

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

**Assistant Chief Executive (Citizens and Communities) <sup>a</sup>**

**Signed:-**

**Dated:- 23 May 2014**

Due date for next review	Date scheme reviewed	Signed
November 2014	10 <sup>th</sup> June 2014	

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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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## **Assistant Chief Executive (Citizens and Communities): Sub-delegation scheme**

The Assistant Chief Executive (Citizens and Communities) 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 Assistant Chief Executive (Citizens and Communities);
- which officers<sup>b</sup> have been authorised by the Assistant Chief Executive (Citizens and Communities) to carry out functions; and
- any terms or conditions<sup>c</sup> attached to the authority sub-delegated by the Assistant Chief Executive (Citizens and Communities).

Any decision taken by an officer acting under authority from the Assistant Chief Executive (Citizens and Communities) remains the personal responsibility of the Assistant Chief Executive (Citizens and Communities).

### **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 Assistant Chief Executive (Citizens and Communities)<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 Assistant Chief Executive (Citizens and Communities) may in turn decide to refer such a matter to the relevant committee or the Executive Board, as appropriate.

## Definitions used in the Assistant Chief Executive (Citizens and Communities)'s scheme of sub delegation

For the purpose of this sub-delegation scheme the following definitions apply<sup>d</sup>:

Definition	Posts to which definition applies
Information Asset Owner (IAO)	This is a senior person identified as responsible for a specific information asset and understanding, identifying and controlling risks to the business in relation to their information asset(s), contributing to the information risk management process and providing assurance to the SIRO.

## Absence of the Assistant Chief Executive (Citizens and Communities)<sup>e</sup>

### Delegation of functions

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

<b>Function delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
All functions	Deputy Chief Executive	

## Sub-delegation to other officers (other than in the absence of the Assistant Chief Executive (Citizens and Communities)) –

The Assistant Chief Executive (Citizens and Communities) sub-delegates authority as follows:

### Council functions<sup>f</sup> – specific to Assistant Chief Executive (Citizens and Communities)<sup>3</sup>

	Function sub-delegated by Assistant Chief Executive (Citizens and Communities)	Officer to whom sub-delegated	Terms and conditions
	<b>Regulatory functions</b>		
1.		•	
2.	To approve premises for the solemnisation of marriages Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Entertainment Licensing Section Head</li> <li>• Principal Licensing Officers</li> <li>• Principal Liaison and Enforcement Officer</li> <li>• Senior Liaison and Enforcement Officers</li> <li>• Licensing Officers (Entertainment Licensing)</li> </ul>	<p>The Assistant Chief Executive is not authorised to discharge the function where objections have been received.</p> <p>Under this delegation scheme (Council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Assistant Chief Executive - (Section 101(2) Local Government Act 1972.</p> <p>The fact that a function has</p>

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

	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
			been delegated to the Assistant Chief Executive does not require the Assistant Chief Executive to give the matter his/her personal attention and the Assistant Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Director remains responsible for any decision taken pursuant to such arrangements.
3.			
	<b>Licensing functions delegated by Licensing Committee</b>		
4.	The licensing functions <sup>4</sup> of the licensing authority which are delegated to the Assistant Chief Executive.	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Entertainment Licensing Section Head</li> </ul>	<p>The Assistant Chief Executive's authority is subject to the exceptions set out in Section 2A of Part 3 of the Constitution.</p> <p>Any function of the Licensing Authority where full Council has referred a matter to a</p>

<sup>4</sup> "Licensing functions" means functions under the Licensing Act 2003, the Gambling Act 2005 (Sections 29, 30, 39, 304, 346, 350 and part 5 of schedule 11) and Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.

	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
			committee other than the Licensing Committee <sup>5</sup> Any function of the Licensing Authority reserved to the Licensing Committee; Any function of the Licensing Authority within the terms of reference of the Licensing Sub-committees <sup>6</sup> and; to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act
		<ul style="list-style-type: none"> <li>• Principal Licensing Officers</li> </ul>	Except for the making of representations and/or the application for reviews
		<ul style="list-style-type: none"> <li>• Principal Liaison and Enforcement Officer</li> <li>• Principal Project Officer</li> <li>• Senior Liaison &amp; Enforcement Officers</li> </ul>	For the making of representations and/or the application for reviews only in the capacity as a responsible authority.
		Licensing Officers (Entertainment Licensing)	Except for the making of representations, and/or the application for reviews, and

