

CONSTITUTION

October 2026

Part A3

Part A3 Delegations

Contents

Delegations **2**

A Introduction **3**

B General Delegations to all Chief Officers **6**

C Specific Delegations to Chief Officers **8**

1. Chief Executive 8

2. Executive Director of Resources 10

3. Executive Director of Place 11

4. Executive Director of People 23

5. Director of Strategy Engagement and Change 26

D Specific Delegations to Officers with Statutory Responsibilities **27**

a. Director of Public Health 27

b. Monitoring Officer and Service Director of Legal, Governance and Democratic Services 28

c. Delegations of the Chief Financial Officer 30

d. Deputy Monitoring Officer and Head of Legal Services 31

e. Chief Planning Officer 31

f. Service Director of Adult Social Care (DASS) 32

Delegations

A **Introduction**
B **General Delegations to all Chief Officers**
C **Specific Delegations to Chief Officers**
D **Specific Delegations to Officers with Statutory Responsibilities**

A Introduction

Delegations To Officers

1. Overall Basis

1.1 This scheme delegates functions of the Council to officers. These delegations should be interpreted widely rather than narrowly. The delegations are divided into the following sections:

- A – Introduction
- B – General Delegations to all Chief Officers
- C – Specific Delegations to Chief Officers
- D – Specific Delegations to Officers with Statutory Responsibilities

These sections inter-relate and should not be read in isolation.

1.2 In this scheme "officer" means the holder of any post named in this scheme as having delegated powers and duties; "*Chief Officer*" means the: Chief Executive, Executive Director for People, Executive Director for Place, Executive Director for Resources and Business Change, Director of Adults & Homes, Director for Strategy, Engagement and Change.

1.3 This scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation.

1.4 This scheme operates under Sections 101, 151 and 270 of the Local Government Act 1972, section 9E of the Local Government Act 2000and all other powers enabling the Council.

1.5 This scheme includes the obligation on officers to keep members properly informed of activity arising within the scope of these delegations.

2. Overall Limitations

2.1 This scheme does NOT delegate to officers:-

(a) Any matter reserved to full Council, Cabinet or Executive Member or within the terms of reference of a Committee or sub-Committee.
(b) Any matter which by law may not be delegated to an officer.
(c) Any matter expressly withdrawn from delegation by this scheme.

2.2 In each case the delegated authority to officers **excludes**:

(a) the taking of decisions which make, amend or are not in accordance with the budget and policy framework
(b) the setting or changing of Council policy
(c) the setting of budgets
(d) the making of compulsory purchase orders
(e) the taking of decisions which are not in accordance with the council's Property Framework

2.3 Any exercise of delegated powers shall be subject to:-

(a) Any statutory restrictions
(b) The Council's Constitution
(c) The Council's budget and policy framework
(d) Any other policies

2.4 In exercising delegated powers officers shall:

(a) not go beyond the provision in the revenue or capital budgets for their service or agree individual items of expenditure or virement beyond that permitted by Standing Orders relating to Contracts and Financial Regulations;
(b) have regard to any report by the Head of the Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or of the Chief Financial Officer under Section 114 of the Local Government Finance Act 1988;
(c) have regard to any report from the Council's internal and / or external auditors in relation to a fundamental weakness in management and financial controls.

3. Further Provisions

3.1 In all cases delegated authority includes management of the human and material resources made available for their functions and departments within the limitations of this scheme and subject to specific delegations in this scheme or elsewhere to another officer.

3.2 In all cases delegated authority includes the power to issue and serve statutory and other notices, to institute formal cautions and to take default action under all legislation relevant to their functional area. Also to sign all necessary documents and authorise entry to land in pursuance of statutory powers.

3.3 To request the Monitoring Officer to institute legal proceedings before courts or tribunals, to authorise officers to appear on behalf of the Council in courts, tribunals, review boards and inquiries.

3.4 In all cases, delegated authority includes the power to determine applications, authorise payments and implement national agreements subject to any exclusions contained in this constitution

3.5 It shall always be open to an officer, Executive Member or Committee Chair to refer the matter to the appropriate decision making forum, including Cabinet or the relevant committee.

3.6 In exercising delegated powers, officers shall consult with such other relevant officers and shall have regard to any advice given.

3.7 This scheme includes the power for officers to further delegate in writing all or any of the delegated functions to other officers either fully or under the general supervision and control of the delegating officer. Sub-delegations shall be recorded in a register kept by the Monitoring Officer under Section 100G of the Local Government Act 1972. Sub-delegations may be made across departmental boundaries and to other Councils and their officers as appropriate.

(Any officer exercising powers or duties in pursuance of full sub-delegation will be politically restricted under Section 2(1) (g) of the Local Government and Housing Act 1989).

