Services
Director of Public Health	Director of Public Health

Structure

13.4 The Chief Executive determines and publicises a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

Functions of the Monitoring Officer

13.5 (a) Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by councillors, officers and the public.

(b) Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission has, may or would give rise to unlawfulness or to any maladministration which has been investigated by the Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Standards Committee

is specified, the Chief Executive or a person nominated by him or her for the purpose will be identified. Any other function not otherwise specified in the Tables or elsewhere in this Constitution is the responsibility of the Cabinet, unless specifically precluded by law from so being, in which case it shall be the responsibility of the General Purposes Committee (unless specifically reserved to Full Council in which case it shall be exercised by Full Council).

- 1.12 All functions shall be exercised in accordance with this Constitution including, for the avoidance of doubt, the Standing Orders and Financial Regulations and this Part 4 and Part 5.
- 1.13 In exercising any function or making any decision, the decision making body or person shall take into account all relevant considerations and ignore all irrelevant considerations and shall comply with the Access to Information Rules.
- 1.14 A number of joint committees have been established with other London Boroughs under the umbrella of the London Councils. The London Councils' Committee and the Transport and Environment Committee exercise executive and non-executive functions. The terms of reference and make up of these committees and the sub-committee are described in Part 5.

2. Powers Delegated to Officers

- 2.1 Those officers named in the Tables or elsewhere in the Constitution have delegated to them the powers specified therein but subject to the limitations specified therein. For the avoidance of doubt, this includes an officer appointed to a named post on an acting interim or temporary basis.
- 2.2 References in this Part 4 to a 'director' or 'relevant director' are references to one or more of the officers specified in paragraph 2.4 below.
- 2.3 The Chief Executive may exercise any functions delegated to other officers and may delegate decisions or functions to one or more officers in any of the Council's departments unless expressly prohibited by law from doing so. The Chief Executive shall also have authority to carry out all executive functions in the interim in the event of there being no Leader, or Deputy Leader appointed and insufficient members of the Cabinet appointed to achieve a quorum.
- 2.4 The Chief Executive, Chief Operating Officer and Strategic Directors listed below shall have responsibility for the following general and related areas:-

(a) Chief Executive:

Head of Paid Service. Managerial leadership of the Council including responsibility for overall corporate management and operational responsibility for all staff. Providing and securing of advice to the Council, and councillors, on strategy and policy. Acting in an executive capacity by making decisions or ensuring a system is in place for other officers to make decisions, as authorised by the Council. Delivering probity, value for money and continuous improvement.

~~Head of Paid Service, overall corporate management and operational responsibility including overall management responsibility for officers, and provision of professional advice to all parties in the decision-making process. Management of policy, performance, scrutiny, partnership, community engagement, communications, complaints, human resources, equalities, business support, legal services, procurement, electoral, committee,~~

~~member and Mayoral services, Freedom of Information, finance, audit and investigation, IT, public health.~~

(b) ~~Chief Operating Officer Strategic Director Children and Young People:~~

~~Management of policy, performance, scrutiny, partnership, community engagement, communications, complaints, human resources, equalities, business support, legal services, procurement, electoral , committee, member and Mayoral services, Freedom of Information, finance, audit and investigation, IT, public health, highways, transport strategy, Brent Transportation Services, transportation, refuse and street cleansing, parking , parks and open spaces, cemeteries, accident prevention, emergency planning and business continuity, waste management and recycling, street lighting, environment, CCTV monitoring, sport and leisure, leisure centres, arts, libraries, museums, and archives, community safety, nationality service, Registrar of Births, Deaths and Marriages, customer services, revenue and benefits. Statutory Director of Children's Services, school improvement service, outdoor education, pupil referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities and all functions of the Local Education Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people,~~

(c) **Strategic Director Adults :**

Statutory Director of Adult Social Services, health, adult physical disability, learning disability, mental health services, services to older people, safeguarding adults, emergency duty team, asylum in so far as it is not a housing matter, , adult social care complaints, and any other function listed in Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Strategic Director Children and Young People.

