

DEFINITIONS

These definitions apply throughout the Constitution. References to Officers include those in an acting or interim capacity.

Abbreviations

CE	-	Chief Executive
ED	-	Executive Directors (where delegation is to all Directors)
ED (151)	-	Executive Director (S.151)
GM	-	Group Managers (where delegation is to all GM's)
AMPGM	-	Assets & Major Projects Group Manager
CSGM	-	Corporate Services Group Manager
EHHCSGM	-	Environmental Health, Housing & Community Services Group Manager
FGM	-	Finance Group Manager
ITGM	-	ICT & Transformation Group Manager
NSGM	-	Neighbourhood Services Group Manager
PSGGM	-	Planning & Strategic Growth Group Manager
CTBM	-	Council Tax & Benefits Manager
BCM	-	Building Control Manager
EHM	-	Environmental Health Manager
ESM	-	Environmental Services Manager
EGM	-	Elections and Governance Manager
DSM	-	Development Services Manager
DSTM	-	Development Strategy Manager
PIM	-	Performance & Information Service Manager
HOM	-	Housing Services Manager
CSM	-	Community Services Manager
PEM	-	Planning Enforcement Manager
SBCO	-	Senior Building Control Officer
SEHO	-	Senior Environmental Health Officer
SGM	-	Strategic Growth Manager
MO	-	Monitoring Officer
DMO	-	Deputy Monitoring Officer
S151	-	Section 151 Officer (Chief Finance Officer)
DS151	-	Deputy Section 151 Officer

('and' means both Officers are jointly the decision makers. 'I' means either/or both Officers are the decision makers. The relevant Officer exercises the delegation in relation to those areas which fall into their area of responsibility)

GENERAL

A. INTRODUCTION

The Local Government Act 2000 requires the Council's Constitution to be structured to show the level of delegation between Executive and Non-Executive functions in the following ways:

- 1 Responsibility for Executive Functions (Part 3, Section 1 of this Constitution);
- 2 Local Choice - the areas where the Council is allowed to choose what is or what is not the responsibility of the Executive and what choices the Council has made (Part 3, Section 2 of this Constitution);
- 3 Functions not to be the Sole Responsibility of the Executive (Part 3, Section 3 of this Constitution);
- 4 Circumstances in which Functions are not to be the Responsibility of the Executive (Part 4, Section 4 of this Constitution);
- 5 Details of what the law prohibits from being the responsibility of the Executive (Part 5 of this Constitution);
- 6 The Council's Responsibility and the extent of its delegation to Non-Executive Bodies and Officers (Part 3, Section 6 of this Constitution);
- 7 Any Joint Arrangements (Part 3, Section 7 of this Constitution);
- 8 Scheme of Delegation and Executive Functions (Part 3, Section 1)

B. SCHEME OF DELEGATION AND EXECUTIVE FUNCTIONS

- 1 The Council's Constitution is the responsibility of the Council. However, the executive functions delegation scheme may be amended by the Cabinet Executive, subject to the following:
 - overriding legal requirements
 - power for the Leader of the Council to amend (subject to notice provisions) the delegation scheme for executive functions. This has not yet been implemented.
- 2 Amendments to the delegation scheme for executive functions are made at Cabinet Executive level, where appropriate, following Officer reports. Hence, notice has been given of proposed changes and appropriate checks and balances are in place for constitutional changes.

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- 3 A Cabinet Executive Member has been given portfolio responsibility for the Constitution by the Leader of the Council.
 - 4 There are a number of Proper Officer appointments which exercise delegated authority. In a number of cases, those appointments cover both executive and non- executive functions. Those appointments are contained in Section C which follows.

C. PROPER OFFICER AND ALTERNATE PROPER OFFICER APPOINTMENTS

Certain legislation makes reference to ‘Proper Officer Appointments’. These appointments give certain responsibilities to that Officer as detailed in the specific legislation.

In relation to the following legislation, the following appointments are made: -
(PO = Proper Officer, APO = Alternate Proper Officer)

(The Alternate Proper Officer acts when the Proper Officer is unavailable or is absent)

In respect of all legislation detailed below the Council has appointed the Chief Executive as Second Alternate Proper Officer.

