

WIRRAL BOROUGH COUNCIL

LEADER'S SCHEME OF DELEGATION & PROCEDURE

This document sets out how executive decisions are taken at Wirral Council.

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THE EXECUTIVE DECISION-MAKING PROCESS

The Council's decision making process is under greater scrutiny than ever before, both from elected Members and members of the public, and it is important that we have robust recording procedures in place.

This document sets out a new procedural framework for documenting and publishing executive decisions taken by Members or an officer under delegated powers.

1. SUMMARY OF THE EXECUTIVE DECISION MAKING PROCESS

1.1 The Leader of the Council has overall responsibility for the executive functions of the Council.

1.2 To deliver those executive functions, the Leader has

- appointed a Cabinet comprising the Leader and up to nine further elected Members of the Council and has determined which delegated executive functions shall be the responsibility of the Cabinet;
- appointed one of those Members as Deputy Leader of the Council to act in the absence of the Leader;
- allocated a Portfolio of responsibility to each of the Cabinet Members, including a Portfolio of matters to be the responsibility of the Leader, and has determined a Scheme of Delegation to Individual Cabinet Members that sets out the decisions that each Cabinet member may take;
- established and appointed to a Cabinet Committee as the Joint Strategic Commissioning Board and has determined which delegated decisions that Committee may take;
- determined which delegated executive functions shall be the responsibility of Council officers and has determined a Scheme of Executive Delegation to officers that sets out the decisions that officers may take;
- confirmed the responsibility of the Head of Paid Service and Directors (chief officers) for the general management of the authority and for day to day operation for functions and services of the Council; AND
- determined the process and circumstances in which those decisions must be made.

2. EXECUTIVE DECISIONS

2.1 An "executive decision" is one made in connection with the discharge of a function which is the responsibility of the executive, i.e., the Leader and Cabinet.

2.2 Certain executive decisions are defined in law as 'Key Decisions'. The Council's adopted definition of a key decision is –

- (a) any decision of the Cabinet incurring expenditure or making savings in excess of **10% of the relevant budget head or £500,000**, whichever is the smaller, unless
 - the specific expenditure or saving has previously been agreed in full Council; or
 - it is a decision taken in accordance with the Council's Treasury Management Policy; or
- (b) any decision of the Cabinet which is significant in terms of its effect on communities living or working in an area comprising two or more wards in the Borough (and which in the absence of Statutory Guidance will be guided by the view of the Leader in respect of a prospective decision likely to have a significant effect on a significant number of people).

In addition to the above, and for the avoidance of doubt, any decision approving proposals for the making of a plan or budget which requires the approval of full Council shall be treated as a key decision.

2.3 A key decision differs from other kinds of decisions because, where a decision maker intends to make a key decision, they must first publish a document containing publicity requirements about the decision and (subject to certain exception and urgency provisions) they cannot make the decision until at least 28 clear days the document, known as the 'Forward Plan, has been made available for inspection by the public. Further information on this can be found in Part 4 the Council's Constitution.

2.4 An Executive Decision taken by Cabinet, Cabinet Members and officers are referred to as non-key decisions, but they are still to be recorded. A non-key Executive Decision is -

- (a) A decision that directly relates to the development of the Budget and Policy Framework, comprising:
 - (i) decisions to approve a draft document or proposal and to commence formal consultation on that document or proposal; or
 - (ii) decisions to recommend to Council the adoption of the Budget or a policy within the Policy Framework following consideration of the outcome of the formal consultation;
- (b) any decision taken by the Cabinet, a committee of Cabinet or by the Leader or another individual Cabinet Member;
- (c) decisions taken by an officer in specific consultation with the Cabinet, a Cabinet Committee or an individual Cabinet Member; and

- (d) a decision taken by an officer that would otherwise be taken by the Cabinet, a Cabinet Committee or an individual Cabinet Member but has been made under delegated powers from one of those decision-making bodies:
 - (i) under a specific express authorisation; or
 - (ii) under a general authorisation to officers to take such decisions and the effect of the decision is to—
 - (1) grant a permission or licence;
 - (2) affect the rights of an individual; or
 - (3) award a contract or incur expenditure which, in either case, materially affects the Council's financial position, for which purposes is taken to be a financial saving or expenditure of **more than £250,000** (and less than £500,000).

