

# Officer Scheme of Delegation

This document shows what decisions elected Members have authorised Officers to take on behalf of the Council and is intended to provide a streamlined, clear and simple decision-making process and should be interpreted widely.

To support delivery of the Council's strategic vision, managerial and operational decisions are taken at the most appropriate level, which is usually the closest point of contact to the resident.

This scheme is to be interpreted widely to give effect to this overall purpose by empowering staff to carry out their functions and deliver the Council's services within the Budget and Policy Framework set by the Council, and subject to the guidelines set by the Council, the Cabinet and the Corporate Leadership Team.

Decisions taken by Officers carry the same weight as any decision taken by the decision-making body.

## 1. COUNCILLOR CONSULTATION

1.1 When exercising delegated authority, Officers shall;

- keep Members properly informed of actions arising within the scope of these delegations.
- maintain a close liaison with the appropriate Portfolio Holder and/or the relevant Chair of the Committee when the matter falls within the remit of that Committee;
- consult relevant Portfolio Holders when exercising temporary or specific delegations resolved at Council, or a Committee or Sub-Committee meeting where appropriate;
- ensure the Ward Councillors are consulted or advised of the exercise of delegated powers relevant to their area where appropriate;
- take account of the views of the relevant Ward Member(s) before exercising their delegated power

1.2 Portfolio Holders for the relevant area should be consulted on the exercise of a delegated power in all cases where:

- there is likely to be opposition from members of the public save that this does not relate to objections to planning applications, building control applications, decisions on planning enforcement, or licensing decisions

- where there are political sensitivities;
- there is likely to be media (including social media) interest; or
- expenditure is unusual for the budget area.

## **2. USING DELEGATED AUTHORITY**

- 2.1 Where an Officer has delegated powers, the Council, the Executive or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate.
- 2.2 Officers should ensure that they have an understanding of the relevant Cabinet Member and Committee Chairs' interpretation of the Scheme before they make decisions.
- 2.3 Before exercising any delegated power, officers must consider whether to consult with the relevant Portfolio Holder on the exercise of delegated powers or not to exercise delegated powers, but to refer the matter to the relevant councillor or Council Body to decide.
- 2.4 The Leader or any Executive Member may at any time, following consultation with the Chief Executive and relevant officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate Council Body for a decision.

## **3. MATTERS NOT DELEGATED**

- 3.1 Officers shall not exercise delegated authority for any matter;
- which by law may not be delegated to an Officer;
  - which is specifically excluded from delegation by this Scheme, by a decision of the Council, the Cabinet or a Committee or Sub-Committee;
  - where the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer has given a direction;
  - any Key Decision;

#### **4. CONDITIONS OF USING DELEGATED AUTHORITY**

4.1 When exercising delegated authority, Officers shall comply with;

- The Budget and Policy Framework
- Statutory Requirements
- any provision contained in this Constitution, including the Procedure Rules
- any financial limits set out in the revenue or capital budgets except as set out in the Financial Procedure Rules;
- any Policy set by the Council or its committees, the Cabinet or the Chief Executive;
- The Employee Code of Conduct
- Legal, finance and/or human resources advice that has been sought

#### **5. AUTHORISATIONS TO OTHER OFFICERS**

5.1 Officers with delegated powers may, in writing, authorise another officer or officers to exercise those powers. These shall be in writing and must be held within the service. Such authorisations must be subject to limitations and conditions.

#### **6. RECORDS OF DECISIONS**

6.1 Records of decisions must be kept in accordance with relevant legislation and the Access to Information Procedure Rules.

#### **7. RESERVE DELEGATIONS**

7.1 The delegated powers held by a post may be exercised by the line manager of that post if the post is vacant or the post holder is not at work for any reason.

7.2 Statutory Officers' powers which are reserved to that designated officer through legislation may only be exercised by the nominated officer or their deputy.

## 8. TRANSFER OF DELEGATIONS

8.1 The Deputy Chief Executive may exercise the delegated power possessed by the Chief Executive if that post is vacant or the postholder is absent.

8.2 The Chief Executive can exercise any delegated power possessed by an Executive Director or Director (with the exception of statutory powers which shall be exercised by nominated deputies) if that post is vacant or the postholder is absent.

8.3 Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the remained post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Executive or Committee.

8.4 Where a service has been restructured, the Chief Executive shall have authority to reallocate the delegated powers to other posts and shall give notice to the Monitoring Officer. This shall be considered to be a minor change to the constitution and within the Monitoring Officer's delegated authority.

