

5 OFFICER DELEGATION SCHEME

- 5.1 The officer delegation scheme confers on Chief Officers extensive powers to carry out the Authority's executive functions in addition to the functions delegated to Chief Officers in relation to Council functions set out in Section 2 of Part 3 of the Constitution.
- 5.2 The fact that a function stands delegated to a Chief Officer under these arrangements shall not preclude the Council, a Committee or the Cabinet from exercising the function in question and the Council, Committee or Cabinet may determine to reserve decisions on particular matters to itself.
- 5.3 The delegations to Chief Officers does not include delegated authority to take key decisions as defined in Article 13 of the Constitution, except that the Chief Executive, in exercising his delegated authority to take decisions in cases of emergency, may take key decisions.
- 5.4 The Chief Executive is the Head of the Paid Service and has authority over all Chief Officers as defined in the Constitution so far as it is necessary for efficient management and for carrying out the Council's functions.
- 5.5 Chief Officers are empowered to act and take decisions in the name of the Council.
- 5.6 The Chief officers may authorise officers of suitable experience and seniority to exercise on their behalf, powers delegated under this scheme. However, actions and decisions taken under that authority remain the responsibility of the Chief Officers.
- 5.7 (a) The Chief Officers shall have power under this scheme of delegations to carry out for their respective service areas (set out in Article 12):-
- (i) the functions allocated to or dealt with within their service, except for any matters specifically reserved to be dealt with by its Committees, Council or the Cabinet, but otherwise including matters which are delegated to Committees;
 - (ii) all matters where they have professional or managerial responsibility; and
 - (iii) without exception in cases of emergency in consultation with the Leader, or the appropriate Cabinet Member or Committee Chair.

For the avoidance of doubt this applies to funding made available by external bodies ringfenced for a particular purpose.

- (b) The Chief Officers, in exercising their delegated powers, shall have broad discretion, subject to complying with relevant legislation and the Council's Rules. Where a Council policy exists they shall comply with that policy other than in exceptional circumstances where it is necessary to depart from this in which case a report must be submitted to the Cabinet or appropriate Council Committee as soon as possible. They shall use whatever means they consider appropriate to discharge functions in an efficient and effective manner, including incurring expenditure, engaging staff below second tier, managing and deploying staff, deployment of other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
- (c) Emergency action taken under these powers must be reported to the Cabinet.

5.8 For the avoidance of doubt, Chief Officers shall have the following specific power:-

In any case where it is inappropriate for the Chief Officer to take action in respect of his/her staff, the Head of HR, IT and Transformation or any other Chief Officer nominated by him, be authorised to take disciplinary action on behalf of or in place of that Chief Officer.

5.9 The Chief Executive is authorised, in consultation with the Leader, to approve the attendance of appropriate Members to represent the Council's interest where such meetings are considered necessary with European Union Institutions, Government Ministers, Departments and other bodies.

5.10 The Head of Democratic and Partnership Services is authorised:-

5.10.1 To sign on behalf of the Council any document necessary to give effect to any decision of the Council, Committee, Cabinet or Chief Officer acting within delegated powers. This delegation shall extend to and be exercisable by the Legal Service Manager and the Principal Assistant Solicitors.

5.10.2 To deal with the investigation, conduct and settlement of civil claims made by or against the Council and the instigation and conduct of criminal proceedings by or against the Council in consultation with the appropriate Chief Officer. (This does not negate the authority of Chief Officers to instigate proceedings in discharging their functions.)

5.10.3 At the request of the appropriate Chief Officer, to authorise staff to carry out inspection, to enter premises and generally to perform the functions of a duly authorised officer of the Council

(however described) under any enactment and to issue any necessary certificates of authority. This includes:

- (i) the authorisation of staff from the Health and Safety Executive to carry out health and safety functions of the Council and the Council's Environmental Health Officers to carry out functions of the Health and Safety Executive;
- (ii) the authorisation of staff from partner local authorities to carry out health and safety functions of the Council, and the Council's Environmental Health officers to carry out health and safety functions of partner local authorities;
- (iii) the authorisation of staff from partner local authorities in the region to carry out all environmental health functions of the Council;
- (iv) the authorisation of staff from the Council's Environmental Health Section to carry out environmental health functions in the partner local authorities in the region.