2.5 All Key Decisions and those non-key decisions taken by Cabinet, a Cabinet Committee or a Cabinet Member are subject to the Council's call-in process.

2.6 Many administrative and operational decisions to be taken by officers relate to their general management role in conducting the Council's business and how they deal with their day to day work. This may amount to sums greater than that referred to above, particularly in relation to decisions taken on expenditure on individual children's or adult social care packages. These decisions are not to be regarded as executive decisions and, as such, they will not need to be recorded and published in the way described here.

3. CABINET DECISION MAKING

3.1 The Cabinet makes all executive decisions that are not otherwise delegated to the Cabinet Committee, an individual Cabinet Member or an officer of the Council.

3.2 Any executive functions or matters may additionally be referred by the Leader, Cabinet Member or Director to Cabinet for consideration, determination and decision. Examples of matters that should normally be referred to Cabinet rather than be taken as a delegated decision are those that fall into one or more of the following categories:

- (a) the matter under consideration is a high profile matter;
- (b) the decision has a significant budgetary impact;
- (c) there is a need or it is considered prudent to engage the public and/or raise public awareness; and/or
- (d) the function/matter provides important performance management information.

- 3.3 Decisions of the Cabinet will be taken at a meeting convened in accordance with the Council's Access to Information Procedure Rules (set out in part 4B of this Constitution and which set out the requirements covering public meetings).
- 3.4 The order of business will be as set out in **Appendix A** unless the Leader determines otherwise for reasons to be given at the meeting and recorded.
- 3.5 The quorum for a meeting of the executive (meeting collectively as the Cabinet) shall be two and shall be chaired by the Leader if present.
- 3.6 An executive decision shall be taken by Cabinet only on consideration of a full report by the relevant officer(s), published in accordance with the Council's Access to Information Procedure Rules, which shall contain as a minimum:
- (a) a recommended decision;
 - (b) a presentation of reasons for the recommendation being put forward
 - (c) details of any other options considered and why those options were rejected;
 - (d) details of any consultation undertaken or proposed including, in respect of consultation undertaken, the nature and extent of the consultation undertaken with stakeholders and the overview and scrutiny committees and the outcome of that consultation;
 - (e) a consideration of the financial and legal issues pertaining to the matter, and such other matters as governance chief officers (the head of paid service, s.151 officer or monitoring officer) may require, including risk, staffing or equalities implications; plus
 - (f) a list compiled of any Background Papers to the report, meaning those documents other than published works that, in the opinion of the proper officer, relate to the subject matter of the report or, as the case may be, the part of the report; and
 - (i) disclose any facts or matters on which the report or an important part of the report is based; and
 - (ii) were relied on to a material extent in preparing the report;
- together with any additional comments the Cabinet member with portfolio wished to add to the report.
- 3.7 The minutes of the meeting must, as a minimum, contain:
- (a) a record of the decision;
 - (b) the date the decision was taken;
 - (c) a record of the reasons for the decision;
 - (d) details of any alternative options considered and rejected by the Cabinet at the meeting at which the decision was made;

- (e) a record of any declaration of interest and, in respect of decision making by elected members, a note of any dispensation granted; and
- (f) a record of any conflict of interest relating to the matter decided which is declared by any member of the Cabinet which made the decision and where applicable, a note of dispensation granted (by the Standards Committee); and
- (g) where appropriate, a statement of urgency and that the decision is exempted from call-in.

3.8 The decisions taken by Cabinet are subject to the Council's procedures for delayed implementation and call- in.

4. CABINET COMMITTEE DECISION MAKING

4.1 Where executive decisions are delegated to a Committee of the Cabinet the Procedures relating to Cabinet meetings and consideration of business as shown at paragraph 3.3 to 3.7 above apply also to Cabinet Committee meetings, subject to any member of the Cabinet being read as any member of the Committee.

4.2 The Leader has established and appointed to a Committee of Cabinet, the composition and terms of reference of which is set out at **Appendix B**.

5. INDIVIDUAL CABINET MEMBER DECISION MAKING

5.1 The Leader of the Council has allocated a Portfolio of responsibility to each Cabinet Member, which is set out as **Appendix C**. An individual Cabinet Member may take executive decisions within the scope of their portfolio subject to the conditions set out in this Scheme of Delegation and related procedures as detailed below.

