

# Director's Sub-Delegation Scheme

<sup>1</sup>City Solicitor

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Signed<sup>2</sup> 

Dated 28 July 2020

Review Date <sup>3</sup>	Initial of reviewing officer

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<sup>1</sup> Insert title of Director here

<sup>2</sup> Approving a sub-delegation scheme should be treated as a Significant Operational Decision, and the Delegated Decision Notice, together with supporting report, and the scheme should be published on the Council's website.

<sup>3</sup> This scheme is first made at the beginning of the Municipal Year following delegations being made by the Leader and at the Annual Council Meeting. After this the sub-delegation scheme should be kept under review to ensure that it is up to date and fit for purpose – use this table to record the dates when the scheme is reviewed if no changes are necessary.



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# Introduction

The<sup>4</sup> City Solicitor is authorised in accordance with the Officer Delegation Scheme to carry out functions on behalf of Full Council and the Executive. Each Director has the benefit of a number of delegations – these are set out separately in two schemes; one for Council functions (delegated by Full Council) and one for Executive Functions (delegated by the Leader of Council). Each scheme is further separated into the general functions which are shared so that all Directors can carry out those functions in relation to areas within their remit, and specific functions which may only be carried out by or on behalf of the named Director. Details of those delegations can be found in Part 3 of the Council’s Constitution. Follow these links to find delegations in relation to [Council Functions](#) and [Executive Functions](#).

The Director has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the Director delegates functions to a fellow Director he/she makes it clear in this sub-delegation scheme whether that Director can sub-delegate those functions. This scheme details the officers who can carry out each function on the Director’s behalf, together with the details of any terms and conditions which the Director has imposed on that sub-delegation (examples can be found in footnote<sup>5</sup> below). All officers are bound by the [Employee Code of Conduct](#) and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme.

Even though the Director has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Director may indicate that the authority should not

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<sup>4</sup> Insert title of Director here.

<sup>5</sup> The Director may limit the delegation by imposing a term or condition, for example he/she may:-

- Impose a financial limit (e.g. decisions up to and including £100,000per annum in value);
- Impose a limit in relation to the category of the decision (e.g. Administrative decisions only);
- Require that certain decisions are referred to the Director or another senior officer (e.g. Key decisions to be referred to the Chief Officer (Environmental Action));
- Require an officer to consult specified people before making a particular type of decision (e.g. in consultation with the City Solicitor or in consultation with relevant ward Members);
- Limit decisions to those within an officer’s role (e.g. in relation to matters within their remit);
- Limit decisions to those relating to a specific function or project (e.g. decisions relating to the Basic Need Programme);

be exercised, in respect of any individual matter. In either case that matter should be referred to the Director for a decision or for referral to the relevant Committee if appropriate.

In some circumstances not all Directors have functions delegated to him/her in the delegation scheme. In these cases the relevant part of this sub-delegation scheme is marked as 'not applicable'.

Where the Director has chosen not to sub-delegate his/her authority, this is clearly stated within the scheme. Decisions in relation to those functions should be taken by the Director unless the absence provisions at the end of this scheme apply.

# Glossary

Council Functions	Functions which must be carried out by or on behalf of full Council. Functions which are reserved to Full Council can be found <a href="#">here</a> . Other Council functions are delegated to Committees of Elected Members or to individual officers.
Elected Members	Councillors elected by the citizens of Leeds.
Executive Board	The group of 10 Elected Members including and selected by the Leader, responsible for carrying out Executive functions.
Executive Functions	Functions which must be carried out by or on behalf of the Executive.
Full Council	The meeting of all 99 Elected Members of Leeds City Council
Functions	Things which Leeds City Council must or may do. All functions are set out in legislation which will state whether the function is permissive or mandatory.
Leader	The Leader of Council, elected by all 99 Members of Council. (Usually the chosen leader of the largest political group represented at full Council.)
Local Choice Functions	The Council must decide whether these functions should be treated as Council functions or Executive functions. Details of the responsibility for these functions can be found <a href="#">here</a> .
Officers	Staff employed by the Council.

Relevant Executive Member

The Leader gives Portfolios of responsibility to individual members of Executive Board. Details of specific responsibilities are set out in the [Executive Members Portfolios](#) and [Overview of Executive Member's Roles and Responsibilities](#).



## Group Delegations – Definitions and Priorities

The Director has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group. It also provides details of how it should be determined which of the officers within the group should take any given decision.

<b>Group Title</b>	<b>Officers included in group authorisation</b>	<b>Order of responsibility</b>
Managers	<ul style="list-style-type: none"> <li>• Legal Services Heads of Service</li> <li>• Head of Democratic Services</li> </ul>	Each to act in relation to matters within their remit unless absent in which case any other Manager may act.
Section Heads	<ul style="list-style-type: none"> <li>• Section Head Civil Litigation and Housing</li> <li>• Section Head Licensing, Communities and Corporate</li> <li>• Section Head Property and Development</li> <li>• Section Head Social Care (Legal)</li> </ul>	
Team Leaders Principal Legal Officers Senior Legal Officers Legal Officers Legal Assistants	<ul style="list-style-type: none"> <li>• As defined in the structure of Legal Services</li> </ul>	
Procurement and Commercial Services Managers	<ul style="list-style-type: none"> <li>• Head of Commercial (Legal) Procurement and Commercial Services</li> <li>• Procurement Manager Procurement and Commercial Services</li> <li>• Contracts Manager Procurement and Commercial Services</li> <li>• Legal Manager Procurement and Commercial Services</li> </ul>	
Procurement and Commercial Services Solicitors	<ul style="list-style-type: none"> <li>• Procurement and Commercial Services Solicitors</li> </ul>	

# Delegation of Functions Under Articles

The functions set out in this part of the sub-delegation scheme are delegated to the Director by Full Council through the relevant Article of the Constitution.