(d) ~~Strategic Director Strategic Director Children and Young People:~~
Environment and Neighbourhoods:

~~Statutory Director of Children's Services, school improvement service, outdoor education, pupil referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities and all functions of the Local Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people.~~

~~Environment, environmental health (other than in relation to private sector housing), highways, transport strategy, Brent Transportation Services, transportation, streetcare, refuse and street cleansing, parks, parking and open spaces, cemeteries and mortuary, licencing, street trading, trading standards, health & safety, contaminated land, accident prevention and emergency planning, waste management and recycling, street lighting, CCTV monitoring, pollution control, food safety, pest control, , sport and~~

~~leisure, leisure centres, arts, libraries, museums, and archives, community safety, nationality service, Registrar of Births, Deaths and Marriages.~~

(e) **Strategic Director Regeneration and Growth:**

Regeneration, urban renewal, economic development, building new education facilities, statutory land use, planning, development and building control, land charges, street naming and numbering, housing regeneration, affordable housing development, corporate property, facilities and premises management,. All permanent and temporary housing, including temporary accommodation for asylum seekers, right to buy management, private sector housing services ~~(including related environmental health functions)~~, liaison and transactions with Housing Associations, homelessness and housing strategy, housing management, ~~customer services,~~ adult and community education, ~~revenue and benefits,~~ environmental health, licensing, street trading, trading standards, mortuary, health & safety, contaminated land, pollution control, food safety and pest control.

2.5 In addition to those powers specified in the Tables and elsewhere in this Constitution, the officers specified above have delegated to them by the Council or the Leader, or Cabinet (as the case may be) all and any of the powers of the Council and the executive as may be necessary or desirable to enable them to effectively manage and operate their service area or unit or to carry out the roles and responsibilities required of them from time to time (not necessarily restricted to those roles and responsibilities specified above). These powers are subject to the exemptions, restrictions and limitations specified in paragraph 3 below or elsewhere in this Constitution. These powers include (but are not limited to) the powers set out in the following table which are also, subject to any exemption, restriction or limitation specified in respect of them in that table:-

Power	Exception, restriction or limitation
1. to exercise all functions that may from time to time fall within the scope of their professional and operational responsibility.	
2. to manage, within the approved cash limits, the budget allocated to the functions for which the officer has responsibility and to make virements or transfers as necessary.	<p>(a) no action may be taken which would result in growth, which cannot be contained in future years budgets or which would affect a budget which is not under the officer's direct control.</p> <p>(b) no virements or transfers may be made other than in accordance with the Scheme of Transfers and Virements agreed by Full Council.</p> <p>(c) no internal trading arrangements shall be established without the approval of the Chief Finance Officer.</p>

<p>Planning Committee have resolved to grant or minor amendments to terms and conditions of employment previously agreed by the General Purposes Committee.</p>	
<p>21. to respond to consultation papers from other bodies or local authorities.</p>	

2.6 The following officers have delegated to them the following powers in relation to all of the Council's services and areas of responsibility:-

(a) Chief Finance Officer

To undertake the S151 statutory role, To be responsible for providing financial advice to Members and officers in their respective roles in order to further effective decision making by the Council, and to be the professional lead for the finance function of the Authority. To operate and advise on an effective system of internal control for the Authority, including the provision of an effective internal audit service and an overall framework for insurance and risk management. To be responsible for advising on the investment strategy for the Council's treasury and pensions assets and to manage these accordingly. Power to incur or prevent any expenditure and to authorise borrowing within any limits approved by Full Council, write off debts, issue instructions on any matter relating to budget preparation, budget monitoring or budget control, power to set and monitor accounting standards, power to specify the format of returns, to require any officer to furnish him or her with any information and to answer any question relevant to the financial management of the authority

(b) ~~Director of Legal and Procurement:~~ Chief Legal Officer:

To undertake the statutory role of and exercise the powers of the Monitoring Officer, including standards and probity. Power to institute, defend or settle any actual or contemplated legal or formal proceedings on behalf of the Council and to appear by counsel or in person or to authorise an officer to so appear in any proceedings and to verify a document by signing a Statement of Truth under the Civil Procedure Rules on behalf of the Council; power to sign contracts, deeds, orders, notices and all other documents, the qualified person for Section 36 Freedom of Information Act 2000 determinations.

