

SECTION 13 – APPENDIX 3

SCHEME OF DELEGATION TO OFFICERS

1. Definitions

- 1.1 In this scheme, “chief officer” means the Chief Executive, any Corporate Director or any Head of Department, depending on the context.
- 1.2 Any reference to an Act in this scheme includes a reference to any amendment thereto or re-enactment thereof of any order or secondary legislation made thereunder.

2. Conditions and limitations on the exercise of delegated powers

- 2.1 Under this scheme, each chief officer is authorised to act on behalf of the Council in relation to any matter within his/her service area SUBJECT TO THE FOLLOWING:-
 - 2.1.1 policies approved by the Council or Cabinet;
 - 2.1.2 any matters reserved to the Council, Cabinet, Committee or sub-committee or delegated to a Leader;
 - 2.1.3 the Constitution of the Council (including the Council's Procedure Rules, the Financial Procedure Rules and the Contracts Procedure Rules).
- 2.2 Where the exercise of delegated powers is likely to affect more than one service, the chief officer must consult with any other chief officer whose service may be so affected.
- 2.3 Without prejudice to his/her delegated powers or to that of the relevant Committee, and in appropriate circumstances only, each chief officer should, when exercising his/her powers:-
 - 2.3.1 keep the Cabinet fully informed, in particular members of the Cabinet who act as portfolio holders for the service fields in question and also have due regard to any comments made by the relevant scrutiny committee regarding the matter in question;
 - 2.3.2 ensure that he/she consults with/or informs the local member(s);
 - 2.3.3 ensure that he/she consults with/or informs the Chief Executive, as the head of the paid service, the Chief Finance Officer of the Council and the Council's Monitoring Officer.
- 2.4 Before exercising a delegated power, each chief officer must consider whether the decision is one that should be referred to the Cabinet, or appropriate committee or sub-committee for a decision.
- 2.5 In deciding whether to refer a matter to the Cabinet, committee or sub-committee the chief officer will have regard to the following considerations:-
 - 2.5.1 day to day decisions on technical or professional issues will normally be taken without reference to members;

2.5.2 the views of the local member, portfolio leader and Chief Executive must be taken into account, if a decision is likely to have a significant impact on the Council's profile or is likely to attract unfavourable comment in the press, there will be a presumption in favour of referring it to members.

2.6 Any new function which becomes the Council's responsibility will be included within this scheme without the need for the full Council to amend the scheme and if any doubt should arise as to which chief officer is responsible for the function, the Chief Executive shall decide.

3. General Powers

Protecting the Council's interests

3.1 Each chief officer (having consulted with the relevant portfolio leader where appropriate) is authorised to take any action necessary to protect or promote the Council's interests, subject to the restrictions above.

3.2 Without prejudice to the generality of the above provisions, this includes exercising his/her professional judgement to take such decisions as necessary to implement the Council's policies and to promote the management and delivery of the services which are his/her responsibility.

Authorising officers

3.3 Any powers granted to a chief officer may be discharged either in his/her absence by such officer(s) as may be authorised by him/her or in accordance with any general instructions or provisions made by him. In the absence of the chief officer, any officer appointed by him/her to deputise on his behalf may also authorise the exercise of the delegated powers. For the avoidance of doubt such authorisations may be granted to persons who are not officers of the Council.

3.4 Each chief officer may authorise his/her staff to exercise such powers as necessary to enter or inspect any land, buildings or properties and to provide any evidence or authority as necessary for discharging their duties in accordance with the Council's statutory powers.

3.5 Each chief officer is authorised to decide upon the presence of officers at external meetings, seminars or conferences which are not on the approved list.

3.6 Each chief officer is authorised to approve a list of authorised signatories.

Urgent Action

3.7 In relation to matters reserved to the Council, a committee or sub-committee, the relevant chief officer will be permitted to act in between meetings if urgent, in consultation with the appropriate Chairperson and also, if required, with local members and leaders of the political groups as necessary, on condition that any such action is consistent with the Council's general policies and that a report on the action taken is presented to the next meeting of the Council, committee or sub-committee.

