



## Director's<sup>1</sup> Sub Delegation Scheme of:-

**Chief Executive** 

**Signed:-** 

**Dated:- 26 November 2013**

Due date for next review	Date scheme reviewed	Signed
May 2014	26 <sup>th</sup> November 2013	

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<sup>1</sup> This form should be used by all those officers listed in Article 12 of the Council's Constitution. Please use the Guidance Notes for completion of this scheme which are located at the end of the document. It is not necessary to print these Guidance Notes when printing your completed scheme.

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## Chief Executive: Sub-delegation scheme

The **Chief Executive** is authorised to carry out functions on behalf of the authority.

This sub-delegation scheme sets out:

- which functions have been sub-delegated by the **Chief Executive**;
- which officers<sup>2</sup> have been authorised by the **Chief Executive** to carry out functions; and
- any terms or conditions<sup>2</sup> attached to the authority sub-delegated by the **Chief Executive**.

Any decision taken by an officer acting under authority from the **Chief Executive** remains the personal responsibility of the post-holder.

### Officers with sub-delegated authority under this scheme

An officer to whom authority has been sub-delegated under this scheme may decide not to exercise their authority in relation to a particular matter. They should refer any such matter to the post-holder<sup>2</sup>.

An officer to whom authority has been sub-delegated under this scheme must follow the employee code of conduct and any other rules or requirements in relation to personal conflicts of interest which apply to them.

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<sup>2</sup> The **Chief Executive** may in turn decide to refer such a matter to the relevant committee or the Executive Board, as appropriate.

## Definitions used in the **Chief Executive's** scheme of sub delegation

For the purpose of this sub-delegation scheme the following definitions apply:

Definition	Posts to which definition applies
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>

## Absence of the Chief Executive<sup>e</sup>

### Delegation of functions

In the absence of the Chief Executive from illness or leave, where a decision cannot reasonably be delayed until the return of the Chief Executive, the Chief Executive sub-delegates their functions as follows:

Function delegated by Chief Executive	Officer to whom sub-delegated	Terms and conditions
All those functions which are delegated to the Chief Executive	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 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

## Sub-delegation to other officers (other than in the absence of the **Chief Executive**) –

The **Chief Executive** sub-delegates authority as follows:

### Council functions – specific to **Chief Executive**<sup>3</sup>

	Function sub-delegated by <b>Chief Executive</b>	Officer to whom sub-delegated	Terms and conditions
(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>	
(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	<ul style="list-style-type: none"> <li>§ Head of Licensing and Registration</li> </ul>	

<sup>3</sup> Under Part 3 Section 2C of the constitution

	<b>Function sub-delegated by Chief Executive</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
	the Representation of the People Act 1983	§ City Solicitor § Electoral Services Manager § Principal Electoral Services Managers	
(e)	Powers in respect of holding of elections in accordance with Section 39(4) of the Representation of the People Act 1983	§ Head of Licensing and Registration § City Solicitor § Electoral Services Manager § Principal Electoral Services Managers	
(f)	To pay expenses properly incurred by electoral registration officer in accordance with Section 54 of the Representation of the People Act 1983	§ Head of Licensing and Registration § City Solicitor § Electoral Services Manager § Principal Electoral Services Managers	
(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	
(h)	To declare vacancy in office in certain cases in accordance with Section 86 of the Local Government Act 1972	§ Head of Licensing and Registration § City Solicitor § Electoral Services Manager § Principal Electoral Services Managers	
(i)	To give public notice of a casual vacancy in accordance with Section 87 of the Local Government Act 1972	§ Head of Licensing and Registration § City Solicitor § Electoral Services Manager § Principal Electoral Services	

	Function sub-delegated by <b>Chief Executive</b>	Officer to whom sub-delegated	Terms and conditions
		Managers	
(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.	§ Head of Licensing and Registration § Electoral Services Manager	
	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		
	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		



	<b>Function sub-delegated by Chief Executive</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
	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>4</sup> in accordance with Section 59 of the Local Government and Public Involvement in Health Act 2007	§ Head of Licensing and Registration § Electoral Services Manager	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	§ Head of Licensing and Registration § Electoral Services Manager	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	§ Head of Licensing and Registration § Electoral Services Manager	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	§ Head of Licensing and Registration § Electoral Services Manager	Consultation processes only
<b>Functions Relating to Changing Governance Arrangements</b>			
(a)	To secure that copies of a document setting out new	§ Head of Governance	

