

# Chief Executive's Sub-Delegation Scheme

Chief Executive

---

Signed: *Ter Rind*

Dated: 16/07/15

| Review Date | Initial of reviewing officer |
|-------------|------------------------------|
| 30/11/15    |                              |
|             |                              |

# Contents

|  |    |
|--|----|
| Introduction.....                                    | 4  |
| Glossary .....                                       | 6  |
| Group Delegations – Definitions and Priorities ..... | 8  |
| Delegation of Functions Under Articles.....          | 9  |
| General Delegations .....                            | 9  |
| Specific Delegations.....                            | 10 |
| Council Functions – .....                            | 12 |
| Introduction.....                                    | 12 |
| General Delegations .....                            | 13 |
| General .....  | 13 |
| Personnel.....                                       | 13 |
| Byelaws.....   | 14 |
| Specific Delegations.....                            | 15 |
| Executive Functions – .....                          | 20 |
| Introduction.....                                    | 20 |
| General Delegations .....                            | 21 |
| Financial.....                                       | 21 |
| Procurement.....                                     | 22 |
| General .....  | 23 |
| Personnel.....                                       | 26 |
| Specific Delegations.....                            | 28 |
| Miscellaneous Functions .....                        | 29 |

Absence Provisions.....30

# Introduction

The Chief Executive is authorised in accordance with the Officer Delegation Scheme to carry out functions on behalf of Full Council and the Executive. Each Director has the benefit of a number of delegations – these are set out separately in two schemes; one for Council functions (delegated by Full Council) and one for Executive Functions (delegated by the Leader of Council). Each scheme is further separated into the general functions which are shared so that all Directors can carry out those functions in relation to areas within their remit, and specific functions which may only be carried out by or on behalf of the named Director. Details of those delegations can be found in Part 3 of the Council’s Constitution.

The Director has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the Director delegates functions to a fellow Director he/she makes it clear in this sub-delegation scheme whether that Director can sub-delegate those functions. This scheme details the officers who can carry out each function on the Director’s behalf, together with the details of any terms and conditions which the Director has imposed on that sub-delegation (examples can be found in footnote<sup>1</sup> below). All officers are bound by the Employee Code of Conduct (which can be found in Part 5 of the Constitution) and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme. Even though the Director has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Director may indicate that the authority should not be exercised, in respect of any individual matter. In either case that matter should be referred to the Director for a decision or for referral to the relevant Committee if appropriate.

---

<sup>1</sup> The Director may limit the delegation by imposing a term or condition, for example he/she may:-

- Impose a financial limit (e.g. decisions up to and including £100,000 per annum in value);
- Impose a limit in relation to the category of the decision (e.g. Administrative decisions only);
- Require that certain decisions are referred to the Director or another senior officer (e.g. Key decisions to be referred to the Chief Officer (Environmental Action));
- Require an officer to consult specified people before making a particular type of decision (e.g. in consultation with the City Solicitor or in consultation with relevant ward Members);
- Limit decisions to those within an officer’s role (e.g. in relation to matters within their remit);
- Limit decisions to those relating to a specific function or project (e.g. decisions relating to the Basic Need Programme);

In some circumstances not all Directors have functions delegated to him/her in the delegation scheme. In these cases the relevant part of this sub-delegation scheme is marked as 'not applicable'.

Where the Director has chosen not to sub-delegate his/her authority, this is clearly stated within the scheme. Decisions in relation to those functions should be taken by the Director unless the absence provisions at the end of this scheme apply.

# Glossary

|                        |  |
|------------------------|--|
| Council Functions      | Functions which must be carried out by or on behalf of full Council. Functions which are reserved to Full Council can be found in Part 3 Section 2A of the Constitution. Other Council functions are delegated to Committees of Elected Members or to individual officers. |
| Elected Members        | Councillors elected by the citizens of Leeds.  |
| Executive Board        | The group of 10 Elected Members including and selected by the Leader, responsible for carrying out Executive functions.  |
| Executive Functions    | Functions which must be carried out by or on behalf of the Executive.  |
| Full Council           | The meeting of all 99 Elected Members of Leeds City Council  |
| Functions              | Things which Leeds City Council must or may do. All functions are set out in legislation which will state whether the function is permissive or mandatory.   |
| Leader                 | The Leader of Council, elected by all 99 Members of Council. (Usually the chosen leader of the largest political group represented at full Council.)   |
| Local Choice Functions | The Council must decide whether these functions should be treated as Council functions or Executive functions. Details of the responsibility for these functions can be found in Part 3 Section 1 of the Constitution.   |

|                           |  |
|---------------------------|--|
| Officers                  | Staff employed by the Council.   |
| Relevant Executive Member | The Leader gives Portfolios of responsibility to individual members of Executive Board. Details of specific responsibilities are set out in the Executive Member Portfolios and the Executive Members Oversight of Officer Executive Delegations at Part 3 Section 3B of the Constitution. |

