

PART 7

SECTION B: Scheme of Delegations to Officers Methodology, General Limitations and Powers

1. Note On Methodology

- 1.1 Delegations are listed by named Officer commencing with the Chief Executive.
- 1.2 Each delegation is identified by the letter "C" or "E" followed by a number. The letter "C" indicates that the function or matter delegated is the responsibility of full Council or a Committee or Sub-Committee of full Council. The letter "E" indicates that the function or matter delegated is the responsibility of the Cabinet.
- 1.3 Each named Officer has been allocated up to 50 possible delegation numbers as follows:

Chief Executive	1-50
Director of Resources	101-150
Director of Services	151-200
Head of Planning & Economic Development	201-250
Head of Environment	251-300
Head of Finance	301-350
Head of Healthy Communities	351-400
Head of Business Support	401-450
Head of Legal and Democratic Services	451-500
Head of Customer Services	501-550
Building Control Manager	551-600

This allows for future variations in the number of delegations given to a named officer by the Council or one of its Committees/Sub-Committees or the Cabinet.

- 1.4 Delegations by the Council or the Cabinet to external bodies or persons (other than by joint arrangements) have been allocated delegation numbers 551 to 600 and are set out in Part E of this Scheme of Delegations.
- 1.5 Examples:

Delegation C1	To carry out the duties of Head of the Paid Service
Delegation E105	To act as Senior Information Risk Officer and have overall responsibility for the Council's risk management
Delegation C301	To be responsible for payroll and implementing awards concerning wages, salaries and conditions of service
Delegation E508	Day to day responsibility for Customer Services

- 1.6. In so far as it relates to functions which are the responsibility of the Council or one of its Committees or Sub-Committees, the following Scheme of Delegation was approved by full Council on 16 May 2017 as amended/added to from time to time.
- 1.7. In so far as it relates to functions which are the responsibility of the Cabinet or a Committee of the Cabinet, the following Scheme of Delegations was approved by the Cabinet on 27 June 2017 as amended/added to from time to time.

2. General Limitations on the Exercise of Delegated Powers

- 2.1. Where decisions are taken or powers are exercised by Officers in pursuance of authority delegated to them by full Council or the Cabinet, the following shall apply:
 - 1) Decisions shall be made and powers shall be exercised in accordance with any statutory requirements, the approved budget, any policies and plans approved by the Council, and the various Procedural Rules set out in Part 4 of this Constitution, including without limitation, the Access to Information Rules, Financial Procedure Rules, Contract Procedure Rules and Budget and Policy Framework Procedure Rules.
 - 2) Where the making of a decision or the exercise of a power would be contrary to, or not in accordance with, the Budget and Policy Framework (as defined in the Access to Information Procedure Rules set out in Section D of Part 4 of this Constitution), unless the matter is urgent, it shall be referred to the Cabinet. In all other cases, the making of a decision or the exercise of a power that would result in a departure from established policy shall be referred to the Cabinet or a Committee/Sub-Committee as appropriate.
 - 3) Any power delegated to an Officer may also be exercised to the same extent by any other body or person with concurrent responsibility for the discharge of the function or delivery of the service in question, unless the discharge of that function or delivery of that service is restricted by law to the Officer named herein.
 - 4) Decisions taken by Officers in pursuance of delegated powers shall be reported, as appropriate, to full Council or one of its Committees or Sub-Committees or to the Cabinet when required to do so by the terms of the Access to Information Rules or the other Procedural Rules set out in Part 4 of this Constitution.
 - 5) Authority to take action or to do or omit to do anything pursuant to any of the delegations granted by this Scheme shall include the power to take any preliminary or consequential action in order to give effect to the exercise of the relevant delegation.
 - 6) Officers must consider in what circumstances it might be appropriate to consult Members such as the relevant Cabinet Portfolio Holder, Committee Chairman or local Members before taking a decision. If such a Member objects to the proposed decision the matter must be reported to the Cabinet or relevant decision-making body for consideration unless there is specific provision for dealing with objections within a particular delegation.
 - 7) The Cabinet or relevant Cabinet Portfolio Holder may reserve a decision about a particular matter to them or require that an officer refrains from exercising a delegated authority.

