

Chapter 4

The Functions and Responsibilities

24. Responsibility for Functions

24.1 Introduction

Section 13 of the Local Government Act 2000 (the 2000 Act) provides that all functions of the Authority shall be functions of the Cabinet except in so far as they are reserved to the Council by any other enactment or by Regulations made under the 2000 Act.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the 2000 Regulations) gives effect to section 13 of the 2000 Act by specifying which functions:

- (a) are not to be the responsibility of Cabinet, as specified in Schedule 1 of the 2000 Regulations and as detailed in this Constitution; (Council Functions)
- (b) to be the responsibility of Cabinet (Executive Functions); and
- (c) may (but need not) be the responsibility of Cabinet (Local Choice Functions).

Only the Council has the discretion to decide which functions fall into (b) and (c) above. All other functions not so specified will be the responsibility of Cabinet.

24.2 Council Functions

The functions of the Council are either:

- (a) those functions which are reserved as a Council Function by the 2000 Act and by subsequent enactments and regulations;
- (b) those functions which are reserved as Council Functions by Regulation 2 and Schedule 1 of the 2000 Regulations and subsequent regulations made under the Local Government Act 2000;
- (c) those functions set out in Regulation 3 and Schedule 2 of the 2000 Regulations 2000, unless otherwise stipulated; and
- (d) the plans and strategies whose adoption or approval shall be a Council Function (the “Budget and Policy Framework”), namely those plans and strategies set out in Schedule 3 of the 2000 Regulations, together with such other plans and strategies as the Council may identify from time to time for this purpose and as identified in Article 5.

The Council has determined that decisions relating to Council Functions shall be made in one of the following ways:

- (a) By one of the Council Committees listed in Article 8; or

(b) By Officers, in accordance with the Officer Scheme of Delegation.

24.3 Executive Functions

The Functions of the Cabinet are also known as the Executive Functions, and are:

- (a) those functions stipulated as an Executive Function by the 2000 Act and by subsequent enactments and regulations; and
- (b) all other functions shall be Council Functions.

Decisions in respect of Executive Functions shall be made in one of the following ways:

- (a) by the Cabinet;
- (b) by one of the Cabinet Committees listed in Article 6;
- (c) by an individual Cabinet Member, within their areas of responsibility and delegated powers;
- (d) an Officer, or
- (e) where the decision is outside the Budget and Policy Framework, by full Council following receipt of advice from the Cabinet collectively.

The following joint committees exercise Executive Functions in accordance with their terms of reference and the agreements currently in operation:

- (a) the South Essex Parking Partnership Joint Committee; and
- (b) the Essex Countywide Traveller Unit Joint Committee.
- (c) Association of South Essex Local Authorities (ASELA)

24.4 Local Choice Functions

The Local Choice Functions are those, which may (but need not) be the responsibility of the Cabinet as set out in Schedule 2 of the 2000 Regulations, as determined by the Council.

The Council has determined that the Cabinet will be responsible for exercising the following Local Choice Functions in accordance with arrangements made by the Leader:

- (a) the appointment of any individual:
 - (i) to any office other than an office in which he is employed by the Council;
 - (ii) to any body other than:
 - the Council;
 - a Joint Committee of two or more authorities;

- a politically balanced body; or
- to any Committee or Sub-Committee of such a body;

and the revocation of any such appointment; any such appointments must be notified for information to the Council; and

- (b) the making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.

The Council is responsible for all other Local Choice Functions.

25. Scheme of Delegations to Cabinet Members

25.1 General Principles

This scheme delegates powers and duties in relation to Executive Functions and Local Choice Functions which are the responsibility of the Cabinet to Cabinet Members.

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 as well as authorising the affixing of the Common Seal.

This scheme operates under Section 14 of the 2000 Act and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and all other powers enabling.

Executive Functions are delegated by the Leader under section 9J of the Local Government Act 2000 (as amended). References to 'the Regulations' are references to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

25.2 Functions Reserved to Cabinet

Any Executive decision which will result in a recommendation or proposal to the Council shall only be taken by the Cabinet as a whole and may not be taken by an individual Cabinet Member or Officer.

Any decision falling within any of the following categories shall be taken by the Cabinet as a whole and may not be taken by an individual Cabinet Member, a Cabinet Committee or an Officer or under joint arrangements unless it is delegated to that Cabinet Member, Committee, and an Officer or under joint arrangements after consideration by the Cabinet:

- (a) a decision on a matter which is cross cutting and affects the area of responsibility of more than one Cabinet Member; or
- (b) a decision that the Leader has decided should be referred to the Council;
or
- (c) a Key Decision as set out in Article 7.

25.3 Delegations of Executive Functions

The delegations to Officers in respect of the Executive Functions of the Cabinet are set out in paragraph 26 below.

25.4 General Limitations of a Cabinet Member Decision

Cabinet Members are not permitted to take a Key Decision.

Before taking a decision, a Cabinet Member shall receive advice from the appropriate officer and must take advice from the Monitoring Officer and Section 151 Officer.

Any exercise of delegated powers shall be subject to:

- (a) the Budget and Policy Framework approved by the Council;
- (b) the policies approved by the Cabinet from time to time
- (c) any statutory restrictions;
- (c) the Standing Orders of the Council;
- (d) the Financial Procedure Rules; and
- (e) the Procurement Procedure Rules.

Delegation of Executive Functions to a Cabinet Member does not include the functions reserved to the Council contained in Article 5, or the functions reserved to Cabinet contained in Article 6.

25.5 General Delegations to Cabinet Members

In so far as required for the promotion of their Portfolio, the Cabinet Member may:

- (a) authorise officers to conclude any matter, process, or enter into any contract the undertaking of which, in principle, has previously been considered and authorised by Cabinet;
- (b) take non Key Decisions;
- (c) to approve entering into contracts or the extension, or variation of contracts within their portfolio area providing that this is within the Financial Procedure Rules, Procurement Procedure Rules and the Budget and Policy Framework, and the extension or variation was provided at the point of the original award and is permitted under the terms of the Contract;
- (d) authorise a response by, or on behalf of the Council to consultations provided that;
 - (i) if the consultation raises issues of Council wide interest or significance it shall be referred to the Cabinet, or the appropriate Committee to agree a response; and
 - (ii) that if the consultation is concerned only with and calls for a response on matters of a technical professional nature, then Officers may deal with it without reference to a Cabinet Member.

- (e) agree appropriate fees and charges which are within the control of the Cabinet in consultation with the Assistant Director Finance and Procurement, providing that they are consistent with the Budget; and
- (f) make, update or change plans and strategies provided that those changes do not conflict with an approved policy, do not raise new issues of policy, are within the approved budgets and do not exceed any of the financial limits set out in the Financial Procedure Rules that are within their portfolio area, and do not relate to a matter which is reserved to the Council.

25.6 Further provisions

All action taken under the terms of these delegations shall be properly documented in accordance with arrangements approved by the Monitoring Officer.

This scheme operates from May 2024.

Cabinet Members will be permitted to approve small amendments to policies falling within their portfolio provided that such change:

- (a) Is to bring clarity or remove ambiguity; and
- (b) Does not change the overall meaning of the policy.

