

CONSTITUTION COMMITTEE:

19 MARCH 2014

REPORT OF THE MONITORING OFFICER

AGENDA ITEM: 7

**CONSTITUTION AMENDMENTS – PROPERTY & PROCUREMENT
DECISION MAKING; AND STATUTORY OFFICER DELEGATIONS**

Reason for this Report

1. To enable the Committee to consider and approve the Constitution amendments required to implement the recommendations of the Committee's Task & Finish Group in respect of property and procurement decision making arrangements; and to confirm the Council's Statutory Officer delegations.

Background

2. At its meeting on 18th September 2013 this Committee resolved to set up a Task and Finish Group to consider decision making arrangements in respect of property and procurement, and to report back to this Committee any recommended changes to current arrangements in this regard.
3. At its last meeting, the Committee considered a report on the changes proposed by the Task & Finish Group, as well as certain other constitution amendments, including statutory officer delegations. The Committee agreed the revised arrangements proposed by the Task & Finish Group, subject to review after one year, and noted the need to confirm the Statutory Officer delegations.
4. The Committee instructed the Monitoring Officer to draft the necessary constitution amendments for approval at its next meeting.

Issues

Task & Finish Review Recommendations

5. Property Decisions

- 5.1 Members took the view that the thresholds for officer delegations relating to property matters (currently up to £5 million) should be reduced, in line with the recommendations of the recent WLGA Peer Review. They were also concerned

to strengthen the Member consultation requirements so as to ensure that Ward Members and relevant Cabinet Member/s are aware of land related proposals within their areas of responsibility and have the opportunity to object and refer specific decisions to the Cabinet.

5.2 The proposed revised arrangements were set out in paragraphs 4.2 to 4.7 (inclusive) of the report to the last Committee meeting. The Committee agreed the changes, subject to a further report detailing the necessary constitution changes and a review of the revised arrangements after one year.

5.3 Amendments have been drafted to the Procedure Rules for the Disposal and Acquisition of Land (“the Land Procedure Rules”) and the Scheme of Delegations to reflect the proposed revised arrangements, as follows:

(i) **Land Procedure Rules** – the new decision making arrangements have been inserted as a new Rule 2, incorporating the reduced £1 million pound threshold for the Director’s delegations and the strengthened Member consultation and statutory officer advice requirements. The ‘streamlined process’ for disposal of surplus land, previously approved by the Committee has been inserted in place of the former surplus land rule in Rule 3, with further amendments to ensure consistency with other constitution provisions (such as the Cabinet’s reserved powers), to reflect changes in senior management responsibilities and post titles, as well as some minor drafting improvements. The proposed amendments are shown on the Revised Land Procedure Rules appended at **Appendix A**.

(ii) **Land Transactions Officer Delegations** – the Directors’ delegation in respect of transactions valued up to £5 million (delegation CD8) has been deleted, along with the Corporate Director, Resources property delegations FS29 to FS39 inclusive, and replaced with 3 new delegations to the Director of Economic Development, DE1 to DE3 inclusive. The new delegations authorise the Director of Economic Development to approve transactions valued up to £1 million, subject to various conditions regarding price / valuation and consultation and advice, in accordance with the revised Land Procedure Rules. It is proposed that these delegations may be sub-delegated by the Director for transactions valued up to £100, 000 under 3 new delegations to the Corporate Property and Estates Manager (delegations CP1 to CP3 inclusive), subject to the stated conditions. The remaining property delegations, FS40 to FS49 inclusive and FS52, are transferred from the Corporate Director, Resources to the Director of Economic Development (new delegation references DE4 to DE13 inclusive) reflecting the reallocation of responsibility for these matters. The proposed amendments are shown on the Revised Officer Delegations – Property, appended at **Appendix B**.

5.4 The Constitution Committee has delegated authority to approve changes to the Land Procedure Rules pursuant to paragraph (c) of the Committee’s terms of reference. However, amendments to the Officer Delegations will require the

approval of full Council. As the amendments are interrelated, it is recommended that the proposed changes should take effect, subject to any further changes the Committee thinks necessary, following the approval of Council, and subject to review after one year.

6. Procurement Decisions

6.1 The Committee noted the evidence from the Procurement Officer and the Audit and Risk Manager of the robust governance and risk processes already in place for procurements in Cardiff, and agreed the Task and Finish recommendation that no changes should be made to the current delegation thresholds, but that Member consultation requirements should be strengthened for all Director level decisions. Specifically that:

- (i) All procurements valued between £1 million and £5 million; and
- (ii) Any variation requiring approval by a Director (threshold values are set out in the Contract Rules, Rule 25, and vary depending on the type of contract),

should be subject to consultation with relevant Cabinet Members (the Cabinet Member for Finance, as well as any other relevant Cabinet Portfolio holder); and in the event of an objection from the relevant Cabinet Member/s, the decision should be referred to the Cabinet.

6.2 The Committee agreed the above changes, subject to a further report detailing the amendments and a review of the revised arrangements after one year.