5.2 A Cabinet Member may then take a decision **only**:

- (a) where it is considered on the basis of a written report prepared in accordance with paragraphs 3.6 above;
- (b) at a time and place that will be agreed with the relevant Director (or nominee) and the relevant Director (or nominee) is in attendance when the decision is taken;
- (c) after the Leader has been given at least 3 clear days' prior notice that the decision is proposed to be taken by the Cabinet Member and the Leader has not decided that the proposed decision is to be referred to the Cabinet, Cabinet Committee or take the decision him/herself; and
- (d) the decision is not otherwise reserved to Cabinet (under 5.3 below).

5.3 Where a proposed executive decision concerns:

- (a) the appointment of consultants over the value of **£50,000**;
- (b) the extension of contracts for any period greater than two years or where an extension was not an option in the original contract;
- (c) the commencement of a procurement exercise over the value of **£5,000,000**;
- (d) the acceptance of tenders and award of a contract over the value of **£5,000,000** or where the tender value exceeds the figure set out in the relevant budget; or
- (e) additional or replacement items for the current year's Capital Programme where the amount of the estimate exceeds **£5,000,000** or increases the overall total of the Departmental Capital Programme;

the matter must be referred to Cabinet.

5.4 The Cabinet Member shall ensure that a '**Cabinet Member Decision Notice**' is prepared as a written record of their decision, that it contains:

- a) a record of the names and titles of the decision taker and, where appropriate, the officer(s) in attendance;
- b) a record of the decision;
- c) the date the decision was taken;
- d) a statement of the reasons for the decision;
- e) details of any alternative options considered and rejected by the Cabinet Member when making the decision;
- f) a record of any declaration of interest and, in respect of decision making by elected members, a note of any dispensation granted;
- g) where appropriate, a statement of urgency and that the decision is exempted from call-in

and is counter-signed by the relevant Director (or nominee).

5.5 The Cabinet Member Decision Notice shall be delivered it to the Director of Governance and Assurance (via the Committee Services Team) who shall publish the Decision Notice and accompanying report in accordance with the Constitution.

5.6 The decisions taken by a Cabinet Member are subject to the Council's procedures for delayed implementation and call- in.

5.7 Cabinet Member decisions will be reported to Cabinet.

6. OFFICER DECISION MAKING

- 6.1 The Leader has determined a specified Scheme of Delegation to Officers, which is set out as **Appendix D**. An individual officer may take an Executive Decision, as defined at paragraph 2.4 above, that is within the scope of their management portfolio, subject to the conditions set out in this Scheme of Delegation and related procedures as detailed below.
- 6.2 A Key Decision may then be taken by an officer **only**:
- (a) where it is considered on the basis of a written report prepared in accordance with paragraphs 3.6 above; and
 - (b) when the relevant report author (or nominee) is in attendance when the decision is taken.
- 6.3 An Executive Decision may then be taken by an officer only where:
- (a) the proposed decision concerns the award of contract or otherwise materially affects the Council's financial position, by a financial saving or expenditure, of **no more than £1,500,000**;
 - (b) the item of business has not been previously requested by a Cabinet Member to be referred to the cabinet or a Cabinet member; or
 - (c) the officer concerned is not of the opinion that, due to its sensitive or high profile nature, the item of business is to be referred to a Cabinet member or the Cabinet for determination (but shall not do so if any third party rights would be adversely affected solely as a result of the officer declining to exercise their delegated power).
- 6.4 (To come into effect 1 September 2019) An officer who takes an Executive Decision shall ensure that an 'Officer Decision Notice' is prepared as a written record of their decision and that it contains:
- a) a record of the names and titles of the decision taker and, where appropriate, the other officer(s) in attendance;
 - b) a record of the decision including the date it was made;
 - c) a statement of the reasons for the decision;
 - d) details of any alternative options considered and rejected by the officer when making the decision;
 - e) a record of any statement made by any Cabinet Member who is consulted by the officer, including any conflict of interest declared by that Cabinet Member which relates to the decision; and
 - f) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service; and

- g) in respect of a Key Decision, a statement of urgency and that the decision is exempted from call-in where appropriate.
- 6.5 (To come into effect 1 September 2019) The Officer Decision Notice shall be delivered it to the Director of Governance and Assurance (via the Committee Services Team), together with the supporting report where a Key Decision, who shall publish the Decision Notice.
- 6.6 Any report or papers relied upon to reach the decision must also be provided to be made available for inspection by members of the public.
- 6.6 Officer decisions are not eligible for call-in unless the decision is a Key Decision.