## 9. PROPER OFFICERS

9.1 In addition to the delegated authority within this Scheme, local government legislation specifies that certain officers must have responsibility for a number of specific functions. Each officer with such responsibility is known as the Proper Officer in relation to that task. The list of Proper Officers is contained within this Scheme.

## 10. AREA OF RESPONSIBILITY

<b>Post</b>	<b>Mains Functions and Areas of Responsibility</b>
Assistant Chief Executive	Communications and Engagement Policy and Performance Business Intelligence Executive Support
Executive Director Adults, Communities and Wellbeing (DASS)	Commissioning and Performance Adults Services Safeguarding and Wellbeing Housing and Communities Public Health
Director of Children's Services (DCS)	Children's Social Care Education Commissioning and Partnerships
Executive Director Finance	Finance and Accountancy Finance and Strategy

	Audit and Risk Revenues and Benefits Procurement Pensions
Director of Legal and Democratic	Human Resources Registration of Births, Marriages and Deaths • Elections Administration Legal and Democratic Services Information Governance
Executive Director Place and Economy	Regulatory Services Highways and Waste Assets and Environment Growth, Climate & Regeneration Deputy Chief Executive
Director of Transformation	Strategic Partnerships Transformation Customer and Corporate Services Information Technology and Data Management

## 11. DELEGATION TABLE

<b>GENERAL PROVISIONS</b>		
<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
Urgent decisions, including those taken by a member of the Corporate Leadership Team, after consultation with the Leader of the Council and the Chair and Vice Chair of the relevant Scrutiny Committee, which cannot wait until a meeting of the Executive or the appropriate committee.	All	
All executive and non-executive powers and duties relevant to Corporate Leadership Teams areas of responsibility detailed within the areas of responsibility within the Scheme, or as assigned from time to time that rest with the Council, or which have been delegated or granted to the Council. This includes all powers and duties under all legislation present and future relating to their area of responsibility and all powers and duties incidental to that legislation.	All	Delegated authority shall be exercised in accordance with the limitations, restrictions, reservations and requirements for consultation set out within the Scheme.
To assume all the powers of the Council necessary to respond to a declared civil emergency for the duration of the immediate response phase.	Head of Paid Service	

All Local Choice Functions under Schedule 2 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000	All Corporate Leadership Team	All functions shall be designated as Executive functions and may be undertaken by the relevant officer.
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<b>BUDGETS, ACCOUNTS AND ASSETS</b>		
<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
Powers to incur capital and revenue expenditure, to seek recovery of amounts owed, to exercise discretion in recovery, alter or waive repayment periods, or approve exemptions in relation to repayments, agree refunds, reduce or remit payments and waive fines, except as detailed in the Finance Exceptions Chart.	Chief Finance Officer	Cannot be exercise where capital expenditure outside of Capital Programme Cannot negotiate and approve borrowing Up to £100k for unbudgeted revenue expenditure Up to £100k for virements Up to £100k for ex gratia payments
Submit bids for funding to relevant bodies	Chief Finance Officer	
To agree conditions and approve agreements in relation to grant funding to be received by the Council	Chief Finance Officer	
Write off any surplus or deficiencies in respect of items of stock	Chief Finance Officer	Up to £500k
To set all fees and charges within the respective areas of responsibility as set out within the Scheme.	All Corporate Leadership Team	Apart from those specifically reserved to Council or Executive.
Effect necessary insurances	Chief Finance Officer and Monitoring Officer	
To approve tenders for the provision of goods and services, in accordance with the thresholds set out in financial regulations and the Approval of Tenders – thresholds.	All Corporate Leadership Team	Up to £100,000 in value in all cases, where budgetary provision exists  Between £100,000 in value and the total value threshold set out in public procurement directive PCR2015, where budgetary provision exists
To dispose of land and property designated as surplus to requirements in accordance with S123 of the Local Government Act 1972.	All Corporate Leadership Team	In accordance with statutory right to buy provisions for council owned homes .  In all other instances, where the total value of the asset being

		disposed of does not exceed £250,000
To acquire land and property.	All Corporate Leadership Team	In pursuance of a Council policy or decision by the Executive or Council, or where the value of the asset to be acquired does not exceed £250,000
To Enter into leases, licences, wayleaves and easements.	All Corporate Leadership Team	Where these are necessary as a consequence of property management arrangements or service delivery requirements or are below £10,000
To approve the award of contracts and terminations of contracts.	All Corporate Leadership Team	Where the contract is £100,000 or less in value.
To approve virements between budget headings during the course of a financial year.	All Corporate Leadership Team	Where the amount of a virement is £100,000 or less, following notification to the chief finance officer
To write off debts.	Chief Finance Officer	Cross reference to the spending thresholds contained within financial regulations
To agree grants to voluntary and other organisations where a service level agreement is required as a consequence of the Council's policy.	All Corporate Leadership Team	Provided that the organisation concerned has complied with the terms or outcomes set out in the Service Level Agreement

