

3C Delegation to Officers

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1. Delegations to the Head of Paid Service Executive Directors and Statutory Officers

This Scheme sets out those delegations made to the Head of Paid Service and Executive Directors whether by the Council or by Cabinet (the Executive) or derived from statute. The Scheme also sets out the powers of the Statutory Officers of the Council.

The Head of Paid Service, Executive Directors and Statutory Officers may (where statute allows this) further delegate responsibility for matters to Officers within their departments. These delegations must be in writing.

All delegated powers are derived from either the Council or Executive. The source of each delegation is specified in the Scheme.

Council, Cabinet or Committees may reserve to themselves decisions that have been delegated to Officers by giving notice to the relevant Executive Director or the Head of Paid Service.

When any new power or duty is given to the Council and it is unclear where responsibility for that function lies, the exercise of that power or duty will be undertaken by the Head of Paid Service or relevant Executive Director.

2. Principles of Delegation

2.1 Officers may exercise delegated powers provided that the matter:

- (a) is covered by an approved policy;
- (b) there are no unusual features;
- (c) there are no significant political or other similar issues,

otherwise the matter should be referred to Members to determine.

2.2 In exercising delegated powers Officers must:

- (a) Only incur expenditure within approved estimates/limits;
- (b) Comply with the Council's Procedural Rules and Financial Regulations in force at the time;
- (c) Comply with any policy, plan or direction of the Council, Cabinet or Committee;
- (d) Consult and where appropriate, and/or agree with other relevant Officers;
- (e) Consult or refer the matter to the Head of Paid Service in appropriate cases;
- (f) Keep appropriate records and registers of decisions and report to Council, Cabinet or Committee if required.

2.3 In using delegated powers, Officers are accountable to the Council or Cabinet or the Committee from which those delegated powers derive.

2.4 Acts of Officers done under delegated powers are deemed to be acts of the Council.

2.5 Delegations exercised in relation to contracts must follow the Contract Procedure Rules in force at the time.

3. Non Executive Decision Procedure

The Head of Paid Service, Executive Directors and Statutory Officers may be specifically authorised to take decisions on behalf of the Council or a Committee in cases of urgency or in relation to minor matters. In doing so, the procedure set out below must be followed:

Urgent Non-Executive Decisions and Minor Matters

3.1 Matters which are the responsibility of Council

In relation to matters which are the responsibility of Council, subject to consultation with the Leader of the Council (or in their absence the Deputy Leader) and the leaders of the political groups or their deputies, the Head of Paid Service, Executive Directors and Statutory Officers shall have the power to act on behalf of the Council in cases of urgency and on minor matters, where the urgent matter is of such a nature that it may be against the Council's interest to delay and where it is not practicable to obtain the approval of the Council. The matter must be subsequently reported to the Council. The safeguards set out below must be followed.

3.2 Matters which are the responsibility of Committees of the Council

In relation to matters which are the responsibility of a Council Committee, subject to consultation with the Chair of the relevant committee, the Head of Paid Service, Executive Directors and Statutory Officers shall have the power to act on behalf of the Council in cases of urgency and on minor matters, where the urgent matter is of such a nature that it may be against the Council's interest to delay and where it is not practicable to obtain the approval of the Council Committee. In the event of disagreement between the Members consulted, the matter shall be referred to the Head of Paid Service who may take the decision after consultation with the Leaders of all political groups or their nominees, and if appropriate, with the statutory Officers. The safeguards set out below must be followed.

3.3 Safeguards

The procedure must only be used when considered essential to achieving the efficient administration of the service and for urgent matters consideration must be given to whether the matter can wait until the next scheduled meeting or whether the calling of a special meeting can be justified.

The information in the report must be given the same care and attention as a report to the committee or to Council. Councillors must be given all the information they need in order to fully consider the matter.

All decisions taken by Officers under this delegated power must be reported for information to the next meeting of the appropriate committee.

For minor matters the subject matter:

- (a) should not give rise to implication of a policy or resource nature for the authority;
- (b) the cost of implementing the decision must not exceed agreed budgets; and
- (c) the decision should not conflict with any plan or strategy agreed by the Council.

4. Delegations to Officers

General

- 4.1** Where appropriate the Head of Paid Service may exercise any function delegated to any other Officer, e.g. in case of absence.
- 4.2** Executive Directors may exercise any function delegated to any other Officer within their directorate.
- 4.3** Executive Directors may exercise any function outside their directorate delegations delegated to them by the Head of Paid Service.

