

SCHEME OF DELEGATION TO OFFICERS AND APPOINTMENT OF PROPER OFFICERS

1. GENERAL PRINCIPLES

- 1.1 This scheme of delegation covers both executive and non-executive functions and is subject to the 'cascade' principle and, unless excluded by statute, bestows the power for the Chief Officers [the Chief Executive/Head of Paid Service, Director of Corporate Resources (Monitoring Officer) and Director of Regeneration and Neighbourhood Services [and any other Directors] and the Deputy Chief Officers (the "Heads of Service") to further delegate in writing all or any of these delegated powers to other officers (described by post title) either fully or in part and subject to such limitations as considered reasonable by the delegating officer. Any such delegation must be evidenced in writing, dated and signed by the officer delegating the authority, with a copy supplied to the Monitoring Officer. The officer delegating the function remains responsible for ensuring that delegated decisions are properly taken by sufficiently senior and experienced officers and for the decisions taken.
- 1.2 Where a function has been delegated to an Officer (including where sub-delegated through the cascade principle), the person or body making the delegation may at any time assume responsibility for the function and may therefore exercise the function despite the delegation.
- 1.3 Where officers are authorised to exercise any of the functions of the Head of Paid Service or Chief Officers, through the 'cascade' principle referred to in paragraph 1.1, to ensure that the Monitoring Officer is notified of the function which is subject to onward delegation.
- 1.4 Delegations relate to all provisions for the time being in force under any applicable legislation and cover executive, non-executive and local choice functions of the Council and all powers and duties incidental to that legislation, as well as authorising entering into contracts or deeds and affixing the common seal in pursuance of those decisions and entering on land or premises.
- 1.5 To act on behalf of the Council in cases of urgency in the discharge of any function of the Council for which his/her Directorate or Service has responsibility, other than those functions which by law can be discharged only by the Council or a specific Committee. Any action taken under this power shall be reported to the Cabinet, the appropriate Cabinet Member or the appropriate Committee. Any urgent action which is to be taken shall take account of advice of the Monitoring Officer, the Section 151 Officer and legal advice and be exercised in consultation with the appropriate Cabinet Member or the Chairman of the appropriate Committee.
- 1.6 It does not delegate to officers:
 - 1.6.1 Any matter which by law may not be delegated to an officer;
 - 1.6.2 Any matter which is specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet/Executive or a Committee or Sub-Committee.
- 1.7 Any delegation must be exercised:
 - 1.7.1 In compliance with the Council's Procedure Rules, Contract Procedure Rules and Financial Regulations, Employment Procedure Rules and the Pay Policy Statement approved annually;

- 1.7.2 In accordance with the decision-making requirements set out in Article 13, including requirements for decision-records and access to information;
 - 1.7.3 Having identified and managed appropriate strategic and operational risks within the Director/Head of Service area of responsibility as set out in the Council's risk management strategy;
 - 1.7.4 Within the approved budget and policy framework approved by the Council from time to time (or separate approval must be sought);
 - 1.7.5 Following any appropriate legislative, regulatory, consultation, equalities or procedural requirements that may be required.
- 1.8 An officer, in exercising delegated powers, shall consult other appropriate officers including legal, financial and technical officers and shall have regard to any advice received.
- 2. DELEGATIONS TO THE HEAD OF PAID SERVICE, ALL CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**
- 2.1 To incur revenue expenditure within estimates subject to prior consultation with the Cabinet Member as appropriate where the proposed expenditure is in respect of any new purpose or project or in pursuance of a new policy or extension of an existing policy involving a continuing financial commitment.
 - 2.2 To incur capital expenditure provided that the project is included in the approved Capital Programme.
 - 2.3 Subject to the approval of the Section 151 Officer to vire between heads of expenditure amounts not exceeding £50,000.
 - 2.4 To invite and accept tenders and quotations in accordance with Contract Procedure Rules, approve exceptions to the use of the Council's standard terms and conditions of contract and to determine matters relating to the community right to challenge.
 - 2.5 To dispose of obsolete goods, stock, equipment, plant or vehicles where the estimated value does not exceed £10,000, in consultation with the Director of Corporate Resources and the Head of Finance and Property.
 - 2.6 To sign contracts provided:
 - 2.6.1 the contract does not exceed £100,000; and
 - 2.6.2 the Council's Scheme of Delegations has not been exceeded; and
 - 2.6.3 the Council Solicitor has approved the form of contract as appropriate for the type of contract concerned; and
 - 2.6.4 notification of the exercise of the delegation is given to the Monitoring Officer and in such form and with such information as s/he may require.
 - 2.7 To approve Local Government (Contracts) Act 1997 certificates, contract variations and exercise other contractual rights under contracts, signing agreements or documents giving a