6.3 The Task and Finish Group also made a number of other recommendations aimed at improving transparency and Cabinet control of any potentially significant procurements in Cardiff. These recommendations are set out in paragraph 5.4 of the previous report to Committee. As noted in that report, these recommendations are to be incorporated into the revised Contract Rules which are currently being developed, and or in new procurement procedures and guidance, as appropriate. It is proposed to submit a further report on the revised Contract Rules, along with associated procedures and guidance, incorporating all recommended changes, to the Committee in or around the Autumn of 2014.

6.4 The proposed amendments to the Directors' delegations, drafted to incorporate the strengthened Member consultation requirements (set out in paragraph 6.1 above), are as set out below:

"CD3: 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; 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 consultation with the Cabinet Member for Finance and any other Cabinet Member with relevant portfolio responsibility and compliance with Financial Procedure Rules, Contracts Procedure Rules and the Policy

and Budget Framework and Provided that in the event of an objection from the Cabinet Member/s, the decision shall be referred to the Cabinet.

Qualification: This may not be further delegated.

CD4: To authorise, issue or approve variations in accordance with the values, as set out in the Contracts Procedure Rules, subject to consultation with the Cabinet Member for Finance and any other Cabinet Member with relevant portfolio responsibility, and Provided that in the event of an objection from the Cabinet Member/s, the decision shall be referred to the Cabinet.

Qualification: This may not be further delegated.”

6.5 As noted in paragraph 5.4 above, any amendments to the Officer Delegations agreed by this Committee will require the approval of full Council. In order to allow time for training and dissemination of the new arrangements, it is recommended that the changes to the procurement delegations should take effect from 1st June 2014, and be subject to review after one year (as recommended by the Task & Finish Group).

7 Statutory Officers

7.1 At its last meeting, the Committee instructed the Monitoring Officer to amend the Officer Delegations to note the functions and responsibilities of all of the Council's Statutory Officers. Subject to the approval of the Committee and Council, the following amendments are proposed to be added to Section 4E of the Scheme of Delegations:

“Director of Children Services:

To be the Director of Social Services pursuant to section 6 of the Local Authority Social Services Act 1970 with responsibility for the social services functions of the Council, including the authority to decide on the reception of persons into guardianship of the Authority under sections 7 and 37 of the Mental Health Act 1983, the exercise of functions of nearest relative of persons so suffering and to make appointments of Approved Social Workers

Director of Education:

To be the Chief Education Officer as required under s.532 of the Education Act 1996

7.2 Chief Executive's delegations – As the Council's statutory Head of Paid Service, the Chief Executive has overall responsibility for the proper management and organisation of the Council's staff in order to ensure the effective discharge of the Council's functions (pursuant to section 4 of the Local Government and Housing Act 1989). The Chief Executive has a suite of delegations intended to allow him to fulfill his statutory role, which are set out in delegations CE1 to CE12 (in Section 4E of the Scheme of Delegations). However, it is recommended that these delegations should be reviewed to ensure that they encompass the full

range of powers required for this role, including reserve powers to act in place of any officer, if necessary. The Committee is recommended to delegate authority to the Monitoring Officer to review the delegations of the Chief Executive, having regard to his statutory role, and to make any amendments necessary, subject to the approval of Council.

Legal Implications

8 The relevant legal provisions are set out in the body of the report.

Financial Implications

9 There are no direct financial implications arising from the recommendations of the report. The relevant procurement and finance provisions are set out in the body of the report.

Recommendations

The Committee is recommended to:

- (I) Approve the draft amendments to the Land Procedure Rules as set out in **Appendix A**, subject to any further amendments, and authorise the Monitoring Officer, in consultation with the Chair of the Committee, to finalise the revised Rules, to take effect upon Council approval of the associated amendments to the Officer Delegations (Property), subject to review after one year;
- (II) Agree the draft amendments to the Officer Delegations – Property, as set out in **Appendix B**, subject to any further amendments, and authorise the Monitoring Officer, in consultation with the Chair of the Committee, to finalise and recommend the same to Council for approval, subject to review after one year;
- (III) Agree the draft amendments to the procurement delegations CD3 and CD4, as set out in paragraph 6.4 of this report, subject to any further amendments, and authorise the Monitoring Officer, in consultation with the Chair of the Committee, to finalise and recommend the same to Council for approval, with effect from 1st June 2014 and subject to review after one year;
- (IV) Note the proposal to submit a further report to the Committee on the revised Contract Procedure Rules, along with associated procedures and guidance, incorporating all changes in respect of procurement decisions recommended by the Task & Finish Group, in or around the Autumn of 2014;
- (V) Agree the draft amendments to the Statutory Officer delegations, as set out in paragraph 7.1 of this report, subject to any further amendments, and authorise the Monitoring Officer, in consultation with the Chair of the Committee, to finalise and recommend the same to Council for approval;

- (VI) Delegate authority to the Monitoring Officer to review the delegations of the Chief Executive, having regard to his statutory role as Head of Paid Service, and to make any amendments necessary, subject to the approval of Council;

Marie Rosenthal
County Clerk and Monitoring Officer
13 March 2014

Appendices

- Appendix A - Revised Land Procedure Rules (draft)
Appendix B - Revised Officer Delegations – Property (draft)

Background papers

Report to Constitution Committee, 'Constitution Amendments – Property, Procurement, Employment and Other Matters', 22 January 2014

PROCEDURE RULES FOR THE ACQUISITION OR DISPOSAL OF LAND

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1. GENERAL

1.1 These Rules will be followed when dealing with all acquisitions and disposals of land, whether freehold, leasehold or by grant of a tenancy, except as provided below.