# Group Delegations – Definitions and Priorities

The Director has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group. It also provides details of how it should be determined which of the officers within the group should take any given decision.

| Group Title   | Officers included in group authorisation  | Order of responsibility |
|---------------|---|-------------------------|
| All Directors | <ul style="list-style-type: none"><li>• Deputy Chief Executive</li><li>• Assistant Chief Executive (Citizens and Communities)</li><li>• Director of Adult Social Services</li><li>• Director of Children’s Services</li><li>• Director of Environment and Housing</li><li>• Director of City Development</li><li>• Director of Public Health</li><li>• City Solicitor</li></ul> |                         |



# Delegation of Functions Under Articles

The functions set out in this part of the sub-delegation scheme are delegated to the Director by Full Council through the relevant Article of the Constitution.

## General Delegations

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to all Directors, for matters within his/her Director's remit only.

| Article | Function Delegated  | Officer to whom delegated | Terms and Conditions                             |
|---------|---|---------------------------|--|
| 14.5    | To sign as agent for the Council all contracts of a value below £100,000 agreed to be entered into by the Council or any part of it | Not necessary to delegate | Contracts of a value below £100,000 <sup>2</sup> |

---

<sup>2</sup> Contracts above the value of £100,000 are signed in accordance with Article 14 and the sub-delegation scheme of the City Solicitor.

# Delegation of Functions Under Articles -

## Specific Delegations<sup>3</sup>

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to the Director alone, with general effect.

| Article | Function Delegated   | Officer to whom delegated | Terms and Conditions   |
|---------|--|---------------------------|--|
| 12.1    | The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out in Part 7 of the Constitution.             | Deputy Chief Executive    |  |
| 12.2    | The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers. | Not delegated             |  |
| 12.2    | The Head of Paid Service will grant and supervise exemptions from political restriction, in consultation with the Monitoring Officer.  | Not delegated             | In accordance with Section 3A of the Local Government and Housing Act 1989 |
| 12.2    | Following consultation with the Chair of the Standards and Conduct Committee, the Head of Paid Service will consider and determine written requests for dispensations.   | Not delegated             | In accordance with Section 33 of the Localism Act 2011                     |

<sup>3</sup> Specific Delegations are made under:-

- Article 12 to the Chief Executive as Head of Paid Service and Deputy Chief Executive as his deputy; the City Solicitor as Monitoring Officer and the Head of Governance Services as her deputy; and the Deputy Chief Executive as Chief Finance Officer and the Chief Officer (Financial Management) as his deputy;
- Article 14 to the Chief Executive and the City Solicitor;
- Article 15 to the City Solicitor as Monitoring Officer;
- Article 16 to the City Solicitor as Monitoring Officer

| Article | Function Delegated  | Officer to whom delegated   | Terms and Conditions   |
|---------|---|-----------------------------|--|
| 12.2    | The Head of Paid Service will appoint or dismiss and hold to account the Chairs of the LSCB <sup>4</sup> and LSAB <sup>5</sup>  | Not delegated               | Following consultation with appropriate partners   |
| 14.5    | The Chief Executive and the City Solicitor or other person authorised by each of them) shall each be authorised to sign as Agent for the Council all contracts agreed to be entered into by the Council, or any part of it. | Not delegated               |  |
| 14.5    | To sign any document which is a necessary step in legal proceedings on behalf of the Council  | All Directors               | Unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings. |
| 16.3    | To inform new Members that the Constitution and such statutory provisions as regulate the proceedings and business of the Council are available.  | Head of Governance Services |  |

---

<sup>4</sup> Regulation 4 LSCB Regulations 2006 and “Working Together to Safeguard Children” statutory guidance March 2015

<sup>5</sup> Care Act 2014 and “The Care and Support Statutory Guidance”

# Council Functions –

## Introduction

The functions set out in this part of the sub-delegation scheme are Council Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)<sup>6</sup> which have been delegated to the Director by Full Council, or by a Council Committee.