The Head of Paid Service and Executive Directors have the following general powers:

- 4.4** To manage and promote the services and functions for which they are responsible. This includes:

5. Delegated Powers	Source of Delegated Powers
General	
Taking and implementing any decision required for operational effectiveness.	Executive and Council
Responding to consultation documents, which are considered appropriate to be dealt with at Officer level.	Executive
Bid for external resources for services within their remit.	Executive
Liaise and develop partnerships with external agencies, Government departments and stakeholder organisations.	Executive
Financial	
Authorise expenditure within approved revenue budget estimates.	Council
Vire resources within the rules set out in the Financial Regulations.	Executive
Approve orders.	Executive
Authorise payment of invoices.	Executive
Authorise the collection of income.	Executive
Authorise expenses via payroll.	Executive
Write off debts up to the limit set out in the Financial Regulations	Executive
To dispose of any minor asset (e.g. furniture and equipment) up to the limit set out in the Financial Regulations.	
To set, vary and recover costs for goods and services funded by the Council. as set out in the Financial Regulations or elsewhere in this Constitution.	Executive
Contracts	
Approve contracts under £499k as set out in the Financial Regulations or elsewhere in this Constitution.	Executive

Approve variations under £499k in contracts as set out in the Financial Regulations or elsewhere in this Constitution.	Executive
Approve use of consultants.	Executive
Human Resources	
To appoint, suspend and dismiss staff.	Council and Executive
To take any action under the Council's employment policies and procedures.	Council and Executive
To re-organise staff within their directorates subject to: <ul style="list-style-type: none"> (a) Consultation with Head of Paid Service and Head of HR; (b) Where appropriate, consultation with staff and/or their representatives; (c) There being no service delivery implications; (d) No expenditure in excess of budget; (e) No growth in net expenditure beyond the current year; (f) Compliance with the Financial Regulations and other requirements in this Constitution. 	Council and Executive
To authorise absence leave and payments, including overtime, expenses, loans, and ex gratia payments in accordance with agreed Council policies.	Executive
To authorise training and development and associated matters.	Executive

6. Individual delegations	Source of individual delegated powers
Head of Paid Service (to be read in conjunction with further delegations set out elsewhere in this document)	
6.1 To take any action necessary to ensure the effective and efficient management and operations of the Council. If following a Borough Election the Leader has not been elected as a Councillor or, if re-elected, the political party of which they are a member does not have a majority on the Council, then until a Leader is appointed, the Head of Paid Service (in consultation with all Group Leaders) shall be authorised to take and implement any decision required for operational effectiveness of the Council but excepting any such responsibilities, duties and powers specifically reserved to any other person or body.	Executive and Council
6.2 To promote the importance of the ethical agenda and to sustain the highest standards of ethical behaviour on the part of the Council's Officers in accordance with the Code of Conduct for Council Employees.	Council
6.3 To make any decision delegated to another Officer with the exception of any decision delegated to the Monitoring Officer or Chief Financial Officer.	Executive and Council
6.4 Act in minor or urgent matters where to delay for a Council meeting would not, in their opinion, be in the Council's interest, subject to consultation with the Leaders of the political groups. This shall be in a written report which will also be reported to the next meeting of the relevant committee or Council.	Council
6.5 Act in minor or urgent matters where to delay for a Council committee meeting would not in their opinion, be in the Council's interests, subject to consultation with the political groups or their	Council

nominees. This shall be in a written report which will also be reported to the next meeting of the relevant committee or Council.	
<p>6.6 To report as appropriate to Council:</p> <p>(a) the number and grades of staff required to discharge its functions</p> <p>(b) the organisation of the Council's staff</p> <p>(c) the appointment and management of the Council's staff.</p>	Council and Executive
<p>6.7 Following consultation with the Leader and Leader of the Opposition, to suspend the Monitoring Officer or Chief Finance Officer in cases of emergency as defined in the Joint National Council (JNC) procedure.</p>	Council
<p>6.8 Following consultation with the Leader and Leader of the Opposition, to refer matters of discipline (as defined in the disciplinary procedure) in respect of the Monitoring Officer or Chief Finance Officer to the Chief Officers' Employment Panel.</p>	Council
<p>6.9 To make payments or provide other benefits in cases of maladministration etc. in accordance with s92 of the Local Government Act 2000 and the Financial Regulations.</p>	Council
<p>6.10 To take any action necessary to ensure the effective development and implementation of the Council's key strategies and services, following adoption by Cabinet or Council as appropriate.</p>	Executive and Council
<p>6.11 To undertake any action necessary to ensure the effective development and implementation of the Council's agreed corporate governance framework.</p>	Executive and Council
<p>The following posts:</p> <ul style="list-style-type: none"> • Assistant Chief Executive • Executive Director of Finance and Resources • Executive Director of Regeneration, Housing and Environmental Services • Executive Director of Children and Adult Services • ICP Health and Social Care Integration all have the following delegated powers and duties: 	
<p>6.12 To take any action necessary to ensure the effective and efficient management of their directorate.</p>	Council and Executive
<p>6.13 To act in minor or urgent matters where to delay to a Council Committee meeting would not, in their opinion, be in the Council's interest, subject to consultation with the Chief Executive and Leaders of the political groups.</p>	Council
<p>6.14 To take any action necessary to ensure the effective development and implementation of the Council's key adopted strategies and services relating to their directorate.</p>	Council and Executive
<p>6.15 To undertake any action necessary to ensure the effective development and implementation of the Council's corporate governance framework.</p>	Council and Executive
<p>Assistant Director Transport, Parking and Environmental Strategy</p> <p>Approval of local traffic and transport schemes in consultation with Ward Councillors, subject to statutory consultation</p> <p>Enter into any third party agreements reasonably necessary to fulfil the Council's obligations under the Town & Country Planning Act 1990, due Council and Executive 3C 3C-7 London Borough of Hounslow Constitution December 2022 to approved planning consents, including but not limited to stopping up orders, oversail licences and provisions under ss.278, 38, 116 Highways Act 1980.</p>	Council and Executive

