



<b>Title:</b>	<b>Constitution of the Council (Part 3Z: Officers)</b>
<b>Owner:</b>	<b>Angela Wakefield</b>
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**Adopted by Full Council on 17<sup>th</sup> May 2019**



# FUNCTIONS AND PROCEDURES OF OFFICERS

## 1 SPECIFIC NON-EXECUTIVE POWERS OF THE CHIEF EXECUTIVE

ONLY FULL COUNCIL CAN AMEND THE SPECIFIC NON-EXECUTIVE POWERS OF THE CHIEF EXECUTIVE

- 1.1 The Chief Executive will exercise the following specific powers and functions on behalf of the Council (in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended):

	<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
1.1.1	Power to assign officers in relation to requisitions of the registration officer.	S. 52(4) of the Representation of the People Act 1983.
1.1.2	Duty to provide assistance at European Parliamentary elections.	S. 6(7) and (8) of the European Parliamentary Elections Act 2002.
1.1.3	Duty to divide constituency into polling districts.	SS. 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983.
1.1.4	Power to divide electoral divisions into polling districts at local government elections.	S. 31 of the Representation of the People Act 1983.
1.1.5	Powers in respect of holding of elections.	S. 39(4) of the Representation of the People Act 1983.
1.1.6	Power to pay expenses properly incurred by electoral registration officers.	S. 54 of the Representation of the People Act 1983.

1.1.7	Power to fill vacancies in the event of insufficient nominations.	S. 21 of the Representation of the People Act 1985.
1.1.8	Duty to declare vacancy in office in certain cases.	S. 86 of the Local Government Act 1972.
1.1.9	Duty to give public notice of a casual vacancy.	S. 87 of the Local Government Act 1972.
1.1.10	Power to make temporary appointments to parish councils.	S. 91 of the Local Government Act 1972.
1.1.11	Duty to consult on change of scheme for elections.	SS. 33(2), 38 (2) and 40(2) of the Local Government and Public Involvement in Health Act 2007.
1.1.12	Duties relating to publicity.	SS. 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007.
1.1.13	Duties relating to notice to Electoral Commission.	SS. 36 and 42 of the Local Government and Public Involvement in Health Act 2007.
1.1.14	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.
1.1.15	Power to make payments or provide other benefits in cases of maladministration etc.	S. 92 of the Local Government Act 2000.

## 2 POWERS OF OFFICERS

- 2.1 Subject to actions being in accordance with the law, the Council’s Policy Framework (as defined in Part 2: Articles) and the Council’s budget, Chief Officers of the Council, or other officers delegated by them, may take all operational decisions relating to the delivery of Executive and Local Choice Functions falling within their areas of responsibility. In addition, officers may take decisions on Non-Executive Functions

under any scheme of delegation agreed by the Council or Committee exercising those functions.

- 2.2 This includes the power to:
  - 2.2.1 incur expenditure under approved budgets;
  - 2.2.2 enter into any contractual arrangements;
  - 2.2.3 serve any statutory notices, including any notices of Council, committee or other meetings;
  - 2.2.4 authorise and enter into any court proceedings, enforcement action or other procedures to enforce the law or protect the Council's or the public's interests;
  - 2.2.5 take decisions relating to administrative, staffing and service delivery matters excluding policy and strategic decisions.
- 2.3 The Chief Executive may allocate functions between themselves and the Chief Officers, but any failure to allocate functions shall not invalidate any action or decision taken in good faith by a Chief Officer of the Council or other officers delegated by them.
- 2.4 The Chief Executive may allocate additional areas of responsibility to officers as they see fit, but any failure to allocate responsibility shall not invalidate any decision taken in good faith by a Chief Officer of the Council.
- 2.5 In the absence of a Chief Officer a decision may be taken on their behalf by another Chief Officer.
- 2.6 The Council specifically delegates to officers the power to appoint staff (except for the Head of Paid Service) and to determine the terms and conditions on which they hold office (including procedures for their dismissal). The Chief Executive shall make arrangements for the appointment of any officers who are classified by statute as Chief Officers or Deputy Chief Officers in accordance with the procedures laid down in the Local Authorities (Standing Orders) (England) Regulations 2001. (The appointment of staff is not an Executive Function and cannot be exercised by the Cabinet, Leader or Deputy Leaders). The Chief Executive shall ensure that the Monitoring Officer, or a person nominated by the Monitoring Officer, shall have sufficient staff resources to carry out his duties.
- 2.7 A chart showing the structure of the Council's Chief Officers (as determined by the Chief Executive) is set at Part 3Za.

- 2.8 A list of people designated as the “Proper Officer” for various statutory provisions is set out at Part 3Kb. However, the Chief Executive may designate any other officer to fulfil these functions at any time.