3.8 Officers shall devolve responsibilities for service delivery and management (whether or not involving sub-delegation under this scheme) to the nearest practical point to the service user and in a way which clearly identifies accountabilities.

B General Delegations to all Chief Officers

NOTE: the following delegations must be read in conjunction with the foregoing Section A which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations.

1. General Delegation:

1.1 Authority to take all operational decisions for the delivery of services for which the Chief Officer has managerial responsibility, and which are within:–

(a) approved policies
(b) approved budgets and virement rules

subject to the following exclusions –

(c) service closure, relocation of change of use of service establishments
(d) setting of/changes to rents, fees, charges and concessions and related criteria
(e) the award of grants over £1,000
(f) the award of settlements arising from Ombudsman's recommendations over £5,000
(g) decisions on permanent budget savings to achieve policy objectives

1.2 To take appropriate action which is necessary to ensure the efficient, equitable and effective delivery of services (decisions on service reductions to be taken in consultation with, and supported by, the relevant Executive Member).

2. Human Resources

2.1 Authority to manage the human resources within their remit including appointment, health and safety, discipline, suspension and dismissal of staff, in accordance with the Council's HR Policies and procedures.

2.2 Subject to consultation with the relevant Executive Member, authority to make changes to organisational structures and staffing levels, including the creation and deletion of posts, or to purchase a service, or part of a service from other providers, always acting within the HR Policies and procedures and the financial regulations of the Council, except where any proposal:-

(a) involves the probability of redundancies which results in financial implication beyond the budget, and/or cannot be implemented within existing budgets, and/or
(b) results in major change in service delivery.
(c) has significant effects on the employment of existing staff in that or any other Council department
(d) involves the transfer of staff to another organisation.

note: in relation to the above it remains the Council's policy to avoid compulsory redundancies where possible. Officer delegations can only be discharged within the Council's HR policies and procedures.

2.3 Authority to consider and approve, as appropriate, in consultation with the Service Director - Human Resources and the Chief Financial Officer (or deputy) in accordance with the provisions of the Local Government Pension Scheme and the Council's approved policy and criteria, the early retirement of staff (aged 50 or over) in the following circumstances:
(a) in the interests of the efficiency of the service
(b) staff who request voluntary retirement

3. External Conferences attended by Members

Authority to designate conference attendances as "approved" for allowances purposes, following consultation with the relevant Executive Member and subject to all conference fees, accommodation costs and out of council area travel costs, being met by service budgets. All such designations to be notified to the Monitoring Officer.

An approved conference is one where:

(a) attendance is to represent the Council and participate on that basis.
(b) attendance is to gain information or participate in discussion, in which case the persons attending will be appropriate to the conference content and normally not exceeding one person per political group plus relevant officers.

4. Response to Government Consultation

4.1 The relevant chief officer in consultation with the relevant executive member(s) will respond to government consultation on behalf of the council and share the response with the relevant lead members following submission. For the avoidance of doubt, this delegation also applies to consultations relating to Nationally Significant Infrastructure Projects (NSIPs) which relate to or affect South Gloucestershire Council received from government, the Planning Inspectorate or Project Promoter.

5. General Matters

The obtaining of particulars of persons interest in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

C Specific Delegations to Chief Officers

NOTE: the following delegations must be read in conjunction with the foregoing Sections A and B which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations and also general delegations to all Chief Officers.

1. Chief Executive

1. To be Head of Paid Service.

2. To exercise corporate Council functions as appropriate (see Delegations to Executive Director of Resources and Business Change).

3. To incur expenditure in the event of a civil emergency.

4. In cases of urgency or emergency, to take any decision on behalf of the Council (after consultation with the Leader).

5. For the purposes of the Local Government (Contracts) Act 1997, authority for the Chief Finance Officer and any one of the following – Chief Executive, Executive Director of Resources and Business Change, Monitoring Officer to sign each certificate given under the Act.

6. To the Chief Executive or Nominee (Service Director - Human Resources to make decisions on employee terms and conditions, (including procedures for dismissal), except those relating to:-

    a. Chief Officers
    b. changes to the Council's corporate pay grade structure unless such change is required to implement a nationally negotiated pay agreement;
    c. changes to employee terms and conditions which are the subject of contention with the trades unions.

7. To be responsible for Emergency Planning and Management Services with operational responsibility for the provision of these services being delegated to the Director of Public Health as Deputy to the Chief Executive in relation to this matter.

8. In consultation with the Leader of Council to represent South Gloucestershire Council Traded Services Limited's shareholder interests.

9. To participate at the Investment Awards Board.

10. The responsible person for the purpose of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. This delegation shall read in conjunction with the delegation to the Executive Director of People who is the Complaints Manager for the purposes of the Act (page A-82).

