

CITY OF WESTMINSTER

Delegated Authority to Officers

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DELEGATED AUTHORITY TO OFFICERS

OFFICER DELEGATIONS

1. Strategic Directors are authorised to exercise those powers and duties of the Council in relation to the service and activities for which they are responsible which are not reserved to elected members, and to exercise the professional and managerial responsibilities of their posts. They are accountable to the elected members of the Council for the efficient and economic discharge of these responsibilities. Elected members are accountable to the public and are responsible for all major matters which impact upon the public in the course of the Council exercising its powers and duties. Accordingly officers may exercise only the powers delegated to them and these are exercisable only subject to
 - (a) the strategies, policies, and priorities determined by the members of the Council
 - (b) The Council's Financial Regulations, Procurement Code and Human Resources Framework
 - (c) referral to the appropriate body of members for consultation or decision on all matters of public controversy or undecided matters of policy or substantial change from previous practice or which involve difficult or major issues relating to (a) above where custom and practice or initial consultation with elected members indicates that such referral should take place;
 - (d) members with specific functional responsibilities and ward members receiving appropriate information about the exercise of the powers;
 - (e) compliance with the law and all policies, regulations, orders, codes, protocols, and similar documents approved by the Council, Cabinet, the Standards Committee or a Regulatory Committee;
 - (f) consultation with appropriate officers and proper regard to any advice given;
 - (g) other specific delegations in this scheme or similar documents to another officer;
 - (h) decisions by the Chief Executive or the Monitoring Officer on whether officers should exercise any delegated power.
2. In addition to the constraints referred to above, there are limitations upon all delegated powers. In particular there is no delegation to officers of:
 - (a) matters specifically reserved to members by resolution of Council or the Cabinet;
 - (b) approval to exceed the provision in the revenue or capital budgets for their service responsibilities;
 - (c) decisions on permanent savings in the budget to achieve the Council's policies;

- (d) the making of an order for the compulsory acquisition of land;
 - (e) the right to make appointments to posts which are made by the Appointments Sub-Committee;
 - (f) the right to determine a major employee re-organisation.
3. The Chief Executive shall have all the powers delegated to other Strategic Directors and Chief Officers and shall be able to exercise those powers in their place. In the event of any dispute or doubt as to the delegated powers of any other Strategic Director or Chief Officer, the Chief Executive shall have the power to determine which officer is to exercise the power.
 4. Where any new power or duty, other than a local choice function, is conferred on the Council the exercise of that power or duty will be undertaken by the relevant Strategic Director or Chief Officer until such time as the allocation of responsibility has been determined by the Leader or the Council.
 5. Where a function is delegated to a Strategic Director, the Strategic Director may (without prejudice to the ability to authorise any member of staff to exercise the function) sub-delegate the function to a Chief Officer who may then exercise the function him or herself. Where any function is sub-delegated in this way the Strategic Director retains the power to recall any matter for decision.
 6. Subject to the above constraints and limitations, officers may exercise all powers within their respective areas of responsibility, and the absence of a specific delegation to an officer shall not be taken as implying an absence of authorisation to act.

DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE, EACH STRATEGIC DIRECTOR AND OTHER MEMBERS OF THE SENIOR LEADERSHIP TEAM

For the purposes of this Scheme of Delegations, the officers listed in Appendix 1 are the Senior Leadership Team

Any power delegated to the Chief Executive or any other Officer may also be exercised by any member of staff who has been so authorised by the Chief Executive or Officer to whom the said power is delegated, or in their absence or non-availability, by the officer having responsibility for the relevant Unit.

The Chief Executive, each Strategic Director and other members of the Senior Leadership Team are delegated the following authority:

