

GENERAL SCHEME OF DELEGATION

1. INTRODUCTION

1.1 Principles

This scheme of delegation (the Scheme) is based on the following principles:

- Decisions need to be taken as near to the point of service delivery as possible;
- Managers and staff need to be empowered but accountable and responsible;
- Delegated powers must be exercised in accordance with the Council's Constitution including all Procedure Rules in Part 8, any –legislative responsibilities and/or relevant Council policies and procedures;
- Managers and staff must have authority to act in line with their levels of responsibility within the organisation;
- All existing and newly appointed managers and staff must be advised in writing of their personal levels of delegated authority by their Directorate (this can be by provision of copies of the relevant documentation);
- Service Heads must ensure that this Scheme is fully implemented, monitored and reviewed and any changes required are reported to the Director of Governance.

1.2 Scope

- 1.2.1 The Scheme is additional to any delegations to officers contained in the Council's Constitution. This Scheme is not part of the Council's Constitution [but is published alongside it for ease of access](#).
- 1.2.2 The Scheme covers delegations for executive and non-executive functions within the areas of finance, personnel, contracts, committee work, partnerships and legal proceedings.
- 1.2.3 It applies to all services and officers within the Council without exception.
- 1.2.4 Cabinet or Council must approve variations to this Scheme depending on whether the functions delegated and to be varied are executive or non-executive functions under the Local Government Act 2000.
- 1.2.5 The Scheme will be superseded in any case where a Council or Cabinet decision expressly delegates any of the powers in this Scheme to a specific officer or officers whether for a single event, decision or transaction or permanently.

1.3 Personal Conduct

- 1.3.1 Managers and staff are expected to act with the highest integrity and must not put the Authority's interests or assets at risk. They must not allow their private interests to conflict with their work responsibilities and they must comply with the requirements of the Code of Conduct. All staff are expected to know the principles of the scheme and the specific requirements set out below.
- 1.3.2 All staff authorised under this Scheme are expected to know and must comply with Council procedures and the law.

2. SCHEDULE OF DESIGNATIONS

Level	Authorised Officers/Post
<u>7</u>	<u>Chief Executive with the Strategic Director Resources jointly</u>
<u>A6</u>	Chief Executive, <u>Deputy Chief Executive</u> -and Strategic Directors
<u>B5</u>	<u>Directors, Director of Governance and Law/Corporate Directors and Divisional Directors</u>
<u>C4</u>	<u>Group Managers/Unit Managers/Deputy Directors and Assistant Directors</u>
<u>3</u>	<u>Heads of Service</u>
<u>D2</u>	Team/ <u>Service Managers/Cost Centre Managers</u>
<u>E1</u>	<u>Team Leaders and Other</u> -other posts with limited responsibilities

- 2.1 Level A-D2-6 officers may exercise the powers delegated to officers at a lower category within their Directorate or service, as the case may be.
- 2.2 The Chief Executive may exercise any of the powers delegated to officers in this Scheme, save where prohibited by law.
- 2.3 In the absence, for whatever reason, of an officer with delegated powers under this Scheme, his/her powers may be exercised by any post holder within his/her service or directorate within a higher category or to any officer designated to perform the duties of the absent post holder.
- 2.4 Level A-6 officers are responsible for maintaining and regularly reviewing a Directorate scheme of delegations, which identifies each officer in the above categories. A copy of the Directorate's Scheme of Delegation must be provided to

the Chief Finance Officer ([Strategic Director Resources](#)) and [Monitoring Officer](#) (Director of Governance and Law).

- 2.5 Level [6A](#) and [B-5](#) officers may further delegate their powers under this Scheme to officers within their Directorate/Service but must ensure that any such delegation is in writing and is subsequently included in the Directorate's scheme of delegations and the Director of Governance and Law is notified in writing.

3. PUBLICATION OF OFFICER DECISIONS

3.1 Mandatory Publication of Officer Decisions

- 3.2 To comply with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 (the Regulations), the following decisions must be published in accordance with this rule:

3.2.1 Decisions made following a specific delegation from the executive in a meeting (whether from the Cabinet collectively, a Cabinet committee or an individual portfolio holder);

3.2.2 Subject to paragraphs 3.7 and 3.8 below, other delegated decisions where, due to the circumstances of the decision, it would be beneficial to publish the decision in accordance with this rule. Reasons for publication under this sub-section may be due to the sensitivity or importance of the decision or its impact on the Council, service users and/or residents. Advice should be sought from Democratic Services before making this decision.

