

CANNOCK CHASE COUNCIL

COUNCIL

5 DECEMBER, 2007

REPORT OF DIRECTORS' MANAGEMENT TEAM

SCHEME OF DELEGATIONS OF OFFICERS AND FINANCIAL REGULATIONS

1. Purpose of Report

- 1.1 The purpose of the report is to provide two sets of documents for Council to adopt; an amended Scheme of Delegation for Officers and amended financial regulations.

2. Recommendation

- 2.1 Council is recommended to adopt the following documents:-
- a) The Scheme of Delegations to Officers in Annex 2
 - b) Financial Regulations in Annex 3

3. Key Issues

- 3.1 The Annexes to this report detail three documents, which have been amended to ensure that they are "fit for purpose" and assist Council and its Officers in the discharge of their duties.

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Section 1

1. Background

1.1 a) Scheme of Delegation to Officers

Following the management re-structure being implemented in the summer of 2007, there is a need to review the Scheme of Delegation to Officers to ensure that appropriate Directors are delegated by Council to discharge Council functions. An opportunity has been taken to remove any delegations which are no longer relevant or which are in reality managerial responsibilities. In addition, the layout of the document has been simplified to assist Members and Officers.

b) Financial Regulations

It is good practice for Financial Regulations to be reviewed and amended to ensure the highest standard of probity and efficiency in the management of the Council's financial affairs. The Financial Regulations attached at Appendix 3 endeavour to both modernise and clarify roles/responsibilities and procedures to be used when dealing with financial matters on behalf of the Authority.

Section 2

2. Details of Matters to be Considered

2.1 Council is requested to consider the documents attached and determine whether any further changes may be necessary.

Section 3

3. Contributions to CHASE

3.1 The good governance of Council resources, underpinned with sound financial management, efficient and transparent decision making forms a core contribution to CHASE.

Section 4

4. Section 17 Implications

4.1 There are no Section 17 implications arising directly from this report.

Section 5

5. Human Rights Act Implications

5.1 There are no Human Rights Act implications arising directly from this report.

Section 6

6. Data Protection Act Implications

6.1 There are no identified implications in respect of the Data Protection Act arising from this report.

Section 7

7. Risk Management Implications

- 7.1 The attached documents form a key mechanism in reducing the risk to Council of financial or procedural impropriety.

Section 8

8. Legal Implications

- 8.1 The Council is vested with the necessary legal powers to adopt the attached documents as a means of discharging its duties efficiently.

Section 9

9. Financial Implications

- 9.1 Changes in financial matters, in terms of delegations and authorities are specified in the Annexes.

Section 10

10. Human Resource Implications

- 10.1 There are no human resource implications arising as a direct result of this report.

Section 11

11. Conclusions

- 11.1 Council is recommended to adopt the attached documents. Further changes may be necessary during the course of the year, which will be presented (as necessary) to Annual Council in May 2008.

Section 7

Scheme of Delegation

- 1.1 The Scheme of Delegation (“Scheme”) provides the framework for day to day management of the Council, including the management of the Council’s human resources. It authorises officers to exercise the functions of the Council as set out in this document. This Scheme repeals and replaces all previous schemes of delegation and all amendments made thereto. Further delegations may be made by Council, the executive or another Council committee, panel or body provided that the committee, panel and body granting the delegation have the power so to do.
- 1.2 For the purposes of this Scheme, the term “Director” shall have that meaning as defined in Annex 3 hereto.
- 1.3 (a) This Scheme contains two types of authorities:
- a Functional, operational and day to day management of services delegated to the Directors; and
 - b Functions delegated to specific officers.
- (b) Annex 1 details Reserved Authorities.
- 1.4 The exercise of any function delegated by this Scheme is subject to and must be in accordance with the following. They are listed in order of precedence, which should be followed in the event of any conflict between their provisions:
- a European and National Law
 - b Contract Procedure Rules
 - c Financial Regulations
 - d The Scheme of Delegation
 - e Emergency Planning Procedure
 - f Other Council policies, procedures and previous decisions
- 1.5 Authorities granted within b. and c. above, take precedence over this Scheme and accordingly the implementation and interpretation of the Scheme must be considered in conjunction with both b. and c. above.

- 1.6 Any reference in this Scheme to a statute, includes any statutory instrument, regulation, order, rule, guidance or circular made under it and includes any modification amendment or re-enactment thereto.

Delegations to all Directors

DELEGATIONS TO DIRECTORS

General

- 3.1 Subject to paragraphs 3.1(a) below, Directors are entitled, in their absolute discretion, to authorise named officers within their area of management to exercise all or some of their delegated functions, unless the law requires specific named officers to be given delegated authority.
- (a) Any authorisation of named officers by Directors under paragraph 3.1 above shall:
- i. comply with the Council's financial regulations (if applicable);
 - ii. Be appropriately documented; and
 - iii. only occur after the relevant Director has given consideration to whether it is appropriate that the Chief Executive, the Section 151 Officer, the Monitoring Officer, another Director and/or member(s) of staff, and any Member(s) of the Council are first informed and any representations received duly considered. Any dispute between Directors over the proposed authorisation of a named officer shall be referred to the Chief Executive for resolution.
- 3.2 To exercise day to day management of those services and resources placed under their responsibility and control, including the appointment, discipline and dismissal of employees (in accordance with relevant guidelines).
- 3.3 To agree changes to approved capital or revenue budgets in consultation with the Section 151 Officer where Council policy is not changed; there is no additional call on the Council's own resources; and resource implications, financial and non-financial, are not created.
- 3.4 To be the Proper Officer for the production of background documents in respect of any report presented to Committees etc. in their name, under the Local Government Access to Information Regulations. Where a joint report has been produced, officers will agree who will undertake the responsibility as lead officer for the report.

- 3.5 Where relevant capital schemes and estimates have received requisite approval(s), invite tenders and award contracts in accordance with Financial Regulations and Contract Procedure Rules.
- 3.6 To be the Proper Officer for the opening of tenders received in relation to their area of management.
- 3.7 In consultation with the Section 151 Officer, authorise the submission of external funding bids for projects/schemes that support the delivery of the Council's Corporate and Performance Plan or equivalent.
- 3.8 To select and appoint specialist professional advisors within approved budgets.
- 3.9 To enter into arrangements with outside authorities and bodies for the delivery of services within approved budgets.
- 3.10 To discharge his/her duties in respect of Health and Safety in the workplace.
- 3.11 To determine the fees and charges for services under their control, within Council policy and the requirements of financial regulations.
- 3.12 To accept appointments to undertake professional activity at a local, regional, national or international level.
- 3.13 So far as the matter relates to a function for which the relevant Director is responsible to the Council:
 - (a) to serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (b) to exercise any power of the Council relating to entry on land or other property for the purposes of inspection.
- 3.14 To provide goods and services and plant to other local authorities and other bodies (where permissible).
- 3.15 To sell surplus materials, vehicles, plant, equipment and goods, salvage scrap, and other waste (in accordance with financial regulations).
- 3.16 Unless otherwise falling within the remit and/or responsibility of the Council's relevant Insurer, to settle, compromise, discontinue or otherwise dispose of any claim, appeal or complaint falling within their area of management (irrespective of whether any proceedings have been instigated), providing that in-house legal advice has first been obtained and the relevant Director can meet the costs of the settlement, compromise, discontinuance or disposal from approved budgets.
- 3.17 To issue press statements in respect of high profile matters, in consultation with the Leader and/or relevant Portfolio Holder.

Human Resources

- 3.18 To determine permanent, temporary and interim departmental establishments, below Director level, in accordance with Council approved/adopted procedures, subject to such variations being in accordance with current Council policy, providing the costs can be met from approved budgets.
- 3.19 To approve the filling of and appointment to vacant posts below Head of Service level within the approved establishment in accordance with Council approved/adopted procedure, providing the costs can be met from approved budgets.
- 3.20 To engage agency personnel, in accordance with Council policy, within approved budgets to fulfil service delivery requirements.
- 3.21 To determine applications for ex-gratia/honorarium payments, for employees below Director level, in accordance with Council approved/adopted policy, and the costs being met from within approved budgets.
- 3.22 To determine re-evaluation applications for employees below Director, in accordance the Council's approved procedure, and the costs being met from within approved budgets.
- 3.23 To suspend individual employees from the occupational sick pay scheme in accordance with national and local conditions of service and, in consultation with the Director of Organisational Improvement.
- 3.24 To, jointly with the Director of Organisational Improvement*, determine claims made in accordance with the Council's Injury Allowance Scheme, providing the costs are met from within approved budgets.
- 3.25 To approve requests for unpaid leave in accordance with Council adopted/approved policies and procedures. In the absence of such policies and procedures, to exercise such discretion as is deemed fair, just and equitable in the circumstances.
- 3.26 To approve applications for requests to undertake recognised professional qualifications which will be of benefit to the Council, provided the costs can be met from within approved budgets.
- 3.27 To approve annual leave being moved between leave years.
- 3.28 To approve requests for compassionate, maternity support and paternity leave in accordance with the Council's approved/adopted policies and procedures. In the absence of such policies and procedures, to exercise such discretion as is deemed fair, just and equitable in the circumstances.
- 3.29 To approve reasonable requests for time off work in respect of medical appointments, trade union duties and public duties in accordance with Council approved/adopted policies and procedures.

- 3.30 To approve requests from officers to undertake secondary employment in accordance with Council approved/adopted policies and procedures.
- 3.31 To consider, hear and/or determine grievances raised in accordance with Council adopted/approved policies and procedures.
- 3.32 To conduct formal disciplinary and capability proceedings, including dismissal of employees below Head of Service level, in accordance with Council approved/adopted policies and procedures.
- 3.33 To hear employee appeals relating to pay, grading, grievance, competence or other related decisions, made by another Director or other formally nominated officer, in respect of all employees of the Council, with the exception of senior officers whose appeal should be conducted in accordance with the Council's approved/adopted policies and procedures and/or the relevant national conditions of service.
- 3.34 In consultation with the Director of Organisational Improvement*, to approve ill health retirements, below Director level, in accordance with Council approved/adopted policies, providing any costs are met from within approved budgets.
- 3.35 In consultation with the Director of Organisational Improvement*, to approve early retirements, below Director level, on the ground of efficiency of service (with no augmentation), in accordance with Council approved/adopted policy, providing there is no actuarial strain and any costs are met from within approved budgets.
- 3.36 Undertake, adhere to, implement, endorse and/or ensure compliance with all the Council's approved/adopted human resource policies and procedures.
- 3.37 Where a dispute and/or conflict arises between this Scheme and the terms and conditions of Heads of Service or Directors, then the terms and conditions of Heads of Service or Directors (as relevant) shall take precedence over this Scheme.
- 3.38 In the event that paragraph 3.37 applies and this Scheme fails or is otherwise deficient in enabling the Chief Executive to give effect to the terms and conditions of Heads of Service or Directors, the Chief Executive shall, after taking in-house legal and human resources advice, implement, arrange and/or establish a framework/mechanism and/or undertake any steps, actions or measures as deemed necessary and appropriate to give effect to the said terms and conditions.

* Where consultation with the Director of Organisational Improvement is not possible or appropriate, the Head of Paid Service should be consulted.

Functions Delegated to Specific Officers

CHIEF EXECUTIVE

- 4.1 In accordance with all relevant and applicable legislation and Council approved/adopted policies and procedures, undertake the management of those services, functions and/or areas specified below including the discharge of all responsibilities, duties and obligations relating thereto and the appointment, designation, nomination and/or authorisation of suitably qualified and experienced officers falling within their responsibility/management:
- a Civil Contingencies
 - b Civic Duties and Member support
 - c Community Safety
 - d Electoral Registration
 - e Functions in respect of Parish, District, County, Parliamentary and European Elections
 - f Partnerships
 - g Performance Management
 - h Policy Research & Development
 - i Public Consultation
 - j Scrutiny Support
- 4.2 To undertake all duties delegated to a Director, or to delegate such duties to another Director, where permitted by law.
- 4.3 To act as the Head of the Authority's Paid Service pursuant to Section 4 of the Local Government and Housing Act 1989 and to be the authorised person for the signing of Certificates of Opinion to accompany applications for exemption for posts from political restrictions.
- 4.4 To grant concessionary and free use of civic suite facilities to recognised organisations.
- 4.5 To exercise any function of the Council not required by statute to be exercised by Council and not otherwise delegated under this Scheme.