<sup>5</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>6</sup> Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer



	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
			determining applications made pursuant to section 41A and 86A of the Licensing Act 2003 and s193 of the Gambling Act 2005
	<b>Functions relating to the Licensing functions delegated by Licensing Committee</b>		
5.	To licence hackney carriages and private hire vehicles As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Taxi and Private Hire Licensing Section Head</li> <li>• Principal Managers</li> </ul>	
		Licensing Officers (Taxi and Private Hire)	Renewals only
6.	To licence drivers of hackney carriages and private hire vehicles Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Taxi and Private Hire Licensing Section Head</li> </ul>	
		Principal Managers	In absence of Taxi and Private Hire Licensing Section Head only
		Licensing Supervisors	To issue only in the absence of Principal Officers where the DBS check is clean or the application has been approved by Principal Officers or Section Head where there are convictions.
7.	To licence operators of hackney carriages and private	<ul style="list-style-type: none"> <li>• Head of Licensing and</li> </ul>	

	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
	hire vehicles Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Registration <ul style="list-style-type: none"> <li>• Taxi and Private Hire Licensing Section Head</li> <li>• Principal Officers</li> </ul>	
		Licensing Officers (Taxi and Private Hire)	Renewals only
8.	** To licence sex shops and sex cinemas and sexual entertainment venues. The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Entertainment Licensing Section Head</li> <li>• Principal Licensing Officers</li> <li>• Principal Liaison and Enforcement Officer</li> <li>• Senior Liaison and Enforcement Officers</li> <li>• Licensing Officers (Entertainment Licensing)</li> </ul>	The Assistant Chief Executive (Citizens and Communities) is not authorised to discharge those functions marked ** above where the application is for the grant, renewal, variation or transfer of a sexual entertainment venue licence irrespective of whether objections have been received, or the grant or variation of a sex shop or sex cinema licence irrespective of whether objections have been made, or renewal or transfer of a sex shop or cinema licence where objections have been received.
9.	To licence performances of hypnotism The Hypnotism Act 1952	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Entertainment Licensing Section Head</li> <li>• Principal Licensing Officers</li> <li>• Principal Liaison and Enforcement Officer</li> </ul>	

	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
		<ul style="list-style-type: none"> <li>• Senior Liaison and Enforcement Officers</li> <li>• Licensing Officers (Entertainment Licensing)</li> </ul>	
10.	*** To licence persons to collect for charitable and other causes Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Entertainment Licensing Section Head</li> <li>• Principal Licensing Officers</li> <li>• Licensing Officers (Entertainment Licensing)</li> </ul>	The Assistant Chief Executive (Citizens and Communities) is not authorised to discharge those functions marked *** above where objections have been received.
<b>11</b>	<b>Functions of the Licensing Authority delegated by Full Council</b>		
	Any function of a Licensing Authority <sup>7</sup> Licensing Act 2003 and any regulations or orders made under that Act <sup>8</sup> .		The Assistant Chief Executive (Citizens and Communities) is not authorised to discharge any function of the Licensing Authority reserved to full Council <sup>9</sup>
	Powers and functions relating to late night levy requirements Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.		

<sup>7</sup> These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority.

<sup>8</sup> Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

<sup>9</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2011 Act.

## Council functions - general<sup>10</sup>

1. In relation to approvals, licences, permissions or registrations which come within the Assistant Chief Executive (Citizens and Communities)'s authority<sup>9</sup>:

	<b>Function delegated by post-holder</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	Functions 5 to 7 listed above in the table of Council functions – specific to Assistant Chief Executive	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Taxi and Private Hire Licensing Section Head</li> <li>• Principal Managers</li> </ul>	
		Functions 1 to 3, 4 and 8 to 10 listed above in the table of Council functions – specific to Assistant Chief Executive	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Entertainment Licensing Section Head</li> <li>• Principal Licensing Officers</li> <li>• Licensing Officers (Entertainment Licensing)</li> </ul>	
(b)	To determine any terms to which they are subject	Functions 5 to 7 listed above in the table of Council functions – specific	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Taxi and Private Hire</li> </ul>	

