

SECTION 3E: OFFICER DELEGATION SCHEME (EXECUTIVE FUNCTIONS)

1. General roles and responsibilities of Members and Officers

- (a) Members set policy priorities and strategies to reflect local interests and needs and are also responsible for allocating funding between individual priority areas. The Chief Executive, Deputy Chief Executive, Assistant Chief Executive (Citizens and Communities), City Solicitor, Directors and their staff implement these strategies and policies by delivering services and major initiatives. It is officers therefore, who have responsibility for managing the Council's day to day operations, within a policy and budgetary framework laid down by Members.
- (b) Under the executive arrangements, both full Council and the Executive have specific functions and these can be delegated to committees or officers. Where Council or the Executive have established a committee to discharge their respective functions then subject to any limitations imposed by the Council/Executive respectively, that committee can also delegate its functions to an officer. The functions delegated to officers by the executive are set out in this Officer Delegation Scheme. The functions delegated to officers in relation to Council functions are set out in Section 2 of Part 3 of the Constitution.
- (c) The fact that a function stands delegated to an officer under these arrangements shall not preclude the Executive, from exercising the function directly.
- (d) An officer may consider that a delegated authority should not be exercised and that it should be referred to the Executive for determination.
- (e) An appropriate Executive Member may request that an officer refrains from exercising a delegated authority in respect of a particular matter and refer it instead to the Executive, for a decision.
- (f) The Executive may determine to reserve decisions about particular matters to itself.
- (g) In addition to the delegations set out in this scheme, the Executive can arrange for further delegations on specific matters.
- (h) Whilst the exercise of a function by an officer under these arrangements is not made subject to the satisfaction of any prior condition, an officer shall, when exercising a discretion remitted to him/her, be under a duty to satisfy himself/herself that the decision conforms to the Council's Budget and Policy Framework and other approved policies and that, in reaching the decision, he/she has observed approved practices and procedures, including those in relation to community consultation.

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- (i) Unless expressly indicated, the fact that a function has been delegated to an officer under this scheme does not require that officer to give the matter his/her personal attention. The officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the officer specified under this scheme will remain responsible for any decision taken pursuant to such arrangements.

GENERAL DELEGATIONS TO OFFICERS

The Chief Executive, the Deputy Chief Executive, Assistant Chief Executive (Citizens and Communities), Directors and City Solicitor are authorised to carry into effect without reference to the Executive Board or to any of its committees, matters of day to day management and administration and, in particular, the following functions:

FINANCIAL

1. To incur expenditure and to generate and collect income in line with Financial Regulations, Contract Procedure Rules and within approved revenue and capital estimates.
 - (a)
2. In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Deputy Chief Executive at the first opportunity.

PROCUREMENT

3. **To make decisions in relation to commissioning and procurement activity. Such Activity should be carried out in** accordance with the Contracts Procedure Rules.
4. To approve all matters relating to operational PFI projects, including (without limitation) variations to project documents and refinancing.
5. **Signature of Certificates for Contracts - Local Government (Contracts) Act 1997 (the '1997 Act')**

Subject to the approval of the City Solicitor and the Deputy Chief Executive, to sign certificates under the 1997 Act in relation to contracts ¹.

¹ This function delegated only to Statutory Chief Officers (Deputy Chief Executive, Director of Childrens Services, Director of Adult Social Services and Director of Public Health), Non-Statutory Chief Officers (Assistant Chief Executive (Citizens and Communities), Director of City Development, Director of Environment and Housing and City Solicitor) and Deputy Chief Officer (Chief planning Officer) in accordance with the Local Authority (Contracts) Regulations 1997/2862. This function is not to be sub-delegated

GENERAL

6. Community Right to Challenge²

In consultation with the Chief Officer PPPU and Procurement, to make a decision on an expression of interest under community right to challenge.

7. Data Protection, Human Rights, Surveillance Activities, Freedom of Information

- (a) To implement and ensure compliance with:
- the rules on data protection, human rights, surveillance activities, and freedom of information³;
 - the Council's policies on these matters; and
 - guidance and advice from the City Solicitor on these matters.
- (b) To designate officers with specific responsibilities for these matters.
- (c) To advise the City Solicitor of any new types of data processed, of new ways of processing personal data and of any new persons or organisations to whom data is given.

8. Media

To issue statements to the press and other news media about their delegated functions within the settled framework of Council policy.

9. Authorising Officers

To authorise officers possessing such qualifications as may be required by law or in accordance with the Council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Council (however described) and to issue any necessary certificates of authority.

10. Corporate Procedures

To take any action remitted to him/her under corporate procedures.⁴

² See Executive Board 17th October 2012 Minute Number 89

³ Contained within the following: Data Protection Act 1998, Human Rights Act 1998, Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2000 and subsidiary legislation

11. Local Choice Functions (see Section 1, Part 3 of the Constitution)

- (a) Functions under a local act, unless otherwise specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000.
- (b) To obtain particulars of persons interested in land.

12. Budget and Policy Framework

To canvas the views of local stakeholders, formulate and publish initial proposals within the budget and policy framework.

PERSONNEL

13. Miscellaneous Employment Issues

To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements.

14. Changes to Staffing Structures

- (a) Decisions can be taken in relation to restructures except where the decision:
 - (i) involves changes to existing National or Local Agreements and policies; and/or
 - (ii) cannot be achieved within delegated powers in respect of budgets
- (b) Decisions are subject to:
 - (i) appropriate professional advice being sought;
 - (ii) prior consultation with all appropriate parties affected by the decision, including all officially recognised trade unions; and
 - (iii) appropriate consideration of pay and grading requirements.
- (c) Decisions in respect of restructures which involve changes to existing agreements or policies (as referred to in 17 (a) (i) above) and/or which have budgetary implications as set out in 17 (a) (ii) above are

⁴ Where, under approved procedures, a function stands remitted to a committee or sub-committee or officer post that has not been re-established, the Chief Executive shall be authorised to determine by whom that function shall be discharged pending the review of such procedures.

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delegated to the Deputy Chief Executive and will be subject to consultation with the City Solicitor and other appropriate parties.

- (d) Proposals which involve additional Council expenditure outside officer delegations or which involve issues outside existing Council policy will be referred to the Council or appropriate committee.

15. Trade Union Facilities Scheme - Time off for duties as an Elected National Union Officer

The Deputy Chief Executive is authorised to deal with this as a corporate not a departmental issue.