Local Government Act 1972

Section 13(3) Parish Trustees

PO: Corporate Services Group Manager
 APO: Elections and Governance Manager

Section 83 (Declarations of Acceptance of Office)

PO: Corporate Services Group Manager
 APO: Elections and Governance Manager/Senior
 Democratic Services & Scrutiny Officer

Section 84 (Receipt of Resignation)

PO: Chief Executive
 APO: Corporate Services Group Manager

Section 88 (Filling Casual Vacancy - Chairman)

PO: Chief Executive
 APO: Elections and Governance Manager

Section 89 (Receipt of Notice of Casual Vacancy - Councillors)

PO: Chief Executive
APO: Elections and Governance Manager

**Sections 99 100C, 100D & 100F (Meetings and Proceedings)
Schedule 12**

PO: Elections and Governance Manager/Senior Democratic
Services & Scrutiny Officer
APO: Corporate Services Group Manager

Section 100 (Access to Information)

PO: Elections and Governance Manager/Senior Democratic
Services & Scrutiny Officer
APO: Corporate Services Group Manager

Section 115 (Receipt from Officers)

PO: Executive Director - S151
APO: Finance Group Manager

Section 146 (Securities)

PO: Executive Director - S151
APO: Finance Group Manager

Section 191 (Ordnance Survey)

PO: Executive Director
APO: Planning & Strategic Growth Group Manager

Section 210 (Charity Office)

PO: Corporate Services Group Manager
APO: Elections and Governance Manager/Executive Director

Section 225 (Deposit of Documents)

PO: Corporate Services Group Manager
APO: Elections and Governance Manager/Executive Director

Section 228 (Accounts open to Inspection)

PO: Chief Executive
APO: Executive Director (S.151)

Section 229 (Certification of documents)

PO: Corporate Services Group Manager
Executive Director - S151 (financial documents)
APO: Executive Director

Section 234 (Authentication of Documents)

NB: Authentication of documents under any enactment are included in this provision

PO: Corporate Services Group Manager
Executive Director - S151 (financial documents)
APO: Executive Director

Section 236 (Byelaws)

PO: Corporate Services Group Manager
APO: Executive Director

Section 238 (Certification of Byelaws)

PO: Corporate Services Group Manager
APO: Executive Director

Section 248 (Roll of Freeman)

PO: Chief Executive

Representation of the People Act 1983, Parts I, II, III and V (Elections)

PO: Chief Executive
APO: Elections and Governance Manager, Corporate
Services Group Manager

Local Government and Housing Act 1989 (Sections 2 and 3) Politically restricted (which shall include delegated authority to give certificates pursuant to Section 3(3)).

PO: Monitoring Officer
APO: Deputy Monitoring Officer
Local Government Act 2000 (all)

PO: Corporate Services Group Manager/Elections and Governance
Manager/
/Senior Democratic Services & Scrutiny Officer
APO: Executive Director

General Data Protection Regulation (GDPR) 2018

PO: Executive Director

APO: Corporate Services Group Manager

In respect of the following legislation the Proper Officer functions are delegated to Public Health England who seek approval for the appointment of relevant Proper Officers from time to time from the Council, as appropriate: -

- Health Protection (Notification) Regulations 2010
- Health Protection (Local Authority Powers) Regulations 2010
- Health Protection (Part 2A Orders) Regulations 2010

The regulations above are made under the Public Health (Control of Disease) Act 1984, as amended by the Health and Social Care Act 2008.

As well as appointing a Proper Officer the Council must also authorise officers to exercise the powers specified in the Public Health (Control of Disease) Act 1984 and associated Regulations, through the local authorisation process.

An officer of the Council must be authorised in writing to act in matters on behalf of the local authority e.g., signing documents. Powers of entry and inspection require a warrant, order, or 24 hours notice.

[Please note that the proper officer appointments are not listed within the Constitution as they are named individuals, not posts, therefore change more frequently. The list of PO's can be obtained from the EHHCSGM]