

Draft General Principles Relating to Officer Delegation

1. The Chief Executive will establish a scheme of sub-delegations that specifies the functions, names of the post which may carry out that sub-delegated function, and the limits, if any, on the sub-delegation. The Chief Executive will periodically review sub-delegations and whenever necessary ~~and~~ may change sub-delegations as they see fit. The limits on sub-delegation may include the obligation to consult, record and/or refer back to the Chief Executive or other Officers in certain circumstances and are made subject to relevant policies. ~~The Associate Director Legal and Democratic (Monitoring Officer)~~ will maintain the current version of the Council's scheme of officer delegations.
2. This scheme gives the power for the Director of Finance, Associate Directors and Monitoring Statutory Officers to take decisions in relation to all the functions in their areas of responsibility

except where:

- i. a matter is prohibited by law from being delegated to an officer, or
 - ii. a matter has been specifically excluded from delegation by this scheme, by a decision of the full Council, a Committee or Sub-Committee.
3. The Director of Finance (Chief Financial Officer), Associate Directors and Statutory Monitoring Officers may not take decisions unless specifically provided for within the constitution or specifically delegated by a Committee or Sub-Committee.
 4. The cascade principle under which this scheme operates means that any officer given powers under this scheme can further delegate those powers to other officers through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas). Officer decisions must be evidenced in writing using the agreed standard form, dated and signed by the officer exercising the delegated authority.
 5. All Local Schemes of Delegation (and any changes to them) must be agreed by the relevant Member of the Senior Leadership Team (SLT) and the Associate Director, Legal and Democratic (Monitoring Officer).
 6. Where a function has been delegated to an officer (including where subdelegated through the cascade principle), the person or body making the delegation may at any time take back responsibility for the function and may therefore exercise the function (make the decision) despite the delegation.
 7. In cases which may be considered novel or contentious or bring recurring obligations, the officer to whom a power has been delegated should consider a matter to be of such importance or sensitivity that their delegated authority should not be exercised. In these circumstances they may refer the matter back to the delegator for determination or for a Committee resolution.
 8. Any power delegated or cascaded under this Scheme can be exercised by the relevant Director of Finance, Associate Directors or Monitoring Statutory Officer and in all cases by the Chief Executive personally, with the exception

of those statutory functions delegated exclusively to the Director of Finance (~~Council's Chief Finance Officer~~) or the ~~Associate Director Legal and Democratic~~ (Monitoring Officer).

9. The powers of this scheme are delegated to the officers referred to by title within this Scheme of Delegation. The delegations apply to whoever holds that post title at any time – not to the individual person. The powers are automatically transferred to any successor officer, to whom the functions are allocated following any reorganisation of the Council's management arrangements, irrespective of a change in the title/name of the officer post. Nominated Deputies are able to exercise all functions of the person delegating the functions.

Officer Delegations

10. Delegations relate to all provisions for the time being in force under any applicable legislation and cover functions of the Council and all powers and duties incidental to that legislation.
11. Any delegation must be exercised:
 - a. In compliance with the Budget and Policy Framework, all the Council's Procedure Rules, the Pay Policy Statement approved annually and the Officer Code of Conduct
 - b. In accordance with the decision-making requirements set out in the Constitution, including requirements for decision-records and access to information
 - c. Having identified and managed appropriate strategic and operational risks within the officer's area of responsibility
 - d. Within the approved Budget and Policy Framework approved by the Council (or separate approval must be sought)
 - e. Following any appropriate legislative, regulatory, consultation, equalities or procedural requirements that may be required.
12. An officer, in exercising delegated powers may consult the relevant Committee Chair if they consider it appropriate to do so and shall consult other appropriate officers for professional advice including legal, financial and technical officers and shall have regard to any views and advice received.
13. Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by the Director of Finance or Associate Directors is introduced, that officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the full Council, a Committee or the Chief Executive decides to whom to allocate responsibility for the new legislation.
14. The Chief Executive, Director of Finance and, Associate Directors may appoint another officer as their deputy and such deputy shall have all the powers of the Director and Associate Directors as set out in this Constitution. A deputy may be appointed in relation to all the areas of service delegated to the Chief Executive, Director of Finance or Associate Directors under this Constitution or in relation to a particular area of service only. A deputy may be

appointed for a specific period of time (for example to cover the absence of a Chief Officer) or without time limitation. The appointment of a deputy shall not prevent the exercise by the Director of any delegation set out in this Constitution.

15. If there is any dispute or lack of clarity as to the Director or Associate Director who has power to make decisions on specific areas of service, the Chief Executive shall have power to determine where the delegation should be exercised.

General Delegations to the all Director of Finance and Associate Directors

16. The following delegations shall apply to all Directors (and to any appointed deputies).

Urgent action

17. To act on behalf of the Council in cases of urgency in the discharge of any function of the Council for which their Directorate or Service has responsibility, other than those functions which by law can be discharged only by the Council or a specific Committee. A decision will be urgent where any delay would seriously prejudice the legal or financial position of the Council or the interests of the residents of Three Rivers. This delegation is subject to the conditions that any urgent action:

- a. shall be reported to the appropriate Committee in the Members' Information Bulletin once agreed with an annual report reported to Council in February each year.

- b. Undertaken under Part 3 of the Council Constitution, Section 8, Points 8.1 to 8.3

- ~~b-c.~~ shall take account of advice of the Associate Director Legal and Democratic (Monitoring Officer) and the Director of Finance (the Council's Chief Finance Officer)

- ~~e-d.~~ shall be exercised in consultation with the Group Leaders of the Council and will whenever possible be by unanimous agreement. The Leader of the Council will at their discretion determine at what point agreement has not been possible having regard to the urgency of the matter. The Chief Executive will give effect to any urgent decision reached by unanimous agreement.

