

REPORT FOR DECISION

DECISION OF:	COUNCIL
DATE:	18 March 2020
SUBJECT:	Amendment of the Council Constitution –Officer Delegations
REPORT FROM:	The Monitoring Officer
CONTACT OFFICER:	JAYNE HAMMOND – Assistant Director- Legal and Democratic Services
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain.
SUMMARY:	This report is to enable the Council to adopt a revised scheme of officer delegations that reflects the recent revisions to the responsibilities of the Chief Officers, following the organisational re-structure of the Council.
OPTIONS & RECOMMENDED OPTION	<p>Council is recommended to:-</p> <ol style="list-style-type: none"> 1) Approve that the Officer Delegations set out in Part 3 of the Council's Constitution be amended in line with Appendix A attached to this report and be adopted with immediate effect. 2) Approve that any consequential amendments as a result of Appendix A be made to the Constitution 3) Agree that authority be delegated to the Chief Executive and Assistant Director – Legal and Democratic Services to make any further amendments to the scheme that are consequential on the current allocation of service responsibilities being revised.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	<p>Do the proposals accord with the Policy Framework?</p> <p>The monitoring and amendment of the Constitution is an internal matter and any changes are a Council decision.</p>

Statement by the S151 Officer: Financial Implications and Risk Considerations:	<i>This report clearly sets out roles / delegations of specific officers. This is essential to ensure effective governance. There are no financial implications arising from this report.</i>	
Equality/Diversity implications:	<i>None as a result of this report.</i>	
Considered by Monitoring Officer:	<p>Yes</p> <p>The Council is required to comply with the Local Government Act 2000 and subordinate legislation in the drawing up and subsequent operation of the Constitution. Legislation enables a scheme of delegation to officers. This requires a full review but following the changes of the organisational re-structure of the Council, this is an interim measure to ensure Chief Officers are responsible for appropriate functions.</p>	JH
Wards Affected:	All	
Scrutiny Interest:	None	

TRACKING/PROCESS **DIRECTOR: Deputy Chief**
Executive/Director of Corporate Core Services

Joint Executive Team/CCMT	Cabinet Member/Chair Briefed	Ward Members (if necessary)	Partners
Scrutiny Committee	Other Committee	Council	Comms
	Democratic Arrangements 10 March 2020	18 March 2020	

1.0 CONTEXT

- 1.1 Section 101 of the Local Government Act 1972 allows the adoption of a scheme of officer delegations to ensure that it is clear that identified Chief Officers have the power to take decisions that are not reserved to elected members.
- 1.2 The management arrangements have changed within the Council, with the reorganisation of the constituent Departments and it has become necessary to amend the scheme of officer delegations, to align relevant powers to act with the appropriate Chief Officers.

- 1.3 Following the report to Cabinet on 13 January 2020, on the Corporate Restructure, the suggested amendments reflect the current management arrangements for the functions of the Council. It is clearly in the interests of certainty and clarity to review and update the scheme in due course but it is necessary now to reflect the new service area arrangements in the interim.

Given the change within the organisation it would also be advisable to have a transitional provision in place and for any further consequential matters, for the Chief Executive to have authority to re-allocate delegated powers to other posts.

- 1.4 This report therefore seeks Council's approval to update the officer delegations and delegate authority to the Chief Executive and Assistant Director – Legal and Democratic Services to make any consequential amendments as a result of the changes to the management arrangements. This delegation is sought in order to make the determination of such matters quicker and more efficient.
- 1.5 A schedule of the changes proposed to the current Officer Delegations is attached at Appendix A. This replacement text and any consequential amendments are to be inserted into the Council's Constitution.
- 1.6 The existing Council's Constitution is available on the Council's external website (<https://www.bury.gov.uk/CHttpHandler.ashx?id=19129&p=0>).

Council is requested to approve the recommendations in this report that:

- 1) the Officer Delegations set out in Part 3 of the Council's Constitution be amended in line with Appendix A attached to this report and be adopted with immediate effect.
- 2) Any consequential amendments as a result of Appendix A be made to the Constitution
- 3) That authority be delegated to the Chief Executive and Assistant Director – Legal and Democratic Services to make any further amendments to the scheme that are consequential on the current allocation of service responsibilities being revised.

