

CONSTITUTION COMMITTEE:

11th September 2009

REPORT OF THE MONITORING OFFICER

AGENDA ITEM: 4

AMENDMENTS TO SCHEME OF DELEGATIONS

Reason for this Report

1. To enable the Committee to consider recommended amendments to the Scheme of Delegations.

Background

2. This Committee's approved Terms of Reference are:

To review the Council's Constitution, and to recommend to Council and/or Executive any changes, except that the Committee will have authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-

- (a) Drafting improvements to enhance clarity and remove minor anomalies.
 - (b) Updating to reflect legislative changes and matters of record.
 - (c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).
3. Following a review of the Council's constitutional arrangements undertaken at the request of the Constitution Committee, and upon the recommendation of the Committee, Council adopted a revised Scheme of Delegations with effect from 1st October 2006, and resolved to review the same in light of operational experience.

Issues

4. In light of operational experience of the Scheme of Delegations, a number of issues have been identified where minor amendments are considered necessary to improve the efficacy and clarity of the Scheme. The proposed amendments are marked on the Scheme of Delegations appended at **Appendix A**.

5. The Monitoring Officer has delegated authority (confirmed by the Committee at its meeting on 8th September 2008) to amend errors, update matters of record, make drafting improvements and remove minor anomalies in the Constitution. The amendments referred to under points (i) and (ii) below are proposed; and may be authorised by the Monitoring Officer under this general authority:

(i) **Officer delegations** (Section 4 of the Scheme)– All delegations to officers are subject to the overall limitations set out in the Scheme of Delegations (paragraph 2 of the Introduction to Section 4 Delegations to Officers), namely that the decision must be: a) within budget; b) in accordance with the Council’s policy framework; c) in accordance with Council’s Financial and Land Procedure Rules and Contracts Procedure Rules; d) in accordance with their Service Area Business Plan; and e) not a matter specifically reserved for Full Council, a Committee of the Council, the Executive or a Statutory Officer. It is suggested that this could be made clearer by the proposed amendments to the beginning of each section of the officer delegations in the Scheme (4B, C, D, E and F). Further minor amendments to Section 4 are also proposed (as shown in Appendix A) in the interests of clarity and ease of reference.

(ii) **Delegations to Joint Committees** – The Council and the Executive may establish joint arrangements with other authorities, and Article 10 of the Constitution makes provision in this regard. Article 10.1(d) requires that details of joint arrangements, including delegations to joint committees shall be set out in the Scheme of Delegations. The delegation to the Welsh Purchasing Consortium is to be added to Section 5 of the Scheme of Delegations.

6. A number of substantive issues identified as requiring amendment are set out below:

(i) **Proper Officer appointments** – The Council is required under various statutes to appoint and or authorise specific officers to discharge specified functions on its behalf – such officers are known as ‘Proper Officers’ or ‘Authorised Officers’. A Proper Officer may or may not be an officer of authority. The Scheme of Delegations currently makes the following provision in this regard:

CE10 The Chief Executive is empowered to make Proper Officer appointments where required by law for the performance of executive functions. This authority is not further delegable.

LD1 The Monitoring Officer is empowered to authorise an officer of the Authority to perform any executive function where statute requires an Authorised Officer for that purpose.

LD2 The Monitoring Officer is authorised to carry out all Proper Officer functions not allocated to other officers.

The appointment of Proper Officers is required for a range of operational matters, such as (public health) communicable disease control, and such appointments need to be kept under constant review and new appointments made from time to time when the need arises. It is considered impractical and unnecessary for such

Proper Officer appointments to be made by the Chief Executive. Accordingly, it is proposed to amend the Scheme of Delegations (LD1) to permit the Monitoring Officer to make Proper Officer appointments (where required by law for the performance of executive functions), which may then be further delegated as appropriate in respect of the particular legislative requirement, for example to the Chief Officer of the relevant service area.

(ii) Financial assistance – The authority to determine applications for financial assistance (grants) and assistance in kind, in accordance with any policy or strategy approved by the Executive, is delegated to the relevant Corporate Director (CD9), Chief Officer (CO9) or Operational Manager (OM4), depending upon the value of the assistance. It has been requested that the word ‘(grants)’ be removed from these delegations in recognition of the fact that financial assistance offered by the Council may include other forms of financial assistance, for example, loans. It is submitted that the delegation should apply to all forms of financial assistance (as well as assistance in kind).

(iii) Discharge of the Council’s role as shareholder (or member) or various bodies – The Council (as a corporate body) is a shareholder or member of a number of companies and other bodies, such as the Millennium Stadium Plc, Cardiff Bus, Cardiff & Co, and others. This role covers a wide range of matters, including administrative matters (for example attending general meetings, exercising voting rights, requisitioning a general meeting, receiving copies of the accounts of the body, demanding a poll etc), as well as the pursuance of the wider objectives of the Council’s involvement in the particular body in accordance with any Council approved policy or strategy, and ensuring that any concerns in this regard are raised in an appropriate manner. Whilst the Scheme of Delegations currently makes provision for specific matters such as the representation of the Council at Cardiff Bus’ AGM (delegated to the City and County Treasurer under delegation reference FS50), there is no general provision covering the range of decisions potentially required. The authority to exercise the rights and responsibilities of the Council in this regard could properly be delegated to the Corporate Director with responsibility for the matter in question (with the proviso that such authority should not be further delegable to officers below OM1, and subject always to the overall limitations referred to in paragraph 5(i) above). A new delegation reference CD10 has been inserted in Section 4B of the Scheme of Delegations to this end. It should be noted that if such delegation is added to the Scheme of Delegations, the Scheme provides (in Section 4A paragraph 3.4) that a decision may nevertheless always be referred up to the Executive or a Committee wherever appropriate, for instance where a decision is politically significant or has policy implications.

(iv) Trust funds – The Council is trustee and administers a number of charitable and other trust funds, in pursuance of its statutory powers and duties. The management of the same is considered to fall within the City and County Treasurer’s delegation (reference FS5), and this delegation has been exercised accordingly. However, it is suggested that the words ‘and trust funds including charitable trust funds where the Council and or its officers are trustees’ should be added for the avoidance of any doubt.

Legal Implications

7. The relevant legal provisions and the implications of these are contained within the body of this report.

Financial Implications

8. There are no financial implications arising from this report.

RECOMMENDATIONS

The Committee is recommended to:

- (i) note the amendments to the Scheme of Delegations set out in paragraph 5 above;
- (ii) consider and approve the amendments to the Scheme of Delegations set out in paragraph 6 above; and
- (iii) recommend to Council the adoption of the revised Scheme of Delegations appended as **Appendix A** to this report.