5.10.4 To disclose, for the purposes of any Court proceedings, tribunal, audit or statutory inquiries or investigations, any document which is marked 'Confidential' or 'Not for Publication'. In exercising this delegation the relevant Cabinet Member or Committee/Panel Chair shall be consulted.

5.10.5 To authorise under Section 223 of the Local Government Act 1972 any officer of the Council to appear on behalf of the Council in proceedings before a Magistrates Court.

5.10.6 To make compensatory payments for maladministration and upheld complaints when this is considered justified and appropriate, up to an individual limit, per complainant of £1,500 and £5,000 for multiple claimants

5.10.7 To approve the attendance by the Leader, the appropriate Member and Chair of the relevant Committee/Panel, or substitutes, at conferences/ seminars of a one-off nature within the United Kingdom subject to:-

- (i) the conference/seminar relating to the interests of the Council's area or any part of it, or to the interests of the inhabitants of the Council's area or any part of it;
- (ii) attendance at conferences/seminars and meetings convened for trade or business purposes or by a person or body whose objects are wholly or partly political is not allowed;

- (iii) Council policy, statutory requirements and the cost being contained within existing budget provision; and
- (iv) the Members attending reporting back to the Cabinet or Committee(s).

5.10.8 Determination, in consultation with the Chair of the Standards Committee:

- (a) of whether an allegation of a breach of the Code of Conduct for Members should be investigated;
- (b) of the action to be taken, if any, where an investigation of an allegation of a breach of the Code of Conduct for Members has concluded that there has been no breach of the Code.

5.11 The Head of Finance is authorised:-

5.11.1 On the authorisation of the Head of HR, IT and Transformation, to pay all nationally negotiated salaries and wage awards.

5.11.2 To be responsible for Internal Audit under Regulation 5 of the Accounts and Audit Regulations 1996.

5.11.3 To approve (in consultation with the Director, Children and Young People) the annual budgets of schools where financial delegations have been removed.

5.12 The Director, Children and Young People is authorised:-

To approve (in consultation with the Head of Finance) the annual budgets of schools where financial delegations have been removed.

5.13 The Director, Economy and Environment is authorised to dispose of property under the property disposal governance arrangements as follows:

- (i) below a £2 million valuation and above a £500,000 valuation following recommendation by the AM/FM Programme Board;
- (ii) below a £500,000 valuation.

5.14 The Head of HR, IT and Transformation is authorised:

5.14.1 to consider and determine appeals against decisions of the authority in relation to Equal Pay Grievances;

5.14.2 to approve the attendance of Members, including Independent, Co-opted and Parish Council Members, at external training events subject to the following criteria being met:

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Reference:

Section 13, Local Government Act 2000

The Local Authorities (Functions and Responsibilities) (England) Regulations

Chapter 5, DETR Guidance on New Council Constitutions

- (i) training identified through the Council's agreed process for identifying Member training and development needs;
 - (ii) training aimed at delivering and achieving the Council's corporate priorities;
 - (iii) consideration as to whether training requirement could be met through a more cost effective method which would extend the learning through to other Members;
 - (iv) all training provision to be assessed to ensure there is equality of opportunity and good accessibility to learning;
 - (v) provision being available within the Member training and development budget;
 - (vi) all external training to be evaluated against the original
 - (vii) where appropriate, it is important that learning is disseminated to other Members and the method of so doing is agreed before attendance.
- 5.15 All Heads of Service are authorised to agree compensatory payments up to a limit of £100 or equivalent from the budgets within their management and control.
- 5.16 In deciding whether or not, or how, to exercise their delegated powers officers shall have regard to the desirability of consulting the appropriate Member of the Cabinet or Chair of Committee or Scrutiny Panel, and Ward Councillors, and shall be entitled to refer matters to the Cabinet or the appropriate Committee for decision where they consider it necessary or expedient to do so.
- 5.17 In deciding whether or not a matter should be submitted to the Cabinet or a Committee for determination, the Chief Officer shall have regard to the significance of the matter and in appropriate cases submit a report on the issue to the Cabinet to establish policy for the future.