Exclusions from these delegations:-
See Section A, Introduction and Section B, General Delegations to Chief Officers.

2. Executive Director of Resources

1. To exercise corporate Council functions in relation to financial services, property services, HR services, legal, governance and democratic services, revenues and benefits, information management, digital, business support services, small holdings estate, traded services and commercialisation, performance management, audit, workforce development and the Local Government Pension scheme (and for any other corporate functions for which made responsible).

2. In the absence of the Chief Executive, to deputise and discharge his functions so far as they relate to the functions of the Executive Director of Resources.

The following are to be exercised only following consultation with the relevant Executive Member

(a) Any transaction at a concession, subsidy or non-market value.
(b) Joint Venture Developments
(c) Modify residency covenants
(d) Any lettings being offered on an assured shorthold tenancy basis on terms to be agreed.
(e) Any sale of land/buildings where a prospective purchaser is a Member of Council, an employee or a relation of either, unless the sale is by public auction.

Exclusions from the above delegations

(i) The submission of any planning application which would materially conflict with or prejudice the implementation of the Core Strategy, or which is clearly inconsistent with an identified policy in an adopted local plan which is up to date.
(ii) Determination of applications for non-domestic rate relief on grounds of hardship over a limit of £10,000 per annum without virement authority from the Chief Financial Officer.

See also Section A, Introduction and Section B, General Delegations to all Chief Officers

General Delegations

A. Power to make payments of up to £5,000 or provide other benefits to a similar value in case of maladministration
B. Power to assign officers in relation to requisitions or the registration officer
C. Duty to provide assistance at all elections including Referendums, Parliamentary and local elections.

3. Executive Director of Place

To exercise the Council's powers and functions in relation to leisure services, libraries, arts and culture, open spaces, commons, cemeteries and crematoria, waste management, street care and direct services, public conveniences, street naming and numbering, consumer protection (e.g. food law enforcement, trading standards, product safety, animal health and feeding stuffs, metrology, communicable disease), environmental health, environmental protection (e.g. environmental pollution, nuisance, health and safety , licensing, home safety and safety of sports grounds), community development, economic development, European and International matters and economic and social well-being (including equalities, grants, parish liaison and economic development) and adult learning.

In the absence of the Chief Executive, to deputise and discharge his functions so far as they relate to the functions of the Executive Director of Place.

1. To be responsible for Safer South Gloucestershire and to exercise associated powers and functions.

2. To determine associated licence applications, subject to appeal to a members appeals panel.

3. To appoint public analysts, agricultural analysts and chief inspectors of weights and measures.

4. To authorise enforcement action in relation to regulatory functions exercised.

5. Street Lighting – completion of agreements for the monitoring and supply of electrical energy for street lighting.

6. Car Parking – service of excess charge enforcement notices in accordance with off street parking places orders made under the Road Traffic Regulation Act 1984.

7. To deliver streetcare and direct services, including:

8. Building Services

9. Civil Engineering Services (highways, street lighting, grounds maintenance and street cleaning).

10. The Council's provision of Transport Services

11. To authorise the calculation, levying, collection and enforcement of the Community Infrastructure Levy in accordance with the Community Infrastructure Regulations 2010 (as amended).

12. To respond to consultations, in consultation with the relevant Executive Member.

13. To submit funding bids, in consultation with the relevant Executive Member.

14. To vary the transport capital programme (adding schemes in or removing them) within approved budgets, in consultation with the relevant Executive Member.

15. To vary the budgets for individual schemes within the capital programme provided this is within the overall budget for the capital programme, in consultation with the relevant Executive Member.

16. To approve capital scheme detailed design.

17. To submit planning applications and all other statutory procedures for approved schemes.

18. To approve the process of any size for approved schemes within the capital programme provided it is within the approved budget.

19. To place orders and award contracts of any value for approved schemes within the capital programme provided it is within the approved budget.

20. To secure land by negotiation for approved schemes within the capital programme provided it is within the approved budget.

21.
(a) To determine objections to proposed legal orders, notices and associated measures, and the making of said orders proposed under the Road Traffic Regulation Act 1984, Part V of the Highways Act 1980 or the Town Police Clauses Act 1847 in support of approved council policy.

(b) To determine representations made in respect of consultation about proposed sites or changes to the Civil Enforcement of Moving Traffic Contraventions within South Gloucestershire under the Traffic Management Act 2004.

22. To make agreements with other statutory bodies for the progressing of approved schemes (within budget), eg. Network Rail, Highways Agency, Environment Agency, other Unitary Authorities, etc.