Appendix A

CABINET DECISION MAKING

1. INTRODUCTION – WAY OF WORKING

1.1 The Council currently has no set procedure for the conduct of the meeting of the Cabinet. This is set out below, which includes new provision for access to speak to Cabinet decision making by other Members of the Council.

1.2 In addition to this procedure, a number of decisions throughout the year will be informed, in addition to consultation with Overview and Scrutiny Committees and stakeholders in the normal way, by:

Policy Advisory Groups: All party groups (to include a Group Leaders' meeting and a Local Plan Group) will be invited to meet to regularly discuss and be brief on major projects and issues. These will be chaired by the Leader or relevant Cabinet Member with Portfolio and their intention is to involve the other political groups and to inform the Cabinet and Cabinet member in their decision making. These meetings are held in private and the papers exempt unless otherwise stated.

and

Member Workshops: Private meetings open to relevant Overview and Scrutiny Committees members (or all Members as the Overview and Scrutiny Committees may feel appropriate), which will explore major and potentially controversial matters in depth throughout a day, half-day or full evening before a decision comes to a formal meeting of an Overview and Scrutiny Committee and then Cabinet.

2. MEETINGS OF CABINET - HOW CABINET MEETINGS ARE TO BE CONDUCTED

2.1 Who presides?

The Leader will preside at any meeting of the Cabinet or its committees at which they are present, or may appoint another Cabinet member to do so or if no such appointment has been made, then the committee will elect one of its members to preside.

2.2 Who may attend?

Any member of the press and public can attend Cabinet meetings as per the details set out in the Access to Information Rules in part 4 of this constitution.

2.3 What business?

At each meeting of the Cabinet the following business will be conducted:

- (i) declarations of interest, if any;
- (ii) matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the full Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of the constitution;
- (iii) consideration of reports from Overview and Scrutiny Committees, the Committee Chair or their nominee has the right to speak to give the view of a committee when making a referral (without the need to give notice); and
- (iv) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of the Constitution.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. The Leader may put on the agenda of any Cabinet meeting any matter which they wish, whether or not authority has been delegated to the Cabinet, a committee of Cabinet or any Cabinet member or officer in respect of that matter. The proper officer will comply with requests by the Leader in this respect.

- (1) Any member of the Cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If they receive such a request the proper officer will comply.
- (2) The proper officer will make sure that an item is placed on the agenda of a meeting of the Cabinet as soon as is practicable (dependent on production and publication of reports) following a resolution of a relevant Overview and Scrutiny Committee or of the full Council that an item be considered by the Cabinet.

- (3) The head of paid service, monitoring officer and/or the s.151 (chief finance) officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call a special meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief finance officer and monitoring officer/proper officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

Appendix B

Cabinet Committees

The Leader has established and appointed to a Committee of Cabinet, to be known as the Joint Strategic Commissioning Board. The composition and terms of reference of the cabinet Committee are as follows.

Primary Purpose

Meeting as a 'committee in common' alongside a body as shall be determined by the Wirral Clinical Commissioning Group Governing Body, the Committee's purpose is to consider matters relating to the joint commissioning of health and social care services with Wirral Clinical Commissioning Group.

Membership

Three members of Cabinet as determined by the Leader.

Terms of Reference

The Joint Strategic Commissioning Board (JSCB) Committee of Cabinet is established to focus on the commissioning, strategic design and performance management of health and care services on Wirral, including the outcomes and quality of those services. The Board will oversee the development of population based commissioning.