## General Delegations

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to all Directors, for matters within his/her Director's remit only.

<b>Article</b>	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
14.5	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>• Managers</li><li>• Section Heads</li><li>• Team Leaders</li><li>• Procurement and Commercial Services Managers</li><li>• Procurement and Commercial Services Solicitors</li></ul>	Contracts of a value below £100,000 <sup>6</sup> In respect of contracts relating to matters within their remit

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<sup>6</sup> Contracts above the value of £100,000 are signed in accordance with Article 14 and the sub-delegation scheme of the City Solicitor.

# Delegation of Functions Under Articles -

## Specific Delegations<sup>7</sup>

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to the Director alone, with general effect.

Article	Function Delegated	Officer to whom delegated	Terms and Conditions
	<b>Functions of Monitoring Officer</b>		
12.2	To maintain the Constitution	Legal Services Heads of Service	
12.2	To ensure the lawfulness and fairness of decision making and report to full Council or the Executive	Not delegated	
12.2	To report on maladministration or injustice	Not delegated	
12.2	To support the Standards and Conduct Committee <sup>8</sup>	Head of Democratic Services	
12.2	To establish, maintain and publish the register of Members' interests	Head of Democratic Services	In respect of Leeds City Council and Parish and Town Councils in Leeds.
12.2	To act as the proper officer for access to information.	Head of Democratic Services	

<sup>7</sup> Specific Delegations are made under:-

- Article 12 to the Chief Executive as Head of Paid Service and Director of Resources and Housing as his deputy; the City Solicitor as Monitoring Officer and the Head of Democratic Services and the designated Head of Service, Legal Services as her deputies; and the Chief Officer (Financial Services) as Chief Finance Officer and Head of Finance – Financial Management as his deputy;
- Article 14 to the Chief Executive and the City Solicitor;
- Article 15 to the City Solicitor as Monitoring Officer;
- Article 16 to the City Solicitor as Monitoring Officer

<sup>8</sup> Including any action under the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct. In the absence of the Head of Democratic Services or where there is a potential conflict for this officer, the Assessment of a Complaint at Stage 1 of the complaints procedure may be undertaken by another officer of suitable seniority and experience nominated by the City Solicitor.

<b>Article</b>	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
12.2	To advise whether executive decisions are within the budget and policy framework	Not delegated	
12.2	To contribute to the Corporate Management of the Council	Not delegated	
12.2	To provide advice to Councillors	<ul style="list-style-type: none"> <li>• Managers</li> <li>• Section Heads</li> <li>• Team Leaders</li> <li>• Procurement and Commercial Services Managers</li> <li>• Procurement and Commercial Services Solicitors</li> </ul>	
12.2	To report to the Council as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions	Not delegated	
12.2	To receive copies of certificates under the Local Authorities (Contracts) Regulations 1997	Not delegated	
15.1	To monitor and review the Constitution	Legal Services Heads of Service	
15.2	To make changes to the Constitution	Legal Services Heads of Service	To make any changes to any Part of the Constitution which are required as a result of legislative change or decisions of the Council <sup>9</sup> or Executive <sup>10</sup> to enable him/her to maintain it up to date; or for the purposes of clarification only.
16.3	To ensure that copies of the Constitution are available for inspection and can be purchased on payment of a reasonable fee	Legal Services Heads of Service	
16.3	To ensure that the summary of the Constitution is made widely available and updated	Legal Services Heads of Service	

<sup>9</sup> Including Council Committees and Officers acting under delegated authority.

<sup>10</sup> Including Committees of the Executive and Officers acting under delegated authority.

Article	Function Delegated	Officer to whom delegated	Terms and Conditions
	<b>Functions of City Solicitor</b>		
14.3	<p><b>Legal proceedings</b> To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or any part of it or in any case where the City Solicitor considers that such action is necessary to protect the Council's interests</p>	<p>Legal Services Heads of Service</p> <ul style="list-style-type: none"> <li>• Section Heads</li> <li>• Procurement and Commercial Services Managers</li> </ul> <p>Team Leaders</p> <ul style="list-style-type: none"> <li>• Principal Legal Officers</li> <li>• Senior Legal Officers</li> <li>• Legal Officers</li> <li>• Legal Assistants</li> <li>• Procurement and Commercial Services Solicitors</li> <li>• Assistant Procurement and Commercial Lawyer</li> </ul> <p>Director of Resources and Housing (with power for that Director to sub-delegate)</p>	<p>None</p> <p>In respect of matters within their remit</p> <p>In respect of matters within their remit or as otherwise authorised by their Section Head or Manager</p> <p>In respect of matters within their remit</p> <p>To take any action which the City Solicitor can take BUT only with regard to</p> <ul style="list-style-type: none"> <li>• the recovery of Council Tax and Business Rates;</li> <li>• the issuing of particulars of claim for rent arrears and warrant applications; and</li> <li>• the signing and completing of standard Shop Tenancy Agreements;</li> <li>• the renewal of tenancies under the Landlord and Tenant Act 1954 - section 25;</li> <li>• the completion of Rent Review Memoranda; Site Compound Agreements; Licences for temporary periods; Tenancy at Will; Site Indemnity / Investigations Agreements; and standard Garage Tenancy Agreements;</li> <li>• Applications for warrants under paragraph 2 of Schedule 3 of the Environmental Protection Act 1990.</li> </ul>

