



**Sheffield City Council**

# **The Leader's Scheme of Delegation of Executive Functions**

**January 2021**

# The Leader's Scheme of Delegation of Executive Functions

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## Sheffield City Council

# The Leader's Scheme of Delegation of Executive Functions

*(Section 9E, Local Government Act 2000)*

## Article 1

### Introduction

- 1.1 The functions of the Sheffield City Council ('the Council') comprise all its legal duties (the things it *must* do) and powers (the things it *may* do). These functions are divided into 'non-executive functions' which are ultimately the responsibility of the full Council, and 'executive functions' which are the responsibility of the Council's Executive.
- 1.2 The Law says which functions are executive functions and which are non-executive functions. In some cases ('local choice functions') it is up to the Council to decide whether a function is executive or non-executive. Details of which functions (including local choice functions) are executive or non-executive can be found in Part 3 ('Responsibility for Functions') of the Constitution. This is available at <https://www.sheffield.gov.uk/constitution>
- 1.3 The Council has a 'Leader and Cabinet' Executive. The Leader of the Council ('the Leader') is appointed by full Council and then appoints a Cabinet comprising herself/himself and between two and nine other Councillors (section 9C(3), Local Government Act 2000). The Leader is the 'senior executive member'.

## The Leader's Scheme of Delegation - Articles

- 1.4 By section 9E of the Local Government Act 2000 the Leader of the Council exercises all the Council's executive functions, and may also allocate executive functions as between:-
  - 1.4.1 the Cabinet as a whole;
  - 1.4.2 individual Cabinet members;
  - 1.4.3 Committees of the Cabinet (the membership of which can only include Cabinet members);
  - 1.4.4 Area Committees; and
  - 1.4.5 Officers of the Council ('Officers').
  
- 1.5 In certain circumstances the Leader may also make arrangements for executive functions to be discharged:-
  - 1.5.1 through joint arrangements;
  - 1.5.2 by another local authority or the executive of another local authority (Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012); and
  - 1.5.3 by individual ward Councillors in accordance with Section 236, Local Government and Public Involvement in Health Act 2007, but this Scheme makes no provision for functions to be discharged under Section 236.
  
- 1.6 Under the provisions of Part 3 of the Constitution, the Leader must, maintain a **Scheme of Delegation** recording the allocation of executive functions.
  
- 1.7 **Nothing in this Scheme of Delegation shall in any way limit the authority of the Leader to exercise any of the Council's executive functions, or affect the validity of any specific delegation of authority which the Leader may confer by way of a specific Executive Leader decision.**

- 1.8 Councillor Robert Johnson, the Leader of the Council, has agreed this Scheme of Delegation ('this Scheme') on the date of his signature shown below.

## Article 2

# Interpretation, Commencement and Implementation of this Scheme

### 2.1 In this Scheme:-

- **'Accountable Body'** means a body receiving funding and legally responsible for ensuring that the requirements of the funder are met, which usually include, for example, putting in place audit trails, overseeing contract management with suppliers, ensuring the project has sufficient cash flow and generally meeting the liabilities (e.g. clawback) that flow from the conditions of the funding;
- **'Chief Finance Officer'** means the Executive Director, Resources as being the Proper Officer for the purpose of the proper administration of financial affairs pursuant to Section 151 of the Local Government Act 1972 and such officers who may be nominated by him from time to time to exercise those duties on his behalf.
- **'Chief Property Officer'** means such Director who may be nominated as such from time to time by the Executive Director, Place;
- **'Commonly Recurring Items'** means (a) those things which the Council routinely purchases to enable the continuation of its day to day business activities (such as *for example* office supplies, fuel, utilities, IT support, travel and transport services,



## The Leader's Scheme of Delegation - Articles

maintenance supplies and protective clothing); and (b) services purchased by the Council for which there is a constant need and where a break in provision could lead to the Council incurring a legal liability for breach of duty (such as *for example* adult social care services); but it does **not** simply mean any thing or service of a kind which has been purchased by the Council, whether from the same or a different supplier, by way of a previous Contract';