<b>POLICY MAKING AND IMPLEMENTATION</b>		
<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
To make incidental changes to shared service agreements, in accordance with the Council's policy and budget framework.	All Corporate Leadership Team	
To respond to consultations.	All Corporate Leadership Team	In consultation with and on behalf of the relevant Portfolio Holder.
To determine applications to register common land, town and village greens and assets of community value.	Director of Place and Economy	In consultation with the Director of Legal and Democratic.

Approving payments in cases of maladministration.	Director of Legal and Democratic	In consultation with the Head of Paid Service and the S151 Officer.
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<b>CONSTITUTIONAL AFFAIRS</b>		
<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
To make in year changes to the membership of committees, and joint boards and committees and to make in year nominations or appointments to outside bodies.	Director of Legal and Democratic Services	In consultation with the Leaders of the political groups represented on the Council.
To make minor administrative changes to the constitution to reflect, for example, changes in the law, changes to the Council's management structure or other changes with no significant impact.	Director of Legal and Democratic Services	
Granting dispensations to councillors, co-opted members and church and parent school governor representatives from requirements relating to interests set out in the Member Code of Conduct.	Director of Legal and Democratic Services	Shall be determined by the Democracy and Standards Committee unless considered urgent. An annual summary of the Monitoring Officers use of delegation shall be provided to the Democracy and Standards Committee.
Conducting investigations into allegations of breaches of the Code of Conduct by members and co-opted members.	Director of Legal and Democratic Services	Following the Standards Sub Committee assessing the complaint and determining that an investigation should be conducted.
Granting dispensations to members of decision-making bodies charged with making executive decisions in respect of any conflict of interest which the member declares.	Director of Legal and Democratic Services	Shall be determined by the Democracy and Standards Committee unless considered urgent. An annual summary of the Monitoring Officers use of delegation shall be provided to the Democracy and Standards Committee.

<b>PLANNING, REGULATION, LICENSING AND REGISTRATION</b>		
<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
All matters relating to Town & Country Planning functions as set out in the planning and related Acts, are delegated to the relevant senior	Director of Place and Economy	Delegated authority should not be exercised for applications, which in the opinion of the relevant senior planning officer should be referred to the relevant



<p>planning officer to determine, other than the exceptions listed</p>		<p>Planning Committee. This may be for reasons such as (but not exclusively):</p> <ul style="list-style-type: none"> <li>(i) Applications where a national or local planning policy is being tested for the first time within the Council's area</li> <li>(ii) Applications which have a finely balanced officer recommendation</li> <li>(iii) Applications by or on behalf of a Planning Officer who has recently left the organisation (or one of the preceding councils) for any property or land in which they have a financial interest</li> <li>(iv) Applications that the relevant senior planning officer considers are potentially contentious and raise material planning issues, or would affect the wider public interest</li> <li>(v) Applications which the senior responsible planning officer considers would need to be advertised as a departure from policy, which the officer is minded to recommend for approval</li> </ul>
		<p>Planning Applications where there is a material written objection from the relevant town or parish council<sup>3</sup> that is contrary to the officer's proposed decision and that the officer has been unable to satisfactorily resolve.</p> <p>A relevant town or parish council is the one in which the development proposal is located or partly located.</p>
		<p>Delegated authority should not be exercised for applications submitted by, or on behalf of, a Councillor or direct family (spouse or civil partner) of a Councillor for any property or land in which they have a financial interest.</p>
		<p>Delegated authority should not be exercised for applications submitted by, or on behalf of, a current Officer working within the Planning &amp; Development Service or at Tier 4 level and above or direct family (spouse or civil partner) of Officers identified above for any property</p>