Article	Function Delegated	Officer to whom delegated	Terms and Conditions
		Director of City Development (with power for that officer to sub-delegate)	To take any action which the City Solicitor can take BUT only with regard to <ul style="list-style-type: none"> <li>the renewal of tenancies under the Landlord and Tenant Act 1954 - section 25;</li> <li>the completion of small Industrial Unit standard Tenancies; Wayleave Agreements with utilities companies; Garden Land Tenancies; Rent Review Memoranda; Site Compound Agreements; Licences for temporary periods; Tenancy at Will; Site Indemnity / Investigations Agreements; and standard Garage Tenancy Agreements</li> </ul>
		Director of Children and Families (with power for that officer to sub-delegate)	To take any action which the City Solicitor can take BUT only with regard to <ul style="list-style-type: none"> <li>the issuing of proceedings under the Education Act 1996 and the Education and Inspectorates Act 2006</li> </ul>
14.4	<b>Common Seal of the Council</b> To determine which documents should be sealed.	<ul style="list-style-type: none"> <li>Procurement and Commercial Services Managers</li> <li>Procurement and Commercial Services Solicitors</li> <li>Managers</li> </ul>	None
		Section Heads	In respect of matters within their remit
		Team Leaders	In respect of matters within their remit or as otherwise authorised by their Section Head or a Manager
14.4	To attest the affixing of the seal	<ul style="list-style-type: none"> <li>Procurement and Commercial Services Managers</li> <li>Managers</li> <li>Procurement and Commercial Services Solicitors</li> </ul>	None
		Section Heads	In respect of matters within their remit

Article	Function Delegated	Officer to whom delegated	Terms and Conditions
		Team Leaders	In respect of matters within their remit or as otherwise authorised by their Section Head or a Manager
14.4	To make an entry into the book of every deed to which the seal has been affixed	Legal Services Heads of Service	None
		<ul style="list-style-type: none"> <li>• Section Heads</li> <li>• Procurement and Commercial Services Managers</li> <li>• Procurement and Commercial Services Solicitors</li> <li>• Assistant Procurement and Commercial Lawyer</li> </ul>	In respect of matters within their remit.
		Team Leaders	In respect of matters within their remit or as otherwise authorised by their Section Head or a Manager
		<ul style="list-style-type: none"> <li>• Principal Legal Officers</li> <li>• Senior legal Officers</li> <li>• Legal Officers</li> <li>• Legal Assistants</li> <li>• Clerical Assistants</li> </ul>	In respect of matters within their remit.
14.5	<b>Signature of Contracts<sup>11</sup></b> The City Solicitor (or other person authorised by them) shall be authorised to sign as Agent for the Council all contracts agreed to be entered into by the Council, or any part of it.	<ul style="list-style-type: none"> <li>• Procurement and Commercial Services Managers</li> <li>• Procurement and Commercial Services Solicitors</li> </ul>	In respect of contracts of any value and in relation to all Council functions.
		<ul style="list-style-type: none"> <li>• Legal Services Heads of Service</li> <li>• Section Heads</li> </ul>	In respect of contracts of any value in relation to matters within their remit.
		Team Leaders	<ul style="list-style-type: none"> <li>• In respect of contracts of any value in relation to matters within their remit; or</li> </ul>

<sup>11</sup> Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of the Constitution. Any contract with a value exceeding £100,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer, or in the case of electronic contracts, accepted by one officer, provided that at least two officers of the authority have approved in writing the execution of the contract.

Article	Function Delegated	Officer to whom delegated	Terms and Conditions
			<ul style="list-style-type: none"> <li>As otherwise authorised by their Section Head or a Manager.</li> </ul>
14.5	<p><b>Authentication of Documents for legal proceedings</b> Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the City Solicitor or other person authorised by him/her unless any enactment otherwise requires or authorises, or the Council give necessary authority to some other person for the purpose of such proceedings.</p>	<p>Legal Services Heads of Service</p> <ul style="list-style-type: none"> <li>Section Heads</li> <li>Procurement and Commercial Services Managers</li> </ul> <p>Team Leaders</p> <ul style="list-style-type: none"> <li>Principal Legal Officers</li> <li>Procurement and Commercial Services Solicitors</li> <li>Assistant Procurement and Commercial Lawyer</li> <li>Senior Legal Officers</li> <li>Legal Officers</li> <li>Legal Assistants</li> </ul> <p>Director of Resources and Housing (with power for that Director to sub-delegate)</p>	<p>None</p> <p>In respect of matters within their remit</p> <p>In respect of matters within their remit or as otherwise authorised by their Section Head or a Manager</p> <p>In respect of matters within their remit</p> <p>To take any action which the City Solicitor can take BUT only with regard to</p> <ul style="list-style-type: none"> <li>the recovery of Council Tax and Business Rates;</li> <li>the issuing of particulars of claim for rent arrears and warrant applications; and</li> <li>the signing and completing of standard Shop Tenancy Agreements;</li> <li>the renewal of tenancies under the Landlord and Tenant Act 1954 - section 25;</li> <li>the completion of Rent Review Memoranda; Site Compound Agreements; Licences for temporary periods; Tenancy at Will; Site Indemnity / Investigations Agreements; and standard Garage Tenancy Agreements;</li> </ul>