- 8) Where the Scheme delegates powers and duties within overall functional descriptions the exercise of a delegation applies to functions in a broad and inclusive manner and includes the doing of anything that will facilitate or is conducive or incidental to the discharge of any of the specified functions.
- 9) An officer may consider that a delegated authority should not be exercised and that a matter should be referred to the relevant Cabinet Portfolio Holder or decision making body for determination.
- 10) An Officer must not exercise delegated powers in relation to any matter in which they have a personal interest.

3. General Powers of Chief Executive, Directors and Heads of Service

3.1 The Chief Executive, all Directors and Heads of Service have delegated power in respect of the following:

Financial

- 1) To incur expenditure within approved capital and revenue budgets.
- 2) To remit or reduce charges normally paid for council services when there are exceptional or special circumstances justifying the remission or discount in consultation with the relevant cabinet member or committee chairman if the remission is greater than £500.
- 3) To determine the fees and charges to be levied for all council services excluding car parking charges in consultation with the relevant Cabinet Portfolio Holder or committee chairman.
- 4) To settle small compensation payments up to a value of £500 where a complaint has been agreed through the Council's complaints procedure.
- 5) With the exception of community grants, to award grants up to a maximum of £5,000 in consultation with the relevant Cabinet Portfolio Holder.
- 6) To prepare and submit applications to external bodies and organisations for grant funding on behalf of the council

Land, property and assets

- 7) To incur expenditure on any item or service, including acquisition of land, or property, vehicle, plant and equipment up to £50,000 and in consultation with the relevant Cabinet Portfolio Holder where the proposed expenditure exceeds £50,000.
- 8) To serve notices to obtain particulars of persons' interests in land.
- 9) To serve notices under any enactment and take follow up action.

- 10) To grant permission to carry out works on the council's land in consultation with the relevant Cabinet Portfolio Holder and local members.
- 11) To declare as surplus and sell assets up to a book value of £10,000 in consultation with the relevant Cabinet Portfolio Holder.

Legal

- 12) To serve notices, make orders take enforcement action and respond to consultations under the provisions of the Anti-Social Behaviour Act 2003.
- 13) Without prejudice to any specific delegation in the scheme to authorise the issue and service of any statutory notice or requisition relating to any matters within their areas of responsibility and to take any associated enforcement action and authorise default works.
- 14) Without prejudice to any specific delegation in the scheme to act as the proper officer for the authorisation of any statutory notices, any requisitions, Orders or other documents which are issued and served relating to any matter within their area of responsibility.
- 15) To approve the copying of documents for the purposes of the copyright, designs and patents legislation.
- 16) Without prejudice to any specific delegation in the scheme to authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than high court proceedings or above) relating to any matters within their areas of responsibility in consultation with the Head of Legal and Democratic Services.
- 17) Subject to the rules of court to authorise members of staff to attend, appear as witnesses and represent the council in any legal proceedings in court, public inquiries, tribunals or other hearings.
- 18) To authorise under section 223 of the Local Government Act 1972 (as amended) officers to appear on behalf of the council in proceedings before the magistrates' courts.
- 19) Where any officer has delegated powers to authorise legal proceedings that power also includes the power to administer simple cautions (previously known as formal cautions).
- 20) Without prejudice to any specific delegation in the scheme to determine any applications for permissions, consents, licences or registrations within their area of responsibility.
- 21) Without prejudice to any specific delegation in this scheme to grant, renew, refuse or cancel any authority in writing to members of staff who may exercise any

statutory power of inspection and entry onto land or property (including inspection of buildings, premises and vehicles). Such written authority shall allow the authorised person to exercise all the relevant statutory powers of such an authorised officer.

- 22) To release information under the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004, in consultation with the Corporate Information Officer in respect of applying any exemptions.
- 23) To sign a statement of truth on behalf of the Council under the civil procedure rules.
- 24) To make planning applications including listed building, conservation areas and advertisement consents and footpath diversions in consultation with the relevant Cabinet Portfolio Holder in the case of major projects.
- 25) To make any applications for any orders and other applications such as building control.