All significant changes and those brought into effect as the result of changes to the relevant legislation must be referred to Cabinet for approval.

Cabinet Members shall consult their Cabinet colleagues on all strategically important issues, or issues that are cross over more than one portfolio.

25.7 Portfolios of Individual Cabinet Members

Members appointed to the Cabinet will lead for the Cabinet in the areas shown and will exercise the functions delegated to them by the Leader. The roles encompass relations with external partners unless another provision is explicitly made.

All Executive Functions are, and remain, vested in the Leader.

These responsibilities are in addition to those set out in Article 4 and Article 6.

Note Sections 24.7.1 to be updated

25.7.1 The Leader

- Council Vision ,Priorities and Corporate Plan
- Strategic Asset Projects
- Corporate HR

- Lead Member on Communication
- Strategic Planning Policy -local plan Adoption and five yearly review
- Flood and Water Management
- Leisure Centres
- Attracting inward investment
- To exercise the executive functions of a Cabinet Member in their absence, in an emergency or in any circumstances where the Leader thinks it desirable to act on any matter.

25.7.2 Strategic Planning

- Strategic Planning Policy
- Local Plan Delivery
- Strategic Transport Planning(hub improvements and influencing wider systems)
- Strategic Housing Review
- Affordable Housing Delivery
- Developer Contributions

25.7.3 Environment

- Waste Collection and Recycling
- Street Cleaning and enhancements
- Local Highways
- Open Spaces(including outdoor leisure spaces)Parks &Play area Maintenance)
- Car Parks & Parking Enforcement
- Environmental Health

25.7.4 Special Projects & Assets

- Asset Management
- Commercialism
- Promotion of Events leisure Centres and recreation facilities
- Promotion Open Spaces(including outdoor leisure spaces). Parks and Play areas

25.7.5 Resources

- Budget and Policy Framework
- Use of Resources
- Performance Management
- Finances including Housing Revenue Account

25.7.6 Economic Growth & Climate Action

- Economic Development & Growth
- Sustainability and Carbon Reduction
- Town Centre Regeneration
- Regeneration Working Parties
- Digital Connectivity

25.7.7 Health, Wellbeing & Housing

- Health and Wellbeing Strategy
- Youth
- Housing Management Services
- Council Homes
- Private Sector Housing
- Homelessness and Temporary accommodation

25.7.8 People & Community

- Safeguarding (Children and Vulnerable People)
- Licensing
- Community Wellbeing Initiatives
- Community Safety Initiatives
- Equality, Diversity & Inclusion

26. Officer Scheme of Delegation

26.1 General Principles

This scheme authorises Officers to take decisions about the exercise of the Council's statutory functions. The Council wants its Officers to be empowered to manage the services entrusted to them.

This scheme applies to all of the Council's powers and duties derived from legislation or otherwise and all incidental powers and duties.

Officers identified in this document as exercising delegated powers will be politically restricted under s2(1)(g) of the Local Government and Housing Act 1989.

Where an Officer has delegated powers, the Council or Cabinet or their Committees (where appropriate) can still exercise that power in a particular case if it considers it appropriate to do so.

In exercising any delegated powers, Officers are expected to undertake consultation with Members and Officers as necessary and shall have regard to any advice given.

Decisions taken by Officers must comply with such procedural or other requirements as may from time to time be prescribed by the Section 151 Officer or the Monitoring Officer.

Executive Decisions taken by Officers must be recorded as required by law and in accordance with the provisions in place by the Monitoring Officer. The Council has also agreed that all Council Decisions will be published in accordance with the provisions in place by the Monitoring Officer. In both instances the provisions set out in paragraph 15.23 must be followed.

An Officer may choose not to take a decision if they feel it is not appropriate for them to make a decision and may refer a matter to Cabinet or to the Cabinet Member (where these fall within the delegations set out above) for a decision.

Officers taking decisions are required to keep Members properly informed about relevant decisions.

All delegations to Officers are subject to:

- (a) statutory requirements;
- (b) the Constitution;
- (c) The Procurement Procedure Rules;
- (d) adherence of the Council's policies;
- (e) the requirements of the Chief Executive in relation to the day to day management and co-ordination of the Council; and
- (f) adequate financial provision having being made within the relevant budget for the likely financial consequences of any decision.

All the delegations within this scheme should be interpreted widely to aid the smooth running of the Council, the effective deployment of resources, the efficient delivery of services and the achievement of the Council's aims and ambition. For the avoidance of doubt, the following principles will also apply:-

- (a) the delegations included in this Scheme shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of the power, duty or responsibility;
- (b) where any new power is given to the Council which does not fall within this Scheme of Delegation, the exercise of that power shall be undertaken by the relevant Director or the Chief Executive until such time as the Council has allocated responsibility;
- (c) advice and guidance regarding this Scheme shall be obtained from the Monitoring Officer;
- (d) Where legislation specifically referred to in the Scheme is amended or replaced by new legislation and in the event that the powers contained in the new legislation are substantially the same as those which it replaces then it shall be deemed that the relevant authority delegated in the schedule applies as if the new legislation had been specifically referred to as regards that relevant authority.
- (e) Where the name of a post is changed, any delegated powers possessed by the post shall be retained by the renamed post.
- (f) Where a service area is restructured, the Chief Executive has authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer and shall also notify all Members and Heads of Service.
- (g) When a post is vacant, and an employee takes on the duties of the post in an "acting" capacity, they have the same delegated powers that they would have if they held the post.
- (h) The delegations under this scheme can be exercised by the relevant direct line manager if the post is vacant, the post holder is not at work for any reason, or the person who has delegated authority has a conflict of interest in a matter that prevents them from taking the decision.

26.2 Who can take decisions under this Scheme of Delegation

This scheme may be delegated to another Officer of the Council to exercise delegated powers under a scheme of sub-delegations. The Monitoring Officer shall be notified of all sub-delegations and will maintain a record of them.

26.3 Decisions with Financial Implications of over £50,000

This scheme does not authorise anyone other than the Chief Executive or a Director to take a decision on an Executive Function with financial implications which exceed £50,000.

Such a decision may only be taken after the Chief Executive or a Director has:

- (a) considered a written report; and
- (b) consulted the relevant Cabinet Member or in their absence, the Leader.

Nothing in this paragraph requires anything to be published if it includes exempt or confidential information, as set out in the Access to Information Procedure Rules.

26.4 General Limitations

Officers may not take decisions on Executive Functions if the proposed decision is contrary to the Budget and Policy Framework. Any proposal to take a decision contrary to the Budget and Policy Framework must be the subject of a report to Cabinet who will make a recommendation to the Council.

Except as otherwise stated, no Officer may take a Key Decision.