- ~~d-e.~~ Where agreement has not been reached under the above paragraphs, proportionality will be applied to the decision of each group leader to the effect that their decision reflects the number of seats held by their party on the Council and the Chief Executive will act in accordance with the decision of the group.

Implementation of decisions

18. To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of Council a Committee, Sub-Committee, or an Officer.

General operational

19. To have overall responsibility for the operational management of the relevant area of service and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the service is responsible.

Consultation

20. To undertake and consider the outcome of statutory and non-statutory consultations on service provision.
21. To respond to Government Consultations and consultations from other bodies, in consultation with the relevant Committee Chair.
22. To undertake all steps required to complete Government Statistical Returns.

Finance

23. To manage the finance of their departments to ensure value for money and the development of budget policy options with a detailed assessment of financial implications.
24. To enter into contracts and incur expenditure.
25. To determine a Pricing Strategy that articulates the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery.
26. To submit applications for grant funding that align with the Council Budget and Policy Framework, in accordance with the approvals required under the Financial Procedure Rules.

Staffing

27. To deal with the full range of employment and staff management issues, below Director level including but not limited to appointments, terms and conditions (other than those negotiated nationally) training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the Employment Procedure Rules.
28. To implement changes to staffing structures subject to prior consultation with all appropriate parties affected by the decision, including any Trades Union, except where the restructure:
 - a. involves the loss of more than one post not currently vacant
 - b. involves re-grading of posts or the grading of new posts
 - c. involves changes to existing National or Local Agreements and policies
 - d. cannot be achieved within the delegated powers in respect of budgets.
29. To enter into reciprocal arrangements for the authorisation and appointment of officers to facilitate cross-border co-operation in the discharge of delegated functions with any other council or enforcement authority.

Land and assets

30. To manage land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.
31. To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation.
32. To make application for planning permission and any other necessary applications for other consents required for the development of land.

Legal authorisation and enforcement

33. To act as “duly authorised officers” (for the purposes of all relevant legislation) and to enforce/administer the requirements of all relevant regulatory legislation which shall (for the avoidance of doubt) include (but not be limited to) taking the following action (and all actions reasonably necessary, expedient or ancillary in order to facilitate or enable the same):
 - a. Applying for warrants, carrying out investigations, inspections or surveys, entering land and premises, taking samples and seizing property
 - b. issuing (or declining to issue) licences, certificates or certified copies of documents, approvals, permissions, consents, notices, orders, directions or requisitions for information.
34. With the approval of the Monitoring Officer, to authorise the institution, defence or participation in civil and criminal proceedings and quasi-judicial proceedings (which for the avoidance of doubt shall include but not be limited to all court hearings, tribunal, inquiry and appeal processes), administer cautions and/or take any other action considered necessary to protect the interests of the Council.
35. To exercise the role of authorising officer and designated person under the Regulation of Investigatory Powers Act 2000. ~~(The Associate Director Legal and Democratic (The Monitoring Officer) is excluded from this provision as they have the formal ‘reviewer’ role.)~~

Safeguarding children and vulnerable adults

36. To ensure that arrangements are in place to discharge the responsibilities of the Council within their functional responsibilities in respect of the need to safeguard and promote the welfare of children and of vulnerable adults.

Delegations to the Chief Executive/Head of Paid Service

37. The Chief Executive is the most senior officer in the Council. It is their role to support the Councillors and to provide leadership for the Council.
38. The Chief Executive is empowered to operate all the services of the Council and except where powers, duties and functions are delegated to a Councillor decision-making body, to exercise all powers, duties and functions of the Council, including those delegated to other officers with the exception of those statutory functions delegated exclusively to the Director of Finance ~~(Council's Chief Finance Officer)~~ or the ~~Associate Director Legal and Democratic (Monitoring Officer)~~.

39. Every Council has to, by law, appoint one of its officers as the Head of Paid Service. The Chief Executive is also the Council's Head of Paid Service. their responsibility in this role is to make proposals to the Council about the manner in which the discharge of the Council's functions is co-ordinated and the numbers, grades and organisation of staff required and the proper management of those staff.
40. The Chief Executive is given delegated power to undertake the following roles and responsibilities and to take the following decisions subject to the terms of this Constitution:
- a. To be the Council's principal officer representative and to promote its good image and reputation
 - b. To lead and direct the strategic management of the Council
 - c. To appoint other officers as Proper Officers for the purposes of any specific Council service area or function
 - d. Unless another officer is appointed as Proper Officer, to act as Proper Officer for the Council for the purposes of all Council service areas and functions
 - e. To maintain an up-to-date Proper Officer Register showing who is appointed to act as the Proper Officer for all Council service areas and functions
 - f. To discharge emergency planning and civil protection functions;
 - g. To take such steps (including the incurring of expenditure where necessary) as may be required in the event of any national or local emergency requiring immediate action by the Council
 - h. To sign settlement agreements for employees/ex-employees, in consultation with the Chair of the Policy and Resources Committee
 - i. To approve the pay, terms and conditions of service and training of any employee except where approval would be contrary to the provisions of the annual Pay Policy Statement which is reserved to full Council or where an approval falls within the responsibilities of the Policy and Resources Committee or would be contrary to the employment policies of the Council
 - j. To make decisions affecting the remuneration of any post graded MG5 or above in consultation with the Leader as Chair of the Policy and Resources Committee, provided the remuneration for the post remains within the Council approved Pay Policy Statement.
 - k. To undertake the communications, marketing and media functions of the Council with regard to policy and strategic direction (operational responsibility rests with the relevant member of SLT.

Minor Changes to the Council Constitution

[To be carried out under Part 3, section 8, point 8.4 of the Council Constitution.](#)