

**PART 3**

**SCHEME OF DELEGATIONS**

## **1.0 SCHEME OF DELEGATIONS TO OFFICERS**

1.1 The Council under Section 100 of the Local Government Act 1972 has resolved to delegate to the Chief Executive and the Directors (including any persons appointed on an interim basis to such posts), the following functions:

To manage the services for which they are responsible. This includes –

- 1.1.1 the appointment and dismissal of staff within these services, with the exclusion of the Statutory Officers
- 1.1.2 the procurement of works, supplies and services within the financial and contract framework of the council's constitution;
- 1.1.3 all decisions and the implementation of all steps necessary for those functions within the framework of plans and budgets approved by the council:
- 1.1.4 the exercise of all other functions incidental, ancillary or conducive to the carrying out of the main service functions for which they are responsible;
- 1.1.5 the authorisation of named officers under any statutory or regulatory provision to enable those officers to exercise specific functions (by way of example only, to enter onto and inspect land, to acquire information or to conduct covert surveillance, to issue fixed penalty notices);
- 1.1.6 the signing and service of any notices, counter notices, or the making of any formal notifications for the purposes of the functions for which they are responsible.
- 1.1.7 An officer shall not have the power to exercise any functions or take any decisions reserved under this Constitution to a Committee or the Council-
  - 1.1.7.1 where the council or any relevant committee or sub-committee has resolved to suspend that delegated power;
  - 1.1.7.2 Where expenditure over £100,000 is committed
  - 1.1.7.3 outside of or contrary to the council's policy and budgetary framework;
  - 1.1.7.4 where the council's Head of the Paid Service or Monitoring Officer has formally notified the officer concerned that the delegated function should not be exercised;
  - 1.1.7.5 where there is a conflict of interest or where any code of conduct for council employees in force from time to time prevents the exercise of such a function.
- 1.2 The above delegations apply not only to functions delegated directly by the council but to functions delegated via committees, sub-committees or joint committees of the council and other local authorities or public bodies.
- 1.3 The scheme of delegations may be amended or varied in general or in particular in whole or in part by the delegating body.

## **2.0 OFFICERS**

### **2.1 General**

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

### **2.2 Chief Officers.**

The Full Council will engage persons for the following posts, who will be designated chief officers:

### **2.3 Post Functions and areas of Responsibility**

#### **2.3.1 Chief Executive (and Head of Paid Service)**

- Overall corporate management and operational responsibility (including overall management responsibility for all officers)
- Together with the Monitoring Officer and Chief Financial Officer, provision of professional advice to all parties in the decision making process and responsibility for a system of record keeping for all the Council's decisions.
- Representing the Council on partnership and external bodies (as required by statute or the Council) with particular responsibility for Performance Management and Localism

#### **2.3.2 Corporate Directors**

- Accountancy & Exchequer
- Arts
- Audit & Risk
- Building Control
- Business Transformation
- Coast & Community Partnerships
- Conservation, design and landscape
- Countryside
- Customer Services
- Democratic Services
- Development Management
- Economic Development
- Electoral Services
- Emergency Planning
- Environmental Health
- Environmental Protection
- Environmental Services (waste & cleansing)
- Enforcement
- Housing, Health & Wellbeing

- Housing Options
- Housing Strategy
- Information Technology
- Legal services
- Leisure
- Media & Communications
- Planning Policy, Sustainability & Major Developments
- Property Information (Land charges, street naming & numbering)
- Property services
- Organisational Development
- Reprographics
- Tourist information

## **2.4 Head of Paid Service, Monitoring Officer and Chief Financial Officer**

The Council will designate the following posts as shown:

### **Post Designation**

Chief Executive - Head of Paid Service  
 Monitoring Officer - Monitoring Officer  
 Head of Finance - Chief Financial Officer

Such posts will have the functions described below.

## **2.5 Structure.**

The Head of Paid Service will determine and publicise a description of the overall service management, which is appended to the Constitution, and subject to review on at least an annual basis.

## **2.6 Functions of the Head of Paid Service**

### **2.6.1 Discharge of functions by the Council**

The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

### **2.6.2 Restrictions on functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

## **2.7 Functions of the Monitoring Officer**

### **2.7.1 Maintaining the Constitution.**

The Monitoring Officer will maintain and revise an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

### **2.7.2 Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the Full Council if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered and appropriate advice taken.

### **2.7.3 Supporting the Standards Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

### **2.7.4 Working with the Independent Person**

The Monitoring Officer will work with the Council's appointed Independent Person to promote and maintain high standards of conduct and ethical behaviour.

### **2.7.5 Receiving reports**

The Monitoring Officer will receive and act on decisions of the Standards Committee.

### **2.7.6 Conducting investigations**

The Monitoring Officer will conduct investigations or arrange for investigations to be conducted where appropriate into ethics and standards matters and make reports or recommendations in respect of them to the Standards Committee.

### **2.7.7 Proper Officer for access to information**

The Monitoring Officer will ensure that Council decisions and relevant officer reports and background papers are made publicly available as soon as possible.

### **2.7.8 Advising whether decisions are within the budget and policy framework.**

The Monitoring Officer will advise whether decisions are in accordance with the budget and policy framework.

### **2.7.9 Providing advice**

The Monitoring Officer will provide advice on the scope of powers and

authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

#### **2.7.10 Restrictions on posts**

The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

The Monitoring Officer will discharge his/her functions in accordance with the Council's protocol.

### **2.8 Functions of the Chief Financial Officer**

#### **2.8.1 Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the Full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

#### **2.8.2 Administration of financial affairs.**

The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.

#### **2.8.3 Contributing to corporate management**

The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.