- **'the Constitution'** means the Council's constitution;
- **'Contract'** means an agreement under which the Council purchases or hires works, services or supplies, but for the avoidance of doubt does **not** include (i) an agreement (whether contractually binding or not) under which a grant is paid by the Council or (ii) a licence to occupy, lease, or agreement for lease, of Property;
- **'Contract Value'** means the estimated total of the money payments to be made by the Council and the value of materials or other benefits to be retrieved or enjoyed by the contractor for the whole period of the Contract, including any potential extensions, but exclusive of VAT;
- **'Council Supply Agreement'** means a contractually binding agreement under which the Council agrees to provide works, services or supplies to a third party in return for payment, in money or in-kind, otherwise than in fulfilment of a statutory duty, but does not include an agreement under which the Council receives grant aid;
- **'Councillor'** means an elected member of the Sheffield City Council;
- **'Director'** means an Officer designated by their job description and title as a Director and who reports directly to an Executive Director or to the Chief Executive;
- **'Disposal'** means the disposal by the Council of either a freehold

## The Leader's Scheme of Delegation - Articles

interest in Property or a leasehold interest in Property, but does not include a Mortgagee Sale or any disposal of Property that the Council is obliged by Law to complete;

- **'the Enterprise Programme'** means the series of outputs, actions and programmes covered by the agreed Service Plan from time to time for the Council's City Growth service;
- **'Executive Director'** means an Officer designated in the Council's staffing structure as an Executive Director;
- **'Extreme Urgency'** means a situation where a decision-maker reasonably believes that a failure to deal with a matter immediately would be likely to result in an appreciable risk of significant administrative, financial or other detriment to the Council and/or another individual or organisation;
- **'Key Decision'** means<sup>a</sup> an executive decision, which is likely:-
  - (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant<sup>b</sup> having regard to the Council's budget for the service or function to which the decision relates; or
  - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral wards in the Council's area;
- **'Mortgagee Sale'** means a sale of any interest in real property (meaning land and/or buildings) undertaken by the Council as mortgagee in possession;
- **'Officer'** means an officer of the Council;
- **'Property'** means real property (meaning land and/or buildings) held by the Council or which the Council proposes to acquire, other than the property of a third party acquired solely for the

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<sup>a</sup> This definition is taken from Regulation 8, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

<sup>b</sup> The level of expenditure/savings which the Council has adopted as being financially significant is **£500,000**.

## The Leader's Scheme of Delegation - Articles

purposes of taking security for a liability, actual or contingent;

- **'Reserved Executive Function'** means an executive function reserved to the Cabinet in **Schedule 2**, reserved to an individual Cabinet member in **Schedule 3, Part 3**, or exercisable by a committee of the Cabinet or an Area Committee or through joint arrangements;
- where the context allows, phrases introduced by the words **'including'**, **'includes'**, **'for example'**, **'in particular'** or similar, are illustrative and do not limit the generality of the related general words;
- for the avoidance of doubt, references to 'specific' delegations or matters being 'specifically' delegated or similar expressions would include delegated authority generally to do all things necessary or appropriate to achieve the desired outcome in a particular matter or similar arrangements.

2.2 Those functions comprising executive functions are defined by reference to the Law and the Constitution, and this Scheme must at all times be implemented in accordance with the Law, the Constitution and the Budget and Policy Framework agreed by full Council. (See Article 4.01 of the Constitution for more information.)

2.3 Attention is drawn in particular to the importance of complying with:-

- the statutory and Constitutional procedural requirements for the making, recording and publicising of executive decisions; and
- the Council's rules relating to the 'calling-in' of executive decisions for scrutiny;

including the Access to Information Procedure Rules and Scrutiny Procedure Rules found in Part 4 of the Constitution, and the Local

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Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- 2.4 Any current delegation of an executive function granted prior to the making of this Scheme by Cabinet, a Committee of Cabinet, an Area Committee or an individual Cabinet member (other than the Leader) shall remain in full force and effect until it is formally and specifically revoked by Cabinet, an individual Cabinet member, a Committee of Cabinet or an Area Committee as the case may be, in each case acting within the scope of their authority under this Scheme, or by the Leader.
- 2.5 Any current delegation of an executive function granted by the Leader prior to the making of this Scheme by way of a specific Executive Leader decision (and not being a delegation contained in any previous scheme of delegation made by the Leader) shall remain in full force and effect until it is formally and specifically revoked by the Leader.
- 2.6 A current delegation as referred to in Articles 2.4 and 2.5 above shall not prevent the taking of any decision in accordance with this Scheme.
- 2.7 For the avoidance of doubt, and except where this Scheme provides to the contrary, where, under the provisions of a previous scheme of delegation made by the Leader, the Chief Executive or an Executive Director has designated an Officer to exercise an executive function, that designation will remain in force (subject to any restrictions or conditions that were attached to it) as a designation under paragraph 1.1.4 of Schedule 6 of this Scheme until such time as the designation is revoked, PROVIDED that this shall not prevent the taking of any