Decisions in relation to these functions should be categorised in accordance with Article 13 and taken in accordance with the Access to Information Procedure Rules<sup>7</sup> which can be found in Part 4 of the Constitution.

Where a Significant Operational Decision is taken in relation to a Council Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice, both of which can be found in the Decision Making Toolkit. The decision may be implemented immediately. The report supporting the decision should be published together with the Delegated Decision Notice on the Council's website as soon as practicable after the decision has been taken.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Notice to make this written record if it is helpful to do so. The decision may be implemented immediately.

---

<sup>6</sup> And those Local Choice Functions which are the responsibility of Full Council and have been delegated to the Director

<sup>7</sup> These rules incorporate the requirements of the Openness of Local Government Bodies Regulations 2014 in relation to the publication of written records of relevant decisions.

# Council Functions –

## General Delegations

|                  | Function Delegated  | Officer to whom delegated | Terms and Conditions  |
|------------------|---|---------------------------|---|
| <b>General</b>   |   |                           |   |
| (a)              | To make payments or provide other benefits in cases of maladministration  | Not delegated             |   |
| (b)              | Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer | Not delegated             |   |
| <b>Personnel</b> |   |                           |   |
| (c)(i)           | To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure   | Not delegated             |   |
| (c)(ii)          | To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision.  | Not delegated             | <ol style="list-style-type: none"> <li>1. Subject to there being budgetary provision.</li> <li>2. Such staff should be employed on terms set out in the guidance issued by the Deputy Chief Executive.</li> </ol> |

|                | Function Delegated  | Officer to whom delegated | Terms and Conditions |
|----------------|---|---------------------------|----------------------|
| (c)(iii)       | To determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations | Not delegated             |                      |
| <b>Byelaws</b> |   |                           |                      |
| (d)            | The enforcement of byelaws  | Not delegated             |                      |

# Council Functions –

## Specific Delegations

The sub-delegation scheme for Council functions set out below includes a number of powers authorising the named officer to make decisions in relation to approvals, licenses, permissions and registrations. In accordance with his/her general delegations, and unless otherwise stated, the Director includes in relation to those authorisations the power to:-

- a) Impose conditions, limitation or restrictions;
- b) Determine any terms to which they are subject;
- c) Determine whether and how to enforce any failure to comply;
- d) Amend, modify, vary or revoke; and
- e) Determine whether a charge should be made or the amount of such a charge.

|     | <b>Function Delegated</b>  | <b>Officer to whom delegated</b>  | <b>Terms and Conditions</b> |
|-----|--|---|-----------------------------|
| (a) | To assign officers in relation to requisitions of the registration officer in accordance with Section 52(4) of the Representation of the People Act 1983 | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ City Solicitor</li> <li>▪ Electoral Services Manager</li> <li>▪ Principal Electoral Services Managers</li> </ul> |                             |
| (b) | To provide assistance at European Parliamentary elections in accordance with Section 6(7) and (8) of the European Parliamentary Elections Act 2002       | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ City Solicitor</li> <li>▪ Electoral Services Manager</li> <li>▪ Principal Electoral Services Managers</li> </ul> |                             |

|     | <b>Function Delegated</b>   | <b>Officer to whom delegated</b>  | <b>Terms and Conditions</b> |
|-----|---|---|-----------------------------|
| (c) | To divide constituency into polling districts in accordance with Section 18A to 18E and Schedule A1 of the Representation of the People Act 1983              | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ City Solicitor</li> <li>▪ Electoral Services Manager</li> <li>▪ Principal Electoral Services Managers</li> </ul> |                             |
| (d) | To divide electoral divisions into polling districts at local government elections in accordance with Section 31 of the Representation of the People Act 1983 | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ City Solicitor</li> <li>▪ Electoral Services Manager</li> <li>▪ Principal Electoral Services Managers</li> </ul> |                             |
| (e) | Powers in respect of holding of elections in accordance with Section 39(4) of the Representation of the People Act 1983                                       | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ City Solicitor</li> <li>▪ Electoral Services Manager</li> <li>▪ Principal Electoral Services Managers</li> </ul> |                             |
| (f) | To pay expenses properly incurred by electoral registration officer in accordance with Section 54 of the Representation of the People Act 1983                | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ City Solicitor</li> <li>▪ Electoral Services Manager</li> <li>▪ Principal Electoral Services Managers</li> </ul> |                             |
| (g) | To fill vacancies in the event of insufficient nominations in accordance with Section 21 of the Representation of the People Act 1985                         | Not delegated   |                             |