1.2 In the Procedure Rules for the Acquisition or Disposal of Land,

'CP&EM' shall mean the Corporate Property & Estates Manager or another qualified valuer with similar duties.

'Land' shall mean any interest in land (including buildings), or any right in, on, over or under land.

'Operational Land or Property' shall mean Council land and property held to facilitate the delivery of Council services to include without limitation land and properties such as offices, schools and associated playing fields, nurseries, youth centres, caretakers houses, libraries, community centres and halls, sports/other leisure outdoor centres and pools, residential homes, day and training centres, enterprise centres, housing area offices, depots, civic amenities sites, cemeteries, crematoria, laboratories, animal pounds, public conveniences, theatres and concert halls, historic buildings and civic residences, parks and recreation grounds, sports pitches, play areas and all associated buildings, changing rooms and ancillary residential accommodation, but excluding land held for investment or development purposes. In the case of doubt, the Section 151 Officer and the Monitoring Officer shall determine the issue.

'Non-Operational Land or Property' shall mean any Land not falling within the definition in these Rules of Operational Land or Property.

'Designated Body' shall mean:-

- (a) the Council exercising non-executive functions; or
- (b) an employee to whom powers (being non-executive functions) have been delegated by the Council; or
- (c) the Leader, the Cabinet or an officer exercising Executive Functions in accordance with the Cabinet Procedure Rules.

'Relevant Cabinet Member/s' shall mean the Cabinet Member for Finance as well as any other Cabinet Member with relevant portfolio responsibility.

1.3 These Rules apply to:-

- (a) the freehold acquisition or disposal of Land;
- (b) the grant of a lease or tenancy exceeding 7 years in duration; and
- (c) the taking of a lease or tenancy of any duration.

1.4 The Procedure Rules for the Acquisition or Disposal of Land do not apply:-

- (a) to disposals under the Leasehold Reform Act 1967 or under "Right to Buy" legislation;
- (b) to the renewal or restructuring of an existing lease or tenancy;
- (c) to the sub-letting or assignment of an existing lease or tenancy granted by the Authority;

- (d) where the Cabinet and the Council decides they will not apply in certain cases.
- 1.5 In any dealings with Land, proper regard will be had to the professional advice from a qualified Valuer at all relevant stages during the process.
- 1.6 The ~~Corporate Chief Officer – Corporate Services~~Council’s Corporate Property and Estates Manager (or another qualified valuer with similar duties) shall be designated as the Valuer for the purposes of paragraph 1.5 of the Procedure Rules for the Acquisition or Disposal of Land and no disposal shall be proposed except in consultation with him/her.
- 1.7 Procedures will be followed precisely so that due probity and accountability can be demonstrated and value for money achieved.

2. ACQUISITIONS, DISPOSALS AND LEASES - AUTHORITY

2.1 Under the Scheme of Delegations, authority for approving disposals, acquisitions and leases shall be vested in:

- (a) The Director of Economic Development (or the Chief Executive), in the case of disposals where the value is not more than £1,000,000 and where:
- (i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;
 - (ii) The offer represents the best price reasonably obtainable; and
 - (iii) The offer so accepted is on price alone,

Provided that this power may not be sub-delegated other than pursuant to the following paragraph (b).

- (b) The CP&EM (pursuant to sub-delegated powers from the Director of Economic Development), in the case of disposals where the value is not more than £100,000 and where:
- (i) The offer represents the best price reasonably obtainable;
 - (ii) The offer so accepted is on price alone; and
 - (iii) The offer is greater than that estimated by a qualified valuer or no more than 10% below that estimate.

- (c) The Director of Economic Development (or the Chief Executive), in the case of acquisitions where the value is not more than £1,000,000 and where:
- (i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;
 - (ii) The Council’s offer represents no more than market value as determined by a qualified valuer; and
 - (iii) The amount offered is on price alone,

Provided that this power may not be sub-delegated other than pursuant to the following paragraph (d).

- (d) The CP&EM (pursuant to sub-delegated powers from the Director of Economic Development), in the case of acquisitions where the value is not more than £100,000 and where:

- (i) The Council's offer represents no more than market value; and
- (ii) The amount offered is on price alone.