## The Leader's Scheme of Delegation - Articles

decision in accordance with this Scheme.

2.8 In relation to a number of matters this Scheme refers to the opinion of the Executive Director, Resources, the Director of Finance and Commercial Services, the Chief Finance Officer, or the Chief Legal Officer. The Executive Director, Resources, the Director of Finance and Commercial Services, the Chief Finance Officer, or the Chief Legal Officer may issue guidance as to when such matters should be referred to them in advance to enable them to form and communicate an opinion. This guidance must always be followed.

2.9 Any questions about the interpretation of any part of this Scheme of Delegation will be determined:-

- by the Monitoring Officer where the question involves a point of Law; and
- by the Leader in all other cases;

and the Monitoring Officer will keep records of all such determinations and issue such guidance in the light of these that she considers appropriate.

2.10 This Scheme will come into operation following receipt by the Monitoring Officer or the Deputy Monitoring Officer of a copy signed by the Leader, at which time any previous Leader's scheme of delegation shall be superseded and shall cease to have effect. For the avoidance of doubt, this will not affect the validity of any previous decisions properly taken in accordance with the provisions of any previous Leader's scheme of delegation.

## Deputising Arrangements

- 3.1 The Leader must appoint a Deputy Leader, and notify this appointment to the Monitoring Officer.
- 3.2 If for any reason the Leader is unable to act, or the office of elected Leader is vacant, the Deputy Leader will act in his place.
- 3.3 If the Leader is unable to act or the office of elected Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, then the Cabinet must act in his place or arrange for a member of the Cabinet to act in his place.

## Article 4 Delegations

### 4.1 Cabinet

- 4.1.1 The Cabinet currently comprises nine Councillors. Their portfolios have been decided by the Leader and are listed in **Schedule 1**.
- 4.1.2 The Cabinet **may** discharge all executive functions.
- 4.1.3 Some executive functions **must** be discharged by the Cabinet (subject to Article 1.7<sup>c</sup>, the provisions of **Schedule 7**<sup>d</sup>, and any

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<sup>c</sup> The authority of the Leader to take, or specifically delegate the taking of, any executive decision.

<sup>d</sup> Urgency provisions for Reserved Executive Functions.

delegations of such functions expressly granted by Cabinet in accordance with Article 4.1.4). These functions are set out in **Schedule 2**.

4.1.4 Unless this Scheme provides otherwise the Cabinet may arrange for any of the functions delegated to it to be discharged by:-

- a committee of the Cabinet;
- an Area Committee where these fall within the terms of reference of the Area Committee;
- an Officer.

## 4.2 Individual Cabinet Members

4.2.1 Some executive functions **may** be discharged by individual Cabinet members. These are set out in **Schedule 3 Part 2**.

4.2.2 Some executive functions **must** be discharged by individual Cabinet members (subject to Articles 1.7<sup>e</sup>, 4.1.2<sup>f</sup> and 4.1.3<sup>g</sup>, the provisions of **Schedule 7**<sup>h</sup>, and any delegations of such functions expressly granted by Cabinet in accordance with Article 4.1.4 or by the relevant Cabinet member in accordance with Article 4.2.3). These functions are set out in **Schedule 3 Part 3**.

4.2.3 Unless this Scheme provides otherwise, an individual Cabinet member may arrange for any of the functions delegated to him/her to be discharged by:-

- an Area Committee where these fall within the terms of reference

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<sup>e</sup> The authority of the Leader to take, or specifically delegate the taking of, any executive decision.

<sup>f</sup> The authority of the Cabinet to take any executive decision.

<sup>g</sup> The reservation of some executive functions to the Cabinet.