Kate Berry

Monitoring Officer and City and County Solicitor
7th September 2009

Appendices

- Appendix A - Scheme of Delegations (Part 3 of the Constitution),
marked up to show proposed amendments

PART 3 - RESPONSIBILITY FOR FUNCTIONS

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Section 1A - Council Meeting

Functions of the Council

The Council's Constitution (article 4) sets out the following functions which can only be exercised by the Full Council i.e. a meeting of all Council Members and which includes the adoption of the policy framework. Only the Council will exercise the following functions:-

- (a) adopting and changing the Authority's Executive arrangements and the Constitution)
- (b) approving or adopting the policy framework, the budget and any application to the Welsh Assembly Government in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules set out in Part 4 of this Constitution, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the budget;
- (d) electing and removing the Leader and appointing and removing members of the Executive (not being the Leader);
- (e) agreeing and/or amending the Terms of Reference of Committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an Executive Function or has been delegated by the Council;
- (g) adopting an Allowances Scheme under Article 2.5;
- (h) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the City;
- (i) making or confirming the appointment of the Chief Executive;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself or by a person to whom or body to which it has delegated its powers rather than the Executive; and
- (l) all other matters which, by law, must be reserved to Council.

The policy framework includes the plans and strategies listed in Schedule 3 to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007, as follows:

Plans and Strategies	Reference
Best Value Performance Plan	Section 6(1) of the Local Government Act 1999 (c.27)
Community Strategy	Section 4 of the Local Government Act 2000 (c.22)
Corporate Plan	Section 2 of the Local Government Act 2000
Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998 (c.37)

Local Transport Plan	Section 108 of the Transport Act 2000
Race Equality Scheme	Race Equality (Amendment) Act
Single Education Plan	Section 26 of the School Standards and Framework Act 1998.
Plans and alterations which together comprise the Development Plan	Section 10A of the Town and Country Planning Act 1990
Welsh Language Scheme	Section 5 of the Welsh Language Act 1993
Youth Justice Plan	Section 40 of the Crime and Disorder Act 1998 (c.37)
Health & Well Being Strategy	Section 24 of the National Health Act 2002
Plans to approve Young Peoples Partnership Strategic Plans and a Children and Young Peoples Framework Partnership.	Sections 123, 124 and 125 of the Learning and Skills Act 2000
Housing Strategy	Section 87 of the Local Government Act 2003 (c.26)

Together with such other plans and strategies which the Authority may decide should be adopted by the Council as a matter of local choice, as set out in Article 4.2(a) of this Constitution.

Section 1B - Non-Executive Functions

Part II of the Local Government Act 2000 provides for the discharge of a local authority's functions by an Executive of the authority. These are covered by Section 2 of this Scheme.

However, some functions cannot be the responsibility of the Executive. These functions can be found in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 as amended.

Non-Executive Functions are detailed at Annex 1.

In the case of delegation of any Council function the power of modifying or varying any approval, consent, licence, permission or registration or any condition, limitation, restriction or term to which it is subject or revoking any such approval, consent, licence, permission or registration is also delegated.

Annex 2 provides details of the Terms of Reference for the Non-Executive Committees.

Section 2 Executive Functions

The Council have determined that the following functions can only be exercised by the Executive i.e. a meeting of the Executive. *[For the avoidance of doubt, the Executive may determine on any particular matter under consideration by the Executive pursuant to this Section 2, that a decision on any such particular matter (or any part thereof) may be delegated to the Chief Executive or any Corporate Director/s.]*

1	To recommend to Council any policy, plan or strategy which the Authority has resolved shall be subject to approval by Council as part of the Policy Framework and any amendment of any policy plan or strategy forming part of the Policy Framework.
2	To take any urgent decisions which are contrary or not wholly in accordance with the approved Budget or contrary to the Policy Framework.
3	To develop a medium term financial strategy, with priorities and targets, over a rolling three year period.
4	To prepare, agree and, if appropriate, consult on the Authority's plans, policies and strategies which do not form part of the Policy Framework.
5	To initiate and guide reviews of the Authority's Policy Framework.
6	To lead the integration of strategic objectives across the Authority.
7	To make arrangements for the making of in-year changes to the Policy Framework, to the extent authorised by the Authority.
8	To agree responses to consultation papers from the Government (including White and Green papers), from the Welsh Assembly Government, LGA, WLGA and all other bodies in respect of strategic policy.
9	To determine the response to reports from the Overview and Scrutiny Committees.
10	To recommend to the Council and to review the Treasury Management policies and annual limits
11	To receive financial forecasts including the medium term financial strategy and the monitoring of financial information and indicators
12	To recommend to the Council the annual budget, including the Capital and Revenue Budgets, the Prudential indicators, authorised borrowing limit and the level of Council Tax

13	To ensure that the annual budget is implemented and the underlying principles adhered to in any changes required from time to time and between annual budgets. This will include recommending to Council any changes to policy that will materially reduce or increase the services of the Authority or create significant financial commitments in future years.
14	To review and monitor the Authority's strategy and overall implementation in relation to e-Government, telecommunications, information systems and information technology
15	To agree and oversee the Authority's overall policy in relation to grants to external bodies and to agree the Authority's strategy for the payment of grants.
16	To approve the purchase, sale or appropriation of land and buildings in any case where arrangements have not been made for discharge of the function by an officer of the Authority.
17	To approve the letting or taking of a lease, tenancy or license of land and/or premises in any case where arrangements have not been made for discharge of the function by an officer of the Authority
18	To authorise the making of compulsory purchase orders except for compulsory purchase orders made in respect of single houses under Part II of the Housing Act 1985 and or the Acquisition of Land Act 1981
19	To consider, at least annually, the level of reserves, provisions and balances held by the Authority and to make recommendations to Council where appropriate.
20	To approve writing-off of debts in any case where arrangements have not been made for discharge of the function by an officer of the Authority.
21	To approve the write-off of stocks, stores and other assets in any case where arrangements have not been made for discharge of the function by an officer of the Authority
22	To recommend the Corporate Asset Management Plan to the Authority and approve a rolling programme of property disposals.
23	To receive reports on contract overspends in accordance with limits set out in Financial Procedure Rules and recommend the action to be taken.
24	To approve revenue and capital budget virements or any inter-service virements where the purpose of the budget has been amended or in any case where arrangements have not been made for discharge of the function by an officer of the Authority and within the Policy and Budgetary Framework.
25	To agree to the provision of new primary and secondary schools, nursery and special schools, and to provide sites for new, substituted or transferred voluntary schools.
26	To approve the publication of proposals for the closure or significant change or significant enlargement of schools and to enact the closure or change or enlargement of any schools once the agreement of the Welsh Assembly Government has been given.
27	To approve any arrangements for joint service provision with the National Health Service.
28	To develop, and to recommend to the Council, a Housing Strategy and Operational Plan.
29	To agree revisions to the Authority's Housing Allocations Policy.
30	To agree the Authority's Policy and strategy for the setting of fees and charges.
31	To agree changes to overall eligibility criteria for access to services of the Authority.
32	To approve the making of bids to the Welsh Assembly Government and other bodies for capital funding (except where these are within the Policy and Budgetary Framework).

