

Scheme of Delegation to Officers

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INTRODUCTIONS AND PERMISSIONS

Introduction

1. The West Northants Council has adopted a vision expressed in the Corporate Plan XXXX. To support delivery of the Corporate Plan, managerial and operational decisions are taken, within a framework of democratic accountability, at the most appropriate level, which is usually the closest point of contact to the citizen. This scheme is to be interpreted widely to give effect to this overall purpose by empowering staff to carry out their functions and deliver the Council's services within the budget and policy framework set by the Council, and subject to the guidelines set by the Council, the Cabinet and the Council's management team.

Overall Limitations

2. Any exercise of delegated powers is subject to the following overriding limitations.

Member Consultation

3. Officers set out in the scheme are expected to:-

- (a) maintain a close liaison with the appropriate portfolio holder or in their absence the Deputy Portfolio Holder or Leader;
- (b) consult relevant portfolio holders when exercising temporary or project specific delegations;
- (c) ensure the Ward Councillor(s) is/are consulted or advised of the exercise of delegated powers relevant to their area; and
- (d) ensure that the Chief Executive (Head of Paid Service), Executive Director of Finance (s151 Officer) and the Director of the Legal and Democratic (Monitoring Officer) are consulted and advised of any decisions as necessary.

4. Portfolio holders for the relevant area should be consulted on the exercise of a delegated power in all cases where :-

- (a) there is likely to be opposition from members of the public;
- (b) where there are political sensitivities;
- (c) there is likely to be media (including social media) interest or
- (d) expenditure is unusual for the budget area.

5. Before exercising any delegated power, officers must consider whether to consult with the relevant portfolio holder on the exercise of delegated powers or not to exercise delegated powers but to refer the matter to the relevant member or member body to decide.

6. The Leader or any Cabinet Member may at any time, following consultation with the Chief Executive and relevant officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate member body for a decision.

7. This does not limit the general requirements set out elsewhere in the constitution to consult with relevant ward members, scrutiny chairs and interested groups in reaching decisions.

Reservations

8. The scheme does not delegate to officers:-

- (a) any matter reserved to full Council;
- (b) any matter which by law may not be delegated to an officer;
- (c) any Key Decision; or
- (d) any matter expressly withdrawn from delegation by the Council, Committees, Leader or Cabinet.
- (e) any executive matter delegated to the Shared Services or Children's Trust Joint Committees, any matter delegated to an Officer within the North Northamptonshire Unitary Council or to an Officer on the Joint Officer Board in relation to the shared arrangements with North Northamptonshire Council.

Restrictions

9. Any exercise of delegated powers is subject to

- (a) any statutory restrictions;
- (b) the budget and policy framework;
- (c) any provision contained in this Constitution including the Procedure Rules;
- (d) any financial limits set out in the revenue or capital budgets except as set out in the Financial Procedure Rules;
- (e) any policy set by the Council or its committees, the Cabinet or the Chief Executive; and
- (f) the Code of Conduct for Employees.

Permissions

10. This scheme delegates to the Assistant Chief Executive, Executive Directors and Directors all the powers and duties relevant to those areas of responsibility detailed within the areas of responsibility below that rest with the Council or which have been delegated or granted to the Council, subject to the limitations, restrictions, reservations and requirements for consultation set out above. This includes all powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation including but not limited to:

(a) Powers in relation to staff

Take any action in accordance with the Council's agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline, determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirement and determination of establishment except as detailed in the Staff and Employment Exceptions chart.

(b) Powers in relation to contracts and property

Powers in relation to contracts and property agreements to negotiate, put out to tender, bid, submit tenders, vary, terminate, dispute, extend and renew and in relation to contracts to buy and sell and in relation to property to acquire, dispose of, let and licence except as detailed in the Contracts and Property Exceptions Charts.

(c) Powers in relation to planning

Powers to determine applications, grant permission, refuse permission, to publicise applications, to comment or make representations on applications, notifications and consultations, to raise objections, to require documentation and information, to take appropriate action on enforcement, to negotiate, complete, vary, discharge or amend planning obligations and agreements, process and determine all decisions relating to neighbourhood planning under the Localism Act 2011, other than as detailed in the Legal Exceptions Chart.

(d) Powers in relation to finance

Powers to incur capital and revenue expenditure, to seek recovery of amounts owed, to exercise discretion in recovery, alter or waive repayment periods, or approve exemptions in relation to repayments, agree refunds, reduce or remit payments and waive fines, except as detailed in the Finance Exceptions Chart.