23. To, following consultation with the Cabinet Member for Communities and Local Place, the Service Director Finance (section 151 Officer) and the Monitoring Officer and Service Director Legal, Governance and Democratic Services, declare:
i) a Winter Emergency.
ii) If declared, adopt such arrangements as are necessary to manage the emergency, including the redirection of the highway capital programme, diverting place revenue resources to deal with immediate highway network safety issues and temporarily amend service standards. Such measures being necessary to maintain the safety of the highway network.

Exclusions from these delegations:

See Section A, Introduction and Section B, General Delegations to Chief Officers

Functions relating to Licensing

Licensing	Trading Standards & animal Health	Env. Health	Legislation repealed	Other department/agency or unsure
1. Power to issue licences authorising the use of land as a caravan site ("site licences"). 2. Power to license the use of moveable dwellings and camping sites. 3. Power to license hackney carriages and private hire vehicles. 4. Power to license drivers of hackney carriages and private hire vehicles. 5. Power to license operators of hackney carriages and private hire vehicles 6. Power to register pool promoters 7. Power to grant track betting licences.	1. Duty to keep list of persons entitled to sell non-medicinal poisons. 2. Power to license premises for the breeding of dogs. 3. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business. 4. Power to license zoos. 5. Power to license dangerous wild animals. 6. Power to issue licences for the movement of pigs. 7. Power to license the sale of pigs. 8. Power to license collecting centres for the movement of pigs. 9. Power to issue a licence to move cattle from a market.	1. Power to license performances of hypnotism. 2. Power to license premises for acupuncture, tattooing earpiercing and electrolysis. 3. Power to license pleasure boats and pleasure vessels. 4. Power to license dealers in game and the killing and selling of game. 5. Power of register and license premises for the preparation of food. 6. Power to issue, amend or replace safety certificates (whether general	1. Power to issue 2. cinema and cinema club licences. Power . to issue theatre 4. licences. 5. Power to issue 6. Entertainments licences. Functions relating to licensing. Power to register door staff. Power to license night cafes and takeaway food shops.	1. Power to issue fire certificates. 2. Power to register animal trainers and exhibitors, 3. Power to license knackers' yards. 4. Power to license the employment of children. 5. Power to approve premises for the solemnisation of marriages. 6. Power to grant consent for the operation of a loudspeaker. 7. Power to grant a street works licence. 8. Power to license agencies for the supply of nurses. 9. Power to grant permission for provision etc of services, amenities,

8. Power to license inter track betting schemes. 9. Power to grant permits in respect of premises with amusements machines. 10. Power to register societies wishing to promote lotteries. 11. Power to grant permits in respect of premises where amusements with prizes are provided. 12. Power to formulate policy for the Licensing of sex establishments and to set fees for this type of licence 13. Power in accordance with Section 7(3) of the licensing act to discharge council's functions under the third schedule to the 14. Local Government (misc provisions) Act 1982 (as amended)		or special) for sports grounds. 7. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds. 8. Power to approve meat product premises. 9. Power to approve premises for the production of minced meat or meat preparations. 10. Power to approve Dairy establishments. 11. Power to approve egg product establishments. 12. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw		recreation and refreshment facilities on highway and related powers. 10. Power to permit deposit of builder's skip on highway. 11. A duty to publish notice in respect of proposal to grant permission under Section 115E of Highways Act 1980. 12. Power to license planting, retention and maintenance of trees etc. in part of highway. 13. Power to license works in relation to buildings etc. which obstruct the highway. 14. Power to consent to temporary deposits or excavations in streets 15. Power to dispense with obligation to erect hoarding or fence. 16. Power to restrict the placing of rails,

15. Power to license sex shops and sex cinemas. 16. Power to license market and street trading. 17. Power to license scrap metal dealers 18. Power to license persons to collect for charitable and other causes. 19. Power to regulate and register motor salvage operators. 20. Power to license the sale by retail of alcohol. 21. Power to license the supply of alcohol by or on behalf of a club, or to the order of, a member of a club. 22. Power to license the provision of regulated entertainment. 23. Power to license the provision of late night entertainment. 24. Duty to keep a register of licensed premises (alcohol,		meat and selling or supplying both raw meat and ready-to-eat foods. 13. Power to approve fish products premises. 14. Power to approve dispatch or purification centres. 15. Power to register fishing vessels on board which shrimps or molluscs are cooked. 16. Power to approve factory vessels and fishery product establishments. 17. Duty to keep register of food business premises. 18. Power to register food business premises. 19. Power to make closing order		beams etc. over highways. 17. Power to consent to construction of cellars etc. under street. 18. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators. 19. Power to sanction use of parts of buildings for storage of celluloid. 20. Power to register auction and wholesale markets.

entertainment and late night refreshment). 25. Functions relating to the Gambling Act 2005. 26. Powers under the Health Act 2006.		with respect of take-away food shops.		