- 3.3 Where a decision must be published, the form at Appendix A must be completed and be made available for public inspection and put on the Council's website as soon as is practicable after the decision. Democratic Services can advise on the specific process of publication and an electronic form or a copy of any notice must be sent to Democratic Services as soon as the decision is made.
- 3.4 Where an officer decision is also a key decision, the additional publication requirements for key decisions must be complied with (see the Access to Information Rules, Part 8, Constitution).
- 3.5 A copy of the decision notice must be held for six years from the date of the decision and background documents must be held for four years.

3.6 Exemptions from Publication

- 3.7 This rule applies only to decisions delegated from the Executive and so does not apply to the following categories of decision:
- 3.7.1 Delegations from Council, overview and scrutiny, statutory and ordinary committees. This will include but is not limited to management decisions in respect of terms and conditions of employment and individual employees

(but decisions about restructures are executive decisions and must be published), and enforcement and regulatory decisions in respect of individual applications, licences and activities;

3.7.2 Decisions made in performing statutory functions, e.g. “proper officer” roles, monitoring officer, chief finance officer and head of paid service. NB this applies only to the statutory functions of any posts, not all their duties.

3.8 The presumption is that all decisions not covered by this Rule must be published unless an exemption applies. There is no requirement, however, to publish confidential and exempt information as defined by the Regulations and as set out in the Access to Information Rules in Part 8 of the Council’s Constitution. This may apply to the whole or part of the record of a decision and officers should note that there are very specific definitions of “confidential” and “exempt” information.

3.9 Delegations

3.10 The power to determine whether or not information should be published in accordance with paragraph 3.8 is delegated to the Director of Governance and Law (including his/her nominee).

3.11 All proper officer functions under the Regulations are delegated to the Director of Governance and Law (including his/her nominee).

3.12 Any duties or powers in the Regulations to take any steps to publish decisions or other information may also be discharged by the Director of Governance and Law (including his/her nominee).

3.13 The power to determine whether or not an individual executive member should be granted a dispensation in respect of any conflict of interest they have declared in respect of the decision is delegated by the head of paid service to the monitoring officer or his/her nominee (regs. 12(2), 13(2)(e) and (4)(e)). Dispensations can only be granted on the grounds set out in the Council’s Code of Conduct.

4. FINANCE

4.1 Monitoring and Control of Budgets

4.1.1 All managers are expected to provide prudent financial performance and ensure probity within their areas of responsibility.

4.1.2 Level B-5 officers are responsible for maintaining a schedule of posts and financial responsibilities for staff in their own areas. Copies of the schedule must be forwarded to the Director of Financial Services.

4.1.3 Officers responsible for budget heads must monitor performance against their budget on a minimum monthly basis. Where the income or

expenditure generated by a budget is crucial to the day-to-day operation of services, more frequent monitoring is expected.

- 4.1.4 Level B-5 officers are responsible for keeping within and managing allocated budgets, immediately reporting any problems to the ~~Executive or~~ Strategic Director.

4.2 Capital Budget

- 4.2.1 The award of contracts within a capital scheme is dealt with in Section 7.
- 4.2.2 Level B-5 officers can agree work to be carried out on a capital scheme in progress if the total cost of the additional work does not exceed £50,000 and there is budgetary provision.

4.3 Virements

- 4.3.1 Level A-6 officers can vire budget provision up to £500,000 from any expenditure or income heading within the service to another.
- 4.3.2 Level B-5 officers can vire budget provision up to £100,000 from any expenditure or income heading within the service to another.
- 4.3.3 Levels C & D2-4 officers can vire budget provision up to £10,000 from any expenditure or income heading within their areas to another.

4.4 Raising of Official Orders (excluding works contracts)

4.4.1 Level B-5 officers must provide an ~~up to date~~up-to-date list of officers within their service authorised to raise orders.