Article	Function Delegated	Officer to whom delegated	Terms and Conditions
			<ul style="list-style-type: none"> <li>• Applications for warrants under paragraph 2 of Schedule 3 of the Environmental Protection Act 1990.</li> </ul>
		Director of City Development (with power for that officer to sub-delegate)	To take any action which the City Solicitor can take BUT only with regard to <ul style="list-style-type: none"> <li>• the renewal of tenancies under the Landlord and Tenant Act 1954 - section 25;</li> <li>• the completion of small Industrial Unit standard Tenancies; Wayleave Agreements with utilities companies; Garden Land Tenancies; Rent Review Memoranda; Site Compound Agreements; Licences for temporary periods; Tenancy at Will; Site Indemnity / Investigations Agreements; and standard Garage Tenancy Agreements</li> </ul>
		Director of Children and Families (with power for that officer to sub-delegate)	To take any action which the City Solicitor can take BUT only with regard to <ul style="list-style-type: none"> <li>• the issuing of proceedings under the Education Act 1996 and the Education and Inspectorates Act 2006</li> </ul>

# Council Functions –

## Introduction

The functions set out in this part of the sub-delegation scheme are Council Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)<sup>12</sup> which have been delegated to the Director by Full Council, or by a Council Committee.

Decisions in relation to these functions should be categorised in accordance with [Article 13](#) and taken in accordance with [the Access to Information Procedure Rules](#)<sup>13</sup>.

Where a Significant Operational Decision is taken in relation to a Council Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice, both of which can be found in the [Decision Making Toolkit](#). The decision may be implemented immediately. The report supporting the decision should be published together with the Delegated Decision Notice on the Council's website as soon as practicable after the decision has been taken.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Notice to make this written record if it is helpful to do so. The decision may be implemented immediately.

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<sup>12</sup> And those Local Choice Functions which are the responsibility of Full Council and have been delegated to the Director

<sup>13</sup> These rules incorporate the requirements of the Openness of Local Government Bodies Regulations 2014 in relation to the publication of written records of relevant decisions.

# Council Functions –

## General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
<b>General</b>			
(a)	To make payments or provide other benefits in cases of maladministration	Managers	In accordance with guidance notes jointly prepared by the City Solicitor and the Director of Resources and Housing.
(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	Managers	In respect of functions within their remit.
<b>Personnel</b>			
(c)(i)	To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure	<ul style="list-style-type: none"> <li>• Managers</li> <li>• Section Heads</li> <li>• Team Leaders</li> </ul>	
(c)(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision.	<ul style="list-style-type: none"> <li>• Managers</li> <li>• Section Heads</li> </ul>	<ol style="list-style-type: none"> <li>1. Subject to there being budgetary provision.</li> <li>2. Such staff should be employed on terms set out in the guidance issued by the Director of Resources and Housing.</li> </ol>

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
(c)(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	Managers	
<b>Byelaws</b>			
(d)	The enforcement of byelaws <sup>14</sup>	<ul style="list-style-type: none"> <li>• Legal Services Heads of Service</li> <li>• Section Heads</li> </ul>	

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<sup>14</sup> There are currently no byelaws delegated to the City Solicitor

# Council Functions –

## Specific Delegations

The sub-delegation scheme for Council functions set out below includes a number of powers authorising the named officer to make decisions in relation to approvals, licenses, permissions and registrations. In accordance with his/her general delegations, and unless otherwise stated, the Director includes in relation to those authorisations the power to:-

- a) Impose conditions, limitation or restrictions;
- b) Determine any terms to which they are subject;
- c) Determine whether and how to enforce any failure to comply;
- d) Amend, modify, vary or revoke; and
- e) Determine whether a charge should be made or the amount of such a charge.

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
1	Monitoring Officer for the Council	Delegations in accordance with Articles – set out above	
2	<b>Local Choice Functions</b>		
a.	To appoint review boards under the Social Security Act 1998 <sup>15</sup>	Head of Democratic Services	

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<sup>15</sup> S34(4) Social Security Act 1998

	Function Delegated	Officer to whom delegated	Terms and Conditions
3	<b>Council (non-executive) functions</b>		
a.	To make standing orders in relation to Access to Information in accordance with Section 106 of and paragraph 42 of Schedule 12 of the Local Government Act 1972.	Head of Democratic Services	
4	<b>Appointments to Committee, Boards and Panels<sup>16</sup></b>		
a.	To appoint members to vacancies during the period between the local elections and the Annual Council meeting, in consultation with appropriate whips, in order to secure that meetings necessary to be held during that period can proceed with adequate and appropriate membership levels.	Head of Democratic Services	
b.	The City Solicitor is authorised to make or amend Member appointments to committees during the period between the Annual Council Meeting and the first ordinary meeting of Council: <ul style="list-style-type: none"> <li>i. Where an appointment has been agreed as a Whips nominee and the Whip for that group subsequently submits a nomination; and/or</li> <li>ii. Where a group whip wishes to replace a committee Member with another Member of the same group.</li> </ul>	Head of Democratic Services	

<sup>16</sup> Decisions taken by the City Solicitor in accordance with this authority will be reported to the first ordinary meeting of Full Council.

