

PART 3

RESPONSIBILITY FOR FUNCTIONS

**(amendments to para. 4 – Scheme of
Delegation to Officers)**

4. SCHEME OF DELEGATION TO OFFICERS

4.1 General

Delegations to officers shall be without prejudice to the rights and powers of the Council and its committees or the Leader or the Executive and its committees, as appropriate at any time to decide upon any matters which fall within their responsibility.

In exercising powers delegated to them under this Scheme of Delegation, officers:

- a. Shall comply with the principles of decision making (Article 11 of this Constitution), standing orders, contract standing orders and financial regulations and any other relevant matters set out in the Council's Constitution;
- b. Shall comply with the approved policy schemes and decisions of the Council, its committees or the Executive;
- c. Shall consult with the appropriate professional or technical officers of the Council on relevant matters, in particular, the Chief Finance Officer and Borough Solicitor;
- d. Shall consult, where appropriate, with the Executive Member(s) whose portfolio(s) is/are affected.

4.2 Proper officer provisions

Subject to the appointments specified elsewhere in the Constitution, the Chief Executive or relevant Strategic Director will make the proper officer appointments across business units. In the event of any uncertainty, the Chief Executive may make or remake any proper officer appointment (save that the Chief Executive shall always make any proper officer appointments which relate to the functions of the Planning and Development Committee).

4.3 Executive functions

The Leader has determined that Strategic Directors may exercise all of those executive functions which the Executive does not reserve to itself or to an Executive Member. Subject to discretion of the Executive to amend these delegations, these functions are deemed to be delegated to the relevant Strategic Director as follows:

- a. The Chief Executive may exercise any executive function in the absence of a relevant Strategic Director or nominate another Strategic Director to do so in the Chief Executive's absence;

- b. The Chief Executive may exercise any executive power in cases of urgency whether or not reserved to executive decision making and whether or not falling within the departmental or budget area of another Strategic Director (in accordance with the Section 4 of this Constitution the Executive are to be informed of such actions):
- c. Any Strategic Director may exercise any executive power falling within his or her departmental or budget area;
- d. Such other corporate areas of responsibility to which a Strategic Director will be nominated from time to time;
- e. The Borough Solicitor shall have authority to institute, defend or settle any legal proceedings as necessary to protect the interests of the Council.

4.4 Council functions

- a. The Chief Executive may exercise all of those Council functions that are not specifically reserved to Council for decision-making, or actions delegated by the Planning and Development Committee to the Assistant Director (Planning & Regulation) or his/her delegate
- b. The Chief Executive may exercise any Council power in cases of extreme urgency whether or not reserved for Council decision making
- c. The Borough Solicitor shall have authority to institute, defend or settle any legal proceedings as necessary to protect the interests of the Council.

4.5 Exercise of officer delegations

The Chief Executive will establish a scheme of sub-delegations that specifies the functions, names the post which may carry out that sub-delegated function, and the limits if any on the sub-delegation. The Chief Executive will periodically review sub-delegations and whenever necessary, and may change sub-delegations as (s)he sees fit. The limits on sub-delegation may include the obligation to consult, record and/or refer back to the Chief Executive, Deputy Chief Executive and/or Strategic Directors (or another officer) in certain circumstances, and are made subject to relevant policies.

The Borough Solicitor will maintain the current version of the Council's scheme of officer delegations.