

SCHEME OF DELEGATION

Attached is the Scheme of Delegation for consideration by Members of the Finance & Procedures Overview & Scrutiny Committee on 23 April 2002.

Head of Administrative & Member Services

Background Papers:

None

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RESPONSIBILITY FOR FUNCTIONS

FULL COUNCIL

The Council is responsible for all functions of the authority. For the effective and efficient management of its services, the Council has appointed Committees to undertake responsibility for all matters other than those specifically reserved to itself or delegated directly to officers. This part of the Constitution sets out the Terms of Reference and Scheme of Delegations whereby such responsibility has been devolved.

TERMS OF REFERENCE AND MATTERS RESERVED TO COUNCIL

- (a) All matters specifically reserved to Council by regulation and statute.
- (b) To approve and keep under review the Constitution of the Council.
- (c) To appoint and, where the occasion arises, to dismiss the Leader/Spokesperson of the Council.
- (d) To approve the procedures for and the appointment of the Committees and such other bodies as the Council may decide.
- (e) To appoint the Chairmen and Vice-Chairmen and Committees and to determine their memberships.
- (f) To make appointments to outside organisations to which the Council is entitled to appoint representatives.
- (g) To adopt, with or without amendment, statutory and major non-statutory policies, plans and strategies (the "policy framework") recommended to it, including:
 - Best Value Performance Plan
 - Community Care Plan
 - Community Strategy
 - Crime & Disorder Reduction Strategy
 - Plans and strategies which together comprise the Development Plan
 - Council's Corporate Plan (if any)
 - Food Law Enforcement Service Plan
 - The plan and strategy which comprise the Housing Investment Programme
 - Local Agenda 21 Strategy
 - IS/ICT Strategy
 - Asset Management Plan
 - Leisure Strategy
- (h) To approve the Members' Allowance Scheme
- (i) To approve, with or without amendment, the Council's budget and the Council Tax for the District recommended to it by the Finance & Policy Committee.
- (j) To provide an opportunity for members of the public to ask questions or make statements about any aspects of Council policy.
- (k) To receive reports from its Committees and from Officers.
- (l) To promote and oppose Bills and Orders in Parliament.

- (m) To carry out any other functions required by statute to be discharged by the Council.
- (n) To make and revoke Byelaws.
- (n) To deal with matters relating to elections, including considering proposals relating to status and the variation of District boundaries, electoral divisions, wards and polling districts.
- (o) To determine any decision of a Policy Committee, not yet implemented, referred to it by an Overview & Scrutiny committee.
- (p) To consider proposals to establish, dissolve or group Parish Councils and fix the number of Parish Councillors.
- (q) To authorise applications to the Secretary of State for the transfer of housing land or stock owned by the Council.
- (r) To discuss Notices of Motion submitted in accordance with the Rules of Procedure.

POLICY & FINANCE COMMITTEE

MEMBERSHIP

13 MEMBERS OF THE AUTHORITY:

Cllr D R Helson (Chairman)
Cllr R Adams, Cllr G Fox, Cllr J E Grey, Cllr Mrs J Helson, Cllr A Hosking, Cllr G A Mockford, Cllr C R Morgan,
Cllr P J Morgan, Cllr M G B Starke, Cllr R E Vingoe, Cllr P F A Webster, Cllr D A Weir

FUNCTIONS

DELEGATED FROM COUNCIL:

To exercise the Council's functions in relation to all matters not otherwise reserved to Full Council or the responsibility of another Committee with particular reference to:

- Finance
- Council Budget
- Support Services

Including the formulation and implementation of the policy framework and management of the budget in respect of these functions.

ONWARD DELEGATIONS:

Any decision which an officer takes under delegated powers must:

- a) Implement a policy or decision previously approved or taken by this Committee;
- b) Facilitate or be conducive or incidental to the implementation of a policy or decision previously taken by this Committee;
- c) Relate to the management of the human, material and financial resources made available for the function for which they are responsible.