<sup>4</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 sub-delegated by Chief Executive</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
	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	Services	
(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	

## Council functions - general<sup>5</sup>

1. In relation to approvals, licences, permissions or registrations which come within the **Chief Executive's** authority<sup>9</sup>:

	<b>Function delegated by Chief Executive</b>	<b>Approval, licence, permit or registration - see table above</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
(a)	To impose conditions, limitations or restrictions	Not applicable		
(b)	To determine any terms to which they are subject	Not applicable		
(c)	To determine whether and how to enforce any failure to comply <sup>6</sup>	Not applicable		

<sup>5</sup> Under Section 2C of Part 3 of the constitution

	<b>Function delegated by Chief Executive</b>	<b>Approval, licence, permit or registration - see table above</b>	<b>Officer to whom sub- delegated</b>	<b>Terms and conditions</b>
(d)	To amend, modify vary or revoke	Not applicable		
(e)	To determine whether a charge should be made and the amount of such a charge	Not applicable		

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<sup>6</sup> Including any failure to comply with such an approval, consent, licence, permission or registration, a condition, limitation or term to which it is subject; or any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Executive.

2. Maladministration/health and safety/personnel matters/byelaws <sup>h</sup>

	<b>Function delegated by Chief Executive</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
(a)	To make payments or provide other benefits in cases of maladministration <sup>7</sup>	Not delegated	In accordance with guidance notes jointly prepared by the City Solicitor and the Director of Resources.
(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	
(c)(i)	To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure - i.e. to approve the filling of a vacancy and instigate the recruitment process.	Not delegated	
(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload.	Not delegated	Subject to there being budgetary provision. Such staff should be employed on terms set out in the guidance issued by the Director of Resources.

<sup>7</sup> Item 48 of Schedule 1 Local Authorities (Functions and Responsibilities) Regulations 2000

	<b>Function delegated by Chief Executive</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
(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	
(d)	To enforce byelaws.	Not delegated	

## Executive functions – specific to Chief Executive<sup>8</sup>

Exceptions from delegation:-

These functions cannot be exercised where an appropriate Executive Member has directed the post-holder that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration.

	Function sub-delegated by Chief Executive	Officer to whom sub-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)	Any other function of the Executive not otherwise delegated to a Director.	Not delegated	

<sup>8</sup> Under Section 3E of Part 3 of the constitution. These include local choice functions which are the responsibility of the Executive Board, and which have been specifically delegated to the Chief Executive.

## Executive functions – general project delegations to officers <sup>k 9</sup>

The following functions should be understood in accordance with the footnotes to the Officer Delegation Scheme (Executive Functions) in relation to Public Private Partnership/Private Finance Initiative and Other Major Property Infrastructure Related Projects.

	Function sub-delegated by <b>Chief Executive</b>	Officer to whom sub-delegated	Terms and conditions
1.	To approve Project mandate, Project Brief and Project Initiation Document	Not delegated	
2.	<p>Following a decision by Executive Board (or otherwise in accordance with the Officer Delegation Scheme) approving procurement of a Project:</p> <ul style="list-style-type: none"> <li>• 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 Board</li> <li>• 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</li> <li>• to act as or appoint City Council Representative(s) within the terms of the Project documentation.</li> </ul>	Not delegated	

<sup>9</sup> Under Part 3 Section 3E of the constitution.