(e) The Director of Economic Development (or the Chief Executive), in the case of the grant or taking of a lease at a rent not exceeding £1,000,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £1,000,000, where:

- (i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation; and
- (ii) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or
- (iii) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer,

Provided that this power may not be sub-delegated other than pursuant to the following paragraph (f).

(f) The CP&EM (pursuant to sub-delegated powers from the Director of Economic Development), in the case of the grant or taking of a lease at a rent not exceeding £100,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £100,000, where:

- (i) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or
- (ii) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer.

(g) The Cabinet, for a disposal, acquisition or lease in any case where arrangements have not been made for discharge of that function by an officer of the Council, pursuant to the Cabinet's reserved powers 16, 17 or 42 or where a reference to Cabinet is appropriate following Member consultation under paragraph 2.2 below.

2.2 The exercise of officer delegations under paragraph 2.1 above shall be subject to the following consultation requirements:

- (i) Relevant Cabinet Member/s and Ward Members shall be consulted on Operational Land disposals valued up to £1,000,000, except for routine transactions valued up to £100,000;
- (ii) Relevant Cabinet Member/s shall be consulted on Non-Operational Land disposals and any land acquisitions, except for routine transactions valued up to £100,000;
- (iii) The Cabinet and Ward Members consulted (under sub-paragraphs (i) and (ii) above) shall be given a 7 working day consultation period, during which they may object and request that the matter be referred to Cabinet; and
- (iv) All land transactions, except for routine transactions valued up to £100,000, shall require advice from the Section 151 Officer and the Monitoring Officer.

31A SURPLUS LAND

The following process shall apply to Operational Land and Property and Non-Operational Land and Property which may be surplus to the Council's requirements:

- 3.1 Where a service area no longer requires Operational Land or Property, the service area will prepare a report to be approved by the relevant Director in consultation with the relevant Cabinet Member which states that the property or land is surplus to its requirements. Ward Members will be advised that consideration is being given to declaring the identified property or land as surplus to the service area's requirements.
- 3.2 Alternatively, where the Council's Corporate Property & Estates Manager ("CP&EM") (or another qualified valuer with similar duties) identifies opportunities for development or disposal of Operational Land or Property following a property review or an external enquiry, the CP&EM will discuss this with the relevant service area, identify any scope for service area re-provision/relocation if required, and institute consultation as set out in paragraph 3.1 above.
- 3.3 Where the CP&EM proposes the disposal of Non-Operational Land or Property, the business case and options for disposal will be discussed at regular frequency with the CP&EM and the Cabinet Member for Finance Business & Local Economy (or other Cabinet Member with similar duties) and appropriate actions agreed in individual cases.
- 3.4 A schedule of surplus and potentially surplus land and properties will be maintained by the CP&EM and reviewed regularly by the Asset Management Working Group (or other working group or officer with similar duties). Where alternative service area interest arises, this must feature in the relevant service area's property plan, and proposals for a re-use will be considered by the Asset Management Working Group. The relevant Director, and Relevant Cabinet Members will consider the business case for a re-use of land and property for alternative Council purposes.
- 3.5 The schedule of surplus and potentially surplus properties will be circulated to all members of the Council twice a year for information. Where questions or comments arise these will be referred to the CP&EM for a response.
- 3.6 At the earliest possible opportunity the ward Members will be advised of the proposed disposal strategy in individual cases, including planning considerations, re-development and disposal timescales. In accordance with delegated power DE4 , if no ward Member objection is received, the Director of Economic Development may declare the land or property as surplus to the Council's requirements; however where a ward Member objection is received the matter will be referred to the Cabinet for a decision.

3.7 Where any proposed declaration of a property as surplus (under delegation DE4) relates to a property providing direct services to the public then the decision shall be referred to the Cabinet for its approval under its reserved power 42.

3.8 The future of Non-Operational Land will be considered by the Asset Management Working Group (or other working group or officer with similar duties) and the relevant service area who may identify future operational use and, as per the procedure set out in paragraph 3.2, such use will be determined in a similar manner. The sale of Non-Operational Land may involve freehold reversions, ground leases as initiated by tenants, or sales as an investment subject to a sitting tenancy or to third party investors if it is determined that the Council no longer has a strategic need for the property for social, economic, employment or regeneration purposes.

3.9 Marketing arrangements - determining the most appropriate marketing methodology and co-ordinating all negotiations shall be determined by the CP&EM for all property sales and major property related projects taking proper account of the statutory obligation to demonstrate best consideration.

