

PART 3.3 SCHEME OF DELEGATIONS
FUNCTIONS DELEGATED TO OFFICERS

3.3.1 GENERAL PROVISIONS

1. Definitions used in this Part 3.3.

Cabinet	the executive of the Council.
Chair	the designated chair of any committee or sub-committee of the Council.
Chief Executive	the Chief Executive of the Council which shall include any reference to the Head of Paid Service.
Full Council	a meeting of the full membership of the Council.
Leader	the Leader of the Council.
Monitoring Officer	the designated monitoring officer of the council.
Officers	officers / members of staff of the Council
Chief Officers	the Chief Executive, the Strategic Directors for Place, People and Resources and the Monitoring Officer.
Scheme	this scheme of delegations.

2. Power of delegation

- 2.1 The Council has made the following arrangements for the discharge of executive and non-executive functions by its Officers under the Local Government Act 1972 and the Local Government Act 2000 (or any other legislation as specifically referred to).
- 2.2 The executive powers, duties and functions are exercised on behalf of the Leader.
- 2.3 The absence of any specific delegation from this Part 3.3 shall not be taken as implying an absence of authority. The Chief Officers may exercise all powers within their respective area of responsibility unless specifically reserved to another person or body according to Part 3 of the Constitution.

3. Limitations

- 3.1 Officers shall exercise powers under this Scheme in compliance with:
- (a) the rules of procedure set out in Part 4 of this constitution

- (b) corporate policies and strategies, including governance requirements as specified by the Monitoring Officer and the budget policy framework;
- (c) any additional conditions imposed either by the Council or by statute or any statutory code of practice.

3.2 The exercise by Officers of the powers delegated under this Scheme involving the incurring of any expenditure is subject to there being sufficient approved provision within the budget to cover that expenditure.

Consultation / non-exercise of delegation

3.3 An Officer exercising any delegated power under this Scheme may consult with the Leader, with the relevant individual Cabinet member or with the Chair of the relevant committee, as appropriate, when the Officer considers such consultation necessary or appropriate in light of the decision required.

3.4 An Officer may decline to exercise their powers and may refer any matter within a delegation or authorisation to them to the Leader, the Cabinet, the relevant individual Cabinet member or to an appropriate Council committee or sub-committee for decision.

Transfer of functions

3.5 Where the name of a post is changed or the functions of a post are transferred to another post the delegated powers which attach to the old post / function shall also transfer to the other post.

Sub-delegations

3.6 The Chief Officers may delegate any of the powers listed in this part to another Officer, in so far as is legally permissible. Such delegation will specify whether the Officer is permitted to make further sub-delegations. Any such delegation or sub-delegation must be:

- (a) recorded in writing; and
- (b) lodged with the Monitoring Officer who will keep a public record of all such delegations.

Any such delegation / sub-delegation will become valid only when these conditions are complied with.

Conflict of interests

3.7 Every Officer shall comply with the provisions as to the management of conflicts of interest as set out in paragraph 5 of the Contract Procedure Rules and paragraphs 13 and 16 of the Executive Procedure Rules.

3.8 Where a Chief Officer (except for the Monitoring Officer) is unable to act due to a conflict of interest one of the other Chief Officers shall be authorised to exercise the relevant delegation. Where the Monitoring Officer is unable to act due to a conflict of interest Deputy Monitoring Officer shall be authorised to exercise the relevant delegation.