

## **PART 3 – RESPONSIBILITY FOR FUNCTIONS**

### **Section 4E – SPECIAL DELEGATIONS TO STATUTORY, LEGAL, FINANCIAL & HUMAN RESOURCES OFFICERS**

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**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, Corporate Director or a Director.

<b>Chief Executive &amp; Head of Paid Service</b>	
CE1	In cases of urgency or emergency, to exercise any Executive Function (even where such matters are reserved to the Cabinet) or take any decision on behalf of the Council, where this is necessary to protect the Council's interests.
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	To determine any matter which is not a matter specifically reserved for full Council, a committee of the Council, the Cabinet or another Statutory Officer.

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"> <li>• Chief Executive, Chief Officers and other JNC for Chief Officer posts;</li> <li>• Changes to the Council's corporate pay grade structure;</li> <li>• Changes for employee Terms and Conditions which are the subject of contention with the trade unions.</li> </ul>
CE8	[Not used]
CE9	[Not used]
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.
CE13	Receive notice of resignation of office (pursuant to section 84 of the Local Government Act 1972)
<b>Qualification: The above may not be further delegated, save that in the absence of the Chief Executive, they may be exercised by his nominated deputy.</b>	
<b>DIRECTOR OF GOVERNANCE &amp; LEGAL SERVICES and the officers for the time being nominated as Monitoring Officer and 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 their respective roles.</b>	
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.
	<b><u>Local Government Act 1972 Part V – General Provisions as to Members &amp; Proceedings of Local Authorities</u></b>
LD4	Section 83(1) to (4) – Witness and Receipt of Declarations of Acceptance of Office.
LD5	[Not used]

LD6	Section 88(2) – Convening meeting to fill casual vacancy of Chairman.
LD7	[Not used]
LD8	[Not used]
LD9	[Not used]
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	<p><b><u>Part V A – Access to Information</u></b></p> <ul style="list-style-type: none"> <li>• Section 100B(2) – Exclusion of exempt items from public access.</li> <li>• Section 100B(7)C – Provision of copies of documents to newspapers.</li> <li>• Section 100C(2) – Provision of written summary of exempt proceedings.</li> <li>• Section 100D(1)(a) – Preparation of lists of background papers.</li> <li>• Section 100D(5) – Identification of background papers to a report.</li> <li>• Section 100F(2) – Identification of exempt information not to be disclosed.</li> </ul>
LD13	<p><b><u>Part XI General Provision – Documents and Notices etc</u></b></p> <ul style="list-style-type: none"> <li>• Section 228(3) – Inspection of accounts.</li> <li>• Section 229(5) – Certification of official documents.</li> <li>• Section 231(1) – Receipt of Notices served on the Council.</li> <li>• Section 233 – Service of Notices by the Council.</li> <li>• Section 234(1) &amp; (2) – Signing of Documents.</li> <li>• Section 238 – Certification of bylaws.</li> </ul>
LD14	<p><b><u>Local Government Housing Act 1989</u></b></p> <ul style="list-style-type: none"> <li>• Section 2(4) – Receipt of list of politically restricted posts.</li> <li>• Section 19(1) – Receipt of general notice of pecuniary interests from Members.</li> </ul>

LD15	<p><b><u>Local Government (Committees &amp; Political Groups) Regulations 1990</u></b></p> <p>Regulation 8 – Receipt of notice of formation of political groups and changes in membership of political groups.</p>
LD16	<p><b><u>Constitution (including Rules of Procedure)</u></b></p> <p>To exercise Delegations as set out in the Constitution (including Rules of Procedure)</p>
LD17	<p><b><u>Appointments</u></b></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	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><b><u>Representing the Council in the Courts, Tribunals or at Public Enquiries</u></b></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 Director/Chief Officer and the Chief HR Officer any Employment Tribunal proceedings.
LD24	<p><b><u>Applications under Section 53 of the Wildlife and Countryside Act 1981</u></b></p> <p>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</p>

	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	<b><u>Pastoral Measure 1983</u></b> 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	<b><u>Orders</u></b> 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.
LD28	To discharge the functions of the authority in respect of cancellation of family absence pursuant to Regulation 34 of the Family Absence for Members of Local Authorities (Wales) Regulations 2013
<b>Corporate Director, Resources; and the officers for the time being nominated as Section 151 Officer and 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 their respective roles.</b>	
FS1	Delegated Powers conferred on the Corporate Director, Resources 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 Director, Resources 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.
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 III of the Local Government Finance Act 1988.
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.
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	<p>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:-</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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.</li> </ul>
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 Pensions Committee, to approve decisions relating to the operational management of the Cardiff & Vale of Glamorgan Pension Fund ('the Fund') and the administration of pension benefits.
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	Functions of the Returning Officer.
FS53	Functions of the Electoral Registration Officer.
FS54	To give public notice of a casual vacancy (pursuant to section 87(2) of the Local Government Act 1972) and receive notice calling for an election (pursuant to s.89(1) and 89(6) of the same Act, and regulations made thereunder).
<b>Chief HR Officer</b>	
HR1	<p>Amendments to Establishment – To approve the proposals of Chief Officers to</p> <ul style="list-style-type: none"> <li>• Determine any applications for re-grading at Operational Manager Level and below (CIS <u>4.C.134</u>)</li> <li>• Vary their establishment by:- (CIS <u>4.C.238</u>) <ul style="list-style-type: none"> <li>○ Deleting posts</li> <li>○ Creating posts (CIS <u>4.C.217</u>)</li> <li>○ Re-designating and redefining existing posts</li> </ul> </li> </ul>
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> )