List of Background Papers:-

Revised extracts from the Council Constitution

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Appendix A

Amendments to the constitution:

- **Amend Article 11 – Officers (current pages 57 to 63)**
- **Move the parts of the Constitution at Part 3 – Responsibility for Functions and Section 5. Officer Delegation Scheme/General Delegation to Officers/Delegations to specific officers – Pages 92 to 109 - to Article 11 and amend as follows**

ARTICLE 11 – OFFICERS

(a) General

The full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

(b) Head of Paid Service, Monitoring Officer and Chief Finance Officer.

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Assistant Director - Legal and Democratic Services	Monitoring Officer
Joint Chief Finance Officer	Chief Finance Officer as required under Section 151 of the Local Government Act 1972

Such posts will have the functions described in below

(C) Structure

The Head of Paid Service will determine, publicise and amend the officer structure of the Council in accordance with Council and Joint Negotiating Committee (JNC) Conditions of Service and Council and national policies and procedures.

Functions of the Head of Paid Service

(a) Discharge of Functions by the Council

The Head of Paid Service will report to the Human Resources and Appeals Panel and/or Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) Restrictions on Functions

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

Functions of the Monitoring Officer

The Monitoring Officer will:-

- (a) maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) after consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an executive function if (s)he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) establish and maintain the Council's Register of Interests of Members and Co-opted Members as required by section 29(1) of the Localism Act 2011 and ensure that it is available for inspection and published on the Council's website as required by the Act.
- (e) ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (f) advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.
- (g) provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and Policy Framework issues to all Councillors.
- (h) The Council has delegated to the Monitoring Officer the following powers to deal with matters of conduct and ethical standards:
 - To act as the Council's Proper Officer to receive complaints that Council Members have failed to comply with the Council's Code of Conduct for Members;

- To determine, after consultation with the Independent Person and in accordance with the Council's arrangements for dealing with complaints, that Council Members have failed to comply with the Council's Code of Conduct for Members whether to reject, informally resolve or investigate a complaint;
- To seek informal resolution of complaints that Council Members have failed to comply with the Council's Code of Conduct for Members wherever practicable;
- To refer decisions dealing with a complaint against a Council Member to the Standards Committee in exceptional circumstances;
- To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with an Independent Person) determines that a complaint merits formal investigation;
- To issue guidance to be followed by an Investigating Officer on the investigation of complaints;
- To confirm, after consultation with an Independent Person and in accordance with the Council's Arrangements, an Investigating Officer's finding of no failure to comply with the Council's Code of Conduct
- Where an Investigating Officer's report finds that the Subject Member has failed to comply with the Council's Code of Conduct for Members, to determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, either to seek a local resolution or to send a matter for local hearing.
- To grant dispensations from section 31(4) of the Localism Act 2011 if, having had regard to all relevant circumstances, the Monitoring Officer:-
 - considers that without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
 - considers that without the dispensation each Member of the Council's Cabinet would be prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business to be transacted by the Executive; or
 - considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.

Restrictions on Posts

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Functions of the Chief Finance Officer

The Chief Finance Officer will

- (a) after consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer report to the full Council or to the Cabinet in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) have responsibility for the administration of the financial affairs of the Council.
- (c) contribute to the corporate management of the Council, in particular, through the provision of professional financial advice.
- (d) provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and will support and advise Councillors and officers in their respective roles.
- (e) provide financial information to the media, members of the public and the community.

Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed in accordance with Section 5 of the Local Government and Housing Act 1989 and Section 114 of Local Government Finance Act 1988 respectively.

Conduct

Officers will comply with the Officers' Code of Conduct and Protocol on Officer/Member Relations as set out in Part 5 of this Constitution

Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules as set out in Part 4 of this Constitution.

SCHEME OF DELEGATION TO OFFICERS

INTRODUCTION

1. The purpose of this scheme is to provide arrangements for delegations to officers of the Council's executive and non-executive functions.
2. The Scheme of Delegation set out below has been compiled in accordance with Section 101 Local Government Act 1972 and the requirements of the Local Government Act 2000. The designated officers, or those authorised to act in their place, are authorised to discharge the functions delegated to them in this Scheme.
3. The following powers and duties are delegated to the officers named. Subject to any restriction imposed by the Council or Cabinet, those officers can delegate further as appropriate to any officer in his/her Service any power or duty which the Council or Executive has already delegated to them.
4. Notwithstanding any decision of the Council or Cabinet in relation to the delegation of any item to any officers of the Council, that item shall cease to be delegated if that officer has declared a personal or financial interest in that item.