	<b>Function sub-delegated by Chief Executive</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
3.	<p>Subject to</p> <p>a) approval by the relevant Government Department or other relevant body of the Final Business case for the Project (if applicable); and</p> <p>b) the Director being satisfied that the Project remains within scope and affordability limits approved by Executive Board:</p> <ul style="list-style-type: none"> <li>• to approve the terms of all Project related contractual, property and other documentation; and</li> <li>• to make arrangements for and approve any delegations necessary to effect commercial &amp; financial close including any amendments to such documentation at commercial &amp; financial close.</li> </ul>	Not delegated	
4.	<p>Where approval is (in the opinion of the Director) required urgently before the next scheduled meeting of the Executive Board, and subject</p> <p>a) to prior review by Strategic Investment Board; and</p> <p>b) the Director reporting to the next appropriate Executive Board the action taken:</p> <ul style="list-style-type: none"> <li>• to approve the Strategy for Change (BSF) or Strategic Service Development Plan (LIFT);</li> <li>• to approve submission of an Expression of Interest or Outline Business Case for a Project; and</li> <li>• to approve submission of the Final Business Case for</li> </ul>	Not delegated	



	Function sub-delegated by <b>Chief Executive</b>	Officer to whom sub-delegated	Terms and conditions
	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	Not delegated	
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	Not delegated	
7.	To approve any other matters of day to day management and administration	Not delegated	

## Executive functions – general delegations to officers

	Function sub-delegated by <b>Chief Executive</b>	Officer to whom sub-delegated	Terms and conditions
1.	<b>Revenue Expenditure</b>		
	(a) Following approval of departmental revenue budgets, Directors have authority 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.	Not delegated	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 the 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.	Not delegated	
	(c) In an emergency to incur immediately necessary expenditure which shall be reported to the Director of Resources at the first opportunity.	Not delegated	
2.	<b>Capital Expenditure</b>		
	(a) To incur expenditure on capital schemes in accordance with the arrangements set out in Financial Procedure Rules.	Not delegated	

	<b>Function sub-delegated by Chief Executive</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
	(b) To accept tenders for construction works in accordance with the Contracts Procedure Rules.	Not delegated	
3.	<b>Debts</b> To write off debts (other than local taxation) in accordance with the procedures and maximum values set out in Financial Procedure Rules.	Not delegated	
4.	<b>Disposal of Property</b> 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.	Not delegated	
5.	<b>Payments</b> To approve payments to suppliers prior to the receipt of goods in accordance with the limits set out in Financial Procedure Rules.	Not delegated	
6.	<b>Cash imprests and disbursements</b>	Not delegated	
	(a) To authorise individual establishment cash imprests in accordance with the limits set out in Financial Procedure Rules.	Not delegated	
	(b) To approve individual payments from cash imprests in	Not delegated	

	<b>Function sub-delegated by Chief Executive</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
	excess of the limit set out in Financial Procedure Rules.		
7.	<p><b>Stores deficiencies and surpluses</b></p> <p>To authorise the making good or otherwise of stores deficiencies up to the limit specified in Financial Procedure Rules.</p>	Not delegated	
8.	<p><b>Lost property</b></p> <p>To take responsibility 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.</p>	Not delegated	
9.	<p><b>Data Protection, Human Rights, Surveillance activities, and Freedom of Information</b></p>	Not delegated	
	<p>a) To implement and ensure compliance with:</p> <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	
	<p>b) To designate officers with specific responsibilities for these matters.</p>	Not delegated	
	<p>c) To advise the City Solicitor of any:-</p> <ul style="list-style-type: none"> <li>• new types of data processed;</li> <li>• new ways of processing personal data; and</li> </ul>	Not delegated	

	Function sub-delegated by <b>Chief Executive</b>	Officer to whom sub-delegated	Terms and conditions
	<ul style="list-style-type: none"> <li>new persons or organisations to whom data is given.</li> </ul>		
10.	<p><b>Media</b></p> <p>To issue statements to the press and other news media about their delegated functions within the settled framework of council policy.</p>	Not delegated	
11.	<p><b>Authorising officers</b> <sup>m</sup></p> <p>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.</p>	Not delegated	
12.	<p><b>Corporate procedures</b> <sup>n</sup></p> <p>To take any action remitted to the Director under corporate procedures.</p>	Not delegated	
13.	<p><b>Local Choice Functions (see Section 1, Part 3 of the Constitution)</b></p>	Not delegated	
	(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	