4.4.2 Level 7 officers (the Chief Executive and Chief Finance Officer jointly) have unlimited authority to raise orders

~~4.4.14~~4.3 Level 6 officers can raise orders up to £2,000,000

~~4.4.24~~4.4 Level A & B5 officers can raise orders up to £1,000,000.

~~4.4.34~~4.5 Level 3&4G officers can raise orders up to £250,000.

4.4.6 Level 2D officers can raise orders up to £10,000.

~~4.4.44~~4.7 Level 1 officers can raise orders up to £1,000.

~~4.4.54~~4.8 Other officers can raise orders up to £250.00.

4.5 Authorisation of Payments

4.5.1 Level A-7 officers (the Chief Executive and Chief Finance Officer jointly) have unlimited authority to authorise payments.

~~4.5.14~~5.2 Level 6 officers can authorise payments up to £2,000,000

~~4.5.24~~5.3 Level B-5 officers can authorise payments up to £1,400,000,000.

4.5.34.5.4 Level C-3&4 officers can authorise payments up to £250,000.

4.5.5 Level D-2 officers can authorise payments up to £10,000.

4.5.44.5.6 Level 1 officers can authorise payments up to £1,000.

4.6 Income

4.6.1 Level 3&4C officers can request bills and invoices in relation to their service to be raised.

4.7 Writing Off Debts Other than Non Domestic Rates

4.7.1 Level 5B officers can write off debts:

4.7.1.1 up to £50,000 in consultation with the Chief Finance Officer.

4.7.1.2 over £50,000 in consultation with the Chief Finance Officer and relevant Portfolio Holder.

5. ASSET MANAGEMENT

5.1 Control of Assets, Stocks and Stores, including ITC

5.1.1 Level 3&4C officers are responsible for the control of assets, stocks and stores and maintaining inventories of all holdings.

5.1.2 Inventories for stocks and stores must be held regardless of the value of items. For physical assets, inventories must be maintained where the value of each item is over £500.

5.1.3 Level 3&4C officers must undertake an annual stock take.

5.2 Disposal of Assets, including IT (except Land and Buildings)

5.2.1 Level 5B Officers can approve:

5.2.1.1 the disposal of all materials, plant, machinery fittings, equipment, stock or stores under their control up to a value of £20,000 per disposal;

5.2.1.2 disposals over the value of £20,000 and up to £50,000 in consultation with the Chief Finance Officer; and

5.2.1.3 in cases where the likely income from any disposal exceeds £20,000 the arrangements for such disposal must be by completion process.

5.2.2 Level 6A officers may approve disposals valued at £50,000 and over.

5.3 Land and buildings

5.3.1 The management, acquisition and disposal of land and buildings are subject to the Property Procedure Rules, Part 8, Constitution.

6. HR ISSUES

5.46.1 Delegations within this section must be taken in line with HR policies and procedures.

5.56.2 Creation of New Posts

5.5.16.2.1 Level 3&4C officers can create new posts subject to the availability of ongoing revenue funding and that post, or one significantly similar to it, not having been deleted within the previous 6 months as part of any service restructure.

5.66.3 Grading of Posts

5.6.16.3.1 Level 3&4C officers must approve all job evaluation requests before being formally processed through the HR service.

5.76.4 Recruitment

5.7.16.4.1 Level 2D officers can decide to fill and appoint to vacant posts or provide temporary staff.

5.86.5 Organisational Structure Change

5.8.16.5.1 Level A-6 officers may approve any restructuring within their Directorate.

5.8.26.5.2 The Chief Executive may approve restructuring of more than one Directorate.

5.8.36.5.3 A restructure that directly affects all directorates (beyond a minimal impact on a directorate or directorates) remains the responsibility of Cabinet.

5.8.46.5.4 The Cabinet must agree changes to the senior management structure (defined as the structure for posts at first and second tier and above).

5.8.56.5.5 Procedural requirements apply to individual officer appointments, particularly at senior level. Please refer to the Officer Employment Procedure Rules in Part 8 of the Council's Constitution.