<sup>10</sup> Under Section 2C of Part 3 of the constitution

	Function delegated by post-holder	Approval, licence, permit or registration - see table above	Officer to whom sub-delegated	Terms and conditions
		to Assistant Chief Executive	Licensing Section Head <ul style="list-style-type: none"> <li>Principal Managers</li> </ul>	
		Functions 1 to 3, 4 and 8 to 10 listed above in the table of Council functions – specific to Assistant Chief Executive	<ul style="list-style-type: none"> <li>Head of Licensing and Registration</li> <li>Entertainment Licensing Section Head</li> <li>Principal Licensing Officers</li> <li>Licensing Officers (Entertainment Licensing)</li> </ul>	
(c)	To determine whether and how to enforce any failure to comply <sup>11</sup>	Functions 5 to 7 listed above in the table of Council functions – specific to Assistant Chief Executive	<ul style="list-style-type: none"> <li>Head of Licensing and Registration</li> <li>Taxi and Private Hire Licensing Section Head</li> <li>Principal Managers</li> <li>Enforcement Officers (Taxi &amp; Private Hire)</li> <li>Vehicle Inspectors (Taxi &amp; Private Hire)</li> </ul>	
		Functions 1 to 3, 4 and 8 to 10 listed above in the table of Council functions –	<ul style="list-style-type: none"> <li>Head of Licensing and Registration</li> <li>Entertainment Licensing</li> </ul>	

<sup>11</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.

	<b>Function delegated by post-holder</b>	<b>Approval, licence, permit or registration - see table above</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
		specific to Assistant Chief Executive	Section Head <ul style="list-style-type: none"> <li>• Principal Licensing Officers</li> <li>• Principal Liaison and Enforcement Officer</li> <li>• Senior Liaison and Enforcement Officers</li> </ul>	
(d)	To amend, modify, vary or revoke	Functions 5 to 7 listed above in the table of Council functions – specific to Assistant Chief Executive	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Taxi and Private Hire Licensing Section Head</li> <li>• Principal Managers</li> <li>• Enforcement Officers (Taxi &amp; Private Hire)</li> <li>• Vehicle Inspectors (Taxi &amp; Private Hire)</li> </ul>	
		Functions 1 to 3, 4 and 8 to 10 listed above in the table of Council functions – specific to Assistant Chief Executive	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Entertainment Licensing Section Head</li> <li>• Principal Licensing Officers</li> <li>• Licensing Officers (Entertainment Licensing)</li> </ul>	
(e)	To determine whether a	Functions 5 to 7 listed	<ul style="list-style-type: none"> <li>• Head of Licensing and</li> </ul>	

	<b>Function delegated by post-holder</b>	<b>Approval, licence, permit or registration - see table above</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
	charge should be made and the amount of such a charge	above in the table of Council functions – specific to Assistant Chief Executive	Registration <ul style="list-style-type: none"> <li>• Taxi and Private Hire Licensing Section Manager</li> </ul>	
		Functions 1 to 3, 4 and 8 to 10 listed above in the table of Council functions – specific to Assistant Chief Executive	<ul style="list-style-type: none"> <li>• Head of Licensing and Registration</li> <li>• Entertainment Licensing Section Head</li> <li>• Principal Licensing Officers</li> </ul>	

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

	<b>Function delegated by Assistant Chief Executive (Citizens and Communities)</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>12</sup>	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	In accordance with guidance notes jointly prepared by the City Solicitor and the Deputy Chief Executive and, where a payment exceeds £100, only following consultation with the Assistant Chief Executive (Citizens and Communities).
(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.	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	For areas within their remit
(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.	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	For areas within their remit
(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload.	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> </ul>	Subject to there being budgetary provision. Such staff should be employed on terms set out in the

<sup>12</sup> Item 48 of Schedule 1 Local Authorities (Functions and Responsibilities) Regulations 2000



	<b>Function delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
		<ul style="list-style-type: none"> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	<p>guidance issued by the Deputy Chief Executive. Decision to establish or extend a temporary contract for more than one year to only take place following consultation with the Assistant Chief Executive (Citizens and Communities).</p>
(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.	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	For areas within their remit, excluding posts graded DIR 40% and above.
(d)	To enforce byelaws.	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	

## Executive functions <sup>i</sup> – specific to Assistant Chief Executive (Citizens and Communities)

With the exception of those matters where an appropriate Executive Member<sup>13</sup> has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>14</sup>, the Assistant Chief Executive (Citizens and Communities)<sup>15</sup> is authorised to discharge any function<sup>16</sup> of the Executive in relation to:

	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
(a)	The management and oversight of locality based working arrangements	Chief Officer (Communities)	
(b)	The promotion and improvement of economic, social and environmental well being <sup>17</sup>	Chief Officer (Communities) Area Leaders	
(c)	Customer services <sup>18</sup>	Chief Officer (Customer Access)	
(d)	The registration of births, deaths, marriages and civil partnerships	<ul style="list-style-type: none"> <li>• Chief Officer (Elections, Licensing and Registrars)</li> <li>• Head of Licensing and</li> </ul>	

<sup>13</sup> 1 An “appropriate Executive Member” is the Leader or other appropriate portfolio-holding Member of the Executive Board.

<sup>14</sup> 2 The Assistant Chief Executive may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration by the Executive Board

<sup>15</sup> The fact that a function has been delegated to the Assistant Chief Executive does not require the Assistant Chief Executive to give the matter his/her personal attention and he/she may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Assistant Chief Executive remains responsible for any decision taken pursuant to such arrangements.

<sup>16</sup> Function” for these purposes is to be construed in a broad and inclusive fashion, and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Assistant Chief Executive as “proper officer” for the purpose of any function delegated to him/her under these arrangements.

<sup>17</sup> This function to be used in the respect of delegations to community committees (as set out in the Community Committee Executive Delegation Scheme) to allow urgent decisions relating to the use of the annual capital and revenue allocation to any such committee, and subject to any conditions stipulated by the Executive or the relevant Community Committee.

<sup>18</sup> Including the promotion of e-services

	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
		<ul style="list-style-type: none"> <li>Registration</li> <li>• Register Office Section Head (Superintendent Registrar)</li> </ul>	
(e)	Licensing and other related functions <sup>19</sup> , and enforcement	<ul style="list-style-type: none"> <li>• Chief Officer (Elections, Licensing and Registrars)</li> <li>• Head of Licensing and Registration</li> <li>• Taxi and Private Hire Licensing Section Head</li> <li>• Entertainment Licensing Section Head</li> <li>• Principal Licensing Officers</li> <li>• Principal Liaison and Enforcement Officer</li> <li>•</li> </ul>	
		<ul style="list-style-type: none"> <li>• Senior Liaison and Enforcement Officers</li> <li>• Licensing Officers</li> </ul>	Except for the refusal of applications under the Scrap Metal Dealers Act 2013.
(f)	Land charges	<ul style="list-style-type: none"> <li>• Chief Officer (Elections, Licensing and Registrars)</li> <li>• Head of Licensing and</li> </ul>	

<sup>19</sup> These functions were delegated to the Licensing Committee by full Council on 14 July 2010

	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
		Registration <ul style="list-style-type: none"> <li>• Section Head Local Land Charges</li> </ul>	
(g)	Benefits administration and the promotion of welfare rights	<ul style="list-style-type: none"> <li>• Chief Officer (Welfare and Benefits)</li> </ul>	
(h)	Corporate equality and diversity activities	<ul style="list-style-type: none"> <li>• Chief Officer (Communities)</li> </ul>	
(i)	Administration and oversight of the Social Inclusion Fund	<ul style="list-style-type: none"> <li>• Chief Officer (Welfare and Benefits)</li> </ul>	

## Executive functions – general delegations to officers

	Function sub-delegated by Assistant Chief Executive (Citizens and Communities)	Officer to whom sub-delegated	Terms and conditions
	<b>FINANCIAL</b>		
1.	To incur expenditure and to generate and collect income in line with Financial Regulations, Contract procedure Rules and within approved revenue and capital estimates.	Chief Officer (Customer Access) Chief Officer (Communities) Chief Officer (Welfare and Benefits) Chief Officer (Elections, Licensing and Registrars) Head of Licensing and Registration Register Office Section Head (Superintendent Registrar) Taxi and Private Hire Licensing Section Head Entertainment Licensing Section Head Principal Licensing Officers Principal Liaison and Enforcement Officer Senior Liaison and Enforcement Officers Licensing Officers	For matters within their remit
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.	Chief Officer (Customer Access) Chief Officer (Communities) Chief Officer (Welfare and	For matters within their remit