Other than as set out below, this scheme does not authorise:

- (a) Officers to change fees, charges or concession policies, except;
 - (i) Officers may apply inflationary increases to fees, charges and concession policies;
 - (ii) Officers may determine fees for one off events or activities; and
 - (iii) Officers may determine the fees to be charged to other public bodies for services which the Council provides on a commercial or full-cost recovery basis.
- (b) Officers to make a compulsory purchase order;
- (c) the acquisition of an interest in land in anticipation of future requirements;
- (d) the confirmation of any order or grant of any permission, consent or licence or other determination where any response is received expressing opposition to the proposed course of action (unless stated);
- (e) any officer of the Council who is not a permanent employee to make any decision with financial implications in excess of £25,000;
- (f) the contravention of policies or strategies approved by Council or Cabinet;
- (g) Create or approve new policies and strategies which relate to the service delivery; or
- (h) Take decisions to withdrawn a service.

Authorisations are subject to any restrictions and limitation identified.

Any delegated power given to the Monitoring Officer or the s.151 Officer in relation to their statutory duties may only be exercised in their absence by their appointed deputies.

26.5 General Delegations

All Officers listed in paragraph 26.7 and 8 have delegated authority to exercise any of the Council's functions and powers so far as it is necessary or conducive to do so in order to provide any service for which they have management responsibility. This includes, but is not limited to:

- (a) To act as the proper officer for all statutory purposes unless otherwise determined by this Constitution;
- (b) Commencing a procurement exercise in accordance with the Procurement Procedure Rules, provided the contract value is within the approved Budget;
- (c) entering into contracts, in accordance with the Procurement Procedure Rules and the Financial Procedure Rules;
- (d) implementing a policy or decision previously approved or taken by the Council, a Committee, the Cabinet or a Cabinet Member;
- (e) doing anything to facilitate or which is incidental to the implementation of such a policy or decision;
- (f) serving any Notice, Fixed Penalty, Abatement Notice or making any Order, but the instigating of proceedings shall be reserved to the Assistant Director Legal and Democratic Services.
- (g) authorising other officers to take any other steps necessary for or conducive to the performance of any such powers;
- (h) apply for any third party funding which are relevant to their service areas;
- (i) provide consultation responses to any Government White Paper or Green Paper, or any other consultation likely to lead to a policy change or impact upon service; where the response is of a technical professional nature; in all other cases in consultation with the appropriate Cabinet member.
- (j) To grant, renew, refuse or cancel any authorisation that may be required under the Regulation of Investigatory Powers Act 2000. This power may only be exercised by those Directors or Assistant Directors who have investigating officers in their service area or by the Monitoring Officer, the Deputy Monitoring Officer or the Chief Executive; and

- (k) To approve small amendments to policies falling within their service area, provided that such change is to bring clarity or remove ambiguity or bring in legislative changes, and they do not change the overall meaning of the policy. All other changes will be reserved to the relevant Cabinet Member, unless the changes are significant or substantial, in which case these must be approved by Cabinet.

26.6 The Directors' General Delegations

In addition to the specific delegations set out below, the Directors shall have the following authorisation where it is necessary in accordance with any statutory provision or is relevant to their functional area:

- (a) be permitted to authorise relevant staff to exercise powers of entry over land and buildings (including where relevant residential land).
- (b) be entitled to utilise all legislation relevant to their functional area which enables the enforcement of the Council's policies and procedures, or which protects life, health, safety, welfare, the environment or economic interests.
- (c) will participate in the corporate management of the Council and will direct and manage those services and resources as are allocated to them by the Chief Executive ensuring the most efficient and effective delivery in support of the Council's corporate goals in order that the Council meets its statutory obligations in these areas.
- (d) Purchase of vehicles, plant and equipment for which expenditure falls within the approved budget and in accordance with the Financial Procedure Rules and Procurement Procedure Rules. But if the purchase involves a leasing arrangement such arrangement must be approved by the Section 151 Officer.
- (e) Hire of plant subject to inclusion of cost of hire within approved Budgets;
- (f) Disposal of surplus plant, equipment and materials.
- (g) Authority to incur expenditure within approved capital and revenue budgets, subject to the Financial Procedure Rules.
- (h) Fixing of charges for work for external bodies where the charges are not prescribed by legislation.
- (i) Service of requisitions for information as to ownership of, or other interests in, any land or property under statutory powers.
- (j) Service of requisitions for information under the Crime and Disorder Act 1998.
- (k) The release of Council held information under the Data Protection Act 2018, Freedom of Information Act 2000 and the Environmental Information Regulations 2004, and related frameworks subject to

consultation with the Monitoring Officer on any application of exemptions.

- (l) To sign Statements of Truth under the Civil Procedure Rules 1998 on behalf of the Council; and
- (m) Authority to apply for planning permission in respect of small projects and minor modification to projects.

Human Resources

Further, the Directors shall exercise the following human resource responsibilities as appropriate to their relevant service area;

- (a) Appointment of agency staff provided costs are contained within service budgets.
- (b) To undertake a recruitment process for any vacant position, in accordance with procedures established by the HR Team;
- (c) Appointment of Assistant Directors and below;
- (d) To agree flexible contracts and working patterns including job share, home working and term time working (in line with agreed policy).
- (e) To confirm appointments on completion of probationary period.
- (f) To implement the Council's employment procedures in line with agreed Council policy.
- (g) To authorise officers to attend professional or educational meetings, conferences or courses in consultation with the HR Manager.
- (h) Authorising of on-going training and individual qualification training courses subject to consultation with the HR Manager.
- (i) To agree unpaid leave of absence and compassionate leave in line with agreed policy.
- (j) Granting of contractual salary progression within career-graded posts in line with agreed Council policy and in line with agreed policy.
- (k) To approve revised job descriptions and job titles where no grading increase is involved in line with agreed policy.
- (l) The general organisation of services within the policies laid down by the Council; and
- (m) Subject to consultation and in line with agreed policy and budgets to determine new organisation structures below Assistant Directors.

26.7 Specific Officer Delegations

Details of Proper Officer Designations are attached as Appendix E. In addition to the General Delegations the Officers specified below have the following Specific Delegations.

26.7.1 To the Chief Executive

- (a) To act as the Head of the Paid Service for the purposes of Section 4 of the Local Government and Housing Act 1989 and to make any decision which the Council may make as an employer.
- (b) To determine and publish the management structure of the Council.
- (a) Overall corporate management and operational responsibility (including overall management responsibility for all officers);
- (b) To act as the Councils Co-ordinator and to incur expenditure in the event of a civil emergency;
- (c) To determine the level of any performance pay to be awarded to Officers and recommend any level of performance pay to be awarded to Corporate Directors.;
- (d) Responsibility for promoting and maintaining probity in all of the Council's activities;
- (g) Representing the Council on partnerships and external bodies as required by Council or by statute;
- (h) Be the Electoral Registration Officer and the Local Government Returning Officer and to be empowered in relation to all electoral matters, including taking urgent decisions that may arise during the pre-election period. Be able to exercise all the powers delegated to the Directors unless there is a legal or professional impediment;
- (i) Take urgent decisions in respect of non- executive function which is considered necessary to protect the interests of or for advancing the business of the Council. In those circumstances, the Chief Executive is authorised to take urgent decisions following consultation with the Mayor (or Deputy Mayor) of Council in respect of non-executive functions. All urgent decisions will be reported to the next appropriate meeting of Council.
- (j) In the absence of the Leader, or their absence the Deputy Leader, to take urgent Executive decisions, including a key decision, in accordance with the urgent procedure set out in the Access to Information Procedure Rules;
- (k) To exercise in the case of urgency the functions delegated to anyone under this scheme of delegation (but this does not authorise the Chief Executive to discharge the personal responsibility of the Chief Finance Officer under section 151 of the Local Government Act 1972 or the Monitoring Officer under section 5 of the Local Government and Housing Act 1989);

- (l) The Council's powers to take any action with respect to the Commissioner for Local Administration.
- (m) the transfer of staffing budgets allocated to a particular service area to another service area in any service grouping after notifying the Section 151 Officer and the Cabinet Member for Resources.
- (n) To publish information about Council services on the internet and decide whether or not to link sites.
- (o) In consultation with the relevant Cabinet Member, Leader of the Council and Section 151 Officer to apply for funding from any third party for the purposes of the regeneration of the Borough of Castle Point;
- (p) To approve Closure Orders taken under the Anti-Social Behaviour, Crime and Policing Act.