5.8.66.5.6 Authority is delegated to the Director of Governance and Law to agree changes to Part 11 of the Constitution – Management Structure below Strategic Director as and when they occur, and other changes to the Constitution as a result of changes to job titles. (Council, 22 April 2021).

5.96.6 Authorisation of Overtime Claims

~~5.9.1~~ Level ~~D-2~~ officers can authorise overtime claims ~~which do not exceed 35 hours in any financial year.~~

~~5.9.26.6.1~~ Level C officers can authorise overtime claims in excess of 35 hours in any financial year.

5.106.7 Honoraria/Acting Up Allowances

~~6.7.1~~ Level ~~C-3&4~~ officers can approve the payment of such allowances and their extension, in consultation with the relevant HR professional.

6.8 Market Supplements

~~6.8.1~~ Level B5 officers can approve the introduction of new market supplements and their extension, subject to endorsement agreement by the Director of HR or equivalent successor posts.

6.9 Retention Bonuses

~~6.9.1~~ The Senior Leadership Team (level 6 officers collectively) can approve the introduction of retention bonus schemes and their extension, in consultation with the relevant HR professional.

6.10 Secondments

~~6.10.1~~ Level 3&4 ~~C3&4~~ officers can approve secondments and their extension, in consultation with the relevant HR professional.

~~5.10.16.10.2~~ Extensions of secondments beyond 12 months in total are subject to endorsement by the Director of HR or equivalent.

5.146.11 Approval of Special Allowances and Ex-Gratia Payments

~~5.11.16.11.1~~ Level A6C officers can approve the payment of special allowances and ex- gratia payments where there is provision for them within employees' terms and conditions of employment.

~~6.11.2~~ Level A6B officers can approve the reimbursement of relocation expenses, subject to endorsement agreement by the Director of HR or equivalent successor posts.

6.12 Compromise Agreements

~~6.12.1~~ Level 5A officers can approve compromise agreements, subject to endorsement by HR and Legal Services, relevant operational processes, and statutory restrictions that apply from time to time. Compromise agreements can be approved by the Director of Governance and Law, and Chief Finance Officer jointly, subject to relevant operational processes and statutory restrictions that apply from time to time.

Commented [IB1]: Amended in consultation with Assistant Director Public Law and Litigation to reflect actual approval level.

~~5.11.2~~

~~5.12~~ **Changes to Salary Levels**

~~5.12.1~~ Level ~~B3&4~~C officers can authorise or agree salary changes for any individual within their Unit where these comply with individuals' terms and conditions of employment, in consultation with the relevant HR professional.

Commented [IB2]: Remove because covered by the increment policy and delegation changes dependent on appraisal score as set out in that policy.

~~5.13.6~~ **13 Early Retirements – Redundancy/Efficiency/Ill Health**

~~5.13.16~~ ~~13.1~~ Level ~~C-3&4~~ officers have responsibility for the day-to-day conduct of cases falling into these categories.

~~5.13.26~~ ~~13.2~~ The ~~Strategic Director~~Chief Finance Officer and the, ~~Corporate Development~~Director of HR or equivalent jointly, and the ~~Chief Finance Officer~~ must can authorise redundancy and efficiency retirements for those employees aged over 55 years and graded PO8 and above and/or awarded more than 6 2/3rds added years.

~~5.13.36~~ ~~13.3~~ Level ~~B-5~~ officers can authorise all other basic redundancy and retirements, excluding efficiency cases.

~~5.13.46~~ ~~13.4~~ Level ~~A-6~~ officers can authorise efficiency cases following agreement by the ~~Strategic Director~~Chief Finance Officer and the, ~~Corporate Development~~Director of HR or equivalent, and the ~~Chief Finance Officer~~ jointly.

~~5.14~~ **Sickness and Extensions of Sick Pay**

~~5.14.1~~ Level ~~6~~B officers can authorise extension of sick pay after consultation with the relevant senior HR professional.

~~5.14.2~~ Level ~~D-2~~ officers are responsible for the management of sickness absence issues and monitoring arrangements for the staff they manage.

Commented [TP3]: Remove, covered by policy

~~5.15.6~~ **14 Job Sharing**

~~5.15.16~~ ~~14.1~~ Level ~~C-3&4~~ officers can determine any issues arising from the implementation of the Council's Job Sharing Scheme, including suitability of a post for job sharing.