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
5	<b>Provision of Legal Services</b>		
(b)(i)	To take any action intended to give effect to a decision of the Council (including decisions taken by a committee in accordance with its terms of reference or by a Director in accordance with the Council's scheme of delegation)	Legal Services Heads of Service	None
		<ul style="list-style-type: none"> <li>• Section Heads</li> <li>• Procurement and Commercial Services Managers</li> <li>• Procurement and Commercial Services Solicitors</li> <li>• Assistant Procurement and Commercial Lawyer</li> </ul>	In respect of matters within their remit
		Team Leaders	In respect of matters within their remit or as otherwise authorised by their Section Head or a Manager
		<ul style="list-style-type: none"> <li>• Principal Legal Officers</li> <li>• Senior Legal Officers</li> <li>• Legal Officers</li> <li>• Legal Assistants</li> </ul>	In respect of matters within their remit

# Executive Functions –

## Introduction

The functions set out in this part of the sub-delegation scheme are Executive Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)<sup>17</sup> which have been delegated to the Director by the Leader of Council. If the Leader or relevant Executive Member<sup>18</sup> directs that the Director should not exercise his/her delegated authority in respect of any Executive function, then the officer with sub-delegated authority may not exercise that authority, and the matter must be referred to Executive Board.

Decisions in relation to these functions should be categorised in accordance with [Article 13](#) and taken in accordance with [the Executive and Decision Making Procedure Rules](#).

Where a Key Decision is proposed in relation to an Executive Function it should be publicised on the Council's web site using the Request to add a Key Decision to the 'List of Forthcoming Key Decisions' form. The decision itself should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice. The necessary templates can be found in the [Decision Making Toolkit](#). In most cases a Key Decision will be open to Call In and should not be implemented until the Call In period has expired.

Where a Significant Operational Decision is taken in relation to an Executive Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice. The report supporting the decision should be published together with the Delegated Decision Notice on the Council's website as soon as practicable after the decision has been taken. A Significant Operational Decision may be implemented immediately.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Notice to make this written record if it is helpful to do so. There is no requirement to publish the decision and it may be implemented immediately.

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<sup>17</sup> And those Local Choice Functions which are the responsibility of the Executive Board and have been delegated to the Director

<sup>18</sup> See glossary.



# Executive Functions –

## General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
<b>Financial<sup>19</sup></b>			
1	To incur expenditure and to generate and collect income in line with <a href="#">Financial Regulations</a> , <a href="#">Contracts Procedure Rules</a> and within approved revenue and capital estimates.	<ul style="list-style-type: none"> <li>Managers</li> <li>Section Heads</li> </ul>	In respect of matters within their remit or as otherwise authorised by their Section Head or a Manager
		Team Leaders	
		Officers approved as FMS authorisers	
2	In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Chief Finance Officer at the first opportunity.	<ul style="list-style-type: none"> <li>Managers</li> <li>Section Heads</li> </ul>	
<b>Procurement<sup>20</sup></b>			
3	To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the <a href="#">Contracts Procedure Rules</a> .	<ul style="list-style-type: none"> <li>Managers</li> <li>Section Heads</li> </ul>	

<sup>19</sup> See [Financial Regulations Toolkit](#)

<sup>20</sup> See [Procurement and Category Management Toolkit](#)

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
4	To approve all matters relating to operational PFI projects, including (without limitation) variations to project documents and refinancing.	Not delegated	
5	<b>Signature of Certificates for Contracts – Local Government (Contracts) Act 1997 ('the 1991 Act')<sup>21</sup></b>  Subject to the approval of the City Solicitor and the Chief Finance Officer, to sign certificates under the 1997 Act in relation to contracts.	NOT TO BE SUB-DELEGATED <sup>22</sup>	
<b>General</b>			
6	Community Right to Challenge <sup>23</sup>  In consultation with the Chief Officer (Financial Services) <sup>24</sup> , to make a decision on an expression of interest under community right to challenge.	Chief Officers and Managers	
7	Data Protection, Human Rights, Surveillance activities, and Freedom of Information <sup>25</sup>		

<sup>21</sup>This function deals with signing a certificate to indicate that the authority has power to enter into a contract. Signing the contract itself is a separate action and authority to sign a contract is delegated under [Article 14](#) of the Council's Constitution and is sub-delegated under the part of this scheme which deals with authority under the Articles.

<sup>22</sup> In the event of the absence of the Director the certificate must be signed by the Chief Finance Officer or City Solicitor or in their absence one of the Statutory Chief Officers or Non-Statutory Chief Officers to whom authority is delegated under the Officer Delegation Scheme (Executive Functions) General Delegations paragraph 5.

