

8.2 Delegations to all directors

- 8.2 Delegations to all directors 1
 - 2.1 Introduction..... 1
 - 2.2 General Functions delegated to directors 1
 - 2.3 Finance functions delegated to directors 3
 - 2.4 Human resources functions delegated to directors 5
 - 2.5 Legal procedures delegated to directors 6
 - 2.6 Contracts 7
 - 2.7 General..... 7
 - 2.8 Management of land and buildings – delegation to directors..... 8

2.1 Introduction

For the purposes of the following officer delegated powers, the term “director” shall include the following officers:

- all strategic directors
- all directors
- all assistant directors

Any functions delegated to directors shall be exercised by directors in respect only of the specific services for which they are responsible.

These officers’ delegated powers shall be exercised in accordance with the general principles set out in section 1 of part 8 above.

Only the following powers are delegated to the west London alliance director : 2.2.2 (general functions), 2.3.2 (monitoring and management of financial performance), 2.3.3 (applying for financial assistance), 2.4 (human resources function), 7.5 (west London alliance director), and (for so long at the WLA director is an Ealing council employee and only in circumstances where the contract spend will be entirely covered by grant funding from external funders for the purposes of commissioning services for all or part of the WLA sub-region) 2.6 (contracts)

2.2 General Functions delegated to directors

2.2.1 General

To manage and promote the services for which they are responsible. this includes taking and implementing decisions that help to maintain the operational effectiveness of their services that fall within a policy decision made by the council or cabinet.

2.2.2 Incidental powers

In addition to any of their general and/or specific delegated functions set out in below, to enter into arrangements or do anything else which is calculated to

facilitate or is conducive or incidental to the discharge of such delegated functions.

2.2.3 Emergencies (e.g. flooding, power failure etc.)

Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for anticipating such an emergency or disaster, and a strategic director is of the opinion that such an emergency or disaster is likely to affect the whole or part of the borough or some of its inhabitants, directors may:

Incur such expenditure as they consider necessary in taking action (either by the council itself or jointly with any other person or body and either in the borough or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in the borough or among its inhabitants the effects or potential effects of the event; and

- a) Make grants or loans to other persons or bodies on conditions determined by a director in respect of any such action taken by those persons or bodies subject to ratification where necessary, as soon as possible.

2.2.4 Service performance

Make arrangements to:

- secure value for money in respect of their respective services, and
- meet audit commission and/or other agreed performance indicator targets,

and

- meet business critical and key performance indicator targets, and
- meet local area agreement targets.

2.2.5 Provision of information to the media

To give factual information to the media (in consultation with the assistant director of communications and public relations).

2.2.6 Access to information

To comply with the duties and powers imposed by part 4.

2.2.7 Non-council work

To bid (following consultation with the relevant strategic director) for non – council work where it is lawful to do so.

2.2.8 Contractors and consultants

To engage contractors and consultants in accordance with the contract procedure rules.

2.2.9 Response to consultation documents

To respond to consultation documents.

2.2.10 Health and safety

To ensure and promote the health and safety of all employees and visitors to premises under their control.

2.2.11 Submission of funding bids

To submit bids for funding to government departments and other organisations and bodies for projects and initiatives consistent with council policies, following consultation with the relevant portfolio holder, and to enter into any agreements and arrangements necessary to secure such funding.

2.2.12 Data sharing

Subject to compliance with data protection law and consultation with the portfolio holder and director of legal and democratic services concerning the future use and storage of data, to share data with other council departments and external partner organisations.

2.2.13 West London alliance representation

To represent the council and its interests at meetings of the west London alliance or its subgroups, consistent with other applicable council policies.

2.2.14 Working with other organisations

To carry out work and exercise functions on behalf of other authorities or organisations, where authorised to do so by that authority or organisation and provided that there is no conflict with the interests of the council.

2.2.15 Council shareholder representative

To exercise the functions as shareholder or member of a council owned company, in relation to any council owned company for which they have been appointed or otherwise authorised by the council to carry out that role, following consultation with the strategic director of resources and the director of legal and democratic services.

2.3 Finance functions delegated to directors

2.3.1 Financial procedure rules

To exercise the functions delegated to directors under the financial procedure rules and ensure proper procedures and systems exist and are operated.