~~1A.1A service area may prepare documentary evidence to show that Operational Land and or Property is surplus to the requirements of the service area, provided that such proposal shall be approved by the relevant Corporate Director in consultation with the Cabinet Member; and ward Members shall be informed that consideration is being given to declaring the identified Operational Land and or Property as surplus.~~

~~1A.2 Once Operational Land and or Property is determined to be surplus to that service area's operational requirements, it will be deemed to be corporate land or property (as the case may be); and the City & County Treasurer will prepare a detailed report setting out the merits of disposal or retention based on the requirements of best value, and will consult with all other service areas and the ward Members for the area concerned regarding the recommendations in the report.~~

~~1A.3 Consultation with ward Members will:~~

~~(a) be conducted through the Council's electronic mail system and Members will be requested to respond with any views through e-mail replies (in order to provide a clear and detailed trail of the ward Members consultation process), however responses will also be accepted by letter or fax; and~~

~~(b) allow a consultation period of 21 working days to ensure that ward Members have sufficient time to respond.~~

~~1A.4 If the consultation results in objections from ward Members, these objections will be indicated in the report of the Corporate Chief Officer - Corporate Services, which will be referred to the Cabinet for a decision.~~

~~1A.5~~ If there are no ward Member objections, a decision on disposal or retention will be taken by the City & County Treasurer, in consultation with the Cabinet Member for Finance & Service Delivery.

~~2.~~~~4.~~ INVITATION OF OFFERS - DISPOSALS OF LAND

~~2.1~~~~4.1~~ No offers for the disposal of Land will be invited except with the prior approval of a Designated Body.

~~2.2~~~~4.2~~ Only a Designated Body will determine on the advice of the Corporate ~~Chief Officer~~~~Corporate Services~~Property & Estates Manager (where he/she is not the Designated Body) whether disposals will be by way of sealed offer, private treaty or auction and such determination will be made so as to achieve the best price reasonably obtainable.

~~2.3~~~~4.3~~ There will be no disposal of Land by private treaty or where an offer has been received from only one person except where it is determined by a Designated Body, that there is only one party who could acquire the interest because, for example:-

- (a) the physical characteristics of the land so dictate, or
- (b) there is only one response following prolonged marketing of the land;

~~2.4~~~~4.4~~ The Corporate ~~Chief Officer~~~~Corporate Services~~Property & Estates Manager will advertise any proposed disposal by public notice in at least one local newspaper and, if appropriate, in specialist journals, setting out a description of the land, the terms and conditions upon which offers are to be submitted, where further particulars may be obtained and the last date and time when offers will be received. It need not be advertised when ~~2.4.2~~ above applies or if it can be demonstrated to the satisfaction of the Corporate ~~Chief Officer~~~~Corporate Services~~Property & Estates Manager that the nature of the demised land is such that to do so would serve no useful purpose.

~~2.5~~~~4.5~~ Offerors will be provided with a Form of Offer based upon a Model prepared by the Corporate ~~Chief Officer~~~~Corporate Services~~Property & Estates Manager and with the official pre-addressed envelope bearing the word "Offer" followed by the subject to which the offer relates and pre-addressed to the Corporate ~~Chief Officer~~~~Corporate Services~~Property & Estates Manager.

~~2.6~~~~4.6~~ The confidentiality of identity of offerors will be maintained until an offer has been accepted, subject to any legal obligation to disclose.

~~2.7~~~~4.7~~ No offeror will be favoured with information that is not made available to the others.

~~2.8~~~~4.8~~ Every person submitting an offer to the Authority will be required to sign a declaration to the effect that:-

- (a) they have not and will not inform any other person of the amount of their offer; and
- (b) they have not fixed the amount of any offer in accordance with a price fixing arrangement; and
- (c) they accept that the Authority is entitled to cancel the contract and to recover from them the amount of any loss arising from such cancellation if it is discovered that there has been any corrupt or fraudulent act or

omission by them which in any way induced the Authority to enter into the contract.

~~3.~~5. RECEIPT, CUSTODY AND OPENING OF OFFERS

~~3.1~~5.1 It will be a condition of every invitation that each offer must be sent in the official envelope provided, which must be sealed.

~~3.2~~5.2 All offers must be delivered to the address shown on the official envelope.

~~3.3~~5.3 Delivery by hand will be acceptable only in exchange for an official receipt. The receipt will clearly record the time and date of receipt.

~~3.4~~5.4 All offers will be kept in safe custody until the appointed time of opening when they will be opened consecutively during the same session.

~~3.5~~5.5 All offers will be opened by two employees designated for the purpose by the ~~Corporate Chief Officer~~ Corporate Services Director of Economic Development, at least one of whom will have had no involvement in the invitation of offers.

~~3.6~~5.6 When opened, all offers will be recorded in a register and initialled and dated by the designated employees present at the time.

~~3.7~~5.7 Any offer received after the time and date specified in the invitation will not be considered unless there are exceptional circumstances and it is agreed by the ~~Corporate Chief Officer~~ Corporate Services Director of Economic Development and the ~~Chief Officer Legal and Democratic Services~~ County Solicitor.

~~4.~~6. EXAMINATION OF OFFERS

~~46.1~~ If, after the offers have been opened and examined, an error in computation of an offer is detected the offeror will be given details of the error and the opportunity of confirming the total offer sum or withdrawing his/her offer.

~~46.2~~ An offer, which attempts to qualify certain aspects of the proposals, and which would require the Authority to acquiesce, other than as planning authority, will not be considered. An offeror who submits a qualified offer will be given the opportunity to withdraw the qualification without amendment to his/her offer and if he/she does so it will be considered but if he/she fails to do so it may be rejected.