Public Rights of Way

Highways Act 1980
Power to instruct the Monitoring Officer to enter into agreements to create footpaths or bridleways by agreement where this would be advantageous to the public rights of way network – this delegation does not apply to restricted byways Section 25 Highways Act 1980
Duty to keep register with respect to applications under sections 118ZA; 118C; 119ZA and 119C of the Highways Act 1980 Section 121B Highways Act 1980
Duty to assert and protect the rights of public to use and enjoyment of public rights of way Section 130 Highways Act 1980
Duty to serve notice of proposed action in relation to obstruction of a public rights of way Section 130A Highways Act 1980
Power to apply for variation of order under section 130B of the Highways Act 1980 Section Highways Act 130B(7)
Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway Section 135 Highways Act 1980
Power temporarily to divert footpath or bridleway Section 135A Highways Act 1980
Functions relating to the making good of damage and removal of obstructions Section 135B Highways Act 1980
Power to authorise erection of stiles etc on public rights of way
Powers relating to the removal of things so deposited on public rights of way as to be a nuisance Section 149 Highways Act 1980

Wildlife and Countryside Act 1981
Duty to keep definitive map and statement under review Section 53 Wildlife and Countryside Act 1981
Power to include modifications in other orders

Section 53A Wildlife and Countryside Act 1981
Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981 Section 53B Wildlife and Countryside Act 1981

Development Management

1) Save as provided for in 3 immediately below, officer's will determine all Schedule 1 Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 applications.

2) Officer's will determine any Schedule 2 Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 applications, which have not been referred by the Council's Lead Planning Member and Chief Planning Officer to the Planning Committee.

3) Officer's will determine any "Own Interest Applications" (either Schedule 1 or Schedule 2) that have not been referred by the Council's Lead Planning Member and Chief Planning Officer to the Planning Committee.

4) The Council's Planning Service will ensure that any applications which meet any of the requirements in 4)(a) to (g) below are notified to Members (through the "Circulated Schedule") for the purposes of enabling representations on whether an application should be referred to the Planning Committee for consideration (in accordance with the statutory tests), that is any application(s) that:

(a) are an "Own Interest Applications";
(b) require a new planning agreement;
(c) require a modification of an existing planning agreement where, in the opinion of the Executive Director, there would be a detriment to the public benefits secured;
(d) in the opinion of the Executive Director, would be contrary to the policies of the Council as set out in the Development Plan (and/or any emerging plan) and require referral to the Secretary of State following approval in principle by the Council for the purposes of planning control decision making;
(e) has received three or more representations from different individuals contrary to the Officer's recommendation[1];
(f) has received a representation[2] contrary to the officer recommendation from the parish or town council within whose boundary the proposal lies wholly or in part;

[1] Received within the notification period and other than from officers of the council acting in their professional capacity.
[2] Within the notification period.

(g) has received a representation[3] contrary to the officer recommendation from any member of South Gloucestershire Council.

Building Control

Regarding building control, to be the Council's designated proper officer and discharge Building Control functions, except in cases of applications for relaxations under the Building Regulations where the Director disagreed with the Fire Officer to refuse an application on the grounds of fire hazard, in which case the matter shall be referred to the relevant committee for determination.

General Delegations

A. The service of an abatement notice in respect of statutory nuisance Section 80(1) Environmental Protection Act 1990.
B. The inspection of the authority's area to detect any statutory nuisance. Section 79 of Environmental Protection Act 1990.
C. The investigation of any complaint as to the existence of a statutory nuisance.
D. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interest in land.
E. Powers relating to complaints about high hedges.
F. Functions under any of the 'relevant statutory provisions' within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of Health and Safety at Work etc. Act 1974), to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

Exclusions from these delegations

(i) Preparation and approval of supplementary planning guidance, including concept statements, waste criteria etc.
(ii) Designation of conservation areas, areas of archaeological interest and nature reserves.
(iii) Removal of permitted development rights through Article 4 Directions.
(iv) Approval of mineral applications requiring Environmental Impact Assessment.
(v) The addition of a scheme to active preparation programme under the Local Transport Plan.
(vi) Major Trunk Road and Major Motorway Improvement Schemes:
- Council response to public draft line, side road and compulsory purchase orders.

(vii) Major Capital Transportation Proposals:
- Choosing a preferred route or option following public consultation
- Authorising the promotion of Compulsory Purchase and Side Road Orders

(viii) Passenger Transport Services:
- Implementing area-wide reviews

(ix) Declaration of land surplus to highway requirements.
(x) The making and confirmation of any permanent or experimental traffic orders, including cycle track orders.

[3] Within the notification period.