2.3.2 Monitoring and management of financial performance

To monitor and manage the financial performance of their service (or part).

2.3.3 Applying for financial assistance

To apply for grants and / or other financial assistance in respect of their service (or part).

2.3.4 Exceptions to policy

Subject to any general directions of the cabinet or the relevant council committee, to approve minor exceptions to policy.

2.3.5 Charging

To set, vary, waive and recover costs, fees and charges for goods and services (other than in respect of housing revenue account rents).

2.3.6 Funding for voluntary organisations cabinet

To approve funding for voluntary organisations, up to £10,000 per annum.

2.3.7 Use of charitable funds

To approve the use of funds from small charities where the council acts as the honorary secretary.

2.3.8 Cancellation of debts

To write off any debt due to the Council where the debt:

- does not exceed £25,000, following written consultation with the assistant director of technical finance or strategic finance or accountancy or local taxation and accounts receivable
- is between £25,000 and £500,000, following written consultation with the strategic director of resources.
- is in excess of £500,000, following written consultation with the strategic director of resources and the portfolio holder.

2.3.9 Disposal of surplus assets

To dispose of any surplus asset (not including land, or an interest in land)

- not exceeding £10,000 in value, following written consultation with the assistant director of technical finance or strategic finance or accountancy
- where the value of the asset is between is between £10,000 and £500,000, following written consultation with the strategic director of resources
- where the value of the asset exceeds £500,000, following written consultation with the strategic director of resources and the portfolio holder

Provided that the best price reasonably possible is obtained (by way of competitive tender where the estimated value of an asset is in excess of £100,000).

2.3.10 Ex gratia payments, gratuities, and honoraria to employees

To make ex gratia payments or pay gratuities and honoraria to employees or their relatives with the agreement of the strategic director of resources and the director of workforce and organisational development.

2.3.11 Settlement of ombudsman / complaint cases

To settle -

- a case of alleged maladministration where there has not been a finding of maladministration by the ombudsman
- complaints that have been brought against the council under any of its internal complaints procedures, following consultation with the director of legal and democratic services

2.3.12 Contributions to external bodies

To contribute to external bodies up to a maximum of £50,000 in any one case, in relation to any London-wide or National Studies that are considered useful and relevant to Ealing and are within their Service and within available budget.

2.4 Human resources functions delegated to directors

2.4.1 Officer employment procedure rules

To exercise the functions delegated under the officer employment procedure rules (see part 4) and manage all their employees in accordance with all the policies, practices and procedures of the council and the council's terms and conditions of service.

2.4.2 Reorganisations and deletion of filled posts

[a delegation to strategic directors only]

Following consultation with the relevant cabinet portfolio holder and with the chief executive, to approve reorganisations and restructuring of their own departments, which may or may not lead to redundancies, including approving deletions of filled posts.

Note that consultation with the relevant cabinet portfolio holder and with the chief executive is only required where the deletion of filled posts is proposed.

2.4.3 Appointment etc. of officers

To appoint, dismiss and discipline employees subject to the terms of the employment procedure rules (part 4)

2.4.4 Sick pay

To pay sick pay in accordance with employee contractual entitlements.

2.4.5 Staff training and development

To determine appropriate training and development for their employees including attendance at conferences or training courses within approved training budgets and training plans.

2.4.6 Annual and other leave

To authorise their employees annual and other leave in accordance with their contractual entitlements.

2.4.7 Grievances

To determine appeals by their employees in accordance with the council's grievance procedures.

2.4.8 Overtime

To authorise overtime and overtime payments to their employees in accordance with the council's policy, up to but not exceeding 20% of the employee's normal annual salary.

2.4.9 Vacant and new posts

To delete vacant and create new posts in their Service.

2.4.10 Reimbursement of professional fees

To reimburse their employees for the cost of necessary professional fees.

2.4.11 Increments

To accelerate the salary increments for employees within their Service in consultation with the director of workforce and organisational development.

2.4.12 Season ticket / car loans

To authorise interest-free season ticket and car loans to employees within their service within policy guidelines.