- legal interest in land, re-financing arrangements, in consultation with the Section 151 Officer or in his/her absence the Deputy S151 Officer.
- 2.8 In consultation with the HR Service Manager, to deal with all staffing and human resources matters (within agreed terms and conditions of employment, Human Resource policies and procedures) affecting Directorate staff including:
- 2.8.1 Appointing employees to posts within the approved establishment below JNC level;
 - 2.8.2 Suspending employees, taking disciplinary action (including dismissal) against them in accordance with approved procedures;
 - 2.8.3 Approving early retirements, voluntary redundancy and decisions about resignation of staff, appointment of consultants, subject to agreement with the Councils Section 151 Officer and to a quarterly report being submitted to the relevant cabinet member on such matters;
 - 2.8.4 Appointment of students, trainees and apprentices in accordance with arrangements approved by the HR Services Manager and where appropriate subject to the provision of an indemnity from the sponsor;
 - 2.8.5 Changing the establishment and approving the establishment of additional posts if there are no net additional costs or grading implications; the deletion of posts; and the granting of honoraria and onerous duty payments. ~~subject to a quarterly report being submitted to the relevant Cabinet member on such matters;~~
 - 2.8.6 Approving changes to job descriptions and job titles. ~~where there are no grading implications.~~
 - 2.8.7 Training and development, granting special leave, secondment of staff, unpaid leave, approval of expenses and pay progression, in accordance with the laid down policies of the Council
- 2.9 In respect of functions exercisable through their service, the appointment or authorisation of officers as appropriate to enforce and investigate contraventions of legislation and to exercise the relevant powers of entry, powers of inspection, examination, seizure or removal.
- 2.10 To authorise the issue of and serve any statutory and non-statutory notices including dealing with appeals and issuing proceedings relevant to the matters set out in this scheme of delegation as applicable.
- 2.11 To issue cautions under statutory powers, to act under public protection legislation, to examine and seize food or any other articles, things or matter, and to remove persons from all Council premises.
- 2.12 To serve any notice or requisition for information under any act requiring the owner or occupier of or any person having an interest in or managing any land or premises to give information to the local authority.
- 2.13 To represent the Council on partnerships and other bodies and undertake functions delegated to them by Joint Committees or other local authorities or public bodies.
- 2.14 To issue statements to the press and other media concerning the functions delegated to them (including any associated financial implications).

- 2.15 To respond to any Government consultations concerning the functions delegated to them.
- 2.16 In consultation with the Head of Paid Service to develop and implement transformational programmes of activity in the functions delegated so as to realise outcomes in the priority areas for the Council.
- 2.17 To discharge any other functions assigned to them at the discretion of the Head of Paid Service and exercise discretion in connection with any approved policy of the Council.
- 2.18 To ensure that there is a constructive relationship between the Council and local and national media.

