

A Delegations to Employees

- A1 Sections 1-19 of Part 2 of the Constitution set out how the Council's functions have been allocated between the Council, the Cabinet, Regulatory and other Committees, individual Councillors, or other bodies on which the Council may be represented. Those sections also indicate which functions are reserved to the Council and which functions have been delegated to the Cabinet, Cabinet Panels and various Regulatory or other Committees.
- A2 This section of Part 2 sets out which functions have been delegated to employees. One of the main principles of the Constitution is the need to be able to ascertain who is responsible for any decision made by or on behalf of the Council and this is particularly so for employee delegations which must be comprehensive.
- A3 The following sections set out the functions which are delegated to Officers. All delegations must be exercised in accordance with this Constitution, policies, procedures and Codes of Practice which are adopted from time to time by the Council and any specific limitations or restrictions which are included in the following tables.
- A4 When exercising any of the delegations, Officers must take note of any statutory or other legal requirements including the principles of public law, human rights and equalities legislation.
- A5 Directors are required to maintain written delegations which prescribe the delegations which operate within their area of purview. Such written delegations will indicate which employees are responsible for the management and delivery of services and will specify relevant operational and financial limits.
- A6 Employees who are entitled to exercise delegated powers should always refer a complex or sensitive matter for decision by the Cabinet, appropriate Cabinet Panel or Regulatory or other Committees.

Complex or sensitive matters to include: -

1. One of significant financial or legal risk not previously brought before Cabinet.
2. One which requires Councillors to be made aware of as it is of a significant political nature.
3. One which affects the Councils reputation and needs to be brought to Councillors' attention.
4. Matters that constitute a change to explicit policy statements.

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- A7 References in the delegations to any statutory provision shall be deemed to include any statutory provisions which may from time to time replace, amend or revoke them and any orders, directions, regulations, codes of practice, byelaws or government guidance currently in force.
- A8 In the event an Officer is unclear as to any delegation or what constitutes a complex or sensitive issue, advice should first be sought from the Chief Operating Officer and Solicitor to the City Council as to how to proceed.
- A9 If the Chief Executive is unavailable and a decision needs to be taken urgently, the Deputy Chief Executive may take the decision.
- A10 If the appropriate Director is unavailable and a decision needs to be taken urgently any other Director may take the decision.
- A11 In the event that a Director or a Head of Service's post ceases to exist or his or her responsibilities are transferred to another officer (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.