

## **INTRODUCTION TO THE SCHEME OF DELEGATIONS**

### **Introduction**

1. Under section 101 of the Local Government Act 1972 the Council may delegate its functions to a committee of the Council or to a member of staff, other than those matters reserved to the full Council meeting.
2. This document sets out the functions which have been delegated to staff in consultation with relevant Chair and Vice-Chair as set out in Part 3 (c). 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 Committees 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, or any Committee or a member body having decision making powers.;
  - 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. The Council, relevant committee or other member body with decision making powers may at any time resume responsibility for the function and may therefore exercise the function despite the delegation.
8. A member of staff may decide not to exercise any function in relation to a particular matter and invite the Council, or relevant Committee or sub-Committee 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.

### **Part 3 section (a)**

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 Committee can be taken by a staff member with line management responsibility for that staff member in his/her 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. A decision delegated to a member of staff in consultation with the Chair and Vice-Chair of a Committee may be taken in consultation with either the Chair or Vice-Chair where only one is available.
13. 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 be his/hers alone and not the members being consulted. If those councillors disagree with the member of staff, the matter should be referred to the body or person from whom the delegation arose for decision.
14. In exercising any delegated powers, officers must ensure that their decisions are consistent with Council policy, within approved spending limits and in the best interests of residents and the Council as a whole. Relevant councillors should also be informed/consulted as appropriate depending on the nature and sensitivity of the decision.
15. Each officer is responsible for ensuring that decisions which they take are adequately recorded, and that the record of that decision is available to other Officers, to councillors and to the public as required by statute and this Constitution, particularly if the decision relates to a change in policy or practice, or a financial commitment.
16. Every officer is responsible for ensuring that any decision which he/she takes is implemented in accordance with that decision.
17. Every officer is accountable for each decision which he/she takes and may be called to provide an explanation of his/her reasons for the decision and account for its implementation to other officer, councillors and statutory regulators.

### **Part 3 section (a)**

18. The Group 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.
19. The Group 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.

### **Interpretation**

20. All enquiries about this scheme of delegations should be made to the Group Head of Corporate Governance and all matters of interpretation will also be determined by the Group Head of Corporate Governance.
21. 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.
22. 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.
23. The expression Chief Officer shall mean the Chief Executive, the relevant Deputy Chief Executive, the Monitoring Officer and the Chief Finance Officer.
24. The expression Head of Service shall mean the following job titles:
  - Group Head Corporate Governance
  - Group Head Commissioning and Transformation
  - Group Head Community Wellbeing
  - Group Head Neighbourhood Services
  - Group Head Place, Protection and Prosperity
  - Group Head Assets

### **Urgent Decisions**

25. To enable an urgent decision to be made, the Chief Executive has delegated power to take any decision which is so urgent that it cannot wait until the next scheduled meeting of the Council or relevant Committee and where the decision is not in contravention of established policies.
26. In following this procedure, the Chief Executive is required to consult with the relevant Committee Chair and Vice-Chair.

### **Part 3 section (a)**

27. The use of such urgent action must be reported to the next relevant Committee meeting.

#### **General Delegations to Chief Officers**

28. Subject to all specific delegations contained in this scheme, Chief Officers may act on behalf of the Council where the proposed action conforms to any policy, strategy or development plan approved by the Council or one of its committees and there is a budget provision.
29. To delegate further, in writing, all or any of their delegated functions to other members of staff to exercise in their own name.
30. To advise on policy development and formulation.

#### **Emergencies**

31. 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 Council or relevant Committee as appropriate. If necessary and where legally possible Contract Standing Orders and Financial Regulations shall be suspended during such emergencies. All expenditure incurred should be reported to the Chief Finance Officer who will report such expenditure to the Council or relevant Committee where necessary under Financial Regulations.