

Cumberland Council

Local Schemes of Sub-Delegation

Version Control

Version No:	Effective Date	Notes/Amendments to Scheme	Approved by	Approved by Chief Legal Officer/MO
V1	31/03/2023	Initial Scheme of Delegation on establishment of Cumberland Council, 01/04/2023	Andrew Seekings, Chief Executive, 31/03/2023	Clare Liddle 31/03/2023
V2	19/06/2023	Minor amendments for the Director of Place, Sustainable Growth & Transport	Darren Crossley, Director of Place, Sustainable Growth & Transport 19/06/2023	Clare Liddle, 19/06/2023

1. Cross Directorate matters

In the Constitution, the Leader and full Council delegate certain powers and functions to the Chief Executive and Chief Officers. This is set out in the Officer Scheme of Delegation at Part 2, Section 6 of the Constitution.

The responsibility for the exercise of non-executive functions rests with Council and is delegated to its Committees and to officers of the Council.

Likewise, responsibility for the exercise of executive functions rests with the Leader and these powers are delegated in accordance with the Leader's scheme of delegation.

Except for those matters that are delegated to a specific officer due to their statutory role or designation, the approach of the Officer Schemes of Delegation is to delegate all matters that have not been reserved to Council, Leader and Executive or a Committee to the appropriate Chief Officer. Each Chief Officer must then develop and maintain their own local scheme of sub-delegation which will be published on the Council's website and sets out how powers are delegated at the appropriate level.

This is the Local Scheme of Delegation to officers. It describes how each Chief Officer has delegated these powers and functions to officers in their Directorate to exercise on their behalf.

The purpose of this scheme is to provide a streamlined, clear and simple decision-making process. Directors should therefore avoid detail and assign delegations to posts/levels rather than individual officers.

This scheme is subject to restrictions and requirements in the Council’s Constitution, including the Contract Procedure Rules, the Financial Procedure Rules and other Procedure Rules, and any specific reservations or delegations determined by the Council, Committee or Leader and Executive.

General Notes

Except for matters that are delegated to an officer due to their Statutory Role or where a specified professional qualification is required, the authority delegated to an officer within a team for any matter is automatically delegated to any officer within the team at a more senior level. Proper Officer functions may be discharged by other officers duly authorised by Directors and/or Chief Officer(s) to act in the name of the Proper Officer concerned.

In the event of the Director not being available for whatever reason then the next most senior officer of the Directorate shall be authorised to implement these delegated powers. Where a delegation is to be exercised by an officer threshold which does not exist within that directorate, the decision is automatically delegated to the next lower threshold of officer. For example, if a decision were to be taken by an Assistant Director and a directorate did not have an Assistant Director, the decision would automatically be delegated to a Head of Service within that directorate. Where any new duty is given to the Council which does not fall within this Scheme of Delegation, the exercise of that duty shall be undertaken by the relevant Director until such time as the Council or Leader has allocated responsibility.

Where a function is delegated to an officer, they may authorise the carrying out of that function in their name by other officers within their department, directorate, team, unit or section (or such other officers as report to them directly or indirectly) either fully or under the general supervision and control of the authorising officer.

It is impossible and impractical to capture all decisions which are taken by an officer; this scheme focuses on high level decisions and does not cover many of the day-to-day decisions individual officers take which are essential to business continuity. When contemplating making a decision under delegated powers, therefore, the officer should consider whether the proposed decision:

- is sufficiently important and/ or sensitive so that it is reasonable for a member of the public to expect it to be taken by an elected, decision-making body (in which case the officer should arrange for it to be taken by that body)?
- is purely administrative and is only remotely connected with the Executive function/relevant committee (in which case an officer decision notice is unlikely to be required)?
- is so minor or routine that it is reasonable to consider it to be of no interest to a member of the public (in which case an officer decision notice is unlikely to be required)?

In in doubt, officers should seek advice from the Monitoring Officer.

These cross-directorate matters have been authorised as follows:

Authorised by	Date last updated
Andrew Seekings, Chief Executive	19/06/2023

(a) Management of staff

Refer to the relevant HR policy for matters not delegated below

Decision	Officer Level
Approval of HR policies	Chief Executive following consultation with the Senior Leadership Team
Approval of Special Severance Payments (excluding maintained schools) in accordance with the Local Government Act 1999 and associated legislation under £20,000	Director following consultation with Chief Finance Officer and Assistant Director HROD
Approval of Special Severance Payments (excluding maintained schools) in accordance with the Local Government Act 1999 and associated legislation between £20,000 and £99,999.99	Chief Executive with the evidenced approval of the Leader of the Council
Approval of Special Severance Payments (excluding maintained schools) in accordance with the Local Government Act 1999 and associated legislation of £100,000 or more	N/A - decision of Council
Recruitment to any role above the budgeted establishment with the exception of maternity leave and long-term sickness cover	Director following consultation with Senior Leadership Team
Appointment of any non-permanent workers outside the managed service provider contract	Director following consultation with Assistant Director HROD
Initial escalation of employment policy matter	Assistant Director HROD
Second escalation of employment policy matter	Any Director
Final escalation of employment policy matter	Chief Executive
Authority and power to take disciplinary action against and for the dismissal of employees within their area of responsibility	Assistant Director
Authorising recruitment of non-permanent workers through managed service provider contract - up to the value of £99,999.99	Head of Service
Authorising recruitment of non-permanent workers through the managed service provider contract - £100,000 and above and for workers with tenure of more than 12 months	Assistant Director
Authorising recruitment of permanent/fixed term staff	Head of Service (within approved organisational hierarchy)
Authorising overtime and expenses payments	Line Manager
Authorising acting-up payments and honoraria	Director