33	To authorise the implementation of any capital project not within the approved capital programme and not otherwise funded by a body or person other than the Authority.
34	To authorise the invitation of tenders, offers or bids in accordance with the Contracts Procedure Rules and where appropriate for that purpose approve select lists of contractors, suppliers and tenderers in any case where arrangements have not been made for discharge of the function by an officer of the Authority. (As set out in Section 4).
35	To authorise issue or approve variations within the contract in any case where arrangements have not been made for discharge of the function by an officer of the Authority. (As set out in Section 4).
36	To identify and agree appropriate tender evaluation criteria and the relative importance/weighting of each factor in accordance with the Contracts Procedure Rules so that tenders can be evaluated to determine which tender represents the Best Value to the Authority in any case where arrangements have not been made for discharge of the function by an officer of the Authority. (As set out in Section 4).
37	To approve the acceptance of tenders in accordance with the Contracts Procedure Rules in any case where arrangements have not been made for discharge of the function by an officer of the Authority. (As set out in Section 4).
38	To consider the reports of external review bodies on matters of strategic service delivery.
39	To approve the variation of capital expenditure by the addition, deletion or material modification of an existing project by virement to or from another which is already in the programme in any case where arrangements have not been made for discharge of the function by an officer of the Authority.
40	To initiate or respond to appropriate Parliamentary matters (other than the promotion or opposition to personal or local Bills).
41	To determine any matter delegated to an officer, where that officer considers it more appropriate for it to be dealt with by the Executive.
42	To approve the establishment or closure (except any temporary closure for maintenance or refurbishment or in the case of an emergency) of any facility for the provision of or at which direct services to the public will be provided by the Authority to service users (e.g. libraries, leisure centres, day centres).
43	To perform any Executive Function in any case where arrangements have not been made for discharge of the function by an officer of the Authority. (As set out in Section 4).
44	To agree any amendments or variations to, and arrangements under an agreement dated 27 March 2000 made under Section 165 of the Local Government Planning and Land Act 1980 between the Cardiff Bay Development Corporation and the Authority.
45	To carry out the functions and obligations and exercise the powers of the Authority under the Cardiff Bay Barrage Act 1993 (except to the extent that such functions are non Executive Functions) in any case where arrangements have not been made for discharge of the function by an officer of the Authority.
46	To perform the functions of the Authority as harbour authority in any case where arrangements have not been made for discharge of the function by an officer of the Authority.

Section 3 Responsibility for Local Choice Functions

The Council is able to determine who has responsibility for the functions, identified as Local Choice functions. They have assigned these functions to the decision making bodies set out in the table below:

Function	Decision Making Body	Delegation
The discharge of any function by the Authority acting as a Harbour Authority.	Executive	
Any function under a local Act other than a function specified or referred to in Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 as amended.	Council	
The determination of an appeal against any decision made by or on behalf of the authority.	Appeals Committee	
Functions in relation to the revisions of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000.	Council	Monitoring Officer
The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002.	Executive	Monitoring Officer
The making of arrangements pursuant to section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).	Executive	Monitoring Officer
The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Executive	Monitoring Officer
The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Council	

Function	Decision Making Body	Delegation
The making of appointments under paragraphs 2 to 4 (appointment of Members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Council	
The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Executive	
Any function relating to contaminated land.	Public Protection Committee	
The discharge of any function relating to the control of pollution or the management of air quality.	Public Protection Committee	
The service of an abatement notice in respect of a statutory nuisance.	Public Protection Committee	Chief Officer
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Public Protection Committee	Chief Officer
The inspection of the authority's area to detect any statutory nuisance.	Public Protection Committee	Chief Officer
The investigation of any complaint as to the existence of a statutory nuisance.	Public Protection Committee	Chief Officer
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Executive and non-Executive Committees	Chief Officer
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Executive	All Chief Officers

Function	Decision Making Body	Delegation
The making of agreements for the execution of highways works.	Council	Monitoring Officer and Chief Officer
The appointment of any individual:- (a) to any office other than an office in which he/she is employed by the authority; (b) to any body other than: (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Council	
Power to make payments or provide other benefits in cases of maladministration etc. Functions in respect of the calculation of council tax base in accordance with any of the following:- (a) the determination of an amount for item T in section 33(1) and 44(1) of the Local Government Finance Act 1992; (b) the determination of an amount for item TP in sections 34(3), 45(3), 48(3) and 48(4) of the Local Government Finance Act 1992; (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.	Council Council	
Licensing functions in accordance with Part 2 of the Licensing Act 2003 except Section 6.	Licensing Committee	
Functions in respect of gambling in accordance with any of the following— (a) a resolution not to issue casino licenses in accordance with section 166 of the Gambling Act 2005 (c 19); (b) prescribing of fees in accordance with section 212 of the Gambling Act 2005; (c) making an order disapplying section 279 or section 282(1) of the Gambling Act 2005 in accordance with section 284 of the Gambling Act 2005;	Licensing Committee	

Function	Decision Making Body	Delegation
(d) authorised persons in accordance with section 304 of the Gambling Act 2005; (e) prosecutions by a licensing authority in accordance with section 346 of the Gambling Act 2005; (f) three-year licensing policy in accordance with section 349 of the Gambling Act 2005.		

SECTION 4 FUNCTIONS DELEGATED TO OFFICERS

SUB-SECTION A

INTRODUCTION

1. Overall Basis

1.1 This scheme delegates certain functions of the Council and the Executive to officers and should be interpreted widely rather than narrowly. It is divided into the following sub-sections:

- A - Introduction
- B - General Delegations to Chief Executive/Corporate Directors
- C - General Delegations to Chief Officers/Heads of Functions
- D - General Delegations to Operational Managers
- E - Specific Delegations to Statutory Officers
- F - Specific Delegations to other Officers

These sub-sections inter-relate and should not be read in isolation.

1.2 In this scheme “officer” means the holder of any post named in this scheme as having delegated powers and duties.

1.3 This scheme delegates power and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation.

1.4 This scheme operates under Sections 101, 151 and 270 of the Local Government Act 1972 and all other powers enabling the Council.

1.5 This scheme includes the obligation on officers to keep Members properly informed of activity arising within the scope of these delegations.

2. Overall Limitations

2.1 This scheme does not delegate to officers:-

- (1) Any matter reserved to full Council
- (2) Any matter which by law may not be delegated to an officer
- (3) Any matter expressly withdrawn from delegation by this scheme or at any time by the Executive.

2.2 In each case the delegated authority to officers exclude:-

- * the taking of decisions which make, amend or are not in accordance with the budget and policy framework
- * the setting or changing of policy and associated service standards
- * the review of performance
- * the setting of overall service area budgets
- * responding to formal central government consultation in respect of strategic policy

which remain the responsibility of Council/the Executive/Committees as appropriate.