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| Chief Executive: | – The functions of Corporate Governance, Audit, Civic and Public Relations and all matters not otherwise the responsibility of another officer. |
| Corporate Director
(Finance & External Services) | – The functions of Treasury Management, Financial Resources and Council Taxation & Benefits |
| Corporate Director
(Law, Planning & Administration) | – The functions of Legal, Personnel, Administrative and Electoral Services. |

COMMUNITY SERVICES COMMITTEE

MEMBERSHIP

13 MEMBERS OF THE AUTHORITY:

Cllr Mrs H L A Glynn (Chairman)
Cllr R S Allen, Cllr R A Amner, Cllr Mrs R Brown, Cllr P A Capon, Cllr I G Cutmore, Cllr Mrs J Hall,
Cllr V H Leach, Cllr R A Pearson Cllr S P Smith, Cllr Mrs W M Stevenson, Cllr Mrs M S Vince, Cllr Mrs M A Weir

FUNCTIONS

DELEGATED FROM COUNCIL:

To exercise the Council's functions in relation to:

- Recreation
- Culture
- Housing (public & private sector)
- Leisure
- Public Protection
- Emergency Planning
- Tourism
- Community Safety

Including the formulation and implementation of the policy framework and management of the budget in respect of these functions.

ONWARD DELEGATIONS:

Any decision which an officer takes under delegated powers must:

- a) Implement a policy or decision previously approved or taken by this Committee;
- b) Facilitate or be conducive or incidental to the implementation of a policy or decision previously taken by this Committee;
- c) Relate to the management of the human, material and financial resources made available for the function for which they are responsible.

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| Chief Executive: | – The functions of Community Safety and Emergency Planning |
| Corporate Director
(Finance & External
Services) | – The functions of Recreation, Leisure, Culture, Tourism and Property
Maintenance |
| Head of Housing Health
& Community Care | – The functions of Public Health, Public & Private Sector Housing and
Homelessness |
| Head of Revenue &
Housing Management | – The management functions of all Council Housing within the Housing Revenue
Account, the Finchfield Trust properties and Dutch Cottage |

ENVIRONMENTAL SERVICES COMMITTEE

MEMBERSHIP

13 MEMBERS OF THE AUTHORITY

Cllr. V H Leach (Chairman)
Cllr R S Allen, Cllr P A Capon, Cllr Mrs J E Ford, Cllr K A Gibbs, Cllr Mrs J M Giles, Cllr D R Helson,
Cllr Mrs L Hungate Cllr C C Langlands, Cllr T Livings, Cllr P D Stebbing, Cllr Mrs M S Vince,
Cllr Mrs M J Webster.

FUNCTIONS

DELEGATED FROM COUNCIL

To exercise the Council's functions in relation to:

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| • Highways & Transport | • Planning Policy | • Regeneration |
| • Building Control | • Economic Development | • Health & Safety |
| • Waste Collection & Disposal | • Environment | • Recycling |

Including the formulation and implementation of the policy framework and management of the budget in respect of these functions.

ONWARD DELEGATIONS:

Any decision which an officer takes under delegated powers must:

- a) Implement a policy or decision previously approved or taken by this Committee;
- b) Facilitate or be conducive or incidental to the implementation of a policy or decision previously taken by this Committee;
- c) Relate to the management of the human, material and financial resources made available for the function for which they are responsible.

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| Chief Executive: | – | The functions of Economic Development, Regeneration and Health & Safety |
| Corporate Director (Finance & External Services) | – | Highways functions, Recycling and Waste Management |
| Head of Health Housing & Community Care | – | The Environmental Protection function |
| Head of Planning Services | – | Planning & Transportation Policy, & Building Control |

PLANNING SERVICES COMMITTEE

MEMBERSHIP

39 MEMBERS OF THE AUTHORITY:

Cllr R E Vingoe. (Chairman)
All Members of the Council

FUNCTIONS

DELEGATED FROM COUNCIL:

To exercise the Council's functions in relation to:

- Town & Country Planning Regulation
- Dangerous, Neglected or Derelict Premises
- Building Control

Including the formulation and implementation of the policy framework and management of the budget in respect of these functions.

