

PART 6 SCHEME OF DELEGATIONS TO OFFICERS

**II EXECUTIVE DIRECTOR GOVERNANCE PEOPLE & RESOURCES
(AND MONITORING OFFICER)**

Note: where the powers delegated to the Executive Director overlap with those delegated to the Chief Finance Officer, they shall be exercised only by the Chief Finance Officer or officers authorised by that officer to the extent that they are required by law or rules of professional practice to be exercised by that Officer.

1. Legal Services

(1) Monitoring Officer

- (a) To be the Monitoring Officer of the Council for the purposes of Section 5 of the Local Government and Housing Act 1989 and discharge the functions of that Officer under the Local Government Act 2000;
- (b) To determine fees for the Returning Officer and election clerks in respect of local elections, after consultation with the Chief Finance Officer.

(2) Solicitor to the Council Role

As Executive Director, to be the Solicitor and the Proper Officer for the legal affairs of the Council and as such take all steps necessary to protect or secure the protection of the Council's interest from a legal point of view as they consider appropriate.

(3) Proceedings

- (a) To institute, defend and carry on or settle legal proceedings to protect the Council's interest or to implement a decision made by the Council, its Committees, Sub-Committees or Officers or for the recovery of any debt or sum due to the Council;
- (b) To exercise the Council's functions under Section 222 of the Local Government Act 1972 to institute or defend proceedings in the interests of the inhabitants of the Council's area etc.
- (c) To determine appeals in relation to the community right to bid under the Localism Act 2011.
- (d) To determine appeals in relation to the listing of Assets of Community Value (note: this power may also be exercised

concurrently by the Executive Director of Economy, Environment and Culture).

(4) Conveyances, Agreements and other documents

- (a) To prepare and execute any contract, agreement, conveyance or other document necessary to give effect to a decision of the Council, a Committee, Sub-Committee or Officer acting under delegated functions;
- (b) In connection with the disposal of any interest in land or any other purpose, to enter into supplemental or replacement leases, deeds of variation, or other appropriate documents for the purposes of correcting any errors, resolving any ambiguities or facilitating the exercise of any of the Council's functions.

Provided that the Assistant Director Legal & Democratic Services, the Head of Commercial Law, a Principal Solicitor, or the Senior Lawyer (Property) of the Council, or any other solicitor authorised by the Executive Director Governance, People & Resources (and Monitoring Officer) may also exercise any of the functions delegated under subparagraphs (4) (a) and (b) above.

(5) Review of Constitution

To review and update the Council's Constitution from time to time and ensure the Council's decision-making processes are robust.

(6) Authorisation of officers

- (a) To authorise any Officer of the authority to prosecute or defend or otherwise appear in proceedings before a Magistrates' Court under Section 223 of the Local Government Act 1972;
- (b) To authorise any Officer to represent the Council in the County Court under Section 64 of the County Courts Act 1984;
- (c) To authorise any Officer to appear on behalf of the Council in any court, tribunal, arbitration hearing, meeting or any other forums where the Council has the power to grant such authority.
- (d) To authorise any Officer or person representing the Council to sign statements of truth in court proceedings.

(7) Litigated and liability claims handling

To deal with litigated and liability claims against the Council in accordance with the practice and procedure agreed from time to time with the Council's insurers.

(8) **Insolvency**

To serve statutory demands, sign or present petitions in bankruptcy or corporate insolvency, and take such other action or steps under the Insolvency laws as is necessary to protect or promote the Council's interest.

(9) **Guardians ad Litem**

Where the Executive Director Governance, People & Resources (and Monitoring Officer), after consultation with the relevant Officer, considers it necessary to exercise the following functions:-

- (a) From time to time to recruit, to make appointments to, and remove from the Panel of Guardians ad Litem and Reporting Officers in accordance with the Guardians ad Litem and Reporting Officers (Panels) Regulations 1991;
- (b) To administer the Panel of Guardians ad Litem and Reporting Officers and monitor the work of the Guardians ad Litem on behalf of the Council;
- (c) To agree the payment of expenses to persons appointed to the Panel of Guardians ad Litem and Reporting Officers and to agree other terms and conditions of appointment to the Panel;
- (d) To constitute complaints boards:-
 - (i) to investigate complaints about the operation of the Panel of Guardians ad Litem and Reporting Officers; and
 - (ii) to make recommendations concerning proposed termination of an appointment of a Guardian ad Litem or Reporting Officer.

