

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 (Customers 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.

PUBLIC PRIVATE PARTNERSHIP / PRIVATE FINANCE INITIATIVE AND OTHER MAJOR PROPERTY AND INFRASTRUCTURE RELATED PROJECTS

Directors¹ are authorised to carry into effect without reference to Executive Board or to any of its committees the following functions in relation to

- a PPP/PFI Project;
- an individual phase or New Project under the Building Schools for the Future programme² (BSF);
- Lease Plus Agreements or other agreements under LIFT³;
- any other Major Project (as defined by the Delivering Successful Change Project Impact Assessment Scorecard), which are related to property or infrastructure;

(in each case 'Project')

General Project delegations to officers

Directors are authorised:

1. To approve Project mandate, Project Brief and Project Initiation Document
2. Following a decision by Executive Board (or otherwise in accordance with this Officer Delegation Scheme) approving procurement of a Project:⁴
 - i) to approve all Project specific issues, including any necessary survey arrangements, relating to procurement (except for contract award) provided that the approval of the publication of the OJEU notice, decisions to select/reduce numbers of bidders, and early works shall be subject to prior review by the relevant Project Board⁵

¹ Directors shall be understood to include the Chief Executive, the Deputy Chief Executive, the Assistant Chief Executive (Customer Services and Community), all Directors and the City Solicitor.

² In relation to schools Projects under the Building Schools for the Future programme the relevant Director is the Director of Children's Services

³ In relation to LIFT the relevant Director is the Director of Environment and Neighbourhoods

⁴ (by approval of an Expression of Interest, of an Outline Business Case, through inclusion within the Capital Programme, of an Authority to Spend, within the budget and policy framework, or otherwise),

⁵ If Project Board supports the decision it may be implemented. If Project Board does not support the decision but the Director still wants to proceed the Director must take a further report to that Project Board. Following the second review the Director may proceed to implement the decision even if Project Board do not support it

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- ii) to approve all Project specific issues following completion of the procurement relating to mobilisation, construction and operation (including without limitation changes and variations, refinancing and benchmarking/market testing); and
 - iii) to act as or appoint City Council Representative(s) within the terms of the Project documentation.
3. Subject to
- a) approval by the relevant Government Department or other relevant body of the Final Business case for the Project (if applicable); and
 - b) the Director being satisfied that the Project remains within scope and affordability limits approved by Executive Board:
- i) to approve the terms of all Project related contractual, property and other documentation; and
 - ii) to make arrangements for and approve any delegations necessary to effect commercial & financial close including any amendments to such documentation at commercial & financial close.
4. Where approval is (in the opinion of the Director) required urgently before the next scheduled meeting of the Executive Board, and subject
- a) to prior review by Strategic Investment Board⁷; and
 - b) the Director reporting to the next appropriate Executive Board the action taken:
- i) to approve the Strategy for Change (BSF) or Strategic Service Development Plan (LIFT);
 - ii) to approve submission of an Expression of Interest or Outline Business Case for a Project; and
 - iii) to approve submission of the Final Business Case for the Project.
5. In cases where the relevant Government Department requires submission of a Final Business Case for a Project before appointment of a preferred bidder
- a) provided that the Director is satisfied that the scope and affordability of the Project remains within previous approvals by Executive Board; and
 - b) subject to prior review by Strategic Investment Board and consultation with the Director of Resources:
- to approve the content and submission of a pre-preferred bidder Final Business Case
6. In relation to BSF and LIFT, to approve all matters within the terms of the Strategic Partnering Agreement including representation on Strategic Partnering Board

⁶ The Director shall record in the delegated decision notification the date of and outcome of review by Project Board

⁷ The Director shall record in the delegated decision notification and in the subsequent report to Executive Board the date of and outcome of review by the Strategic Investment Board

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7. To approve any other matters of day to day management and administration

Specific Project delegations to officers

In addition the following Directors are authorised to carry out the specific functions in relation to Projects listed at paragraphs 8 to 11 below

8. Director of Resources

- i) To sign certificates under the Local Government (Contracts) Act 1997 in relation to Projects⁸, subject to the approval of the City Solicitor;
- ii) The procurement and appointment of financial advisors under a contract covering Projects sponsored by more than one Directorate;
- iii) In relation to the Local Education Partnership and LIFTco all shareholder functions except for a decision to subscribe for shares or provide shareholder loans, whether at a LEP/LIFTCo level or project company level;
- iv) To approve changes to the chair, remit, structure and composition of Project Boards as required;
- v) To approve arrangements for forming Project Boards for new projects and closing down Project Boards.

9. City Solicitor

- i) To issue appropriate (in the opinion of the City Solicitor) indemnities to Directors where a Director
 - a) signs a certificate under the Local Government (Contracts) Act 1997;
 - b) acts as director to the LEP or LIFTco.
- ii) To approve the procurement and appointment of legal advisors under a contract covering Projects sponsored by more than one Directorate.

⁸ This function not to be sub delegated.

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10. Director of City Development

- i) To approve the procurement and appointment of technical advisors under a contract covering Projects sponsored by more than one Directorate.

11. Director of Children's Services

- i) To award a Design and Build Contract under BSF (where the Director is satisfied that the Project remains within affordability and other tolerances agreed by Executive Board)

GENERAL DELEGATIONS TO OFFICERS

The Chief Executive, the Deputy Chief Executive, Assistant Chief Executive (Customers 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. 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.

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- (b) To accept tenders for construction works in accordance with the 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.

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 goods⁹ 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 In exceptional circumstances – Financial Procedure Rule 9.6

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 information¹⁰;
 - 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.

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.¹¹

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.

¹⁰ 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 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.

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

- (a) Subject to the approval of the City Solicitor, to sign certificates for contracts which relate specifically to their delegated functions¹².

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

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 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.

¹² This function not to be sub delegated.

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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.