2.3 Any exercise of delegated powers shall be subject to:-

- (1) Any statutory restrictions
- (2) The Council's Constitution, including Financial and Land Procedure Rules and Contracts Procedure Rules
- (3) The Council's budget and policy framework
- (4) Any other policies
- (5) The Code of Conduct for Members
- (6) The Code of Conduct for Employees

2.4 In exercising delegated powers officers shall:-

- (1) not go beyond the provision in the revenue or capital budgets for their service or agree individual items of expenditure or virement beyond that permitted by the Contracts and Financial Procedure Rules;
- (2) have regard to any report by the Head of the Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or of the Chief Financial Officer under Section 114 of the Local Government Finance Act 1988;
- (3) maintain a full record of the exercise of those powers, including all relevant details, in accordance with any corporate guidance given by the City and County Solicitor (for decisions taken within the Scheme, the form of evidence required is shown in sub-sections B, C and D); and
- (4) have regard to any report from the Council's internal and external auditors in relation to a fundamental weakness in management and financial controls.

3. Further Provisions

3.1 In all cases delegated authority includes management of the human and material resources made available for their functions and departments within the limitations of this scheme and subject to specific delegations in this scheme or elsewhere to another officer.

3.2 In all cases delegated authority includes the power to issue and serve statutory and other notices, to institute formal cautions, to recommend the institution of legal proceedings before courts or tribunals, to take default action under all legislation relevant to their functional area and to authorise Officers to appear on behalf of the Council in tribunals, review boards and inquiries, also to sign all necessary documents and authorise entry to land in pursuance of statutory powers, provided always that this is in accordance with the functional responsibilities of the officer concerned, and subject to the provisions of Article 13 of this Constitution.

3.3 In all cases, delegated authority includes the power to determine applications and authorise payments and implement national agreements.

3.4 It shall always be open to an officer to consult with the Executive, or a non-executive committee on the exercise of delegated powers, or not to exercise delegated powers but to refer the matter to the Executive or a committee (as appropriate).

3.5 In exercising delegated powers, officers shall consult with such other relevant officers and shall have regard to any advice given.

3.6 This scheme includes the power for officers further to delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or

under the general supervision and control of the delegating officer. Sub-delegations shall be recorded in a register kept by the City and County Solicitor under Section 100G of the Local Government Act 1972. Sub-delegations may be made across departmental boundaries and to other Councils and their officers as appropriate.

4. Record of Exercise of any Function

- 4.1 In the case of decisions taken by Full Council, Committee, Executive Meeting, Chief Executive, or a Corporate Director:-
- (a) the written record of the decision, in the prescribed form, will be sent to, and kept by, the Clerk to the Council;
 - (b) the written record of the decision will be open to public inspection, except where it contains confidential or exempt information; and
 - (c) a copy will be sent to the City and County Treasurer if the decision requires a call on budget which should be notified to him/her.
- 4.2 All decisions made under section 4.1 by the Executive Business Meeting will be published in the Executive Decision Register. Similarly all decisions made by the Chief Executive or a Corporate Director will be published in the Executive Decision Register.
- 4.3 In the case of decisions by an employee other than the Chief Executive or a Corporate Director:-
- (a) the written record of the decision will be kept in accordance with the requirements of the relevant Chief Officer;
 - (b) the written record of decision will be open to inspection by a Councillor in accordance with the Access to Information Procedure Rules; and
 - (c) a copy will be sent to the City and County Treasurer if the decision requires a call on budget which should be notified to him/her.

For the avoidance of doubt, the record of the exercise of a delegated power may relate to the exercise of one or more power where the powers have been exercised contemporaneously.

SUB-SECTION B

DELEGATIONS TO CHIEF EXECUTIVE AND CORPORATE DIRECTORS

Deleted: GENERAL

NOTE: the following delegations must be read in conjunction with the foregoing Sub-Section A which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations.

All Delegated decisions taken in this sub-section, apart from CD1 and CD2 (Council Functions), will be published in the Executive Decision Register, irrespective of whether they are further delegated.

PROVIDED ALWAYS that the decision is:

- a) within budget;
- b) in accordance with the Council's policy framework;
- c) in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules;
- d) in accordance with their Service Area Business Plan; and
- e) not a matter specifically reserved for Full Council, a Committee of the Council, the Executive or a Statutory Officer,

The Chief Executive and all Corporate Directors shall be authorised:-

- 1.1 To make any decisions relating to any matter within their area of responsibility ('General Delegation'),
- 1.2 To take appropriate action, which is necessary, to ensure the efficient, equitable and effective delivery of services.

Deleted: provided always that the decision is:¶
¶ a) within budget¶
b) in accordance with the Council's policy framework¶
c) in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules¶
d) in accordance with their Service Area Business Plan¶
e) not a matter specifically reserved for Full Council, a Committee of the Council, the Executive or a Statutory Officer.

1.3 To exercise the following Specific Delegations:-

Ref.	Delegation	Form of Evidence
<p>Human Resources CD1</p>	<p>Authority to manage the human resources within their area of responsibility, including the appointment, establishment, salary/grade, training, terms and conditions of employment, health and safety, discipline, suspension and dismissal of staff, in accordance with the Council's HR and financial procedures and subject to appropriate consultation as outlined therein, except where any proposal:-</p> <p>(1) involves the probability of redundancies and/or cannot be implemented within existing budgets, and/or</p> <p>(2) has significant effects on the employment of existing staff in that or any other Council Service Area</p> <p>(Note: in relation to the above it remains the Council's policy to avoid compulsory redundancies where possible. Officer delegations can only be discharged within the Council's Human Resources policies and procedures).</p> <p>Qualification: This may not be further delegated.</p>	<p>Relevant HR Form</p>
<p>CD2</p>	<p>Authority to consider and approve, as appropriate, in consultation with the Chief People and Organisational Development Officer, City and County Treasurer and in accordance with the provisions of the Local Government Pension Scheme and the Council's approved policy and criteria, the early retirement of staff (aged 50 or over) in the following circumstances:</p> <p>(1) in the interests of the efficiency of the service</p> <p>(2) who request voluntary retirement</p> <p>Qualification: This may not be further delegated.</p>	<p>Relevant HR Form</p>
<p>Procurement CD3</p>	<p>To procure works, goods, services and/or supplies and manage all aspects of the contract (except in relation to variations - see CD4; framework arrangements - see FS20 and FS21; or where the Contracts Procedure Rules make contrary provision) where the estimated contract value does not exceed £5,000,000; and in all cases, subject to compliance with Financial Procedure Rules, Contracts Procedure Rules and the Policy and Budget Framework.</p> <p>Qualification: This may not be further delegated.</p>	<p>Contract Pre and Post Tender Forms</p>