(c) Director of Public Health

To undertake the statutory role of Director of Public Health. Principal adviser to officers and members on all public health matters. To write the annual report on the health of the local population, take steps to improve public health, plan for and respond to emergencies which present a risk to public health, to carry out such public health functions or health protection functions as the Secretary of State may delegate or specify in regulations, to co-operate with the police, probation service and prison service in accordance with the local authority's duties under Section 325 of the Criminal Justice Act 2003, to be responsible for the Council's public health response under the Licensing Act 2003, to authorise Patient Group Directions on behalf of the Local Authority.

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<p>28. Any other planning related functions which are or become a function which cannot be exercised by the Executive.</p>		
<p>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</p>		<p>Except where specified all of the functions listed under this section B will be exercised by the Strategic Director Regeneration and Growth Environment and Neighbourhoods or a person nominated or authorised by him or her, except those functions which are the responsibility of the Alcohol and Entertainment Licensing Committee, the Alcohol and Entertainment Licensing Sub-Committees or the General Purposes Committee or are required to be determined by the Full Council</p>
<p>1. Power to issue licences authorising the use of land as a caravan site ("site licences").</p>	<p>Section 3(3) of the Caravan Sites and Control of Development Act 1960.</p>	
<p>2. Power to license the use of moveable dwellings and camping sites.</p>	<p>Section 269(1) of the Public Health Act 1936.</p>	

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<p>35. Power to license the employment of children.</p>	<p>Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963.</p>	<p>Strategic Director Children and Young People</p>
<p>36. Power to approve premises for the solemnisation of marriages.</p>	<p>Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510).</p>	<p>Strategic Director Environment and Neighbourhoods Chief Operating Officer</p>
<p>37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to –</p> <p>(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or</p> <p>(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).</p>	<p>Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).</p>	
<p>38. Power to register variation of rights of common.</p>	<p>Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).</p>	
<p>39. Power to license persons to collect for charitable and other causes.</p>	<p>Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.</p>	
<p>40. Power to grant consent for the operation of a loudspeaker.</p>	<p>Schedule 2 to the Noise and Statutory Nuisance Act 1993.</p>	

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41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.	
42. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957.	
43. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).	
44. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.	
45. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.	
46. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).	
46A. Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Section 115E, 115F and 115K of the Highways Act 1980	Chief Operating Officer
47. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.	Chief Operating Officer
47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980(a)	Chief Operating Officer
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	Chief Operating Officer

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<p>69. Power to issue near beer licences.</p>	<p>Section 16 to 19 and 21 of the London Local Authorities Act 1995 and to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.</p>	
<p>70. Power to register premises or stalls for the sale of goods by way of competitive bidding.</p>	<p>Section 28 of the Greater London Council (General Powers) Act 1984.</p>	
<p>71. Power to register motor salvage operators</p>	<p>Part 1 of the Vehicles (Crime) Act 2001</p>	
<p>72. Functions relating to the registration of common land or village greens</p>	<p>Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008.</p>	
<p>73. Any other licensing related functions which are or becomes a function which cannot be exercised by the Executive.</p>		
<p>C. Functions relating to health and safety at work</p>		<p>All of the functions listed under this section C will be exercised by the Strategic Director Regeneration and Growth Environment and Neighbourhoods or by a person nominated or authorised by him or her</p>

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9. Making an order giving effect to the recommendations made in a governance review	Section 86 of the Local Government and Public Involvement in Health Act 2007.	Full Council
10. Any other similar function which by statutory instrument or order are or become functions which cannot be exercised by the Executive.		Full Council
F. Power to make, amend, revoke, re-enact or enforce bylaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978	Full Council (other than enforcement which will be exercised by the <u>Chief Operating Officer Strategic Director – Environment and Neighbourhoods</u> or by a person nominated or authorised by him or her).
FA. Functions relating to smoke-free premises, etc		<u>Strategic Director Regeneration and Growth</u>
1. Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the Health Act 2006.	
2. Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2, the Health Act 2006.	
3. Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760).	
4. Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)	
G. Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972	Full Council

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<p>H. Functions relating to pensions etc.</p>		<p>All of the functions listed in this section will be exercised by the Chief Finance Officer except those functions which fall within the terms of reference of the General Purposes Committee or the Pension Fund Sub-Committee and the determination of "stage 2" applications under Regulation 102 of the Local Government Pension Scheme Regulations 1997 on behalf of the Council as Administering Authority and as employer in the case of discretionary matters covered by the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2000 and earlier equivalent Regulations. These functions shall be exercised by the Operational Director Human Resources and Administration. In the absence of the Operational Director Human Resources and Administration, or in the event a conflict arises, these functions shall be exercised by the Chief Finance Officer</p>
<p>1. Functions relating to local government pensions, etc.</p>	<p>Regulations under section 7, 12 or 24 of the Superannuation Act 1972.</p>	
<p>2. Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.</p>	<p>Section 34 and 36 of the Fire and Rescue Services Act 2004.</p>	<p>N/A</p>