	Function sub-delegated by <b>Chief Executive</b>	Officer to whom sub-delegated	Terms and conditions
14.	<p><b>Signature of Contracts - Local Government (Contracts) Act 1997</b></p> <p>To sign certificates for contracts</p>	<p><b>Not to be sub-delegated in accordance with officer delegation scheme (Executive Functions)</b></p>	
15.	<p><b>Budget and policy framework</b></p> <p>To canvas the views of local stakeholders, formulate and publish initial proposals within the budget and policy framework</p>	<p>Not delegated</p>	
16.	<p><b>Miscellaneous employment issues</b></p> <p>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</p>	<p>Not delegated</p>	
17.	<p><b>Changes to staff structure</b></p> <p>Decisions in relation to restructures except where the decision:</p> <ul style="list-style-type: none"> <li>i. involves changes to existing National or Local Agreements and policies; and/or</li> <li>ii. cannot be achieved within delegated powers in respect of budgets</li> </ul>	<p>Not delegated</p>	<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</li> </ul>

	Function sub-delegated by <b>Chief Executive</b>	Officer to whom sub-delegated	Terms and conditions
			iii. unions, and appropriate consideration of pay and grading requirements

## Delegation of functions under Articles <sup>10</sup>

Article	Function	Officer to whom sub-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	
12.1	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	
12.1	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
12.1	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
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	All Directors (or other person authorised by a Director) shall be authorised in relation to matters within their remit, to sign as Agent for the Council all contracts of a	Not necessary to delegate	

<sup>10</sup> Part 2 of the constitution



Article	Function	Officer to whom sub-delegated	Terms and conditions
	value below £100,000 agreed to be entered into by the Council or any part of it.		
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	

## Delegation of functions (miscellaneous)<sup>p</sup>

	<b>Function</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
1.	Functions in respect of the closure of noisy premises (Sections 40/41 of the Anti-Social Behaviour Act 2003)	Environmental Health Officers in the Noise and Environmental Protection Team within the Environmental Action Service	

# Guidance Notes for Completion of Sub Delegation Scheme Template

## Introduction

The authority carries out council and executive functions.

Council functions are specifically identified in regulations issued under the Local Government Act 2000. They are generally quasi-judicial, such as granting planning applications. Full Council and council committees delegate many of their council functions to officers.

All other functions are executive functions. The Leader may delegate these to officers. The Executive Board may also delegate executive functions to officers.

Some functions are “local choice” functions. This means that the authority decides whether to treat them as council or executive functions<sup>11</sup>.

Because the authority has council and executive functions, there are two separate parts to the delegation scheme in Part 3 of the constitution:

- Officer delegation scheme (council functions) – part 3 section 2c; and
- Officer delegation scheme (executive functions) – part 3 section 3e.

Both parts of the delegation scheme set out:

- general delegations to all directors; and
- delegations to specific directors.

Some directors have also been delegated authority under local choice functions – Part 3 Section 1.

All directors have delegated authority under the Articles – Part 2.

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<sup>11</sup> These are listed in Part 3 Section 1 of the constitution

An officer may carry out their functions through other officers. To do so, they must sub-delegate the functions <sup>9</sup> to appropriate officers. These officers must be of suitable experience or seniority.

Your sub-delegation scheme sets out how you as the post-holder have sub-delegated your functions, to other officers.

## **The Template**

This template has been designed to ensure consistency of approach by Directors in their sub-delegations to other officers. The template should be followed by:

- Directors;
- the Chief Executive;
- the Deputy Chief Executive;
- Assistant Chief Executive; and

References to directors refer to all of the officers listed above, unless otherwise specified.

Guidance on how to complete this template is inserted as endnotes. These are written in blue, and highlighted in yellow. If you point your cursor over an endnote, the guidance will come up on screen. You may wish to print the guidance out and read through it, before you start to complete the template.

You will also need to refer to the council's constitution. Please use the most up to date version, which is available on the internet.

This template follows the layout and contents of the officer delegations as they are set out in the constitution.

By using this template, you can be sure your sub-delegation scheme is comprehensive. You will also be able to amend the scheme easily, if the delegations to you set out in the constitution are amended in the future.

If there aren't any functions delegated to you in a particular section of the constitution, please keep the table in your scheme, but insert "not applicable". That way, it is clear that all sections have been considered. The table will also serve as a prompt when you come to review the scheme, as you may be delegated functions under one of these sections in the future.

Although your sub-delegation scheme should follow the template, it is up to you whether and how you sub-delegate your functions.