(10) **Authentication of Documents**

To be the Proper Officer for the purposes of certifying the authenticity of Council reports, minutes and resolutions, providing that this function may also be exercised by the Chief Executive or the Assistant Director Legal & Democratic Services, who will also be Proper Officers for this purpose.

2. Democratic Services and Civic Office

- (a) To ensure proactive support to the democratic process and elected Members in accordance with the Constitution.
- (b) To manage the Council's services for Members and in connection therewith to take all necessary steps to secure compliance with Part VA of the Local Government Act 1972 (Access to Meetings and

Documents of the Council, its Committees and Sub-Committees), and all subsequent related legislation.

(c) To manage the Council's Civic Office.

3. Health Overview and Scrutiny

(a) To manage the Council's Health Overview and Scrutiny function, and to take all necessary steps to ensure compliance with any legal requirements relating to scrutiny of local health services..

4. Ethical Standards

(a) After consultation with the Chair or Vice Chair, to require meetings of the Audit and Standards Committee or Standards Panel to be held and to exercise any function of the Committee or the Panel (to the extent that such functions are exercisable by an officer) if it appears to be appropriate to do so in lieu of referring the matter to a meeting.

(b) To establish and maintain registers of interests of Members and Co-opted Members of the Council and Rottingdean Parish Council in accordance with Chapter 7 of the Localism Act 2011.

5. Electoral Registration and Elections

To carry out the day-to-day management of the Council's electoral registration service and to make arrangements for the holding of elections.

6. Local Land Charges

To exercise the Council's functions in relation to local land charges including:-

(d) the functions under the Local Land Charges Act 1975 and the Local Government (Miscellaneous Provisions) Act 1982, Section 34; and

(e) the fixing of fees under the Local Authorities (Charges for Property Searches) (England) Regulations 2008.

7. Registration Service

(a) To exercise the Council's functions under the Registration Service Act 1953 regarding the registration of births, deaths and marriages;

- (b) To exercise the Council's functions under the Marriage Acts of 1949 and 1994, the Civil Partnership Act 2004 and the Marriages and Civil Partnerships (Approved Premises) Regulations 1995 save where a review has been sought;
- (c) To be the Proper Officer for the purposes of the Registration Service Act 1953 and carry out functions in accordance with Brighton & Hove Registration Scheme 2007.

8. Coroners Service

To exercise the Council's functions regarding the Coroners Service under the Coroners and Justice Act 2009 and other relevant legislation.

9. Bereavement Services

To exercise the Council's functions in relation to bereavement services including functions under the Public Health (Control of Disease) Act 1984.

Note: this shall include the provision, management and control of cemeteries, mortuaries and crematoria and the discharge of the Council's functions relating to burials and cremation generally

10. Policy

To provide a wide range of policy development and partnership support functions to the Council and Brighton & Hove including, but not limited to:-

- Ensuring an effective Local Strategic Partnership and Public Service Board;
- Ensuring that decision making is supported by timely and robust evidence/research data where required;
- Ensuring the effective coordination of corporate and other policy (e.g. corporate planning.);
- Leading the Council's sustainability approaches;
- Researching and developing policy proposals.

11. Performance Improvement and Programmes

- (1) To manage the Council's Modernisation Programme; to promote best value and good practice in relation to project and programme management.

- (2) To monitor and develop the Council's performance management frameworks and systems, and to build good working relationships with a range of audit and inspection bodies and other regulators.
- (3) In conjunction as necessary with the Chief Executive, to deal with complaints to the Local Government and Social Care Ombudsman and complaints from the public under the Council's internal complaints and statutory procedures, providing that arrangements can be made for initial stages of complaints to be dealt with by the relevant service department.
- (4) To manage risks and opportunities to ensure effective and timely implementation of mitigating actions.
- (5) To lead on the development of Customer Insight reports to ensure understanding of customer needs and for the learning of the organisation.