<p>3. Any other pension related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.</p>		
<p>I. Miscellaneous functions</p>		
<p>Part I: Functions relating to public rights of way</p>		<p>All of the functions listed under Part 1 of this section will be exercised by the Chief Operating Officer Strategic Director Environment and Neighbourhoods or by a person nominated or authorised by him or her unless within the terms of reference of a Council committee or sub-committee or unless otherwise specified</p>
<p>1. Power to create footpath, bridleway or restricted byway by agreement.</p>	<p>Section 25 of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>2. Power to create footpaths, bridleways and restricted byways.</p>	<p>Section 26 of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>3. Duty to keep register of information with respect to maps, statements and declarations.</p>	<p>Section 31A of the Highways Act 1980.</p>	
<p>4. Power to stop up footpaths, bridleways and restricted byways.</p>	<p>Section 118 of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>5. Power to determine application for public path extinguishment order.</p>	<p>Sections 118ZA and 118C(2) of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>6. Power to make a rail crossing extinguishment order.</p>	<p>Section 118A of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>7. Power to make a special extinguishment order.</p>	<p>Section 118B of the Highways Act 1980.</p>	<p>General Purposes Committee</p>

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39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.	Chief Finance Officer
40. Power to appoint an officer for a particular purpose (appointment of "proper officer").	Section 270(3) of the Local Government Act 1972.	The Chief Executive or the relevant Chief Officer in whose area of responsibility the matter relates.
41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981.	N/A
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982.	Strategic Director <u>Regeneration and Growth</u> <u>Environment and</u> <u>Neighbourhoods</u>
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989.	Full Council
44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.	Full Council
44A. Duty to provide staff, etc to person nominated by the Monitoring Officer.	Section 82A(4) and (5) of the Local Government Act 2000	Full Council
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000	Full Council
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 2003 (S.I. 2003/533).	General Purposes Committee
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).	Strategic Director Regeneration and Growth

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47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).	Strategic Director Regeneration and Growth
47A. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.	Strategic Director Regeneration and Growth
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	The relevant director within whose area of responsibility the maladministration arose.
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption	Section 13(2) of the Criminal Justice and Police Act 2001	Strategic Director Regeneration and Growth Environment and Neighbourhoods
50. Power to make or revoke an order designating a locality as an alcohol disorder zone	Section 16 of the Violent Crime reduction Act 2006	Full Council
51. Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006	Chief Legal Officer Director of Legal and Procurement
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006	Chief Operating Officer Strategic Director Environment and Neighbourhoods
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006	Chief Legal Officer Director of Legal and Procurement
J. Other functions which are not to be the responsibility of the Executive		
1. Members allowances.		Full Council

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6. Any function relating to contaminated land.	Cabinet	Strategic Director <u>Environment and Neighbourhoods</u> <u>Regeneration and Growth</u>
7. The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	Strategic Director <u>Regeneration and Growth</u> <u>Environment and Neighbourhoods</u>
8. The service of abatement notice in respect of a statutory nuisance.	Cabinet	Strategic Director <u>Regeneration and Growth</u> <u>Environment and Neighbourhoods</u>
9. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Full Council	Strategic Director <u>Environment and Neighbourhoods</u> <u>Regeneration and Growth</u>
10. The inspection of the authority's area to detect any statutory nuisance.	Cabinet	Strategic Director <u>Regeneration and Growth</u> <u>Environment and Neighbourhoods</u>
11. The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet	Strategic Director <u>Regeneration and Growth</u> <u>Environment and Neighbourhoods</u>
12. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Council if the information is required for the purposes of a Council function and the Cabinet if for the purposes of a Cabinet function.	The relevant director who has responsibility for the function in question.
13. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Council if the particulars are required for the purposes of a Council function and the Cabinet if for the purposes of a Cabinet function.	The relevant director who has responsibility for the function in question.
14. The making of agreements for the execution of highways works.	Cabinet, unless the need for the highways agreement has arisen from a planning decision in which case the responsibility shall be with the Council.	<u>Chief Operating Officer</u> <u>Strategic Director</u> <u>Environment and Neighbourhoods</u> or Planning Committee if it falls within the committee's terms of