If you decide not to sub-delegate a particular function, please list the function in the appropriate place in the scheme, but insert “not delegated” in the column which identifies the officer to whom sub-delegated. If you do this, it will be clear that the function has not simply been overlooked.

We will review this template annually, after the Council’s Annual Meeting.

You will need to review your scheme after the annual meeting of the council, each year, when we have sent you the revised template, and the Council and Executive have approved their schemes of delegation. Your revised scheme should be approved the day following the annual meeting, so it is clear that sub-delegations are in place for each municipal year.

You will also need to review your scheme:

- whenever there is a change to your delegation during the year; and
- whenever there is a change to the structure of your directorate.

If you do not keep your sub-delegation scheme up to date, decisions your staff make may be challenged by way of judicial review.

You may wish to timetable a review every 6 months, perhaps at your DMT, to see if any changes are necessary.

Please send a copy of your updated scheme to the Head of Governance Services.

In the interests of saving resources please do not print the Guidance Notes for Completion of Sub Delegation Scheme Template when you print your delegation scheme.

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**a** Post-holder

Please replace any reference to **Chief Executive** with your post-title. References have been made in red type to help you identify them.

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## **b** Officers

Please insert the post-title of an officer, and not their name.

You may sub delegate to any officer of suitable experience or seniority, whether in your directorate, or another directorate, including to other directors.

You may also sub-delegate the same function to more than one officer. You should ensure that it is clear if one officer takes priority over another.

It is up to you to make sure that officers are clear on the nature of and extent of any authority to carry out functions which are sub-delegated by you to them. Check that the operational position within your directorate is consistent with your sub-delegation scheme. Have you sub-delegated authority to all officers who need it?

## **c** Terms and conditions

You may limit or restrict a sub-delegation, by imposing a term or condition.

For example you may:

- impose a financial limit;
- impose an exception in relation to any matter where you direct that the matter should be referred to you or to a relevant committee or the Executive Board (depending on whether it is a council or executive function);
- require particular types of decision to be referred to you;
- require an officer to consult specified people before making a particular type of decision;
- sub-delegate a function to a particular officer “in relation to matters within their remit”;
- state that the function does not extend to making key / significant operational decisions; or
- limit the delegation to apply only in specified circumstances, or in relation to specific functions.

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You must make sure that the authority you have sub-delegated is clearly defined. For example, if you wish to restrict an officer's sub-delegation to preclude decisions about "politically sensitive" matters, or matters which have "significant implications", then your scheme should be clear how these decisions can be identified.

#### **d** Sub-delegation to other officers - definitions

For brevity, if you delegate a number of different functions to the same group of officers, you may wish to complete this table.

You should:

- insert a generic description (for example, "Chief Officers" or "Managers") in the first column; and
- list all of the posts that come within the description in the second column.

You can then insert the appropriate definition against any function in the scheme which you want to sub-delegate to **all** of the post-holders within the definition.

#### **e** Absence of post-holder

**The absence provisions provide for those matters which you have chosen not to delegate (whether in their entirety or when certain terms and conditions are triggered) to be dealt with in your absence on annual leave or through illness. Those matters which you delegate elsewhere in this scheme remain delegated to those officers in your absence and therefore do not need to be included here.**

You may decide that in your absence:

- particular functions should be carried out by different officers; or
- one officer should carry out all of your functions (for example your deputy director if you have one).

Statutory posts

Article 12, Part 2 of the constitution already sets out who is the deputy for the **statutory posts** of Head of Paid Service, Monitoring Officer and Chief Finance Officer. If you are one of these post-holders, you do not therefore need to include your statutory

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functions within this scheme of sub-delegation, as these have already been effectively sub-delegated in the constitution. However, you may wish to include them for completeness, with an appropriate reference to Article 12.

### **f Council functions – specific to post-holder**

You need to check through Section 2C of Part 3 to see whether you have been specifically delegated any council functions including Local Choice Functions where the decision making body is the Council. Not all directors have.

Because they are often quasi-judicial, council functions may be particularly likely to be subject to challenge through the courts. So, please specify in your scheme the post-title of **all** officers to whom you wish to sub-delegate authority for each particular council function. This should include officers who are carrying out administrative tasks (for example issuing a licence), where these tasks are council functions.