12. Corporate Communications

- (1) To manage the Council's corporate communications service.
- (2) To develop and implement the internal and external communications strategies for the Council.
- (3) To provide strategic communications advice to the Council in support of its priorities, vision, values and services.
- (4) To provide a 24 hour Council wide press service and contingency plan for crisis press management.
- (5) To ensure that the content and the design of Council publications, leaflets, internet, intranet and all other published materials maintain the Council's corporate identity and are of an appropriate standard in terms of design quality and accessibility.
- (6) To prepare and distribute such newspapers, information leaflets and other periodical publications as the Council may approve from time to time.

13. Leadership Support Office

To manage the Council's Leadership Support Office.

14. Regulation of Investigators Powers

To be the 'Senior Responsible Officer' for the purposes of the Home Office Codes of Practice on the Regulation of Investigatory Powers Act 2000.

15. Procurement

To co-ordinate the Council's procurement strategy, to promote best value and good practice in the Council's procurement activity.

17. IT&D

(1) Information Technology & Digital

To exercise the Council's functions in respect of:-

- (a) The implementation of the Council's Digital Strategy aligned to corporate and city strategic objectives;
- (b) The provision of information technology and related digital services to Council departments.

(2) Information Management

To exercise the Council's functions in respect of:-

- (a) Freedom of information, environmental information and data protection;
- (b) Modern records management;
- (c) Information governance, including by supporting the Council's designated Data Protection Officer (a statutory role required by the General Data Protection Regulation ((EU) 2016/679) and the Data Protection Act 2018, which is performed by an individual who is not an officer of the Council), to perform their tasks effectively.

18. Delegations to the Director of HR & OD regarding Human Resources and Organisational Development Functions

To exercise the Council's functions in relation to Human Resources and in particular:-

- (1) To develop a people strategy that supports the corporate plan and priorities, and the visions and values of the Council.
- (2) To develop people policies, procedures and codes of practice that meet the Council's changing needs and are in accordance with the people strategy, including employee training and development, providing the desired behaviours, skills and competencies, employee

culture and management ethics; and ensure that resources are focussed where they will provide best value.

- (3) To develop corporate policies relating to equality of opportunity for staff in their employment, training, development and promotion, and with regard to employee responsibilities for ensuring equality of access and fair treatment of customers.
- (4) To develop a corporate strategy and policies for the management of the Council's health and safety and wellbeing responsibilities.
- (5) To provide a strategic focus for organisational development matters across the Council, maintaining an overview of current and future needs, and ensuring that strategic objectives and priorities are met.
- (6) To develop a corporate employee communication and consultative strategy. To design, maintain and review the council's formal consultative mechanisms. To promote consultative systems and approaches that develop sound partnership working with the recognised trade unions.
- (7) To develop a "terms and conditions of employment" framework for all staff (excluding teaching staff) and to act as the Council's "chief negotiator" in discussions with the Council's trade unions, in respect of terms and conditions, pay and reward and people policies.
- (8) To ensure a Brighton & Hove City Council input into the national negotiating machinery.
- (9) In liaison with the relevant Executive Director or Executive Lead, to determine:- entitlement to the occupational sick pay scheme, the application of the Council's early retirement and redundancy provisions, relocation scheme, and the settlement of legal/employment tribunal claims; in accordance with the agreed policies of the Council.
- (10) To administer the appointment procedures and to direct the Director of Human Resources & Organisational Development to act as "Human Resources Manager" to the Council's Joint Negotiating Committee staff, in accordance with Council policies.
- (11) To ensure that the implementation and effectiveness of all human resources policies and practices are monitored, reviewed and revised when necessary.
- (12) To provide the full range of human resources services to Council departments including advice and support regarding appointments, promotion and disciplining of staff.
- (13) To lead on a range of organisational improvement and development activities, analysing needs and devising appropriate solutions, including

but not limited to value for money work, learning and development across the Council, and internal cultural change activity.

- (14) To make decisions in accordance with the employment policies, practices and procedures of the Council.

