Section 3
Scheme of Delegation to Officers

This Scheme of delegation comprises four parts

Part 1 – The overall Scheme of delegation to Officers

Part 2 – General delegations to the Strategic Directors and Heads of Service

Part 3 – Specific delegations to Officers

Part 4 – Proper Officer functions

Part 1: The Overall Scheme of Delegation
How the Scheme Works

1 **General Delegation**

1.1 The Council and the Leader delegate to the officers identified in Part 2 (the Chief Executive, Assistant Chief Executive, Strategic Directors, Assistant Directors and Head of Service) and authorise them, subject to the limitations and reservations (set out in paragraph 9) of this scheme to:

a) exercise the County Council's functions (both executive and non-executive) which relate to their area of responsibility described in Part 2; and

b) exercise functions specifically delegated to them by either the Leader (under Section 15 of the Local Government Act 2000) or by the Council, a committee or sub-committee (under Section 101 of the Local Government Act 1972).

1.2 Where any officer listed in Part 2 is absent for any period, the Chief Executive, Assistant Chief Executive or the relevant Strategic Director, may nominate in writing another officer to act in his or her place during their absence and shall make a record of all such nominations.

2 **Specific Delegations**

2.1 The Council and the Leader also delegate to the officers identified in column 2 of Part 3 the specific functions (executive and non-executive) allocated to them in column 3 of Part 3 subject to the limitations and reservations (set out in paragraphs 5 to 10) of this Scheme.

2.2 The officers identified in Part 2 are also authorised to exercise the functions described in Part 3 and which are within their area of responsibility, with the following exceptions:

a) a statutory officer post remains the function of the post holder unless another officer is nominated to act in his place in accordance with paragraph 1.2 or 2.3

b) The determination of planning applications and town and country planning functions of the Council cannot be exercised above the level of Planning and Development Group Manager

2.3 Where any officer listed in Part 3 is absent for any period the appropriate Strategic Director, Assistant Director or Head of Service with management responsibility for that officer may nominate in writing another officer to act in his or her place and shall make a record of all such nominations.

3 Powers Delegated to Officers

Without prejudice to the generality of paragraph 1, and to any specific delegation set out in Part 3, the Officers listed in Part 2 have authority to exercise the following functions of the Council and the Leader which relate to their area of responsibility: -

3.1 Legal Powers

To institute, appear in, prosecute and defend on behalf of the County Council proceedings before a Magistrates Court or similar Tribunal of first instance but not (unless specifically authorised by Part 3 of this Scheme) any other legal proceedings (which are delegated to the Head of Legal and Democratic Services).

3.2 Human Resources

The Chief Executive, Assistant Chief Executive, Strategic Directors, Heads of Service and other managers with line management responsibility, as nominees of the Chief Executive are authorised subject to Part 5 of Standing Orders to appoint, discipline and dismiss employees within their Directorate or Service. In addition the Chief Executive may, subject to Part 5 of Standing Orders, nominate a Strategic Director to discipline and dismiss employees within any other Directorate or Service.

3.3 Service Plans

The Chief Executive, Assistant Chief Executive and Strategic Directors, in consultation with the relevant Cabinet Member, are authorised to approve Service Plans.

3.4 **Emergencies or Disasters**

The Chief Executive, Assistant Chief Executive and the Strategic Directors are authorised to exercise the powers of the County Council under section 138 of the Local Government Act 1972 in the event of an emergency or disaster.

3.5 **Certification of Contracts**

The Chief Executive, Assistant Chief Executive and Strategic Directors are authorised to sign Certificates under the Local Government (Contracts) Act 1997.

3.6 **Covert Surveillance and the Use of Covert Human intelligence sources**

The Trading Standards Community Protection Manger and Policy and Operations Manager are required to authorise directed surveillance, the use of covert human intelligence sources and communications data checks and to keep the Council's central record of such authorisations in accordance with the Regulation of Investigatory Powers Act 2000.

3.7 **Proper Officers**

The Council appoints the Proper Officers specified in Part 4 and delegates to the Chief Executive the function of making Proper Officer appointments in cases of urgency.

4 **Other Requirements**

The exercise of functions delegated to officers under this Scheme must comply with: -

4.1 any legal requirements or restrictions;

4.2 the Council's Constitution;

4.3 the Council's policy framework and any other plans and strategies approved by the Cabinet;

4.4 the in-year budget;

4.5 the Members Code of Conduct;

4.6 the Code of Conduct for Staff, the Fairness & Dignity At Work Procedure, the Equalities Policy Statement, the Health & Safety Policy and any other Code issued by the County Council from time to time;

4.7 any Employee Code issued under the Local Government Act 2000;

4.8 the County Council's Human Resources (HR) policies and procedures including those relating to employment;

4.9 the Code of Recommended Practice on Local Authority Publicity;

4.10 the requirements to achieve Best Value;

4.11 Procurement Standing Orders, Financial Regulations and Financial Instructions;

4.12 the adopted development plan policies and any guidance issued by the Planning and Regulatory Committee.

5 Scrutiny

The exercise of delegated functions by officers is subject to the right of a Select Committee to review and scrutinise decisions in respect of both executive and non-executive functions.

6 Reservations

This scheme does not delegate any function to an officer which

6.1 is reserved by law or this Constitution to the full Council or any committee of the Council or the Cabinet; or

6.2 may not by law be delegated to an officer; or

6.3 is an executive function which the Leader has reserved to himself or the Cabinet for a decision.

7 Limitations

Officers in the exercise of functions delegated by this Scheme may not:

7.1 make key decisions (as defined in Article 6 of the Constitution);

7.2 change or contravene policies or strategies approved by the Council or the Cabinet;

7.3 create or approve new policies and strategies;

7.4 take decisions to withdraw public services;

7.5 take decisions to significantly modify public services without consultation with the appropriate Cabinet Member before exercising the delegated power;

7.6 take decisions on significant new powers or duties arising from new legislation before the new powers or duties have been reported to the Council or the Cabinet as appropriate, (except in cases of urgency and in consultation with the appropriate Cabinet Member or Committee Chairman);

7.7 provide formal responses to any Government White Paper or Green Paper or other consultation likely to lead to policy changes or have significant impact upon services (except in cases of urgency and in consultation with the appropriate Cabinet Member or Committee Chairman);

7.8 declare land or property surplus to requirements;

7.9 agree grant criteria or approve fees and charges (except where specific delegations to officers have been made in Part 3 of the Scheme of Delegation, or as a matter of urgency, in consultation with the appropriate Cabinet member or committee chairman, provided the decision is within Council policy and budget).

8 Consultation

8.1 Where an officer takes a decision under delegated authority on a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with appropriate Cabinet Member(s) or Committee Chairman before exercising the delegated powers.

8.2 An officer may at his/her discretion consult the appropriate Cabinet Member, or the Cabinet, or the appropriate Committee, or its Chairman before exercising delegated powers, or not exercise delegated powers but refer the matter to the Cabinet or a committee for a decision.

8.3 In exercising delegated powers, officers will, in line with the Member/Officer Protocol, keep local members informed of matters affecting their divisions.