

**Part 3 section (a)**

**INTRODUCTION TO THE SCHEME OF DELEGATIONS**

**Introduction**

1. Under the Local Government and Public Involvement in Health Act 2007 the Leader may delegate executive functions to an individual Cabinet Member or to a member of staff. Similarly under section 101 of the Local Government Act 1972 the Council may delegate its non-executive functions to a committee of the Council or to a member of staff.
2. This document sets out the functions (both Leader and Council functions) which have been delegated to staff and to staff in consultation with the relevant Cabinet Members. The references to staff are to the posts as currently titled but these will equally apply to the holder of an equivalent post in the future.
3. This document deals only with the standard delegations made by the Council and the Leader and does not cover temporary delegations for a particular purpose.

**General Conditions and Limitations**

4. The functions, powers and duties in this scheme are delegated to staff as set out. These include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of these functions.
5. All staff exercising these delegations are to act in accordance with the Council's Constitution, Contract Standing Orders, Financial Regulations and any other protocols or other arrangements approved in pursuance to them.
6. The following are not delegated to any member of staff:
  - a. Any matter reserved to Council, the Leader or Cabinet or any other Committee or a member body having decision making powers, or any matter constituting a key decision;
  - b. Any function which by law cannot be delegated to a member of staff; and
  - c. The adoption of new policy or significant variation to existing policies and any matter which is contrary to the policy framework and budget of the Council.
7. When functions are delegated to a member of staff, the Leader (in relation to an executive function), or (in relation to non executive function) the Council, relevant committee or other member body with decision making powers may specify that a particular decision shall not be exercised by a member of staff but may be reserved or referred to the Council, Cabinet or other member body as the case may be.

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8. A member of staff may decide not to exercise any function in relation to a particular matter and invite the Council, the Leader or Cabinet, or other committee or relevant member body having decision making powers, as appropriate, to do so instead. It is open to a member of staff to consult with appropriate councillors on the exercise of delegated powers or in deciding whether or not to exercise any delegated powers where the matter is likely to be controversial or contentious.
9. A member of staff with line management responsibility for the member of staff named in the delegation may exercise the power instead of the member of staff so designated, and may direct or negate any course of action proposed. In absence of a Deputy Chief Executive with line management responsibility, the Chief Executive may exercise that power.
10. A decision delegated to a member of staff by Council or the Leader can be taken by a staff member with line management responsibility for that staff member in his absence.
11. A member of staff to whom a power, duty or function is delegated may nominate or authorise another member of staff to exercise that power, duty or function, provided that such delegation is recorded in writing.
12. Any consultation with a Cabinet Member can be, in the absence of that Cabinet Member, with the Leader or Deputy Leader. Any consultation with the Leader can be, in his absence, with the Deputy Leader.
13. A decision delegated to a member of staff in consultation with the Chairman of a Committee may be taken in consultation with the Vice-Chairman if the Chairman is absent.
14. The Head of Corporate Governance shall have the power to amend delegations to reflect re-organisations, changes in job titles and vacancies, where the changes result in redistributing existing delegations and not the creation of new ones.
15. The Head of Corporate Governance shall have the power to amend delegations to reflect changes in legislation, or references to legislation where such changes do not alter the nature of the existing delegation.
- 15-16. With respect to any reference to a delegation being exercised following consultation with any councillor, the decision is vested with the member of staff so delegated who shall be responsible and accountable for the decision. The member of staff so delegated is required to bring independent judgement to bear on the decision and the decision shall not consist of the member of staff adding an imprimatur of approval to what the councillor has decided. If the councillor consulted disagrees with the member of staff the matter should be referred to the Cabinet for agreement to exercise such delegated power.

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~~16-17.~~ All enquiries about this scheme of delegations should be made to the Head of Corporate Governance and all matters of interpretation will also be determined by the Head of Corporate Governance.

**Interpretation**

~~17-18.~~ Any reference to a statute or statutory instrument shall be deemed to include and be construed as if it contained a reference to any subsequent statute or statutory instrument for the time being replacing, amending or extending the same or containing related provisions.

~~18-19.~~ The expressions 'officer', 'staff' or 'employee' includes any person employed by the Council irrespective of the particular National Scheme of Conditions of Service under which they are employed.

~~19-20.~~ The expression Chief Officer shall mean the Chief Executive, the relevant Deputy Chief Executive, the Monitoring Officer and the Chief Finance Officer.

**Urgent Action**

~~20-21.~~ In order to enable urgent action to be made, the Chief Executive has delegated power to take any decision which is not a key decision and which is so urgent that it cannot wait until the next scheduled meeting of the Cabinet and where the decision is not in contravention of established policies and does not fall within the authority of any individual member of the Cabinet to take.

~~21-22.~~ In following this procedure the Chief Executive is required to consult with the Leader of the Council in relation to a Cabinet function.

**General Delegations to Chief Officers**

~~22-23.~~ Subject to all specific delegations contained in this scheme, to take action on behalf of the Council where the proposed action conforms to any policy, strategy or development plan approved by the Council, the Cabinet or one of its committees and there is a budget provision.

~~23-24.~~ To delegate further, in writing, all or any of their delegated functions to other members of staff to exercise in their own name.

~~24-25.~~ To advise on policy development and formulation.

**Emergencies**

~~25-26.~~ The Chief Executive and all Chief Officers have power to take all necessary actions including incurring expenditure with regards to any emergency involving serious danger to life, property and public welfare. Any action taken under this provision shall be reported as soon as practicable to the Cabinet or Council as appropriate. If necessary and where legally possible Contract Standing Orders and Financial

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Regulations shall be suspended during such emergencies. All expenditure incurred should be reported to the Chief Finance Officer who will report such expenditure to Cabinet where necessary under Financial Regulations.