

Officer Scheme of Delegation

This Scheme provides officers with the authority to deliver the services for which they are responsible.

A Director may exercise any power delegated to him or her. In the event of a Director being unable to act the following are authorised to act in their stead. Initially this should be a designated Deputy Director.

- For the Chief Executive, the Deputy Chief Executives, Strategic Directors or any of the Directors, as appropriate.
- For the Strategic Director Resources, an appropriate Director in the Resources Directorate
- For the Director of Legal Services, a Deputy Monitoring Officer
- For the Director of Financial Services, an appropriate Senior Accountant.
- For the Strategic Director of Children's Services each of the Assistant Directors of Children's Services, as appropriate.
- For the Director of Adult Social Services each of the Assistant Directors of Adult Social Services as appropriate.
- For the Director of Customer Services, the Head of Customer Operations, the Head of Support Services and the Head of Business Development and Partnerships, as appropriate.
- For the Director of Culture, Leisure and Sport, the Head of Cultural Services and the Head of Leisure and Entertainment Services as appropriate
- For the Director of Regeneration, Housing and Neighbourhoods, the Deputy Director and Assistant Directors as appropriate.
- For the Director of Environment, the Assistant Director of Environment.
- For the Director of Policy, the Director of Communications.
- For the Director of Communications, the Director of Policy.

A Director may delegate to another named officer or post holder powers and duties which have been delegated to that Director.

The Chief Executive may exercise powers delegated to any Officer when that Officer is unable or unwilling to act.

RESTRICTIONS ON USE OF DELEGATED POWERS

- 1 Directors shall exercise their powers in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.**
- 2 Directors shall exercise their powers in compliance with policies, rules and controls issued by the Council, a Committee, the Executive Board, or the relevant Executive Member, as appropriate. They should also apply the principles relating to key decisions of the Council.**
- 3 Directors' powers to incur expenditure are subject to there being sufficient budgetary provision to cover that expenditure.**
- 4 Where powers delegated to a Director coincide with those given to Executive Members the principle will be observed that day to day**

managerial decisions are for the Director to take and Executive Members should take strategic decisions. However a decision taken by a Director shall not be open to challenge on the basis that it offends this principle.

Interpretation of Powers

1. Any power to take action under a statutory provision shall be deemed to authorise action under any statutory re-enactment of that provision.
2. Any power to take action shall include the power to take necessary associated actions.

GENERAL DELEGATIONS TO ALL DIRECTORS

All Directors shall have authority to deal with the following:

A IN CONNECTION WITH FINANCIAL MATTERS

1. The management of buildings and facilities under their control.
2. The placing of orders and the awarding of contracts up to £500,000 and over £500,000 in consultation with the relevant Executive Member provided that contracts procedure rules are followed.
3. To select contractors to tender for work or supply services to the authority
4. To incur expenditure on individual capital schemes within the approved budget costing not more than £500,000 or, on design preparation of a scheme.
5. To incur revenue expenditure within the Council's Departmental Budgets.
6. To approve price variations under contracts and to authorise variation orders under contracts. Where contracts are managed by a third party external to the Council, price variations should be reported to and approved by the relevant Director.
7. To dispose of assets other than land up to the values set out in Financial Regulations.
8. The drawing up of bids and accepting offers of external funding within their own area of responsibility in consultation with the relevant Executive Member and the Executive Member for Resources.
9. To approve, in consultation with the Directors of Legal Services and Financial Services, the payment of financial compensation, to resolve a complaint submitted in accordance with the Council's complaints procedure.
10. In consultation with the Director of Financial Services and relevant Executive Member, to approve an increase in the original budget up to a maximum of 1.5% of a portfolio's applicable cash limit subject to the presentation in advance by the appropriate Director(s) of a detailed and fully costed business case to the Executive Member. (The format for the business case will be specified by the Director of Financial Services). A report of action taken should also be presented to the Executive Member for Resources.