1. To exercise the powers conferred on members of the Senior Leadership Team by Standing Orders, Financial Regulations, the Human Resources framework and the Procurement Code.
2. To serve notices requiring the provision of information relating to ownership and use of property where such information is necessary to enable the Council to discharge or exercise any of its functions and the Council is authorised by statute to require such information.
3. To give officers within their respective departments authority to enter premises where powers of entry are conferred by Act of Parliament for the purposes of fulfilling a function for which the Chief Officer concerned is the proper officer.
4. To deal with lost and uncollected property.
5. To authenticate documents as a proper officer in accordance with Section 234(1) of the Local Government Act 1972, or with any enactment within the meaning of Section 234(3) of that Act, where such document is required in connection with a function for which the officer concerned is the proper officer, and to authorise members of staff to affix a facsimile stamp bearing his name for the purpose of the said authentication.
6. To appoint, promote and dismiss permanent and temporary staff (save in relation to posts to which appointments are made by the Appointments Sub-Committee) within approved budgets and in accordance with the Council's agreed personnel policies.
7. To remunerate and reward staff within approved budgets and in accordance with the Council's Human Resources framework, consulting where appropriate with the Director of Human Resources.
8. To exercise the discretionary powers in relation to all staffing matters detailed in the Human Resources framework.
9. To attend or nominate members of their staff to attend conferences and seminars convened by institutional or professional associations and like bodies, and to authorise the payment of proper expenses incurred in respect of such attendance.

10. To authorise officers of the Council to give evidence on behalf of the Council in Courts or at Inquiries or before Tribunals or Committees.
11. To consult with all relevant bodies on behalf of the Council on a scheme or proposal that has been included in the budget and has received approval by the Cabinet or the Cabinet Member.
12. To respond to consultation documents where the response would not amount to a key decision.
13. To approve, in consultation with the Chief Executive where appropriate, foreign visits by officers, in accordance with Council policy (detailed in the Code of Governance).
14. To approve bids to undertake cross boundary tendering in accordance with agreed policy and criteria.
15. To undertake, in consultation with the Director of Human Resources, minor re-organisations of staff structure (directly affecting a maximum of 25 posts) provided no post subject to Member appointment procedures is affected, there is no increase in cost and the relevant Cabinet Member is advised in advance about forthcoming minor re-organisations.
16. To make staff redundant and incur the payment of appropriate redundancy and severance payments in carrying out minor re-organisations within their departments where the staff directly affected by the re-organisation do not exceed a maximum of 25 posts.
17. To enter into arrangements or do anything else which is considered necessary or expedient in respect of functions delegated to them.

DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE

1. To be the Head of the Paid Service in accordance with the Local Government and Housing Act 1989.
2. To have authority over all other officers so far as is necessary for the efficient management and execution of the Council's affairs, functions or services except:
 - (i) where officers are exercising specific responsibilities imposed on them under statute;
 - (ii) that where the professional judgment or expertise of a Director is involved the officer shall have full opportunity to explain his or her views.
3. Subject to observance of the appropriate procedures and rights of appeal, to decide disciplinary, incapability and salary related matters concerning Directors.
4. To be responsible for communications, marketing and the Council's lobbying strategy.
5. To exercise the powers of the Council under S. 2 of the Local Government Act 2000 (well-being powers).
6. To prepare the City Plan and other key corporate policies as appropriate, for agreement by the Cabinet and Council.
7. To ensure the facilitation of the Council's Local Strategic Partnership and that this meets Government requirements.
8. To co-ordinate, direct and monitor the Council's initiatives to achieve efficiency and best value in the delivery of its functions.
9. To designate "Authorised Officers" for the purposes of particular statutory functions from time to time and so authorise them to perform the functions of such a person under relevant legislation.
10. To be responsible for the Council's functions relating to economic development and regeneration.
11. To approve the allocation of funds to individual projects to be supported through regeneration programmes such as the single regeneration budget and Neighbourhood Renewal and Neighbourhood Management Programmes.
12. To be responsible for the Council's functions relating to neighbourhoods.
13. To discharge the functions of Electoral Registration Officer.

Housing

14. To arrange for the effective operation of the Council's responsibilities for housing, including the recommending of strategies, relationships with social

landlords and with the private sector.

15. To approve applications for housing and allocate properties in accordance with the Council's established allocations policy.
16. To authorise the commencement of legal proceedings, including to recover the possession of temporary accommodation, following non-payment of rent or other breach of tenancy conditions.
17. To make arrangements to provide temporary accommodation for homeless households.
18. To arrange the use of properties, on a short term lease basis, and other forms of temporary accommodation for use by homeless people.
19. To exercise the Council's statutory duties towards asylum seekers under the Asylum and Immigration Act 1999.
20. To approve the making of mandatory and discretionary housing grants.
21. To implement and enforce housing and all environmental health legislation in relation to residential properties, including the service of notices and authorisation of proceedings.
22. To authorise inspectors and officers to enforce all relevant duties under housing and environmental health legislation in relation to residential properties.