2.4.13 Removal expenses

To pay relocation expenses to employees within their service, in consultation with the director of workforce and organisational development.

2.4.14 Long service memento

To approve the payment of long service mementos, up to 5% of annual salary or £1500 whichever is greater.

2.4.15 Expenses reimbursement

To approve reimbursement of necessary expenses incurred by employees for council purposes.

2.5 Legal procedures delegated to directors

2.5.1 Entry onto private land or property

To authorise the entry to and/or the inspection of any private land or premises in respect of which the council has a statutory power or duty to enter or inspect including the obtaining and enforcement of a search warrant.

2.5.2 Preparation of legal documents

To prepare, issue and serve any statutory demands, certificates, notices, orders, Requisitions for Information in respect of functions delegated to them.

2.5.3 Settlement of legal claims

To settle any legal claim that may be brought against the council:

- where the claim does not exceed £10,000 following written consultation with the assistant director of technical finance or strategic finance or accountancy, or
- where the claim is between £10,000 and £100,000, following written consultation with the strategic director of resources and the director of legal and democratic services, or
- where the claim is between £100,000 and £500,000, following written consultation with the strategic director of resources, the director of legal and democratic services, and the portfolio holder

2.5.4 Issue of cautions

To issue cautions where criminal offences are admitted by the potential defendant, following consultation with

- the director of legal and democratic services, and
- where the alleged perpetrator is under 18 years of age, the strategic director of children's services.

2.5.5 Compliance with court orders

To take the action necessary to comply with any court order made against the council.

2.5.6 Authorisation of Officers to appear in court.

Subject to the agreement of the Director of Legal and Democratic Services, to authorise officers to prosecute or defend or to appear on the Council's behalf in proceedings before any Court or Tribunal.

2.5.7 Instructing the director of legal and democratic services.

To authorise the director of legal and democratic services to:

- prepare and serve any statutory demand/ notice / order or requisition for information
- prepare any agreement, bond, certificate, deed, guarantee, letter, licence, notice, order or document
- issue, prosecute and enforce any legal proceedings

2.5.8 Administration of trust property

To accept, hold and administer any property on trust (following consultation with the Strategic Director of Resources, and the Director of Legal and Democratic Services)

2.6 Contracts

The exercise of the functions in part 2.6 below shall be exercised subject to national and EU procurement legislation and the council's contracts procedure rules. note that any contracts decision having a total value of more than £500,000 will be key decision in any event, to which the forward plan and access to information procedure rules will apply.

2.7 General

To exercise all the powers and duties contained in the contracts procedure rules in respect of their service area (or part).

2.7.1 Formation of contracts

To invite and evaluate quotations or tenders for works, supplies or services, and to award contracts up to a value of £500,000 per annum.

2.7.2 Management of contracts

To manage contracts, including

- approving variations in contracts
- suspending payments
- exercising provisions relating to liquidated damages

- terminating contracts for breach of contract or otherwise in accordance with the terms of the contract

2.7.3 Goods & services

To incur expenditure within approved budgets and in accordance with contract procedure rules to purchase all

- equipment,
- goods,
- materials,
- works, and
- services

(not including the acquisition of land or buildings, or legal interests in respect of land or buildings).

2.7.4 To enter into contracts with other bodies for the council to provide services supplies or works up to a value of £500,000 per annum

2.8 Management of land and buildings – delegation to directors

2.8.1 Management of land and buildings

To manage all land and buildings under their control, including their letting, hiring or otherwise permitting the use of such premises (including the imposition and collection of charges).

Provided that no legal interest is created in any land or building without the prior consent of the strategic director of resources except in respect of housing revenue account rents.

2.8.2 Emergency action in respect of land and buildings

To take such emergency action as may be necessary in circumstances where there is a likelihood of:

- immediate danger to life or property arising from land or buildings under their control, or
- immediate danger to land and buildings under their control.

2.8.3 Application for statutory consents

To make applications for statutory consents and /or permissions etc. in relation to the Council's own development proposals.

2.8.4 Restriction of public access to council property

Subject to part 4 (access to information procedure rules), to

- exclude and/or prohibit the public from entering land and/or buildings under their control, and/or
- impose conditions under which the public may enter land and/or buildings under their control.