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<p>15. The appointment of any individual –</p> <p>(a) to any office other than an office in which he or she is employed by the authority;</p> <p>(b) to any body other than -</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body and the revocation of any such appointment.</p>	<p>The Council</p>	<p>reference.</p> <p>In the case of a member of staff, the relevant director in whose department or service area the member of staff is employed. In the case of the Councillor appointments they shall be made by Full Council as soon as possible after the Annual Meeting of the Council and then again by the Full Council or the General Purposes Committee if a vacancy arises during that municipal year.</p>
<p>16. The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p>If the arrangement is in connection with a function of the Cabinet then the Cabinet shall make the arrangement. If the arrangement is in connection with a function which is the responsibility of the Council then the Council shall make the arrangement.</p>	<p>In either case the relevant director within whose area of responsibility the function lies.</p>
<p>17. Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to Local Area Agreements</p>	<p>Cabinet</p>	

TABLE 4A

THE MEMBERSHIP AND TERMS OF REFERENCE OF THE HIGHWAYS COMMITTEE OF THE CABINET**Membership**

The committee comprises 5 members of the Cabinet appointed by the Leader..

Chair and Vice Chair

To be appointed by the Leader.

Quorum

3 Cabinet members.

Terms of Reference

The Leader has agreed to delegate the following executive functions to the committee: -

1. Scheme approval for traffic management and related matters associated with the public highway, and off-street car parks. Traffic management includes traffic calming, signals, pedestrian crossings, bus lanes, cycle routes, stopping up orders, controlled parking zones, waiting restrictions and charges for parking and penalty charges.
2. Reviewing performance of the implementation of schemes and of parking enforcement.
3. Any other matter relating to traffic management which the Operational Director, Community Services Strategic—Director Environment and Neighbourhoods considers should be referred to the Committee for a decision.

The Leader has not delegated to the Highways Committee the strategic and high level highways and transportation matters which includes decisions relating to more than four wards, matters involving expenditure over £500k, or matters which have a significant effect on income, strategies or policies in respect of highways and transportation. These will be considered by the Cabinet.

TABLE 4B

THE MEMBERSHIP AND TERMS OF REFERENCE OF THE BARHAM PARK TRUST COMMITTEE OF THE CABINET

Membership

The sub-committee comprises 5 members of the Cabinet appointed by the Cabinet .

Chair and Vice Chair

To be appointed by the Barham Park Trust Committee

Quorum

3 Cabinet members

Terms of Reference

The Cabinet has agreed to delegate the following executive functions to the sub committee:-

- (1) the trustee functions in relation to Barham Park Trust including decisions to dispose of land, vary or cease the charitable purpose, or change the trustee, except those functions it has delegated to officers
- (2) an annual review of how the trust is carrying out its charitable purposes and a review of the Trust's finances
- (3) any other matter which the Operational Director Neighbourhoods – Community Services considers ought to be referred to the committee for a decision

The Committee shall meet not less than once per year.

TABLE 5

PROPER AND STATUTORY OFFICER PROVISIONS

The following definitions are used in this Table:-

LGA 1972	=	Local Government Act 1972
LG(MP)A 1976	=	Local Government (Miscellaneous Provisions) Act 1976
RPA 1983	=	Representation of the People Act 1983
LGFA 1988	=	Local Government Finance Act 1988
LGHA 1989	=	Local Government and Housing Act 1989
LGA 2000	=	Local Government Act 2000
FOIA 2000	=	Freedom of Information Act 2000
LASSNHSCR 2009	=	Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

*Chief Officers also have power delegated to them in the table found at paragraph 2.5 of this Part 4 to designate proper officers falling within their area of responsibility.