11. Approval of grants to voluntary or community organisations.
12. The power to provide services to outside bodies subject to this not requiring an increase in the staffing complement.

B. IN CONNECTION WITH PERSONNEL MATTERS

1. All managerial powers in connection with the staffing of services under his or her control including but not restricted to:
 - Appointment, suspension and dismissals
 - The approval of payments and benefits to staff
 - The approval of leave
 - Agreement to secondments
 - Approval of training opportunities

Note: in relation to Directors and Assistant Directors the powers of the Chief Executive and of the Chief Officer Employment Committee takes precedence

2. The Power to determine employee related applications and appeals in accordance with Council procedures.
3. The engagement of temporary, agency or casual staff and the engagement of consultants.

C. IN CONNECTION WITH GENERAL MATTERS

1. In consultation with the relevant Executive Member to authorise attendance by Members at conferences/seminars etc. provided there is adequate budgetary provision.
2. To authorise persons to enter land or obtain information for any statutory purpose coming within the Director's field of responsibility.
3. To take necessary measures to ensure that high standards of health, safety and welfare are achieved in the activities of the Council and its Departments, in compliance with the Health and Safety at Work etc. Act 1974 and the Council's Health and Safety Policy.
4. The fixing of fees and charges for services under their control within the budgetary limits established at Finance Council.

TO THE CHIEF EXECUTIVE

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.

1. To take any action, including incurring expenditure, in connection with an emergency or disaster in the district.
2. To exercise powers delegated to any Officer when that Officer is unable or unwilling to act.

3. To exercise plenary powers
4. To exercise the Council's powers in respect of the employment of Directors and Assistant Directors. A decision made by the Chief Executive under these powers must last for no more than six months before the matter is referred to the Chief Officer Employment Committee.
5. To appoint Committees from Panels agreed by Council.
6. To exercise functions under the Customer Feedback Policy.

TO THE DEPUTY CHIEF EXECUTIVES

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.

1. To exercise all the powers of the Chief Executive where he is unable to act.

TO THE STRATEGIC DIRECTOR RESOURCES

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.

1. The powers of the Chief Financial Officer under the law, the Council's Constitution and its appendices.
2. To write off all irrecoverable debts with a limit of £5,000 in respect of each individual account. To write off larger debts with a limit of £30,000 in consultation with the Executive Member (Resources).
3. The power to take urgent action to protect the Council's financial position.
4. The power to authorise change control within the Strategic Partnership Agreement with Capita.

TO THE DIRECTOR OF COMMUNICATIONS

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.

1. To issue corporate media statements, publicity, and electronic or hard copy publications.

TO THE DIRECTOR OF LEGAL SERVICES

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.

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1. To institute, defend, appear and be responsible for the conduct of any legal proceedings in any civil or criminal court or tribunal on behalf of and in the name of the Council, including payments to settle proceedings.
2. To take any action to protect the Council's legal rights and to take any necessary steps to settle disputes arising.
3. To authorise officers to appear in the Magistrates' and County Courts.
4. To serve Statutory Notices, complete and confirm Orders, sign and seal documents and receive and open tenders.
5. To agree indemnities where they are required to enable the Council to exercise any of its functions provided that where the giving of an indemnity could have considerable financial implications the Director of Financial Services shall be required to give approval.
6. The authority to deliver the following:
 - in consultation with the Director of Financial Services, powers under the Coroners Act 1988.
 - Civic and ceremonial occasions, civic hospitality and determine requests to reproduce the Council's Coat of Arms.
 - electoral functions, in consultation with the Chief Executive
 - the Council's powers in respect of the Registration of Births, Marriages and Deaths.
7. To approve land transactions in accordance with the Council's Financial Regulations.

TO THE DIRECTOR OF FINANCIAL SERVICES

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.

1. To determine applications for discretionary non-domestic rate relief.
2. The power to set the Council Tax Base in consultation with the Executive Member (Resources)

TO THE STRATEGIC DIRECTOR OF CHILDREN'S SERVICES

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.

