

Part 3 - Responsibility for Functions

ENVIRONMENT SERVICES

DELEGATIONS TO OFFICERS

1. Introduction

- 1.1 For the purposes of this scheme of delegation, the officers to whom delegations are made as follows:

Chief Executive and Statutory Officers

Executive Director Operations (Chief Operating Officer)

Director Place Management, Heads of Service, Service Managers and Team Managers and other officers in the following divisions;

Highways and Traffic

Neighbourhood Environmental Services

Planning Policy and Transport

Public Protection and Health Improvement Service

Transport and Parking

- 1.2 The delegations set out below apply to those functions which have not, by virtue of the Constitution or any other instrument, been reserved to Council or Cabinet and any committees or sub-committees thereof.
- 1.3 For the avoidance of doubt, any functions which are not specifically discharged by Council, or delegated to Committees or Sub-Committees, are delegated to Officers. If there is any doubt, such power will be exercised by the Chief Executive or in his/her absence, his/her Deputy or Monitoring Officer.

2. General Principles of Officer Delegations

- 2.1 Functions delegated to officers are to be exercised taking into account:

- All other parts of the Constitution (including section 1.12 “Decision Making”),
Standing Orders
Policy and Budget Framework
- The approved Budget
Strategy and Programme
Financial Regulations

- Any instructions given by the Chief Executive,
 - Any financial advice given by the Chief Financial Officer
 - Any legal advice given by the Head of Legal and Democratic Services, and
 - Any statutory codes of conduct or statutory guidance, and codes and protocols as may be approved by the Council and Cabinet.
- 2.2 Any function delegated to a specified officer may also be exercised by any officer who has been so authorised by the officer to whom the function is delegated or (save in case of the Chief Financial Officer and Head of Legal and Democratic Services) by the Chief Executive. Such authorisations shall be recorded and held by the officer making the authorisation. Officers authorised under this provision to exercise a power delegated to another officer should be either fully or generally under the supervision and control of the authorising officer who must ensure when delegating functions that the power can be exercised by that officer
- 2.3 Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to.
- 2.4 Any reference to any Act of Parliament shall be deemed to include any act, statutory instrument or regulation by which it is applied, extended, amended, consolidated or replaced.
- 2.5 Where any function is delegated to an officer, that officer may choose not exercise that function and may, instead, refer a matter to the Council, the Cabinet, relevant Committee or Portfolio Holder for decision as appropriate with the agreement of the appropriate Director.
- 2.6 For the avoidance of doubt the relevant officers and the Planning and Environmental Law Manager are authorised to;
- institute criminal proceedings, civil proceedings and other formal enforcement actions by the Authority, and
 - to conduct legal proceedings instituted by the Authority and to conduct the defence of legal proceedings brought against the Authority.
- 2.7 Cabinet members or Committees may reserve to themselves decisions delegated to officers, by giving notice to the officer holding the delegated power or to the Chief Executive.
- 2.8 In the absence or the unavailability of an officer, any function delegated to that officer may be exercised by their deputy.

3. General Provisions and Limitations

- 3.1 Apart from those powers set out above, any remaining functions which have not been, under this or any other current scheme of delegations, specifically reserved to Council, Cabinet or any committees or sub-committees thereof are delegated to officers. For the avoidance of doubt, the powers may be further delegated under written authority.