

## CHAPTER 2 – 4 - OFFICER SCHEME OF DELEGATION

Legislation and this Constitution sets out who which decision making body can make certain decisions. This document shows what decisions elected Members have authorised Officers to take on their behalf and is intended to provide a streamlined, clear, and simple decision-making process and should be interpreted widely.

The Leader of the Council has delegated some Cabinet functions to individual members of the Cabinet within the confines of the Budget and Policy Framework. These are contained within the Cabinet Scheme of Delegation.

In addition, the Council has delegated some of its powers to the Planning Committee, Licensing Committee, Audit and Standards Committee and Employment Committee.

To ensure that business is conducted efficiently and that services are provided to a high standard, the Council, the Leader of the Council and the Committees have delegated some powers to Officers.

Decisions taken by Officers carry the same weight as any decision taken by the decision-making body and Officers must therefore consider all implications and the Decision-Making Principles prior to taking delegated decisions and must ensure the decision making principles contained within the Access to Information Procedure Rules are adhered to.

### 1.0 **How should Members be involved in Officer decision making?**

1.1 Officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Portfolio Holder on functions and the relevant Chair of the Committee when the matter falls within the remit of that Committee.

1.2 Officers shall consult the local Ward Member(s) when they exercise any delegated powers specifically affecting their Ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this. Officers must take account of the views of the relevant Ward Member(s) before exercising their delegated power.

1.3 Key Decisions shall be published in accordance with the Access to Information Procedure Rules.

### 2.0 **How should the Scheme be interpreted?**

2.1 All references to legislation shall be deemed to include any subsequent amendments to such legislation.

2.2 References to powers of 'the Council' include functions of the Cabinet. Any reference to a function shall be deemed to include a reference to all statutory powers relating to that function and shall be deemed to include authority to exercise all such powers. Functions of the Cabinet shall only be exercised by the

Officer if the Leader has delegated authority through the Cabinet Scheme of Delegation.

2.3 All delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.

3.0 Application of the Scheme to Officers not employed by the Council

3.1 Persons who are authorised by the Council to work for/on behalf of the Council and are not employed by the Council will be bound by this Scheme, and the obligations contained in it.

4.0 **How to use delegated authority**

4.1 In using a delegation, Officers shall comply with:

- The Budget and Policy Framework set by Council
- The decision-making principles set out in the Access to Information Procedure Rules
- Statutory Requirements
- Contract Procedure Rules
- Financial Procedure Rules
- Consideration of relevant policies
- The Employee Code of Conduct
- The requirements of Senior Leadership Team in relation to the overall management and co-ordination of the Council's affairs
- Budgetary provisions
- Advice from the Chief Executive, the Monitoring Officer, or the Chief Finance Officer
- Any provision contained within this Constitution
- For Cabinet functions, the Cabinet Scheme of Delegation

4.2 Where an Officer has delegated powers, the Council or the Cabinet or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate.

4.3 Chief Officers should ensure that they understand the relevant Cabinet Member and Committee Chair's interpretation of the Scheme before they make decisions.

5.0 **Limitations to the Scheme**

5.1 This Scheme does not delegate:

- Any matter which by law may not be delegated to an Officer
- Any matter which is specifically excluded from delegation by this Scheme, by a decision of the Council, the Cabinet or a Committee or Sub-Committee.

5.2 Each delegation is subject to a limitation that it shall not be exercised if the Head of Paid Service, the Monitoring Officer, or the Chief Finance Officer has given a direction to that effect.

## 6.0 **Authorisations to other Officers**

6.1 Officers with delegated powers may in writing authorise another Officer or Officers to exercise those powers. Such authorisations may be subject to limitations and conditions. Officers with the delegated powers must complete a Record of Decision for authorisations granted or keep a record in accordance with relevant guidance issued by the Monitoring Officer and provide Democratic Services with a copy.

## 7.0 **Reserve Delegations**

7.1 The delegated powers held by a post may be exercised by the line manager of that post (or by their line manager) if:

- that post is vacant
- the post-holder is not at work for any reason

Statutory Officer powers which are reserved to that designated Officer through legislation may only be exercised by the nominated Officer or their nominated Deputy. A written copy of the appointment shall be kept by Democratic Services.

## 8.0 **Consultation**

8.1 Officers shall consult with legal, finance and human resources where appropriate and these shall be demonstrated on a Record of Decision Form where appropriate.

## 9.0 **Transfer of Delegations**

9.1 A Director may exercise any delegated power possessed by the Chief Executive if that post is vacant or the post holder is absent.