PROVISIONS

1. All officer delegations are to be exercised in accordance with the Constitution, and consistently with the approved Policy and Budgetary Framework.
2. Any delegation to an officer to take action under a particular statutory provision shall be deemed to authorise action under any statutory re-enactment or amendment of that provision, and any statutory regulations, order, or direction made under that provision both before and after the date of this Constitution. References to statutory requirements in this scheme include relevant European legislation and directives as applicable.
3. In deciding whether or not to exercise delegated powers, officers should **always** have regard to the desirability of consulting with the appropriate Cabinet Portfolio Holder or Committee Chair. Officers will always be entitled to refer matters for decision to the Council, the Cabinet or relevant Committee, as appropriate, where they consider it expedient to do so.
4. Significant decisions taken by Officers should be published in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and guidance issued by the Assistant Director- Legal and Democratic Services.

GENERAL DELEGATIONS TO OFFICERS

1.0 GENERAL DELEGATION

- 1.1 The Chief Executive, Directors, Chief Officers or other named officers shall be authorised to carry into effect without reference to the Council or the Leader/Cabinet Member unless referred to the Cabinet by a Cabinet Member, or are matters of day to day management and administration and, in particular, the functions mentioned below.
- 1.2 An officer referred to in 1.1 above shall be empowered to authorise officers in their Departments/Directorates to exercise on their behalf, powers delegated under this scheme and to authorise officers to carry out specific statutory functions under the provisions of relevant legislation
- 1.3 Where an officer referred to in 1.1 above is to be absent for any period, that officer may nominate to the Chief Executive, in writing, another officer to act in that capacity during the period of absence.

2.0 FINANCIAL MATTERS

2.1 Revenue Expenditure

(a) To incur expenditure in respect of items included in approved revenue budgets, save to the extent to which the Council or the Cabinet has placed a reservation on any such item. Expenditure on any such reserved items may be incurred only when and to the extent that such reservation has been removed.

(b) To incur expenditure within the Revenue Budget in accordance with the virement procedures and delegated limits set out in the Financial Procedure Rules in the Council Constitution.

(c) In an emergency, to incur immediately necessary lawful expenditure which shall be reported to the Chief Executive and Joint Finance Officer at the first opportunity.

2.2 Capital Expenditure

To incur expenditure on capital schemes in accordance with the arrangements set out in the Financial Procedure Rules in the Council Constitution.

3.0 CONTRACT ISSUES

The following delegations to Officers relating to contracts are contained in the Contract Procedures Rules:

Contract Procedure Rules (CPR), issued in accordance with Section 135 of the 1972 Local Government Act, are intended to promote good procurement practice, public accountability and deter corruption.

Officers responsible for procurement must comply with these rules. They lay down minimum requirements and a more thorough procedure may be appropriate for a particular contract.

For the purposes of these rules, where there is a requirement for communication to be in writing, this shall be deemed to include email and messaging through "The Chest" as well as hard copy.

Key considerations for officers engaged in procuring works, goods and services include:

- Follow the rules if you procure goods or services or arrange building work.
- Seek advice from internal legal, financial and procurement professionals whenever necessary
- Declare any personal financial interest in a contract (corruption is a criminal offence).
- Check whether there is an existing corporate contract or AGMA (Association of Greater Manchester Authorities), CCS (Crown Commercial Services) or other joint procurement framework you can make use of before undertaking a bespoke competitive process. Check with Strategic Procurement if you are unsure.
- Conduct procurement processes via "The Chest", the Council's e-tendering portal.
- Normally allow at least three weeks for submission of bids unless subject to an EU procedure which requires otherwise.
- Keep bids confidential.
- Complete a written contract or Council purchase order before the supply or works begin.
- Agree who will act as contract manager with responsibility for ensuring the contract delivers as intended.
- Keep records of dealings with suppliers.
- Assess each contract afterwards to see how well it met the purchasing need and value for money requirements.