|     | <b>Function Delegated</b>   | <b>Officer to whom delegated</b>  | <b>Terms and Conditions</b> |
|-----|---|---|-----------------------------|
| (h) | To declare vacancy in office in certain cases in accordance with Section 86 of the Local Government Act 1972  | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ City Solicitor</li> <li>▪ Electoral Services Manager</li> <li>▪ Principal Electoral Services Managers</li> </ul> |                             |
| (i) | To give public notice of a casual vacancy in accordance with Section 87 of the Local Government Act 1972  | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ City Solicitor</li> <li>▪ Electoral Services Manager</li> <li>▪ Principal Electoral Services Managers</li> </ul> |                             |
| (j) | To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 in accordance with Section 10 of the Representation of the People Act 2000. | Not delegated   |                             |
| (k) | Functions relating to community governance  |   |                             |
|     | i) Duties relating to community governance reviews in accordance with Section 79 of the Local Government and Public Involvement in Health Act 2007.   | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ Electoral Services Manager</li> </ul>  |                             |
|     | ii) Functions relating to community governance petitions in accordance with Sections 80 and 83 to 85 of the Local Government and Public Involvement in Health Act 2007.   |   |                             |
|     | iii) Functions relating to terms of reference of review in accordance with Sections 81(4) to 81(6) of the Local Government and Public Involvement in Health Act 2007  |   |                             |
|     | iv) Power to undertake a community governance review in accordance with Section 82 Of the Local Government and Public Involvement in Health Act 2007  |   |                             |

|  | <b>Function Delegated</b>  | <b>Officer to whom delegated</b>   | <b>Terms and Conditions</b>                                      |
|--|--|--|--|
|  | v) Duties when undertaking review in accordance with Sections 93-95 of the Local Government and Public Involvement in Health Act 2007  |  |  |
|  | vi) Duty to publicise outcome of review in accordance with Section 96 Of the Local Government and Public Involvement in Health Act 2007  |  |  |
|  | vii) Duty to send two copies of order to Secretary of State and Electoral Commission in accordance with Section 98(1) Of the Local Government and Public Involvement in Health Act 2007  |  |  |
| (l)  | Functions relating to consultation and notification processes in relation to changing the name of an electoral area <sup>8</sup> in accordance with Section 59 of the Local Government and Public Involvement in Health Act 2007 | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ Electoral Services Manager</li> </ul> | Consultation processes only                                      |
| <b>Functions in relation to parishes and parish councils</b> |  |  |  |
| (m)  | To dissolve small parish councils in accordance with Section 10 of the Local Government Act 1972   | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ Electoral Services Manager</li> </ul> | Consultation processes and publication of statutory notices only |
| (n)  | To make orders for grouping parishes, dissolving groups and separating parishes from groups in accordance with Section 11 of the Local Government Act 1972   | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ Electoral Services Manager</li> </ul> | Consultation processes and publication of statutory notices only |
| (o)  | To make temporary appointments to Parish Councils in accordance with Section 91 of the Local Government Act 1972   | <ul style="list-style-type: none"> <li>▪ Head of Licensing and Registration</li> <li>▪ Electoral Services Manager</li> </ul> | Consultation processes only                                      |

<sup>8</sup> The function of passing a resolution to change the name of an electoral area under s59(1) of the Local Government and Public Involvement in Health Act 2007 is reserved to full Council.

|   | <b>Function Delegated</b>   | <b>Officer to whom delegated</b>  | <b>Terms and Conditions</b> |
|---|---|---|-----------------------------|
| <b>Functions Relating to Changing Governance Arrangements</b> |   |   |                             |
| (a)   | To secure that copies of a document setting out new governance arrangements are available for public inspection, and to publish a notice about the change in accordance with Section 9KC of the Local Government Act 2000   | <ul style="list-style-type: none"> <li>▪ Head of Governance Services</li> </ul> |                             |
| (b)   | To take any step, subject to timely consultation with General Purposes Committee in advance of any action being taken, under or for the purposes of complying with any order from the Secretary of State in accordance with Section 9N of the Local Government Act 2000 | Not delegated   |                             |