9.2 The Chief Executive can exercise any delegated power possessed by a Director (except for statutory powers which shall be exercised by nominated Deputies) if that post is vacant or the post holder is absent.

9.3 Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet, or a Committee.

9.4 Where a service is restructured, the Chief Executive shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer. This shall be considered a minor change to the Constitution and within the Monitoring Officers delegated authority.

## 10.0 **Proper Officers**

10.1 In addition to the specific powers delegated to Chief Officers, local government legislation specifies that certain officers must have responsibility for several specific functions. Each Officer with such responsibility is known as the "Proper Officer" in relation to that task. The list of Proper Officers is approved by the Council.

## 11.0 **Statutory Officers**

11.1 The Council is required to appoint certain officers known as Statutory Officers to take responsibility for functions specified in local authority legislation. These

functions are in addition to the Scheme of Delegation and called Statutory Officer Delegations.

12.0 **Chief Officers**

12.1 Chief Officers are delegated authority to take any decision in relation to the functions within their area of service responsibility as detailed in this Constitution.

This includes, but is not limited to, the ability to exercise within approved budgets, all matters of day to day administration and operational management of the services and functions for which they are responsible, take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of the Council, sign licences and notices and place orders for goods and services relevant to their service areas and increase fees and charges in line with the Financial Procedure Rules. For clarity this includes all operational Human Resources matters relevant to their area of responsibility.

12.2

Post	Area(s) of Responsibility
<p><b>(a) Chief Executive</b></p> <p><b><u>Statutory Officer:</u> Head of Paid Service</b></p>	<p>Returning Officer for local elections</p> <p>Acting Returning Officer for parliamentary elections</p> <p>Overall responsibility for the delivery of all Council services</p> <p>All staffing matters except for restrictions contained within the Employment Procedure Rules.</p>
<p><b>(b) Director for Housing and Communities</b></p>	<p>Housing and Neighbourhoods</p> <ul style="list-style-type: none"> <li>- Housing management function</li> <li>- Customer Services</li> <li>- Complaints</li> <li>- Homelessness and housing options</li> <li>- Community Safety</li> </ul> <p>Waste and Environmental Management</p> <p>Housing Assets; repairs and maintenance</p> <p>People Services</p> <ul style="list-style-type: none"> <li>- Health and well-being</li> <li>- Leisure and physical activity, including Leisure centre contract management</li> </ul>

	<ul style="list-style-type: none"> <li>- Complex case work including Me and My Learning and Intensive Housing Management</li> <li>- Assistive Technology</li> <li>- Assets of Community Value</li> <li>- Disabled Facilities Grants (DFG's)</li> </ul>
<p><b>(c) Director for Corporate Services</b></p> <p><b>Statutory Officer: Chief Finance Officer</b></p>	<p>Finance</p> <p>Procurement</p> <p>Internal Audit</p> <p>External Audit Liaison</p> <p>ICT</p> <p>Corporate Planning and Improvement</p> <p>HR &amp; Communications</p> <p>Communications and Marketing</p> <p>Revenues and Benefits</p> <p>Governance</p> <ul style="list-style-type: none"> <li>- Legal</li> <li>- Information Governance</li> <li>- Ombudsman Complaints</li> <li>- Democratic Services</li> <li>- Elections</li> </ul>
<p><b>(d) Director for Growth &amp; Regeneration</b></p>	<p>Growth &amp; Regeneration:</p> <ul style="list-style-type: none"> <li>- Economic Development</li> <li>- Town Centre</li> <li>- Tourism</li> <li>- Regeneration</li> <li>- Voting in the BID ballot reflecting members wishes as expressed by Cabinet.</li> </ul> <p>Corporate Property and Assets</p> <p>Strategic Planning and Delivery:</p> <ul style="list-style-type: none"> <li>- Development Management</li> <li>- Building Control</li> <li>- Local Plan and Planning Policy</li> <li>- Private Sector Housing</li> </ul> <p>Emergency preparedness and response</p>

	Business Continuity Climate Change Regulatory Services - Licensing - Environmental Health
<b>(e) Assistant Director for Governance &amp; Democracy</b>  <b>Statutory Officer: Monitoring Officer</b>	Monitoring Officer responsibilities as detailed in Statutory Officer Delegations below and Chapter 4 Part 2 (Proper Officer Designations)

