

CASCADE AND GENERIC DELEGATION SCHEME

PRINCIPLES OF THE SCHEME OF DELEGATION FOR OFFICERS

1. The exercise of any powers or duties in pursuance of this Scheme shall be in accordance with:
 - (a) any policy or direction approved by the Full Council; or
 - (b) any policies approved by the Cabinet acting under delegated powers; and
 - (c) due observance of issues of propriety at all times.
2. All functions reserved to the Full Council by Statute, Standing Orders or Financial Regulations are excluded from the Scheme.
3. The exercise of functions (delegated powers) in respect of any matter involving the expenditure of money shall only take place provided financial provision has been identified in the Budget approved by the Full Council or financial approval has been obtained from the Cabinet or Cabinet Member.
4. Any powers or duties delegated to a Chief Officer may be exercised by any other person duly authorised by them in writing from time to time.
5. References to the term Chief Officer shall include the Chief Executive, Deputy Chief Executive, Monitoring Officer, Chief Finance Officer and Heads of Service.
6. Officers are appointed to undertake particular roles. Those roles may be established by the terms of their appointment, job or role description, their position in the organisation, or from a specific instruction or the allocation of specific responsibilities by their manager. Officers' roles may vary from time to time to reflect changes in service delivery, staffing levels and to protect the Council's interests.
7. In order to ensure the smooth functioning of the authority and the efficient delivery of all of the services that it is responsible for, the Full Council and the Leader delegate to officers all of the powers that they need to do whatever their role requires of them from time to time.

CASCADE OF POWERS

8. Officers' powers have been delegated by means of a standing cascade. That means that there are no long lists in this constitution of specific powers and who those powers have been delegated and sub-delegated to.
9. Instead, there is a standing delegation of all necessary powers from the Full Council and the Leader (and their committees) to the Chief Executive. From the Chief Executive there is a standing delegation to either the Deputy Chief Executive and on to the Heads of Service, or directly on to the Heads of Service. The cascade continues down through the Heads of Service to managers and relevant officers in each Service.
10. In each case the powers delegated are the full range and extent of powers vested in the authority from time to time as necessary in order to discharge functions, implement decisions, and undertake the efficient operational management of the Services that the Chief Executive, Deputy Chief Executive and Heads of Service are responsible for from time to time.

11. This includes the power to do anything ancillary or incidental to, arising from, or necessary to give effect to or facilitate the exercise of powers and the discharge of functions delegated to officers.
12. Officers should be aware that the Head of Corporate Finance has statutory duties in relation to the financial administration and stewardship of the authority. Similarly the Head of Legal, Democracy and HR shall act as Solicitor to the Council and they are authorised to institute, defend or participate in any legal proceedings to protect the interests of the Authority. These statutory responsibilities cannot be overridden.

USE OF POWERS

13. When officers act under delegated powers, they do so in the name of their Head of Service, the Chief Executive or Deputy Chief Executive who will retain ultimate responsibility for ensuring that powers are exercised at the appropriate level by suitably competent and qualified officers.
14. It is for Managers, in conjunction with the Chief Executive/Deputy Chief Executive and/or Head of Service, to determine, record and keep under review the extent to which officers in their service are authorised to exercise delegated powers in their name. They shall do this by ensuring that there is clarity in setting out their Service and team structures and defining the respective roles of their officers.
15. The Chief Executive, Deputy Chief Executive and each Head of Service will be responsible for producing a sub-delegation scheme setting out which officers are responsible for taking which decisions (using a template provided by the Monitoring Officer) and keeping these updated and available on the intranet.
16. It is the responsibility of each officer in the chain of cascade to ensure that powers are being exercised at the most appropriate level by suitably competent and qualified officers. They shall at all times have due regard for the nature, subject matter, and likely impact of any decision and liaise closely with those above them in the chain of cascade, including relevant Cabinet Members and Ward Members where deemed appropriate, especially where a matter has potentially significant strategic, policy or operational implications or is deemed to be politically sensitive.
17. Any ambiguity that may arise as to whether or not a particular officer is, by reference to the terms of their appointment, job or role description, or their position in the organisation, authorised in respect of any particular function is to be resolved by reference back up through the chain of cascade to Managers, Heads of Service, Deputy Chief Executive or ultimately to the Chief Executive as appropriate who shall, where necessary, give written confirmation of the allocation of any given responsibility.
18. In exceptional circumstances, and with the agreement of those above them in the chain of cascade, Officers may decline to exercise powers which rest with them where it is considered, in all the circumstances, that it would be more appropriate for another officer (further up the chain of cascade) or for a Cabinet Member or the Leader to exercise the power instead.
19. Unless specifically prohibited by the terms of any authorisation, officers may arrange for any power which rests with them to be discharged by another suitably competent and qualified officer but they shall remain responsible for any powers so exercised.