Ref.	Delegation	Form of Evidence
CD4	<p>To authorise, issue or approve variations in accordance with the values, as set out in the Contracts Procedure Rules.</p> <p>Qualification: This may not be further delegated.</p>	
CD5	<p>To appoint persons to undertake management consultancy up to a value of £500,000 where the sum is allocated in the budget and for that purpose, subject to compliance with the Contracts Procedure Rules and the Policy and Budget Framework.</p> <p>Qualification: This may not be further delegated.</p>	Contract Pre and Post Tender Forms
Other CD6	<p>Within Service Areas to vire sums not exceeding £250,000 provided under specific public revenue budget heads to other purposes (revenue only), subject to compliance with the Financial Procedure Rules.</p> <p>Qualification: This may not be further delegated.</p>	Virement Form
CD7	<p>Within service areas to vary the approved programme of capital expenditure by an addition or deletion or material modification of an existing project by a virement not exceeding £250,000 to or from another project but subject to the Policy and Budgetary Framework and in accordance with Financial Procedure Rules.</p> <p>Qualification: This may not be further delegated.</p>	Virement Form
CD8	<p>To authorise the disposal or acquisition of land and to be the Designated Body for the purposes of the Procedure Rules for the Acquisition or Disposal of Land in the following cases: For disposals or acquisitions not exceeding £5,000,000, where the amount offered is greater than that estimated by the Lead Strategic Estates Manager or no more than ten percent below that estimate, the offer may be accepted For disposals or acquisitions not exceeding £1,000,000 in value where the proposal is to accept the best offer reasonably obtainable but that is determined other than on price alone For taking or granting of leases at rents not exceeding £1,000,000 pa and agreeing the renewal or restructuring of existing leases for rents not exceeding £1,000,000 pa And provided that the offer that represents the best price reasonably obtainable by the Authority</p> <p>Qualification: This may not be further delegated.</p>	Acquisition/ Disposal of Land Form

CD9	In accordance with any policy or strategy approved by the Executive to consider and determine applications for financial assistance or assistance in kind and to approve or reject applications having a value not exceeding £1,000,000 per grant.	Grant Application Form
<u>CD10</u>	<p><u>To exercise the rights and responsibilities of the Council as shareholder or member of a company or other body, where no other specific provision has been made.</u></p> <p><u>Qualification: This may be further delegated to officers of grade OM1 or above only.</u></p>	

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SUB-SECTION C

DELEGATIONS TO ALL CHIEF OFFICERS AND HEADS OF FUNCTION

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NOTE: the following delegations must be read in conjunction with the foregoing Sub-Section A which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations.

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PROVIDED ALWAYS that the decision is:

- a) within budget;
- b) in accordance with the Council's policy framework;
- c) in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules;
- d) in accordance with their Service Area Business Plan; and
- e) not a matter specifically reserved for Full Council, a Committee of the Council, the Executive, a Statutory Officer, the Chief Executive or Corporate Directors,

All Chief Officers and Heads of Function shall be authorised:-

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Delegation:¶

1.1 To make any decisions relating to any matter within their area of responsibility ('General Delegation'):

1.2 To take appropriate action, which is necessary, to ensure the efficient, equitable and effective delivery of services.

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within budget¶
in accordance with the Council's policy framework¶
in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules¶
in accordance with their Service Area Business Plan¶
not a matter specifically reserved for Full Council, a Committee of the Council, the Executive, a Statutory Officer, the Chief Executive or Corporate Directors.

1.3 To exercise the following Specific Delegations:-

Ref.	Delegation	Form of Evidence
Human Resources CO1	<p>Authority to manage the human resources within their area of responsibility, including the appointment, establishment, salary/grade, training, terms and conditions of employment, health and safety, discipline, suspension and dismissal of staff, in accordance with the Council's HR and financial procedures and subject to appropriate consultation as outlined therein, except where any proposal:-</p> <p>(1) involves the probability of redundancies and/or cannot be implemented within existing budgets, and/or</p> <p>(2) has significant effects on the employment of existing staff in that or any other Council Service Area</p> <p>(Note: in relation to the above it remains the Council's policy to avoid compulsory redundancies where possible. Officer delegations can only be discharged within the Council's Human Resources policies and procedures).</p> <p>Qualification: This may not be further delegated.</p>	Relevant HR Form
CO2	<p>Authority to consider and approve, as appropriate, in consultation with the Chief People and Organisational Development Officer, City and County Treasurer and in accordance with the provisions of the Local Government Pension Scheme and the Council's approved policy and criteria, the early retirement of staff (aged 50 or over) in the following circumstances:</p> <p>(1) in the interests of the efficiency of the service</p> <p>(2) who request voluntary retirement</p> <p>Qualification: This may not be further delegated.</p>	Relevant HR Form
Procurement CO3	<p>To procure works, goods, services and/or supplies and manage all aspects of the contract (except in relation to variations – see CO4; framework arrangements – see FS20 and FS21; or where the Contracts Procedure Rules make contrary provision) where the estimated contract value does not exceed £1,000,000; and in all cases, subject to compliance with Financial Procedure Rules, Contracts Procedure Rules and the Policy and Budget Framework.</p> <p>Qualification: This may not be further delegated.</p>	Contract Pre and Post Tender Forms

Ref.	Delegation	Form of Evidence
CO4	<p>To authorise, issue or approve variations in accordance with the values, as set out in the Contracts Procedure Rules.</p> <p>Qualification: This may not be further delegated.</p>	
Other CO5	<p>To make any applications under the planning legislation to the Authority as Local Planning Authority in relation to development of land for which the Chief Officer is responsible including Planning Applications to develop any land held by the Authority or for the development of any land by the Authority whether on its own or jointly.</p>	
CO6	<p>To manage any operational land or premises or assets and to secure such maintenance, repair or renewal of the same, save that the purchase repair, leasing, hire, disposal and maintenance of vehicles will be managed in accordance with arrangements made by the officer who is for the time being the Authority's Transport Manager.</p>	
CO7	<p>Within the service area to vary the approved programme of capital expenditure by an addition or deletion or material modification of an existing project by a virement not exceeding £100,000 to or from another project subject to the Policy and Budget Framework and in accordance with Financial Procedure Rules.</p> <p>Qualification: This may not be further delegated.</p>	Virement Form
CO8	<p>Within service areas to vire sums not exceeding £50,000 provided under specific published revenue budget heads to other purposes (revenue only) subject to compliance with Financial Procedure Rules.</p> <p>Qualification: This may not be further delegated.</p>	Virement Form
CO9	<p>In accordance with any policy or strategy approved by the Executive to consider and determine applications for financial assistance or assistance in kind and to approve or reject applications having a value not exceeding £250,000.</p> <p>Qualification: This may not be further delegated.</p>	Grant Application Form
CO10	<p>In accordance with any policy or strategy approved by the Executive to set fees and charges which may be made by the Authority and to waive such fees or charges or grant concessions where it would be likely to promote the economic, social or environmental well being of the Authority's area.</p>	Concessionary Letting Form

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Ref.	Delegation	Form of Evidence
CO11	To make applications or submit bids for funding or financial assistance or assistance in kind, to any person or body and take all necessary steps to accept this assistance.	Grant Submission Form
CO12	To approve the write-off of stocks, stores and other assets where the value of the stocks, stores or other assets does not exceed £5,000.	

SUB-SECTION D

DELEGATIONS TO OPERATIONAL MANAGERS

NOTE: the following delegations must be read in conjunction with the foregoing Sub-Section A which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations.