3. DELEGATIONS TO THE CHIEF EXECUTIVE (THE HEAD OF PAID SERVICE)

- 3.1 To be Head of Paid Service.
- 3.2 To be Returning Officer for any constituency or part of a constituency coterminous with or contained in the District; for elections of Councillors for the District; for parishes within the District and any other elections or referenda. To exercise all elections and electoral registration functions not otherwise allocated. This includes the following:
 - 3.2.1 to pay expenses properly incurred by the electoral registration officer;
 - 3.2.2 to deal with nominations and vacancies in relation to a parish council;
 - 3.2.3 to make decisions about polling stations;
 - 3.2.4 to be the lead officer for contact with the Electoral Commission.
- 3.3 To take any action necessary in connection with an emergency, disaster or business interruption in the District including authorising expenditure.
- 3.4 To exercise overall responsibility for corporate Health & Safety.
- 3.5 To exercise any executive functions where the Council does not have a Leader and Deputy Leader in office.
- 3.6 To deal with such other decisions, at the discretion of the Head of Paid Service, that s/he considers need to be taken immediately.
- 3.7 To exercise a power delegated to any officer when that officer is unable or unwilling to act unless prohibited by law.
- 3.8 To determine authorisations for surveillance undertaken under the Regulation of Investigatory Powers Act 2000 including the acquisition of confidential information and the deployment of a juvenile or vulnerable covert human intelligence source.
- 3.9 In consultation with the Leader of the Council to commission and accept fact finding documents.
- 3.10 In consultation with the Leader of the Council to approve on behalf of Council, on an annual basis, the Council's schedule of appointments to outside bodies.

- 3.11 To lead on planning and strategic management to ensure a coordinated approach to commissioning and service delivery across the Council.
- 3.12 To keep under constant review opportunities to partner with external bodies.
- 3.13 To keep under constant review the needs of Bassetlaw in relation to all the services provided by the Council and to take such action which in his/her judgement is necessary to ensure that those needs are met within the framework of any policies made by the Council.
- 3.14 **Where agreed with either the Council Leader, the Deputy Leader or relevant cabinet member, and having received appropriate legal advice, to settle, defend withdraw compromise or otherwise deal with planning appeals on behalf of the Council in cases where such action is necessary to protect the Council's interests (including financial interests).**

4. DELEGATIONS TO DIRECTOR OF CORPORATE RESOURCES

- 4.1 To be the Council's designated Monitoring Officer and discharge Monitoring Officer functions set out in the Localism Act 2011, the Local Government Act 2000, the Local Government and Housing Act 1989 and elsewhere, including:
 - 4.1.1 Maintaining an up-to-date version of the Constitution, keeping it under review and ensuring that it is widely available for consultation by Members, officers and the public, including authority to amend the Constitution to reflect re-organisations, changes in job titles/vacancies minor legislative changes or requirements and to correct any typographical errors or inconsistencies subsequently identified;
 - 4.1.2 After consulting with the Head of Paid Service and S151 Officer, the Monitoring Officer reporting to the Full Council, or to the Executive in relation to an Executive function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 4.2 To lead on strong corporate governance and information management, ensuring that the transparency agenda is maintained and that the Council is open and accountable in accordance with legislative requirements; and responsibility for cross Council business transformation, performance, outcome based accountability, strategic planning and commissioning.
- 4.3 Contributing to the promotion and maintenance of high standards of conduct through provision of support, advice and training to the Audit and Risk Scrutiny Committee.
- 4.4 Receiving complaints about member conduct (including Town and Parish Council members) determining whether local resolution is appropriate and/or authorising or carrying out investigations; making appropriate reports relating to member conduct and alleged breaches of the Members' Code of Conduct under the Standards arrangements adopted by the Council from time to time, including determining sanctions where an investigation does not proceed to a standards hearing.
- 4.5 Granting dispensations to members on the grounds set out in sub-sections (a) and (d) of Section 33(2) of the Localism Act, 2011.
- 4.6 Establishing and maintaining the register of members' and co-opted members' interests pursuant to section 29 of the Localism Act 2011 and to consider and decide upon sensitive interests pursuant to section 32 of the Localism Act 2011.