# Executive Functions –

## Introduction

The functions set out in this part of the sub-delegation scheme are Executive Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)<sup>9</sup> which have been delegated to the Director by the Leader of Council. If the Leader or relevant Executive Member<sup>10</sup> directs that the Director should not exercise his/her delegated authority in respect of any Executive function, then the officer with sub-delegated authority may not exercise that authority, and the matter must be referred to Executive Board.

Decisions in relation to these functions should be categorised in accordance with Article 13 and taken in accordance with the Executive and Decision Making Procedure Rules which can be found in Part 4 of the Constitution.

Where a Key Decision is proposed in relation to an Executive Function it should be publicised on the Council's web site using the Request to add a Key Decision to the 'List of Forthcoming Key Decisions' form. The decision itself should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice. The necessary templates can be found in the Decision Making Toolkit. In most cases a Key Decision will be open to Call In and should not be implemented until the Call In period has expired.

Where a Significant Operational Decision is taken in relation to an Executive Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice. The report supporting the decision should be published together with the Delegated Decision Notice on the Council's website as soon as practicable after the decision has been taken. A Significant Operational Decision may be implemented immediately.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Notice to make this written record if it is helpful to do so. There is no requirement to publish the decision and it may be implemented immediately.

---

<sup>9</sup> And those Local Choice Functions which are the responsibility of the Executive Board and have been delegated to the Director

<sup>10</sup> See glossary.

# Executive Functions –

## General Delegations

|                               | Function Delegated   | Officer to whom delegated   | Terms and Conditions                 |
|-------------------------------|--|---|--------------------------------------|
| <b>Financial<sup>11</sup></b> |  |   |                                      |
| 1                             | To incur expenditure and to generate and collect income in line with Financial Regulations, Contracts Procedure Rules and within approved revenue and capital estimates. | <ul style="list-style-type: none"> <li>• All Directors</li> <li>• Head of Licensing and Registration</li> <li>• Electoral Services Manager</li> <li>• Principal Electoral Services Managers</li> <li>• Head of Governance Services</li> <li>• Head of Civic &amp; Member Support</li> <li>• Environmental Health Officers in the Noise and Environmental Protection Team within the Environmental Action Service</li> </ul> | For matters only within their remit. |

<sup>11</sup> See Financial Regulations Toolkit

|                                 | Function Delegated   | Officer to whom delegated   | Terms and Conditions                |
|---------------------------------|--|---|-------------------------------------|
| 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. | <ul style="list-style-type: none"> <li>• All Directors</li> <li>• Head of Licensing and Registration</li> <li>• Electoral Services Manager</li> <li>• Principal Electoral Services Managers</li> <li>• Head of Governance Services</li> <li>• Head of Civic &amp; Member Support</li> <li>• Environmental Health Officers in the Noise and Environmental Protection Team within the Environmental Action Service</li> </ul> | For matters only within their remit |
| <b>Procurement<sup>12</sup></b> |  |   |                                     |
| 3                               | To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Contracts Procedure Rules.       | <ul style="list-style-type: none"> <li>• All Directors</li> <li>• Head of Licensing and Registration</li> <li>• Electoral Services Manager</li> <li>• Principal Electoral Services Managers</li> <li>• Head of Governance Services</li> <li>• Head of Civic &amp; Member Support</li> </ul>   | For matters only within their remit |

---

<sup>12</sup> See Procurement and Category Management Toolkit

|                | Function Delegated   | Officer to whom delegated                                       | Terms and Conditions                |
|----------------|--|---|-------------------------------------|
| 4              | To approve all matters relating to operational PFI projects, including (without limitation) variations to project documents and refinancing.   | <ul style="list-style-type: none"> <li>All Directors</li> </ul> | For matters only within their remit |
| 5              | <p><b>Signature of Certificates for Contracts – Local Government (Contracts) Act 1997 ('the 1991 Act')<sup>13</sup></b></p> <p>Subject to the approval of the City Solicitor and the Deputy Chief Executive, to sign certificates under the 1997 Act in relation to contracts.</p> | NOT TO BE SUB-DELEGATED <sup>14</sup>                           |                                     |
| <b>General</b> |  |   |                                     |
| 6              | <p>Community Right to Challenge<sup>15</sup></p> <p>In consultation with the Chief Officer PPPU and Procurement, to make a decision on an expression of interest under community right to challenge.</p>   | <ul style="list-style-type: none"> <li>All Directors</li> </ul> | For matters only within their remit |
| 7              | Data Protection, Human Rights, Surveillance activities, and Freedom of Information <sup>16</sup>   |   |                                     |