PROVIDED ALWAYS that the decision is:

- a) within budget;
- b) in accordance with the Council's policy framework;
- c) in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules;
- d) in accordance with their Service Area Business Plan; and
- e) not a matter specifically reserved for Full Council, a Committee of the Council, the Executive, a Statutory Officer, the Chief Executive, Corporate Directors, Chief Officers or Heads of Function.

All Operational Managers and Heads of Function, shall be authorised:-

- 1.1 To make any decisions relating to any matter within their area of responsibility ('General Delegation'),
- 1.2 To take appropriate action, which is necessary, to ensure the efficient, equitable and effective delivery of services.

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within budget¶
in accordance with the Council's policy framework¶
in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules¶
in accordance with their Service Area Business Plan¶
not a matter specifically reserved for Full Council, a Committee of the Council, the Executive, a Statutory Officer, the Chief Executive, Corporate Directors, Chief Officers or Heads of Function.

1.3 To exercise the following Specific Delegations:-

Ref.	Delegation	Form of Evidence
Human Resources OM1	Authority to manage the human resources within their area of responsibility as set out in the approved Human Resources policies and procedures.	Relevant HR Form
Procurement OM2	To procure works, goods, services and/or supplies and manage all aspects of the contract (except in relation to variations – see OM3; framework arrangements – see FS20 and FS21; or where the Contracts Procedure Rules make contrary provision) where the estimated contract value does not exceed £250,000; and in all cases, subject to compliance with Financial Procedure Rules, Contracts Procedure Rules and the Policy and Budget Framework. Qualification: This may not be further delegated for procurements of £10,000 or above.	Contract Pre and Post Tender Forms
OM3	To authorise, issue or approve variations in accordance with the values, as set out in the Contracts Procedure Rules.	
Other OM4	In accordance with any policy or strategy approved by the Executive to consider and determine applications for financial assistance, or assistance in kind and to approve or reject applications having a value not exceeding £50,000. Qualification: This may not be further delegated.	Grant Application Form

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SUB-SECTION E

SPECIFIC DELEGATIONS TO STATUTORY, LEGAL, FINANCIAL & HUMAN RESOURCE OFFICERS

NOTE: The following delegations must be read in conjunction with the foregoing Sub-Sections A and B which set out the overall basis, limitations, and further provisions which apply to this Scheme of Delegations and also general delegations to all Chief Officers.

All Delegated decisions taken in this sub-section by the Chief Executive will be published in the Executive Decision Register.

PROVIDED ALWAYS that the decision is:

- f) **within budget;**
- g) **in accordance with the Council's policy framework;**
- h) **in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules;**
- i) **in accordance with their Service Area Business Plan; and**
- j) **not a matter specifically reserved for Full Council, a Committee of the Council, the Executive, a Statutory Officer, the Chief Executive, Corporate Directors, Chief Officers or Heads of Function,**

Chief Executive & Head of Paid Service	
CE1	To exercise any Executive Function (even where such matters are reserved to the Executive) in any case of urgency or where it is impracticable for the matter to be considered by the Executive and unless action is taken then the Authority would be likely to suffer a financial or other serious disadvantage or unlikely to be able to take advantage of a material opportunity.
CE2	To be Head of Paid Service.
CE3	To exercise corporate Council functions as appropriate.
CE4	To incur expenditure in the event of a civil emergency.
CE5	In cases of urgency or emergency, to take any decision on behalf of the Council (after consultation with the Leader).
CE6	For the purposes of the Local Government (Contracts) act 1997, authority for the City and County Treasurer and any one of the following – Chief Executive, Monitoring Officer and City and County Solicitor, to sign each certificate given under the Act.
CE7	To the Chief Executive or Nominee (Chief People and Organisational Development Officer)) to make decisions on employee Terms and Conditions, (including procedures for dismissal), except those relating to: <ul style="list-style-type: none"> • Chief Executive, Chief Officers and other JNC for Chief Officer posts; • Changes to the Council's corporate pay grade structure; • Changes for employee Terms and Conditions which are the subject of contention with the trade unions.
CE8	Functions of the Returning Officer.
CE9	Functions of the Electoral Registration Officer.

CE10	To appoint proper officers where required at law for the performance of Executive Functions.
CE11	Re-grading applications – To determine applications for re-grading from the Chief People and Organisational Development Officer.
CE12	To approve new operational HR employment policies and changes to existing policies as required. (CIS <u>4.HR.154</u>)
CE13	To declare land/property as surplus to operational requirements in consultation with the City and County Treasurer and the Chief Officer of the relevant service area.
	Qualification: These may not be further delegated.

City and County Solicitor & Monitoring Officer	
LD1	To appoint proper officers or authorise an officer of the Authority for any purpose the performance of which is an Executive Function where statute requires that the officer should be appointed or authorised for that specific purpose or purposes.
LD2	All proper officer functions not allocated to other officers and to act as Solicitor to the Council.
LD3	Authority to affix the Common Seal of the Council.
LD4	<u>Local Government Act 1972 Part V – General Provisions as to Members & Proceedings of Local Authorities</u> Section 83(1) to (4) – Witness and Receipt of Declarations of Acceptance of Office.
LD5	Section 84 – Receipt of Declaration of Resignation of Office.
LD6	Section 88(2) – Convening meeting to fill casual vacancy of Chairman.
LD7	Section 89(1)(b) – Receipt of Notices of Casual Vacancy.
LD8	Section 96(1) – Receipt of notices of Pecuniary Interest.
LD9	Section 96(2) – Keeping Record of Disclosure of Pecuniary Interest under Section 94, and of Notices under Section 96 (1).
LD10	Section 99 and Schedule 12 Paragraph 4(2)(b) – Signature of Summonses to Council Meetings.
LD11	Section 99 and Schedule 12 Paragraph 4(3) – Receipt of Notices regarding Addresses to which Summonses to Meetings to be sent.
LD12	<u>Part V A – Access to Information</u> <ul style="list-style-type: none"> • Section 100B(2) – Exclusion of exempt items from public access. • Section 100B(7)C – Provision of copies of documents to newspapers. • Section 100C(2) – Provision of written summary of exempt proceedings. • Section 100D(1)(a) – Preparation of lists of background papers. • Section 100D(5) – Identification of background papers to a report. • Section 100F(2) – Identification of exempt information not to be disclosed.
LD13	<u>Part XI General Provision – Documents and Notices etc</u> <ul style="list-style-type: none"> • Section 228(3) – Inspection of accounts. • Section 229(5) – Certification of official documents. • Section 231(1) – Receipt of Notices served on the Council. • Section 233 – Service of Notices by the Council. • Section 234(1) & (2) – Signing of Documents. • Section 238 – Certification of bylaws.