Staffing matters

- 26) To enter into agreements under section 113 of the Local Government Act 1972 to place staff at the disposal of other councils or to receive the services of staff of other councils in consultation with the relevant Cabinet Portfolio Holder.
- 27) To take any action required or authorised under the Council's recruitment and selection policies and procedures.
- 28) To determine applications to extend an employee's contractual period of sick leave in consultation with the relevant Director.
- 29) To determine applications for leave of absence without pay in consultation with the relevant Director.
- 30) To agree flexible working patterns in accordance with agreed council policies.
- 31) To authorise the working and payments for employees undertaking standby duties and for overtime.
- 32) To approve applications for annual, compassionate, special or other leave.
- 33) To enter into apprenticeships or similar agreements in consultation with the HR Manager.
- 34) To authorise reimbursement of employees for mileage, subsistence and other expenses incurred by staff in carrying out their duties.

- 35) To undertake disciplinary action in accordance with the Council's disciplinary policies and procedures.
- 36) To authorise the attendance by employees at meeting, training sessions, seminars, exhibitions and conferences and to attend training on day release courses in pursuit of relevant professional or other qualifications.

Contracts, purchases, plant, stock, equipment and materials

- 37) To take any action authorised by the Council's Contract Procedure Rules and Financial Procedure Rules.
- 38) To sign on the Council's behalf any contract for works, goods or services subject to compliance with relevant requirements in the Contract Procedure Rules.
- 39) To accept, renew and vary contracts for the maintenance of equipment within the annual estimates.
- 40) To dispose of surplus furniture, materials, stores or equipment in accordance with Financial Procedure Rules and Contract Procedure Rules.
- 41) To hire plant subject to inclusion of the cost of hire within approved budgets.

Miscellaneous

- 42) To hold, arrange or facilitate community schemes or projects which are in accordance with any approved Plan or Strategy, including approving attendance or allocating places on such schemes or projects, provided the budget estimates are not exceeded.
- 43) Within their areas of responsibility to take all actions that the Council is required to take to comply with mandatory legislative requirements.
- 44) To take all necessary action in respect of lost or uncollected property found on any Council owned or managed buildings or premises under the powers contained in Section 41 of the Local Government (Miscellaneous Provisions) Act 1982, following consultation with the Head of Legal and Democratic Services.
- 45) To respond to consultation documents within their areas of responsibility in consultation with the appropriate Cabinet Portfolio Holder or Committee Chairman (as the case may be).
- 46) To undertake any roles or functions allocated under any council policies or procedures including responsibility for business continuity in respect of their areas of responsibility and the operational management of emergency planning (section 138 of the Local Government Act 1972) under the general direction of the Emergency Planning Officer.

- 47) Responsibility under the Health and Safety at Work etc Act 1974 for the operational management and implementation of all Regulations and Codes of practice in respect of employees under their direction and control and for compliance with Council health and safety policies.
 - 48) To make minor amendments to strategies/policies after approval by cabinet/council prior to publication.
 - 49) To instruct consultants and other agents (other than counsel or outside solicitors) to advise or otherwise assist the council in connection with any work of the council subject to compliance with relevant requirements in the Contract and Financial Procedure Rules.
- 3.2 Delegation to any Officer in this Scheme is subject to the over-riding proviso that the Chief Executive may:
- 1) direct the Officer concerned not to exercise the delegation but to report to the Cabinet or appropriate PAG, Committee or Sub-Committee for instructions; or
 - 2) exercise the delegation himself/herself.
- 3.3 A delegation to a Head of Service is also subject to the over-riding proviso that the appropriate Director may:
- 1) direct the Head of Service concerned not to exercise the delegation but to report to the Cabinet or appropriate PAG, Committee or Sub-Committee for instructions; or
 - 2) exercise the delegation himself.
- 3.4 In the absence of the Chief Executive any of the powers granted to him by this Scheme of Delegations may be exercisable by the Director of Resources or the Director of Services.
- 3.5 Any delegation granted by this Scheme of Delegations to a Head of Service may, with the consent of the appropriate Director, be exercised by a subordinate officer acting under the instruction or supervision of the Head of Service or appropriate Director.
- 3.6 Reference in these delegations to any Statute, Statutory Instrument or Regulation shall be deemed to include any statutory re-enactment or modification thereof.