OFFICER RESPONSIBILITIES

1.1 Officers

Officers responsible for procurement or disposal must comply with these Contract Procedure Rules, Financial Regulations, the Code of Conduct and with all UK and EU binding legal requirements.

1.1.2 Officers must:

- Have regard to the procurement guidance (Code of Practice) which can be found on the Council's [intranet](#)
- Check whether a suitable corporate contract or framework exists before seeking to let another contract; where a suitable corporate contract or framework exists, this must be used unless there is an auditable reason not to do so
- Keep the records required by these Rules
- Take all necessary legal, financial and professional procurement advice.

1.1.3

When any employee either of the Council or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) issues are considered and obtain legal and personnel advice before proceeding with inviting Tenders or Quotations.

Chief Officers

2.1 Chief Officers must:

Ensure that their staff comply with these Rules.

Keep registers (to be inspected by the Monitoring Officer or the Section 151 Officer) of contracts completed by signature, rather than by the Council's seal and arrange their safekeeping on Council premises. This may include contracts stored electronically on The Chest.

- 2.3 The Officer must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the Bribery Act 2010.
- 2.4 Officers shall comply with Section 117 of the Local Government Act 1972 in relation to the declaration of interest in contracts.

4.0 PERSONNEL ISSUES

4.1 Appointments and Dismissals

- (a) To make arrangements for the appointment of employees within the approved establishment unless within the responsibility of the Human Resources and Appeals Panel.
- (b) To dismiss employees following consideration of a report thereon by the relevant Director or Chief Officer after consultation with the Head of Human Resources subject to the right of all employees to appeal against dismissal to the Human Resources and Appeals Panel.
- (c) To establish and make appointments to short term temporary posts of less than a year, subject to consultations with:-
 - (i) The Head of Human Resources and
 - (ii) Employees and the relevant trade unions
- (d) To establish and make appointments to longer term temporary posts, where considered necessary but with the establishment of such posts being avoided unless external funding is available, subject to consultations with :-
 - (i) The Head of Human Resources on the proposals prior to implementation; and
 - (ii) Employees and the relevant trade unions.

4.2 Establishment

- (a) To approve honoraria and acting up payments to officers subject to there being budgetary provision and in consultation with the Deputy Chief Executive/Executive Director of Corporate Core Services
- (b) To approve planned overtime payments to officers, subject to there being budgetary provision and in a consultation with the Deputy Chief Executive/Executive Director of Corporate Core Services
- (c) To discipline employees in accordance with procedures approved by the Council.
- (d) To approve, or otherwise, variations of periods of notice to terminate employment.
- (e) To approve the extension of the period of probationary service following sickness.
- (f) To deal with the failure of an employee to observe the conditions of the Sickness Absence Scheme.

4.3 Claims for Damages

To approve, or otherwise, claims for damages to employees' personal effects and clothing in accordance with any approved guidelines and in consultation with the Deputy Chief Executive/Executive Director of Corporate Core Services

4.4 Staff Restructures

To approve the establishment of new posts or restructuring on a minor scale in circumstances where proposals can be contained within existing resources or where external funding is available, subject to:-

- (i) Consultation with the Deputy Chief Executive/Director of Corporate Core Services, and the appropriate Cabinet Member;
- (ii) Consultations with employees and relevant trade unions; and
- (iii) In appropriate circumstances, adherence to the Procedural Agreement relating Departmental Restructurings (Appendix A) to the Local Conditions of Service.

5.0 GENERAL MANAGEMENT

Certain authorised officers are empowered to take samples, carry out inspections, enter premises and generally perform the functions of a duty authorised officer of the Council and to issue any necessary certificates of authority. These will be authorised by the relevant Chief Officer.