Deputising for the Chief Executive

No one officer shall have a general authority to act as deputy or assume any of the duties and responsibilities of the Chief Executive. Instead, in the absence of the Chief Executive any one of the Directors will have the authority to assume the duties and responsibilities of that post; in any given circumstances, the Director most qualified and appropriate to do so will perform the function(s) or take the required decision(s).

26.7.2 Director Corporate & Customer

- (a) to be responsible for the following Service Areas:
Corporate services including finance the statutory 151 Officer, procurement, legal including the monitoring officer; Democratic Services People and organisation development; communications, customer services, technology services, health and safety; EDI emergency planning.
- (b) To pay salaries, wages, honoraria and other gratuities.
- (c) Write off bad debts – unlimited value when by reason of insolvency and in accordance with the limits set out in the Financial Procedure Rules for all other reasons.
- (d) To deal with all insurance matters, including the settlement of insurance claims.
- (e) To waive requirements within the Procurement Procedure Rules for specific projects in accordance with the provisions set out in the Procurement Procedure Rules;
- (f) To exercise the Councils function under the Freedom of Information

Act 2000 and all Data Protection Legislation, and the Environment Information Regulations Act 2004; and

- (g) To be the Councils assigned Senior Information Risk Owner (SIRO).
*(b) to (e) To be exercised by Assistant Director Finance & Procurement S.151
*(f) & (g) to be exercised by Assistant Director Legal & Democratic Services

26.7.3 Director Place and Communities *

- (a) To be responsible for the following Service Areas
- Climate Action & Growth
 - Development Services
 - Housing Health & Partnerships
 - Environmental Health Licensing and Community
- (b) To exercise the Council's statutory functions as a Local Planning Authority, in accordance with the provisions set out in Appendix D.
- (c) To represent the Council for all planning and enforcement appeals, except where the Council has refused an application contrary to their recommendation. In such cases to shall act in an advisory capacity to a nominated Member(s) this may at their discretion include the obtaining of additional support by way of professional advice.
- (d) To exercise the Council's powers to accept land, where the land is or is to be transferred to the Council under planning obligation or for another planning purpose.
- (e) The serving of Building Preservation Notices
- (f) Authority to issue Enforcement Notices, Breach of Condition Notices, Listed Building Enforcement Notices, Conservation Area Notices, Stop Notices, Requisitions for Information, Planning Contravention Notices under the Town & Country Planning Act 1990 as amended and Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for all breaches of planning legislation in accordance with the Council's adopted Enforcement Policy.
- (g) To enforce the unauthorised display of advertisements, unauthorised works to a listed building, breach of tree preservation or Hedgerow Regulations, non-compliance where enforcement action has previously been authorised.
- (h) Authority to vary steps required to comply with enforcement notices already authorised, including altering period required for compliance, service of further notices and withdrawal of notices.
- (i) To exercise the Council's functions in relation to Neighbourhood Planning, in consultation with the relevant Cabinet Member.

*Delegations (b) to (h) shall be exercised by the Assistant Director Development Services (i) shall be exercised by Assistant Director Climate & Growth.

26.7.4 Director Commercial & Assets

(a) To be responsible for the following Service Areas

- Estates
- Recreation
- Environment
- Waste Recycling

(b) *To exercise the Councils powers with respect to the provision, maintenance and development of the Council leisure functions.

*Delegation(b) to be exercised by assistant Director Recreation

26.7.5 To the Section 151 Officer

(a) All functions relating to local government pensions;

(b) Duty to take all steps that are considered appropriate for the proper administration of the financial affairs, of the Council;

(c) To amend the Financial Procedure Rules or the Procurement Procedure Rules where there has been a change of law, rearrangement of responsibilities or to correct an administrative error, in consultation with the Monitoring Officer. Any change made must be notified to all Members as soon as possible.

(d) To deal with all matters and to exercise all discretions relating to the determination, administration and collection of non-domestic rates and Council Tax which are not reserved to Members, including the setting of the Council Tax Base under the Local Authorities (Calculation of Tax Base) Regulations 1992.

(e) To discharge the Council's functions relating to Council Tax and Housing Benefit, including measures to combat fraud.

(f) To be responsible for all treasury management matters including the borrowing of money, management of investment funds, banking arrangements and to act in accordance with the CIPFA's Code of Practice on Treasury Management in Local Authorities.

(g) To maintain an adequate and effective system of internal audit, as required under the Accounts and Audit Regulations 1996.

(h) To sign any financial forms required by the External Auditor or Government department, including from NNDR 1.

26.7.6 To the Monitoring Officer

- (a) To interpret, review, update and publish the Councils Constitution in accordance with Article 1.
- (b) To receive and manage the determination of complaints of failure by Members to comply with the Code of Conduct and to advise the Audit and Governance Committee and the Standards Committee thereon, in accordance with the Code of Conduct Complaints Policy;
- (c) To grant applications for dispensations to Members with respect to their or their spouse's interest which arises as a result of membership of another public body;
- (d) To grant dispensations under the Code of Conduct or the Localism Act 2011;
- (e) The power to determine whether any particular claim for payment under the Members Allowances Scheme is in order;
- (f) To authorise the making and issue of any formal documents and to authenticate documents on behalf of the Council and to determine whether a document should be sealed by the affixing of the Common Seal.
- (g) To attest the affixing of the Council's Common Seal;
- (h) To sign on behalf of the Council any document authorised by the Council or which is necessary or desirable to give effect to any decision of the Council.
- (i) To issue certificates of opinion in connection with politically restricted posts.
- (j) To issue certificates for Major Projects under the Local Government (Contracts) Act 1997.
- (k) Responsibility for a system of record keeping for all the Council's decisions;
- (l) To be responsible for the Councils engagement with the Independent Remuneration Panel and the Independent Person
- (m) The maintenance of records of all interests given by any Member of the Council;
- (n) The provision of publication of the Council's decision-making process and individual decisions.

- (o) The provision of facilities for Councillors.