The Strategic Director of Children's Services is authorised to deliver services within the remit of the Children Act 2004.

1. **Education services** – the authority's functions in its capacity as a Local Education Authority, except those excluded under section 18(3) of the Act (namely certain functions relating to further education, higher education and adult education).

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2. **Social services** – the authority's functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children, and the local authority's functions for children and young people leaving care.
3. **Health services** – any health related functions exercised on behalf of an NHS body under section 31 of the Health Act 1999, insofar as they relate to children.
4. **Inter-agency co-operation** – the building and leading of arrangements for inter-agency co-operation as set out in the Children Act 2004.

TO THE DIRECTOR OF ADULT SOCIAL SERVICES

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.

1. To exercise the authority's functions within the meaning of the Local Authorities Social Services Act 1970, insofar as it relates to adults.
2. Any health related functions exercised on behalf of an NHS body under section 31 of the Health Act 1999, insofar as they relate to adults.
3. To exercise the Council's community care responsibilities for adults.
4. To exercise the Council's functions regarding the procedures for dealing with complaints and representations relating to personal social services for adults.
5. To administer and provide grants, loans, charges and other forms of assistance for adults.
6. To make provision and act in accordance with legislation relating to mental health.
7. To authorise disabled adaptations and home repair assistance and to be responsible for the Council's Care and Repair Agency.

TO THE DIRECTOR OF CUSTOMER SERVICES

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.

1. To approve, administer and authorise payment of welfare benefits in accordance with Council policy and agreed criteria, including the following:-
 - Council tax benefits
 - Housing benefits
 - Remission of fees for school dinners and the payment of school clothing and maintenance allowances
 - Grant Aid to pupils on courses;
 - Public Transport concessionary fare passes.

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3. To exercise all arrangements for the delivery of effective customer services including the provision of direct contact centre and one stop shops.
4. To administer the Council's responsibilities under Data Protection and Freedom of Information legislation.
5. To exercise departmental functions in respect of the overall management of asylum support.

TO THE DIRECTOR OF CULTURE, LEISURE AND SPORT

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.

1. To exercise the Council's powers in connection with the provision of leisure and sports centres; entertainment services; libraries, arts and museums.

TO THE DIRECTOR OF REGENERATION, HOUSING AND NEIGHBOURHOODS

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.

Regeneration powers

1. The Director be authorised to exercise all the Authority's functions in relation to services delivered by his department including:
 - transport
 - economic development
 - environmental health
 - licensing
 - planning
 - building control
 - housing strategy
 - markets
 - highways and car parking
 - tourism
 - community safety
 - neighbourhood engagement and community centres
 - neighbourhood services
 - housing renewals
 - lifelong learning and adult workforce development
 - trading standards
 - homelessness
 - regeneration programmes and external funding
2. To draw up bids for and accept offers of external funding for the authority where such funding is cross cutting and not service specific in consultation with the Executive Members for Regeneration and Resources.

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3. The power to approve all business, community and voluntary sector grant schemes up to a level of £40,000. Above that level the Executive Member makes these decisions.
4. To exercise the Council's powers towards accessing housing for those who are vulnerable or have special needs.
5. To authorise action in connection with the Authority's duties under Section 17 of the Crime and Disorder Act 1998.

Planning Powers

1. To seek planning permission on behalf of the Council.
2. To determine applications for planning permission, except where:
 - approval would involve overriding public objections;
 - the decision would be contrary to the development plan or prejudicial to Council policy;
 - where the site area is in excess of one acre.
 - the application relates to a home for the elderly, nursing home or home for the mentally ill;
3. To determine applications in relation to protected trees and hedgerows.
4. To determine applications where no objections have been received for development of over one acre in site area within allocated industrial/business areas as defined on the Local Plan and to which policies EC1 and EC2 relate.
5. To determine applications for lawful development certificates.
6. To authorise the service of planning contravention notices, breach of condition notices and stop notices.
7. To deal with formal complaints and to set and adjust fees in relation to formal complaints under the Anti-Social Behaviour Act 2003 (Part 8, High Hedges Legislation).
8. Where urgent action is required and following consultation with the Chair of the Planning and Highways Committee to exercise all powers of the Council as local planning authority.