Designation of principal roads

(xi) New pedestrian crossings and conversion of existing traffic signal installations.
(xii) Creation of footpaths and bridleways by order.
(xiii) Stopping up/extinguishment of footpaths and bridleways.
(xiv) Permanent diversions of footpaths and bridleways.
(xv) Definitive Map modification orders arising from Review of the Definitive Map.
(xvi) Reclassification orders in relation to roads used as public paths.

See also Section A, Introduction and Section B, General Delegations to Chief Officers.

Delegations of the Head of Safe and Strong Communities

To chair the Channel Panel to improve outcomes for those identified individuals who are vulnerable to being drawn into terrorism.

To appoint a vice-chair to chair meetings of the Channel Panel in his / her absence.

To act in accordance with the requirements of the Counter Terrorism and Security Act 2015 (as amended) and the Channel Statutory Duty Guidance 2020 (or as may be amended).

4. Executive Director of People

The Executive Director of People is appointed as the Complaints Manager and person authorised by the Responsible Body to perform the functions of the Responsible Person in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. This delegation shall read in conjunction with the delegation to the Chief Executive who is the Responsible Person for the purposes of the Act.

In the absence of the Chief Executive, to deputise and discharge his functions so far as they relation to the functions of the Executive Director of People.

(i) Adults & Health

To exercise the Council's powers and duties in relation to Adult Social Services including joint arrangements under section 75 NHS Act 2006 and Strategic Housing functions. Including power to constitute a panel of appropriate officers to consider guardianship matters.

Exclusions from these delegations

The following specific decisions are to be taken only following consultation with the relevant Executive Member.

Commencement of Judicial Review Proceedings

Exclusions from these delegations

(i) The approval of the Council's Housing strategy.
(ii) The approval of the overall housing capital programme.
(iii) The approval of Private Sector Housing grants above £30,000.

See also Section A, Introduction and Section B, General Delegations to Chief Officers

(ii) Children & Education

1. To exercise the Council's powers and duties in relation to children and young people and the delivery of traded and support services.
2. To determine, for school based staff, whether the Council will meet the financial implications for an early retirement on the grounds of redundancy or efficiency proposed by a School Governing Body.
3. To release severance payments to be made in exceptional circumstances on efficiency grounds to teachers under the age of 50, subject to prior consultation with the relevant Executive Member.
4. Power formally to appoint LEA governors to school governing bodies, on the nomination of political group, in accordance with the Council's policy on proportional allocation of nomination rights and following consultation with the relevant Executive Member.

The following specific decisions are to be taken only following consultation with the Executive Member.
Commencement of Judicial Review Proceedings

Exclusions from this delegation:-
(i) Significant variations to the Scheme for Financing Schools and any cases of a withdrawal of delegated powers.
(ii) Approval of the draft School Organisation Plan.
(iii) Decisions to publish statutory notices.
(iv) Decisions to consult on or pursue the amalgamation or closure of schools (all stages) or to open a new school.
(v) Changes to admission arrangements and areas of prime responsibility. 6) The setting of school term dates.
(vi) The determination of SEN policy.
(vii) Approval of Behaviour Support Plan and Associated policies.
(viii) Determination of appeals against refusal to make a maintenance grant or the level of the grant, or to make a School Access Fund allocation in respect of post 16 students.

See also Section A, Introduction and Section B, General Delegations to Chief Officers.

5. Director of Strategy Engagement and Change

To exercise the Council functions in relation to:

1. Strategic Communications
2. Transformation and Efficiency
3. Data, insights and performance reporting
4. Consultation and Engagement
5. Policy and Partnerships
6. Equalities
7. Community Development Services
8. Customer Services

Exclusions from the above delegations

See also Section A, Introduction and Section B, General Delegations to all Chief Officers

D Specific Delegations to Officers with Statutory Responsibilities

a. Director of Public Health

To be the Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984

To exercise the Council's powers and functions in relation to Public Health responsibilities:

1. Commission mandatory public health services.

2. Assure that local health protection arrangements are robust and plan for and respond to emergencies presenting a risk to the public health in consultation with emergency planning officers.

3. Produce and update the Joint Strategic Needs Assessment in consultation with Bristol, North Somerset and South Gloucestershire Clinical Commissioning Group.

4. Lead and co-ordinate the development, production, publication and updates to the Joint Health & Wellbeing Strategy in consultation with the Bristol, North Somerset and South Gloucestershire Clinical Commissioning Group.

5. Publish the Director of Public Health statutory Annual Report on the health of the local population.

6. Develop and implement systems for collecting and analysing data to deliver the Public Health Outcomes Framework.

7. Provide the Council's public health response as Responsible Authority under the Licensing Act 2003.

8. Lead and co-ordinate the Council's public health support to the Bristol, North Somerset and South Gloucestershire Integrated Care Board and Integrated Care System.