- 4.6 To amend this Scheme, in respect of which officer is responsible for exercising which delegation, for a period of up to six months. Beyond this time, a formal amendment to the Constitution will be required.
- 4.7 To incur expenditure in respect of any major incident/emergency within or adjoining the District until the Cabinet meets. To designate Directors and any other officers to carry out such functions as are deemed necessary in the circumstances.
- 4.8 To set and/or amend from time to time the scale of fees, costs, charges and expenses to be allowed for the discharge of District elections.
- 4.9 To sign, execute and/or attest any document, form or notice as required on behalf of the Council.
- 4.10 To enter into and execute such agreements, having first sought the advice of the Director of Governance and Monitoring Officer as appropriate, on behalf of the Council including but not limited to Partnerships and other local area agreements.
- 4.11 To determine any new or changed policies in respect of terms and conditions of employment and local conditions of service where agreement can be reached with the recognised trade unions through the Council's normal negotiating frameworks.
- 4.12 To consider, hear and/or determine grievances raised by Directors, in accordance with Council approved/adopted policies and procedures. In the absence of any such policies or procedures, in accordance with legal requirements and recognised good practice/principles.
- 4.13 In consultation with the Director of Organisational Improvement*, to approve ill health retirements for Directors, in accordance with Council approved/adopted policy, providing any costs can be met from within approved budgets.
- 4.14 In consultation with the Director of Organisational Improvement*, to approve early retirements for Directors on the ground of efficiency of service (with no augmentation), in accordance with Council approved/adopted policy, providing there is no actuarial strain and any costs can be met from within approved budgets.
- 4.15 To conduct formal capability proceedings in respect of Directors, excluding the authority to dismiss - which must be in accordance with the relevant and applicable paragraphs of this Scheme, Council approved/adopted policies and procedures and relevant national conditions of service.
- 4.16 To determine, implement and review corporate human resource procedures and best practice guidance designed to deliver Council policy in consultation with all Directors.
- 4.17 To determine, implement and review all aspects of Single Status Scheme, including job evaluation, except where such change will or may have a direct or potential impact on the Single Status Scheme and/or budgetary framework.

- 4.18 To authorise, instigate and/or commence civil and/or criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council where no specific delegation to another Director exists or no other officer has been so authorised.
- 4.19 To appoint a lead officer for the Council to assist the Council undertake and discharge its obligations, duties and responsibilities arising under the Children Act 2004 and all Regulations or Orders made or deemed to be made under that Act or relating to the foregoing or having effect by virtue of the European Communities Act 1972; and any modifications or re-enactment to the foregoing.
- * Where consultation with the Director of Organisational Improvement is not possible or appropriate, the Head of Paid Service should be consulted.

DEPUTY CHIEF EXECUTIVE

- 5.1 In accordance with all relevant and applicable legislation and Council approved/adopted policies and procedures, undertake the management of those services, functions and/or areas specified below including the discharge of all responsibilities, duties and obligations relating thereto and the appointment, designation, nomination and/or authorisation of suitably qualified and experienced officers falling within their responsibility/management:
- a Culture, Sports and Leisure Development
 - b Housing (Strategic)
 - c Major Projects
 - d Planning and Development Control
 - e Property Management
 - f Regeneration and Economic Development
- 5.2 To advise on strategic issues across all areas of the Council, and to undertake specific projects within any area at the request of the Chief Executive.
- 5.3 To undertake such duties as authorised by the Chief Executive under 4.2, where permitted by law.
- 5.4 To deputise for the Chief Executive in his/her absence in respect of matters not specifically delegated to other Directors by the Chief Executive for the period of that absence.
- 5.5 To update, amend or vary Annex 4 as required to ensure all relevant and necessary statutes (and associated legislation) relating to planning matters (and related and associated matters) are confirmed so as to give effect to the intention, scope and meaning of paragraph 5.1.
- 5.6 At a more detailed level, to be responsible for those areas detailed between paragraphs 5.7 and 5.23 below.

PROPERTY

- 5.7 To undertake all relevant property management activities including markets; the acquisition and disposal of interests in land and premises; management of property; rent reviews; lease renewal terms; granting licences; consents for assignments; variations to user clauses; proceedings for forfeiture; marketing; acquiring consents; granting wayleaves and easements; dealing with emergencies; appointing advisors; establishing and maintaining a property terrier; submitting planning and other applications.
- 5.8 To appoint a suitably qualified officer or agent to act as the Council's land and property valuer to act as Planning Supervisor under the Construction (Design and Management) Regulations 1995, and to undertake this task for schemes designed and managed by the Council.
- 5.9 To authorise the grant of licences on standard terms where future applications are received to take over land which has been the subject of a prior Standard Licence Agreement and there are no overriding reasons to object to such a renewal.
- 5.10 To decline on behalf of the Council, offers to purchase land where such a disposal does not accord with Council policy.
- 5.11 To proceed with the acquisition of areas of open space or amenity land required as a matter of proper development control providing:
 - a. The land has been laid out and maintained to the satisfaction of the Council and a commuted maintenance payment has been received, or
 - b. The Council is in receipt of a commuted maintenance payment sufficient to carry out the necessary works and maintenance.

PLANNING

- 5.12 To process and determine all applications that fall within the legislation listed at Annex 4.
- 5.13 To discharge all obligations, duties and responsibilities (not falling within 5.12 above) arising under the legislation listed at Annex 4.
- 5.14 In consultation with the Director of Governance (or anyone duly authorised by him) to agree planning obligations and agreements.
- 5.15 To make and (within the powers of the Council) confirm:
 - (a) emergency or temporary tree preservation orders
 - (b) to deal with any unopposed applications to lop, top or fell protected trees and trees within conservation areas, and give grant aid therefore pursuant to the Council's policy

- 5.16 To enforce planning control which includes the authorisation of criminal and civil proceedings (and the defence/opposition thereof if necessary) and/or through use of the following statutory notices:
- (a) Planning Contravention Notices
 - (b) Enforcement Notices
 - (c) Stop Notices
 - (d) Breach of Condition Notices
 - (e) Notices requiring the proper maintenance of land
 - (f) Enforcement of control over advertisements
 - (g) Discontinuance Notices in respect of Advertisements
- 5.17 In consultation with the Director of Governance and Monitoring Officer to issue:
- (a) Certificates of Lawfulness of Proposed Use and Development
 - (b) Certificates of Existing Lawful Use and Development
 - (c) Stop Notices and Enforcement Notices in emergency situations
 - (d) Building Preservation Notices
- 5.18 To deal with the administration of all aspects of planning, development control and conservation including decisions on:
- (a) the supply of copies of applications, plans, and planning policy documents to third parties; and supply of other relevant information and documents to applicants and similar persons
 - (b) consultation with all appropriate bodies and persons in accordance with the Council's policies
 - (c) the wording of planning conditions and refusals
 - (d) to sign and issue planning decisions, listed building, conservation area and advertisement consents whether approved by Committee or pursuant to this Scheme.
 - (e) the approval or refusal of:
 - (i) reserved matters pursuant to conditions of planning permission;
 - (ii) minor variations to submitted plans, planning permissions, listed building consents, conservation area consents and advertisement consents;

- (iii) reserved matters following outline planning permission for up to 10 dwellings.
- 5.19
- (a) Approval of reserved matters where the objections raised relate to matters of principle only.
 - (b) Subject to paragraph (d) below, approval of outline reserved matters and full planning applications which are in accordance with the adopted Local Plan and where the objections do not constitute material planning considerations or where no request has been received for referral to committee.
 - (c) Subject to paragraph (d) below, refusal of outline and full planning applications which are contrary to the adopted Local Plan policies and where no case is given for exceptional circumstances.
 - (d) Sub-paragraphs (b) and (c) are dependent upon one week's prior notification in writing to Ward Members. In the event of an objection orally or in writing from such a Member the delegated power in that case shall not be exercised.
- 5.20
- (a) Subject to sub-paragraph 5.20(b) below, to determine (refuse or approve) applications for planning permission for development limited to the following categories and within Council policies including:
 - (i) extensions and alterations to domestic property and erection of buildings within private curtilages;
 - (ii) minor extensions or alterations to non-domestic property (including small outbuildings, shop fronts and minor additions to industrial/commercial sites)
 - (iii) minor changes of use;
 - (iv) certificates of appropriate alternative use;
 - (v) overhead lines observations;
 - (vi) renewal of temporary consent including those relating to single caravans;
 - (vii) vehicular accesses;
 - (viii) extensions to existing agricultural buildings and erection of agricultural buildings;
 - (ix) applications for telecommunication development;
 - (x) advertisements;
 - (xi) listed building consent for minor alterations;
 - (xii) electricity substations;

- (xiii) observations relating to the minor diversion or creation of public footpaths;
 - (xiv) consultations from adjoining authorities;
 - (xv) observations relating to the minor diversion or creation of public footpaths;
 - (xvi) consultations from adjoining authorities.
- (b) No determination shall be made under sub-paragraph 5.19(a) above, which is inconsistent with any material written objections from a third party or representations made by a statutory consultee or recognised interest group.
- 5.21 Power to carry out all functions relating to town and country planning and development control (other than those functions delegated to the Planning Control Committee) as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
- 5.22 Remove unauthorised advertisements and recover the cost of removal from the offender(s).

HOUSING (STRATEGIC)

- 5.23 To discharge all duties, obligations and responsibilities arising under Part VII of the Housing Act 1996 (as amended).

DIRECTOR OF GOVERNANCE & MONITORING OFFICER

- 6.1 In accordance with all relevant and applicable legislation and Council approved/adopted policies and procedures, undertake the management of those services, functions and/or areas specified below including the discharge of all responsibilities, duties and obligations relating thereto and the appointment, designation, nomination and/or authorisation of suitably qualified and experienced officers falling within their responsibility/management:
- a. Accounting (including Budget preparation and monitoring)
 - b. Civil Contingencies on behalf of the Chief Executive
 - c. Democratic Services
 - d. Ethical Standards
 - e. Financial Management
 - f. Governance
 - g. Internal Audit
 - h. Legal Services
 - i. Local Land Charges

- j. Members' Allowances
 - k. Procurement
 - l. Risk Management & Insurances
 - m. Strategic Concessionary Fares
 - n. Treasury Management
 - o. Value for Money
- 6.2 To act as the Solicitor to the Council in accordance with Article 15.
- 6.3 To act as the Council's Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and the Local Government Act 2000.
- 6.4 To advise on strategic issues across all areas of the Council, and to undertake specific projects within any area at the request of the Chief Executive.
- 6.5 To undertake such duties as authorised by the Chief Executive under 4.2, where permitted by law.
- 6.6 At a more detailed level, to be responsible for those areas detailed between paragraphs 6.8 and 6.13 below.

FINANCE

- 6.7 To consider and determine applications for car loans in accordance with the Council's policies and to make arrangement for payment and collection of sums due under any car loan agreement.
- 6.8 To determine and review as necessary the interest rate payable on Council car loans and mortgages.
- 6.9 To bring back into account dividends received from receivers or liquidators and any other sums received in respect of debts previously written off.

LEGAL

- 6.11 To maintain the Council's Constitution, except to the extent that specific areas of the Constitution are specifically identified within this document as within the responsibility of other person or body.
- 6.12 To be the Proper Officer for:
- (a) maintaining the local land charges register;
 - (b) executing/sealing Tree Preservation Orders; and

(c) in respect of all delegations set out in paragraph 6.13 below.