ONWARD DELEGATIONS:

Any decision which an officer takes under delegated powers must:

Head of Planning Services – The functions of Town & Country Planning, Building Control & Regulation and Dangerous, Neglected or Derelict Premises

- a) Implement a policy or decision previously approved or taken by this Committee;
- b) Facilitate or be conducive or incidental to the implementation of a policy or decision previously taken by this Committee;
- c) Relate to the management of the human, material and financial resources made available for the function for which they are responsible.

STANDARDS COMMITTEE

MEMBERSHIP

5 MEMBERS OF THE AUTHORITY

(Chairman to be appointed)

Cllr J E Grey, Cllr P F A Webster, Cllr T Livings, Cllr R E Vingoe, Cllr G Fox

1 PARISH MEMBER &

Parish Member

2 INDEPENDENT MEMBERS:

Independent Members

FUNCTIONS

DELEGATED FROM COUNCIL:

To promote and maintain high standards of conduct with the Council and exercise the Council's functions in relation to:

- Standards of Conduct of Members (including Parish Members) under regulation and statutory provision
- Codes of Conduct for Officers & Members
- Monitoring & Regulation of discretionary components of Members remuneration
- Assistance of Members & Co-opted Members through Training & Guidance
- Determination of minimum levels of competency training for Members
- Monitor of Members' attendance at meetings and training

ONWARD DELEGATIONS:

Any decision which an officer takes under delegated powers must:

Corporate Director – Member Training
(Law, Planning & Administration)

- a) Implement a policy or decision previously approved or taken by this Committee;
- b) Facilitate or be conducive or incidental to the implementation of a policy or decision previously taken by this Committee;
- c) Relate to the management of the human, material and financial resources made available for the function for which they are responsible.

APPEALS & LICENSING COMMITTEE

MEMBERSHIP

6 MEMBERS OF THE AUTHORITY:

Cllr Mrs H L A Glynn. (Chairman)
Cllr R A Amner, Cllr Mrs R Brown, Cllr T G Cutmore, Cllr G A Mockford, Cllr P D Stebbing

FUNCTIONS

DELEGATED FROM COUNCIL:

To exercise the Council's functions in relation to appeals and licensing including;

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| • Council Tax | • Hackney Carriage | • Public Entertainment |
| • Housing Benefits | • Council Tax Benefits | • Trading Controls |
| • Staff Employment | • Tree Preservation Orders | • Taxi Licensing |

Including the formulation and implementation of the policy framework and management of the budget in respect of these functions.

ONWARD DELEGATIONS:

Any decision which an officer takes under delegated powers must:

- a) Implement a policy or decision previously approved or taken by this Committee;
- b) Facilitate or be conducive or incidental to the implementation of a policy or decision previously taken by this Committee;

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| Chief Executive | – | Employment and staffing related matters |
| Corporate Director
(Finance & External Services) | – | Tree Preservation Orders |
| Head of Housing Health & Community Care | – | Entertainment, Housing, Homelessness, Trading Controls and Environmental Health and Health & Safety Licensing |
| Head of Revenues & Housing Management | – | Council Tax, Housing Benefits, Council Tax Benefits, Hackney Carriage & Taxi Licensing. |

This delegation does not include the authority to confirm any order or issue any permission, consent, licence or similar determination that is the subject of a statutory right of appeal that has been duly exercised or a substantive objection that has been raised.

SCHEME OF DELEGATIONS TO OFFICERS

General Principles

This scheme delegates the powers and duties of the Council to officers within broad functional descriptions based on the management structure set out in Part 7 of the Constitution and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation including authorising the affixing of the Common Seal.

This scheme operates under the provisions of the Local Government Act 1972 and all other powers enabling the Council.

In each case the delegated authority includes management of the human and material resources made available for the functions and services within the limitations of this scheme and subject to specific delegations in this scheme or elsewhere to another officer.

In this scheme "officer" means the holder of any post named in this scheme as having delegated powers and duties.

Limitations on the exercise of delegated powers

General Limitations

This scheme does not delegate to officers:

- (a) any matter reserved to full Council;
- (b) any matter which by law may not be delegated to an officer;
- (c) any matter expressly reserved to a committee by Standing Orders or Financial Regulations or withdrawn from delegation by this scheme or by a committee;
- (d) authority to determine policy and budgets.

