

PART 3

SCHEDULE 4 A PART 1 (As agreed by Council)

SCHEME OF NON EXECUTIVE DELEGATION OF FUNCTIONS TO OFFICERS

1. This part of the scheme of delegation authorises the Head of Paid Services and the directors to exercise the non-executive functions of the Council as set out in this document.
2.
 - a. All delegations 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 delegations under this scheme and make this available for public inspection. The directors are responsible for recording all delegations under paragraph 8 below in such form as the monitoring officer may prescribe.
3. This scheme is without prejudice to the exercise of the Council's functions by the Council, the Council's committees, sub-committees and panels.
4. The delegation of the Council's Executive functions to officers are set out in Part 3 Schedule 4 Part B.
5. For the purposes of this scheme "the directors" means the Officers whose job title and areas of responsibility are set out in Part 3 Schedule 4 Part B.

The directors are empowered to make all non-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 the Full Council or a committee the director within whose remit the matter falls is authorised to act.
- b. Full Council or its committees will make decisions on matters of significant policy. The directors have express authority to take all necessary actions to implement decisions council or committees that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
- c. The directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.
- d. The directors are empowered to take all necessary decisions in cases of emergency.

- e. In relation to all delegated authority conferred on the directors by this scheme, the head of paid service 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 Head of Legal and Member Services of any such change. The Head of Legal and Member Services will amend the Constitution as necessary.
 - f. Where a director is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the head of paid service. This nomination should be formally recorded in writing.
 - g. 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 act or to determine who is to act.
 - h. 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 officer 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 appropriate committee Chair and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body or council 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 officers 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 tenders
 - submission of bids for funding
 - write-off of irrecoverable debts
 - virement (within the budget framework)
 - disposal and acquisition of assets
 - service and placing of any necessary statutory or other notice (other than those expressly reserved to a Council, committee or cabinet)
 - after consultation with the solicitor to the Council, 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 chief finance officer in the role of 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.
- (f) To authorise following consultation with and the approval of the Head of Legal and Member Services suitably qualified and/or experienced Council Officers within their relevant area of management to conduct, prosecute, defend and appear in legal proceedings on behalf of the Council before the Magistrates Court in accordance with Section 223 of the Local Government Act 1972 as amended.**
11. In taking any decision, the officer 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 committee Chair, area board(s) following the application of the consultation criteria set out in paragraph (c) below;
 - 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. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases consultation with officers, relevant cabinet member(s) or committee Chair and local members, where the issue relates to a specific area, should take place;
 - e. consultation in accordance with the Council's consultation strategy 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 decisions taken by officers under the delegated powers 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.