<sup>h</sup> Urgency provisions for Reserved Executive Functions.

- of the Area Committee;
- an Officer.

### 4.3 Cabinet Committees

4.3.1 The current arrangements for the discharge of executive functions by a committee of the Cabinet are set out in **Schedule 4**.

4.3.2 Unless this Scheme provides otherwise, a committee of the Cabinet may arrange for any of the functions delegated to it to be discharged by:-

- an Area Committee where these fall within the terms of reference of the Area Committee;
- an Officer.

### 4.4 Area Committees

4.4.1 The arrangements for executive functions to be carried out by Area Committees are set out in **Schedule 5**.

4.4.2 Unless this Scheme provides otherwise, an Area Committee may arrange for any of the executive functions delegated to it to be discharged by an Officer.

### 4.5 Officers

4.5.1 The arrangements for executive functions delegated by the Leader to be carried out by an Officer are set out in **Schedule 6**.



4.5.2 A Reserved Executive Function may be discharged by an Officer in the circumstances and manner set out in **Schedule 7**.

4.5.3 Subject to Article 4.5.4, any Officer authorised to exercise an executive function by this Scheme may from time to time by giving written notice to the Monitoring Officer nominate another Officer of suitable experience and seniority as his/her deputy to exercise that executive function in situations where s/he is not available through annual leave, sick leave or other leave of absence. The Monitoring Officer will keep a record of these nominations. A nominated deputy exercising an executive function must comply with the requirements of this Scheme. Any such nominations in place at the time this Scheme comes into force shall remain in effect until specifically terminated or replaced.

4.5.4 The power in Article 4.5.3 to nominate a deputy to exercise an executive function is **not** exercisable by an Officer:

- (a) designated, pursuant to paragraph 1.1.4 of Schedule 6, by the Chief Executive, an Executive Director or a Director to have delegated authority to exercise that function;
- (b) authorised to exercise that function on behalf of and in the name of another Officer pursuant to paragraph 1.5 of Schedule 6; or
- (c) nominated as a deputy to exercise that function pursuant to Article 4.5.3.

## 4.6 Joint Arrangements

4.6.1 Arrangements for exercising executive functions by way of joint arrangements are set out in **Schedule 8**.

## 4.7 Local Choice Functions

4.7.1 The Council has decided that certain local choice functions are to be the responsibility of the Executive. These functions, and the Leader's arrangements for discharging them, are set out in **Schedule 9**.

## 4.8 Legal Proceedings

4.8.1 For the avoidance of doubt, the Chief Legal Officer shall have authority to commence, defend or settle any legal proceedings and may arrange for the discharge of this function as he or she considers necessary or appropriate to protect the interests of the Council. (See paragraph 4<sup>i</sup>, and particularly paragraph 4.4<sup>j</sup>, in Schedule 6.)

## Confirmation of the Scheme

As Leader of the Sheffield City Council I confirm that this is my scheme of delegation for discharging the Council's executive functions.

\_\_\_\_\_ R Johnson \_\_\_\_\_ Date 9<sup>th</sup> February 2021

Councillor Robert Johnson

I confirm receipt by me of a signed copy of this Scheme.

\_\_\_\_\_ G Duckworth \_\_\_\_\_ Date: 9<sup>th</sup> February 2021

Gillian Duckworth – Monitoring Officer

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<sup>i</sup> Powers delegated to the Director of Legal Services.

<sup>j</sup> The power of the Director of Legal Services to arrange for the discharge of functions delegated to him/her as s/he considers appropriate e.g. by authorising other Officers to take particular steps.

## **Schedule 1**

# **Cabinet Portfolios**

The Leader has appointed a Cabinet holding, together with the Leader's own portfolio, the following portfolios, the details of which are appended to this Scheme at Appendix A:-

- Chair of Cabinet and Leader of the Council
- Cabinet Member for Business and Investment
- Cabinet Member for Children and Families
- Cabinet Member for Culture, Parks and Leisure
- Cabinet Member for Education and Skills
- Cabinet Member for Transport and Development
- Cabinet Member for Finance, Resources and Governance and Deputy Leader
- Cabinet Member for Health and Social Care
- Cabinet Member for Neighbourhoods and Community Safety
- Cabinet Member for Environment, Streetscene and Climate Change

