

## DEFINITIONS

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

### Abbreviations

CE	-	Chief Executive
D	-	Strategic Directors (where delegation is to both Directors)
SD	-	Strategic Director
SD (S.151)	-	Strategic Director (S.151)
GM	-	Group Managers
CSGM	-	Corporate Services Group Manager
HCSGM	-	Housing & Community Services Group Manager
PEDGM	-	Planning & Economic Development Group Manager
NSAGM	-	Neighbourhood Services & Assets Group Manager
LRSGM	-	Leisure & Regulatory Services Group Manager
HRSM	-	HR Strategic Manager
FSM	-	Finance Strategic Manager
CTBM	-	Council Tax & Benefits Manager
BCM	-	Building Control Manager
CAESM	-	Customer Access & Electoral Services Manager
DSSGM	-	Democratic Services, Scrutiny & Governance Manager
EHM	-	Environmental Health Manager
ESM	-	Environmental Services Manager
DSM	-	Development Services Manager
DSTM	-	Development Strategy Manager
PSM	-	Performance & Systems Manager
HOM	-	Housing Services Manager
CSM	-	Community Services Manager
PEM	-	Planning Enforcement Manager
SBCO	-	Senior Building Control Officer
SEHO	-	Senior Environmental Health Officer
SGM	-	Strategic Growth Manager
MO	-	Monitoring Officer
DMO	-	Deputy Monitoring Officer
S151	-	Section 151 Officer (Chief Finance Officer)
DS151	-	Deputy Section 151 Officer

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

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## **GENERAL**

### **A. INTRODUCTION**

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

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

### **B. SCHEME OF DELEGATION AND EXECUTIVE FUNCTIONS**

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

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

### **C. PROPER OFFICER AND ALTERNATE PROPER OFFICER APPOINTMENTS**

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

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

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

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

Local Government Act 1972

Section 13(3) Parish Trustees

PO: Corporate Services Group Manager  
 APO: Democratic Services, Scrutiny & Governance Manager

Section 83 (Declarations of Acceptance of Office)

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

Section 84 (Receipt of Resignation)

PO: Chief Executive  
 APO: Corporate Services Group Manager

Section 88 (Filling Casual Vacancy - Chairman)

PO: Chief Executive  
 APO: Customer Access & Electoral Services Manager

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

PO: Chief Executive  
APO: Customer Access & Electoral Services Manager

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

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

Section 100 (Access to Information)

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

Section 115 (Receipt from Officers)

PO: Strategic Director - S151  
APO: Finance Strategic Manager

Section 146 (Securities)

PO: Strategic Director - S151  
APO: Finance Strategic Manager

Section 191 (Ordnance Survey)

PO: Strategic Director  
APO: Planning & Economic Development Group Manager

Section 210 (Charity Office)

PO: Democratic Services, Scrutiny and Governance Manager  
APO: Corporate Services Group Manager

Section 225 (Deposit of Documents)

PO: Corporate Services Group Manager  
APO: Democratic Services, Scrutiny and Governance Manager

Section 228 (Accounts open to Inspection)

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

**Section 229 (Certification of documents)**

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

**Section 234 (Authentication of Documents)**

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

PO: Corporate Services Group Manager  
Democratic Services, Scrutiny & Governance Manager (legal documents)  
Strategic Director - S151 (financial documents)  
APO: Strategic Director

**Section 236 (Byelaws)**

PO: Corporate Services Group Manager  
APO: Democratic Services, Scrutiny and Governance Manager

**Section 238 (Certification of Byelaws)**

PO: Corporate Services Group Manager  
APO: Democratic Services, Scrutiny and Governance Manager

**Section 248 (Roll of Freemen)**

PO: Chief Executive

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

PO: Chief Executive  
APO: Customer Access & Electoral Services Manager

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

PO: Monitoring Officer  
APO: Deputy Monitoring Officer

**Local Government Act 2000 (all)**

PO: Democratic Services, Scrutiny and Governance Manager/Senior Democratic Services Officer

APO: Corporate Services Group Manager

General Data Protection Regulation (GDPR) 2018

PO: Democratic Services, Scrutiny and Governance Manager

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

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

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

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

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

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