	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
		Benefits) Chief Officer (Elections, Licensing and Registrars) Head of Licensing and Registration Register Office Section Head (Superintendent Registrar) Taxi and Private Hire Licensing Section Head Entertainment Licensing Section Head Principal Licensing Officers Principal Liaison and Enforcement Officer Senior Liaison and Enforcement Officers Licensing Officers	
	<b>PROCUREMENT</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.	Chief Officer (Customer Access) Chief Officer (Communities) Chief Officer (Welfare and Benefits) Chief Officer (Elections, Licensing and Registrars)	
4.	To approve all matters relating to operational PFI projects, including (without limitation) variations to project documents and refinancing.	Chief Officer (Customer Access) Chief Officer (Communities) Chief Officer (Welfare and	

	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
		Benefits) Chief Officer (Elections, Licensing and Registrars)	
5.	<b>Signature of Certificates for Contracts – Local Government (Contracts) Act 1997 (“the 1991 Act”)</b>  Subject to the approval of the City Solicitor and the Deputy Chief Executive, to sign certificates under the 1997 Act in relation to contracts.	NOT TO BE SUB-DELEGATED	
	<b>GENERAL</b>		
6.	Community Right to Challenge  In consultation with the Chief Officer PPPU and Procurement, to make a decision on an expression of interest under community right to challenge.	Chief Officers	
9.	<b>Data Protection, Human Rights, Surveillance activities, and Freedom of Information</b>		
	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>	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	In relation to those areas within their remit.
	b) To designate officers with specific responsibilities for these matters.	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> </ul>	In relation to those areas within their remit.

	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
		<ul style="list-style-type: none"> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	
	<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> <li>• new persons or organisations to whom data is given.</li> </ul>	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	In relation to those areas within their remit.
8.	<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>	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	<p>In relation to those areas within their remit.</p> <p>And</p> <p>Only following consultation with the Assistant Chief Executive (Citizens and Communities)</p>



	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
9.	<p><b>Authorising officers<sup>j</sup></b></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>	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	In relation to those areas within their remit.
10.	<p><b>Corporate procedures<sup>k</sup></b></p> <p>To take any action remitted to the Director under corporate procedures.</p>	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	In relation to those areas within their remit.
11.	<p><b>Local Choice Functions (see Section 1, Part 3 of the Constitution)</b></p>		
	<p>(a) Functions under a local act, unless otherwise specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000</p>	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections,</li> </ul>	In relation to those areas within their remit.

	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
		Licensing and Registrars)	
	(b) To obtain particulars of persons interested in land	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	In relation to those areas within their remit.
12.	<b>Budget and policy framework</b>  To canvas the views of local stakeholders, formulate and publish initial proposals within the budget and policy framework	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	In relation to those areas within their remit.
	<b>PERSONNEL</b>		
13.	<b>Miscellaneous employment issues</b>  To deal with employment issues in accordance with agreed procedures and the relevant national conditions of	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> </ul>	In relation to those areas within their remit.

	<b>Function sub-delegated by Assistant Chief Executive (Citizens and Communities)</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
	service as modified or extended by any local or national agreements	<ul style="list-style-type: none"> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	
14.	<p><b>Changes to staff structure</b></p> <p>Decisions in relation to restructures except where the decision:</p> <ol style="list-style-type: none"> <li>involves changes to existing National or Local Agreements and policies; and/or</li> <li>cannot be achieved within delegated powers in respect of budgets</li> </ol>	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	<p>Decisions are subject to:</p> <ol style="list-style-type: none"> <li>appropriate professional advice being sought,</li> <li>prior consultation with all appropriate parties affected by the decision including all officially recognised trade unions, and</li> <li>appropriate consideration of pay and grading requirements</li> </ol> <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>

## Delegation of functions under Articles <sup>20</sup> 1

Article	Function	Officer to whom sub-delegated	Terms and conditions
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 value below £100,000 agreed to be entered into by the Council or any part of it.	<ul style="list-style-type: none"> <li>• Chief Officer (Customer Access)</li> <li>• Chief Officer (Communities)</li> <li>• Chief Officer (Welfare and Benefits)</li> <li>• Chief Officer (Elections, Licensing and Registrars)</li> </ul>	In relation to those areas within their remit.