PROPER OFFICER APPOINTMENTS

1. The decisions of the Council made under the provisions of the Local Government Act 1972 Section 270(3) and other Acts for appointments of "Proper Officers of the Council" and the matters delegated to those officers are as follows:-

2. Chief Executive

2.1. Section 84 (Resignation): To accept written notice of resignation from persons holding office as Mayor, Deputy Mayor or Councillor having been elected to such office.

2.2. Section 89 (Filling of Casual vacancies in the case of Councillors): To accept notice in writing from two local government electors of a casual vacancy occurring in the Office of Councillor.

2.2.1. Section 42 (filling of casual vacancy in case of Parish Councillor). To receive notice in writing of a request for an election on casual vacancy occurring in the office of a Parish Councillor.

2.2.2. Section 8, Representation of the People Act 1983 - Registration Officer for registration of Parliamentary and Local Government Electors.

2.2.3. Section 35, Representation of the People Act 1983 - Returning Officer for the election of Councillors of the District and for election of Councillors of Parishes within the District.

2.2.4. The Parish and Community Meetings (Polls) Rules 1983 - Returning Officer for the purpose of a Parish Poll.

2.2.5. Section 4 Local Government and Housing Act: Head of Paid Service.

3. Chief Executive, Head of Democratic and Partnership Services and Democratic Services Manager

Section 83 (Declaration and Acceptance of Office): To accept declaration of office of Mayor, Deputy Mayor or Councillors from persons elected to such offices, and before whom a declaration of the acceptance of office may be made.

4. Head of Democratic and Partnership Services

4.1 Section 88 (Filling of Casual vacancy in case of Mayor): To call a meeting of the Council for the purpose of electing a Mayor following a casual vacancy in that Office.

- 4.2 Section 13 (Parish Trustee): To act as Parish Trustee.
- 4.3 Section 191 (Ordnance Survey): To receive applications in accordance with Section 1 of the Ordnance Survey Act 1841.
- 4.4 Section 204 (to receive notices of application for justices licences).
- 4.5 Section 210 (Charities): To exercise the powers in relation to a Charity when the corresponding officer in whom such powers are invested is absent and to act as Charity Trustee in absence of corresponding officer.
- 4.6 Section 225 (deposits of documents with Proper Officer of Authority): To receive or deposit documents to which this Section applies.
- 4.7 Section 229 (Photographic copies of documents): To certify any photographic copy of an original document held by the Council or of a document which has been destroyed whilst in the custody of the Council.
- 4.8 Section 236 (Bye-Laws): To send copies of the Bye-Laws made by the Council to various bodies.
- 4.9 Section 238 (Evidence of Bye-Laws): To certify a printed copy of a Council Bye-Law.
- 4.10 Section 248 (Freemen): To keep a Roll of the Freemen of the Borough.
- 4.11 Schedule 14 (Certification of Resolution): To certify resolutions of the Council under Public Health Acts 1875 to 1925.
- 4.12 To act as Proper Officer in the place of the Clerk of the former county borough council where such references occur in any enactment passed during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26th October 1972.
- 4.13 Section 41, Local Government (Miscellaneous Provisions) Act 1976 - to certify copy resolutions, orders, reports and minutes and copy instruments appointing officers to perform certain functions.
- 4.14 Local Government (Access to Information) Act 1985 Section 100B (2) - Exclusion from Public Inspection of reports relating to items during which meeting is not likely to be open to the public.
- 4.15 Section 100 B (1) - Supply of papers to the press.
- 4.16 Section 100 C (2) - Written summary of minutes where necessary.
- 4.17 Section 100 F (2) - Papers not open to inspection by Members.

- 4.18 Schedule 12 (Meetings and Proceedings of Local Government Authorities): (i) To sign a Summons to attend a Council Meeting. (ii) To receive notice in writing from a Member of the Council requesting Summons to attend Council Meeting to be sent to some other specified address other than his place of residence.
- 4.19 Section 8 (Representation of the People Act 1983): To act as Deputy to the Registration Officer.
- 4.20 Schedule 16 (Matters relating to Town and Country Planning): To receive on deposit lists of protected buildings.
- 4.21 Local Government and Housing Act 1989 Section 5: Monitoring Officer.
- 4.22 Local Government and Housing Act 1989 Sections 15, 16 and 17 and regulations made thereunder (political groups)

5. Head of Finance

- 5.1 Section 115 (Accountability of Officers): To receive all money due to the Council from every officer employed by the Council.
- 5.2 Section 146 (Transfer of Securities on alteration of Area): To make certain statutory declarations and give certain certificates relating to securities on the alteration of the name or area of the Council.
- 5.3 Section 151 Officer responsible for proper administration of financial affairs.

