

Executive Scheme of Delegation to Officers

1. Principles

- 1.1 This scheme operates from 1 April 2012.
- 1.2 In this scheme “officer” means the holder of any post named in this scheme as having delegated powers and duties.
- 1.3 This scheme delegates powers and duties in relation to Executive functions which are the responsibility of Leader and Cabinet Members.
- 1.4 This scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation within those descriptions and all powers and duties incidental to that legislation.
- 1.5 This scheme operates under Section 14 of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (‘the Regulations’) and all other enabling powers.
- 1.6 This scheme includes the obligation on officers to keep Members (notably Cabinet Members) properly informed of activity arising within the scope of these delegations.
- 1.7 Any exercise of these delegated powers shall be subject to the policies approved by the Leader from time to time and shall be guided by the relevant Codes of Conduct.
- 1.8 Any exercise of delegated powers shall be subject to any statutory restrictions, provisions made in the revenue or capital budgets, Standing Orders, Financial Regulations or other Procedure Rules as contained within the Constitution.
- 1.9 This scheme assumes that once a Member-level decision has been taken, whether as part of the approved revenue or capital budget, in a Directorate or Divisional Business Plan, or otherwise, the implementation of that decision will normally be delegated to officers, so that multiple Member decisions are not required in respect of the same matter.
- 1.10 However, Cabinet Members may at any time require officers to refer a matter that would otherwise be taken under this scheme of delegation to either themselves or Cabinet for decision.
- 1.11 This scheme includes the power for officers to further delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and

control of the delegating officer. Sub-delegations may be made across service boundaries.

- 1.12 Officers to whom matters have been sub-delegated may escalate the making of those decisions to the relevant Corporate Director, who can then (if appropriate) refer the matter to the Cabinet Member or Cabinet.
- 1.13 A power specifically delegated by this scheme to one officer shall not be exercised by another officer without the consent of the former.
- 1.14 Sub-delegations shall be recorded in a register kept by each Directorate and notified to the Monitoring Officer under Section 100G of the Local Government Act 1972.
- 1.15 Any officer exercising powers or duties in pursuance of full sub delegation will be politically restricted under Section 2(1)(g) of the Local Government and Housing Act 1989.
- 1.16 All action taken under the terms of these delegations shall be properly discussed in advance with the relevant Cabinet Members and documented.
- 1.17 In each case, the delegated authority to officers includes management of the human and material resources made available for the service areas and the functions concerned within the limitations of this scheme and subject to specific delegations in this scheme or elsewhere to another officer.
- 1.18 In each case the delegated authority excludes the determination by the officer concerned of policy, exceptions to policy and budgets.

2. Delegations to officers

- 2.1 The powers delegated to officers exclude the authority to take Key Decisions.
- 2.2 Officers are responsible for the management of their services and the implementation of Council and Cabinet policies and Executive Decisions.
- 2.3 Decisions which an officer takes under delegated powers must:
 - (a) implement a policy or decision previously approved or taken by the Cabinet or a Cabinet Member or
 - (b) facilitate or be conducive or incidental to the implementation of a policy or decision previously taken by the Cabinet or a Cabinet Member or
 - (c) relate to the management of the human, material and financial resources made available for the functions for which they are responsible

2.4 It shall always be incumbent on an officer to consult in advance with the appropriate Cabinet Member on the exercise of a delegated Executive Function, or agree with them not to exercise a delegated Executive Function but to refer the matter instead to the Cabinet or relevant Cabinet Member.

3. Subject to the provisions of paragraph 2.3 (above), the Executive Functions to be the Responsibility of Chief Officers are as follows:

3.1 TO THE CORPORATE DIRECTOR BUSINESS STRATEGY & SUPPORT

- (i) To exercise the relevant functions of the Leader of the Council in relation to the overall strategic direction, policies and priorities of the Cabinet and of Council, including the overall corporate revenue and capital budget strategy and ensuring that the appropriate systems are in place to assure the performance management of the authority.
- (ii) To exercise the relevant functions of the Cabinet Member Business Strategy, Performance & Health Reform, the Cabinet Member Democracy & Partnerships and the Cabinet Member Regeneration & Economic Development in relation to their portfolios.
- (iii) To exercise in cases of urgency the Executive Functions delegated to other Chief Officers.
- (iv) To incur expenditure in the event of a civil emergency.

3.2 TO THE CORPORATE DIRECTOR FAMILIES & SOCIAL CARE

- (i) To exercise the functions conferred on or exercisable pursuant to Section 18 of the Children Act 2004 and Regulations made thereunder.
- (ii) To exercise the functions conferred on or exercisable pursuant to Section 6(A1) of the Local Authority Social Services Act 1970 and Regulations made thereunder.
- (iii) To exercise the relevant functions of the Cabinet Member Specialist Children's Services and the Cabinet Member Adult Social Care & Public Health in relation to their portfolios.

3.3 TO THE CORPORATE DIRECTOR EDUCATION LEARNING & SKILLS

- (i) To exercise the relevant functions conferred on or exercisable pursuant to Section 532 of the Education Act 1996 and Regulations made thereunder.
- (ii) To exercise the relevant functions of the Cabinet Member Education Learning & Skills in relation to his portfolio.

3.4 TO THE CORPORATE DIRECTOR CUSTOMER & COMMUNITIES

- (i) To exercise the relevant functions of the Cabinet Member Customer & Communities, the Cabinet Member Business Strategy, Performance & Health Reform and the Cabinet

Member Regeneration & Economic Development in relation to their portfolios.

3.5 TO THE CORPORATE DIRECTOR ENTERPRISE & ENVIRONMENT

- (i) To exercise the relevant functions of the Cabinet Member Environment Highways & Waste and the Cabinet Member Regeneration & Economic Development in relation to their portfolios.

3.6 TO THE CORPORATE DIRECTOR FINANCE & PROCUREMENT

- (i) To exercise the relevant functions conferred on or exercisable pursuant to Section 151 of the Local Government Act 1972 and Regulations made thereunder.
- (ii) To exercise the relevant functions of the Cabinet Member Finance and Business Support, the Cabinet Member Business Strategy, Performance & Health Reform, the Cabinet Member Democracy & Partnerships and the Cabinet Member Education Learning & Skills in relation to their portfolios.

3.7 TO THE CORPORATE DIRECTOR HUMAN RESOURCES

- (i) To exercise the relevant functions of the Cabinet Member Business Strategy, Performance & Health Reform and the Cabinet Member Finance & Business Support in relation to their portfolios.