DELEGATED AUTHORITY TO THE STRATEGIC DIRECTOR FOR FINANCE AND PERFORMANCE

1. To be responsible for the proper administration of the financial affairs of the Council in accordance with section 151 of the Local Government Act 1972, which responsibility shall include all arrangements concerning financial planning, financial control, banking, accounts, income, insurances, investments, bonds, loans, leasing, borrowing (including methods of borrowing), trust and pension funds (within the scope of the Council's pension fund investment policies that are approved by the Pension Fund Committee), the payment of creditors and the payment of salaries, wages, pension scheme benefits and gratuities.
2. To be responsible for the provisions of the Accounts and Audit Regulations 2003 (as amended) in respect of the need to maintain an adequate and effective system of internal audit of the Council's accounting records and of its system of internal control in accordance with proper internal audit practices.
3. To be the Proper Officer of the Council in relation to the following statutory provisions:

Local Government Act 1972

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| (1) | Section 115(2) .. | The officer to whom all money due from every officer employed by the Council shall be paid. |
| (2) | Section 146 .. | The officer to make any statutory declaration in connection with the transfer of securities. |

Local Government (Miscellaneous Provisions) Act 1976

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| (3) | Section 30 .. | The officer to write off overpayment of salary, allowances or pensions which occur as a result of the death of an employee or pensioner. |
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Local Government Finance Act 1988

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| (4) | Section 114-115 .. | The officer responsible for reporting on unlawful expenditure decisions or where expenditure exceeds the resources available. |
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DELEGATED AUTHORITY TO THE STRATEGIC DIRECTOR FOR CHILDREN AND YOUNG PEOPLE

1. To exercise the functions of the Council in the following areas
 - (a) Education services — the Council's functions in its capacity as a local education authority, except those excluded under section 18(3) of the Children Act 2004 (namely certain functions relating to further education, higher education and adult education).
 - (b) Social services — the Council's social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children, and the Council's functions for children and young people leaving care.
 - (c) Health services — any health related functions exercised on behalf of an NHS body under section 75 of the National Health Service Act 2006, insofar as they relate to children and young people.
 - (d) Inter-agency co-operation — the Council's functions as set out in the Children Act 2004, in particular building and leading the arrangements for inter-agency co-operation as set out below:
 1. Section 10— the duty to make and sustain arrangements to promote co-operation between the Council and its partner organisations to improve the well being of children in the Council's area.
 2. Section 11 — the duty to make arrangements to ensure the Council's functions are discharged having regard to the need to safeguard and promote the welfare of children.
 3. Section 12— any duty to establish, maintain and operate a database of basic information on all children in the authority or, if the duty to create a database or databases is placed on another body, to participate in its operation.
 4. Sections 13, 14, 15 and 16 — the duty to establish a Local Safeguarding Children Board (LSCB) to co-ordinate and ensure the effectiveness of board members' activities for the purpose of safeguarding and promoting the welfare of children in the Council's area.
 5. Section 17— the duty to prepare and publish a Children and Young People's Plan to set out the Council's strategy for discharging their functions in relation to children and young people.
 6. Section 20(8)(d) — subject to consultation and the laying of Regulations, responsibility for co-ordinating statements of proposed action in light of a Joint Area Review report, in consultation with partners. In addition, the Strategic Director will also exercise a key role in monitoring and evaluating implementation of the proposed action.

(e) Other responsibilities

1. Seconding at least one children's social worker and at least one education professional to the Youth Offending Team as required by section 39(5) of the Crime and Disorder Act 1998.
2. The duty to promote the educational achievement of looked after children. This function is set out in the Children Act 1989 (as amended); and
3. The duty to provide the Secretary of State, if s/he so directs, with information on individual children. This function is set out in the Children Act 1989 (as amended).
4. To exercise all functions, powers and duties of a Children's Services Authority under all relevant legislation including, but not limited to, Education, Social Services and Health functions.

