

**SECTION 3E: OFFICER DELEGATION SCHEME (EXECUTIVE FUNCTIONS)****FOREWORD****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 (Corporate Governance), Assistant Chief Executive (Planning Policy and Improvement), 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.

## **GENERAL DELEGATIONS TO OFFICERS**

The Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Corporate Governance) Assistant Chief Executive (Planning Policy and Improvement), Directors and other named officers<sup>1</sup> 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. Revenue Expenditure**

- (a) Following approval of departmental revenue budgets, to incur expenditure within those estimates with the exception of items being subject to separate release in accordance with Appendix B to Financial Procedure Rules. They must consult with any Director or other officer who may be able to provide the works or service required or who may otherwise advise on or assist with this provision to ascertain whether that Director or other officer would wish to submit a tender or quotation or undertake the works/services competition free, in accordance with Contracts Procedure Rules.
- (b) To incur expenditure within the Revenue Budget in accordance with the virement procedures and delegated limits set out in Financial Procedure Rules.
- (c) In an emergency to incur immediately necessary expenditure which shall be reported to the Director of Resources at the first opportunity.

### **2. Capital Expenditure**

- (a) To incur expenditure on capital schemes in accordance with the arrangements set out in Financial Procedure Rules.
- (b) To accept tenders for construction works within specific limits as set out in Contracts Procedure Rules.

### **3. Debts**

To write off debts (other than local taxation) in accordance with the procedures and maximum values set out in Financial Procedure Rules.

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<sup>1</sup> These are the chief officers with delegations which are concurrent with a Director, and which are listed in Article 12. The delegation of those chief officers under this scheme is subject to an exception in respect of those matters where the relevant Director has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration. These chief officers must consult the relevant Director before taking any key or major decision.

**4. Disposal of Property**

To dispose of property (including obsolete vehicles and plant, stores, old materials and scrap), other than property for resale, in accordance with the requirements of Financial Procedure Rules and Contracts Procedure Rules.

**5. Payments**

To approve payments to suppliers prior to the receipt of goods<sup>2</sup> in accordance with the limits set out in Financial Procedure Rules.

**6. Cash Imprests and Disbursements**

- (a) To authorise individual establishment cash imprests in accordance with the limits set out in Financial Procedure Rules.
- (b) To approve individual payments from cash imprests in excess of the limit set out in Financial Procedure Rules.

**7. Stores Deficiencies and Surpluses**

To authorise the making good or otherwise of stores deficiencies up to the limit specified in Financial Procedure Rules.

**GENERAL****8. Lost Property**

To take responsibility, as identified in the Financial Procedure Rules for lost property found on Council premises, including the registration of found items and the designation of a responsible officer to follow the found property procedures.

**9. 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 information<sup>3</sup>;
  - the Council's policies on these matters; and
  - guidance and advice from the Assistant Chief Executive (Corporate Governance) on these matters.
- (b) To designate officers with specific responsibilities for these matters.

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<sup>2</sup> In exceptional circumstances – Financial Procedure Rule 9.6

<sup>3</sup> 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

- (c) To advise the Assistant Chief Executive (Corporate Governance) 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.

**10. Media**

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

**11. 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.

**12. Corporate Procedures**

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

**13. 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.

**14. Signature of Contracts - Local Government (Contracts) Act 1997**

- (a) Subject to the approval of the Assistant Chief Executive (Corporate Governance), to sign certificates for contracts which relate specifically to their delegated functions.

**15. Budget and Policy Framework**

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

**PERSONNEL**

**16. Miscellaneous Employment Issues**

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<sup>4</sup> 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.

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.

**17. 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 delegated to the Director of Resources and will be subject to consultation with the Assistant Chief Executive (Corporate Governance) 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.

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

The Director of Resources is authorised to deal with this as a corporate not a departmental issue.