

SECTION 3E: OFFICER DELEGATION SCHEME (EXECUTIVE FUNCTIONS)

INTRODUCTION

- (a) This officer delegation scheme sets out the executive functions delegated to officers by the Leader under his/her Executive Arrangements¹.
- (b) The fact that a function stands delegated to an officer under these arrangements shall not preclude the Executive Board, from exercising the function directly.
- (c) An officer may consider that a delegated authority should not be exercised and that it should be referred to the Executive Board for determination.
- (d) 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 Board, for a decision.
- (e) The Executive Board may determine to reserve decisions about particular matters to itself.
- (f) In addition to the delegations set out in this scheme, the Executive Board can arrange for further delegations on specific matters.
- (g) 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.
- (h) Delegations set out in this scheme will be read in conjunction with all provisions of the Council's Constitution, and decisions taken by officers in accordance with this scheme will be taken in accordance with all relevant rules and protocols.
- (i) In taking decisions in relation to executive functions officers will ensure that they:
 - take appropriate advice in relation to legal and financial considerations;
 - make appropriate arrangements for assessing the impact of the decision in relation to equalities; and
 - undertake appropriate consultation

¹ Council functions are delegated by Full Council and are set out in the Officer Delegation Scheme (Council (non-executive) Functions). The executive functions delegated by the Leader should be construed in a broad and inclusive fashion to include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions. They should not however be understood to include any Council function.

GENERAL DELEGATIONS TO OFFICERS

The Chief Executive, the Deputy Chief Executive, Assistant Chief Executive (Citizens and Communities), Directors and City Solicitor are authorised² 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:

1) FINANCIAL

- a) To incur expenditure and to generate and collect income in line with Financial Regulations, Contract Procedure Rules and within approved revenue and capital estimates.
- b) 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.

2) PROCUREMENT

- a) To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Contracts Procedure Rules.
- b) To approve all matters relating to operational PFI projects, including (without limitation) variations to project documents and refinancing.
- c) Subject to the approval of the City Solicitor and the Deputy Chief Executive, to sign certificates under the Local Government (Contracts) Act 1997 in relation to contracts³.

3) GENERAL

a) Community Right to Challenge⁴

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

² Save where the Leader or a relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

³ This function delegated only to:-

- 1) Statutory Chief Officers (Deputy Chief Executive, Director of Childrens Services, Director of Adult Social Services and Director of Public Health);
- 2) Non-Statutory Chief Officers (Assistant Chief Executive (Citizens and Communities), Director of City Development, Director of Environment and Housing and City Solicitor); and
- 3) Deputy Chief Officer (Chief planning Officer) in accordance with the Local Authority (Contracts) Regulations 1997/2862.

This function is not to be sub-delegated

⁴ See Executive Board 17th October 2012 Minute Number 89

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b) Data Protection, Human Rights, Surveillance Activities, Freedom of Information

- i) To implement and ensure compliance with:
 - the rules on data protection, human rights, use of powers under RIPA (Regulation of Investigatory Powers Act) and freedom of information⁵;
 - the Council's policies on these matters; and
 - guidance and advice from the SIRO⁶ and from the SRO⁷ on these matters.
- ii) To designate officers with specific responsibilities for these matters.
- iii) To advise the SIRO 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.

c) Media

- i) To issue statements to the press and other news media about their delegated functions within the Council's adopted Budget and Policy Framework⁸.

d) Authorising Officers

- i) 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.

e) Corporate Procedures

- i) To take any action remitted to him/her under corporate procedures.⁹

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

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

⁵ 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

⁶ The Council's SIRO (Senior Information Risk Owner) is the Deputy Chief Executive

⁷ The Council's SRO (Senior Responsible Officer) in relation to the use of powers under RIPA, is the City Solicitor

⁸ The Budget and Policy Framework is defined in Article 4 of the Constitution.

⁹ 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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g) Budget and Policy Framework

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

4) EMPLOYMENT

a) Miscellaneous Employment Issues

- i) 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.

b) Changes to Staffing Structures

- i) Decisions can be taken in relation to restructures¹⁰ except where the decision:
 - involves changes to existing National or Local Agreements and policies; and/or
 - cannot be achieved within delegated powers in respect of budgets
- ii) Decisions in respect of restructures which involve changes to existing agreements or policies and/or which have budgetary implications as set out in 4(b)(i) above are delegated to the Deputy Chief Executive and are subject to consultation with the City Solicitor and other appropriate parties.

c) Workforce Development

5) WAYS OF WORKING

a) Partnerships

- i) To engage in partnerships with organisations in public, private, and voluntary sector
- ii) To promote and influence partnership working with organisations across the city

b) Functions on Behalf of an NHS Body

- i) To carry out functions exercisable on behalf of an NHS body under Section 75 National Health Service Act 2006 in relation to matters within their remit.

c) Provision of Statutory Returns

- i) To provide such statutory returns as are necessary within the Director's remit.

¹⁰ Decisions in relation to restructures are subject to:-

- appropriate professional advice being sought;
- prior consultation with all appropriate parties affected by the decision, including all officially recognised trade unions; and
- appropriate consideration of pay and grading requirements.