6.13 Subject to the provisions of the Council's Constitution:

1. To institute any proceedings:
 - (a) for damages or for the recovery of money or compensation due to the Council;
 - (b) to obtain compliance with any statutory notice served by the Council, or with the provision of any agreement enforceable by the Council;
 - (c) against any trespasser for the possession of any Council land; and
 - (d) pursuant to the exercise of any power delegated to another officer.
2. To institute any proceedings where considered expedient in the interests of the Council or of the inhabitants of the District (or any section thereof):
 - (a) to obtain any interim relief or leave to proceed;
 - (b) in any other case, where the Director of Governance & Monitoring Officer considers the matter one of urgency and/or necessary for the benefit or protection of the Council.
3. To institute proceedings pursuant to the Representation of the People Acts for wilful non-return of Forms A.
4. Institute proceedings to recover costs incurred under Section 29 Local Government (Miscellaneous Provisions) Act 1982.
5. To prosecute for any offence in respect of which the Council is authorised to prosecute.
6. To defend or oppose any proceedings instituted against the Council.
7. To authorise an officer of the Council to appear in Court on behalf of the Council.
8. To take Counsel's opinion on any course of action proposed to be recommended to Members or in connection with any matter.
9. In respect of commercial leases, to take any necessary action together with the relevant Director to implement any rent review mechanism.
10. In respect of shop leases, to renew, to approve assignments, to serve notices to quit for breach of covenant: to serve notices seeking rent increases, in consultation with the appropriate Director.
11. Application upon certificate of Community Physician for Court Order for persons in need of care and attention - Section 47 National Assistance Act 1948.

12. To convey houses and to lease flats under the "right to buy" scheme and to determine the appropriate provisions for inclusion in any such conveyance or lease.
13. To apply for a warrant to enter premises where the legislation so authorises.
14. To take action against unauthorised encampments under Sections 77 - 79 Criminal Justice and Public Order Act 1994.
15. To approve dealings in respect of properties charged to the Council.
16. To deal with claims for home loss or disturbance payments.
17. To appoint a deputy Monitoring Officer.
18. To appoint and or instruct any legal adviser or investigator (or such other persons) as required for the benefit of the Council in the discharge of the Director of Governance's responsibilities.
19. To:
 - (a) attest the Common Seal;
 - (b) sign and/or execute and/or attest any form, notice, order or document as required on behalf of the Council;
 - (c) execute agreements (including in relation to Public Open Spaces);
 - (d) open tenders.
20. To prepare and/or send and/or otherwise authenticate any notice, order, or other document for and on behalf of the Council.
21. In consultation with the relevant Director to execute such document, for the temporary closure or diversion of roads and highways, within the District Councils jurisdiction.
22. To sign such certificates as required under the Local Government (Contracts) Act 1997.
23. To authorise officers to represent the Council in court pursuant to the Local Government Act 1972, section 223.

DIRECTOR OF ORGANISATIONAL IMPROVEMENT

- 7.1 In accordance with all relevant and applicable legislation and Council approved/adopted policies and procedures, undertake the management of those services, functions and/or areas specified below including the discharge of all responsibilities, duties and obligations relating thereto and the appointment, designation, nomination and/or authorisation of suitably qualified and experienced officers falling within their responsibility/management:
- a. Counter Services
 - b. Customer Services
 - c. Facilities Management
 - d. Health & Safety at Work
 - e. Information and Communications Technology
 - f. Organisational Development
 - g. Public Relations and Marketing
 - h. Support Services
- 7.2 To advise on strategic issues across all areas of the Council, and to undertake specific projects within any area at the request of the Chief Executive.
- 7.3 To undertake such duties as authorised by the Chief Executive under 4.2, where permitted by law.
- 7.4 At a more detailed level, to be responsible for those areas detailed between paragraphs 7.5 and 7.15 below
- 7.5 To act as the Council's Data Protection Officer and Freedom of Information Officer.
- 7.6 To carry out the Council's responsibilities for naming and numbering streets.

ORGANISATIONAL DEVELOPMENT

- 7.7 To implement any nationally agreed changes to levels of remuneration or conditions of service.
- 7.8 To undertake the evaluation of appropriate grades for posts under the Council's job evaluation scheme.
- 7.9 In connection with the provisions relating to politically restricted posts contained within Sections 1-3 of the Local Government and Housing Act, 1989, to:
- a compile lists of politically sensitive posts;

- b amend the list of politically restricted posts to take account of changes in salary and directions given by the Independent Adjudicator;
 - c issue certificates of opinion and such other information as may be required by the Independent Adjudicator.
- 7.10 To obtain independent medical advice on the health of individual employees.
- 7.11 In consultation with the relevant Director to refer individual employees to the Council's occupational health counselling service, provided costs can be met from existing departmental budgets.
- 7.12 To undertake, determine and implement reviews of the value of long service awards for employees in accordance with the Council's scheme.
- 7.13 To undertake, determine and implement an annual review of the Council's subsistence rates for employees, including the rates applied as part of the post entry training facilities, and the relocation package offered to newly appointed employees, in line with inflation.
- 7.14 To prepare a training plan for the use of funding from the Corporate Training budget and to approve spending against that budget.
- 7.15 To sign, execute, confirm and/or issue any and all key communications, notices, contracts and/or notifications (as defined and determined by the Director of Organisational Improvement) as are relevant and necessary to enable the Council to discharge, undertake and/or meet all its human resource responsibilities, duties and obligations howsoever arising.

DIRECTOR OF SERVICE IMPROVEMENT

- 8.1 In accordance with all relevant and applicable legislation and Council approved/adopted policies and procedures, undertake the management of those services, functions and/or areas specified below including the discharge of all responsibilities, duties and obligations relating thereto and the appointment, designation, nomination and/or authorisation of suitably qualified and experienced officers falling within their responsibility/management:
- a Environmental Health
 - b Licensing
 - c Waste Management and Recycling
 - d Street Cleansing
 - e Parks & Open Spaces Operations
 - f Cemeteries
 - g Car Park Operations

- h Collection of Local Taxation
- i Benefit Administration
- j Building Control
- k Leisure Operations (incl. Catering)
- l Housing Services

- 8.2 To advise on strategic issues across all areas of the Council, and to undertake specific projects within any area at the request of the Chief Executive.
- 8.3 To undertake such duties as authorised by the Chief Executive under 4.2, where permitted by law.
- 8.4 At a more detailed level, to be responsible for those areas detailed between paragraphs 8.5 and 8.67 below.
- 8.5 Subject to Council policy (where applicable), to exercise all regulatory powers and undertake and/or discharge all obligations, duties and responsibilities contained within legislation listed in Annex 5A and 5B.

ENVIRONMENTAL HEALTH

- 8.6 To issue formal cautions, prepare and issue notices and authorise prosecutions in respect of all matters falling within the service areas listed within paragraph 8.5 above.
 - 8.7 To apply for a warrant to enter premises where the legislation (listed in Annex 5A and 5B) so permits.
 - 8.8 To enter into agreements under Prevention of Damage by Pests Act 1949.
 - 8.9 To exercise all powers conferred by any statute listed in Annex 5A including the service of any notice and/or the issuing and enforcement of fixed penalty notices
 - 8.10 To enforce Section 20 Local Government (Miscellaneous Provisions) Act 1976 and associated legislation – provision of sanitary accommodation at places of entertainment.
 - 8.11 To determine grant applications with respect to Smoke Control.
 - 8.12 To determine applications for Street Trading consents.
 - 8.13 To appoint such officers to be inspectors pursuant to Section 19 of the Health & Safety at work etc Act and authorised to exercise the powers of an Inspector within the District of Cannock Chase under Sections 20, 21, 22, 25, 38 and 39 of the Act and any Regulations made by the Secretary of State under Section 15;
- and

to act as the authorised officer pursuant to Section 5 of the Food Safety Act 1990 and is authorised to exercise statutory powers and duties granted to the Council by Regulations, Orders and Statutory Instruments exacted pursuant to any provisions of the Act.

- 8.14 To appoint such officers to be empowered to authorise officers within Environmental Health:
- a) as inspectors in their own names under the Health & Safety at Work etc Act 1974 and the Food Safety Act 1990;
 - b) to exercise any powers and discretions conferred on the Council by the statutes listed in Annex 5A and 5B; and
 - c) to discharge all obligations, duties and responsibilities conferred on the Council by the statutes listed in Annex 5A and 5B.
- 8.15 Where permissible, appoint persons not employed by the Council as required to assist the Council in discharging its duties in respect of any legislation list in Annex 5A and 5B.
- 8.16 Appoint Proper Officers under Public Health (Control of Diseases) Act 1984 and National Assistance Acts 1948 and 1951
- 8.17 To appoint suitably qualified and experienced persons to undertake remedial action and represent the Council at Court, under Sections 188, 193, 211 and 212 of the Housing Act 1996 (as amended by the Homelessness Act 2002).
- 8.18 Power to enforce the provisions of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 (S.I. 2002 No. 1808) and issue Fixed Penalty where driver refuses to co-operate.
- 8.19 To determine all applications for home improvement grants and to exercise all other functions in respect thereto.
- 8.20 To authorise prosecutions and/or the issuing of Enforcement Notices in accordance with any of the legislation listed within Annex 5A and/or 5B.
- 8.21 To update, amend or vary Annexes 5A and/or 5B as required to ensure all relevant and necessary statutes (and associated legislation) relating to Environmental Health are confirmed so as to give effect to the intention, scope and meaning of paragraph 8.1.

ENVIRONMENTAL SERVICES

- 8.22 To make Tree Preservation Orders.
- 8.23 To determine applications to fell, or do works to, trees which are the subject of a Tree Preservation Order.
- 8.24 To exercise powers to dispense with or to enforce the duty to replace trees which are the subject to a Tree Preservation Order.

- 8.25 To authorise the instigation of civil and/or criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council in relation to tree preservation order(s).
- 8.26 The management of the Community Alarm Scheme and the sale of alarms to individuals in bulk (including power to offer a discount) whether a private residential occupier or a Council tenant and whether or not resident in the District.

HOUSING (HRA)

- 8.27 To enforce the Council's conditions of tenancy including authorisation of proceedings for injunctions and repossession.
- 8.28 To hear and determine appeals in respect of introductory tenancies in accordance with legislation and Council approved/adopted policies and procedures
- 8.29 To determine annual grants to tenants and Residents Associations and the Chase Tenants and Residents Federation.
- 8.30 To authorise the closure of Council dwellings where the cost of improvement and repair is considered to be uneconomic.
- 8.31 To determine annual decoration, floor covering and disturbance allowances.
- 8.32 To determine social need and medical priorities (following recommendations of the Medical Assessment Panel) in respect of housing applications and transfer requests.
- 8.33 The day to day administration and management of the housing register and the allocation of houses (whether by secure tenancy, by nominations to the house of another body, by licence, or otherwise):
 - (a) in accordance with the points system where applicable and any Council policy; or
 - (b) to Council employees specified by the Chief Executive to be key workers, or in cases of medical urgency or to occupants of unfit houses;
 - (c) in respect of property rejected by all qualified applicants, to an applicant who would not normally qualify within the Council's existing allocations policy
 - (d) decisions on the appearance on and removal from the housing register.
- 8.34 Within the Council's rent policy to fix rents for all Council dwellings within the context of the Rent Restructuring Framework.
- 8.35 To authorise the instigation of civil and/or criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council in relation to Housing.

TRANSPORTATION

- 8.36 To hold, or to appoint a suitably qualified officer, on behalf of the Council the Heavy Goods Vehicle Operators Licence (O Licence) and to maintain the schedule of vehicles covered by the O Licence.
- 8.37 To undertake and implement all necessary measures necessary to comply with all relevant and associated legislation governing the O Licence.

LOCAL TAXATION

- 8.38 To determine Liable Persons, Liability Periods, Eligibility for statutory discounts, exemptions and reliefs and any other matter referred to in the appropriate statute necessary to calculate the due amount for which a Council Taxpayer or National Non-domestic Ratepayer is liable.
- 8.39 Appointment under section 112 of the Local Government Act 1972, to collect and recover any Council Tax or National Non-Domestic Rate payable on dates previously determined. In the event of a Council Taxpayer or National Non-Domestic Ratepayer defaulting, to implement the appropriate recovery proceedings and issue appropriate notices for the recovery of the amounts due. The Solicitor to the Council or such other officers authorised by him/her will take all such proceedings as may be necessary to secure the recovery of sums due and appear on behalf of the Council at any hearing of any legal proceedings in respect thereof.
- 8.40 To determine Council Tax and Non Domestic Rate Non Valuation Appeals on behalf of the Council
- 8.41 To raise and quash penalties imposed under Schedule 3 of the Local Government Finance Act 1992.
- 8.42 To deal with other matters relating to Council Tax on behalf of the Council, with the exception of those specifically requiring Council approval in law (e.g., setting of Council Tax,).
- 8.43 To sign complaint lists, liability order lists, attachment of earnings orders and deductions of benefit orders and to authorise the levy of distraint on behalf of the Council.
- 8.44 To agree and authorise the appropriate allocations of occupied and unoccupied premises in order to calculate empty rate allowance under Section 44A Local Government Finance Act 1988.
- 8.45 To confirm all valid applications for Mandatory Rate Relief.
- 8.46 To deal with other matters relating to Non-Domestic Rates on behalf of the Council, with the exception of those specifically requiring Council approval in law.
- 8.47 To administer, collect and recover Business Improvement District (BID) levies in respect of any BID established and approved within the Cannock Chase District.