		or land in which they have a financial interest.
		Delegated authority should not be exercised for applications where the Council is the applicant or landowner (in whole or part), except where the proposal is for minor development which accords with relevant planning policy and to which no objection has been made.
		Planning applications where there is a written holding objection from a statutory consultee that is contrary to the officer's proposed recommendation, and that the officer has been unable to satisfactorily resolve with the consultee.
		Delegated authority should not be exercised where the application has been the subject of three written material planning objection(s) within 21 calendar days from the date the application was first published on the Council's website and which has not been resolved to the satisfaction of the senior planning officer through negotiation and/or the proposed imposition of condition(s) and approval is recommended
		<p>Delegated authority should not be exercised where an application has been "called in". To be called in, the following criteria shall be met:</p> <p>The Councillor shall submit the request in writing, setting out the material planning issue/s.</p> <p>The request shall be received by the relevant senior planning officer within 21 calendar days from the date the application was first published on the Council's website and notified to Councillors, or during any further notification period required following receipt of amendments to the scheme.</p> <p>The request shall be considered by the Chair or Vice Chair of the relevant Planning Committee in consultation with</p>

		the senior planning officer and upon agreement that the referral contains a material planning issue the application shall be called in
To enter into new or amended legal agreements in respect of proposed developments.	Director of Place and Economy	In consultation with the Director of Legal and Democratic Services.
To authorise enforcement action in respect of all planning and development management functions	Director of Place and Economy	Delegated authority should not be exercised where the Director considers the matter should be referred to the relevant Planning Committee where the action is significant.
To determine applications for certificates of lawfulness of existing use, development certificates of lawfulness or proposed use of development and change of use certificates.	Director of Place and Economy	
To exercise the Council's powers for the improvement and regulation of housing standards, including the issuing of statutory notices, the application of penalties, the closure of premises, and taking emergency action.	Director of Place and Economy	
To exercise powers relating to the regulation of the use of highways (including footpaths and bridleways).	Director of Place and Economy	
To exercise functions relating to the preservation of trees and protection of important hedgerow, including making any orders and determining complaints about high hedges.	Director of Place and Economy	
To exercise the Council's powers under the Housing Act 1996, Anti-Social Behaviour Act 2003 and the Anti-Social Behaviour, Crime and Policing Act 2014 including seeking and issuing criminal behaviour orders, community protection notices, seeking a civil injunction because of anti-social	Director of Place and Economy	Excluding the making of a Public Spaces Protection Order which shall be determined by Executive.

behaviour, and issuing a premises closure notice.		
<p>To determine all licensing functions including but not limited to;</p> <ul style="list-style-type: none"> <li>• Street trading licences and markets</li> <li>• Animal establishments licensing and enforcement</li> <li>• Motor salvage operators</li> <li>• Houses in multiple occupation licensing and enforcement</li> </ul>	Director of Place and Economy	
To determine all functions relating to the Licensing Act 2003, related secondary legislation and subsequent legislation.	Director of Place and Economy	Delegated authority shall not be exercised in relation to approval of the Statement of Licensing Policy which shall be recommended to Council from the Licensing and Appeals Committee.
		Delegated authority shall not be exercised to determine reviews of premises licences or club premises certificate.
		Delegated authority shall not be exercised to determine applications for the grant, renewal or transfer of licences, designations or certificates where objections have been received and not withdrawn.
To determine all functions relating to the Gambling Act 2005	Director of Place and Economy	Delegated authority shall not be exercised in relation to approval of the Statement of Principles which shall be recommended to Council from the Licensing and Appeals Committee.
		Delegated authority shall not be exercised for a club gaming/club machine permit where relevant objections from consultees have been received and have not been withdrawn.
		Delegated authority shall not be exercised for a transfer of a licence where relevant objections from consultees have been received from the Gambling Commission and have not been withdrawn.

To determine any matter relating to the functions of private hire and Hackney Carriage licensing functions under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and any secondary or subsequent legislation.	Director of Place and Economy	Delegated authority shall not be exercised when revoking licences (unless in the interests of urgent public safety) for Hackney Carriages and private hire vehicle drivers and operators.
		Delegated authority shall not be exercised to determine the provision, siting, designation and establishment of Hackney Carriage Stands which shall be recommended to Council by the Licensing and Appeals Committee.
		Delegated authority shall not be exercised to determine policies for the licensing of Hackney Carriage vehicles and drivers and private hire drivers and operators including standard conditions and the fixing of Hackney Carriage vehicle fare scales which shall be recommended to Council by the Licensing and Appeals Committee.
		Delegated authority shall not be exercised to determine Hackney Carriage bylaws which shall be recommended to Council by the Licensing and Appeals Committee.
To determine any matter relating to the licensing of sex establishments	Director of Place and Economy	Delegated authority shall not be exercised where relevant representations/objections as determined by the Monitoring Officer have been received.