9. To act as Deputy to the Chief Executive with operational responsibility for Emergency Planning and Management Services.

b. Monitoring Officer and Service Director of Legal, Governance and Democratic Services

Functions of the Monitoring Officer

1. All proper officer functions not allocated to other officers. Clerk to the Council. Solicitor to the Council.

2. Authority to affix the Common Seal of the Council.

3. **Local Government Act 1972**

(a) General Provisions as to Members & Proceedings of Local Authorities

- Section 83(1) to (4) – Witness and Receipt of Declarations of Acceptance of Office.
- Section 84 – Receipt of Declaration of Resignation of Office.
- Section 88(2) – Convening meeting to fill casual vacancy of Chairman.
- Section 89(1)(b) – Receipt of Notices of Casual Vacancy.
- Section 96(1) – Receipt of Notices of Pecuniary Interest.
- Section 96(2) – Keeping Record of Disclosure of Pecuniary Interest under Section 94, and of Notices under Section 96(1).
- Section 99 and Schedule 12 Paragraph 4(2)(b) – Signature of Summonses to Council Meetings.
- Section 99 and Schedule 12 Paragraph 4(3) – Receipt of Notices regarding Addresses to which Summonses to Meetings to be sent.

(b) Access to Information

- Section 100B(2) – Exclusion of exempt items from public access.
- Section 100B(7)C – Provision of copies of documents to newspapers.
- Section 100C(2) – Provision of written summary of exempt proceedings.
- Section 100D(1)(a) – Preparation of lists of background papers.
- Section 100D(5) – Identification of background papers to a report.
- Section 100F(2) – Identification of exempt information not to be disclosed.

(c) General Provision – Documents and Notices etc

- Section 228(3) – Inspection of accounts.
- Section 229(5) – Certification of official documents.
- Section 231(1) – Receipt of Notices served on the Council.
- Section 233 – Service of Notices by the Council.
- Section 234(1) & (2) – Signing of Documents.
- Section 238 – Certification of bylaws.

4. **Local Government Housing Act 1989**

- Section 2(4) – Receipt of list of politically restricted posts.
- Section 19(1) – Receipt of general notice of pecuniary interests from Members.

5. **Local Government (Committees & Political Groups) Regulations 1990**

- Regulation 8 – Receipt of notice of formation of political groups and changes in membership of political groups.

6. **Constitution (including Standing Orders)**
   - To exercise delegations as set out in the Constitution (including Standing Orders)

7. **Appointments**

(a) To appoint councillors/added or non-councillor members to committee seats allocated to political groups or nominating bodies (or to make changes, fill vacancies or give effect to temporary membership changes – "substitutions") in accordance with the wishes of political groups or added member nominating body.

(b) To make appointments to outside bodies in accordance with the wishes of political groups in respect of the places allocated to them and also to fill casual vacancies in the same way.

(c) To make formal appointments to the Severnside Valuation Panel (on the recommendation of the elected member on the Appointments Panel).

(d) To constitute the membership of appeals and complaints committees and Council Tax/Benefit Revenue Boards from panels of trained members.

8. **Representing the Council in the courts, tribunals or at public inquiries**

(a) To authorise the institution, defence, withdrawal or compromise of any civil claims or legal proceedings, and or prosecute or defend criminal proceedings, in consultation with the relevant chief officer, except where power to institute proceedings is delegated to specific officers.

(b) To appear personally or authorise officers of the Council (or agents) to appear on the Council's behalf in court proceedings or at any tribunal or public or local inquiry.

(c) To engage counsel or, where appropriate, others with suitable rights of audience to represent the Council at any proceedings.

(d) To defend and settle (subject to consultation with the relevant chief officer and the Head of HR) any Employment Tribunal proceedings, except where any cases involve policy or are of particular sensitivity, when decisions are subject to consultation with the appropriate Executive Member.

9. **Applications under Section 53 of the Wildlife and Countryside Act 1981**

(a) Authority to decide (using the guidelines contained in the legislation and any guidance issued by the authority) whether a claim is supported by sufficient evidence for an order to be made and (subject to circulation of details of such claims to Members of the Public Rights of Way Committee) to serve notice on applicants who have submitted insufficient evidence or not met the legal requirements that no order be made.

10. **Pastoral Measure 1983**

(a) Authority to determine the Council's response to any proposal received for consultation to alter ecclesiastical boundaries under the Measure, taking into account the views of ward councillors for the area and subject to any of these councillors being able to require the matter to be decided by the Committee.

11. **Commons Act 2006**

(a) Power to grant or reject applications made under section 15(8) of the Commons Act 2006 (the voluntary dedication of land as a town or village green) in accordance with the statutory provisions.