The following officers and their deputies or person nominated by them for the purpose shall be the proper officer for the purpose specified:-

(1) statutory provision	(2) Function	(3) Proper Officer
Section 83 LGA 1972	Witness and receipt of declarations of acceptance of office of Mayor, Deputy Mayor and Councillors.	Head of Executive and Members Services <u>Chief Executive</u>
Section 84 LGA 1972	Receipt of notice of resignation of office of Mayor, Deputy Mayor and Councillors.	Head of Executive and Members Services <u>Chief Executive</u>
Section 88 LGA 1972	Convening of meeting for the election of Mayor in the event of a casual vacancy.	Head of Executive and Members Services
Section 89 LGA 1972	Receipt of notice of casual vacancies in the council membership.	Head of Executive and Members Services
Section 100 LGA 1972	All references to proper officer in connection with the access to information	Head of Executive and Members Services

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	provisions of the Local Government Act.	
Section 115 LGA 1972	Receipt of monies from accountable officers.	Chief Finance Officer
Section 146 LGA 1972	Certificates as to securities on alteration to local authority area or name.	Chief Legal Officer Director of Legal and Procurement
Section 151 LGA 1972	Officer with responsibility for the council's financial affairs.	Chief Finance Officer
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders.	Head of Executive and Members Services
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of any such document.	Chief Legal Officer Director of Legal and Procurement
Section 233 LGA 1972	Receive documents required to be served on the Council.	The Chief Executive or the Chief Legal Officer Director of Legal and Procurement
Section 234(1) LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue.	All officers specified in paragraph 2.4 of this Part 4.
Section 238 LGA 1972	Certification of printed copies of by-laws.	Chief Legal Officer Director of Legal and Procurement
Section 41 LG(MP)A 1976	Certification of Minutes, Resolutions, Orders and Reports of the council.	Head of Executive and Members Services
Section 35 RPA 1983	The Returning Officer at an election of Councillors of the borough.	Chief Executive
Section 8 RPA 1983	The Electoral Registration Officer of any constituency (or part thereof) in the borough.	Chief Executive

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Section 72 Weights and Measures Act 1985	Functions of Chief Inspector of Weights and Measures.	Head of <u>Regulatory Services Trading Standards</u>
Section 114 LGFA 1988	Report to Council concerning unlawful expenditure.	Chief Finance Officer
Section 2 LGHA 1989	Deposit of list of "politically restricted posts" under LGHA 1989.	Operational Director Human Resources <u>and Administration</u>
Section 4 LGHA 1989	Head of paid service.	Chief Executive
Section 5 LGHA 1989	Monitoring officer.	Chief Legal Officer Director of Legal and Procurement
Regulation 23 Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List.	Chief Finance Officer
Accounts and Audit Regulations 2003	The responsible financial officer.	Chief Finance Officer
Births deaths and marriages	Any reference to the proper officer in any enactment relating to registration of births, death or marriages.	Chief Operating Officer Strategic Director Environment and Neighbourhoods
LGA 1972, Schedule 12, Part 1, Paragraph 4(2)(b)	Signature of summonses to Council meetings and receipt of notices of addresses to which summonses to meetings to be sent.	Chief Executive
Local Government (Committees and Political groups) Regulations 1990	Receipt of notification from members.	Head of Executive and Members Services
Localism Act 2011 Section 29	Establishment and maintenance of the register of interests of members including voting co-opted members.	Chief Legal Officer Director of Legal and Procurement acting as Monitoring Officer
Local Authorities (Standing Orders) Regulations 2000	Notices under regulations 5 and 6 regarding proposed appointments of staff.	Operational Director Human Resources <u>and Administration</u>
Local Authorities (Referendums) (Petitions	Functions relating to verification and publicity of	Chief Executive

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and Directions) Regulations	petitions.	
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	All references to the proper officer.	Head of Executive and Members Services unless otherwise specified in the Regulations or the Constitution.
Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer.	Chief Executive
Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988	All references to the proper officer	Strategic Director <u>Environment and Neighbourhoods Regeneration and Growth</u>
Section 36 FOIA 2000	Qualified person for decision on exempt information not to be disclosed	<u>Chief Legal Officer Director of Legal and Procurement</u>
Regulation 4 LASSNHSCR 2009	All references to the responsible person	Strategic Director Adults
Local Government Act 2000 Section 9FB	To provide and support to overview and scrutiny committees	<u>Chief Operating Officer Assistant Chief Executive</u>
National Health Service Act 2006 S73A	Director of Public Health	Director of Public Health
Generally *	Any other proper officer function not otherwise designated.	Chief Executive