~~5.16.6~~ **15 Trade Union Duties**

~~5.16.16~~ ~~15.1~~ Level ~~C-3&4~~ officers can determine any issues arising from the implementation of the Council's scheme such as time off for trade union duties.

~~5.17.6~~ **16 Leave – Paid/Unpaid**

~~5.17.16~~ ~~16.1~~ Level ~~D2~~C officers can approve requests for Special Leave either Paid/Unpaid.

~~5.17.26.16.2~~ Level ~~D-2~~ officers can approve annual leave and additional holidays under ~~Section 3.12 of the Terms and Conditions booklet.~~

Commented [IB4]: Remove as covered by policy reference at start of HR delegations.

5.186.17 Misconduct/Capability & Grievance Procedures

~~5.18.16.17.1~~ Level ~~C-3&4~~ officers can decide to dismiss, relegate in grade or compulsorily transfer.

~~5.18.26.17.2~~ All managers and supervisors can conduct investigations within the Procedure and can take action following the investigation other than the actions above.

5.196.18 Training

~~5.19.16.18.1~~ Level ~~D-2~~ officers are responsible for training issues and monitoring arrangements for the staff they manage.

5.206.19 Flexi-Time Scheme (including time off in lieu)

~~5.20.16.19.1~~ Level ~~D-2~~ officers are responsible for ensuring compliance with the Council's scheme and monitoring arrangements as far as they relate to the staff they manage.

5.216.20 Appraisals

~~5.21.16.20.1~~ Level ~~D-2~~ officers are responsible for the operation of the Council's scheme and monitoring arrangements for the staff they manage.

5.226.21 Probationary Assessment Process

~~5.22.16.21.1~~ Level ~~D-2~~ officers are responsible for the probationary assessment process.

5.236.22 Health and Safety Issues

~~5.23.16.22.1~~ Level ~~D-2~~ officers are responsible for health and safety issues and monitoring arrangements for the staff they manage.

5.246.23 Appeals

~~5.24.16.23.1~~ Where there is a right of appeal under any Council procedure, it will be dealt with by an officer of the next highest delegation under this Scheme (unless the contract of employment or appropriate personnel procedure specifies otherwise).

5.256.24 Other provisions

~~5.25.16.24.1~~ Level ~~C-3&4~~ officers can determine other disciplinary matters within the contract of employment.

6.7. PROCUREMENT AND CONTRACTS

6.4.17.1 The Council's procurement of works, goods and services is governed in detail by the Contract Procedure Rules (Part 8 of the Council's Constitution). All managers must familiarise themselves with the contents and requirements of these Rules.

Acceptance of Tenders or Quotes

~~6.4.17.1.1~~ Subject to CPR rules 12.1, 3 & 4 and paragraph 8.5.2 below:

~~6.4.1.17.1.1.1~~ Level ~~A-6~~ officers can accept tenders or quotes up to £1,000,000 save that for contracts valued over £500,000 approval must also be obtained from the Chief Executive, Chief Finance Officer or the Monitoring Officer.

~~6.4.1.27.1.1.2~~ Level ~~B-5~~ officers can accept tenders or quotes up to £250,000.

~~6.4.1.37.1.1.3~~ Level ~~C-3&4~~ officers can accept tenders or quotes up to £50,000.

~~6.4.1.47.1.1.4~~ Level ~~D-2~~ officers can accept tenders or quotes up to £10,000.

~~6.4.27.1.2~~ The delegations contained in paragraph 8.5.1 are subject to the following caveats:

~~6.4.2.17.1.2.1~~ Every ~~Strategic~~ Director will undertake an annual review of their officers at levels ~~B-D2-5~~ in their Directorate to agree their competence to perform the delegations commensurate with the seniority of their post. Assessment will be made in accordance with each officer's experience, training in procurement issues and any current concerns that the Director has on their ability to comply with the CPR. The Chief Executive will undertake the annual review in respect of other Level ~~A-6~~ officers.