~~46.3~~ An offer which is conditional solely upon the outcome of matters which would not require the Authority to acquiesce, other than as planning authority, will be considered.

~~46.4~~ No post-offer negotiations will take place with an offeror unless the scope and principles of the negotiations have been approved in writing by an employee of not less than Operational Manager level; and no fewer than two employees are present at all times during the negotiations.

~~46.5~~ A written record of all verbal communications with an offeror together with the time and date thereof will be made contemporaneously (or as near as possible) and signed by the relevant employee and an employee of not less than Operational Manager level.

57. EVALUATION AND ACCEPTANCE OF OFFERS

- 57.1** The offer that represents the best price reasonably obtainable by the Council will be accepted.
- 57.2** Offers may only be accepted by a Designated Body.
- 57.3** There will be no disposal at less than the best price reasonably obtainable without compliance with relevant statutory provisions, on the advice of the ~~Chief Officer Legal and Democratic Services~~County Solicitor.
- 57.4** Nothing in these Rules binds the Council to accept any offer.

68. NOTIFICATION OF RESULTS

- 6.1** Once an offer has been accepted the unsuccessful offerors will be informed that their offers are no longer being considered.

79. COMPLETION OF CONTRACTS

- 79.1** Contracts and transfers will be in writing and executed in accordance with Article 13 of the Constitution and as may be required in law to give effect to the transaction.
- 79.2** Only the Designated Body may issue instructions to the ~~Chief Officer Legal and Democratic Services~~County Solicitor for the preparation and completion of documentation in respect of any transaction in land, except as authorised in advance by the Cabinet and the Council.
- 79.3** Every contract will comply with the EC Treaty and any Directives of the European Union for the time being in force in the United Kingdom.

810. RETENTION OF DOCUMENTS

- 810.1** Deeds, title documents, leases, charges on land, guarantees and documents of a similar nature may only be destroyed with the consent of the ~~Chief Officer Legal and Democratic Services~~County Solicitor.
- 810.2** Details of all offers will be retained for a period of three years.

SUB-SECTION B

DELEGATIONS TO CHIEF EXECUTIVE AND HEAD OF PAID SERVICE, CORPORATE DIRECTORS AND DIRECTORS

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 Officer Executive Decision Register, irrespective of whether they are further delegated, that is, both the decision to delegate and the delegated decision will be published.

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, Corporate Director - Operations, Corporate Director - Resources, and all Directors shall be authorised:-

- 1.1 To make any decisions relating to any matter within their area of responsibility ('General Delegation'), including, for the avoidance of doubt, any matter specifically delegated in this Scheme of Delegations to an Assistant Director, Chief Officer (or Head of Service) or Operational Manager.
- 1.2 To take appropriate action, which is necessary, to ensure the efficient, equitable and effective delivery of services.

1.3 To exercise the following Specific Delegations:-

Ref.	Delegation	Form of Evidence
Human Resources CD1	<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.</p> <p>Qualification: This may not be further delegated.</p>	Relevant HR Form
CD2	<p>Authority to consider and approve, as appropriate, in consultation with the Chief HR Officer and Corporate Director, Resources 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 55 or over) in the following circumstances:</p> <p>(1) in the interests of the efficiency of the service (2) who request voluntary retirement</p> <p>Qualification: This may not be further delegated.</p>	Relevant HR Form
Procurement CD3	<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; 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>	Pre-Tender and Contract Award Forms Officer Decision Form and Report

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>	Pre-Tender and Contract Award 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:</p> <p>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</p> <p>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</p> <p>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</p> <p>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

Ref.	Delegation	Form of Evidence

CD9	In accordance with any policy or strategy approved by the Cabinet 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
CD10	<p>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.</p> <p>Qualification: This may be further delegated to officers of grade OM1 or above only.</p>	

SUB-SECTION C

DELEGATIONS TO ALL ASSISTANT DIRECTORS, THE CHIEF HR OFFICER, CHIEF FINANCE OFFICER AND HEAD OF CABINET OFFICE (to take effect when the relevant appointee is in post, pending which dates, the delegation in this Sub-Section C are to read as relating to ALL CHIEF OFFICERS AND HEADS OF SERVICE)

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 Cabinet, a Statutory Officer, the Chief Executive, any Corporate Director or Director

All Assistant Directors, Chief Officers and the Head of Cabinet Office shall be authorised:-

- 1.1 To make any decisions relating to any matter within their area of responsibility ('General Delegation'), including, for the avoidance of doubt, any matter specifically delegated in this Scheme of Delegations to an Operational Manager.