Council Policy

Any exercise of delegated powers shall be subject to policies approved by the Council from time to time including employment policies and Disciplinary Policies, relevant Codes of Conduct and the Corporate Policy Framework.

Budget

In exercising delegated powers, officers shall not go beyond the provision in the revenue or capital budgets except as permitted by Financial Regulation and Procurement Policy.

Scrutiny and Call-in

In exercising delegated powers, officers shall advise the Chairman of the relevant Policy Committee and the affected Ward Member/s of any decision to be taken that is:

- (1) outside the ordinary duties of the service and
- (2) has a significant effect on one or more Wards in the District in terms of service or quality of life in the area.

Any proposal to take a decision in these circumstances may be called in, subject to the provisions for urgent action, by the Chairman of the relevant Policy Committee. The matter will then be put to that Committee for decision at its next meeting.

Onward Delegation

This scheme includes the power for officers to delegate in writing all or any of their delegated functions to other officers (described by name of post) either fully or under the general supervision and control of the delegating officer.

Sub-delegations will be publicly available documents and may be reviewed by the relevant Policy Committee or scrutinised by the relevant Overview & Scrutiny Committee at any time.

Any officer exercising powers or duties in pursuance of full sub-delegation will be politically restricted under Section 2(1)(g) of the Local Government and Housing Act 1989.

To the Chief Executive

To be Head of Paid Service and determine and issue general guidelines to officers for the management of human resources and in particular recruitment, training, conditions of services, national and local pay awards, rewards, health and safety, employment relations, discipline and dismissals.

To be the responsible officer for and take decisions and exercise discretion on matters of Internal Audit and Process Review, Civic and Public Relations, Corporate Policy, Health and Safety, Emergency Planning and Staffing issues.

To be Returning Officer for District and Parish Council elections in the District of Rochford, retaining the right to appoint others to discharge any or all of the functions of Returning Officer.

To be Electoral Registration Officer for the Council with authority to bring proceedings and to defend actions under the Representation of the People Act 1983 and any associated regulations.

To be Emergency Controller for the District of Rochford.

To the Corporate Director (Law, Planning & Administration)

To be Monitoring Officer pursuant to the Local Government Act 2000 (the Head of Legal Services to act as deputy).

To be Proper Officer for all statutory purposes and standing orders except where a specific appointment has been delegated to another Officer.

To be Data Protection Co-ordinator for the purposes of the Data Protection Act 1984 (as amended).

To be the Solicitor to the Council.

To be the Corporate Property Officer.

To be the responsible officer for and take decisions and exercise discretion on matters within Personnel Management and Corporate Property and Corporate Management issues affecting Law, Planning and Administration & Member Services.

To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals.

To give necessary legal authorisation to officers' of the Council including authorisation to appear before the Magistrates' Courts, to serve notices to ascertain interests in land and to enter upon land in connection with the discharge of any of the functions of the Council.

To authenticate documents on behalf of the Council.

To the Corporate Director (Finance & External Services)

To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government and Finance Act 1988 (the Head of Financial Services to act as deputy).

To be the proper officer under Section 115 of the Local Government Act 1972.

To have responsibility for accounting records and control systems, the form of the Statement of Accounts, its preparation, audit and inspection in accordance with the provisions of the Accounts and Audit Regulations 1996.

To update financial limits within the Financial Procedures Rules from time to time broadly in line with inflation.

To be the responsible officer for and take decisions and exercise discretion on matters within Contracted Services and Corporate Management issues affecting Finance & External Services.

To the Head of Legal Services

To be the responsible officer for and take decisions and exercise discretion on matters within the Legal Service.

To the Head of Planning Services

To be the responsible officer for and take decisions and exercise discretion on matters within Planning Services.

To the Head of Administrative & Member Services

To be the responsible officer for and take decisions and exercise discretion on matters within Administrative & Member Services.

To the Head of Housing, Health & Community Care

To be the responsible officer for and take decisions and exercise discretion on matters within Housing, Health & Community Care Services.

To the Head of Financial Services

To be the responsible officer for and take decisions and exercise discretion on matters within the Financial Services.

To the Head of Revenue & Housing Management

To be the responsible officer for and take decisions and exercise discretion on matters within the Revenue & Housing Management Services.