**EMPLOYMENT MATTERS**

<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
Take any action in accordance with the Council's agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline,	All Corporate Leadership Team	Appointment of those officers listed in the Employment Procedure Rules shall be the decision of the Employment Committee or a Sub Committee established by them.

determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirement and determination of establishment		
	All Corporate Leadership Team	The appointment of Deputy Chief Officers shall be the decision of the Head of Paid Service and in accordance with the Employment Procedure Rules. Prior to making an appointment to a post that is remunerated £100,000 or more, the Head of Paid Service shall notify members of the Executive prior to making an offer.
	All Corporate Leadership Team	Dismissal of Deputy Chief Officers shall be the decision of the Head of Paid Service and in accordance with the Employment Procedure Rules.
		Agreement to make severance payments shall be exercised by the Head of Paid Service in consultation with the Monitoring Officer and Section 151 Officer. In circumstances where a severance payment is £100,000 or more, the Head of Paid Service shall notify members of the Executive prior to exercising delegated authority.
Issue of certificates of opinion as to whether or not the duties of a post fall within the criteria of political sensitivity	Director of Legal and Democratic	
The issue of HR1 notices in respect of potential redundancies	Director of Legal and Democratic	
To approve strategic employment policies; i.e. those employment policies immediately and directly affecting all or most employees.	Head of Paid Service	
Functions in respect of the exercise of discretions under the local government pension scheme including the award of discretionary payments.	All Corporate Leadership Team	

To carry out powers and duties under the Health and Safety at Work Act	Head of Paid Service	
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<b>LEGAL MATTERS</b>		
<b>Nature of Decision</b>	<b>Officers</b>	<b>Conditions</b>
Make applications to the Court of Protection for Receivership Orders in relation to clients lacking mental capacity to carry out their financial affairs	Executive Director for Adults, Health and Wellbeing	
Apply to become an appointee in relation to clients lacking capacity to carry out their financial affairs	Executive Director for Adults, Health and Wellbeing	
Carry out the health functions delegated to the Authority by an NHS body under arrangements between NHS bodies and local authorities pursuant to section 31 Health Act 1999	Executive Director for Adults, Health and Wellbeing	
Determine liability, demand payment, make arrangements for collection and take action for recovery of Council Tax and Non Domestic Rates	Assistant Director Revenue and Benefits	
Defend and/or settle all claims made against the Council up to £100,000	Director of Legal and Democratic	
Issue proceedings, prosecute, defend, conduct, withdraw, settle or appeal any legal proceedings or process on behalf of the Council	Director of Legal and Democratic	
Institute criminal proceedings in respect of offences against any legislation (including byelaws) which the Council is allowed to enforce, or which any of the Queen's subjects may prosecute; and offences of common assault on behalf of an employee, if so required	Director of Legal and Democratic	
Authorise any Officer of the Council to prosecute, or defend on its behalf, or to appear on its behalf in, proceedings before a Magistrates Court, in accordance with Section 223 of the Local Government Act 1972	Director Legal and Democratic	
Make orders or take any other steps in relation to any legislation when instructed by the officer with the relevant area of responsibility	Director Legal and Democratic	

Appoint Education Appeal Panel members, in accordance with the provisions of the Education (Admission Appeals Arrangements) (England) (Regulations 2002), as amended, such appointments to last for a period of three years then membership be re-assessed and re-appointments made as appropriate	Director Legal and Democratic	
Determining applications affecting the registers of commons and village greens (under the Commons Act 2006 and any subsequent legislation).	Director Legal and Democratic	In the case of contested matters, or Matters which require oral representation or an inquiry, an Independent Inspector shall be appointed to determine the application.
To carry out powers in relation to assets of community value under Part 5 Chapter 3 of the Localism Act 2011.	Assistant Director Assets	Powers to determine whether an asset should be placed on the list  Powers to determine reviews – Director of Legal and Democratic
To approve Public Spaces Protection Orders (PSPO's),	Assistant Director Regulatory Services	Unless they are likely to be considered to be sensitive or significant in which case they shall be determined by Executive.

**End of Officer Scheme of Delegation**

**February 2021**