## Schedule 2

# Functions to be exercised by the Cabinet

## 1. Introduction

To the extent that they are not exercisable by a Committee of the Cabinet<sup>a</sup> or an Area Committee<sup>b</sup> pursuant to this Scheme, the functions set out in this Schedule are reserved for decision by the Cabinet, **subject to** the following provisos:-

- 1.1 The extent to which these functions may be exercised by individual Cabinet members or Officers as set out within the reservations to Cabinet in this Schedule;
- 1.2 The ability of the Cabinet to further delegate the discharge of any of the functions delegated to it provided for in Article 4.1.4 of this Scheme;  
and
- 1.3 The ability of Officers to exercise Reserved Executive Functions in certain circumstances as provided for in Schedule 7.

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<sup>a</sup> Schedule 4.

<sup>b</sup> Schedule 5.

## 2. Strategic Service and Financial Planning

- 2.1 The making of a Key Decision, where not delegated to an individual Cabinet member in Schedule 3, to a Committee of the Cabinet in Schedule 4 or to an Area Committee in Schedule 5, or capable of being taken by an Officer by virtue of paragraph 3.2.6 of Schedule 6;
- 2.2 Matters relating to more than one Cabinet portfolio which have been referred to Cabinet under paragraph 1.2 of Part 1 of Schedule 3;
- 2.3 Agreeing statutory and other strategies which do not fall to be determined by individual Cabinet members because they relate to or, in the opinion of the Chief Executive or relevant Executive Director, would have a significant impact on cross-cutting issues, strategies or plans (See Schedule 3, paragraph 3.1.5.);
- 2.4 Agreement of reports on the implementation of the capital programme provided under the Capital Programme Financial Reporting and Control Procedures, including:-
  - (a) approval of all new schemes; except expenditure relating to feasibility works up to the value of £100,000 in accordance with the Financial Procedure Rules and
  - (b) approval of a variation to an existing scheme which increases the value of the scheme by more than £150,000;
- 2.5 Approval of the proposed withdrawal or variation of any service where this is outside the scope of an agreed Service Plan **and** the likely impact on present or future users of the service is considered significant by the Leader or the relevant Cabinet member (either or

## Schedule 2 - Functions to be exercised by the Cabinet

both of whom must be consulted on such proposals whenever such an impact is a reasonable possibility);

- 2.6 Any alterations to agreed budgets or Council Service Plans which the Chief Finance Officer considers to be significant (provided these remain within the constraints of the Budget and Policy Framework<sup>c</sup>);
- 2.7 Agreement upon the annual budget for Services within Portfolios including the application of the overall capital programme (within the Budget and Policy Framework<sup>d</sup>);
- 2.8 Agreement of Council policies in respect of fees and charges;
- 2.9 Commitments to funding in future years not covered within the Council's medium term financial plan;
- 2.10 Where required by Financial Regulations<sup>e</sup>, agreement upon virements from one division of a Service to another or between Services within Portfolios or between Portfolios and within the approved budget;
- 2.11 Decision making in respect of the establishment, alteration or discontinuance of schools, other than those that must be referred to the Schools Adjudicator;
- 2.12 To the extent that this is a function of the Executive, consideration of reports which an Ombudsman requires to be published by the Council.

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<sup>c</sup> See Article 4.01 in Part 2 of the Constitution.

<sup>d</sup> See Article 4.01 in Part 2 of the Constitution.

<sup>e</sup> See Part 4 of the Constitution.

### **3. Grant Aid, Loans and Guarantees**

- 3.1 No decision that the Council will act as the Accountable Body for external grant aid or provide a guarantee in relation to the liabilities of a third party shall be taken without the prior agreement of the Chief Finance Officer.
- 3.2 Subject to paragraph 3.1 above the following matters are reserved for decision by the Cabinet:-
- (a) Making any decision in relation to grant aid which the Leader identifies as being of strategic importance;
  - (b) Agreeing to establish a fund (not being a fund wholly established with external grant aid for which the Council is the Accountable Body and which is received for this purpose) in excess of £250,000 from which individual grants or loans will be paid and agreeing the eligibility criteria for these grants or loans;
  - (c) Approving the withdrawal or reclaiming of grant aid which has been awarded to a third party where the amount of grant aid to be withdrawn or reclaimed is in excess of £75,000.