DELEGATED AUTHORITY TO STRATEGIC DIRECTOR FOR ADULT AND COMMUNITY SERVICES

1. To exercise the functions of the Council with regard to the delivery of those functions in respect of adults as set out in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those functions for which the Strategic Director for Children and Young People is responsible.
2. To prepare an Adult and Community Learning Plan.
3. To safeguard adult learners within Westminster and secure provisions of first steps and personal and community development learning to meet the needs of the community.
4. To arrange for the effective operation of the Council's responsibilities for the assessment, purchase and provision of social care services for adults including people disabilities, older people, people with mental health needs, people with substance misuse problems, adults with learning disabilities (including people with autistic spectrum disorder and a dual diagnosis incorporating mental health needs and learning disability) and people with HIV/AIDS.
5. To implement the Council's statutory functions as follows:
 - to assess the need for, and provide, services and residential accommodation for those suffering from a disability, including a mental disability, pursuant to the National Assistance Act 1948, the Mental Health Act, the Chronically Sick and Disabled Persons Act, the Disabled Persons (Services, Consultation and Representation) Act, the National Health Service and Community Care Act and the Health and Social Care Act.
 - .
 - To assess, and plan to meet, the needs of carers of vulnerable people in accordance with the provisions of the Carers and Disabled Children Act 2000.
 - To act as the "appropriate adult" within the definition of the Police and Criminal Evidence Act in relation to persons with a mental disorder (which may include a learning disability) who are detained at a police station.
6. To promote the welfare and independence of, and ensure the protection of vulnerable adults through the assessment of needs, the arrangement of services and the provision of facilities and assistance, where appropriate, to meet those needs, for adults and their carers.
7. To lead and direct the continuous improvement of high quality services to the customer in the area of Council funded care and housing support services to adults. These services include:
 - Development of commissioned care and support services (including supported accommodation)
 - Delivery of Assessment/Care management services (including ensuring resource allocations to eligible individuals to buy care and support)

- Performing management and quality assurance (including information, IT and contract monitoring).
8. To represent the Council in joint planning with the Health Service and other agencies.
 9. To be responsible for the functions of the Council with respect to libraries, museums, archives, the arts and heritage matters.
 10. To be responsible for sports and leisure and sports and leisure facilities in Westminster.
 11. To exercise all functions, powers and duties of an Adult Services Authority under all relevant legislation including, but not limited to, Adult Education, Social Services, safeguarding adults, Deprivation of Liberty, Mental Health services and Health functions.

DELEGATED AUTHORITY TO THE STRATEGIC DIRECTOR FOR BUILT ENVIRONMENT

1. To exercise the functions of the Council relating to highways, transportation, road traffic, town and country planning, building control and arboriculture.
2. In the case of town and country planning, the delegation includes power to determine all applications for planning permission, advertisement consent, Conservation Area Consent, Listed Building Consent, application for the Council's own development and Hazardous Substances consent except where:
 - (a) In the opinion of the Strategic Director the application is of a major controversial or sensitive nature or where in his/her opinion the decision would be contrary to approved planning policies.
 - (b) It is proposed to grant permission, consent or approval and in the opinion of the Strategic Director, this would set a significant precedent or have a significant impact on the environment.
 - (c) It is proposed to grant permission, consent or approval for an application which is the subject of objection on planning (or hazardous substances) grounds. Referral to the Planning Applications Sub-Committee or Planning and City Development Committee will not be required where in the opinion of the Strategic Director:
 1. The objection(s) are not specifically related to the application;
OR
 2. The objection(s) can be met by the imposition of conditions;
OR
 3. The proposal complies with adopted policies or standards.
 - (d) In the opinion of the Strategic Director it would be inappropriate to do so having regard to representations received from one or more elected Members of the Council or to the nature and extent or representations made in response to public consultation.
 - (e) The application is for the Council's Own Development and the Strategic Director is minded to refuse permission or consent, in which case the application shall be referred to the Planning Applications Sub-Committee for determination.
 - (f) The application has been submitted by or on behalf of a elected Member of the Council (or their spouse/partner) or by any officer (or their spouse/partner).
 - (g) An elected Member of the Council has requested that the application be determined by the Planning and City Development Committee or the Planning Applications Sub-Committee.
3. To determine applications under the Planning Acts which, before the expiry of the period allowed for the submission of observations by public advertisement or notice, have been considered by the Planning and City Development Committee or the Planning Sub-Committee, or where either Committee has

deferred a decision but has authorised the Strategic Director to make the final decision.