### Statutory Officer Delegation

12.3

Post	Delegations
Head of Paid Service (Chief Executive)	To act as Head of Paid Service for the Council in accordance with the duties set out in Section 4 of the Local Government Act 1989.
1	To exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff).
2	To express the views of the Council regarding Local Government and the functions associated with it.
3	<p>To take such action as he/she considers appropriate in an emergency. In an emergency to exercise any and all discretion in relation to any function of the Council including the waiving of constitutional requirements and Financial Procedure Rules.</p> <p>This action shall be taken in consultation with the Chief Finance Officer, Monitoring Officer and the Leader and/or Deputy Leader. Any decisions taken under this paragraph shall be reported by the Chief Executive Officer to the next meeting of Council explaining the reasons for the decision.</p>
4	To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.
5	To undertake all elections functions identified in the Council Functions and Procedure Rules.
6	To approve the making of Orders altering the number of Parish Councillors for any Parish.
7	To sign and seal documents on behalf of the Council as required.
8	Following consultation with the relevant Portfolio Holder to select a substitute to represent the Council and Cabinet on outside bodies if the nominated representative is unable to attend.
9	On recommendation of the Monitoring Officer, to approve one-off expenditure in pursuance or determination of any employment

	related matters including restructures, redundancies or settlement agreements up to £50,000.
10	<p>To determine all staffing matters. This includes determining matters relating to structure (additions, reductions and other changes to the establishment), the appointment, dismissal, suspension or discipline of staff except for Chief Officer restrictions contained within the Officer Employment Procedure Rules.</p> <p>For the avoidance of doubt this power includes secondments and temporary appointments of any staff.</p> <p>In each case there must be adequate budgetary provision or in each case the gross cost per decision shall not exceed £5,000 per annum when implemented and the total cost in any financial year shall not exceed the sum of £20,000.</p>
11	To suspend the Monitoring Officer and Section 151 Officer limited to suspension for a maximum of 2 months.
12	Where the decision of Chief Executive Officer taken under above requires consideration of the financial/budgetary implications and a decision in that respect only, then the matter will be referred to the Cabinet, provided that the remit of the Cabinet shall be limited to decisions on financial matters only.
13	To appoint consultants up to a limit of £85,000.
14	In consultation with the Leader or Deputy Leader, to incur one-off expenditure to support the needs of the organisation and corporate priorities from earmarked and general reserves up to an overall limit of £50,000 per financial year.
15	To make orders under Section 91 of the Local Government Act 1972 to appoint temporary Parish Councillors to inquorate Parish Councils in consultation with the relevant Ward Member and Parish Clerk.
Monitoring Officer (Assistant Director for Governance & Democracy)	To act as Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.
16	To authorise the settlement of actual or potential Local Government and Social Care Ombudsman cases across all functions of the Council up to £25,000 (which after settlement shall be reported to Cabinet).
17	To make compensation payments in consultation with the Chief Finance Officer in accordance with the Compensation Policy.
18	To effect the taking or the grant, renewal, rent assignment, transfer, surrender, review and termination of any leases, licences, easements, wayleaves, consents and rights in land and buildings, and determine compensation payments in relation to the same.
19	To authorise the settlement of actual or potential uninsured claims in consultation with the Chief Finance Officer.
20	To ensure the promotion and maintenance of high standards of conduct within the Council as set out in the Constitution.

21	To consider and report on any report of the Local Government and Social Care Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists up to a maximum of £5,000 in respect of each recommendation.
22	To prosecute, defend, make application, serve any notice or appear on behalf of the Council in any Court, Tribunal or hearing on any criminal, civil or other matter (including appeals).
23	To institute legal proceedings for any offences within the Council's area.
24	To lodge objections to any proposal affecting the Council's interests.
25	To determine applications for the display of the logo of the Council.
26	To take all action including the completion of agreements, the service of notices, giving of directions, obtaining or issuing orders, authorising the execution of powers of entry, and the institution and defence of legal proceedings necessary or desirable to protect and advance the interests of or discharge the roles, functions and responsibilities of the Authority.
27	To make discretionary payments under Land Compensation Act 1973 on the recommendation of the District Valuer.
28	All Regulation of Investigatory Powers Act 2000 functions.
29	To make Orders for the Temporary Closure of Highways and Regulation of Traffic.
30	To approve the payment of claims for diminution in value not exceeding £15,000 in each case under the terms of the Land Compensation Act 1973.
31	To sign indemnities where required.
32	To approve the purchase prices and all compensation payable in respect of land and buildings including in Compulsory Purchase Orders, Closing and Demolition Notices and Blight Notices.
33	To attest the affixing of the Council's seal to all documents approved for sealing.
34	To sign and seal documents.
35	To authorise appropriate Officers to administer formal cautions in respect of criminal offences.
36	To determine whether a particular claim for payment under the Members' Allowances Scheme is appropriate.
37	To authorise appropriately qualified employees or persons acting on behalf of the Council to appear in, and conduct legal proceedings in, any Court or Tribunal on behalf of the Authority.
38	To acquire and dispose of land and properties including the repurchase former Council houses up to £50,000.
39	To prove debts owed to the Authority in bankruptcy and liquidation proceedings.
40	To settle proceedings of any description including the payment of damages and legal costs for claims of less than £50,000 in consultation with the Chief Finance Officer.