The JSCB Cabinet Committee, which will meet at the same time and with the same agenda as the Wirral Clinical Commissioning Group JSCB, will undertake the following duties and responsibilities, exercising delegated powers of the WBC Executive and formulating recommendations for adoption by the WBC Cabinet and / or the CCG Governing Body, as the case may be, that seek –

- To promote the integration of health and social services generally across WBC and WCCG;
- To approve integrated health and care commissioning strategies;
- To approve large scale health and care transformation programmes;
- To approve and maintain oversight of plans and oversight of delivery for specific areas such as:
 - Better Care Fund Schemes
 - Urgent Care Transformation o Commissioning Prospectus
 - Learning Disabilities Plan;

- To ensure effective stewardship of Section 75 pooled monies and address any issues of concern;
- To maintain oversight of health and care system performance and address any issues of concern;
- To ensure the implementation of integrated health and care commissioning strategies and transformation programmes.

Appendix C

CABINET MEMBER PORTFOLIOS

PORTFOLIO	LEADER
	Cllr Pat Hackett
BRIEF	Provide strategic direction for the organisation and leadership for the place. Represent Wirral at regional, national and international level.
PORTFOLIO	Finance & Resources
	Cllr Janette Williamson
BRIEF	Ensures Wirral is a well-run organisation. Provides financial stability and oversees all areas of Governance. Leads on the implementation of the People Strategy.
PORTFOLIO	Children, Families and Education
	Cllr Tom Usher
BRIEF	Delivering improved outcomes for children and families. Clear focus on safeguarding and keeping families safe in their homes and communities.
PORTFOLIO	Care, Health and Wellbeing
	Cllr Chris Jones
BRIEF	Delivering better outcomes for adults. Providing tailored, integrated services to disabled, vulnerable people to help them live healthier lives
PORTFOLIO	Housing & Planning
	Cllr Stuart Whittingham
BRIEF	The housing offer – now and into the future – meets the needs of Wirral communities.

PORTFOLIO	Community Services
	Cllr Julie McManus
BRIEF	Everyday, universal services provided and commissioned by the Council, which every resident relies on are provided efficiently and effectively.

PORTFOLIO	Environment and Climate Change
	Cllr Liz Grey
BRIEF	Wirral's local environment is protected and enhanced. We redouble our efforts to reduce our carbon footprint and support climate change efforts.

PORTFOLIO	The Local Plan
	Cllr Anita Leech
BRIEF	Wirral delivers a robust, appropriate Local Plan which meets the needs of our residents.

PORTFOLIO	Culture and Tourism
	Cllr Christine Spriggs
BRIEF	Wirral residents enjoy a wide range of cultural and sporting opportunities. Our visitor economy continues to grow.

PORTFOLIO	Regeneration and Growth
	Cllr Tony Jones
BRIEF	The Council takes the driving seat in creating jobs and regeneration for Wirral residents and communities.

Appendix D

OFFICER DELEGATIONS

1. Summary of the functions to be discharged by the Directors

1.1 Head of Paid Service

To the extent permitted by law, any function may be exercised by the Head of Paid Service notwithstanding its delegation to the Cabinet, Cabinet Member or another Director where, in the opinion of the Head of Paid Service it is necessary and expedient in the circumstances to do so.

1.2 Directorates

The Head of Paid Service, Corporate Directors and Directors are hereby authorised to take all lawful action consistent with overall Council policy to deliver the agreed strategy, plans and priorities within their area of responsibility and within approved budgets on the basis set out at 2. and 3. below.

1.3 The Council's Management Structure forms Part 7 of the Council's Constitution and is published on the Council's website as "[Who we are and what we do](#)"

(<https://www.wirral.gov.uk/about-council/freedom-information-and-data-protection/publication-scheme/who-we-are-and-what-we-do>).

2. Delegation of functions to officers

2.1 The Leader authorises the Head of Paid Service and Directors to exercise any of the executive functions of the Council insofar as these relate to the general management of the authority and the day to day delivery of Council services and which are not otherwise delegated or reserved to the Cabinet, a Cabinet Committee, an individual Cabinet Member or an individual officer under this Scheme of Delegation and Procedure.

2.2 An officer shall be entitled to discharge functions allocated to the Director described in section 1 above, for which they are the delegated officer, subject to the general provisions governing delegations contained in section 3 below.

2.3 In deciding whether or not to exercise such delegated powers, the Head of Paid Service and Directors should consider whether it is appropriate to consult the Leader or appropriate Cabinet Member with Portfolio and have regard to their views. Officers shall always be entitled to refer matters for decision to the Cabinet where they consider it expedient to do so.