~~6.4.2.27.1.2.2~~ Before exercising delegated powers under paragraph 8.5.1 officers must have first undertaken procurement training either as specified by their Director or as provided by the Council's training unit. Directors may exempt officers from this proviso on the basis of existing knowledge or experience. Exemptions may be for any period of up to one year.

~~6.4.2.37.1.2.3~~ Records of the annual reviews undertaken must be provided to Corporate Procurement.

6.1.37.1.3 Subject to Article 14.4.2 of the Constitution officers authorised to accept tenders are also authorised to sign the contract, except where the contract is over £100,000 relating to an Executive function, when it must be made under seal.

6.27.2 Post Tender Negotiations

6.2.17.2.1 Level ~~A and B5&6~~ postholders can give written authority to enter into post tender negotiations, subject to CPR Rule 16, only where permissible under EU/UK Procurement Regulations and following consultation with the Director of Supply Chain.

6.37.3 Termination of Contracts

6.3.17.3.1 Subject to CPR Rules, and subject to consultation with Legal Services in each individual case, authority to decide whether a contract should be terminated prior to its expiry may be exercised for contracts of different values by officers at the levels set out in Rule 8.5.1 above.

6.3.27.3.2 Decisions to terminate contracts in accordance with 8.7.1 made by Level ~~A-6~~ or ~~B-5~~ officers must be published in accordance with Section 3.

6.3.37.3.3 19.

7.8. COMMITTEE PROCESS

7.18.1 Democratic Services Staff

7.1.18.1.1 The following requirements do not apply to Democratic Services Officers and Scrutiny Officers as far as they relate to the need for them to carry out the normal duties and responsibilities of their posts.

7.28.2 Agenda Items

7.2.18.2.1 Level ~~A & B5&6~~ officers can submit committee agenda items.

7.38.3 Report Authors

7.3.18.3.1 Level ~~B-5~~ officers are responsible for ensuring that committee reports are prepared in accordance with the committee timetable.

7.3.28.3.2 Level ~~B-5~~ officers are responsible for the quality as well as the content of the reports and that all implications are sought, received and incorporated into reports.

7.48.4 Final Clearance of Reports

7.4.18.4.1 Level ~~B-5~~ officers are responsible for final clearance of all reports.

7.58.5 Withdrawal of Reports from Agenda

~~7.5.18.5.1~~ Level ~~B-5~~ officers can withdraw committee reports from agendas – with approval by Portfolio Lead Member/Committee Chair.

~~7.6.18.6~~ Attendance at Committee Briefings & Committee meetings

~~7.6.18.6.1~~ Level ~~B-5~~ officers are responsible for ensuring appropriate attendance at committee briefings and meetings.

~~8.9.~~ PARTNERSHIPS

~~8.19.1~~ Partnerships include any non-commercial and/ or non-contractual relationship between the Council and one or more external bodies with a joint working formal arrangement where there is agreement to co-operate in achieving a common goal.

~~8.29.2~~ Where not a key decision, Level ~~A-6~~ officers are responsible for the agreement to enter into partnerships covered by 10.1 where there is significant risk or finance involved and ensuring there are adequate governance arrangements in place.

~~8.39.3~~ Subject to 10.4, where the primary contact with a partnership or partners is within their directorate, Level ~~A-6~~ officers are responsible for:

~~8.3.19.3.1~~ the Council's day-to-day relations with partnerships;

~~8.3.29.3.2~~ ensuring that appropriate governance and risk management arrangements are in place for each partnership;

~~8.3.39.3.3~~ ensuring that appropriate approvals are obtained before any negotiations are commenced in relation to work with external bodies;

~~8.3.49.3.4~~ ensuring that work carried out by third parties (for instance Council-owned Trading Companies) for the Council is approved and covered by a suitable contract or agreement so that the responsibilities of each party are clear; and

~~8.3.59.3.5~~ supporting the Chief Finance Officer in fulfilling his/her duties under 10.4 below.

~~8.49.4~~ The Chief Executive is accountable for the matters set out at 10.2 for partnerships that have corporate wide implications, including the Local Strategic Partnership.