- 8.48 To authorise the instigation of civil and/or criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council in relation to Local Taxation.

BENEFITS

- 8.49 To determine all applications for Housing Benefit and Council Tax Benefit
- 8.50 To consider and determine discretionary housing payments.
- 8.51 To calculate and recover overpayments of Housing Benefit and Council Tax Benefit in accordance with relevant legislation.
- 8.52 To determine applications for back dating of housing and/or council tax benefits.
- 8.53 To exercise the Council's discretion in administering Regulation 11 of the Housing Benefit (General) Regulations 1987.
- 8.54 To deal with all other matters relating to Housing and Council Tax Benefits on behalf of the Council, with the exception of those specifically requiring Council approval in law.
- 8.55 To authorise and issue sanctions including Administrative Penalties, Formal Cautions, and Prosecutions in respect of Housing Benefit and Council Tax Benefit Fraud.
- 8.56 To exercise on behalf of the Council the power to grant authorisations as contained in Section 110A sub-section (3) of the Social Security Administration Act 1992 (as amended).
- 8.57 To authorise the instigation of civil and/or criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council in relation to benefits and benefit administration (including housing and council tax benefits) .

BUILDING CONTROL

- 8.58 To determine all matters concerning the provision of building regulations activities including plans vetting, site inspections, enforcement of the building regulations, relaxation of building regulations, dangerous structures and ruinous and dilapidated buildings and neglected sites, demolition notifications and notifications under the Building (Approved Inspector) Regulations.
- 8.59 To obtain information and entry to land using provisions under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 95 and 96 of the Building Act 1984, in relation to the service of statutory notices under the Building Act.
- 8.60 To exercise powers under the Party Walls etc. Act 1996 to act as Appointing Officer in appointing a Third Surveyor if called upon to do so.
- 8.61 To determine the level of charges in accordance with The Building (Local Authority Charges) Regulations 1998.

- 8.62 To sign and serve notices under the following sections of the Building Act 1984:
- (i) Section 32 - Lapse of deposit of plans
 - (ii) Section 36 (removal or alteration of +offending work)
 - (iii) Section 73 (raising of chimney)
 - (iv) Section 77 and 78 (dangerous building)
 - (v) Section 79 (verminous and dilapidated buildings and neglected sites)
 - (vi) Section 81 (control of demolition)
- 8.63 To sign and serve Decision Notices and letters giving notice of the Council's decision in relation to Building Regulations applications, Building Notices, Initial Notices, plans, certificates and final certificates, Regularisation Certificates and Completion Certificates.
- 8.64 To authorise the instigation of civil and/or criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council in relation to Building Control.

LEISURE OPERATIONS

- 8.65 To appoint suitably qualified officers to apply for and hold Premises and Personal Licences, and all other licenses as are required to facilitate the delivery of services at Council owned venues.
- 8.66 To take action on any matter at Leisure venues to secure the safety of persons using, visiting or working at them and to ensure compliance with all aspects of the law relating thereto.
- 8.67 To determine applications for reduced hire charge for leisure facilities.

HEAD OF FINANCIAL MANAGEMENT

- 9.1 To act as the Council's Chief Finance Officer in accordance with:
- a Section 151 of the Local Government Act 1972 (Section 151 Officer), and
 - b Section 114 of the Local Government Finance Act 1988 (Section 114 Officer),
- 9.2 To exercise (so far as may be lawful) the powers of the Council to borrow and invest; and to lend (including loans on mortgage), and to determine rates of interest and terms of repayment on such loans as may be required or prudent from time to time, and to administer any mortgage.
- 9.3 To determine the method of financing of capital projects within the overall financing reserves strategy of the Council.
- 9.4 To maintain a Registrar of Council Bonds and Stock Issues and declarations and certificates relating to securities.
- 9.5 To appoint a deputy Section 151 Officer.

Annex 1

Reserved Authorities

Preamble

- A. For the avoidance of any doubt, not all functions, powers or tasks have been delegated to Directors or officers under this Scheme.
- B. The functions, powers and tasks set out in this Annex are not intended to be and are not delegated to officers.
- C. This Annex sets out and confirms which functions, powers and tasks (which must be considered in conjunction with the Council's Constitution) that have been reserved to Council, Cabinet and specific Council committees and panels.

COUNCIL

- 1.1 To approve the senior management structure of the Council above Head of Service level and any amendments thereto.

Appointments and Dismissals

- 1.2 The appointment and dismissal of the Chief Executive.
- 1.3 The allocation of the responsibilities to the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, and the removal thereof.

Policy – Terms and Conditions of Employment

- 1.4 The Council's policies in respect of pensions shall be determined by full Council.
- 1.5 Full Council will determine any new or changed policies in respect of terms and conditions of employment and local conditions of service where agreement cannot be reached between the Chief Executive and the recognised trade unions through the Council's normal negotiating machinery.

Early Retirement and Voluntary Redundancy

- 1.6 The Council will determine the policy for pension issues, early retirement and redundancy, including the policy in respect of granting of augmented service.

Disciplinary Action

- 1.7 Subject to the Terms of Reference, Council may suspend the Head of Paid Service (the Chief Executive), Monitoring Officer or Section 151 Officer, in accordance with their relevant terms and conditions of employment, whilst an investigation takes place into alleged misconduct. Such suspension must be on full pay and last no longer than two months.
- 1.8 No other disciplinary action may be taken in respect of any of these officers except in accordance with a recommendation in a report made by a designated independent person appointed pursuant to Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

Grievances

- 1.9 The Council shall consider grievances originated by or against the Head of Paid Service (the Chief Executive) in accordance with the Council's policies and procedures.

CABINET

Pay and Grading Issues

- 2.1 All pay and grading issues relating to senior officers³ will be determined by the Cabinet.

Early Retirement and Voluntary Redundancy

- 2.2 Any retirement, other than on the grounds of permanent ill health, where access to augmented service to an employee's pension or the payment of actuarial strain is a consideration, the Cabinet will determine whether the augmented service will be granted within the Council's policy.

STANDARDS COMMITTEE

- 3.1 Disciplinary action in respect of any other senior officer will be undertaken by the Standards Committee, in accordance with their relevant terms and conditions of employment and relevant local procedures. If the Standards Committee considers dismissal to be appropriate, it shall recommend accordingly to the appropriate body.

APPOINTMENTS PANEL

- 4.1 The appointment of Directors and Heads of Services shall be made by the Appointments Panel appointed by the Council.

APPEALS AND COMPLAINTS PANEL

- 5.1 The Council’s Appeals and Complaints Panel will hear employee appeals relating to disciplinary and other related decisions, made by either the Cabinet, Standards Committee, the Chief Executive or an officer nominated by the Chief Executive, in respect of senior officers of the Council, with the exception of the Head of Paid Service, the Section 151 Officer and the Monitoring Officer whose appeal procedures should be in accordance with their conditions of service.
- 5.2 Chief Officers may appeal against the salary for post to a “Panel at Authority level”, comprising elected Members and / or management. This Panel should be chaired by an independent person.

PROCEDURAL REQUIREMENTS

- 6.1 Pursuant to 1.2 and 4.1, no offer of appointment shall be made until
 - a the appointing body ¹ has notified the Proper Officer (See definition below) of the name of the potential successful applicant and any other particulars that the appointing body considers relevant to the appointment
 - b the Proper Officer has notified every member of the Cabinet of:
 - i. the name of the potential successful applicant;
 - ii. any other particulars that the appointing body considers relevant to the appointment which have been notified to the Proper Officer; and
 - iii. the time within which the Leader on behalf of the Cabinet must object to the potential successful applicant being offered the post, such time being no less than 10 working days

AND

- c either:
 - i. the Leader has within the period notified to the Cabinet informed the appointing body that none of the Cabinet has any objection to the appointment; OR
 - ii. the Proper Officer has received no objections from the Leader within that period and has notified the appointing body of that; OR
 - iii. the appointing body is satisfied that any objections from the Leader received within the period are either not material or not well-founded.

- 6.2 Pursuant to 1.2 notice of dismissal must not be given until:
- a the dismissing body² has notified the Proper Officer of the name of the officer to be dismissed and any other particulars that the dismissing body considers relevant to the dismissal
 - b the Proper Officer has notified every member of the Cabinet of:
 - i. the name of the officer to be dismissed;
 - ii. any other particulars that the dismissing body considers relevant to the dismissal which have been notified to the Proper Officer; and
 - iii. the time within which the Leader on behalf of the Cabinet must object to the dismissal, such time being no less than 10 working days

AND

- c either:
 - i. the Leader has within the period notified to the Cabinet informed the dismissing body that none of the Cabinet has any objection to the dismissal; OR
 - ii. the Proper Officer has received no objections from the Leader within that period and has notified the dismissing body of that; OR
 - iii. the dismissing body is satisfied that any objections from the Leader received within the period are either not material or not well-founded.
- 6.3 For the purposes of 6.1 and 6.2, “Proper Officer” means the Chief Executive except when the appointment proposed is of an officer to be Head of Paid Service or the dismissal proposed is of the current holder of that post. In these circumstances, the Monitoring Officer shall be the Proper Officer.

¹ This means the Council or the Panel charged with making the appointment

² This means the council or the panel deciding to dismiss

³ The term ‘senior officer’ within these guidelines refers to the Chief Executive, Deputy Chief Executive, Directors and Heads of Service employed on JNC conditions of services.

Annex 2

Designation of Proper Officers and Authorised Officers

Details of Proper Officers and authorised officers are set out below:

A. CHIEF EXECUTIVE

1. The Chief Executive is designated as the 'Proper Officer' for the carrying out of specified actions or performance of certain specified duties on behalf of the Council.
 - a Electoral Registration Officer for the Council
 - b Returning Officer at Parish and District elections, Local Polls and Referendums.
 - c Returning Officer, Acting Returning Officer and Deputy Acting Returning Officers in connection with General Elections, European Elections, County Elections and National Referenda.
 - d Accepting Declarations of Acceptance of Office from elected Members within 2 months of the day of election
 - e Summonses to attend meetings of the Council
 - f In respect of the provisions of the Health and Safety at Work etc. Act 1974 for the Council's operation.

B. DIRECTOR OF GOVERNANCE

2. The Director of Governance is designated as the 'Proper Officer' for the carrying out of specified actions or performance of certain specified duties on behalf of the Council.
 - a the opening of tenders.
 - b witnessing the sealing of legal documents and orders.
 - c the signing of legal documents and contracts.

- d maintaining the local land charges register and responding to queries
- e unless specifically delegated to another officer, for the signing and authentication of all notices (enforcement or otherwise) issued by the Council e.g., dangerous buildings, change of use, rent review
- f as local registrar under Section 15 of the Land Charges Act 1925
- g for the purposes of Section 3 of the Local Government (Contracts) Act 1997 and Regulation 7 of the Local Government (Contracts) Regulations 1997.
- h In the absence of the Chief Executive, to issue summonses to attend meeting of the Council.

C. DIRECTOR OF SERVICE IMPROVEMENT

- 3. The Director of Service Improvement is designated as the ‘Proper Officer’ for the carrying out of specified actions or performance of certain specified duties on behalf of the Council.
 - a in respect of the Council’s role as Burial Authority.
 - b for the signing of notices under Section 78 of the Building Act 1984.

D. HEAD OF FINANCIAL MANAGEMENT

- 4. The Head of Financial Management is designated as the ‘Proper Officer’ for the carrying out of specified actions or performance of certain specified duties on behalf of the Council.
 - a for the purpose of Section 151 of the Local Government Act 1972 (Section 151 Officer).
 - b for the purpose of Section 114 of the Local Government Finance Act 1998 (Section 114 Officer).