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<sup>20</sup> Part 2 of the constitution

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

	Function	Officer to whom sub-delegated	Terms and conditions
i	Undertake role of Senior Information Risk Owner (SIRO) <sup>21</sup>	<ul style="list-style-type: none"> <li>• Chief Officer (Corporate Support)</li> <li>• Corporate Information Governance Manager</li> </ul>	Where the SIRO is not available: <ul style="list-style-type: none"> <li>• have ultimate responsibility for the acceptance, or otherwise, of information risks for the council;</li> <li>• responsible for approving, and ensuring implementation of, all policies and procedures relating to the Information Governance Framework;</li> </ul>
ii	To approve Information Governance (IG) policy exemptions	Chief Officer (Corporate Support)	<ul style="list-style-type: none"> <li>• Level 3 exemptions where it is anticipated there will be a high business impact.</li> <li>• In consultation with IGMB.</li> </ul>
		<ul style="list-style-type: none"> <li>• Directorate Information Compliance Officers</li> <li>• Corporate Information Compliance Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Level 2 exemptions where it is anticipated there will be a medium business impact.</li> <li>• In consultation with key stakeholders.</li> </ul>
		Heads of Service	<ul style="list-style-type: none"> <li>• Level 1 exemptions where it is anticipated there will</li> </ul>

<sup>21</sup> Corporate Leadership Team designated the Assistant Chief Executive (Customer Access and Performance ) as the SIRO in February 2011.

	Function	Officer to whom sub-delegated	Terms and conditions
			<p>be a low business impact.</p> <ul style="list-style-type: none"> <li>In consultation with key stakeholders.</li> </ul>
iii	To investigate information security breaches	<ul style="list-style-type: none"> <li>Directorate Information Compliance Officers</li> <li>Nominated Data Protection/ Freedom of Information Practitioners</li> <li>Corporate Information Compliance Manager</li> </ul>	In liaison with HR and other key stakeholders.
iv	Approve Information Sharing Arrangements Agreements, Data Processing Agreements, Non-disclosure agreements when sharing information with third parties	Information Asset Owner (IAO)	<ul style="list-style-type: none"> <li>For the information assets for which they have been identified as the responsible officer.</li> <li>This will include the formal sign-off of Information Sharing Agreements, Data Processing Agreements and Non-disclosure agreements.</li> </ul>
		Directorate Information Compliance Officer	Where the IAO is not available.
v	Prioritise and manage information risks on behalf of the council	<ul style="list-style-type: none"> <li>Chief Officer (Corporate Support)</li> <li>Information Asset Owners</li> <li>Corporate Information Compliance Manager</li> </ul>	Aligned with the corporate risk management process
vi	Approve access to secure email accounts	<ul style="list-style-type: none"> <li>Directorate Information Compliance Officer</li> </ul>	Following completion of the relevant documentation

	<b>Function</b>	<b>Officer to whom sub-delegated</b>	<b>Terms and conditions</b>
		<ul style="list-style-type: none"> <li>• Corporate Information Compliance Manager</li> </ul>	including the request form, self-declaration of criminal convictions form and the security operating procedures.
vii	Implement and ensure compliance with the rules on data protection, human rights, surveillance activities and freedom of information	Data Protection/ Freedom of Information Practitioners	In liaison with key stakeholders.

# 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>22</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>22</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>n</sup> to appropriate officers. These officers must be of suitable experience or seniority.

Your sub-delegation scheme sets out how you as the Assistant Chief Executive (Citizens and Communities) 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 Assistant Chief Executive (Citizens and Communities)**

Please replace any reference to Assistant Chief Executive (Citizens and Communities) 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 Assistant Chief Executive (Citizens and Communities)s within the definition.

#### **e** Absence of Assistant Chief Executive (Citizens and Communities)

**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 Assistant Chief Executive (Citizens and Communities)s, you do not

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therefore need to include your statutory 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 Assistant Chief Executive (Citizens and Communities)**

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 Assistant Chief Executive (Citizens and Communities).

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 Assistant Chief Executive (Citizens and Communities)’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.

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

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

## **i Executive functions specific to Assistant Chief Executive (Citizens and Communities)**

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 Assistant Chief Executive (Citizens and Communities)s 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.**

## **i 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.

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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.

## **K 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.

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

## **L 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.

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

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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 Assistant Chief Executive (Citizens and Communities), and so have not been delegated to the Assistant Chief Executive (Citizens and Communities) 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.

#### <sup>n</sup> **Functions**

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