26.8 Specific Delegations to Assistant Directors (Service Managers)

26.8.1 To the Assistant Director Legal & Democratic Services

- (a) To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals, but they shall consult the relevant S.151 Officer before a settlement of any employment tribunal proceedings.
- (b) To approve the settlement of any claims brought against or by the Council up to a maximum sum of £30,000, in consultation with the S.151 Officer in any one case and provided that if the settlement amount is not included in any existing budget provision, then the Cabinet Member for Finance and Performance Management must also be consulted.
- (c) To service any notice required to terminate any contract, agreement or lease entered into by the Council, including notices to vary any terms of such contracts, agreements or leases;
- (d) To authorise officers of the Council to appear in courts or tribunals where permitted by law;
- (e) To instruct Counsel and external solicitors on any matters likely to affect the interests of the Council;
- (f) To sign and serve any statutory or legal notice in accordance with any statutory powers or any functions of the Council and to place any public notice that the Council is required to do in law;
- (g) To sign on behalf of the Council any document, Contract, Agreement, or Lease authorised by the Council or which is necessary or desirable to give effect to any decision of the Council.
- (h) To sign statements of truth in accordance with the Civil Procedure Rules;
- (i) To sign indemnities and provide solicitor undertakings where they are required to enable the Council to exercise any of its functions, provided that where the giving of an indemnity or undertaking could have considerable financial implications, the Cabinet Member Resources and the S.151 Officer shall be required to give their approval;
- (j) take any steps to collect any debt owed to the Council;
- (k) To administer the register of Local Land Charges, carry out official searches and to respond to enquiries of local authorities;

- (l) To exercise the functions of the Council in respect of the arrangements for convening of meetings of Council, Cabinet and their committees, and the preparation of a programme of meetings of the council, the Cabinet and their Committees;
- (m) In consultation with the Chairman of the Licensing Committee be authorised to adjourn a Licensing Hearing in accordance with the Licensing Act 2003 (Hearing) Regulations 2005;
- (n) To exercise powers to extend the time limits set out within the Licensing Act 2003 (Hearing) Regulations 2005;
- (o) To act as the Councils Data Protection Officer;
- (p) In consultation with the Chairman or Vice-Chairman of the Licensing Committee be authorised to suspend Hackney Carriage and/or Private hire Drivers licences under Section 61 of the Local Government (miscellaneous Provisions) Act 1976 (as amended) immediately, if in their opinion it is the interest of public safety that the suspension should have immediate effect, such suspension to last until the day after the next meeting of the Drivers' Panel.
- (q) LGSCO complaints and Housing Ombudsman
- (r) Co-ordination corporate complaints

26.8.2 To the Assistant Director Finance & Procurement

To be responsible for the following

- (a) Business Continuity
- (b) Procurement
- (c) Internal Audit

26.8.3 To the Assistant Director People & Engagement

To be responsible for the following

- (a) People Strategy
- (b) Operational HR Services
- (c) Human Resources
- (d) Communications
- (e) Health & Safety
- (f) Emergency Planning

26.8.4 To the Assistant Director Policy, Performance & Customer

To be responsible for the following

- (a) First Contact Centre
- (b) Information Technology Unit

- (c) Digital and Web Services
- (d) Strategy Policy & Performance
- (e) Business Support & Applications
- (f) ABS Contract Management

26.8.5 To the Assistant Director Climate and Growth

To be responsible for the following

- (a) Climate Action
- (b) Economic Development
- (c) Planning Policy
- (d) Infrastructure Policy
- (e) Strategic Flood Management
- (f) Castle Point Plan

26.8.6 To the Assistant Director Development Services

To be responsible for the following

- (a) Development Management and the delegations at Appendix D and 26.7.3
- (b) Building Control

26.8.7 To the Assistant Director Housing, Health & Partnerships

To be responsible for the following

- (a) Housing Options & Homelessness
- (b) Housing Services
- (c) Public Health
- (d) Relevant Partnerships
- (e) Community Safety

26.8.8 To the Assistant Director Environmental Health, Licensing & Community

To be responsible for the following

- (a) Licensing
 - (i) To deal with all matters arising out of the Scrap Metal Dealers Act 2013, including the determination of all unopposed applications, variations and revocations;
 - (ii) To exercise the Council's powers with respect to the provision, maintenance and development of the Council leisure and tourism functions;
 - (iii) To exercise all powers under the Licensing Act 2003; other than those reserved to the Council or the Licensing Committee, as set out in Appendix B and in accordance with the Statement of Licensing Policy 2021-2026;

- (iv) To exercise all powers under the Gambling Act 2005 other than those reserved to Council or to the Licensing Committee; and in accordance with the Gambling Licensing Policy Statement 2019 – 2022 and as set out in Appendix A;
- (v) To exercise all powers under the Animal Welfare Act 2006, the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 and any subsequent regulations made under them for the purpose of animal licensing; other than those reserved to the Council or the Licensing Committee, as set out in Appendix C;
- (vi) To appoint Inspectors and Authorised Officers under any legislation;
- (vii) The authority to comment upon and represent the Council on applications for Goods Vehicle Operator Licences
- (viii) The grant of licenses of hackney carriages and drivers, private hire vehicles, operators and drivers in accordance with agreed policy;
- (ix) Responsibilities relating to street trading under Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 subject to it being considered by the Licensing Committee where a valid representation or objection is made and not withdrawn.
- (x) Delegation of all regulatory functions specified in Legislation and Regulations in respect to Environmental Health, Health & Safety and Food Safety.

- (b) Environmental Health
- (c) Public Health & Safety
- (d) Compliance with Statutory Requirements

26.8.9 To the Assistant Director Estates

To be responsible for the following

- (a) Estates Management
- (b) Asset Management
- (c) Asset Projects
- (d) Facilities Management including caretaking and cleaning
- (e) CCTV

26.8.10 To the Assistant Director Recreation

To be responsible for the following

- (a) Leisure Centre and Leisure Services
- (b) Community Halls
- (c) Events

26.8.11 To the Assistant Director Environment

To be responsible for the following

- (a) Street Scene
- (b) Operational Flood Management
- (c) Parks & Open Spaces
- (d) Community Rangers
- (e) Management of Car Parks

26.8.12 To the Assistant Director Waste & Recycling

To be responsible for the following

- (a) Waste Management
- (b) Recycling

APPENDIX A – Gambling Act 2005

	Matter To Be Dealt With	Full Council	Licensing Sub Committee	Corporate Director	Assistant Director
a.	Three year Licensing Policy review	<i>All cases</i>			
b.	Fee Setting – when appropriate				All cases
c.	Authority to make minor amendments to the Gambling Act policy statement in conjunction with the Chairman of the Licensing Committee				All cases
d.	Application for Premises Licence		Where representations have been received and not withdrawn		Where no representations received/ representations have been withdrawn
e.	Application for a Variation to a Licence		Where representations have been received and not withdrawn		Where no representations have been receive or representations have been withdrawn
f.	Application for a Transfer of a Licence		Where representations have been received from the commission		
g.	Application for a Provisional Statement		Where representations have been received and not withdrawn		
h.	Authority to make representations to all applications on behalf of the Licensing Authority		All cases		All cases
i.	Authority to attach conditions, where relevant, to Premises Licences			<i>All cases</i>	
j.	Authority to refuse applications for Premises Licences			<i>All cases</i>	
k.	Authority to process applications for Temporary Use Notices		Where representations have been	Where no objections have been made or	