<p>The Director of Law & Governance (Monitoring Officer):</p> <p>To act as the proper Officer for the purposes of Births, Deaths and Marriages.</p>	<p>s.9 Registration Services Act 1953</p>
<p>The following powers have been delegated to the Head of Legal HB Public Law: (This delegation does not prevent the Monitoring Officer, if they are a qualified lawyer, from also exercising the powers below)</p> <p>To institute, defend or participate in any legal proceedings, in any Court or Tribunal and in any case where such action is necessary to give effect to decisions of the Council, or in any case where they consider that such action is necessary to protect the Council's interests and to authorise Officers to appear in Court on the Council's behalf.</p>	<p>Council</p>
<p>Director of Law and Governance (Monitoring Officer):</p> <p>(a) To undertake any action necessary to ensure the effective development and implementation of the Council's corporate governance framework.</p> <p>(b) To authorise the instruction of any external commercial legal provision (excluding instructions undertaken pursuant to the delegation to the Head of Legal at HB Public Law) on behalf of the Council in any legal proceedings, transaction, or advisory capacity</p> <p>(c) To authorise the affixing of the Council's seal and execution of deeds, including electronically or digitally.</p> <p>The Deputy Monitoring Officers also have the delegated authority to authorise the affixing of the Council's seal and execution of deeds, including electronically or digitally.</p>	<p>Council and Executive</p> <p>Council and Executive</p>

Statutory Officers

7. Head of Paid Service	Statutory Source of Function
<p>7.1 Duty to prepare a report setting out proposals on the following matters:</p> <p>(a) the manner in which the discharge by the authority of their different functions is co-ordinated;</p> <p>(b) the number and grades of staff required by the authority for the discharge of their functions;</p> <p>(c) the organisation of the authority's staff;</p> <p>(d) the appointment and proper management of the authority's staff</p>	<p>Section 4 Local Government and Housing Act 1989</p>
<p>7.2 Duty to ensure the provision of reports to members</p>	<p>Section 4 Local Government and Housing Act 1989</p>

7.3 Arrange for the authority to consider the report at a meeting held not more than three months after copies are first sent to members of the authority.	Section 4 Local Government and Housing Act 1989
7.4 All staff to be appointed on merit	Section 7 Local Government and Housing Act 1989
7.5 Duty to adopt Standing Orders with respect to staff.	Section 8 Local Government and Housing Act 1989
7.6 Confidentiality of staff records	Section 11 Local Government and Housing Act 1989
7.7 Conflicts of interest in staff negotiations	Section 12 Local Government and Housing Act 1989
7.8 Appointment of Staff	Section 112 Local Government Act 1972
8. Monitoring Officer	Statutory Source of Function
8.1 Report on contravention or likely contravention of any enactment or rule of law.	Section 5 & 5A Local Government and Housing Act 1989.
8.2 Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
8.3 Appointment of Deputy Monitoring Officer(s).	Section 5 Local Government and Housing Act 1989.
8.4 Report on resources needed to undertake Monitoring Officer functions.	Section 5 Local Government and Housing Act 1989.
8.5 Establish and maintain registers of member's interests and gifts and hospitality.	Sections 29 and 30 Localism Act 2011 The Relevant authorities (Disclosable Pecuniary Interests) Regulations 2012
8.6 Advice to Members on interpretation of the Members' Code of Conduct.	Members' Code of Conduct
8.7 Key role in framework for local determination of complaints about Members in accordance with procedure for Dealing with Complaints as set out in this Constitution	Sections 28 – 34 Localism Act 2011

8.8 Advice to Members on Compensation or remedy for maladministration.	Section 92 Local Government Act 2000.
8.9 Advice on vices issues, maladministration, financial impropriety, probity, policy framework and budget issues to all members.	
8.10 Following consultation with the Leader and Leader of the Opposition, to suspend the Head of Paid Service in cases of emergency as defined in the JNC procedure.	Council
8.11 Following consultation with the Leader and Leader of the Opposition, refer matters of discipline (as defined in the disciplinary procedure) in respect of the Head of Paid Service to the Chief Officers' Employment Panel.	Council
8.12 The delegation for appointing the Proper Officers.	Council
8.13 Approve minor and technical changes to the Council constitution.	Council