6. Head of Planning and Highways

- 6.1 Section 78 of the Building Act 1984. To take emergency action in relation to dangerous buildings and structures.

7. Chief Executive, Head of Democratic and Partnership Services, Legal Services Manager, Head of Finance

- 7.1 Section 234 (Authentication of Documents): To sign on behalf of the Council any notice, order or other document which the Council are authorised or required to make.

8. Head of Neighbourhoods

- 8.1 Section 214(3) of the Local Government Act 1972 and Article 9 of the Local Authorities' Cemeteries Order 1974: To grant exclusive rights of burial and sign the necessary certificate.

9. Head of Customer Services

- 9.1 To act as Proper Officer for the Registration Service (Births, Deaths, Marriages and Civil Partnerships).

10. Chief Executive, Directors and Heads of Service

Local Government (Access to Information) Act 1985.

Section 100D (1)A - Compilation of lists of background papers: Each Chief Officer for their service's reports.

Section 100D (5)A - Identification of background papers: Each Chief Officer for their service's reports.

11. Consultant in Public Health Medicine (Health Protection) – Public Health England and his designated alternates as Proper Officer

Public Health (Control of Disease) Act 1984

- Section 11, Notification of Infectious Disease
- Section 16, Notifiable diseases
- Section 18, Information to be furnished
- Section 20, Stopping off work
- Section 21, Exclusion from school
- Section 22, List of day pupils
- Section 24, Infected articles
- Section 29, Letting house after recent disease
- Section 31, Disinfection of premises
- Section 32, Removal of person from infected house
- Section 36, Medical examination of group
- Section 37, Removal to hospital
- Section 38, Detention in hospital
- Section 40, Medical examination of inmates
- Section 41, Removal to hospital from lodging house
- Section 42, Closure of common lodging house
- Section 43, Person dying in hospital with notifiable disease
- Section 48, Removal of body to mortuary
- Section 59, Authentication of documents

Public Health (Infectious Diseases) Regulations 1988

- Regulation 6, Special reporting of infectious disease
- Regulation 8, Statistical returns
- Regulation 9, Prevention of spread of disease
- Regulation 10, Immunisation and vaccination
- Schedule 3, Typhus and Relapsing Fever
- Schedule 4, Food poisoning and food borne infections

Milk and Dairies (General) Regulations 1959 (as amended)

- Regulation 20, Milk treatment orders

12. Consultant in Public Health Medicine (Health Protection) – Health Protection agency and his designated alternates as Registered Medical Practitioners

Public Health (Control of Disease) Act 1984

- Section 35, Medical examination

13. Head of Housing, Environment and Renewal

Public Health (Control of Disease) Act 1984

- Section 18, Information to be provided
- Section 22, List of day pupils
- Section 23, Exclusion from places of entertainment
- Section 24, Infected articles
- Section 25, Library books
- Section 26, Infectious matter not to be placed in dustbins
- Section 28, Prohibition of certain work
- Section 30, Duty on vacating house
- Section 31, Disinfection of premises
- Section 32, Removal of person from infected house
- Section 34, Duty of owner etc of public conveyance
- Section 39, Common lodging houses
- Section 42, Closure of lodging house
- Section 49, Regulations re canal boats
- Section 50, Entry and inspection of canal boats
- Section 51, Duty regarding canal boats
- Section 55, Rag dealers
- Section 56, By-laws
- Section 59, Authentication of documents
- Section 61, Power of entry

Public Health (Infectious Diseases) Regulations 1988

- Regulation 11, Measures against rats

Public Health Act 1936

Section 79, Power to require removal of noxious matter by occupier of premises.

Section 84, Cleansing or destruction of filthy or verminous articles.

Town and Country Planning Act 1990

Section 215, Waste Land

14. Consultant Geriatrician

National Assistance Act 1948

Section 47, Removal of person from home in person's own interests or to prevent injury to other persons

National Assistance (Amendment) Act 1951

Section 1, Removal of person from home in person's own interests or to prevent injury to other persons (Emergency Procedure).

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