19. Delegations to the Chief Finance Officer

Strategic Finance, Financial Services, and Audit and Business Risk

- (1) To be the Officer responsible for the administration of the Council's financial affairs for the purposes of Section 151 of the Local Government Act 1972; to be the responsible financial Officer under the Accounts and Audit Regulations 2015 and, subject to any guidance or limitations imposed by the Policy & Resources Committee, to take such steps as are necessary for the proper administration of the financial affairs of the Council. The other finance functions listed below are not to prejudice the generality of this function.
- (2) To exercise the Council's functions where required or empowered to do so under the Council's Financial Regulations and enter into contracts in relation to the Council's banking arrangements.
- (3) To make premature repayment of mortgages and bonds.
- (4) Subject to reporting on the actions taken on major awards to the next meeting of the Policy & Resources Committee, to implement decisions of national negotiating bodies affecting employees except insofar as such decisions give discretionary powers to employing authorities.
- (5) To make arrangements for the borrowing of such monies as the Council has decided shall be borrowed in accordance with such policy as may be laid down from time to time and subject to the receipt of the necessary Government sanctions and consents.
- (6) To issue bonds in accordance with the provisions of the Local Government and Housing Act 1989 and to deal with allied detailed matters in accordance with the approved policies.
- (7) To issue bills in accordance with the provision of the Local Government and Housing Act 1989 and approved conditions.
- (8) To pay statutory benefits under the Local Government Superannuation Scheme.
- (9) Following consultation with the Chair of the Policy & Resources Committee, to vary the interest rate chargeable for staff housing advances.

- (10) To take such steps as are necessary to give effect to any decision of the Council regarding its investments.
- (11) To approve increases in accountant and mechanical/technical adviser fees relating to services provided in connection with any track betting licence.
- (12) To pay Members' allowances in accordance with the scheme approved by the Council.
- (13) To exercise the Council's functions regarding arrangements for internal audit, including risk management.
- (14) To discharge the Council's functions regarding arrangements for insurance, with the exception of litigated
- (15) To make amendments to the Financial Regulations and Standard Financial Procedures to reflect best value, new legislation, and any changes to the Council's Standing Orders and Schemes of Delegation.
- (16) To enter into agreements and authorise payments in respect of car loans.
- (17) To develop and review the Council's Anti-Fraud and Corruption Strategy and to monitor its implementation.
- (18) To take action for the provision of a treasury management service to supplement the skills of in-house staff.
- (19) Within the general framework set by the Council from time to time, to exercise the functions of the Council in relation to:-
 - (i) Revenue and capital budgetary control and financial services to departments.
 - (ii) The co-ordination and facilitation of project programmes.
 - (iii) Supplying departments with service review and specific performance improvement support, including support for best value and value for money reviews.
- (20) To determine applications for assistance under the council's general indemnity for Members and officers appointed or nominated by the council to serve on outside bodies.
- (21) To be responsible for the Corporate Debt team, and for implementation and oversight of the Corporate Debt Policy.
- (22) To discharge all the functions of the Council that either as a matter of law or rules of professional practice are required to be exercised by the Chief Finance Officer and, for the avoidance of doubt, this shall include Corporate & Strategic Financial Services, Internal Audit and Counter-

Fraud, and Revenues & Benefits and Business Operations, including the Corporate Debt Policy.

Revenues and Benefits Services

To exercise the following Council functions:-

(1) **Local Taxation Services**

To exercise the Council's functions regarding the Council Tax, Non-Domestic Rates, General Rates and the Community Charge as are more particularly set out in **Schedule 6** to this Scheme of Delegations.

(2) **Housing Benefit, Council Tax Reduction Schemes, and Local Welfare Provision**

Subject to any general guidance or limitation imposed by the relevant Committee or Sub-Committee, to exercise the Council's functions regarding:-

- (a) Housing Benefit under the Housing Benefit Regulations 2006 and relevant legislation;
- (b) Council Tax Reduction Schemes; and
- (c) Local Welfare Provision, including any local scheme or arrangements intended to replace the assistance or funding previously provided by Community Care grants and/or Crisis Loans.

In addition to the Chief Finance Officer, the Head of Revenues and Benefits and the Benefits Managers are authorised to exercise the above functions.

(3) **Travel Concessions**

To exercise the Council's functions regarding travel concessions.

(4) **Appointment of Authorised Officers**

In connection with any functions administered by the Chief Finance Officer to:-

- (a) act as and to appoint persons to act as authorised officers or inspectors (or in other similar capacity); and
- (b) enter or authorise persons to enter land or premises.

NB: The Executive Director Governance People & Resources may exercise the functions delegated directly to the Chief Finance Officer and the Director of HR & OD under the above provisions to the extent that they are not required, as a matter of law or professional practice, to be exercised by the Officer referred to in the paragraph conferring the direct delegated power.