<sup>23</sup> Sections 81-86 Localism Act 2011 and Community Right to Challenge (Expressions of Interest and Excluded Services)(England) Regulations 2012

<sup>24</sup> Or the officer to whom the Chief Officer (Financial Services) has sub-delegated this function

<sup>25</sup> See [Managing Information Toolkit](#)

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
	a) To implement and ensure compliance with: <ul style="list-style-type: none"> <li>• the legal rules on data protection, human rights, surveillance activities, and freedom of information</li> <li>• the council's policies and procedures on these matters</li> <li>• guidance and advice from the SIRO<sup>26</sup> and from the SRO<sup>27</sup> and from the DPO<sup>28</sup> on these matters.</li> </ul>	Managers	In respect of functions within their remit.
	b) To designate officers with specific responsibilities for these matters.	Managers	In respect of functions within their remit.
	c) To advise the SIRO of any:- <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>• Managers</li> <li>• Section Heads</li> </ul>	
8	Media <sup>29</sup>  To issue statements to the press and other news media about their delegated functions within the Council's adopted Budget and Policy Framework <sup>30</sup> .	Managers	In respect of functions within their remit.

<sup>26</sup> The Council's SIRO (Senior Information Risk Owner) is the Director of Resources and Housing

<sup>27</sup> The Council's SRO (Senior Responsible Officer) is the City Solicitor

<sup>28</sup> The Head of Information Management and Governance has been designated as the Council's DPO (Data Protection Officer)

<sup>29</sup> See [Dealing with the Media Toolkit](#)

<sup>30</sup> The Budget and Policy Framework is defined in Article 4 of the Constitution.

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
9	<p>Authorising officers<sup>31</sup></p> <p>To authorise or appoint 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>	Managers	In respect of functions within their remit.
10	Corporate procedures <sup>32</sup>		
	a) To take any action remitted to him/her under corporate procedures. <sup>33</sup>	<ul style="list-style-type: none"> <li>• Managers</li> <li>• Section Heads</li> </ul>	

<sup>31</sup> This delegation gives the officer detailed power to grant authority for other officers to carry out certain statutory powers or duties (e.g. entering onto land or appearing in court). This part of the sub-delegation scheme does not detail those 'authorised officers' – Authorised officers are given separate evidence of their authority (e.g. an ID card or certificate), signed by the person named here who has the power to authorise them. Their details are kept in a separate list together with details of who authorised them, the date they were authorised and the functions for which they are authorised.

<sup>32</sup> This function refers to any powers delegated to the Director under the Procedure Rules set out at Part 4 of the Council's Constitution which are not specifically included elsewhere (for example functions under the Financial Regulations and the Contracts Procedure Rules which are delegated at Paragraphs 1 to 4 above)

<sup>33</sup> Where, under approved procedures, a function stands remitted to a committee or sub-committee or officer post that has not been re-established, the Chief Executive shall be authorised to determine by whom that function shall be discharged pending the review of such procedures.

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
	b) As the relevant officer designated as Gold or Silver under the Council's Emergency Management Plan to take any action necessary for: (1) responding to an emergency; and / or (2) facilitating the recovery following such an emergency	<ul style="list-style-type: none"> <li>Managers</li> </ul>	In respect of decisions taken whilst designated as gold or silver under Emergency Management Plan
11	Local Choice Functions (see Section 1, Part 3 of the Constitution)		
	(a) Functions under a local act, unless otherwise specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000	Not delegated	
	(b) To obtain particulars of persons interested in land	Managers	
12	Budget and policy framework  To canvas the views of local stakeholders, formulate and publish initial proposals within the budget and policy framework.	Managers	

	Function Delegated	Officer to whom delegated	Terms and Conditions
<b>Employment<sup>34</sup></b>			
13	<p>Miscellaneous employment issues</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>	<ul style="list-style-type: none"> <li>• Managers</li> <li>• Section Heads</li> </ul>	
14	<p>Changes to staff structure</p> <p>Decisions in relation to restructures except where the decision:</p> <p>(i) involves changes to existing National or Local Agreements and policies; and/or</p> <p>(ii) cannot be achieved within delegated powers in respect of budgets</p> <p>(iii) Decisions in respect of restructures which involve changes to existing agreements or policies and/or which have budgetary implications as set out in 4(b)(i) above are delegated to the Chief Finance Officer and are subject to consultation with the City Solicitor and other appropriate parties.</p>	Managers	<p>Decisions are subject to:</p> <p>i. appropriate professional advice being sought,</p> <p>ii. prior consultation with all appropriate parties affected by the decision including all officially recognised trade unions, and</p> <p>iii. appropriate consideration of pay and grading requirements</p> <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>
15	Workforce Development	Managers	

<sup>34</sup> See [Recruitment and Staffing Toolkit](#)

	Function Delegated	Officer to whom delegated	Terms and Conditions
<b>Ways of Working</b>			
16	<p><b>Matching service to need</b></p> <p>i) To understand relevant information in relation to local population and communities and to identify emerging trends;</p> <p>ii) To identify and review provision and to ensure it is appropriately matched to current and anticipated level of need;</p> <p>iii) To engage with locality management teams to maximise value of local experience and engagement; and</p> <p>To work appropriately with Community Committees to ensure local democratic engagement in needs analysis and service provision</p>	<ul style="list-style-type: none"> <li>• Managers</li> <li>• Section Heads</li> </ul>	
17	<p><b>Climate Change</b></p> <p>i) To understand and respond to climate change challenges arising in relation to discharge of functions within the Director's remit.</p>	<ul style="list-style-type: none"> <li>• Managers</li> <li>• Section Heads</li> </ul>	