Decision	Officer Level
Approval of special leave and unpaid leave	Assistant Director
Approval of extension of sick pay	Director
Approval of carry over and buy-out of annual leave	Head of Service
Approval of career break applications	Assistant Director
Approval of applications for additional employment	Assistant Director
Service structure changes (including changes to the establishment)	Director (within approved budgets, otherwise following consultation with SLT)
Approval of changed and new job descriptions	Assistant Director
Authorisation for retirement and pension transfer	Director
Declaration of posts to be redundant and service of any notices or taking any steps as necessary to implement such redundancies.	Director following consultation with SLT
Any special conditions of service whether for potential or existing officers.	Director
Attendance by officers at training courses in accordance with the Council's officer training schemes or at conferences and external meetings.	Head of Service

(b) Finance

(i) Contracts

The Council's Contract Procedure Rules are set out in the constitution at Part 3 Section 7 and detail the thresholds below which officers may commence procurement and award contracts. Contracts exceeding £5,000,000 are awarded by Executive.

For advice on procurement processes, officers should contact the Procurement team. For advice on the exercising of financial powers, officers should contact the Finance team. For advice on contractual issues, officers should contact the Legal team.

Decision	Officer Level
Placing such emergency contracts/orders as necessary by means that are reasonable under the circumstances in the case of an extreme emergency where there is immediate danger to the safety of persons or serious risk of immediate loss or damage to the Council's assets or interests, or the interests of another party.	Any Chief Officer and Assistant Director Procurement NB The Portfolio Holder and Chief Finance Officer must be notified within 14 days

Decision	Officer Level
To take all steps in relation to hosted services within their area of responsibility including decisions in relation to hosted contracts	Chief Officer

(ii) Budget Management

The Council's Financial Procedure Rules are set out in the constitution at Part 3 Section 6 and detail the requirements which officers must follow when conducting financial affairs.

For advice on financial management, officers should contact the Finance team.

Authorisation of purchase orders

Decision	Officer Level
£500,000 and above	Chief Finance Officer
up to £499,999.99	Director
up to £249,999.99	Assistant Director
up to £99,999.99	Head of Service
£25,000 and under	Budget Manager

Authorisation of invoices and payments

Decision	Officer Level
£500,000 and above	Chief Finance Officer
up to £499,999.99	Director
up to £249,999.99	Assistant Director
up to £99,999.99	Head of Service
£25,000 and under	Budget Manager

Authorisation of expenditure

Requisitions

Decision	Officer Level
£100,000 and above	Assistant Director
Up to £100,000	Head of Service

Invoices: variations to requisitions

Decision	Officer Level
Variation of £100,000 and above	Assistant Director Finance
Variation of up to £1000,000 (or no requisition in agreed cases)	Assistant Director
Variation of up to £50.00 providing this does not exceed 2.5% of the total value of the invoice	No authorisation threshold is set - variations of this value are automatically approved

Treasury and banking

Decision	Officer Level
Approval of changes to account mandates	Any Head of Service in Finance
Approval of applications for GPCs or similar	Any Head of Service in Finance
Approval of Treasury investments	Chief Finance Officer
Approval of borrowing within Treasury Management Strategy	Chief Finance Officer

Capital and Revenue

Decision	Officer Level
Capital virements above £500,000	n/a – Council decision
Capital virements between £250,000 and £500,000	n/a – Executive decision
Capital virements up to and including £250,000	Director following consultation with Chief Finance Officer
Authorisation of addition of new capital schemes of up to £500,000 to the capital programme providing they are fully funded by grants or other external funding, or by virements from existing schemes	Director following consultation with Chief Finance Officer
Revenue virements above £500,000	n/a – Council decision
Revenue virements between £250,000 and £500,000	n/a – Executive decision
Revenue virements up to £249,999	Director following consultation with Chief Finance Officer
Debt write offs above £25,000	n/a – Executive decision (NB Audit Committee to be informed annually)

Decision	Officer Level
Debt write offs up to £25,000	Chief Finance Officer
Debt write offs up to £5,000 for any one item	Director following consultation with Chief Finance Officer and Chief Legal Officer
Approval of Treasury investments	Chief Finance Officer
Approval of borrowing within Treasury Management Strategy	Chief Finance Officer

