

Part 3

Schedule 4 Part B (As settled by the Leader)

SCHEME OF DELEGATION of EXECUTIVE FUNCTIONS TO OFFICERS

1. By this Scheme of Delegation, the Leader of the Council has delegated to directors executive powers within the confines of the Council's Budget and Policy Framework.

The Leader of the Council has also approved a Scheme of Delegation to individual Cabinet Members which is contained in Part 3 Schedule 5 of the Constitution.

This part of the scheme of delegation records the delegations of executive functions to officers ('directors') under article 7 by the Leader.

For the purposes of this scheme "the directors" means the posts and office holders falling within the prevailing senior management establishment of the Council (which includes all officers on salary grades HOS2 and above).

2. The following conditions apply to this Scheme of Delegation and shall be complied with at all times:-
 - (i) Every delegated power shall be exercised in the name of the Council.
 - (ii) The exercise of delegated powers shall be in accordance with Cabinet (Executive) functions and the Council's Budget and Policy Framework.
 - (iii) A director taking a key decision shall record it and the reasons for it on a Decision Notice and shall deliver it to the Proper Officer who shall publish the Decision Notice in accordance with the Constitution.
 - (iv) All key decisions taken under this scheme are subject to the Call-In Procedure with the exception of those taken under the urgency provision.
 - (v) No Director shall exercise any delegated power that comprises a Key Decision unless that decision is contained within the Council's Forward Plan or the appropriate notice(s) issued/published under the Access to Information Procedure Rules of the Constitution or prevailing legislation.
 - (vi) No action may be taken which is contrary to the Council's Constitution.
3. The Leader authorises the directors to exercise any of the executive functions of the Council as set out in this document.

- a. All onward authorisations by directors conferred under this scheme must be recorded in writing by the directors (including for the avoidance of doubt any delegation under paragraph 5(e) below). Any decision taken under such authority shall remain their responsibility.
 - b. The monitoring officer will maintain a central record of all onward authorisations under this scheme and make this available for public inspection. The directors are responsible for recording all onward authorisations under paragraph 5(e) below in such form as the monitoring officer may prescribe.
4. This scheme is without prejudice to the exercise of the Executive's functions by the Leader, Cabinet Members and Cabinet.
5. The directors are empowered to make (or authorise another officer to make on their behalf) all executive decisions within their areas of responsibility on behalf of the Council in accordance with the following general principles:
 - a. If a function, power or responsibility has not been specifically reserved to Cabinet Members or the Cabinet by the Leader, the director within whose remit the matter falls is authorised to act.
 - b. Full Council and its committees will make decisions on matters of significant policy.
 - c. The directors have express authority to take all necessary actions to implement executive decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
 - d. The directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.
 - e. Notwithstanding a. above, directors are empowered to take all necessary decisions in cases of emergency.
 - f. In relation to all delegated authority conferred on the directors by this scheme, the Leader may allocate or re-allocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as he or she thinks fit. He will notify the Monitoring Officer of any such change.
 - g. Where a director is absent from the workplace for a period of time that requires others to regularly exercise delegated authority in that officer's absence, another director should be nominated by the Leader as soon as practicably possible. This nomination should be formally recorded in writing.

- h. Where there is doubt over the responsibility for the exercise of a delegated power, the Head of Paid Service or their nominee is authorised to determine who is to act.
 - i. These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the Council's goals.
6. For the purposes of this scheme, emergency shall mean a situation in which the relevant director believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the Council may be compromised.
7. In deciding whether or not to exercise such delegated powers, the directors should consider whether to consult the Leader or appropriate Cabinet Member(s) and have regard to their views. Directors shall always be entitled to refer matters for decision to the Leader, appropriate Cabinet Member or Cabinet where they consider it expedient to do so.
8. The directors may authorise officers in their service areas to exercise, on their behalf, powers delegated under this scheme.
9. In exercising these delegated powers the directors concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's constitution, including its contract and financial procedures and regulations, and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
10. Without prejudice to the generality of the foregoing the directors shall have the power:
 - a. To take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:
 - invitation and acceptance of quotations and tenders
 - submission of bids for funding
 - write-off of irrecoverable debts up to £1,000 with the agreement of the Section 151 officer
 - virement (within the budget framework) with the agreement of the Section 151 officer

- disposal and acquisition of assets with the agreement of the Section 151 officer
 - signing, service and placing of any necessary statutory or other notice (other than those expressly reserved to a Council, committee or cabinet).
 - execution of any other formal or legal document relating to matters falling with their area of responsibility and management
 - Authorising relevant members of staff (whether within their area of management or not) to undertake and exercise all investigatory and enforcement activities and powers.
 - after consultation with the Head of Legal and Member Services, authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council.
- b. To put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility.
- c. In the case of any overspend to notify the Section 151 officer in accordance with the financial procedure rules and regulations.
- d. To determine staffing arrangements within approved budgets, subject to agreement on grading with the head of paid service and conformance with Council policies.
- e. To take all action to recruit, appoint, develop, manage and reward employees within approved Council policies and procedures (including operation of policies for discipline and dismissal, voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.
11. In taking any decision, the director concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage.
- a. A key decision should be taken in accordance with the relevant requirements;
 - b. the views of the relevant Cabinet Member;
 - c. consideration of the views of the constituency committees and the local councillors in decisions about local services;

- d. the implication of any Council policy, initiative, strategy or procedure. Directors need to be aware of any potential impact of a delegated decision on other services. In such cases consultation with directors, other relevant officers, relevant Cabinet Member(s) or committee Chairperson(s) and local Ward Members, where the issue relates to a specific area, should take place;
 - e. consultation in accordance with the Council's consultation strategy/processes and the views emanating from that process;
 - f. the range of available options;
 - g. the staffing, finance and legal implications;
 - h. the assessment of any associated risks in accordance with the Council's risk and management strategy;
 - i. the involvement of appropriate statutory officers and/or other directors;
 - j. the Council's constitution, including the forward work plan, its contract and financial procedures and regulations, all relevant guidance, legislation, codes of practice and protocols.
12. Any councillor may request that non-key decisions taken by directors under this scheme are scrutinised by the appropriate Policy and Performance Committee.
13. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the Head of Paid Service.

CABINET – Criteria for Referral of Executive Functions and Matters

All executive functions/matters may be referred by the Leader and/or Cabinet Members and Officers to Cabinet for consideration, determination and/or decision.

Generally only those executive functions/matters that fall into one or more of the following categories should be referred to Cabinet:

- (i) The matter under consideration is a high profile matter;
- (ii) The decision has a significant budgetary impact;
- (iii) There is a need or it is considered prudent to engage the public and/or raise public awareness; and/or
- (iv) The function/matter provides important performance management information.