Who is responsible	Functions
Chief Executive	<p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <p>General</p> <p>To undertake all matters associated with the professional and corporate management of the Council.</p> <p>The Chief Executive shall be authorised to :</p> <ol style="list-style-type: none"> 1) discharge any council or executive function not otherwise delegated to a Director or Chief Officer, including civic and ceremonial functions of the Council, and to take any action remitted to him/her under corporate policies or this Officer Delegation Scheme. 2) exercise any power delegated to any officer at any time when that officer is unable or unwilling to act. 3) give a decision on the applicability of any delegated power in any specific case. 4) require any officer of the Council to refer a matter to a Committee or the Cabinet for decision notwithstanding the fact that the officer may have delegated authority to deal with that matter. 5) Authorise the taking of any necessary action, including the incurring of expenditure in connection with an emergency or disaster in the Borough (Note – this delegation is also exercisable by all Executive Directors) 6) determine, in conjunction with the Joint Chief Finance Officer whether representation to the relevant Government Department should be made for activation of the "Bellwin" Scheme of Emergency Financial Assistance to Local Authorities for any expenditure relating to major incidents which occur in the Borough 7) deal with matters relating to the development of the Community Strategy and Corporate Plan 8) give professional advice to all parties in the decision-making process 9) Represent the Council on Partnerships and External Bodies

- 10) implement and initiate change and service delivery across the Council's services
- 11) Carry out record keeping for all the Council's Decisions (together with the Monitoring Officer)

Specific Functions

- 12) Responsible for ensuring the Local Safeguarding Children Board is an effective vehicle for the promotion of child protection and safeguarding of children in the Borough
- 13) To appoint or remove the chair of the Safeguarding Children Board in partnership with Safeguarding Board members and to hold the chair to account for the effective work of the board
- 14) Elections –
 - i) in consultation with the relevant ward councillors and Group Leaders to discharge the function of dividing electoral divisions into polling districts at local government elections and altering such districts and to be responsible for the ongoing review of polling districts, polling places and polling stations between the 4 yearly reviews for parliamentary elections (Sections 18A, 18B and 31 of the Representation of the People Act 1983).
 - ii) to determine fees and conditions for the supply of copies of extracts of elections documents. (Rule 48(3) Local Elections (Principal Areas) Rules 1986 and Rule 48(3) Local Elections (Parishes and Communities) Rules 1986.)
- 15) Economic Development
- 16) Business Engagement
- 17) Regeneration
- 18) Strategic Planning
- 19) Strategic Housing
- 20) Housing Development (including Affordable Housing)
- 21) Lead Chief Executive for Greater Manchester Wider Leadership Team
- 22) Member of Greater Manchester Wider Leadership Team

	<p>The Chief Executive also has the role of Accountable Officer for Bury NHS Clinical Commissioning Group</p>
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<p>Deputy Chief Executive/ Executive Director of Department of Corporate Core Services</p>	<p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <p>General</p> <ol style="list-style-type: none"> 1) The overall direction of all human resource matters. 2) The administration and implementation of the Council's organisational, employee development and human resource plans <p>Specific</p> <ol style="list-style-type: none"> 3) Senior Information Risk Owner 4) Adult Learning 5) Arts and Museums (Culture and Heritage) 6) Archives 7) Business Support 8) Corporate HR and OD Services 9) Corporate Procurement 10) Communications, Marketing and Engagement 11) Customer Contact (including Patient Liaison Service) 12) Corporate Complaints (including Adults and Childrens Complaints)
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	<ul style="list-style-type: none"> 13) Community Safety (Strategic and Operational)Resilience and Emergency Planning 14) Democratic Services 15) Elections and Electoral Registration 16) Equality and Diversity 17) Health and Safety 18) ICT and Digital Strategy 19) Information Governance (including GDPR, Data Protection Officer and Senior Information Reporting Officer) 20) Legal Services 21) Policy and Reform 22) Performance and Intelligence (including Public Health intelligence and Children's data team)Risk Management 23) Strategic Partnerships 24) Registration Services
Joint Chief Finance Officer	<p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <ul style="list-style-type: none"> 1) Treasury Management – borrowing and investment 2) Financial management, Assurance and Reporting 3) Financial Strategy and planning (including development of the Medium Term Financial Strategy) 4) Budget Board Governance (including savings tracker and QIPP) 5) Debt recovery 6) Council tax 7) Council tax support and housing benefit rent allowances and rebates 8) Discretionary welfare assistance 9) National non-domestic rates 10) Pay services (Creditor payments/accounts payable/payroll) 11) Insurance 12) Revenues and Benefits processing and enforcement 13) The writing off of debts from £2,001 to £5,000, with the Head of Customer Support and Collections being authorised to write off debts of £2,000 or less