			received and not withdrawn	objections have been withdrawn	
l.	Authority to process applications for Club Gaming and Club Machine Permits		Where representations have been received and not withdrawn	Where no objections have been made or objections have been withdrawn	
m.	Authority to issue permits for more than 2 machines in Licensed Premises			<i>All cases</i>	
n.	Authority to process application for other Permits			<i>All cases</i>	
o.	Cancellation of Club Gaming/ Club Machine Permits		<i>All cases</i>		
p.	Cancellation of Licensed Premises Gaming Machine Permits			<i>All cases</i>	
q.	Review a Premises Licence		<i>All cases</i>		
r.	Determination as to whether a person is an Interested Party			<i>All cases</i>	
s.	Determination as to whether representations are relevant			<i>All cases</i>	
t.	Determination as whether a representation is frivolous, vexatious or repetitive			<i>All cases</i>	
u.	Consideration of Temporary Use Notice			<i>All cases</i>	
v.	Decision to give a counter notice to a Temporary Use Notice		<i>All cases</i>		
w.	Consideration of an Occasional Use Notice			<i>All cases</i>	

APPENDIX B – Licensing Act 2003

	Matter to be dealt with	Full Committee	Sub Committee	Assistant Director or Officer holding delegated authority.
a.	Application for personal licence		If a police objection	If no objection made
b.	Application for personal licence with unspent convictions		All cases	
c.	Application for premises licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
d.	Application for provisional statement		If a relevant representation made	If no relevant representation made
e.	Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
f.	Application to vary designated premises supervisor		If a police objection	All other cases
g.	Request to be removed as designated premises supervisor			All cases
h.	Application for transfer of premises licence		If a police objection	All other cases
i.	Applications for interim Authorities		If a police objection	All other cases
j.	Application to review Premises licence/club premises certificate		All cases	
k.	Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
l.	Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	

m.	Determination of an objection to a temporary event notice		All cases	
n.	Determination of application to vary premises licence at community premises to include alternative licence condition			All cases
o.	Decision whether to consult other responsible authorities on minor variation application			All cases
p.	Determination of minor variation application			All cases

APPENDIX C - Animal Welfare Licensing

	Matter to be dealt with	Council	Licensing Committee	Officers
a.	Setting of Fees and Charges	In all cases		
b.	Adoption of Policy		In all cases	
c.	Grant or renewal of a license to carry on a licensable activity			Assistant Director
d.	Transfer of a license in the event of the death of the license holder			Assistant Director
e.	Suspension, Variation or revocation of a license			Assistant Director
f.	Receipt of representations against the suspension, variation or revocation of a licence			Assistant Director
g.	Service of a Notice			Assistant Director
h.	Appointment of suitably qualified inspectors			Assistant Director
i.	Appeal of a risk rating score			Assistant Director

APPENDIX D: PLANNING SCHEME OF DELEGATION

A. Applications to be referred to Development Management Committee for determination ():

- (a) Major Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 10 or more proposed houses or commercial development (including changes of use) comprising floorspace of 1,000sq.m, including any linked application for Listed Building Consent.
- (b) Major or Minor Planning Applications for Renewable Energy Schemes, including solar, wind and bioenergy projects, and proposals for Anaerobic Digestion Plants.
- (c) Where the Applicant is Castle Point Borough Council or the application is on land that the Council has an interest
- (d) Where the Applicant or Agent is an employee within the Planning Department (Development Management or Planning Policy) or Member of Castle Point Borough Council where an adverse representation or comment has been received, unless the Monitoring Officer has notified the Assistant Director – Development Services in writing that they are satisfied that the delegation may be exercised in the case concerned.
- (e) Where the Applicant or Agent is related to an employee within the Planning Department (Development Management or Planning Policy) or is a Member of Castle Point Borough Council unless the Monitoring Officer has notified the Assistant Director – Development Services in writing that they are satisfied that the delegation may be exercised in the case concerned.
- (f) Any application which is deemed to be 'significant' by the Assistant Director – Development Services
- (g) An application for a National Strategic Infrastructure Project (NSIP)

B. Applications which can be determined under Delegated Powers

Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval, Full Planning Permission or permission in Principle) for residential development comprising 3-9 proposed houses, including any linked application for Listed Building Consent, **Unless:** the application has been 'Called In' for determination by a Member by the end of the specified consultation period and is accompanied by planning reasons for why the application should be referred to Development Management Committee for determination; Except if a previous application for the same or substantially the same application site has been refused planning permission under Delegated Powers or by the Development Management Committee where the proposal is deemed to be 'similar' to the previously determined application by the Assistant Director – Development Services.

C. Applications which can be determined under Delegated Powers

- (i) Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval, Full Planning Permission or Permission in Principle) for residential development comprising 1-2 proposed houses, including any linked application for Listed Building Consent.
- (j) All Section 73 applications to vary or remove planning conditions, including seeking minor material amendments, associated with any previous consent (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for 'Major', 'Minor', or 'Other' Planning Applications.
- (k) Minor Planning Applications for replacement dwellings.
- (l) Minor Planning Applications for agricultural workers dwellings (temporary or permanent).
- (m) Minor Planning Applications for any other commercial development or change of use.
- (n) All of the following Application Types*:

Application Type	Description
ADV	Application to Display Advertisement
CAC	Conservation Area Consent
CDN	Discharge of Condition(s)
CLE	Certificate of Lawful Use Existing
CLP	Certificate of Lawful Use Proposed
COAAD	Certificate of Appropriate Alternative Development
CON	Consultation
DEM	Demolition Determination
ECC	Consultation by Essex County Council
EXT	Extension of Time
FUL	Full Application
HAZ	Hazardous Substance Consent
HED	Hedgerow Removal
HSV	Hazardous Substance Variation
LBC*	Listed Building Consent
LBD	Listed Building Demolition
NMA	Non-Material Amendment
NOT	Notification
NOTSIX	Notification
OUT	Outline Application
Prior Approvals**	All Prior Approvals
REM	Removal of Condition
RES	Reserved Matters

S106***	To modify or discharge S106
SCOPE	Scoping Opinion
SCREEN	Screening Opinion
TPO	Tree Preservation Order
VAR	Variation of Condition
WTCA	Works to Tree in Conservation Area

- * LBC – Except where the Listed Building Consent application has been submitted in connection with an application considered under Part ‘A’ or Part ‘B’.
- ** Prior Approval Application Types – The list of application types suitable for delegation is extensive and is constantly being updated to include any new prior approval or notification application types introduced by the Government.
- *** S106 – Where significant modifications are proposed to a Section 106 Agreement, the Assistant Director – Development Services consider whether the application is deemed to be ‘significant’ and therefore whether it should be referred to Development Management Committee for determination under Part ‘A’ of the Scheme of Delegation.