You may, however, impose different terms and conditions, according to the seniority or experience of a particular post-holder.

You must also include any exceptions which will apply to officers under the sub-delegation scheme, because they apply to you. For example, some licenses can only be granted by a director where no objections have been received. Obviously, you can only delegate authority, where you yourself have authority.

### **g Council functions in relation to approvals, licences, permissions or registrations which come within the post-holder's authority:**

You will need to complete this table only if you have authority in relation to any approvals, licences, permissions or registrations under your specific delegation in the officer delegation scheme (council functions).

If you do have delegated authority, please insert the type of approval, licence, permissions or registration in column 2, by referring to the number of the function on the table above.

### **h Council functions – Maladministration/health and safety/personnel matters/byelaws**



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These council functions are delegated to **all** directors so you will need to complete this table.

### **Executive functions specific to post-holder**

You need to include here any local choice functions which are the responsibility of the executive and have been delegated specifically to you. These are listed in the officer delegation scheme (executive functions) with the other executive functions delegated to you by the leader.

The officer delegation scheme (executive functions) sets out delegation to specific post-holders by exception. That is, the delegations are framed very widely, but are subject to any exceptions set out in the footnotes below your delegation in the Constitution.

You should set out the delegations to you in the officer delegation scheme (executive functions), in the order in which they are set out in the constitution. This way, it will be clear that they have all been included.

However, because the descriptions of these functions are very broad, you might need to break them down into more specific services, or provide more detail about them.

**It is particularly important make sure you include the post-title of any officer who you wish to authorise to make key or significant operational decisions about a function, in your sub-delegation scheme. Delegated decision notices for these types of decisions, should only be signed by officers who are specified as having authority under your scheme.**

Under the officer delegation scheme (executive functions), the authority of directors is subject to an exception where an appropriate Executive Member directs that a matter be referred to the Executive Board.

This exception must therefore also apply to any officer who is carrying out a function sub-delegated to them by a director. It must be included in directors' sub-delegation schemes.

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**k** If you already have a scheme setting out the officers who are authorised to approve various financial or personnel issues, you can cross-reference that scheme in this sub-delegation scheme.

**l** There are also specific project delegations made to the Director of Resources, the City Solicitor, the Director of City Development and the Director of Children’s Services. These delegations should be included within the sub delegation schemes of those officers.

### **m** Authorising officers

Some legislation requires an officer to be authorised to carry out a particular function, such as entering onto land or appearing in court. These officers should be individually authorised i.e. by name, and should have a signed certificate which they can produce to show that they have been properly authorised.

You should not insert the names of these authorised officers into your sub-delegation scheme here. You should insert the post-title of any officer who is to authorise officers on your behalf.

You should, however, also keep a **separate** record of any officer who is an authorised officer, together with details of:

- who authorised them,
- when they were authorised; and
- the functions for which they are authorised officers.

### **n** Corporate Procedures

You need to include any functions you wish to sub-delegate which you have under, for example,:

- Financial Procedure Rules;
- Contract Procedure Rules; and
- Access to Information Rules

if they haven’t been included elsewhere in your scheme.

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Functions under employment procedures should not be sub-delegated here, but in 16. below.

### **o** Delegation of functions under Articles

Article 14.5 delegates the signature of contracts as set out in the Article to all directors.

Articles 14 (finance, contract and legal matters), 15 (review and revision of the constitution) and 16 (suspension, interpretation and publication of the constitution) set out various functions of the Chief Executive and the City Solicitor which may need to be sub-delegated by those officers.

### **p** Delegation of functions (miscellaneous)

Please insert here any other functions which have not been sub-delegated elsewhere in the scheme. These should include:

- functions which legislation specifies are the specific responsibility of a post-holder, and so have not been delegated to the post-holder by the council or executive;
- functions which have been delegated to you under another section of the constitution, for example, the outside bodies procedure rules;
- functions which have been sub-delegated to you by another director, and therefore are not recorded in the constitution, where you are given the power to sub delegate; and
- functions which have been sub-delegated to you for less than 6 months and therefore are not recorded in the constitution.

### **q** Functions

Only functions which have been delegated for more than 6 months are legally required to be recorded in the delegation scheme.