

## SCHEME OF DELEGATION TO OFFICERS

### INTRODUCTION

1. In order to support the day to day running of the County Council and its services, Senior Leadership Team members have been given delegated powers to exercise some of the County Council's functions and services. Powers are delegated by the Council under the provisions of the Local Government Act 1972 (Section 101) and by the Executive under the Local Government Act 2000 (section 15)
2. Subject to certain conditions\* Cabinet members have delegated powers to take decisions on any matter which falls within their portfolio and which is not delegated to officers under this scheme of delegation.

Because this scheme of delegation does not itemise every type of decision which officers can take there will be occasions when responsibility for decision making could rest with either the cabinet member or the officer.

The following criteria are suggested to help distinguish between cabinet member and officer level decisions.

**NOTE** this criteria is intended to provide a guide and is not exhaustive:

Officer Decision	Uncontroversial
	Related to 'internal' matter
	Covered by Scheme of Delegation to officers
	In accordance with agreed policy and budget provision
	Related to current/existing service provision
Cabinet Member Decision	Controversial
	Direct impact on 'Customers'
	Politically Sensitive
	Not covered by policy or budget provision
	Related to new service provision/innovation

3. Table 1 of this Appendix sets out the general powers delegated to all Senior Leadership Team members.
4. Tables 2 to 7 set out the specific delegations to individual Senior Leadership Team members relating to their areas of responsibility
5. The following matters may not be delegated to a Senior Leadership Team member:-
  - Any matter reserved to the full Council;

- Any matter which by law may not be delegated to an officer;
  - Any matter reserved to the Cabinet or a Committee or Panel;
  - Any matter which constitutes a key decision;
  - Any power to make a formal response on behalf of the County Council to any White Paper, Green Paper, Government Consultation Paper or draft European Union Directive without reference first to the relevant Cabinet Member, Leader of the Council or the Chairman of the Committee concerned, except where timescales do not allow it, when the Chief Executive is authorised to respond after discussion with them.
6. All Senior Leadership Team members (or any successors appointed under any re-organisation) are authorised to exercise the powers of the Council (both Executive and Non-Executive) relating to their areas of responsibility including professional and managerial functions relating to his/her service subject to the limitations and reservations of the scheme.
  7. In the event of the relevant Senior Leadership Team member not being available for any reason his/her Deputy or the next most appropriate senior officer included in the Wider Leadership Team shall be authorised to exercise the delegated powers.
  8. Every Senior Leadership Team member may authorise officers in his/her department/service area to exercise on his/her behalf functions delegated to him/her, *provided the delegatee holds any qualifications necessary for the exercise of the power*. The Senior Leadership Team member shall remain accountable and responsible for any decisions taken in his/her name. All Sub-Delegation schemes shall be in writing, with copies deposited with the Monitoring Officer.
  9. At the total discretion of the relevant Senior Leadership Team member any officer may have the delegated authority suspended, reviewed or limited in specific circumstances (ie a specific exclusion) (*NB this is not to be considered as a disciplinary matter*).
  10. When exercising delegated powers, Senior Leadership Team members must ensure that any actions are in accordance with the policies and decisions of the County Council, this Constitution, Financial Regulations and Procurement Regulations and not outside the powers and duties of the Council under law.
  11. When exercising delegated powers, Senior Leadership Team members are delegated to consult such other officers and/or the Chief Executive, the Director of Democracy, Law and Transformation and the Director of Finance and Resources as may be appropriate in the circumstances and shall have regard to any advice given.
  12. Senior Leadership Team members may consult the appropriate Cabinet Member, Cabinet or a Committee before exercising delegated powers and, following this consultation, elect not to exercise their delegated powers.

13. Senior Leadership Team members must consult the Local Member(s) for an area affected by a proposed decision prior to making that decision
14. Senior Leadership Team members must keep Local Members informed of events being organised in their area in connection with the exercise of their delegated powers (eg Public meetings, meetings with campaign groups)
15. Before taking any decisions Officers are under a duty to satisfy themselves that they have delegated power to do so and that they have undertaken appropriate consultation
16. The Cabinet and Committees and Panels of the Council reserve the right to take decisions on any matter delegated to an officer, provided that the subject matter is within their area of responsibility
17. The advice of the Director of Democracy, Law and Transformation and the Director of Finance and Resources must be sought when a Senior Leadership Team member proposes to exercise delegated powers on behalf of the Cabinet if there is doubt as to whether the proposed exercise is contrary to the policy framework or contrary to or not wholly in accordance with the budget.
18. Where a Senior Leadership Team member is of the opinion that any matter delegated to him/her may involve the payment of compensation for which no specific budgetary provision has been made no decision shall be made without reference to, and approval by, the Cabinet or a Committee (as appropriate)
19. The Senior Leadership Team member must ensure that decisions made under this Scheme are supported by relevant documentation and evidence
20. Where the delegated power specifies whether the function is an Executive responsibility, Non-Executive (ie Council) or a Local Choice function; any misattribution of a function shall not prevent the exercise of the delegated power.
21. In addition to the delegations set out in this scheme, the Council or Cabinet can arrange for specific delegations on a particular matter

**\*For a detailed explanation of Cabinet Member delegated powers see Section 6 of this Constitution**