Annex 3

Directors

LIST OF OFFICERS

The officers listed below shall for the purposes of the Constitution be individually known and referred to as a “Director”, unless specifically referred to otherwise, and collectively known as and referred to as “Directors”.

- a Chief Executive
- b Deputy Chief Executive
- c Director of Governance
- d Director of Organisational Improvement
- e Director of Service Improvement

Annex 4

Planning Legislation

- (a) Part III of the Town and Country Planning Act 1990 relating to the control of development.
- (b) Power to determine whether planning permission is needed under Section 64 of the Town and Country Planning Act 1990.
- (c) Article 3(2) (request of details on outline applications) of the General Development Procedure Order 1995.
- (d) Sections 42 (execution of works required by listed building enforcement notice), 54 (urgent works to preserve unoccupied listed buildings), 76 (urgent works to preserve unoccupied buildings in the conservation area) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (e) Section 17 Planning and Compensation Act 1991 (power to decline to determine an application where appeal for same development refused within 2 years).
- (f) To provide 'screening and scoping' options under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- (g) To require Environmental Statements in accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 in respect of Articles 5(3), 7 and 19.
- (h) Paragraph A2(2) of part 6 of Schedule 2 to the General Permitted Development Order 1995 (determination whether proposed agricultural building requires specific permission).
- (i) The Town and Country Planning General Development (Amendment)(Number 6) Order 1992, part 24 relating to telecommunication development.
- (j) Town and Country Planning (Demolition - Description of Dwellings) Regulations 1993 - applications to demolish dwellings.
- (k) Hedgerow Regulations 1997 - to process hedgerow removal notices and issue hedgerow retention notices served under the Hedgerow Regulations 1997.
- (l) Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999

Annex 5A

Legislation-

Service Improvement

Animal Boarding Establishments Act 1963
Animal Health & Welfare Act 1981 and 1984
Animal Welfare Act 2006
Animals Act 1971
Anti Social Behaviour Act 2003
Breeding of Dogs Act 1973 and 1991
Breeding & Sale of Dogs (Welfare) Act 1999
Building Act 1984
Charities Act 1992
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1969
Cinemas Act 1985
Clean Air Act 1993
Clean Neighbourhoods & Environment Act 2001
Control of Pollution Act 1974
Control of Smoke Pollution Act 1989
Criminal Justice Act 2003
Criminal Justice & Police Act 2001
Criminal Justice & Public Order Act 1994
Dangerous Dogs Act 1989 and 1991
Dangerous Wild Animals Act 1976
Dogs (Fouling of Land) Act 1996
Environment Act 1995
Environmental Protection Act 1990
European Communities Act 1972
Food & Environment Protection Act 1985
Food Hygiene (England) Regulations 2006
Food Safety Act 1990
Gambling Act 2005
Game Act 1831
Game Licence Act 1860
General Food Regulations 2004
Guard Dogs Act 1975
Health Act 2006
Health & Safety at Work etc Act 1974

Homelessness Act 2003
House to House Collections Act 1939
Housing Act 1985
Housing Act 1989
Housing Act 1996
Housing Act 2004 (also see Annex 5B)
Housing (Grants, Construction & Regeneration) Act 1996
Land Compensation Act 1973
Land Drainage Act 1991
Late Night Refreshment Houses Act 1969
Licensing Act 2003
Litter Act 1983
Local Government Act 1982
Local Government & Housing Act 1980
Local Government & Housing Act 1989
Local Government (Miscellaneous Provisions) Act 1976 and 1982
Lotteries and Amusements Act 1976
Mobile Homes Act 1975 & 1983
Motorcycle Noise Act 1987
Mines and Quarries Act 1954
National Assistance Act 1948
Noise Act 1996
Noise & Statutory Nuisances Act 1993
Offices Shops & Railway Premises Act 1963
Pet Animals Act 1951
Police and Criminal Evidence Act 1984
Police Factories etc (Miscellaneous Provisions) Act 1916
Police Act 1997
Pollution Prevention & Control Act 1999
Prevention of Damage by Pests Act 1949
Private Security Industry Act 2001
Public Health Act 1875, 1936 and 1961
Public Health (Control of Diseases) Act 1984
Radioactive Substances Act 1993 (as amended)
Rag Flock & other Filling Materials Act 1981 (as amended)
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Regulatory Reform Order 2003
Rent (Agriculture) Act 1976
Reservations Act 1975
Riding Establishments Act 1964 and 1970
Road Traffic Act 1988
Slaughter of Poultry Act 1967
Sunday Trading Act 1994
Town Police Clauses Act 1847
Transport Act 1985

Shops Act 1950
Scrap Metal Dealers Act 1964
Theatres Act 1968
Vehicles (Crime) Act 2001
Water Act 1989
Water Industry Act 1991
Zoo Licensing Act 1981

and all Regulations or Orders made or deemed to be made under those Acts or relating to the foregoing or having effect by virtue of the European Communities Act 1972; and any modifications or re-enactment to the foregoing.

Annex 5B

Legislation

HOUSING ACT 2004

SECTION	DESCRIPTION
A – ENFORCEMENT OF HOUSING STANDARDS WITH RESPECT TO THE HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS)	
4	The competency of officers to carry out an inspection and assessment under HHSRS.
10	The suitability of officers to consult with the Fire authority over prescribed fire hazards.
11	Serving Improvement Notice to remedy Cat 1 Hazard(s).
12	Serving Improvement Notice to remedy Cat 2 Hazard(s).
14	Suspension of Improvement Notices.
17	Review of Suspended Improvement Notices.
20	Making a Prohibition Order relating to Cat. 1 Hazard(s)
21	Making a Prohibition Order relating to Cat. 2 Hazard(s)
23	Suspension of Prohibition Orders
26	Review of Suspended Prohibition Orders
28	Serving Hazard Awareness Notice relating to Cat. 1 Hazards
29	Serving Hazard Awareness Notice relating to Cat. 2 Hazards
40	The Taking of Emergency Remedial Action
43	The making of an Emergency Prohibition Order
46	The making of a Demolition Order under Section 265 of the Housing Act 1985 as amended by section 46 of the Housing Act 2004
47	The declaration of a Clearance area under Section 289 of the Housing Act 1985 as amended by Section 47 of the Housing Act 2004

SECTION	DESCRIPTION
50 (5)	The service of a demand for recovery of expenses incurred by the Council in <ul style="list-style-type: none"> • Serving an improvement notice under S.11 or S.12. • Making a prohibition order under S.20 or S.21. • Serving a hazard awareness notice under S.28 or S.29. • Taking emergency remedial action under S.40. • Making an emergency prohibition order under S.43. • Making a demolition order under S.265 HA 1985.
Schedule 1 Part 2: Paragraph 6 Paragraph 8	Notice of a decision to revoke or vary an improvement notice Notice of refusal to revoke or vary an improvement notice
Schedule 2 Part 2: Paragraph 3 Paragraph 5	Notice of a decision to revoke or vary a prohibition order Notice of a decision to revoke or vary a prohibition order
Schedule 3 Paragraph 3(4)	Authority to enter to take action to carry out works in default of an improvement notice without agreement. This authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection.
Schedule 3 Paragraph 4	Notice of intention to enter to carry out Works in Default of an improvement notice.
B – LICENSING OF HOUSES IN MULTIPLE OCCUPATION	
62	Serving of Temporary Exemption Notices
64	The authority to sign a Licence on behalf of the Local Housing Authority
SCH. 5 Para. 1	Notice of intention to grant a licence
SCH. 5 Para. 3	Notice of intention to grant a licence with modifications
SCH. 5 Para. 5	Notice of intention to refuse a licence
SCH. 5 Para. 7	Notice of decision to grant a licence
SCH. 5 Para. 8	Notice of refusal to grant a licence
SCH. 5 Para. 14	Notice of intention to vary a licence
SCH. 5 Para. 16	Notice of decision to vary a licence
SCH. 5 Para. 19	Notice of intention to refuse to vary a licence
SCH. 5 Para. 21	Notice of refusal to vary a licence
SCH. 5 Para. 22	Notice of intention to revoke a licence

SECTION	DESCRIPTION
SCH. 5 Para. 24	Notice of decision to revoke a licence
SCH. 5 Para. 26	Notice of intention to refuse to revoke a licence
SCH. 5 Para. 28	Notice of refusal to revoke a licence
SECTION 73	Application to Residential Property Tribunal for Rent Repayment Order
C - ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION	
102	The making of an interim management order (IMO).
106 (2)	Authorisation of expenditure to carry out works necessary for protecting health, safety or welfare of occupants or occupants of other premises in the vicinity.
113	The making of a final management order (FMO).
126	Notice of renunciation of right to possession of furniture.
127	Authorisation of expenditure to supply furniture.
131	Power of entry to carry out works in connection with an IMO or FMO. Such authority should be carried by the officer at all appropriate times such that it is available for inspection.
SCH 6 Para 1	Notices of intention to make an FMO.
SCH 6 Para 3	Notice of intention to make an FMO with modifications.
SCH 6 Para 7 (2) & (5)	Notice of confirmation that an IMO or FMO has been made.
SCH 6 Para 9	Notice of intention to vary an IMO or FMO.
SCH 6 Para 11	Notice of decision to vary an IMO or FMO.
SCH 6 Para 14	Notice of intention to refuse to vary an IMO or FMO.
SCH 6 Para 16	Notice of decision not to vary an IMO or FMO.
SCH 6 Para 17	Notice of intention to revoke an IMO or FMO.
SCH 6 Para 19	Notice of decision to revoke an IMO or FMO.
SCH 6 Para 20	Notice of intention to refuse to revoke an IMO or FMO.
SCH 6 Para 22	Notice of decision to refuse to revoke an IMO or FMO.
D – OVERCROWDING NOTICES WITH RESPECT TO HMOs	
139 (2)	Overcrowding notice to remedy excessive number of persons accommodated or likely to be accommodated in a HMO.
139 (3)	Notice of intention to serve an overcrowding notice.

SECTION	DESCRIPTION
144 (1)	
(a)	Notice of revocation of overcrowding notice.
(b)	Notice of variation of overcrowding notice.
E – SUPPLEMENTARY PROVISION AND POWERS OF ENTRY	
235	Notice requiring production of documents for any purpose connected with the exercise of any of the City Council’s functions under Parts 1 to 4 of the Act or investigating whether any offence has been committed.
239 (3)	Authority to enter any premises for the purposes of survey or examination with respect to any of the City council’s functions under Parts 1 to 4 of the Act or to ascertain whether any offence has been committed. NB. Such authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection.
243	Authorisations for enforcement purposes. Such authorisations as required by this section have already been incorporated within the appropriate parts of this schedule of delegations. (S.131; S.235; S239; ACH 3 Para 3(4); and SCH 7 Para 25). Authorisation must be given by appropriate chief officer or deputy chief officer i.e. Director of Housing or Assistant Director (Housing Strategy).
255	Authority to make a HMO declaration on behalf of the City Council and to serve associated notice of the declaration.
F – GENERAL: PROSECUTION	
1.1 S.30	Failure without reasonable excuse to comply with an improvement notice.
S.32	Knowingly contravenes a prohibition order without reasonable excuse.
S.35	Failure without reasonable excuse to comply with a magistrates order requiring an occupier or other relevant person to permit appropriate action to be taken.
S.72 (1)	Failure to obtain a HMO licence without reasonable excuse.
S.72 (2)	Knowingly permits occupation in excess of the maximum permitted by a licence.
S.72 (3)	Failure without reasonable excuse to comply with a licence condition.
S.95 (1)	Failure to obtain a licence for a house subject to Selective Licensing (without reasonable excuse).
S.95 (2)	Failure to comply with a licence condition for a house subject to Selective Licensing (without reasonable excuse).
S.131 (5)	Failure to comply with a magistrates order requiring an occupier to allow access to carry out work in connection with an IMO or FMO.
S.139	Contravention of an overcrowding notice (without reasonable excuse).