<sup>13</sup>This function deals with signing a certificate to indicate that the authority has power to enter into a contract. Signing the contract itself is a separate action and authority to sign a contract is delegated under Article 14 of the Council's Constitution and is sub-delegated under the part of this scheme which deals with authority under the Articles.

<sup>14</sup> In the event of the absence of the Director the certificate must be signed by the Deputy Chief Executive or City Solicitor or in their absence one of the Statutory Chief Officers or Non-Statutory Chief Officers to whom authority is delegated under the Officer Delegation Scheme (Executive Functions) General Delegations paragraph 5.

<sup>15</sup> Sections 81-86 Localism Act 2011 and Community Right to Challenge (Expressions of Interest and Excluded Services)(England) Regulations 2012

<sup>16</sup> See Managing Information Toolkit

|   | Function Delegated  | Officer to whom delegated | Terms and Conditions           |
|---|---|---------------------------|--------------------------------|
|   | a) To implement and ensure compliance with: <ul style="list-style-type: none"> <li>• the rules on data protection, human rights, surveillance activities, and freedom of information</li> <li>• the council's policies on these matters</li> <li>• guidance and advice from the City Solicitor on these matters.</li> </ul> | Not delegated             |                                |
|   | b) To designate officers with specific responsibilities for these matters.  | Not delegated             |                                |
|   | c) To advise the City Solicitor of any:- <ul style="list-style-type: none"> <li>• new types of data processed;</li> <li>• new ways of processing personal data; and</li> <li>• new persons or organisations to whom data is given.</li> </ul>   | All Directors             | For matters within their remit |
| 8 | Media <sup>17</sup><br><br>To issue statements to the press and other news media about their delegated functions within the settled framework of council policy.  | All Directors             | For matter within their remits |

---

<sup>17</sup> See Dealing with the Media Toolkit



|    | Function Delegated   | Officer to whom delegated | Terms and Conditions |
|----|--|---------------------------|----------------------|
| 9  | Authorising officers <sup>18</sup><br><br>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. | Not delegated             |                      |
| 10 | Corporate procedures <sup>19</sup><br><br>To take any action remitted to the Director under corporate procedures.  | Not delegated             |                      |
| 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   | Not delegated             |                      |
|    | (b) To obtain particulars of persons interested in land  | Not delegated             |                      |

<sup>18</sup> This delegation gives the officer detailed power to grant authority for other officers to carry out certain statutory powers or duties (e.g. entering onto land or appearing in court). This part of the sub-delegation scheme does not detail those 'authorised officers' – Authorised officers are given separate evidence of their authority (e.g. an ID card or certificate), signed by the person named here who has the power to authorise them. Their details are kept in a separate list together with details of who authorised them, the date they were authorised and the functions for which they are authorised.

<sup>19</sup> This function refers to any powers delegated to the Director under the Procedure Rules set out at Part 4 of the Council's Constitution which are not specifically included elsewhere (for example functions under the Financial Regulations and the Contracts Procedure Rules which are delegated at Paragraphs 1 to 4 above)

|                               | Function Delegated   | Officer to whom delegated   | Terms and Conditions |
|-------------------------------|--|---|----------------------|
| 12                            | Budget and policy framework<br><br>To formulate initial proposals within the budget and policy framework   | Not delegated   |                      |
| 13                            | Functions on Behalf of an NHS Body<br><br>To carry out functions exercisable on behalf of an NHS body under Section 75 National Health Service Act 2006 in relation to matters within the Director's remit.            | Director of Adult Social Services<br>Director of Children's Services<br>Director of Public Health |                      |
| <b>Personnel<sup>20</sup></b> |  |   |                      |
| 14                            | Miscellaneous employment issues<br><br>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 | Deputy Chief Executive<br>Chief Officer HR  |                      |