4. To determine applications to discharge conditions imposed on a grant of planning permission, listed building consent, Conservation Area Consent or on permission for the Council's own development except in the latter case where the conditions relate to a listed building or conservation area consent. These will be dealt with by the Planning Applications Sub-Committee unless the Director is of the opinion that no significant issues are raised.
5. To deal with applications where it is found that permission is not required in that they do not constitute development or relate to development.
6. To issue a "screening opinion" (to determine whether a project requires an Environmental Impact Assessment) and/or a "scoping opinion" (on the impacts and issues that the EIA should address) as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 except where:
 - (a) in the opinion of the Strategic Director the proposed project is of a major controversial or sensitive nature
 - (b) in the opinion of the Strategic Director it would be inappropriate to do so having regard to representations received from one or more elected Members of the Council or to the nature and extent of representations made in response to public consultation.

Highways Transportation and Road Traffic

7. To exercise the functions of the Council as highways, transportation and road traffic authority, and in particular:
 - (a) to be responsible for the functions of the Council under the Highways Act 1980
 - (b) to be responsible for the functions of the Council as road traffic authority including its powers under the Road Traffic Regulation Act 1984
 - (c) to be responsible for the Council's functions under the NRSWA 1991
 - (d) To act as traffic manager for the purposes of Section 17(2) of the Traffic Management Act 2004.

Building Control

8. To be responsible for the Council's functions under the Building Act 1984 and the London Building Acts.

Trees

9. To be responsible for the Council's functions with respect to arboriculture.

DELEGATED AUTHORITY TO STRATEGIC DIRECTOR FOR CITY MANAGEMENT

1. To be responsible for the Council's licensing and registration functions generally, including specifically (but not exclusively) functions under the Licensing Act 2003, the Gambling Act 2005 and the City of Westminster Act 1999.
2. To be responsible for the Council's on-street and parking enforcement services.
3. To be responsible for the Council's functions with respect to the regulation of waste management and the cleansing of streets.
4. To take enforcement action on behalf of the Council in relation to waste management, licensing, transportation and highways, trading standards, food hygiene, weights and measures and consumer protection legislation.
5. To arrange for the effective performance and development of the Council's duties and services and provide advice in relation to environmental matters.
6. To be responsible for parks and cemeteries.
7. To be responsible for all matters relating to the Council's functions relating to crime and disorder. To exercise the functions of the Council under the Crime and Disorder Act 1998, save for the secondment of officers to the Youth Offending Team as required by section 39(5).
8. To be responsible for the Council's obligations in respect of Health and Safety at work
9. To be responsible for all environmental enforcement activities
10. To be responsible for all of the Council's public conveniences
11. To be responsible for emergency planning and business continuity and undertake executive powers where necessary in the event of a civil emergency.
12. To incur, in exercise of his role as Emergency Controller, un-programmed revenue expenditure in the event of an emergency affecting the Council, or the inhabitants of its area, up to a maximum of £500,000 in dealing with the immediate effects of the emergency, subject to such expenditure being reported at the first opportunity to the Leader.

