



# CONSTITUTION OF THE COUNCIL

## Part 3 Section C

### OVERVIEW AND SCHEME OF DELEGATIONS OF AUTHORITY TO OFFICERS

1. All matters which have not been reserved to Council or a Committee are delegated to Officers. Each Chief Officer, in consultation with Committees of the Council as may be required, must develop and maintain a **Scheme of Authorisation** for their Directorate, which will be published on the Council's website as required by Section 100G of the Local Government Act 1972. Delegated decisions are to be taken in accordance with the relevant internal Scheme of Authorisation. Officers may take decisions within the responsibilities of their Directorate as determined by the Head of Paid Service.
2. Decisions not reserved to or by a Committee or Sub-Committee are expected to 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** (unless the decision has specifically been delegated to the Officer by a Committee or Sub-Committee);
  - (b) the item of business has not been previously requested by a Committee or Sub-Committee or the Chair or Group Spokesperson of a Committee to be referred to a Committee or Sub-Committee; 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 Committee or Sub-Committee 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).
3. It is noted that statutory chief officers have specific powers and functions allocated to them as recorded within Article 12 of this Constitution and in relevant legislation.
4. Chief Officers are otherwise authorised to take the necessary action to implement decisions taken by Committees of the Council
5. Under this scheme Officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Chair and Vice-Chair when the matter falls within the remit of that Committee. Officers should inform the local Ward Members when they exercise delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this.

6. The Council may use provisions of the Local Government Act 1972 and the Localism Act 2011 to commission and monitor work for and on behalf of the Council. When services remain the responsibility of the Council but are delivered by people who are not officers of the authority, Chief Officers may authorise non-Council employees to take delegated decisions. Such people will be bound by the Constitution, this scheme, and the obligations contained in it, at all times when engaged on Council business. All such authorisations by Chief Officers must be recorded in the relevant internal scheme of authorisation.
7. Any formal decision by or on behalf of a Chief Officer that falls under the definition of a Key Decision will be required to be published on the Council's Forward Plan and then recorded using a Delegated Decision Notice that will be published on the Council's website. Chief Officers and Deputy Chief Officers are responsible for ensuring that items are included on the Forward Plan and that Committee Chairs and Group Spokespersons are appropriately consulted prior to decisions by Chief Officers.
8. Officers must comply with requirements of Article 13 (Decision Making) and Part 4(2) (The Access to Information Procedure Rules) of this Constitution when making relevant decisions. It is noted that these comply with The Openness of Local Government Bodies Regulations 2014, which require every local authority to publish details of certain decisions taken by officers under delegated authority as soon as practicable. Chief Officers are responsible for ensuring that decisions taken within their areas of responsibility are recorded in accordance with these regulations.
9. In exercising their delegated powers, Chief Officers and Deputy Chief Officers must act within the law, comply with the Council's Standing Orders and Financial Regulations and follow Council policy and the instructions of Council Committees. If, exceptionally, it is necessary to depart from Council policy or a Committee's instructions, a full report must be submitted to the relevant Committee as soon as is practicable.
10. Chief Officers, subject to consultation with the Chair or, in their absence, the Vice-Chair of the relevant Committee, and that of both the Head of Paid Service and the Monitoring Officer, may perform all functions within the Powers and Duties of that Committee in any case of urgency in which the prompt performance of any of the Council's functions is desirable and necessary, having regard to the process set out in Article 6.5 but in accordance with Part 4(2) (The Access to Information Procedure Rules) of this Constitution
11. The Head of Paid Service, or in his or her absence, Chief Officers who are members of the Strategic Leadership Team, have the authority to perform any functions of the Authority in an emergency.
12. Where an officer has delegated powers, the Council or relevant Committee can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate.
13. The Council's list of proper officer functions is annexed to this Scheme.

14. The Head of Paid Service's nominated Deputy at the time and the Deputy Monitoring Officer may exercise any of the functions of the Chief Executive or the Monitoring Officer respectively in the absence of those Officers.
15. The Monitoring Officer is responsible for interpretation of all aspects of the Scheme of Delegation where there is doubt or dispute.