### **4. Charities**

- 4.1 The taking of decisions on matters of policy where the Council is acting as the Charity Trustee of a charity.

### **5. Contracts**

- 5.1 All Contracts must be let in accordance with the Council's Contracts



## Schedule 2 - Functions to be exercised by the Cabinet

Standing Orders, Financial Regulations and Financial Procedures<sup>f</sup>, and any other rules adopted by the Council from time to time.

5.2 Where a Contract (not being a Contract which satisfies the criteria set out in paragraph 3.2 of Schedule 6):-

- (i) affects more than one Cabinet portfolio (**unless** all the Cabinet members whose portfolios are affected have agreed with the decision in writing); or
- (ii) in the opinion of either the Chief Finance Officer (in relation to which attention is drawn to Article 2.8), acting in consultation with the Cabinet member for Finance, Resources and Governance, significantly affects the Council's overall budget strategy; or
- (iii) has (or, in the case of determining the procurement strategy, is expected to have) a Contract Value exceeding £1,000,000 or a service delivery period exceeding 7 years;

the following decisions about the Contract are reserved to the Cabinet:-

- (a) Deciding the procurement strategy for the Contract; and
- (b) Deciding the award of the Contract.

5.3 The award of a Contract falling within (i), (ii) or (iii) of paragraph 5.2 above will be reserved to Cabinet in every case (i.e. is not to be delegated by Cabinet) where the following exceptional circumstances exist:-

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<sup>f</sup> See Part 4 of the Constitution.

## Schedule 2 - Functions to be exercised by the Cabinet

- (a) It is proposed that the Contract is not awarded to the person submitting the most economically advantageous tender decided by reference to pre-determined award criteria, where payment is to be made by the Council, or the highest, where payment is to be received by the Council, unless Cabinet (or an individual or decision-making body to whom Cabinet has delegated authority to do so) has decided on a single tender procurement strategy for the Contract; or
- (b) The Contract is not within available budget (including any proper virement) in accordance with the Financial Framework; or
- (c) Award of the Contract would contravene a Council policy; or
- (d) Award of the Contract would represent a significant departure from a relevant Council Service Plan.

5.4 Where the Council is a party to an existing Contract, the agreement of a variation to that Contract which:-

- (a) would result in an increase in the Contract Value where the increase exceeds £1,000,000 and the Contract is not for Commonly Recurring Items;
- (b) would result in an increase in the service delivery period where the increase exceeds 7 years;
- (c) would in the opinion of the either the Chief Finance Officer (in relation to which attention is drawn to Article 2.8), acting in consultation with the Cabinet member for Finance, Resources and Governance, significantly affect the Council's overall budget

## Schedule 2 - Functions to be exercised by the Cabinet

strategy;

- (d) would not be within available budget (including any proper virement) in accordance with the Council's Financial Regulations and Financial Procedures;
- (e) would contravene a Council policy; or
- (f) would represent a significant departure from a relevant Council Service Plan;

is reserved to Cabinet.

5.5 Attention is drawn to the importance of obtaining advice from the Director of Finance and Commercial Services or the Chief Legal Officer as to whether a proposed variation of an existing Contract would be regarded in Law as the awarding of a new Contract to ensure that appropriate procedures are followed.

5.6 Attention is drawn to the importance of complying with any additional procurement requirements that an external funder may have imposed in any particular case.

## **6. Property**

6.1 The following Property matters are reserved to Cabinet:-

- (a) Acquisitions of Property where the consideration to be paid by the Council exceeds £500,000, but not including any acquisition of Property that the Council is obliged by Law to complete;

## Schedule 2 - Functions to be exercised by the Cabinet

- (b) Disposals where:-
  - (i) the Council has been required by Law to publicly advertise the proposed Disposal (e.g. public open space); **and**
  - (ii) one or more objections to the proposed Disposal has been received;
- (c) Disposals which are not subject to a competitive process where the consideration to be received by the Council exceeds £750,000;
- (d) Disposals for less than the best consideration reasonably obtainable where the Chief Property Officer estimates that the difference between the consideration to be received by the Council and the best consideration reasonably obtainable exceeds £150,000;
- (e) Disposals which are clearly controversial;
- (f) Disposals of charitable land;
- (g) Disposals which for any statutory or other legal reason need to be decided by Cabinet.