~~8.59.5~~ The Chief Finance Officer is responsible for:

~~8.5.19.5.1~~ Promoting and maintaining high standards of conduct with regard to financial administration in partnerships throughout the Council;

~~8.5.29.5.2~~ Ensuring that the accounting arrangements to be adopted relating to partnerships and joint ventures are proper;

~~8.5.39.5.3~~ The overall corporate governance arrangements and legal issues when arranging contracts with external bodies, in consultation with the Monitoring Officer;

~~8.5.49.5.4~~ The Chief Finance Officer must ensure that the financial implications and risks have been fully appraised before agreements are entered into with external bodies.

9.10. LEGAL PROCEEDINGS & MATTERS

~~9.4.10.1~~ The Director of Governance and Law (who is also the Monitoring Officer) has the following delegated powers in respect of legal proceedings and matters under Article 14 of the Constitution (Article 14):

~~9.1.410.1.1~~ to institute, defend or participate in any legal proceedings, whether contemplated or actual, in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Governance and Law considers that such action is necessary to protect the Council's interests;

~~9.1.210.1.2~~ to sign documents necessary to any legal procedure or proceedings on behalf of the Council;

~~9.1.310.1.3~~ to determine which documents should be sealed using the Common Seal and to attest to any sealing; and

~~9.1.410.1.4~~ to authenticate any document which is a necessary step in legal proceedings on behalf of the Council.

The full wording of each delegated power is set out at Article 14.

~~9.210.2~~ The delegations within this section do not affect other specific delegations made by the Executive, Council or a Council Committee in respect of legal proceedings and other legal matters.

9.310.3 Delegations to Legal Services

The following further delegations are made:

~~9.3.410.3.1~~ In the absence of the Director of Governance and Law, the powers in Article 14 are delegated to the Deputy Monitoring Officer.

~~9.3.210.3.2~~ Heads of Law may undertake all the powers set out in Article 14 for all matters falling within the responsibility of Legal Services.

~~9.3.310.3.3~~ Senior Lawyers may so far as such activities fall within the ordinary duties of their post, institute, defend or participate in:

~~9.3.3.410.3.3.1~~ all civil proceedings

~~9.3.3.2~~10.3.3.2 proceedings by or against a current or former employee or employees of the authority or any other proceedings in the employment tribunals;

~~9.3.3.3~~10.3.3.3 civil and/or criminal proceedings in the Magistrates' Court and/or Crown Court;

~~9.3.3.4~~10.3.3.4 any legal proceedings in respect of the Council's housing stock and its other property including appeals under relevant legislation;

~~9.3.3.5~~10.3.3.5 any childcare, education, adult protection proceedings and mental health proceedings; and

~~9.3.3.6~~10.3.3.6 appeals or cross appeals of any court or tribunal decisions.

~~9.3.4~~10.3.4 All employees who undertake legal casework as part of their duties within Legal Services may have conduct of any legal proceedings allocated to them and institute, defend or participate in:

~~9.3.4.1~~10.3.4.1 civil proceedings up to a value of £150,000;

~~9.3.4.2~~10.3.4.2 all other civil proceedings in the County or High Court;

~~9.3.4.3~~10.3.4.3 proceedings by or against a current or former employee or employees of the authority or any other proceedings in the employment tribunals;

~~9.3.4.4~~10.3.4.4 civil and/or criminal proceedings in the Magistrates' and/or Crown Court;

~~9.3.4.5~~10.3.4.5 any legal proceedings in respect of the Council's housing stock and its other property including appeals under relevant legislation; and

~~9.3.4.6~~10.3.4.6 any childcare, education, adult protection proceedings and mental health proceedings.

~~9.3.4.7~~10.3.4.7 Notwithstanding the delegation at 10.4.4.5 any officer holding the position of ~~Rent Assistant, Income Maximisation Officer, Income Services Manager~~ Rents Manager, Rents Team Leader.

~~Rents Officer, Rents Coordinators, Welfare Reform Officers, Income Maximisation Manager,~~ Mechanical and Electrical Administrator, Gas Supervisor, Electrical Supervisor, Head of Mechanical & Electrical Services may institute, participate and appear in Court in respect of proceedings in the County Court for possession cases for rent arrears, and mesne profits or damages and before the Magistrates in relation to applications for entry to enable the Council to carry out its landlord gas inspection obligations.