Environmental Health Powers

9. To act in accordance with Control of Pollution and Environmental Protection legislation in regulating waste disposal.
10. To take all necessary action required to remedy unfitness and repair houses in the private sector.
11. To take any necessary steps relating to the implementation of Renewal Areas, the payment and repayment grants for the renovation of housing (including group repair schemes) and necessary repair of properties are carried out.
12. To take all necessary action in respect of:-

- Private rented sector including houses in multiple occupation Closure Orders, Demolition Orders and Compulsory Purchase Orders
 - Prosecution of Owners and Others
 - Public health, pest control, animal welfare, filth or verminous properties, fly tipping and land detrimental to the amenity of the neighbourhood
 - Exhumations and paupers burials
 - Caravan and camping sites
12. To carry out all action necessary under environmental health, safety at sports grounds, petroleum licensing, explosives, health and safety and related legislation.

Licensing Powers

13. To carry out all licensing and registration functions other than any specifically delegated to other Directors.

Other Powers

- 14 To take action in connection with the management of the Borough's market undertakings and fairs.
- 15 To approve temporary markets with charitable elements subject to conditions set out.
- 16 To make temporary orders in accordance with the Road Traffic Regulations (Special Events) Act 1994.
- 17 To authorise action in accordance with highways and road traffic legislation and to have client responsibility for the administration of car parks.
- 18 To exercise the Council's functions in relation to public transport.

TO THE DIRECTOR OF ENVIRONMENT

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract Procedure Rules.

1. The Director be authorised to exercise all powers in relation to services delivered by his department including:
- parks management
 - grounds and landscape maintenance
 - cleansing services including refuse collection, street cleaning, gully emptying and recycling
 - waste functions
 - cemetery and crematorium service
 - building maintenance service for corporate buildings, leisure and culture facilities and the care and repair service
 - neighbourhood health services
 - parking enforcement
 - highways maintenance (contractor) services
 - management and maintenance of the transport fleet
 - drainage functions

2. To authorise the granting of exclusive rights of burial.

DELEGATIONS TO CAPITA BUSINESS SERVICES LTD

All powers shall be exercised in compliance with the law and the Council's Constitution, including specifically Financial Regulations and the Contract procedure Rules.

1. The following powers may be exercised by any person nominated by the Business Centre Manager.

They are subject to the restrictions contained in:

- The general limitations on the exercise of delegated powers by Chief Officers.
- The provisions of the Strategic Partnership Agreement.
- The provisions of relevant Statutory Instruments issued under Section 70 of the Deregulation and Contracting Out Act 1994.

Highways Powers

1. The powers to maintain the highway and to make improvements and carry out works to the highways and associated equipment.
2. The powers to issue licenses and take action in respect of skips, scaffolding, the deposit of building materials and the excavation of streets.
3. The powers to require the removal of structures or trees from the highway.
4. The powers under the New Roads and Street Works Act 1991 in respect of the co-ordination of street works etc.
5. Save where the Council or the Executive Board (as applicable) determines otherwise those other powers set out in the Local Authorities (Contracting Out of Highways Functions) Order 1995

Note: these powers do not include

- a. Any powers of entry onto premises
- b. The power to make charges under section 74 of the New Roads and Streets Works Act 1991

Finance Powers

1. Subject to and in accordance with the Strategic Partnership Agreement the powers set out in the Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1990.

Note: This power does not permit Capita staff to make applications for warrants of commitment on behalf of the Council.

Other powers

1. Subject to and in accordance with the Strategic Partnership Agreement the powers set out in the Contracting out (Functions of Local Authorities: Income-Related Benefits) Order 2002 (which includes authority to make determinations in relation to applications for council tax benefit and housing benefit).