2.4 Specific delegations are made as follows:

- (a) The officer occupying the post of Director of Finance and Investment (S.151 Officer), and the team under their direction, is authorised to do all things necessary in the performance of financial services and insurance arrangements and in connection with the discharge of functions delegated under this section and Articles 12 and 14 of the Council's Constitution.
- (b) The officer occupying the post of Director of Governance and Assurance (Monitoring Officer), and members of the team under their direction, is authorised to do all things necessary to perform legal services and in connection with the discharge of functions delegated under this section and Articles 12, 14 and 15 of the Council's Constitution.

(For the avoidance of doubt the conferring of the function on the officer occupying the post of Director of Governance and Assurance is not to intend or remove the power of any authorised officer engaged in investigation to obtain or seek from a Justice of the Peace, or the court, a warrant of entry, Order under RIPA 2000 or other process ancillary to the investigation he or she is engaged in.)

- (c) In addition to any other delegation to an officer contained in this section of the constitution, each council officer may discharge any function as is necessary for them to perform such of the duties as are set out in their job description as they are required to undertake by the officer or officers responsible for their management and subject to the general provisions governing delegations contained in section 3 below.
- (d) The officers specified in this paragraph may institute criminal proceedings at designated police stations by requesting the custody officer to charge a suspect on the Council's behalf, but only:
 - (i) in connection with offences the council has power to enforce; and
 - (ii) following consultation with the Director of Governance and Assurance, the Head of Legal Services or an appropriate member of their team, except when the officer is acting outside of normal Council business hours.

2.5 In cases 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.

2.6 Whilst decisions and actions taken in pursuance of the general management of the authority and the day to day delivery of Council services are not eligible for call-in, an Overview and Scrutiny Committee may require the attendance of an Officer to

explain a particular decision or services of decisions or a course of action undertaken.

3. General provisions governing delegations to officers

- 3.1 The conferring of a delegated power is not intended to and does not in fact supersede or replace any statutory requirement or override any provision of the Council's articles, contract standing orders, financial regulations and any other provision of the Constitution.
- 3.2 Accordingly decision makers acting under delegated powers must do so in accordance with any such provision and having due regard to any relevant Council Policy or Government Guidance.
- 3.3 Reference to any Act, Order or Regulation etc. is deemed to be a reference to any modification or re-enactment thereof.
- 3.4 Where there is a clear and pressing need for a Key Decision to be taken and it is not reasonably practicable, for any reason, for that decision to be taken by the Cabinet, Leader or Cabinet Member then each Director shall be taken to hold specific authority under this provision to take Key Decisions within their Directorate. The provisions concerning officers taking and reporting key decisions are set out in Section 6 of the main Leader's Scheme of delegation and procedures. Any decision taken under this delegation will be reported to the Leader at the next meeting of Cabinet.
- 3.5 It is recognised that delegated officers cannot personally undertake the discharge of every function conferred upon them. Delegated officers are accordingly entitled to arrange for the discharge by their subordinate officers of functions allocated to them provided that the delegated officer remains responsible for and accountable to the Cabinet and Council for the exercise of their delegated powers and puts in place such measures as the delegated officer considers appropriate to ensure that those officers assisting them in the discharge of functions do so in accordance with the provisions of this delegation and do not exceed the limits of any authorisation made to them by the delegated officer to assist them in this task.
- 3.6 For the avoidance of doubt, any reference in this part to the discharge of any functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.
- 3.7 If any delegated officer receives any statutory notice which if contravened would give rise to a risk of prosecution, they shall immediately refer it to the Director of Governance and Assurance (Monitoring Officer) and to the Leader, who shall be entitled to call for a report on the matter to themselves and as necessary, to the Cabinet.

- 3.8 For the avoidance of doubt, an officer seized of the power to make a decision, may, where they consider it necessary in the particular circumstances, refer the matter for decision by the Leader or relevant Cabinet Member with portfolio;
- 3.9 The Leader or relevant Cabinet Member with portfolio may also request an officer not to exercise their delegated power in any particular case and to instead bring a report to Cabinet.
- 3.10 All delegated officers should seek and obtain appropriate professional advice from those employed or otherwise engaged by the Council for that purpose in connection with a matter under consideration for determination. The making of Key Decisions requires such advice to be in writing in accordance with the main Scheme of Delegation and Procedure.