(b) Publish the fee for applications under Part 1, s.19(2)(a) and Schedule 2, paragraphs 6 to 9 of the Commons Act 2006.
(c) Power to determine applications made under Part 1, s.19(2)(a) and Schedule 2, paragraphs 6 to 9 of the Commons Act 2006.

12. **Orders**
(a) To make all statutory orders.

13. **General**
(a) The appointment of review boards under regulations under subsection (4) of Section 34 (determination of claims and reviews) of the Social Security Act 1998).
(b) The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.
(c) The making of arrangements pursuant to Section 94(1), (1A) and (4) of the 1998 Act (admission appeals).
(d) The making of arrangements pursuant to Section 95(2), the 1998 Act (children to whom section 87 applies: appeals by governing bodies).
(e) The making of arrangements under Section 200 (questions on police matters at council meetings) or the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.

14. **Elections**

(a) Functions of Electoral Registration Officer.
(b) Functions of Returning Officer.
(c) Authority to set and annually update the Scale of Fees and Expenses for local elections having regard to the formula agreed by the Policy & Resources Committee, 24 June 1997 and revised by the Chief Executive under delegated powers on 15 January 2003 (following consultation with the Chief Executive).
(d) To designate the Council's Statutory Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009.
(e) Duty of declare vacancy in office in certain cases and give public notice of casual vacancy.

c. Delegations of the Chief Financial Officer

1. Delegated powers conferred on the Chief Financial Officer under Financial Regulations
2. To be the Officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and meeting the requirement under Section 113 of the Local Government Finance Act 1988 to be a member of one of the recognised accountancy bodies.
3. To nominate a properly qualified member of staff to deputise should the Chief Financial Officer be unable to perform his duties under Section 114 of the Local Government Finance Act 1988.
4. To authorise (following consultation with the Monitoring Officer and Service Director of Legal, Governance and Democratic Services) the making of an ex-gratia payment up to £1,000 per event in circumstances where there is no legal liability.

5. For the purposes of the Local Government (Contracts) Act 1997, authority for the Chief Finance Officer and any one of the following – Chief Executive, Executive Director of Resources and Business Change, Monitoring Officer and Service Director of Legal, Governance and Democratic Services, to sign each certificate given under the Act.

The following delegations shall be exercised in consultation with the Executive Director of Resources and Business Change

1. To facilitate and manage the co-ordination of medium term financial planning, annual budget planning, budget monitoring and the preparation of statutory and other accounts, associated grant claims and supporting records.
2. To manage the Council's financial affairs and services, including all matters relating to the Collection Fund, General Fund, treasury management, reserves and provisions, subsidiary accounts and all other funds established under statutory requirements.
3. To finance the capital programme in a way which safeguards and optimises the Council's resources, including the transfer and return of borrowing approvals to other local authorities.
4. To authorise the calculation, levying, collection and enforcement of the Community Infrastructure Levy in accordance with the Community Infrastructure Regulations 2010 (as amended)
5. To authorise virement of up to £10,000 from reserves in any financial year should discretionary rate relief within the Council's policy exceed the budget. Should this power be exercised, a report shall be made to the relevant Executive Member on the budgetary and policy implications.

Exclusions from the above Delegations

(i) Determination of applications for mandatory and discretionary non-domestic rate relief outside the approved scheme.

(ii) The writing-off of irrecoverable debts over £10,000.

d. Deputy Monitoring Officer and Head of Legal Services

1. Functions of the Proper Officer for Registration (Births, Marriages and Deaths under the Registration Acts).
2. Approval of applications for premises to be approved as venues for the solemnisation of civil marriages and civil partnerships.

e. Chief Planning Officer

1. To act as the Council's nominated Officer for the purposes of Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

f. Service Director of Adult Social Care (DASS)

To exercise the Council's powers and duties in relation to adult social services and housing (including services for traveller communities). To ensure that effective systems are in place for the following functions:

1. Prevention, information and advice
2. Meeting needs for care and support
3. Meeting the support needs of carers
4. Safeguarding
5. Partnership working, including with the NHS, the police, the Care Quality Commission, voluntary and community organisations and the providers of social care services
6. Market shaping and effective commissioning, including workforce supply and development
7. Resource Management

The following legislation shapes the role of the DASS

1. The Care Act 2014
2. The Mental Capacity Act 2005 and Deprivation of Liberty Safeguards
3. The Mental Health Act 2007
4. The Human Rights Act 1998
5. The Domestic Violence, Crime and Victims Act 2004
6. The National Health Service Act 2006

Exclusions from the above delegations

See also Section A, Introduction and Section B, General Delegations to Chief Officers