DELEGATED AUTHORITY TO THE STRATEGIC DIRECTOR OF RESOURCES

1. To exercise the functions of the Council relating to buildings and other real property, information technology, procurement and human resources. In respect of human resources the delegation does not apply to matters delegated under the scheme to all Chief Officers. In respect of real property the delegation does not extend to the management of properties allocated to particular Council services for which the relevant Chief Officers will be responsible.
2. To develop the Council's Information and Communications Technology (ICT) strategy and manage the provision of ICT services for the Council, including the setting of standards, the management of voice and data networks and e-mails services and related systems.
3. To ensure the provision of a comprehensive ICT service to all parts of the organisation, having due regard to all relevant security issues and the proper contract monitoring of any third party suppliers.
4. To approve the terms for the disposal of land and property where the principle of disposal has already been determined by the Cabinet or relevant Cabinet member, provided that:-
 - (a) in the case of freehold and leasehold transactions sold, the premium does not exceed £500,000; and
 - (b) the case of leases the rental value does not exceed £125,000 p.a.
5. To approve the terms for the freehold purchase and taking of leases and licences of land and property for the Council's own occupation where the principle of acquisition has already been determined by the Cabinet or relevant Cabinet Member provided that the premium rental does not exceed £500,000 and the rental does not exceed £125,000 p.a.
6. To select tenants for land and property (other than dwellings to be let on secure tenancies) subject to consultation with the relevant Cabinet member in any case where any change of policy or special difficulty are anticipated.
7. To deal with all questions of routine property management, including power to:-
 - (a) approve and give effect to licences, tenancies and leases of 25 years or less where the value does not exceed £125,000pa;
 - (b) serve statutory notices relevant to routine property management;
 - (c) authorise and pay discretionary contributions towards trade/loss and/or removal expenses in accordance with good estate management practice;
 - (d) authorise routine acquisition settlements (to include disturbance claims, Home Loss payments, Loss Payments, discretionary payments and compensation) which arise from authorised schemes which have been

approved by the Council and for which appropriate budgetary provision has already been made;

- (e) repair, maintain and improve property and other works for which appropriate budgetary provision has been made;
 - (f) enter into deeds of variation or release in respect of all interests where any adjustment to the rental value does not exceed £125,000 p.a. or where any premium does not exceed £500,000;
 - (g) settle dilapidation claims where appropriate budgetary provision exists;
 - (h) give consent in the Council's capacity as landlord to applications by tenants under the terms of any lease;
 - (i) agree rent reviews and sign Rent Review Memoranda; and
 - (j) deal with the surrender and/or renewal or regearing of leases where any adjustment to the rental does not exceed £125,000 p.a. or where any premium does not exceed £500,000.
8. To authorise the submission of compulsory purchase compensation claims to the Lands Tribunal to determine the compensation payable.
 9. To determine the future of surplus land and property for disposal on the open market where the estimated value of the disposal does not exceed £500,000.
 10. To apply for Planning and listed building consents for the Council's corporate property portfolio and, in accordance with the provisions of the Financial Regulations and corporate accounting procedure, deal with appropriations.

DELEGATED AUTHORITY TO HEAD OF LEGAL SERVICES

1. To act as Solicitor to the Council and to institute, conduct and, where appropriate, defend and settle criminal and civil legal proceedings and claims concerning the Council's responsibilities and interests except in relation to those covered by the Councils insurance policies.
2. To take any action in order to protect the interests of the Council or of any person or property to whom, or for which, the Council has responsibility or in order to give legal effect to any decision or action properly taken by the Council or a Committee or person on behalf of the Council.
3. To be the Monitoring Officer and the Proper Officer in accordance with the Local Government Acts (except where signified under other officer delegations) and the Registration Service Act 1953.
4. To lodge appeals against any adverse finding against the Council in any tribunal or court.
5. To sign any document necessary to give effect to any resolution of the Council, the Cabinet, a Cabinet Member or any Committee or Sub-Committee or Chief Officer acting within delegated power.
6. To make appointments to outside bodies in accordance with the nominations made by the Party Whips.

Appendix 1

Senior Leadership Team

Chief Executive

Strategic Director for Finance and Performance

Strategic Director for Children and Young People

Strategic Director for Adult and Community Services

Strategic Director for Built Environment

Strategic Director for City Management

Strategic Director for Resources

2 x Joint Head of Commissioning City Management

Head of Commissioning Development and City Planning

Assistant Director for Joint Commissioning Care and Health

City Commissioner of Transportation

Director of Housing Strategy

Head of Commissioning Customer Services

Head of Children, Young People and Families

Head of Schools and Learning

Head of Adults and Social Care

Head of Libraries and Culture

Head of Sports and Leisure

Head of Premises Management

Head of Street Management

Head of City Planning

Head of Development Planning

Director of Communications and Strategy

Director of Procurement and Contract Management

Head of Transformation and Project Management

Head of Policy Innovation and Partnerships

Head of Planning Performance and Improvement

Head of Information Services

Head of Property

Director of Human Resources

Head of Legal Services