Executive Director of Children and Young People	<p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision;</p> <ol style="list-style-type: none"> 1) Adoption 2) Corporate Parenting 3) Children and Young People in Care 4) Children's Social Care 5) Children's Safeguarding (including complex safeguarding but other than relating to commissioning) Secure accommodation 6) Early Years and school readiness 7) Emergency Duty Team 8) Youth Offending Team 9) Children's Social Care 10) MASH 11) Emergency Duty Team 12) Caldicott Guardian for Childrens Services 13) Children's Centres 14) Early Help 15) Fostering and Adoption Services 16) Inclusion/Vulnerable Pupils 17) Schools, Academies and Colleges 18) Special Educational Needs and Disability 19) Additional Needs 20) Education Welfare and Children's Psychology Team 21) School and College Transport 22) School Crossing Patrols 23) Youth & Connexions
Executive Director of Strategic Commissioning	<p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision;</p> <ol style="list-style-type: none"> 1) Commissioning health and social care , secondary care and community services (with CCG) 2) Continuing Health Care/Complex Care (with CCG) 3) Transforming Care (with CCG) 4) Bury EST 5) Safeguarding Adults 6) Infection control 7) Staying Well Team 8) Mortality Service 9) Strategic Development Unit (Strategic Planning and Development; Provider Relationship, Reviewing Team) 10) Care Homes 11) Homelessness and Asylum 12) Liaison with Persona and Local Care Organisation for social care operations 13) Support at home services 14) Adult Health Care 15) Substance misuse

Executive Director of Operations	<p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision;</p> <ol style="list-style-type: none"> 1) Environment 2) Climate Change 3) Street Scene (highways, street lighting, grounds maintenance) 4) Parking 5) Cleaning and Catering 6) Parks and Countryside (including bereavement service) 7) Architectural Practice 8) Facilities Management 9) Lettings and public halls 10) Sports and leisure 11) Grounds Maintenance 12) Engineers – Traffic Management & Transportation 13) Asset Management, Infrastructure 14) Public Rights of Way 15) Street Works and Highway Maintenance 16) Street Lighting 17) Winter Maintenance 18) Transport and Workshop 19) Waste Management/Recycling 20) Street Cleansing 21) Depot/Stores 22) Environmental Health and Pest Control 23) Licensing – including Safety at Sports Grounds
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Specific Delegations to Specific Officers

Director of Community Commissioning

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision;

- Social Care operations as the Director of Adult Social Services (DASS)
- Learning Disabilities
- Older People's Mental Health,
- Commissioning and Discharge,
- Carers Liaison
- Disability Services and Personalisation
- "Deprivation of Liberty" Safeguards
- Caldicott Guardian

Director of Public Health

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision;

- Principal adviser for elected members and senior officers on public health matters
- Delivery of the Council duties as to the improvement of health; reducing health inequalities health protection and healthcare public health including but not limited to:
 - Providing information and advice
 - Providing services or facilities designed to promote healthy living
 - Providing assistance to help individuals minimise any risks to health arising from their accommodation or environment
- Provision of expert, objective advice on public health matters to the Council and the Public; to include the Council's public health response as the responsible authority under the Licensing Act 2003
- Ensure plans are in place to protect the health of the local population from threats to health and prevent, as far as possible, threats to health arising
- Discharge the Council's functions in relation to dental public health
- Discharge any functions of the Council in relation to joint working and work with a range of partners to foster improved health and well-being
- Commission mandatory public health services on behalf of the Secretary of State and other prevention and health improvement services that meet the needs of the Council's citizens; address the public health outcomes framework and tackle local priorities as set out in the Health and Wellbeing Strategy
- Have professional responsibility and accountability for the Council's Public Health service with regards to effectiveness, availability and value for money
- Contribute to and influence the work of partners and in particular NHS Commissioners to ensure a whole system approach across the public sector
- Be an active member of the Health and Wellbeing Board, advising and contributing to the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.
- Prepare an independent Annual Report on the health of the Council's citizens
- Responsibility for any of the Secretary of State's public health protection or health improvement functions that are delegated to the Council, either by arrangement or under regulations
- To discharge the Council's function under the Healthy Start and Welfare Food Regulations 2005 (as amended) in relation to Healthy Start vitamins where the Council provides or commissions a maternity or child health clinic
- Play a full part in the Council's action to meet the needs of vulnerable children