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

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.</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 HR Officer and the Corporate Director, Resources 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 55 or over) in the following circumstances:</p> <p>(1) in the interests of the efficiency of the service (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; 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>	Pre-Tender and Contract Award Forms
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</p>	

Ref.	Delegation	Form of Evidence
	or jointly.	
CO6	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.	
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 Cabinet 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	In accordance with any policy or strategy approved by the Cabinet 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.	Concessionary Letting Form

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.	
CO13	To settle complaints made under the Council's Complaint Policy where appropriate, which may include an apology, rectification, or in exceptional circumstances a monetary payment up to a maximum of £100; and to settle Ombudsman's recommendations under Section 21 of the Public Services Ombudsman (Wales) Act 2005, up to a maximum of £1,000.	

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 Cabinet, a Statutory Officer, the Chief Executive, any Corporate Director, Director, Assistant Director, Chief Officers or Heads of Service,

All Operational Managers 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.

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; 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.	Pre-Tender and Contract Award 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 Cabinet 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

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, B and C which set out the overall basis, limitations, and further provisions which apply to this Scheme of Delegations and also the general delegations to the Chief Executive, Corporate Directors, Directors, Assistant Directors and Chief Officers.

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

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 Cabinet, a Statutory Officer, the Chief Executive, any Corporate Director or Director.

Chief Executive & Head of Paid Service	
CE1	To exercise any Executive Function (even where such matters are reserved to the Cabinet) in any case of urgency or where it is impracticable for the matter to be considered by the Cabinet 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 and discharge the functions of appointment and dismissal of, and taking disciplinary action against, any member of staff, in accordance with the Council’s HR and financial procedures and subject to appropriate consultation as outlined therein, except where such functions have been reserved to the Appointments Committee.
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 Corporate Director, Resources and any one of the following - Chief Executive, Monitoring Officer and County Solicitor (or Chief Officer Legal and Democratic Services), to sign each certificate given under the Act.
CE7	To the Chief Executive or Nominee (Chief HR 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 HR Officer
CE12	To approve new operational HR employment policies and changes to existing policies as required. (CIS 4.HR.154)
	Qualification: These may not be further delegated.

County Solicitor; and County Clerk and Monitoring Officer, in so far as such functions are within the responsibilities of their posts (to take effect when the relevant appointee is in post); and the officer for the time being nominated as the Deputy Monitoring Officer, to the extent to which the matters below relate to the statutory functions of the Monitoring Officer and are required to discharge the role of the Deputy 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.

<p>County Solicitor; and County Clerk and Monitoring Officer, in so far as such functions are within the responsibilities of their posts (to take effect when the relevant appointee is in post); and the officer for the time being nominated as the Deputy Monitoring Officer, to the extent to which the matters below relate to the statutory functions of the Monitoring Officer and are required to discharge the role of the Deputy Monitoring Officer</p>	
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 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 member nominating body.</p>
LD18	<p>To make appointments to outside bodies in accordance with the decision of Council.</p>
LD19	<p>To constitute the membership of appeals and complaints committees and Council Tax/Benefit Revenue Boards from panels of trained members.</p>
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	<p>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.</p>
LD22	<p>To engage Counsel to represent the Council at any proceedings.</p>
LD23	<p>To defend and settle (subject to consultation with the relevant Director/Chief Officer and the Chief HR Officer any Employment Tribunal</p>

proceedings.

County Solicitor; and County Clerk and Monitoring Officer, in so far as such functions are within the responsibilities of their posts (to take effect when the relevant appointee is in post); and the officer for the time being nominated as the Deputy Monitoring Officer, to the extent to which the matters below relate to the statutory functions of the Monitoring Officer and are required to discharge the role of the Deputy 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 Cabinet.
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.
(i) Corporate Director, Resources, save to the extent to which the matters below can only be carried out by the designated Section 151 Officer; (ii) Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer; and (iii) The officer for the time being nominated as the Deputy Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer and are required to discharge the role of the Deputy Section 151 Officer	
FS1	Delegated Powers conferred on the Corporate Chief Officer - Corporate Services 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 Corporate Chief Officer - Corporate Services 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 and trust funds including charitable trust funds where the Council or its officers are trustees.
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<p>(i) Corporate Director, Resources, save to the extent to which the matters below can only be carried out by the designated Section 151 Officer; (ii) Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer; and (iii) The officer for the time being nominated as the Deputy Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer and are required to discharge the role of the Deputy Section 151 Officer</p>	
FS6	For the purpose of the Local Government (Contracts) Act 1997, authority for the Corporate Director, Resources and any one of the following – Chief Executive, Monitoring Officer or County Solicitor (or the Chief Officer Legal and Democratic Services), 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 Corporate Director, Resources.
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.
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(i)	Corporate Director, Resources, save to the extent to which the matters below can only be carried out by the designated Section 151 Officer;
(ii)	Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer; and
(iii)	The officer for the time being nominated as the Deputy Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer and are required to discharge the role of the Deputy 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.
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(i)	Corporate Director, Resources, save to the extent to which the matters below can only be carried out by the designated Section 151 Officer;
(ii)	Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer; and
(iii)	The officer for the time being nominated as the Deputy Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer and are required to discharge the role of the Deputy 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 Chief Officer Legal and Democratic Services 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.