SECTION	DESCRIPTION
S.234	Failure to comply with a HMO Management Regulation (without reasonable excuse).
S.236	Failure to comply with a notice under S.235 requiring production of documentation (without reasonable excuse) OR intentionally alters, suppresses or destroys any required documents.
S.238	The supply of information required by local authority in carrying out any of its functions under Parts 1 to 4 which is false or misleading (knowingly or recklessly).
S.241	Obstruction of an authorised officer in carrying out any duties under Parts 1 to 4 of the Act (without reasonable excuse) Includes offences under: Schedule 3 Para 5 (having contractor on site following service of notice of intention to carry out works in default under para 4) Schedule 7 Para 25 (4)-(failure to comply with magistrates order requiring access to carry out work to dwelling subject to an EDMO)
G – GENERAL: DEFAULT ACTION	
SCH.3 Para 1	Authorisation of expenditure to carry out works in compliance with an improvement notice by agreement.
SCH.3 Para 3	Authorisation of expenditure to carry out works in compliance with an improvement notice without agreement (by default).
SCH.3 Para 4	Notice of intention to carry out works without agreement (by default).
SCH.3 Para 9	Demand for recovery of expenses incurred by carrying out works in compliance with an improvement notice without agreement (by default). NB. SCH 3 Para's 3, 4 and 9, above also apply to works carried out in connection with emergency remedial action taken under Section 40.
SCH.3 Para 12	Recovery notice requiring rents to be paid to the local authority (once demand notice under Para 9 has become operative).

Introduction

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SECTION 6
FINANCIAL
REGULATIONS
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1.1 The Council has a legal responsibility to make proper arrangements for the administration of its financial affairs, and must appoint an officer to undertake that responsibility. In addition, since public money is involved, the Council should be able to demonstrate that members and officers are acting with openness, integrity and accountability.

1.2 These regulations set out a minimum level of good financial practice which must be adopted by all members and employees of the Council. They are only concerned with financial and contract matters, and therefore constitute only one of the aspects to be considered by officers in exercising their duties.

1.3 In this respect, particular (but not exclusive) attention should be paid to the following documents, which define the Council's control and main procedural environment. They are listed in the order of the precedence which should be followed in the event of any conflict between their provisions:

- a European and National Law
- b Financial Regulations – this document.
- c Contract Procedure Rules
- d The Scheme of Delegations
- e Contract Guidelines
- f Emergency Planning Procedure
- g Other Council procedures, including elements of the Constitution not included above.

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1.4 These regulations, while allowing members and officers scope to manage their services effectively, have the aim of:

- a identifying the various responsibilities of members and officers, thereby promoting a protective environment.
- b requiring that decisions are given appropriate consideration before they are taken, and also reviewed later where appropriate.
- c requiring that standards are complied with.
- d promoting propriety.

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1.5 No exceptions to Regulations 1 to 5 will be authorised except by the Council or the Chief Executive or ~~Section 151 Officer~~ if, in consultation with the Leader or Deputy Leader of the Council, it is determined that an emergency situation exists. In this latter case, all agreed exceptions should be reported to the Council at the earliest opportunity.

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1.6 The ~~Section 151 Officer~~ may vary the provisions of Regulations 6 to ~~18~~, providing that this variation is evidenced in writing, in the case of a one-off variation, or by the issuing of ongoing revised guidance through a “financial guideline” to all ~~Directors~~. In this latter case, this document should be updated at the following annual review of the Constitution.

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The Responsibilities of the Section 151 Officer

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2.1 The Section 151 Officer will:

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- a determine the procedures for reporting to Elected Members on financial matters.
- b determine and issue any accounting and financial instructions considered necessary to supplement or update these regulations.
- c have the power to intervene in any area of the Council's financial activity to ensure the proper conduct of the Council's financial affairs.
- d determine the form of the accounts and supporting records of the Council.
- e determine the form of financial services and systems

(The written approval of the Section 151 officer is required to change or introduce any financial service, accounts or supporting records and systems that integrate or form a fundamental part of the authority's financial records)

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The Section 151 Officer will:

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<#>ensure that a continuous internal audit and examination of accounting, financial and other related operations of the Council is carried out, including reviewing compliance with the standards set out in these regulations. ¶

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The Responsibilities of Directors

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3.1 In order to ensure that the financial affairs of their services are properly maintained, Directors³ will:

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a be accountable for the security of all resources (including cash and keys) and assets within their area of responsibility.

b account for, monitor and control their budget.

c ensure value for money is achieved in the delivery of all services

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d consult with the Section 151 Officer on any issue that impacts upon the financial affairs of the Council

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e maintain any accounts and records under their control to the standard required by these regulations and any directions issued by the s151 Officer.

f ensure that their staff are aware of these regulations and their significance, and that they have access to copies.

g maintain an up to date scheme of delegation for financial matters within their department.

h ensure that the written permission of the Section 151 Officer is obtained before the establishment of any unofficial or voluntary funds under the control of a Council officer in their official capacity, and that such funds are subject to audit as prescribed by the Director of Governance.

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i Ensure the written approval of the Section 151 officer is obtained before a bid or application; grant claim etc is submitted for any external funding (revenue and capital).

j facilitate internal auditors or other representatives authorised by the Director of Governance to:

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- enter at any time onto any premises or land used or owned by the Council without necessarily giving prior warning.

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³ Directors, for the purposes of this document, are defined as those listed as Directors in the Annex to the scheme of delegations

- have access to any information that they require in order to carry out their duties, including access to all records, correspondence and computer systems.
- make checks and seek explanations as they consider necessary.
- Require any employee to produce cash, stores or other Council property under their control, and to remove the same for a short period, having consulted with the appropriate Director regarding the needs of the Council for the ongoing provision of services.

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3.2 If Directors are unclear about any aspects of these regulations or their interpretation, they must seek clarification. Failure to comply with them may result in maladministration or an illegal act, which might be the subject of an investigation by, for example, the Monitoring Officer, Internal Audit, External Audit, the Local Government Ombudsman and/or the Police.

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3.3 Directors are advised to consider whether any action they wish to take on behalf of their own service may conflict with the interests of another service. If this is the case, the Chief Executive and the Directors for the services involved must be advised in advance. If the Chief Executive considers that there is a conflict, then he/she will determine the course of action to be taken.

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Authority to Spend Money – Capital

- 4.1** All Council expenditure is deemed to be revenue expenditure, to be met in the year of account in which it is incurred, unless it is specifically deemed to be capital expenditure by the Council by inclusion in an approved capital programme.
- 4.2** Before expenditure can be included within a capital programme⁴ it must:
- a** Be planned to be spent on an item of lasting nature, having benefit to the Council for more than one year of account.
 - b** Be funded other than from:
 - The annual revenue budget (unless a specific resolution has been made by the Council to use an identified revenue sum in this way), or
 - A revenue reserve or provision, or
 - An operating lease.
 - c** Have a gross cost, including fees, in excess of £20,000.
- 4.3** Inclusion within an approved capital programme does not confer authority to spend. Before capital spending can be incurred, the Cabinet must agree the inclusion of the programmed item within the Capital Budget⁵ and a tender or quotation, as appropriate, must have been received such that the scheme could be completed within the budget so approved.
- 4.4** The Cabinet may indicate, in their budget proposals to the Council, any schemes for which they are prepared to delegate to the Directors' Management Team the authority to include a programmed item in the Capital Budget once the appropriate requirements have been met.

⁴ The "Capital Programme" refers to a list of schemes provisionally approved by the Council as capital expenditure and the sums set aside to finance that expenditure.

⁵ The "Capital Budget" refers to those schemes which have received the Cabinet's approval to proceed. A scheme may not be included in a capital budget until all funding outside the Council's direct control has been secured.

⁷ "Budget Head", in this context, is considered to be the "main grouping" of expenditure types, as defined from time to time by the Chartered Institute of Public Finance and Accountancy (CIPFA) within each Service Management Centre (SMC).

4.5 The Section 151 Officer may issue detailed procedures regarding capital expenditure, including annual procedures and timetables, monitoring requirements and outturn reporting which must be adhered to as part of these regulations.

4.6 The Capital Programme may only be ~~varied, in relation to inclusion of new schemes or deletion of existing schemes by~~ the full Council, except where specifically delegated as part of the Council's Scheme of Delegations.

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4.7 Sums within the Capital Budget may be vired between approved schemes and moved between financial years by the Cabinet, providing that the corresponding funding can also be transferred. If any such decision is "called-in" under the Council's scheme, such a call-in shall be considered and determined by the Council.

4.8 Any approved amounts within schemes included in the Capital Budget remaining unspent at the end of a financial year may be carried forward to the following year by a ~~Director~~, providing that the ~~Director~~ has:

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- a Satisfied themselves that the funding for the scheme will transfer to the following year.
- b Ensured that no additional expenditure will fall to the Council as a result of the delay.
- c Notified the Section 151 Officer within 30 days of the year end that the scheme is subject to rollover, and of the revised timetable for implementation.

4.9 All schemes within the Capital Programme are required to have Capital Budget approval within three years of initial inclusion in the Capital Programme. Any scheme that does not meet this criteria will be deleted from the Programme and will require re-submission as part of the Delivering Change process for that year.

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Authority to Spend Money - Revenue

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5.1 Every Director must prepare a revenue budget of income and expenditure, in the form required by the Section 151 Officer. No money can be spent out of that budget until the budget has been approved by the Council in accordance with the Council's Budget and Policy Framework Procedures.

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5.2 Money may then be spent on any item considered by the appropriate Director to be reasonably required to carry out the policies of the Council and at any time in the financial year concerned provided that:

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a The expenditure is in accordance with the budget, and,

b The item concerned is fit for the purpose, and,

EITHER

- Enough money has been provided in the budget head⁷ for the item,

OR

- Enough money can be transferred (vired) from another budget head, subject to the virement rules set out below

5.3 Money may be transferred (vired) from one revenue budget head to another, subject to the following approvals:

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Within the same Service

Service Manager

up to the amount shown on Annex 1 where Council policy is not changed and no increase in costs will result in future years.

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Head of Service (Director⁹) and Section 151 Officer (Jointly)

no limit, where Council policy is not changed and no increase in costs will result in future years.

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Council

no limit

Between Services within the same Service Management Centre

Service Manager

Up to the amount shown on Annex 1 where Council policy is not changed and no increase in costs will result in future years.

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Head of Service (Director) and the Section 151 Officer (jointly)

no limit, where Council policy is not changed and no increase in costs will result in future years.

Council

no limit

Between Service Management Centres within the same Directorate

Both Service Managers and the Head of Service (Director)

up to the amount shown on Annex 1 where Council policy is not changed and no increase in costs will result in future years.

Director and the Section 151 Officer (jointly)

no limit, where Council policy is not changed and no increase in costs will result in future years.

Council

no limit

⁹ Director relates to services with no Head of Service

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Between Service Management Centres in different Directorates

Both Service Directors, plus the Section 151 Officer no limit, where Council policy is not changed and no increase in costs will result in future years.

Council no limit

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5.4 In conjunction with the above, the following overriding principles shall apply:

a Virements between “Funds” shall not be permitted under any circumstances.

b The employee budget is “ring fenced “

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c All officers shall inform the Section 151 Officer in writing of all virements approved by them within five working days, and the reason for the transfer.

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d The Section 151 Officer will keep an up-to-date record of the Council’s “approved budget”, including all agreed virements and will inform the relevant delegated officer of any changes to such budgets.

e The Council shall specify any budget head against which no virement should be made without its express approval.

f The Directors’ Management Team may specify any budget head against which no virement should be made without their express approval.

g The Section 151 Officer may make any virement resulting from changes in accounting practices which do not affect Council policies or result in an overall increase in Council expenditure, and may amend the budget and other accounting records accordingly.

5.5 The roll-over of budgets is defined as the carrying over from year to year of unspent or overspent balances into succeeding years.

5.6 Unspent balances are subject to a planned rollover requirement and requests must be submitted to the Section 151 officer by 31 March of the year in question.

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5.7 With the agreement of the Section 151 Officer, any unspent or overspent sums within general fund “supplies and services” or “building maintenance” (landlord or tenant) revenue budgets, or other budgets specifically agreed by the Section 151 Officer, shall be carried forward (rolled-over) and added to or subtracted from the subsequent year’s budget except:

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a Where virements have been made into a budget classification subject to the rollover facility, any under spending as a result of sums vired shall not be rolled-over.

