

## **Appendix 2**

### **Delegations to Officers**

- 1) Summary of the functions to be discharged by Chief Officers
  - a) Head of Paid Service
    - i) To the extent permitted by law, any function may be exercised by the Head of Paid Service notwithstanding its delegation to the Executive, Executive member or another officer where, in the opinion of the Head of Paid Service, it is necessary and expedient in the circumstances to do so.
  - b) Other Chief Officers
    - i) The Head of Paid Service, Chief Legal Officer, Chief Finance Officer, Assistant Chief Executive and Directors (together, the 'Chief Officers') are hereby authorised to take all lawful action consistent with overall Council policy to deliver the agreed strategy, plans and priorities within their area of responsibility and within approved budgets on the basis set out at (2) and (3) below.
    - ii) The Council's Management Structure forms Part 7 of the Council's Constitution and is published on the Council's website.
- 2) Delegation of functions to an officer
  - a) The Leader authorises the Head of Paid Service and Chief Officers to exercise any of the executive functions of the Council insofar as these relate to the general management of the Council and the day-to-day delivery of Council services for which they have responsibility and which are not otherwise delegated or reserved to the Executive, an individual Executive member or an individual officer under this Scheme of Delegation.
  - b) An officer shall be entitled to discharge functions allocated to the Chief Officer described in paragraph (1) above for which they are the delegated officer, subject to the general provisions governing delegations contained in paragraph (3) below.
  - c) In deciding whether or not to exercise such delegated powers, the Head of Paid Service and the Chief Officers should consider whether it is appropriate to consult the Leader or appropriate Portfolio Holder and have regard to their views. Officers shall always be entitled to refer matters to the Executive where they consider it appropriate to do so.

d) Specific delegations are made as follows:

- i) The officer occupying the post of Chief Finance Officer (s151 Officer) is authorised to do all things necessary in the performance of financial services and insurance arrangements and in connection with the discharge of functions delegated under this scheme and Part 2 Section 6 of the Council's Constitution.
- ii) The officer occupying the post of Monitoring Officer is authorised to do all things necessary to perform legal services and in connection with the discharge of functions delegated under this scheme and Part 2 Section 6 of the Council's Constitution. For the avoidance of doubt the conferring of the function on the Monitoring Officer does not remove the power of any authorised officer engaged in investigations to obtain or seek from the Courts a warrant of entry, order under RIPA 2000 or other process ancillary to the investigation they are engaged in.
- iii) In addition to any other delegation to an officer contained in this scheme, each council officer may discharge any function as is necessary for them to perform such of the duties as are set out in their job description as they are required to undertake by the officer or officers responsible for their management and subject to the general provisions governing delegations contained in paragraph (3) below.
- iv) In cases of doubt, anything which is not covered by this scheme, including the appointment of a proper officer for the purposes of any statutory function, will be determined by the Head of Paid Service.
- v) Whilst decisions and actions taken in pursuance of the general management of the Council and the day-to-day delivery of Council services are not eligible for call-in, an Overview and Scrutiny Committee may require the attendance of an officer to explain a particular decision or course of action undertaken.

### 3) General Provisions governing Delegations to Officers

- a) The conferring of a delegated power is not intended to and does not in fact supersede or replace any statutory requirement or override any provision of the Council's procedure rules, financial regulations or any other provision of the Constitution.
- b) Accordingly, decision makers acting under delegated powers must do so in accordance with any such provision and having due regard to any relevant Council policy or Government guidance.
- c) Reference to any statute or statutory instrument is deemed to be a reference to any modification or re-enactment thereof.

- d) Where there is a clear and pressing need for a Key Decision to be taken and it is not reasonably practicable, for any reason, for that decision to be taken by the Executive, Leader or Executive member then each Director shall be taken to hold specific authority under this provision to take Key Decisions within their directorate. The provisions concerning officers taking and reporting Key Decisions are set out in the main Leader's Scheme of Delegation and procedures above. Any decision taken under this delegation will be reported to the Leader at the next meeting of the Executive.
- e) It is recognised that delegated officers cannot personally undertake the discharge of every function conferred upon them. Delegated officers are accordingly entitled to arrange for the discharge by their subordinate officers of functions allocated to them provided that the delegated officer remains responsible for and accountable to the Executive and Council for the exercise of their delegated powers and puts in place such measures as the delegated officer considers appropriate to ensure that those officers assisting them in the discharge of functions do so in accordance with the provisions of this delegation and do not exceed the limits of any authorisation made to them by the delegated officer to assist them in this task.
- f) For the avoidance of doubt, any reference in this part to the discharge of functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.
- g) If any delegated officer receives any statutory notice which, if contravened, would give rise to a risk of prosecution they shall immediately refer it to the Monitoring Officer and to the Leader who shall be entitled to call for a report on the matter to themselves and, as necessary, to the Executive.
- h) For the avoidance of doubt, an officer seized of the power to make a decision may, where they consider it necessary in the particular circumstances, refer the matter for decision to the Leader or relevant Portfolio Holder.
- i) The Leader or Portfolio Holder may also request an officer not to exercise their delegated power in any particular case and to instead bring a report to Executive.
- j) All delegated officers must seek and obtain appropriate professional advice from those employed or otherwise engaged by the Council for that purpose in connection with a matter under consideration for determination. The making of Key Decisions requires such advice to be in writing in accordance with the main Scheme of Delegation and procedures above.