City and County Solicitor & Monitoring Officer	
LD14	<p><u>Local Government Housing Act 1989</u></p> <ul style="list-style-type: none"> • Section 2(4) – Receipt of list of politically restricted posts. • Section 19(1) – Receipt of general notice of pecuniary interests from Members.
LD15	<p><u>Local Government (Committees & Political Groups) Regulations 1990</u></p> <p>Regulation 8 – Receipt of notice of formation of political groups and changes in membership of political groups.</p>
LD16	<p><u>Constitution (including Rules of Procedure)</u></p> <p>To exercise Delegations as set out in the Constitution (including Rules of Procedure)</p>
LD17	<p><u>Appointments</u></p> <p>To appoint councillors/added or non-councillor members to committee seats allocate to political groups or nominating bodies (or to make changes, fill vacancies or give effect to temporary membership changes – “substitutions”) in accordance with the wishes of political groups or added-member nominating body.</p>
LD18	To make appointments to outside bodies in accordance with the decision of Council.
LD19	To constitute the membership of appeals and complaints committees and Council Tax/Benefit Revenue Boards from panels of trained members.
LD20	<p><u>Representing the Council in the Courts, Tribunals or at Public Enquiries</u></p> <p>To authorise the institution, defence, withdrawal of compromise of any claims or legal proceedings, and or criminal, in consultation with the relevant Chief Officer, except where power to institute proceedings is delegated to specific officers.</p>
LD21	To appear personally or authorise officers of the Council to appear on the Council’s behalf in court proceedings or at any tribunal or public or local inquiry.
LD22	To engage Counsel to represent the Council at any proceedings.
LD23	To defend and settle (subject to consultation with the relevant Chief Officer and the Chief People and Organisational Development Officer any Employment Tribunal proceedings.

City and County Solicitor & Monitoring Officer	
LD24	<u>Applications under Section 53 of the Wildlife and Countryside Act 1981</u> Authority to decide (using the guidelines contained in the legislation and any guidance issued by the authority) whether a claim is supported by sufficient evidence for an order to be made and (subject to circulation of details of such claims to Members of the Planning Committee) to serve notice on applicants who have submitted insufficient evidence or not met the legal requirements that no order be made.
LD25	<u>Pastoral Measure 1983</u> Authority to determine the Council's response to any proposal received for consultation to alter ecclesiastical boundaries under the Measure, taking into account the views of ward councillors for the area and subject to any of these councillors being able to require the matter to be decided by the Executive.
LD26	<u>Orders</u> To make all Statutory Orders.
LD27	Instituting criminal proceedings in cases of assault against employees where it is considered appropriate to do so in the interest of the County Council and where such proceedings have not been undertaken by the Police.
City and County Treasurer and Section 151 Officer	
FS1	Delegated Powers conferred on the City and County Treasurer under Financial Procedure Rules.
FS2	To be the Officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and meeting the requirement under Section 113 of the Local Government Finance Act 1988 to be a member of one of the recognised accountancy bodies.
FS3	To nominate a properly qualified member of staff to deputise should the City and County Treasurer be unable to perform his/her duties under Section 114 of the Local Government Finance Act 1988.
FS4	To facilitate and manage the co-ordination of medium term financial planning, annual budget planning, budget monitoring and the preparation of statutory and other accounts, associated grant claims and supporting records.
FS5	To manage the Council's financial affairs and services, including all matters relating to the Collection Fund, General Fund, Housing Revenue Account, Treasury Management, Reserves and Provisions, Subsidiary Accounts, all other funds established under statutory requirements <u>and trust funds including charitable trust funds where the Council or its officers are trustees.</u>

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City and County Treasurer and Section 151 Officer	
FS6	For the purpose of the Local Government (Contracts) Act 1997, authority for the City and County Treasurer and any one of the following – Chief Executive, Monitoring Officer and City and County Solicitor, to sign each certificate given under the Act.
FS7	To carry out the functions and exercise the powers of the Authority under Part 1 of the Local Government Finance Act 1988 (Administration and Collection of Community Charges).
FS8	To carry out the functions and exercise the powers of the Authority under Parts I and II of the Local Government Finance Act 1992 (except determinations under Sections 8 (2) or 12 (1) of the 1992 Act) (Administration and Collection of Council Tax).
FS9	To carry out the functions and exercise the powers of the Authority under Part II of the Local Government Finance Act 1988 (except Sections 47 and 56 and Schedules 7 and 7A (Administration and Collection of Non-Domestic Rates).
FS10	To operate the Authority's main bank account and arrange for all cheques to bear the signature of the City and County Treasurer.
FS11	To arrange and operate other bank accounts and to nominate authorised signatories to act on behalf of the Council.
FS12	To approve arrangements for bank accounts for cheque book schools.
FS13	To write off of irrecoverable debts and to determine the payment period of debts where debtors offer to pay by instalments where the debt in question does not exceed £100,000.
FS14	To determine the level of security for the due performance of any contract and to approve Contract Guarantee Bonds.
FS15	To accept nominations of admitted bodies to participate in the Superannuation Fund.
FS16	To determine the appropriate rate of interest where chargeable under any statutory power of the Authority.
FS17	To approve deductions from pay in suitable cases when requested by staff.
FS18	To grant extensions of repayment periods under house mortgages granted by the Authority and on the repossession of mortgaged houses, to sell the same by auction or by private treaty or to foreclose in appropriate cases.
FS19	To waive the right to recovery of salaries paid in advance to employees under Section 30 of the Local Government (Miscellaneous Provisions) Act 1976.
FS20	To authorise the invitation of tenders, quotations, offers or bids and agree appropriate tender evaluation criteria for Framework/Call-off arrangements in accordance with the Contracts Procedure Rules and where appropriate for that purpose, approve select lists of contractors, suppliers and tenderers.

City and County Treasurer and Section 151 Officer	
FS21	To approve the acceptance of tender bids, quotations or estimates for Framework/Call-off arrangements in accordance with the Contracts Procedure Rules within financial estimates where: (a) Where the value of the contract does not exceed £5,000,000 and the contract is awarded to the lowest tenderer; or (b) even though the tender is not the lowest provided that the value of the contract does not exceed £1,000,000
FS22	To approve the write-off of stocks, stores and other assets where the value of the stocks, stores or other assets does not exceed £50,000.
FS23	To issue legal proceedings (and under Section 223 of the Local Government Act 1972 be authorised to appear on behalf of the County Council at the hearing of any legal proceedings in the Magistrates Court) by way of an application for the issue of a Liability Order in respect of:- <ul style="list-style-type: none"> • unpaid Council Taxes and penalties under Part VI of the Council Tax (Administration and Enforcement) Regulations 1992; by way of an application for the issue of a warrant of commitment to prison under Part VI of the Council Tax (Administration and Enforcement) Regulations 1992; to require financial information, to make an Attachment of Earnings Order; to levy the appropriate amount by distress and sale goods; and to exercise all other enforcement powers of the County Council under the Council Tax (Administration and Enforcement) Regulations 1992 and any subsequent amendments of such Regulations • unpaid rates; by way of an application for the issue of a warrant of commitment; and to exercise all other powers of enforcement of the County Council under the Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989 and any amendment thereto.
FS24	To engage the services of bailiffs for the service of summonses and warrants of commitment, obtaining financial information, the levying of distress warrants and the sale of goods and any appropriate action for the recovery of outstanding Community Charges under the Local Government Finance Act 1988 and any regulations made there under and outstanding Council Taxes and penalties under the Local Government Finance Act 1992 and any Regulations made there under.
FS25	To engage the services of bailiffs to serve such summonses, distress warrants, liability orders or warrants of commitment, to levy distress and to sell goods as may be necessary to recover outstanding rates.
FS26	The settlement of claims, in special circumstances (individual claims for loss or damage to employees' personal effects up to a maximum of £100). (CIS 4.F.IN.021A)
FS27	To approve revenue and capital budget virements or any inter-service virements where the purpose of the budget has not been amended.
FS28	In accordance with any policy or strategy decided by the Authority to approve decisions relating to the management of the pension fund and the administration of pension benefits.