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
18	<p><b>Partnerships</b></p> <p>i) To engage in partnerships with organisations in public, private, and voluntary sector</p> <p>ii) To promote and influence partnership working with organisations across the city; and</p> <p>iii) To work in partnership beyond the city boundaries to support and participate in regional and sub-regional arrangements.</p>	<ul style="list-style-type: none"> <li>• Managers</li> <li>• Section Heads</li> </ul>	
19	<p>Functions on Behalf of an NHS Body</p> <p>To carry out functions exercisable on behalf of an NHS body under Section 75 National Health Service Act 2006 in relation to matters within the Director's remit.</p>	<ul style="list-style-type: none"> <li>• Section Head Licensing, Communities and Corporate</li> <li>• Team Leaders</li> </ul>	In respect of functions within their remit.
20	<p>Provision of Statutory Returns</p> <p>To provide such statutory returns as are necessary within the Director's remit.</p>	<ul style="list-style-type: none"> <li>• Managers</li> <li>• Section Heads</li> </ul>	



# Executive Functions –

## Specific Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
<b>1) Legal Services</b>			
(a)	a) Provision of legal advice and related support services;	<ul style="list-style-type: none"> <li>• Procurement and Commercial Services Managers</li> <li>• Procurement and Commercial Services Solicitors</li> </ul>	<p>In relation to:</p> <ul style="list-style-type: none"> <li>• any project (including without limitation a PPP/PFI Project; an individual phase or New Project under the Building Schools for the Future programme (BSF); and Lease Plus Agreements or other agreements under LIFT); and</li> <li>• any contract or procurement for goods works and/ or services ;</li> </ul> <p>for the purposes of:</p> <ul style="list-style-type: none"> <li>• certifying any document on behalf of the City Council;</li> <li>• taking any necessary action to complete a project, contract or procurement including making, agreeing and initialling any final amendments to any documents.</li> </ul>
		Legal Services Heads of Service	This includes acting as Senior Responsible Officer (SRO) with regard to the Lexcel accreditation.
		<ul style="list-style-type: none"> <li>• Section Heads</li> <li>• Procurement and Commercial Services Managers</li> <li>• Procurement and Commercial Services Solicitors</li> <li>• Assistant Procurement and Commercial Lawyer</li> </ul>	In respect of matters within their remit

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
		<ul style="list-style-type: none"> <li>• Principal Legal Officers</li> <li>• Senior Legal Officers</li> <li>• Legal Officers</li> <li>• Legal Assistants</li> </ul>	In respect of matters within their remit
(b)	Functions relating to the role of Solicitor to the Council not otherwise set out at b(i) to b(iii) below		
(b)(i)	To take any action intended to give effect to a decision of the Executive (taken under the Leader's executive arrangements)	Legal Services Heads of Service	None
		<ul style="list-style-type: none"> <li>• Section Heads</li> <li>• Procurement and Commercial Services Managers</li> <li>• Procurement and Commercial Services Solicitors</li> <li>• Assistant Procurement and Commercial Lawyer</li> </ul>	In respect of matters within their remit
		Team Leaders	In respect of matters within their remit or as otherwise authorised by their Section Head or a Manager
		<ul style="list-style-type: none"> <li>• Principal Legal Officers</li> <li>• Senior Legal Officers</li> <li>• Legal Officers</li> <li>• Legal Assistants</li> </ul>	In respect of matters within their remit
(b)(ii)	The commencement, defence, withdrawal or settlement of proceedings	Director of Resources and Housing (with power for that Director to sub-delegate)	<p>To take any action which the City Solicitor can take BUT only with regard to:</p> <ul style="list-style-type: none"> <li>• the recovery of Council Tax and Business Rates;</li> <li>• The issuing of particulars of claim for rent arrears and warrant applications; and</li> <li>• The signing and completing of standard Shop Tenancy Agreements;</li> <li>• The renewal of tenancies under the Landlord and Tenant Act 1954 – section 25;</li> </ul>

	Function Delegated	Officer to whom delegated	Terms and Conditions
			<ul style="list-style-type: none"> <li>• The completion of Rent Review Memoranda; Site Compound Agreements; Licences for temporary periods; Tenancy at Will; Site Indemnity / Investigations Agreements; and standard Garage Tenancy Agreements;</li> <li>• Applications for warrants under paragraph 2 of Schedule 3 of the Environmental Protection Act 1990.</li> </ul>
		Director of City Development (with power for that Director to sub-delegate)	<p>To take any action which the City Solicitor can take BUT only with regard to:</p> <ul style="list-style-type: none"> <li>• The renewal of tenancies under the Landlord and Tenant Act 1954 – section 25;</li> <li>• The completion of small Industrial Unit standard tenancies; Wayleave Agreements with utilities companies; Garden Land Tenancies; Rent Review Memoranda; Site Compound Agreements; Licences for temporary periods; Tenancy at Will; Site Indemnity / Investigations Agreements; and standard Garage Tenancy Agreements.</li> </ul>
		Director of Children and Families (with power for that Director to sub-delegate)	<p>To take any action which the City Solicitor can take BUT only with regard to:</p> <ul style="list-style-type: none"> <li>• The issuing of proceedings under the Education Act 1996 and the Education and Inspectorates Act 2006.</li> </ul>
		Legal Services Heads of Service	None
		<ul style="list-style-type: none"> <li>• Section Heads</li> <li>• Procurement and Commercial Services Managers</li> <li>• Procurement and Commercial Services Solicitors</li> <li>• Assistant Procurement and Commercial Lawyer</li> </ul>	In respect of matters within their remit