41	To authorise, issue and serve all Statutory Notices under any enactment.
42	To make such changes to the Council's Constitution as he/she deems to be necessary and which are in the Council's interests and not major in nature, including, but not limited to, <ul style="list-style-type: none"> <li>- changes amounting to routine revisions,</li> <li>- to provide appropriate clarity,</li> <li>- to correct typographical and other drafting errors,</li> <li>- to reflect new legislation,</li> <li>- to correct inconsistencies in drafting Officer Delegations,</li> <li>- to reflect new officer structures and job titles,</li> </ul> properly approved through Council processes.
43	To give effect to the wishes of the group in relation to adjustments to committee appointments where properly notified in accordance with Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990
Chief Finance Officer (s.151) (Director for Corporate Services)	To act as the Council's responsible officer for finance under Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003, and all other relevant legislation.
44	To carry out the functions and responsibilities which are detailed in the Financial Procedure Rules.
45	To ensure effective treasury management, including taking all action necessary in relation to all debts, payment of accounts, loans (including guarantees and indemnities), grants, advances, investments, financing, and banking generally.
46	To take all action necessary to ensure the safeguarding of assets by maintaining and administering appropriate insurance and approving requests to postpone legal charges.
47	To make application to Government agencies and other organisations for grant aid, external funding and/or financial assistance on behalf of the Council.
48	To make any necessary changes to the Retail Relief Scheme in accordance with further guidance from Central Government consultation with partners across Leicestershire and to improve the scheme based on experience from delivery of the Scheme.
49	In consultation with the Director for Housing & Communities and relevant Portfolio Holder (Housing & Landlord Services) to access the HRA development and Regeneration Reserve to progress projects and activities in support of the HRA up to a limit of £100k per project and up to a maximum of £500k in any one year subject to the financial viability of the HRA Business plan not being undermined.
50	To adjust the Local Council Tax Support scheme annually about updating personal allowances and premiums and changes to the Universal Credit Scheme affecting the Local Council Tax Support Scheme as announced by Central Government.
51	To adopt the local business rate relief scheme where it is in the interest of local businesses and the Council to do so, following guidance from Central Government.

52	To determine application for the Community Facilities (Small Grants Scheme) under the Local Government (Miscellaneous Provisions) Act 1976.
53	To take all necessary action in respect of the Council's role in relation to the administration and operation of the Leicestershire Pension Fund including to accept transfers (in respect of an individual employee's application to transfer in pension from a previous scheme), to the local government pension scheme outside the 12 month period, in those cases where the scheme member had not been informed of the time limit.
54	To approve, in consultation with the relevant Portfolio Holder, supplementary capital or revenue estimates where those estimates are fully funded through awarded ring-fenced grants.
55	To automatically update travelling and subsistence allowance payable to members and officers from the dates and in accordance with the rate specified by the NJC.
56	To approve technical IT policies and make minor changes to all IT Policies.
57	To approve the payment of claims for diminution in value not exceeding £15,000 in each case under the terms of the Land Compensation Act 1973 (Part One).
58	To determine an annual basis the setting/calculation of National No Domestic Rate 1 Form NNDR and the Council Tax Base.
59	To vote in the BID ballot in consultation with the relevant Director reflecting members wishes as expressed by Cabinet.
60	To approve supplementary estimates that is within the Budget and Policy Framework up to a maximum of £50,000 in any financial year to be funded from the working balance.
61	To settle in consultation with the Monitoring Officer uninsured losses.
62	To authorise the write-off of bad/irrecoverable debts up to an approval limit of £5,000. Larger debts will be included in a report for information to the Cabinet.
63	In consultation with the appropriate Director to increase charges for Council services: <ul style="list-style-type: none"> <li>- By an amount up to any increase in the Retail Price Index for the relevant period</li> <li>- Where legislative changes affect the cost of providing a service</li> <li>- Where the increase is related to a county wide service.</li> </ul>
64	To approve in-year amendments to all fees and charges.
65	To authorise amendments to the Contract and Financial Procedure Rules within the Constitution following legislative or other statutory changes and minor procedural and operational changes.
66	To write off any equipment or goods which he/she is satisfied are of no further use to the Council and dispose of the same in line with the Financial Procedure Rules.