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b The total of underspendings rolled-over from a SMC shall not exceed the total underspending by the SMC under all controllable budget heads¹⁰.

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5.8 Any under spent "training" budget within the Council's General Fund may also be carried forward at the end of a financial year, subject to the agreement of the Section 151 Officer, and added to the Central Training Reserve. This reserve may be used to support corporate training initiatives and to meet the cost of the Council's IIP Assessment. Planned expenditure from this reserve should be reflected in the review of reserves as undertaken as part of the budget process and any variation will need the specific approval of the Directors' Management Team.

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5.9 Where revenue expenditure is supported by external funding, and the expenditure which that funding is intended to defray is not confined to one financial year, any unused funding may be rolled-over to future years subject to the written authorisation of the Section 151 Officer.

5.10 Any budgets consistently under or over spending will be reviewed as part of the budget setting process, to ensure that budgets match the Council's priorities more closely.

¹⁰ Controllable budget heads for the purposes of these regulations include all spending and income attributable to a SMC excluding internal charges for the cost of services provided to or by other General Fund SMCs which are specifically included within the "internal trading" part of the Council's budget.

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Trading Accounts

6.1 Certain parts of the Council “trade” with third parties, or other parts of the Council, on the basis of true commercial competition. Services to be classed as trading accounts will be as determined by the Section 151 Officer, having regard to CIPFA’s best value accounting code of practice.

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6.2 The circumstances surrounding these “trading accounts” are such that a modified form of accountability is needed.

6.3 This section thus overrides the provisions for virement and roll-over contained in section 5 above. All other provisions of the section will, however, apply.

6.4 As part of the Council’s budget, a “target” will be established for each trading account as the surplus or deficit for the year on a “full cost¹¹” basis. The Director responsible for a trading account will be expected to manage the income and expenditure of the trading account at such a level that the target or a favourable variance is achieved.

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6.5 Directors responsible for trading accounts will be permitted to “tender” for Council work up to any sum, and, if successful, will be authorised to incur expenditure in accordance with the tender.

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6.6 In circumstances where it is permitted by legislation, Directors responsible for trading accounts will also be permitted to submit tenders for work outside the Council up to a total cumulative value of 10% of an individual trading account’s annual turnover. Any tenders which could cause the total to exceed this sum will need approval by the Council. If successful, the Director will be authorised to incur expenditure in accordance with the tender.

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6.7 Unless otherwise required legally, 75% of all “surpluses” received above target will be paid into General Fund reserve accounts, with the remaining 25% carried forward to offset any potential deficits on individual trading accounts in future years. Any “deficits” would be initially charged against surpluses held in reserve in respect of the service incurring the deficit. Beyond this amount, targets for the service would be increased in subsequent years in order to recover the deficits made.

¹¹ Full cost includes all charges to a trading account, including internal recharges and capital charges.

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Treasury Management, Banking and Taxation Arrangements

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7.1 The Section 151 Officer has a personal fiduciary duty in respect of all monies of the Council (excluding unofficial and voluntary funds) and shall determine how decisions are made in respect of banking, borrowing, investment, and financing, in accordance with:

- a CIPFA's "Code for Treasury Management in Local Authorities", and,
- b the Council's own Treasury Policy Statement as approved from time to time by the Council, and Treasury Strategy Statement, as approved annually by the Council.

EXCEPT THAT:

- c The Section 151 Officer must report at least annually to the Cabinet on treasury management activities and decisions implemented.

7.2 The Section 151 Officer shall have sole discretion to determine whether assets should be leased, rented or acquired by any other form of deferred payment. No lease, rental or other form of deferred payment may be entered into without the written authority of the [Section 151 Officer](#), other than:

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- a Property leases, which may be entered into by the [Director](#) responsible for property matters (Property Officer),
- b Plant and equipment, which may be hired for a continuous period not exceeding twelve months by any [Director](#).

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7.3 All discussions and negotiations with [HM Revenue and Customs](#) on taxation related matters should be undertaken by the Section 151 Officer, who shall also arrange for the completion of all taxation related returns on behalf of the Council. [\(The Director for human resources is delegated to liaise with HM Revenue and Customs for payroll procedural issues\).](#)

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7.4 Banking arrangements and the handling of cheques or other instruments of payment must be in accordance with standards and procedures determined by the Section 151 Officer. In particular:

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- a Only the Section 151 Officer may approve the setting up of an official Council bank account [and any variation to banking arrangements.](#) [\(A bank is](#)

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termed to be any financial institution .bank, building society, Giro or any other similar account).

b A new bank account can only be created following a written request to the bank by two designated bank signatories.

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c Cheques produced as output from the Council's computerised financial systems bear the printed signature of the Section 151 Officer. No further signature is required except for a second authorised signature for cheques exceeding the threshold given in Annex 1.

d Manually produced cheques exceeding the sum in Annex 1 must be signed by at least 2 authorised officers.

e Any alterations to a cheque must be initialled by an authorised signatory.

f No officer shall arrange to make payments from any Council bank account other than in accordance with these regulations.

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Income Collection

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8.1 Directors are responsible for complying with any procedures and standards approved by the Section 151 Officer for the collection, custody, control and banking of money due to the Council.

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8.2 All amounts due to the Council should be collected in full subject to the requirements of 8.3 and 8.4.

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8.3 Where a situation arises after the raising of any “debt” that the “debt” appears not to be valid, the invoice may be cancelled by the Section 151 Officer, on recommendation of the appropriate Director.

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8.4 Where debts are due, have been pursued actively, but remain unpaid, the Section 151 Officer is authorised to write-off the debt up to the amount set out at Annex 1, the value of which must subsequently be reported to the Cabinet. Above the sum in Annex 1, outstanding debts may, at the discretion of the Section 151 Officer, be referred direct to the Cabinet for consideration for write off¹².

8.5 Invoices should be avoided wherever possible for sundry debts¹³ below the value in Annex 1. All debts below this amount should, wherever possible, be collected in advance of any service being provided by the Council by cash, cheque, credit card or debit card.

8.6 Directors must review their fixed scales of external charges and fees at least annually, having regard to any general policy on fees and charges agreed by the Council as part of its medium term budget strategy.

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8.7 Except where the level of fees and charges are set by an outside body, or where the power has been specifically reserved, a Director shall have authority to set fees and charges at the level considered most appropriate by the Director to secure the achievement of the approved income budget for the service concerned. Any fee set by a Director should not have an adverse effect on the service’s expenditure budget unless the effect is more than made up for by income increases, and the change is in accordance with the provisions of sections 5 or 6 (as appropriate) of this document.

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8.8 Approval of the Council would be required before implementation of any change in fees and charges if any adverse impact on current or planned budgets outside that anticipated in the medium term budget strategy might be expected to result.

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¹² To clarify – outstanding invoices may relate to debts due, but unpaid, or invoices raised for which there is some question as to whether the debt was ever due. The former case is a matter solely for the Cabinet and Section 151 Officer. The latter is for the Section 151 Officer, on recommendation of the service Director, up to any value but may be referred to the Cabinet for determination.

¹³ Sundry debts refers to all debts due to the Council except those related to council tax, housing rents, NNDR or benefits.

| [8.9](#) All changes to fees and charges should be notified to the Section 151 Officer before implementation.

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Estates

- 9.1 The ownership of all of the Council's properties shall be vested in the Cabinet, except those properties legally required to be held elsewhere (e.g. certain Housing Revenue Account properties).
- 9.2 The Property Officer (or for council dwellings within the Housing Revenue Account, the Director responsible for HRA matters [Housing Officer]) will act in the capacity of "landlord" for all of the Council's properties and will maintain a register of all properties owned by the Council, the service of the Council currently using the property, the purpose for which it is held, extent and plan reference, purchase details, latest valuation, particulars of nature of interest and rents payable and particulars of tenancy granted, together with such other further details as may be found useful after consultation with other Directors.
- 9.3 The Council's Solicitor (or other such person nominated by the Council's Solicitor in writing) shall have the custody of all title deeds under secure arrangements.

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Stores

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10.1 In order to ensure that the financial affairs of their services are properly managed, Directors will be accountable for the security of all resources and assets within their area of responsibility.

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10.2 Any Director who holds items for future consumption, other than normal “office consumables”, such as paper, pens, or computer consumables, must inform the Section 151 Officer, who must then determine whether the provisions of these regulations will apply. All items for which such a determination has been made are referred to as “stock” for the purposes of these regulations.

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10.3 An annual statement of quantities in stock as at 31 March, together with a valuation, must be supplied to the Section 151 Officer, certified by the responsible Director, no later than two weeks after the end of the financial year, unless a specific exemption has been agreed in writing between the Section 151 Officer and the Director concerned. Where, in the view of the Section 151 Officer and the responsible Director the stock holding is of sufficient value, the responsible Director will be required to make arrangements for stocktaking at least annually. Where agreed between the Director concerned and the Section 151 Officer, such statements may be taken from the current balances held on a computer system. Any stock adjustments must be approved by the appropriate Director, and reported to the Section 151 Officer.

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10.4 Stocks should be kept at a minimum level consistent with meeting service needs and represent best value for the authority.

10.5 Directors must be able to demonstrate that in disposals of surplus stores or other items officers have followed the procedures approved by the Chief Internal Auditor.

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Inventories

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11.1 Inventories shall be maintained by each Director in accordance with the procedures approved by the Chief Internal Auditor.

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11.2 The Council's property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes except where a specific arrangement has been approved and evidenced in writing by the appropriate Director (e.g. private use of Council telephones).

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11.3 Directors will be responsible for the accuracy of their department's inventory lists, and will make such checks as they consider necessary to ensure this accuracy. As a minimum, checks should be done annually.

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11.4 Any items removed from an inventory shall be disposed of in accordance with paragraph 10.5 above. Any missing assets should be reported to the Chief Internal Auditor as soon as their loss is suspected.

11.5 The Chief Internal Auditor shall also arrange such checks of the inventories as he/she considers necessary.

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Orders for Work, Goods and Services and Payment of Accounts

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12.1 The ordering of and payment for goods and services shall only be undertaken in the format and using procedures approved of the Section 151 Officer. No officer should enter into an agreement with a supplier to make an order or payment other than in accordance with these regulations, though the Section 151 Officer is authorised to give written approval to the variation of this section where necessary for the efficient conduct of the Council's activities.

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12.1 Where national agreements are in force applicable to all authorities (eg. RIBA contracts) these national agreements may be used for their intended purpose.

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12.2 The Director responsible for procurement may specify a list of "preferred suppliers" for the purchase of ranges of goods and/or services and may enter into contracts¹⁵ with suppliers on this list for the supply of goods and services to the Council. Where such a list is in place, officers may not purchase from suppliers outside the list without the written approval of the Procurement Officer¹⁶.

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12.3 In all cases, regardless of anticipated price, where a council wide contract has been let by or on behalf of the Procurement Officer, orders shall be placed against that contract, rather than separate quotations being obtained, unless otherwise agreed in writing by the Procurement Officer

12.4 Where items¹⁷ are contained in the current catalogue of the Council's approved purchasing organisations or within a contract let by the Procurement Officer under paragraph 12.2 above, and the goods are ordered from that source, orders may be placed direct by authorised officers without the need to obtain further competitive tenders or quotations. This is subject to any standards that the Council may have in force and any specific exceptions approved in writing by the Procurement Officer.

12.5 For all other items, again subject to any standards that the Council may have in force and any specific exceptions:

¹⁵ Such contracts should always be the subject of appropriate quotation or tendering processes in accordance with these regulations and/or the contract procedure rules.

¹⁶ The "Procurement Officer", for the purposes of these regulations, shall be the officer nominated by the Director of Governance to undertake this role.

¹⁷ The term "item" is used to mean goods, works or services within these regulations.

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- a Items up to the sum¹⁸ set out at Annex 1 may be ordered direct by authorised officers without the need to obtain competitive tenders or quotations, provided the ordering officer is satisfied that the Council has obtained good value for money. Items above the sum set out in Annex 1 may only be purchased after competitive quotations have been sought.
- b Orders must be placed with the supplier offering the most advantageous terms to the Council, having regard to price, delivery, availability and specification, provided the ordering officer is satisfied that the Council would obtain good value for money. Where the lowest quotation is not accepted this should be approved in writing by the Procurement Officer.