City and County Treasurer and Section 151 Officer	
FS29	To authorise the disposal of land or an interest in land having a value of not more than £100,000 and to be the Designated Body for the purposes of the Procedure Rules for the Acquisition or Disposal of Land for disposal of land or an interest in land not exceeding £100,000 provided that the offer that represents the best price reasonably obtainable by the Authority and provided that the offer so accepted is on price alone
FS30	To approve the acquisition of land or an interest in land at a cost not exceeding £100,000 providing that the value does not exceed the market value
FS31	To take or grant leases at rents not exceeding £100,000 pa.
FS32	To agree rent reviews where the change in rent does not exceed £100,000 pa.
FS33	To agree renewal or restructuring of existing leases where the rent does not exceed £100,000 pa.
FS34	To grant tenancies at the Service's managed Workshops where the rent does not exceed £100,000 pa.
FS35	To be the Designated Body for the purposes of paragraphs 2.1 (Invitation of Offers); 2.2 (Determination whether disposals will be by way of sealed offer, private treaty or auction) and paragraph 7.2 (instructions to the City and County Solicitor for the preparation and completion of documentation) of the Procedure Rules for the Acquisition or Disposal of Land
FS36	To be the Designated Body for the purposes of paragraph 2.3 (Determination of Private Treaty or offer from one person) of the Procedure Rules for the Acquisition or Disposal of Land
FS37	To grant the release or modification of restrictive covenants
FS38	To agree the acquisition of land or an interest in land up to £100,000.
FS39	To accept offers for disposals of land/or an interest in land where the value does not exceed £100,000.
FS40	To grant grazing licences, easements, leases to utility undertakings for operational purposes, temporary licences and renewals.
FS41	To grant landlord's consent to alterations to land involving change of use (other than A4.8).
FS42	To approve the Selection Panel's selection of tenderers for individual contracts.
FS43	To agree the sale of residential freehold reversions.
FS44	To grant the release or modification of restrictive covenants for alterations to residential premises.
FS45	To settle Part 1 claims under the Land Compensation Act 1973.
FS46	To grant landlord's consent to the assignment of existing tenancies.
FS47	To grant landlord's consent to the subletting of existing tenancies.
FS48	To grant landlord's consent to alterations to land involving no change of use.
FS49	To agree Council House sales under Right to Buy provisions.
FS50	Represent Cardiff Council at the Cardiff Bus AGM.
FS51	To carry out functions relating to local government pensions etc pursuant to Regulations under Section 7, 12 or 24 or the Superannuation Act 1972; and functions relating to pensions, allowances and gratuities pursuant to Regulations under Section 18(3A) of the Local Government and Housing Act 1989.

Chief People and Organisational Development Officer	
HR1	Amendments to Establishment – To approve the proposals of Chief Officers to <ul style="list-style-type: none"> • Determine any applications for re-grading at Operational Manager Level and below (CIS <u>4.C.134</u>) • Vary their establishment by:- (CIS <u>4.C.238</u>) <ul style="list-style-type: none"> ○ Deleting posts ○ Creating posts (CIS <u>4.C.217</u>) ○ Re-designating and redefining existing posts
HR2	Re-grading Appeals – To determine appeals against decisions made on applications for re-grading from officers graded Operational Manager and below.
HR3	Appointment of temporary staff over and above establishment for periods in excess of 12 months where the funding for the post(s) is/are from external sources. (CIS Ref. 4.C.015)
HR4	Market Supplements – To approve the payment of Market supplements of up to a maximum of 30% of salary.
HR5	Determine requests for extension of half sick pay.
HR6	To determine appeals from staff with regard to unsuccessful applications for flexible working.
HR7	Approval of applications for voluntary severance for Operational Manager and below. (CIS <u>4.C.182</u>)

SUB-SECTION F

DELEGATIONS TO [SPECIFIC OFFICERS](#)

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1 The officers named below shall be authorised to exercise the following Delegations, provided always that the decision is:

- a) within budget
- b) in accordance with the Council's policy framework
- c) in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules
- d) in accordance with their Service Area Business Plan
- e) not a matter specifically reserved for Full Council, a Committee of the Council, the Executive, a Statutory Officer, the Chief Executive, Corporate Directors, Chief Officers or Heads of Function.

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Ref.	Delegation
Operational Manager, Consumer Protection & Proper Officer	<ul style="list-style-type: none"> • To act as the Chief Inspector of Weights and Measures and to exercise the functions assigned to the Council as a weights and measures authority. • To act as the proper officer for the registration service and to exercise the functions assigned to the Council under the Registration Acts.
Corporate Director – Opportunities	<ul style="list-style-type: none"> • To decide on the reception of persons into guardianship of the Authority under sections 7 and 37 of the Mental Health Act 1983, exercise of functions of nearest relative of persons so suffering and to make appointments of Approved Social Workers • To be the Council's Lead Officer on Children's Services for the purposes of the Children Act 2004.
Chief Strategic Planning & Environment Officer	<ul style="list-style-type: none"> • To exercise all functional responsibilities delegated by the Planning Committee, the Licensing Committee and the Public Protection Committee.
Corporate Director – Environment	<ul style="list-style-type: none"> • To make compulsory purchase orders in respect of single houses under Part II of the Housing Act 1985 and or the Acquisition of Land Act 1981

Section 5 - Delegations to Joint Committees

Glamorgan Archives Joint
Committee

All powers and duties in connection with the care preservation maintenance and management of archives and records except the power of setting a budget or borrowing money, [subject to the terms of the agreement dated 11th April 2006.](#)

[Welsh Purchasing
Consortium](#)

[Subject to the terms of the agreement dated 26th November 1998, such powers as are necessary to procure the commodities listed in Schedule 4 of the agreement, other than powers to \(i\) incur capital expenditure; and or \(ii\) procure or order goods or make purchases or in any other way incur revenue expenditure on behalf of a Member without that Member's previous consent.](#)

ANNEX 1

RESPONSIBILITY FOR NON-EXECUTIVE COUNCIL FUNCTIONS

| *[\[no amendments proposed\]](#)*

ANNEX 2

TERMS OF REFERENCE FOR COMMITTEES

| [*\[no amendments proposed\]*](#)