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
		<ul style="list-style-type: none"> <li>• Principal Legal Officers</li> <li>• Senior Legal Officers</li> <li>• Legal Officers</li> <li>• Legal Assistants</li> </ul>	In respect of matters within their remit
(b)(iii)	The authorisation of Council officers to conduct legal matters in court <sup>35</sup>	Legal Services Heads of Service	Only when the City Solicitor is absent.
(c)	The issue of appropriate indemnities to Directors in relation to Public Private Partnership / Private Finance Initiative and other major property and infrastructure related projects where a Director:- <ul style="list-style-type: none"> <li>i) Signs a certificate under the Local Government (Contracts) Act 1997; or</li> <li>ii) Acts as a director to the LEP or LIFTco.</li> </ul>	Chief Financial Services Officer	
(d)	Upkeep of the constitution	Legal Services Heads of Service	
<b>2. Democratic Services</b>			
	Functions relating to Democratic Services including support to elected members in their responsibilities not otherwise set out at paragraphs 2(a) to (g) below;	Head of Democratic Services	
2(a)	The Lord Mayor	Head of Democratic Services	
2(b)	The Leader of Council	Head of Democratic Services	
2(c)	The Leader of the Opposition	Head of Democratic Services	
2(d)	All Councillors including: <ul style="list-style-type: none"> <li>i) Training and development;</li> <li>ii) Case work support; and</li> <li>iii) Management and oversight of the Members' Allowances Scheme</li> </ul>	Head of Democratic Services	

<sup>35</sup> "Court" to be construed widely including but not limited to tribunals, inquiries and other quasi-judicial hearings.

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
2(e)	The full Council meeting and Committees appointed by full Council;	Head of Democratic Services	
2(f)	Executive Board	Head of Democratic Services	
2(g)	Scrutiny	Head of Democratic Services	
<b>3. Standards and Conduct</b>			
	Functions in relation to standards and conduct, including:		
3(a)	The requirements of the Members' Code of Conduct	Legal Services Heads of Service	

# Miscellaneous Functions

The functions set out in this part of the Sub-delegation scheme are derived from:-

- Legislation which provides that a function should be the specific responsibility of the Director;
- Policies and Procedures which form part of the Constitution of Leeds City Council;
- Sub-delegations made by other Directors of Leeds City Council to whom those functions have been delegated; and
- Delegations which have been made to the Director by Full Council or the Executive for a period less than 6 months which are not therefore reflected in the Constitution

	<b>Place from where function derived</b>	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
1	Appointment to Outside Bodies Procedure Rules	In accordance with Rule 4.6 of the Appointment to Outside Bodies Procedure Rules, to make an appointment to a strategic or key partnership, in the following circumstances: (i) where an appointment has been agreed by the Member Management Committee as a Whips nominee and the appropriate group Whip subsequently submits a nomination; (ii) where a group Whip wishes to replace a Member previously approved by the Member Management Committee with another Member of the same group; and/or (iii) where an organisation requires an appointment prior to the next meeting of the Member Management Committee, subject to this appointment being agreed by all Members of the Member Management Committee.	Head of Democratic Services	

	<b>Place from where function derived</b>	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
2	Appointment to Outside Bodies Procedure Rules	In accordance with Rule 4.13 of the Appointment to Outside Bodies Procedure Rules, to make an appointment to a community or local partnership where an organisation requires an appointment prior to the next meeting of the relevant Community Committee, subject to all Members of that Community Committee being consulted on the proposals.	Head of Democratic Services	

# Absence Provisions

The table below sets out details of responsibility for those functions which are not sub-delegated by the Director in the usual course of business. These sub-delegations may only be exercised in the absence of the Director on leave<sup>36</sup> or where the Director has confirmed in writing that he/she will be absent from the office and these provisions are to apply<sup>37</sup>.

Function sub-delegated by Director	Officer with authority to exercise function in absence of Director.	Terms and Conditions
All functions of the Monitoring Officer (as set out in Article 12)	Deputy Monitoring Officers: <ul style="list-style-type: none"> <li>• Head of Democratic Services</li> <li>• Designated Head of Service, Legal Services</li> </ul>	
All other functions	Managers	
All functions delegated to the City Solicitor	Strictly in exceptional circumstances, such as a global pandemic, where officers with the requisite delegations are incapacitated or absent, functions may be exercised by any officer within the council with suitable experience and seniority who has been appropriately briefed and has sufficient understanding of the matter to be decided.	In the event of decisions being taken by officers not otherwise authorised under a relevant sub-delegation scheme, the report supporting the necessary decision should explain the circumstances and make clear that the officer is acting under this provision, that they have been appropriately briefed, and that they do have sufficient understanding of the matter to be able to take the decision.

<sup>36</sup> Whether annual leave, sick leave or special leave

<sup>37</sup> It is recommended that a delegated decision form be used to record and publish this as a Significant Operational Decision.