(iii) Application for Grants

Decision	Officer Level
Submission of grant funding applications (provided they align with the Budget and Policy Framework)	Director following consultation with Portfolio Holder, Leader, Finance Portfolio Holder and Chief Finance Officer
Providing written confirmation of support for external partners bidding for grant funding	Assistant Director following consultation with Chief Finance Officer and Chief Legal Officer
Approval for the council to enter into grant agreements or contracts where the council is the recipient of funding	Director NB successful bids for funding to be reported to Executive NNB approval of Accountable Body status can only be made by Executive
Authorising the payment of non-statutory grants (e.g. to businesses or support organisations)	Director following consultation with Chief Legal Officer and Chief Finance Officer NB Executive decision where payment is over £150,000 and is outwith approved budget

(iv) Insurance

Decision	Officer Level
To notify the Assistant Director Insurance of variations to the extent or nature of risks to be insured to ensure the	Head of Service

Decision	Officer Level
council complies with the Duty of Fair Presentation of the Insurance Act 2015 and associated legislation. <i>Examples of such variations include: change in type of work undertaken, significant acquisitions, substantial work to property or change in its use, and other matters that materially increase the risk of loss, damage or injury that may give rise to a claim under the insurance policy.</i>	
To notify the Assistant Director Insurance (and also the Police where appropriate) any incident or loss, which could give rise to an insurance claim.	Head of Service

(c) Governance

Authorisation of reports

The following authorisation thresholds apply to reports produced by the authority. However, when the Strategic Director considers it to be appropriate, or when an officer within their directorate holds a statutory role, another officer may authorise a report.

Decision	Officer Level
Reports to Senior Leadership Team	Chief Officer
Reports to Committees	Chief Officer
Reports to Community Panels	Chief Officer
Reports to Regulatory Committees	Assistant Director
Financial implications in reports	Finance officer per report-writing guidance
Legal implications in reports	Legal officer per report-writing guidance
Equalities Impact Assessment accompanying a report (when applicable)	Assistant Director

Authorisation of Decision Notices

The following authorisation thresholds apply to records of decisions taken by officers of the authority. These matters are formally set out in the council's constitution and the legislation but are outlined here for ease of reference.

Decision	Officer Level
Delegated Decision Notices	Chief Officer

Decision	Officer Level
Express Decision Notices	By the officer to whom the decision has been expressly delegated, but no lower than Assistant Director
Urgent Decision Notices	Chief Officer following consultation with Chief Legal Officer, Chief Finance Officer and either Leader, Chair or Chair of Overview and Scrutiny Committee as appropriate See Constitution Part 2 Section 6 (2.2), Access to Information Procedure Rules and Budget and Policy Framework Procedure Rules
Shareholder's Representative	Section 151 Officer
Shareholder Decision Notices	Section 151 Officer
Financial implications in decision notices	Finance officer per report-writing guidance
Legal implications in decision notices	Legal officer per report-writing guidance
Equalities Impact Assessment accompanying a decision notice (when applicable)	Assistant Director

Communications

Decision	Officer Level
Responses to Members' enquiries	Any officer with sufficient knowledge and expertise
Responses to formal requests for information, e.g.: <ul style="list-style-type: none"> • Freedom of Information Act 2000 • Environmental Information Regulations 2004 • Subject Access Requests 	Refer to relevant procedures. In the absence of such a procedure, the officer level of authorisation is Head of Service
Responses to corporate complaints	Refer to Complaints Procedure. In the absence of such a procedure, the officer level of authorisation is Head of Service
Press releases – with potential for political or reputational impact	Head of Service for Communications

Decision	Officer Level
Press releases – without potential for political or reputational impact	Assistant Director following consultation with Head of Service for Communications
Authorisation of social media posts on council channels	Head of Service or any member of the council's Communications team as delegated by the Head of Service for Communications

(d) Legal

Decision	Officer Level
Appointment of counsel and obtaining external legal advice	Chief Legal Officer
To arrange legal representation, as may be considered appropriate	Chief Legal Officer
Authorisation of statutory notices	Chief Legal Officer
Commencement of legal proceedings	Chief Legal Officer
Recommendations to prosecute offenders	Assistant Director
To consult with the Chief Legal Officer and Chief Finance Officer where the Council is requested to give an indemnity.	Assistant Director

(e) Assets

Decision	Officer Level
Ensuring that asset registers are maintained in the appropriate format for accounting purposes for all fixed assets valued in excess of the limit set out in the Council Financial Regulations, Schedule of Financial Delegations to Officers, and that valuations are made in accordance with the local authority accounting code of practice	Director
Ensuring that all asset acquisitions and disposals are properly recorded within asset records	Director
Ensuring that all asset acquisitions and disposals are properly recorded within asset records	Director
Prescribing the records to be maintained for any stocks and stores and for inventories of moveable assets	Director

Decision	Officer Level
Approving the write off of deficiencies in any stocks, stores and inventory items subject to the limits set out in the Schedule of Financial Delegation to Officers	Director up to £5,000; Director of Resources up to £25,000; Executive above £25,000.