STATUTORY AND PROPER OFFICER APPOINTMENTS

1. The Local Government Act 1972 and the Local Government and Housing Act 1989 require local authorities to make specific statutory appointments to carry out defined responsibilities. Those appointments are set out in Appendix A.
2. The 1972 Act also makes provision for certain officers to be designated by their employing authority as the “Proper Officer” to carry out particular functions under various Acts of Parliament. Designations as Proper Officers are set out in Appendix B.
3. Any statutory or proper officer authority may be exercised in the name of the statutory or proper officer by any senior officer authorised in writing to do so by the statutory or proper officer. All such authorisations must be sent to the Assistant Director Legal and Democratic Services /Monitoring Officer and will be recorded and open to public inspection.
4. Where not prohibited by statute the Chief Executive is appointed Alternative Proper Officer in respect of all functions in the event that the appointed Proper Officer is unable to act and no other officer has been authorised. Article 13 of the Constitution sets out the restrictions on the designation of statutory officers.
5. In accordance with the arrangements described at the end of Part 3.4.2 (a) of the Constitution, the appropriate Director will be the appointed Alternative Proper Officer for those functions where the Chief Executive is the Proper Officer and is unable to act.
6. Until the Council decides otherwise the Chief Executive or the appropriate Director is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made.
7. Every appointment hereby made in relation to a provision that is replaced or re-enacted shall be effective as an appointment of the same officer in relation to the corresponding new provision.
8. In Appendix B any reference to “Directors” includes the Chief Executive. In accordance with Article 3 the Assistant Director Legal and Democratic Services /Monitoring Officer shall have authority to amend the designation of Proper Officer responsibilities to reflect any change in the organisation of the Council’s services.

<u>LEGISLATION</u>	<u>STATUTORY OFFICER</u>	<u>ALLOCATED TO</u>
Section 4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 151 Local Government Act 1972	Chief Financial Officer Monitoring Officer	Assistant Director Finance and Procurement Section 151 Officer
Section 5 Local Government and Housing Act 1989		Assistant Director Legal and Democratic Services /Monitoring Officer

See also Article 3 of the Constitution

<u>Ref</u> <u>No.</u>	<u>LEGISLATION</u> <u>(in date order)</u>	<u>ROLE OR FUNCTION</u>	<u>PROPER OFFICER</u>
<u>1. General provisions</u>			
1.1	N/A	Any reference in any public or local statutory provision to the Proper Officer of the Council, except as provided in this Appendix	Chief Executive
1.2	N/A	Any reference to the town clerk in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council	Assistant Director Legal and Democratic Services /Monitoring Officer
1.3	N/A	Any reference in any local statutory provision to the clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local Government Act 1992 is to be construed as a reference to the Proper Officer of the Council	Assistant Director Legal and Democratic Services /Monitoring Officer
1.4	N/A	Any reference to the Treasurer in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 which, by virtue of any provision of the said Act, is to be construed as a reference to the Chief Financial Officer of the Council	Assistant Director Finance and Procurement Section 151 Officer

1.5	N/A	Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a specified borough which, by virtue of order made under Section 254 of the Local Government Act 1972 or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council	Assistant Director Finance and Procurement Section 151 Officer
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<u>Ref. No.</u>	<u>LEGISLATION (in date order)</u>	<u>ROLE OR FUNCTION</u>	<u>PROPER OFFICER</u>
2. Primary Legislation			
LOCAL GOVERNMENT ACT 1972			
2.1	S13(3)	Acting as a Parish Trustee	Chief Executive
2.2	S83(1)-(4)	Witness and receipt of declaration of acceptance of office	Chief Executive Assistant Director Legal and Democratic Services /Monitoring Officer
2.3	S84	Receipt of declaration of resignation of office	Chief Executive Assistant Director Legal and Democratic Services /Monitoring Officer
2.4	S88(2)	Convening of meeting of Council to fill casual vacancy in office of Mayor	Chief Executive /Assistant Director Legal and Democratic Services /Monitoring Officer
2.5	S89(1)(b)	Giving notice of casual vacancy	Chief Executive Assistant Director Legal and Democratic Services /Monitoring Officer
2.6	S94 & 96(2)	Keeping of record of officer disclosures and notices of pecuniary interests	Assistant Director Legal and Democratic Services /Monitoring Officer
2.7	S96(1)	Receipt of notices of officer pecuniary interests	Assistant Director Legal and Democratic Services /Monitoring Officer

2.8	S100(B)(2)	Circulation of reports and agendas	Assistant Director Legal and Democratic Services /Monitoring Officer
2.9	S100(B)(7)	Supply of papers to press	Assistant Director Legal and Democratic Services /Monitoring Officer
2.10	S100(C)(2)	Summary of minutes	Assistant Director Legal and Democratic Services /Monitoring Officer
2.11	S100(D)(1)(a)	Definition of background papers	Assistant Director Legal and Democratic Services /Monitoring Officer
2.12	S100(F)	Identification of confidential documents not open to Members	Assistant Director Legal and Democratic Services /Monitoring Officer
2.13	S115(2)	Receipt of money due from officers	Assistant Director Finance and Procurement Section 151 Officer
2.14	S146(1)(a) & (b)	Declarations and certificates with regard to securities	Assistant Director Finance and Procurement Section 151 Officer
2.15	S137A	Receive statements in connection with the provision of financial assistance	Assistant Director Finance and Procurement Section 151 Officer

2.16	S191	Applications under S1 of the Ordnance Survey Act 1841	Director of Sustainable Communities
2.17	S204(3)	Receipt of notice of an application for a justices' licence under Schedule 2 of the Licensing Act 1964	Director of Public Places
2.18	S210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities – or if there is no such office, to the Proper Officer	Assistant Director Legal and Democratic Services /Monitoring Officer
2.19	S222 and 223	The officer who shall have responsibility for the conduct of legal proceedings on behalf of the Council	Assistant Director Legal and Democratic Services /Monitoring Officer
2.20	S225(1)	Receipt of documents required to be deposited under any enactment or instrument with the Proper Officer of the Council	Assistant Director Legal and Democratic Services /Monitoring Officer
2.21	S228(3)	Accounts – to be open for inspection	Assistant Director Finance and Procurement Section 151 Officer
2.22	S229(5)	Certification of documents	Assistant Director Legal and Democratic Services
2.23	S234	Signing notices, orders or other documents on behalf of the Council	All Directors See also Article in respect of the sealing of documents
2.24	S234(2)	Statutory Notices under various Public Health and associated legislation	Assistant Director –Housing Health and Partnerships
2.25	S236(9) and (10)	Service of bye-laws on other authorities	Assistant Director Legal and Democratic Services /Monitoring Officer

2.26	S238	Certification of bye-laws	Assistant Director Legal and Democratic Services /Monitoring Officer
2.27	S248(2)	Keeping roll of Freeman	Assistant Director Legal and Democratic Services /Monitoring Officer
2.28	Schedule 12 para. 4(2)(b)	Signature of summons to Council	Assistant Director Legal and Democratic Services /Monitoring Officer
2.29	Schedule 12 para. 4(3)	Receipt of notices regarding addresses which summons to meeting are to be sent	Assistant Director Legal and Democratic Services /Monitoring Officer
2.30	Schedule 14 para. 25(7)	Certification of resolutions under para. 25 applying certain provisions of the Public Health Acts throughout the Council's area	Assistant Director Legal and Democratic Services /Monitoring Officer
2.31	Schedule 16 para. 28	Receipt of deposit lists of protected buildings	Director of Place and Communities