12.6 Where quotations are required by these regulations, three shall be obtained wherever reasonably possible, each of which should be in writing. Quotations shall be retained for the current year and one previous year, or as otherwise directed by the Section 151 Officer.

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12.7 Where all items expected to be purchased as a result of a single quotation are anticipated to cost in excess of the value in Annex 1, quotations may only be obtained following consultation with the Procurement Officer.

12.8 For purchases made in accordance with paragraph 12.4 above, the Council's contract procedure rules will not apply regardless of the amount of the purchase, providing that the original contract let by the Procurement Officer was itself let under the contract procedure rules and could reasonably be expected to apply to the items being purchased. The Council's contract procedure rules will apply to the determination of the supplier and price to be paid for other items above the sum set out at Annex 1. In all other respects these financial regulations will apply to the purchase of these items.

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12.9 Apart from payments from advance accounts (see Regulation 13) the normal methods of payment of money due from the Council shall be by BACS, or by Council payment card/single crossed cheque drawn on the Council's Bank account(s) in accordance with the Council's scheme. No other method of payment such as direct debits, standing orders or any form of deferred payment such as leasing or rental shall be used without the written approval of the Section 151 Officer.

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12.10 The appropriate Director, or such other officer authorised by him/her in writing under Regulation 3.1f above, shall be authorised to approve payment of supplier invoices, having satisfied themselves that, save to the extent that the Section 151 Officer may otherwise approve:

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Deleted: Chief Financial Officer

- a The work, goods or services to which the account relates have been received, carried out, examined and approved, both as to quantity and quality;

¹⁸ Items must not be unreasonably "broken down" in order to purchase below the item limit. For example, a computer system should not be considered to be the individual items of system unit, screen, keyboard, mouse, etc., neither should a "multi-year" payment be broken down between years or an annual amount into quarterly or monthly amounts etc.

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- b** The prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct, having been checked against prior quotes, tenders or price lists;
- c** The relevant expenditure has been properly incurred and is within the relevant budget;
- d** Appropriate entries have been made in inventories, stores records or stock books as required;
- e** The account is an original, rather than any form of copy, has not been previously passed for payment and is a proper liability of the Council.

12.11 Accounts shall be certified without delay in the format, and with any supporting documentation, specified in guidance approved by the Section 151 Officer, who shall be entitled to make such enquiries and to receive such information and explanations as he may require.

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12.12 In certain circumstances, it will necessary to make payments to external bodies where the placement of an order is not possible, and no invoice will be submitted to the Council for payment. The Section 151 Officer will maintain a list of items falling into this category, which must be authorised for payment using the appropriate “internally generated payment” forms in lieu of a supplier invoice. In all other respects, these payments must be processed in the same way as payments to suppliers.

12.13 In circumstances approved by the ~~Section 151 Officer~~, the authority for approving accounts for payment shall fall to the head of service responsible for the payment of accounts, provided that an order has been electronically generated within the Council’s approved e-procurement system by the “buying” officer and that the receiving officer has identified via the system that the goods or services ordered have been satisfactorily received.

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12.14 In this case the ~~Director~~ responsible for placing the order will be responsible, at the time of placing the order or noting receipt of the goods as appropriate, to satisfy themselves that:

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- a** The order placed has been fully priced within the Council’s e-procurement system;
- b** The work, goods or services to which the order relates have been received, carried out, examined and approved, both as to quantity and quality and that the goods have been notified as “received” in the Council’s system to certify that this is the case;
- c** The relevant expenditure has been properly incurred and is within the relevant budget;
- d** Appropriate entries have been made in inventories, stores records or stock books as required.

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12.15 The head of service responsible for the payment of accounts, before paying any sums due in this way, shall satisfy himself that:

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- a** The work, goods or services to which the account relates have been recorded within the Council's approved system as received or carried out;
- b** The priced account is in accordance with the priced order, subject to any tolerance that may be approved by the Section 151 Officer;
- c** Any request for payment which is not in accordance with the requirements above is specifically approved by the **Director** in addition, and that this is recorded within the Council's system.
- d** The account is an original, rather than any form of copy, has not been previously passed for payment and is a proper liability of the Council.

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12.16 No officer shall certify any account for payment where that officer is to benefit from the payment. In such cases an independent certification must be obtained.

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12.17 Each **Director** shall, on dates to be determined in by and in a format approved by the Section 151 Officer, notify the Section 151 Officer of all outstanding expenditure relating to the previous accounting periods.

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Advance Accounts

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13.1 Directors shall provide such advance accounts or floats as considered appropriate for such officers of the Council as may need them for the purposes of defraying petty cash and other expenses, subject to the approval of the Section 151 Officer should such an advance exceed £500. Such accounts shall be maintained on the imprest system and will be identified as “advance” accounts.

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13.2 The conduct of advance accounts or floats must be in accordance with instructions approved by the Chief Internal Auditor, and should not, in particular, be used as a means of circumventing other parts of these regulations. No income received on behalf of the Council may be paid into an advance account, but must be banked or paid to the Section 151 Officer as provided elsewhere in these regulations.

13.3 Any officer responsible for an advance account or float shall, if so requested, give to the Section 151 Officer a certificate as to the state of his account.

13.4 On leaving the employment of the Council or otherwise ceasing to be entitled to hold an advance account or float, an officer shall account to the relevant Director for the amount advanced to him.

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13.5 Any discrepancy in relation to an Advance Account must be reported without delay to the Section 151 Officer.

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Salaries, Wages and Pensions

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14.1 The payment of all salaries, wages, pensions, compensation, allowances and other emoluments to all members, employees or former employees of the Council shall be made by the Director responsible for human resources (HR Officer) under arrangements approved by the Section 151 Officer. The HR Officer shall have the power to make changes to such payments reflecting changes in local or national pay rates or conditions of service. Such payments shall be made by BACS, unless otherwise agreed in writing by the Section 151 Officer.

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14.2 The HR Officer shall retain records of all matters affecting the payment of such emoluments and in particular:

- a Appointments, resignations, dismissals, suspensions, secondments and transfers;
- b Absences from duty for sickness or other reason which may affect payment.
- c Changes in remuneration;
- d Information necessary to maintain records of service for pension, income tax and national insurance.

14.3 Appointments of all employees shall be made in accordance with the Council's Human Resource Guidelines and the approved grades and rates of pay.

14.4 All individuals who undertake work for the Council will be paid under arrangements determined by the Director for human resources in accordance with the Councils Employee Status Guidelines.

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14.5 All time records or other documents shall be in a form approved by the Section 151 Officer and shall be certified by or on behalf of a Director by an officer so approved under Regulation 3.1f.

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Travelling, Subsistence and Other Allowances

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15.1 All claims for payment of car allowances, subsistence allowances, travelling and training and other expenses shall be submitted to the Director responsible for human resources in a format approved by the Section 151 Officer, duly certified by an officer so authorised under Regulation 3.1f.

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15.2 The certification by or on behalf of the Director shall be taken to mean the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.

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15.3 Claims must be submitted on a monthly basis for the previous month's expenses. Any claims that cover a back dated period in excess of three months will require the approval of the Section 151 Officer before payment.

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15.4 All claims received by the notified monthly deadline will be paid with that month's salary.

15.5 Payment of members' travelling or other allowances will be made by the Director responsible for human resources upon receipt of the prescribed form duly completed and submitted by the member. All claims received by the notified monthly deadline will be paid with that month's basic allowance.

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15.6 The Section 151 Officer shall be responsible for determining the Council's scheme for car loans and its operation. The Section 151 Officer shall be responsible for updating and approving the interest rate payable on car loans.

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Risk & Insurances

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16.1 Directors will be responsible for the maintenance of a Risk Register and the management of such risk.

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16.2 The Director responsible for insurances, shall effect all insurance cover and undertake all liaison with the Council's insurers in respect of the negotiation and payment of all claims in consultation with other Directors where necessary, under arrangements approved by the Section 151 Officer

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16.3 Directors should notify the insurance officer of the extent and nature of all new insurable risks and any alteration affecting existing insurance risks.

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16.4 No Council member or employee shall be permitted to discuss or admit liability to a third party, other than the Insurance Officer¹⁹ in consultation with the Council's Solicitor in the course of settling a claim.

16.5 Directors shall provide the Insurance Officer with the information available to deal with any claim.

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16.6 Where claims under the Council's public liability policy fall below the excess limit, and the Director concerned has accepted liability, the Insurance Officer in consultation with the Council's Solicitor shall consider, negotiate and make any payment due in settlement of the claim.

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16.7 Directors shall give prompt notification to the Insurance Officer in writing of any loss, liability or damage or any event likely to lead to a claim, and, after consultation with the Chief Executive or Section 151 Officer, inform the police in appropriate cases.

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16.8 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.

16.9 The Insurance Officer shall annually, or at such other period as he/she may consider necessary, review all insurances in consultation with other Directors as appropriate.

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16.10 No Directors shall give any indemnity without consultation with the Insurance Officer and the Council's Solicitor. Formal indemnity can only be granted by the Council Solicitor.

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¹⁹ The "Insurance Officer", for the purposes of these regulations, shall be the officer nominated by the Director of Governance to undertake this role.

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The Powers and Duties of Internal Audit

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17.1 Internal Audit is an assurance function that primarily provides an independent and objective opinion to the organisation on the control environment, comprising risk management, control and governance, by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

17.2 The Director of Governance is responsible for providing an adequate and effective internal audit service to the Council.

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17.3 In order to perform their duties, internal auditors shall have authority to:

- a enter at all reasonable times, on any Council's premises or land;
- b have access to all records, documents, correspondence and computer systems relating to the Council;
- c require and receive such explanations as necessary concerning any matter under examination;
- d require any employee of the Council to produce records, cash, stores or any other Council property under his/her control, necessary to carry out the duties required of him/her.
- e have the right to report direct to the Chief Executive, Section 151 Officer or External Auditor, as necessary, if the Chief Internal Auditor determines that an investigation would be prejudiced by the use of normal management reporting lines.

17.4 For Internal Audit to fulfil its responsibilities effectively, it must be independent of the activities it audits. In order to achieve this, it should not be involved, as a matter of routine, in the operation of procedures or financial services within the Council.

17.5 Internal Audit shall report any significant control weaknesses in systems to the appropriate Director and the Section 151 Officer. If action is not taken within the time specified by the Chief Internal Auditor, escalation procedures will be commenced, including reporting the matter to the Director of Governance (Monitoring Officer), Section 151 Officer, Chief Executive and/or the Council's Audit and Governance Committee.

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Irregularities

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18.1 Any officer who suspects that these regulations have been or may be breached, that any financial records may have been falsified or that resources of the Council have been or may be stolen, must immediately notify the Director of Governance or the Chief Internal Auditor personally, and confirm this in writing.

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18.2 The Director of Governance shall take such steps as he/she considers necessary by way of investigation and report, including the involvement of the police where necessary, and shall have the right to hear, or nominate another officer to hear, any proceedings under the Council's disciplinary procedures for the officer suspected of the breach.

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18.3 At an employee's option, the processes in paragraph 18.1 may be replaced by the provisions of the Council's whistle blowing policy or the Council's anti-fraud and corruption strategy.

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Annex 1

20 Values Referred to within Financial Regulations

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2005 until revoked by Council

Paragraph

Item²⁰

Value

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5.3

Limit on virement authority for items within the same ~~Service, SMC,~~
Directorate and fund.

£10,000

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7.4c

Threshold above which second signature is required for cheques
produced as output from the Council's computerised financial systems

£50,000

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7.4d

Threshold above which second signature is required for manually
produced cheques.

£5,000

8.5

Threshold below which sundry debtor invoices should not be raised.

£100

8.4

Maximum individual debt that can be written off by Section 151
Officer.

£1,000

12.5a

Threshold below which items may be purchased with no further
requirement for obtaining quotes or tenders.

£1,000

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12.7

Threshold above which any required quotations must be obtained in
consultation with the Purchasing Officer.

£5,000

12.8

Thresholds above which tenders must be obtained for the purchase of
goods or services.

£~~5~~0,000

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²⁰ These notes are for ease of reference only and do not form part of the regulations.

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