FS52	To declare Operational Land and Property as surplus to the Council's requirements, subject to consultation with service areas and ward Members, and subject to no objections being received from ward Members. Receipt of a ward Member objection will require the report to be referred to the Cabinet for decision.
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Chief HR Officer	
HR1	<p>Amendments to Establishment - To approve the proposals of Chief Officers to</p> <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

- 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 Cabinet, a Statutory Officer, the Chief Executive, Chief Operating Officer, Corporate Chief Officers, Chief Officers or Heads of Service,**

Ref.	Delegation
Head of Regulatory and Supporting Services	<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, Operations	<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
Director, Children’s Services	<ul style="list-style-type: none"> • To be the Council’s Lead Officer on Children’s Services for the purposes of the Children Act 2004.
Director of Strategic Planning, Highways and Traffic and Transportation	<ul style="list-style-type: none"> • To exercise all functional responsibilities delegated by the Planning Committee.
Head of Regulatory and Supporting Services	<ul style="list-style-type: none"> • To exercise all functional responsibilities delegated by the Licensing Committee and the Public Protection Committee.
Director of	<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

Communities, Housing and Customer Services	Acquisition of Land Act 1981.
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<u>Director of Economic Development</u>	
<u>DE1</u>	<p><u>To authorise disposals of land or an interest in land where the value is not more than £1,000,000 and where:</u></p> <ul style="list-style-type: none"> <u>(i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;</u> <u>(ii) The offer represents the best price reasonably obtainable; and</u> <u>(iii) The offer so accepted is on price alone,</u> <p><u>Subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land, and</u> <u>Provided that this power may not be sub-delegated other than in accordance with delegation xx below.</u></p>
<u>DE2</u>	<p><u>To authorise acquisitions of land or an interest in land where the value is not more than £1,000,000 and where:</u></p> <ul style="list-style-type: none"> <u>(i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;</u> <u>(ii) The Council's offer represents no more than market value as determined by a qualified valuer; and</u> <u>(iii) The amount offered is on price alone,</u> <p><u>Subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land, and</u> <u>Provided that this power may not be sub-delegated other than in accordance with delegation xx below.</u></p>

<u>DE3</u>	<p><u>To authorise the grant or taking of a lease at a rent not exceeding £1,000,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £1,000,000, where:</u></p> <ul style="list-style-type: none"> <u>(i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation; and</u> <u>(ii) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or</u> <u>(iii) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer,</u> <p><u>Subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land, and</u> <u>Provided that this power may not be sub-delegated other than in accordance with delegation xx below.</u></p>
<u>DE4</u>	<p><u>To declare Operational Land and Property as surplus to the Council's requirements, subject to consultation with service areas and ward Members, and subject to no objections being received from ward Members. Receipt of a ward Member objection will require the report to be referred to the Cabinet for decision.</u></p> <p><u>Qualification: This may not be further delegated.</u></p>
<u>DE5</u>	<u>To grant grazing licences, easements, leases to utility undertakings for operational purposes, temporary licences and renewals.</u>
<u>DE6</u>	<u>To grant landlord's consent to alterations to land involving change of use (other than A4.8).</u>
<u>DE7</u>	<u>To agree the sale of residential freehold reversions.</u>
<u>DE8</u>	<u>To grant the release or modification of restrictive covenants for alterations to residential premises.</u>
<u>DE9</u>	<u>To settle Part 1 claims under the Land Compensation Act 1973.</u>
<u>DE10</u>	<u>To grant landlord's consent to the assignment of existing tenancies.</u>
<u>DE11</u>	<u>To grant landlord's consent to the subletting of existing tenancies.</u>
<u>DE12</u>	<u>To grant landlord's consent to alterations to land involving no change of use.</u>
<u>DE13</u>	<u>To agree Council House sales under Right to Buy provisions.</u>

Corporate Property and Estates Manager

<u>CP1</u>	<p><u>Subject to sub-delegation of delegation DE1, to authorise disposals of land or an interest in land where the value is not more than £100,000 and where:</u></p> <ul style="list-style-type: none"><u>(i) The offer represents the best price reasonably obtainable;</u><u>(ii) The offer so accepted is on price alone; and</u><u>(iii) The offer is greater than that estimated by a qualified valuer or no more than 10% below that estimate.</u> <p><u>Qualification: This may not be further delegated</u></p>
<u>CP2</u>	<p><u>Subject to sub-delegation of delegation DE2, to authorise the acquisition of land or an interest in land where the value is not more than £100,000 and where:</u></p> <ul style="list-style-type: none"><u>(i) The Council's offer represents no more than market value; and</u><u>(ii) The amount offered is on price alone.</u> <p><u>Qualification: This may not be further delegated</u></p>
<u>CP3</u>	<p><u>Subject to sub-delegation of delegation DE3, to authorise the grant or taking of a lease at a rent not exceeding £100,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £100,000, where:</u></p> <ul style="list-style-type: none"><u>(i) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or</u><u>(ii) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer.</u> <p><u>Qualification: This may not be further delegated</u></p>