(e) Powers in relation to legal action

Powers to authorise, appoint or nominate officers and to investigate, prosecute, enforce, lay summons, require individuals to disclose information, serve requisitions for information, publish information, apply to a court, sign notices, issue, serve, vary, revoke and publish notices, including fixed penalty notices and serve documents, make prohibition orders, suspend or vary a prohibition order, take emergency remedial action, carry out works in default, issue certificates, issue consents, issue licenses and license applications, issue permits, refuse, vary or revoke licensing applications, issue temporary exemption notices, obtain, introduce, operate, amend, extend, vary and revoke orders, impose conditions, introduce and maintain registers, exercise powers of entry without force, apply for a warrant, make, vary or revoke and in relation to land relevant to service functions to note applications for licences, planning, consents and approvals, a declaration and grant, vary, revoke and attach conditions to consents except as detailed in the Legal Exceptions Chart.

The Chief Executive

11. The Chief Executive may carry out the powers and duties of the Assistant Chief Executive and Executive Directors and Director of Legal and Democratic in their absence or in consultation with them and will also have the following additional powers:

- (a) to carry out the powers and duties of any of the officers in their absence or in consultation with them;
- (b) to incur expenditure in the event of a civil emergency;
- (c) in cases of urgency to take any decision which could be taken by the Council, the Cabinet or a committee, in consultation with the Leader;
- (d) to alter the areas of responsibility of the Assistant Chief Executive, Executive Directors and Directors set out in the Areas of Responsibility section of this scheme;
- (e) to make arrangements for the appointment of Chief Officer roles and to make appointments to Deputy Chief Officer roles.
- (f) to agree the Human Resources Policies following relevant consultation.
- (g) to make any changes necessary to the Employee Code of Conduct following relevant consultation.

The Monitoring Officer

2.16. In addition to any powers delegated under section 2.10 above the Monitoring Officer has delegated authority to:

a. grant dispensations to councillors in accordance with the Localism Act 2011 with the power to refer any request for a dispensation back to the Standards and General Purposes Committee.

The Section 151 Officer

2.17. In addition to any powers delegated under section 2.10 above the Section 151 Officer has delegated authority to carry out those responsibilities set out as delegated to him/her in the Financial Procedure Regulations within this Constitution.

Assistant Chief Executive and Executive Directors and Director

12. The Assistant Chief Executive, Executive Directors and Directors may carry out the powers and duties of any direct reports within their area of responsibility in their absence or in consultation with them.

Officer Delegation

13. Any delegation to an officer includes authority for any further delegation within the relevant Area of Responsibility. Officers shall devolve responsibilities for service delivery and management to those staff who represent the nearest practicable point of delivery to the service user.

Written Records and Publicity

14. An Officer making a decision under delegation, will need to publish a written record of :-

(1) any decision which is sufficiently important or sensitive that the public would expect that decision to have been taken by an Elected-Member decision-making body, such as Cabinet rather than an Officer using delegated powers;

(2) any decision which :-

(a) is a specific expressed power rather than general delegation;

(b) grants a permission or licence;

(c) affects the right of an individual; or

(d) awards a contract, or incurs expenditure which, in either case, materially affects the Council's financial position.

16. If a written decision record of a decision is required, it must be completed as soon as is reasonably practicable after the decision has been made. The decision must be publically available for inspection and posted on the Council's website (together with any background papers). The decision record must include, the date of the decision, the reasons, details of any alternative options considered and rejected and details of any conflict of interest declared (for instance of a Cabinet Member who may have been consulted).
17. A pro-forma decision record is available for use.

AREAS OF RESPONSIBILITY

(a) Chief Officers

Post	Main Functions and Areas of Responsibility
Assistant Chief Executive	<ul style="list-style-type: none"> • Communications and Engagement • Policy and Performance • Business Intelligence • Executive Support • Lord Lieutenant Support
Executive Director Finance	<ul style="list-style-type: none"> • Finance and Accountancy • Finance and Strategy • Audit and Risk • Revenues and Benefits • Procurement • Pensions
Executive Director of Corporate	<ul style="list-style-type: none"> • Human Resources • Transformation • Customer and Corporate Services • Information Technology and Data Management
Director of Legal and Democratic	<ul style="list-style-type: none"> • Registration of Births, Marriages and Deaths • Elections Administration • Legal and Democratic Services
Executive Director Place and Economy	<ul style="list-style-type: none"> • Regulatory Services • Highways and Waste • Assets and Environment • Growth, Climate & Regeneration
Executive Director Adults, Communities and Wellbeing (DASS)	<ul style="list-style-type: none"> • Commissioning and Performance • Adults Services • Safeguarding and Wellbeing • Housing and Communities • Public Health
Director of Children's Services (DCS)	<ul style="list-style-type: none"> • Children's Social Care • Education • Commissioning and Partnerships