Commented [IB5]: Updated titles

~~9.3.5.10.3.5~~ All the delegations set out above:

~~9.3.5.10.3.5.1~~ include the power to do anything as part of the conduct of proceedings or any other legal matter,

~~9.3.5.10.3.5.2~~ are taken on behalf of the Director of Governance and Law but

~~9.3.5.10.3.5.3~~ may not be further delegated to other officers.

9.4.10.4 Instructions to Legal Services

~~9.4.10.4.1~~ Level ~~A-D2-6~~ officers may instruct Legal Services to institute, defend or participate in any legal proceedings or undertake any legal matter falling within their level of responsibility within their service area and/or Directorate as determined by this Scheme of Delegation or elsewhere.

~~9.4.10.4.2~~ The powers at 10.4.1 include the power do anything or sign or authorise any decision or document required by law before the commencement of proceedings.

~~9.4.10.4.3~~ Level ~~A-D2-6~~ officers have power to instruct Legal Services to settle, withdraw or otherwise terminate any legal proceedings falling within their level of responsibility within their service area and/or Directorate as determined by this Scheme of Delegation or elsewhere.

9.5.10.5 Council Tax, National Non-Domestic Rates and Housing Benefit Recovery

~~9.5.10.5.1~~ The Director of Governance and Law is delegated the power to authorise officers to appear in Courts, at Inquiries and before Tribunals and Committees under section 223 of the Local Government Act 1972 and any other applicable legislation.

9.5.210.5.2 Notwithstanding the delegation at 10.5.1, any officer holding one of the following posts is authorised to institute, defend, participate appear in court in respect of any proceedings relating to the recovery of Council Tax and National Non-Domestic Rates, Housing Benefit Appeals and Recovery:

Director of Financial Services

Head of Revenues and Benefits

Unit Head Revenues

Revenue Team Managers

Court Enforcement/Insolvency Officer

Revenues Officer

Unit Head Benefits

Support Functions Unit Manager/Appeals and Complaints Manager

Appeals and Complaints Officers

11.4.1 All the delegations set out above in 10.5.1 and 10.5.2 include the power to do anything or authorise any decision or document as part of the conduct of proceedings.

40.11. DISCLOSURE AND BARRING SERVICE (DBS) CHECKS FOR COUNCILLORS

40.411.1 The Director of Governance and Law has authority to manage the Council's Scheme for Disclosure and Barring Service (DBS) for Members (agreed by Council on 1 March 2012) including but not limited to the receipt of DSB disclosures and the taking of appropriate action.

APPENDIX A

Notice of Executive Decision taken by an Officer

Published in Accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 ("the Regulations")

Title:	
Key?	
Urgent?	
Decision Maker:	
Decision Date:	
Published:	
For Call-in?	
Call-in Expiry:	

Purpose:	
Decision Taken:	
Reason:	
Alternative Options Considered:	

DOCUMENTS

List of documents submitted to the Decision-Maker¹:	
Details of any exempt² or confidential information³:	<p>None</p> <p>or</p> <p>In the opinion of the [proper officer title], this report and one or more of its appendices is exempt from publication in accordance with paragraph [paragraph number] of Schedule 12A of the Local Government Act 1972 (as amended): [reasons report is exempt – seek advice from Legal & Democratic Services before publishing]</p>
Background Papers Used:	

Conflicts of interest declared	
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by any executive member consulted by the decision-maker:	
Dispensations granted in respect of above conflicts of interest:	

¹ Nothing in the Regulations authorises or requires documents relating to that decision to be disclosed to the public, or made available for public inspection where the documents contain confidential information or where the disclosure of the documents would give rise to the disclosure of exempt information or the advice of a political adviser or assistant. (Regulations 20(3)(a) and (b))

² "Exempt information" has the meaning given by section 100I of the Local Government Act 1972 (exempt information and power to vary Schedule 12A) (Regulation 2)

³ "Confidential information" means information provided to the local authority by a government department on terms

(however expressed) which forbid the disclosure of the information to the public; or information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court, and in either case, a reference to the obligation of confidence is to be construed accordingly" (Regulation 2).