Director of Regeneration and Capital Growth

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision;

- Building control
- Development management
- Planning for land use and development
- Enforcement of Planning Control and Planning Appeals
- Heritage
- Estates, property and Asset Management
- Urban renewal,
- Enforced Sales
- Markets

Assistant Director - Legal and Democratic Services

The Assistant Director - Legal and Democratic Services shall be authorised to act as Solicitor to the Council and to take any action intended to give effect to a decision of the Council, the Cabinet, Overview and Scrutiny Committees, Regulatory Committees/Sub-Committees, or an Officer to discharge any function of the Council in relation to:-

- The duties of the Monitoring Officer
- The making or issuing of orders and notices
- Negotiations prior to commencement and the commencement, defence, withdrawal or settlement of legal or other proceedings.
- The authorisation of Council employees to conduct legal matters in court
- The contractual element of procurement
- Electoral matters
- Land charges
- The registration of births, deaths and marriages and associated functions
- The recording of decisions of the Cabinet and all relevant committees
- Taking any action remitted to him/her under corporate policies and procedures.

PROPER OFFICERS

1. Legislation requires the Council to appoint specific officers and to identify officers for particular responsibilities.
2. The Chief Executive shall be authorised to act as the Council's Proper Officer for the purpose of any function not otherwise delegated under these arrangements.

Statutory Requirements	Officer Appointed
Section 532 Education Act 1996 Chief Education officer	Assistant Director (Education and Inclusion)
Section 18 of the Children Act 2004 Requires every top tier local authority to appoint a Director of Children's Services	Executive Director of Children and Young People
Section 6 Local Authority Social Services Act 1970 Director of Adult Social Services	Director of Community Commissioning

Section 151 Local Government Act 1972 Responsibility for financial administration	Joint Chief Finance Officer
Section 4 Local Government and Housing Act 1989 Head of Paid Service	Chief Executive
Section 5 Local Government and Housing Act 1989 Monitoring Officer	Assistant Director - Legal and Democratic Services
Director of Public Health	Director of Public Health
General Data Protection Regulations Data Protection Officer	Head of Legal Services

The officers specified in the following table are appointed Proper Officer for the purpose of the respective functions specified:

Registration Service Act 1953

Reference	Description	Proper Officer
S3, 9,13 & 20	Registration of Births, Deaths and Marriages	Assistant Director – Legal and Democratic Services

Local Government Act 1972

Reference	Description	Proper Officer
S 83	Witness and receipt of declaration and acceptance of office	Chief Executive
S 84	Receipt of written notice of resignation of office	Chief Executive
S 88(2)	Convening of meeting of the Council to fill a casual vacancy in the office of Chair of the Council	Chief Executive
S 89(1)(b)	Receipt of notice of casual vacancy in the office of Councillor from two local government electors	Chief Executive
S 100B	Exclusion of parts from reports open to inspection	Assistant Director – Legal and Democratic
S 100C(2)	Responsibility to prepare a written summary of those parts of the committee proceedings which disclose exempt information	Assistant Director – Legal and Democratic Services
S 100D	Responsibility for identifying background papers and compiling list of such documents	For each report, the officer named in it as the responsible officer
S 100F(2)	Decision to exclude from production to Members documents disclosing	Chief Executive

exempt information

S 115	Responsibility for receipt of money due from officers	Joint Chief Finance Director
S 146(1)	Authorisation to produce a declarations and certificates with regard to securities	Joint Chief Finance Director
S 191	Functions with regard to Ordnance Survey	Executive Director Operations.
S 210	Officer in whom power in respect of a charity will vest as at 1 April 1974	Assistant Director –Legal and Democratic Services
S 225(1)	Deposit of documents and giving of acknowledgements or receipts.	Assistant Director – Legal and Democratic Services
S 229	Certification of photographic copies of	Assistant Director – Legal and Democratic Services
S 234(1)	Authentication of documents	Assistant Director – Legal and Democratic Services
S 238	Certification of byelaws	Assistant Director- Legal and Democratic Services
Para 4(2)(b) of Part 1 of Schedule 12	Officer who may sign a summons to council meetings	Chief Executive
Para 4(3) of Part 1 of Schedule 12	Receipt of notices from Members regarding address to which a summons to a meeting is to be sent	Chief Executive