---

<sup>20</sup> See Recruitment and Staffing Toolkit

|    | Function Delegated   | Officer to whom delegated | Terms and Conditions  |
|----|--|---------------------------|---|
| 15 | <p>Changes to staff structure</p> <p>Decisions in relation to restructures except where the decision:</p> <p>(i) involves changes to existing National or Local Agreements and policies; and/or</p> <p>(ii) cannot be achieved within delegated powers in respect of budgets</p> | Not delegated             | <p>Decisions are subject to:</p> <ul style="list-style-type: none"> <li>i. appropriate professional advice being sought,</li> <li>ii. prior consultation with all appropriate parties affected by the decision including all officially recognised trade unions, and</li> <li>iii. appropriate consideration of pay and grading requirements</li> </ul> <p>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.</p> |

## Executive Functions –

### Specific Delegations

|     | Function Delegated  | Officer to whom delegated          | Terms and Conditions  |
|-----|---|------------------------------------|---|
|     | Any function of the Executive not otherwise delegated to a Director in relation to: |                                    |   |
| (a) | Elections   | Head of Licensing and Registration |   |
| (b) | Civic and ceremonial functions of the Council                                       | Head of Civic & Member Support     | Save in relation to authorisation of the use of the Council's crest |
| (c) | Devolution and local freedoms   | Deputy Chief Executive             |   |
| (d) | Regeneration at a strategic level   | Director of City Development       |   |
| (e) | Any other function of the Executive not otherwise delegated to a Director           | Not delegated                      |   |

# Miscellaneous Functions

The functions set out in this part of the Sub-delegation scheme are derived from:-

- Legislation which provides that a function should be the specific responsibility of the Director;
- Policies and Procedures which form part of the Constitution of Leeds City Council;
- Sub-delegations made by other Directors of Leeds City Council to whom those functions have been delegated; and
- Delegations which have been made to the Director by Full Council or the Executive for a period less than 6 months which are not therefore reflected in the Constitution

|   | Place from where function derived                    | Function Delegated                                    | Officer to whom delegated  | Terms and Conditions |
|---|--|---|--|----------------------|
| 1 | Sections 40/41 of the Anti-Social Behaviour Act 2003 | Functions in respect of the closure of noisy premises | Environmental Health Officers in the Noise and Environmental Protection Team within the Environmental Action Service |                      |

# Absence Provisions

The table below sets out details of responsibility for those functions which are not sub-delegated by the Director in the usual course of business. These sub-delegations may only be exercised in the absence of the Director on leave<sup>21</sup> or where the Director has confirmed in writing that he/she will be absent from the office and these provisions are to apply<sup>22</sup>.

| Function sub-delegated by Director  | Officer with authority to exercise function in absence of Director. | Terms and Conditions   |
|---|---|--|
| All those functions which are delegated to the Chief Executive, save for those mentioned specifically below | Deputy Chief Executive  |  |
|   | Assistant Chief Executive   | In the absence of the Chief Executive and the Deputy Chief Executive.  |
|   | City Solicitor  | In the absence of the Chief Executive, the Deputy Chief Executive and Assistant Chief Executive.   |
|   | All Directors<br>Chief Planning Officer                             | In the absence of the Chief Executive, the Deputy Chief Executive, Assistant Chief Executive and City Solicitor for matters within their remit |
| To appoint or dismiss and hold to account the Chair of the LSCB <sup>23</sup> .                             | Deputy Chief Executive  | Following consultation with appropriate partners   |
|   | Director of Children’s Services                                     | Only in absence of both Chief Executive and Deputy Chief Executive and following consultation with appropriate partners                        |
| To appoint or dismiss and hold to account the Chair of the LSAB <sup>24</sup>                               | Deputy Chief Executive  | Following consultation with appropriate partners   |
|   | Director of Adult Social Services                                   | Only in absence of both Chief Executive and Deputy Chief Executive and following consultation with appropriate partners                        |

<sup>21</sup> Whether annual leave, sick leave or special leave

<sup>22</sup> It is recommended that a delegated decision form be used to record and publish this as a Significant Operational Decision.

<sup>23</sup> Regulation 4 LSCB Regulations 2006 and “Working Together to Safeguard Children” statutory guidance March 2015

<sup>24</sup> Care Act 2014 and “The Care and Support Statutory Guidance”