20. Officers may direct that certain types of decisions or decisions on particular matters be reserved to them (or to another officer) notwithstanding that they would ordinarily be taken at a point further along the chain of cascade.
21. Where the duly empowered officer closest to the point of service delivery is unavailable or unable to act then, subject to any specific arrangements that may have been put in place, a suitably qualified and competent officer who is most proximate to the absent officer in the chain of cascade is empowered to act in place of that officer. This will usually follow the chain of cascade or line of management back up through Managers, Heads of Service and Deputy Chief Executive (where appropriate) to the Chief Executive.
22. In the event of the Chief Executive being absent or otherwise unable to act, the appropriate Head of Service shall be authorised to act in their place.

CONTROLS ON THE USE OF POWERS

23. Officers are not empowered in respect of matters that are specifically reserved to Members or which amount to the adoption or implementation of new policy.
24. Officers are only empowered to act in respect of matters which fall wholly within their Service area responsibilities and levels of competence.
25. Officers who propose to exercise powers in respect of any matter that is not wholly within their Service area responsibilities or levels of competence shall be obliged to act in consultation with and take appropriate advice from those officers with the relevant responsibilities and expertise and particularly from the Head of Corporate Finance and the Head of Legal, Democracy and HR in respect of financial and legal considerations.
26. Before taking decisions officers shall be satisfied that they can demonstrate, by keeping appropriate records, that they are duly authorised to act and that they have undertaken all appropriate consultation.
27. Officers must at all times observe and abide by the principles and controls governing officer decision making contained in Article 12 of the Constitution (Decision Making)

OFFICER DELEGATION SCHEME

28. For the avoidance of doubt the cascade of power through the officer structure includes the power to take all action necessary in connection with or ancillary to:

PLEASE NOTE: The following delegations are based on “non-key (operational) decisions”. However, please be mindful that in some circumstances a decision may become “key” in which case the relevant process should be followed. In situations of doubt please contact the Democratic Services Team for advice.

	Officer Delegations
1.	The authorisation of officers as may be required by statute (whether inter alia as “Proper Officers”, “Appointed Officer”, “Qualified Officer”, “Designated Officer”, “Specific Point of Contact” or otherwise) to undertake certain roles, or to exercise or discharge any powers, duties or functions including investigatory or regulatory functions and affecting entry to land or premises
2.	All matters in respect of the instruction of or the conduct of legal (or quasi legal) proceedings (including the authentication or execution of documents) are reserved to the Head of Legal, Democracy and HR (and their duly authorised officers) who shall be authorised to institute, defend, settle, discontinue or otherwise participate in any such proceedings or take any other action considered necessary to give effect to decisions of or protect the interests of the Authority.
3.	In exercising their delegated powers Chief Officers may serve, receive and act upon: <ul style="list-style-type: none"> • the issuing, service, variation, or withdrawal of any notice, direction, determination, requisition, ultimatum or demand; • the making, confirmation, variation or withdrawal of any order or regulation • the formation, variation or termination of any contract or agreement • the granting, variation, withdrawal or termination of any permission, notice, authorisation, licence or consent in the exercise of any discretionary power or in complying with any duty of the Council.
4.	The introduction, setting, reviewing and variation of fees and charges for the delivery of services and for the issue of any licence, registration, permit, consent or approval (<i>Excluding the review of fees and charges in respect of the functions of the Licensing Committee</i>)
5.	The approval of documents for public/stakeholder consultation, the carrying out of consultation, responding to consultation in line with this Council’s Protocol, adoption of documents following consultation and the submission of documents to the appropriate authority.
6.	The acceptance and determination of applications (including grants) made in accordance with Council policy/procedure and other legislation.
7.	The day-to-day management of services, including (but not limited to) the implementation, and monitoring (as well as necessary minor amendments) of approved Council’s policies, practices, strategies and schemes.
8.	The Head of Corporate Finance has statutory duties in relation to the financial administration and stewardship of the authority and his statutory responsibility cannot be overridden. The Financial Procedure Rules, Procurement Code and approved Council Budget set out the financial limits that officers must work within and the procedures they must follow. This also includes the financial limits in respect of the purchase and disposal of land.

	Officer Delegations
9.	The management and maintenance of residential Council owned properties (including garages) and tenancies (including but not limited to the renewal of leases, rent reviews, rent guarantees, service charges, sale, purchase and re-purchase of properties).
10.	The management and maintenance of non-residential Council properties and land including but not limited to the renewal of leases, rent reviews, service charges, the approval of the annual programme of building maintenance works where the cost does not exceed £100,000 and excluding the purchase and disposal of land.