Staffing Matters

- 3.8 In consultation with the Head of Human Resources Department, each chief officer is authorised to act in relation to staffing matters including the recruitment, appointment, review of structure, approving accelerated increments within the grade for the post, awarding a temporary honorarium, disciplining and dismissal of staff, subject to any matters which have been reserved to the Council or the Chief Officer Appointments Committee and subject (in cases of a change of structure which involves the virement of finance from other budget headings) to compliance with the Financial Procedure Rules and to receiving the approval of the relevant Portfolio Leader to the business case.
- 3.9 Jointly with the Head of Finance Department and Head of Human Resources Department, each chief officer is authorised to approve applications for early retirement or flexible retirement from staff, in accordance with Council policy.

Procurement/disposal of property and goods and matters relating to contracts

- 3.10 Each chief officer is authorised to act in relation to procurement and contracts within the approved budget and in accordance with the Contracts Procedure Rules.
- 3.11 Each chief officer is authorised to act in relation to matters under the standing orders in relation to contracts relating to his/her department, where there is a need to suspend the rules to extend contracts, accept tenders which are not the lowest, etc. within the financial guidelines in the financial standing orders.
- 3.12 Each chief officer is authorised to purchase property required for improvements within the department's budget (e.g. highways, small plots only).
- 3.13 Each chief officer is authorised to sell or dispose of plots of land and/or buildings owned by the service following consultation with the local member(s) and on terms to be agreed with the Corporate Property Manager and subject to the following:-
- (a) where a freehold is sold, that the value of the land is less than £25,000;
 - (b) where the land is let by means of leasehold or tenancy, that the annual rent is less than £10,000;
 - (c) in each case where the local member(s) object, the matter is referred to the Executive for a decision;
 - (d) that the sale or disposal is not contrary to the Council's Asset Management Plan.

Asset management

- 3.14 Each chief officer is authorised to sell goods that are surplus to requirements, e.g. old computers, furniture, etc.
- 3.15 Each chief officer is authorised to manage the assets, vehicles and equipment belonging to the Service for which he/she has responsibility. This includes the granting of permission for any event to be held on Council land and the letting of rooms in buildings for which he/she is responsible for periods of 24 hours or less.
- 3.16 Each chief officer is authorised to demolish a building owned by the service, provided that resources are available to fund such action.

Opening Hours

- 3.17 Each chief officer is authorised to determine and vary (after considering the factors of use, public opinion and finance) the opening hours of all sites belonging to the service.

Financial, Grants and Fees Matters

- 3.18 Each chief officer is authorised to act on financial matters in accordance with the Financial Rules.
- 3.19 Each chief officer is authorised to approve grant applications submitted to his/her department of up to £5,000.
- 3.20 Each chief officer is authorised to act in consultation with the Chief Executive, Head of Finance Department, Monitoring Officer and relevant Cabinet Member to set fees for their service.

Variation of operational policy

- 3.21 Each chief officer is authorised to vary the service's operational policy (e.g. opening hours of a Leisure Centre over Christmas; construction of cattle grids, cemeteries).

Draft plans

- 3.22 Each chief officer is authorised to accept draft plans, following assessment by the relevant Scrutiny Committee, before going out to consultation. (The plan will subsequently return to the Cabinet).

Requests for support

- 3.23 Each chief officer is authorised to respond to requests for support by members of parliament, assembly members or any national campaign where it is obvious that the campaign is consistent with the Council's policies.

Trusts

- 3.24 Each chief officer is authorised to administrate trusts that are within the department's responsibility, in consultation with the local member where appropriate.

4. Specific delegation

- 4.1 The following specific powers and duties are delegated to the named chief officer.

5. Corporate Directors

In the "Scheme of Delegation to Committees" in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

The functions delegated to the Corporate directors are to be allocated between them by the Chief Executive.

Functions delegated by the Council

- 5.1** In consultation with a member of the Employment Appeals Committee and the human resources advisor, determine appeals lodged by staff against disciplinary steps taken against them in appeals under any of the Council's employment policies where the right of appeal is permitted. (The director may delegate this right to an independent head of department as needed).

Functions delegated by the Cabinet

- 5.2** Implement the statutory duties of the Director of Social Services.
- 5.3** Act as the Lead Director - Children and Young People Services under the Children Act 2004.
- 5.4** Exercise the Council's powers under the Civil Contingencies Act 2004 and general rights to act in a civil emergency.
- 5.5** Day to day implementation of Communications matters.