LOCAL GOVERNMENT ACT 1974

2.32	S30(5)	Notice of Local Government Ombudsman report	Chief Executive
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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

2.33	S41	Certification of copies of resolutions, minutes, other documents	Assistant Director Legal and Democratic Services /Monitoring Officer
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RENT ACT 1977

2.34	Schedule 15 Part IV	Certificates of provision of suitable alternative accommodation	Director of Place and Communities /Assistant Director Housing Health and Partnerships
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ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

2.35	S1A	Receipt of information on the inclusion, amendment or exclusion, or a copy of any entry or amended entry in the Schedule of Ancient Monuments, relating to any Monument in the area of the Authority	Director of Place and Communities
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REPRESENTATION OF THE PEOPLE ACT 1983

2.36	S8	Registration Officer for any constituency or part of a constituency coterminous with or contained in the Castle Point Borough Council	Chief Executive
2.37	S9	Duty to compile a register of electors	Chief Executive
2.38	S35	Returning Officer for the election of councillors for Castle Point Borough Council	Chief Executive
2.39	S81, 82 and 89	Receiving elections expenses declarations and returns and making them available for public inspection	Chief Executive
2.40	S52(2)	Officer who may do acts in respect of Registration in the event of the Chief Executive's incapacity or of a vacancy	Electoral Services Manager

PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984

2.41	Parts II, III, IV and VI and Section 48 as amended by the Health and Social Care Act 2008	Control of diseases and Preparation of certificate to Justice of Peace for removal of a body to a mortuary or for burial within a prescribed time or immediately	Assistant Director –Housing Health and Partnerships
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BUILDING ACT 1984

2.42	S78	Take and authorise emergency action in respect of dangerous buildings	Director of Place and Communities Assistant Director Development Services
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2.43	S93	Sign notices and other documents under this Act	Director of Place and Communities Assistant Director Development Services
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LOCAL GOVERNMENT AND HOUSING ACT 1989

2.44	S2	Receipt of list of politically restricted posts	Chief Executive
2.45	S3	Certification as to whether a post is politically restricted	Chief Executive
2.46	S15 and 16	Receipt of Notice relating to political groups	Assistant Director Legal and Democratic Services /Monitoring Officer
2.47	S19	Receipt of general notice of members' pecuniary interests	Assistant Director Legal and Democratic Services /Monitoring Officer

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

2.48	All relevant sections	Receipt, deposit and notification of lists of protected buildings	Director of Place and Communities Assistant Director Development Services
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FOOD SAFETY ACT 1990

2.49	S49(3)	Sign any document which a food authority are authorised or required by or under this Act to give, make or issue	Assistant Director –Housing Health and Partnerships
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ENVIRONMENTAL PROTECTION ACT 1990

2.50	S149	Stray dogs	Assistant Director –Housing Health and Partnerships
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DATA PROTECTION ACT 1998

2.51	S20	Duty to notify Information Commissioner of changes to data controllers	Information and Communications Technology Manager
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LOCAL GOVERNMENT ACT 2000

2.52	Section 81	Maintaining the register of members' financial and other interests	Assistant Director Legal and Democratic Services /Monitoring Officer
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**REGULATION OF INVESTIGATORY POWERS ACT 2000
(Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000)**

2.53	S28	Authorisation to undertake covert surveillance	Assistant Director Legal and Democratic Services /Monitoring Officer Assistant Director – Housing Health and Partnerships
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2.54 HOUSING ACT 2004

All Parts except Part 6	Housing conditions and enforcement	Assistant Director – Housing Health and Partnerships
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HEALTH ACT 2006

2.55	Part 1	Enforcement of provisions relating to smoke-free premises, places and vehicles	Assistant Director – Housing Health and Partnerships
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**LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND
CONSTRUCTION ACT 2009**

2.56	Those sections relating to petitions	Assistant Director Legal and Democratic Services /Monitoring Officer
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<u>Ref. No.</u>	<u>LEGISLATION (in date order)</u>	<u>ROLE OR FUNCTION</u>	<u>PROPER OFFICER</u>
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3. Secondary Legislation

LOCAL AUTHORITIES CEMETERIES ORDER 1977

3.1	All	Officer of the burial authority	Assistant Director –Housing Health and Partnerships
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LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 1986

3.2	Rule 44	Receipt from Returning Officer of names of persons elected to Council	Chief Executive
3.3	Rules 46 and 47	Receipt from Returning Officer of election documents	Chief Executive
3.4	Rules 48,49 and 51	Retention of election documents and making them available for public inspection	Chief Executive
3.4a		Officer who may do acts in respect of Elections and Referendums in the event of the Chief Executive's incapacity or of a vacancy	Electoral Services Manager

**LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS)
REGULATIONS 1990**

3.5	All Regulations referring to the proper officer	Dealing with political balance on committees and giving notice of the establishment of political groups	Assistant Director Legal and Democratic Services /Monitoring Officer
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LOCAL AUTHORITY (MEMBERS' ALLOWANCES) REGULATIONS 1991

3.6	Regulation 14	Receive written notice from a member electing to forego entitlement to allowances	Assistant Director Legal and Democratic Services /Monitoring Officer
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THE LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) (ENGLAND) REGULATIONS 2000

3.7	All Regulations referring to the proper officer	Verification etc. of Mayoral petitions	Chief Executive
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THE LOCAL AUTHORITIES (CONDUCT OF REFERENDUMS) (ENGLAND) REGULATIONS 2001

3.8	Regulation 11	The role of Counting Officer	Chief Executive
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LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

3.9	Schedule 1	Provision relating to the appointment and dismissal of staff	Chief Executive (or Director of Corporate & Customer if the action concerns the post of Chief Executive)
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REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER 2003

3.10	Part III of Schedule 2	Authorisations/notices relating to communications data falling within sections 21(4)(b) and (c) of the RIPA 2000	Assistant Director Legal and Democratic Services /Monitoring Officer Assistant Director –Housing Health and Partnerships
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HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010

3.11	Regs 2, 3 and 6	The proper officer to appoint Consultants in Communicable Disease Control (CCDC) for the receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons	Assistant Director – Housing Health and Partnerships
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ACCOUNTS AND AUDIT REGULATIONS 2011

3.12	References to the responsible financial officer	Maintenance of arrangements for financial management and internal control	Assistant Director Finance and Procurement Section 151 Officer
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LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

3.13	Regulation 12	Recording of executive decisions	Assistant Director Legal and Democratic Services
3.14	Regs 5, 6, 7, 13, 14 and 15	Compilation and availability of background papers, agenda and connected reports in relation to executive decisions	All Directors
3.15	Regs 9, 10 and 11	Publicity in connection with Key Decision and giving notice etc. in cases of urgency	Assistant Director Legal and Democratic Services
3.16	Regs 16 and 17	Rights of access to documents for councillors	Assistant Director Legal and Democratic Services