Local Government Act 1974

Reference	Description	<i>Proper Officer</i>
S 30 (5)	Publication of notice of Local Commissioner's report on investigation of a complaint	Assistant Director – Legal and Democratic Services

Local Government (Miscellaneous Provisions) Act 1976

Reference	Description	<i>Proper Officer</i>
S 41	Certification of copies of resolutions, minutes and other documents	Assistant Director – Legal and Democratic Services

Rates Act 1984

Reference	Description	<i>Proper Officer</i>
S 7	Certification of rate	Joint Chief Finance Officer

Local Government and Housing Act 1989

Reference	Description	<i>Proper Officer</i>
S 2	Preparation of list of politically restricted posts	Deputy Chief Executive

Local Government (Committees and Political Groups) Regulations 1990

Reference	Description	Proper Officer
<i>S 8 (1) and (5)</i>	Receipt of notice of constitution of a political group, or the change of name of a political group	Chief Executive
<i>S 9 and 10</i>	Receipt of notice of Councillor's membership of, or cessation of membership of, a political group	Chief Executive
<i>S 13</i>	Officer to whom the wishes of a political group are expressed	Chief Executive
<i>S 14</i>	Responsibility for notifying a political group about allocations and vacations of seats	Chief Executive

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012

Reference	Description	Proper Officer
<i>Reg 5 (2)(3)and (4)</i>	Responsibility to produce a notice giving 28 days' notice of its intention to hold a meeting in private.	Assistant Director – Legal and Democratic Services
<i>Reg 5 (6)and (7)</i>	Responsibility to gain approval from the Chair of Scrutiny Committee to the consideration of an item in private where notice in accordance with Regulation 5 (2) was not practical and the publication of the notice thereafter.	Assistant Director – Legal and Democratic Services
<i>Reg 6</i>	Responsibility for giving notice of the time and place of a public meeting.	Assistant Director – Legal and Democratic Services
<i>Reg 7</i>	Responsibility to ensure that certain copy documents are available for public inspection	Assistant Director – Legal and Democratic Services
<i>Reg 9 (1), (2) and (3)</i>	Responsibility to produce a notice giving 28 days' notice of its intention to take a key decision.	Assistant Director – Legal and Democratic Services
<i>Reg 10</i>	Responsibility to inform the Chair of Scrutiny Committee of the intention to take a key decision where notice in	Assistant Director – Legal and Democratic Services

	accordance with Regulation 9 was not practical and the publication of the notice thereafter.	
<i>Reg 11</i>	Responsibility for dealing with cases of special urgency.	Assistant Director – Legal and Democratic Services
<i>Reg 12</i>	Responsibility for the recording of executive decisions taken at meetings	Assistant Director – Legal and Democratic Services
<i>Reg 13(1), (2) and (3) and Reg 14</i>	Responsibility for the recording of executive decisions taken by individual members	Assistant Director – Legal and Democratic Services
<i>Reg 13 (4) and Reg 14</i>	Responsibility for the recording of executive decisions taken by Officers	Relevant Corporate Director
<i>Regs 15 and 21</i>	Responsibility for ensuring that background papers are available for inspection	Assistant Director – Legal and Democratic Services
<i>Reg 20</i>	Officer who may form an opinion as to whether a document contains or is likely to contain information confidential information, exempt information or the advice of a political advisor or assistant	Assistant Director – Legal and Democratic Services

The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000

Reference	Description	Proper Officer
<i>Reg 4</i>	Publication of the number that is equal to 5 per cent of the number of local government electors for the authority's area	Democratic Services Manager

The Local Authorities (Standing Orders) (England) Regulations 2001

Section	Description	Proper Officer
<i>Reg 3 & 4 and Schedule 1</i>	Officer for receiving notification of proposed appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment.	Chief Executive

The Chief Executive is the
Proper Officer unless
otherwise determined in
the Officer Employment
Procedure Rules set out in
Part 4 of the Constitution