9. Chief Finance Officer (Section 151 Officer)	Statutory Source of Function
9.1 Oversight of proper administration of financial affairs.	Section 151 Local Government Act 1972
9.2 Duty to nominate an Officer as chief financial Officer (if unable to act owing to absence or illness).	Section 114 Local Government Finance Act 1988
9.3 Duty to report on a Council decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114 Local Government Finance Act 1988
9.4 Duty to report if the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.	Section 114 Local Government Finance Act 1988
9.5 Duty to report on an Executive decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114A Local Government Finance Act 1988
9.6 Duty to report on the robustness of the authority's budget calculations.	Section 25 Local Government Act 2003
9.7 Duty to report on the adequacy of the authority's proposed financial reserves.	Section 25 Local Government Act 2003
9.8 Duty to report on previous years' financial reserves if it appears that controlled reserves is or likely to be inadequate, including recommendations for appropriate actions to rectify.	Section 27 Local Government Act 2003
9.9 Duty to assist the Council in carrying out regular budget monitoring.	Section 28 Local Government Act 2003

10. Director of Children's Services	Statutory Source of Function
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10.1 Responsible for functions conferred on or exercisable by the authority in their capacity as a local education authority	Section 18 Children Act 2004
10.2 Responsible for functions conferred on or exercisable by the authority, which are social services functions, so far as those functions relate to children.	Section 18 Children Act 2004
10.3 Responsible for functions under section 23C to 24D of the Children Act 1989, relating to looked after children.	Section 18 Children Act 2004
10.4 Improving well-being of children in the authority's area.	Sections 10 and 18 Children Act 2004
10.5 Safeguarding and promoting the welfare of children.	Sections 11 and 18 Children Act 2004
10.6 Establish and maintain information databases in relation to the well-being and safeguarding of children	Section 12 and S18 Children Act 2004
10.7 Preparation and publication following adoption of a Children's and young people's plan by the appropriate body.	Sections 17 and 18 Children Act 2004.
10.8 Responsible for any function under section 75 of the National Health Service Act 2006 on behalf of an NHS body so far as those relate to children.	Section 18 Children Act 2004
10.9 Responsible for any additional functions as the authority consider appropriate	Section 18 Children Act 2004

11. Director of Adult Social Services	Statutory Source of Function
11.1 Responsibility for all social services functions (other than those for which the Director of Children's Services is responsible under section 18 of the Children Act 2004).	Section 1A and Schedule 1 of the Local Authority Social Services Act 1970

12. Director of Public Health	Statutory Source of Function.
12.1 Responsibility for the functions under S2B National Health Service Act – taking steps to improve Health.	Ss 2B and 73A National Health Service Act 2006.
12.2 Responsibility for the functions under S111 National Health Service Act – dental public health.	Ss 111 and 73A National Health Service Act 2006.
12.3 Responsibility for the functions under S249 National Health Service Act – joint working in respect of prison health.	Ss249 and 73A National Health Service Act 2006.

12.4 Responsibility for compliance with regulations made under s6C(1) or (3) National Health Service Act 2006 – requirement to undertake functions of the Secretary of State.	Ss 6C(1) and (3) National Health Service Act 2006
12.5 Responsibility for the functions under S7A National Health Service Act – arrangements to undertake Secretary of State’s functions.	Ss 7A and 73A National Health Service Act 2006.
12.6 Responsibility for the exercise by the authority of its functions under Schedule 1 National Health Service Act 2006 - inspection of school pupils.	Schedule 1 National Health Service Act 2006
12.7 Responsibility for any functions that relate to planning for or responding to emergencies involving a risk to public health.	S73A National Health Service Act 2006.
12.8 Responsibility for the functions under s325 Criminal Justice Act 2003 – arrangements for assessing risk of certain offenders.	S325 Criminal Justice Act 2003
12.9 To prepare an annual report on the health of the people in Hounslow.	S73B(5) National Health Service Act 2006
12.10 To be a member of the Health and Wellbeing Board.	S194(2)(d) National Health Service Act
12.11 Responsibility for the exercise of all other Local Authority’s public health functions specified in S73A(1) National Health Service Act 2006.	S73A National Health Service Act 2006.

13. Scrutiny Officer	Statutory Source of Functions
13.1 To promote the role of the Overview and Scrutiny Committee and its sub-committees, to provide support and guidance to members and Officers of the Committee and its sub-committees and to provide support and guidance to members and Officers in relation to the functions of the Committee and its sub-committees.	Section 9FB of the Local Government Act 2000.