6.2 Subject to paragraph 6.1 above and to section 3.5 of **Schedule 3** (Property matters reserved to individual Cabinet members) the following arrangements shall apply to **Disposals which involve the transfer of a freehold interest, the grant of a lease for a term of not less than twenty-five years or the assignment of a lease with a remaining term of not less than twenty-five years with the exception of:-**

## Schedule 2 - Functions to be exercised by the Cabinet

- **Transactions which are statutory or have other legal or contractual requirements determining the method of disposal (e.g. Right to Buy sales, grant of easements to service providers having powers of compulsory acquisition etc);**
- **The renewal of occupational leases and licences;**
- **The grant of licences to occupy land on a temporary basis to facilitate the provision of a service or to support a Council organised event; and**
- **The grant of new leases, licences or tenancy agreements that relate to council dwellings, garages and other premises administered as part of the Housing Revenue Account, allotments, stalls and benches at Sheffield Markets, managed workspace, industrial/employment sites and industrial units administered in pursuance of the Economic Development function:-**

6.2.1 The Chief Property Officer will supply all Councillors, and Parish and Town Councils, with a bimonthly list broken down on an individual ward basis, of all Property proposed for Disposal.

6.2.2 If within 15 days of the publication and distribution of such a list, no notification of objection to a proposed Disposal is received by the Chief Property Officer from a relevant Councillor or from a relevant Parish or Town Council, then (provided the Disposal is not reserved to Cabinet or an individual Cabinet member by this Scheme) the Chief Property Officer will be free to action that Disposal in accordance with any guidelines about Disposals which may be issued from time to time by the Executive Director, Place.

## Schedule 2 - Functions to be exercised by the Cabinet

6.2.3 All proposed Disposals to which a relevant Councillor or a relevant Parish or Town Council has objected within the 15 day timescale referred to above shall be the subject of a report seeking authority for the Disposal:-

- (a) from Cabinet where the consideration to be received by the Council exceeds £750,000; or
- (b) from the Cabinet member with the Finance, Resources and Governance portfolio where the consideration to be received by the Council does not exceed £750,000.

6.2.4 In addition, any proposals for Disposals that arise after the publication of a bi-monthly list and which the Chief Property Officer considers to be too urgent to be included in the next scheduled list, shall (subject to Schedule 7) be the subject of a report seeking authority for the Disposal:-

- (a) from Cabinet where the consideration to be received by the Council exceeds £750,000; or
- (b) from the Cabinet member with the Finance, Resources and Governance portfolio where the consideration to be received by the Council does not exceed £750,000.

6.2.5 In paragraphs 6.2.2 and 6.2.3 above:-

- (a) **‘relevant Councillor’** means a Councillor in whose electoral ward the Property in question is wholly or partially situated;
- (b) **‘relevant Parish or Town Council’** means a Parish or Town Council in whose administrative area the Property in question is wholly or partially situated.

## 7. Community Right to Challenge (Localism Act 2011)

## Schedule 2 - Functions to be exercised by the Cabinet

- 7.1 This paragraph 7 relates to the 'Community Right to Challenge' contained in Part 5 of the Localism Act 2011 ('the Act').
- 7.2 The decision to accept an expression of interest (including a modified expression of interest) submitted pursuant to the Community Right to Challenge is reserved to the Cabinet.

### **8. Joint Committees**

- 8.1 Making arrangements with one or more local authorities for the discharging of an executive function by a joint committee.
- 8.2 Making appointments of members of the Executive to joint committees as described in paragraph 8.1 above.
- 8.3 Making appointments of other Councillors to joint committees where permitted by Law.
- 8.4 Agreeing to arrangements being made by Full Council under which a joint committee will discharge both executive and non-executive functions, and to appointments to such a joint committee being made by Full Council.

### **9. Council Supply Agreements**

## Schedule 2 - Functions to be exercised by the Cabinet

9.1 Where a proposed Council Supply Agreement, or a proposed variation of an existing Council Supply Agreement, would:-

- (i) in the opinion of either the Chief Finance Officer (in relation to which attention is drawn to Article 2.8) significantly affect the Council's overall budget strategy; or
- (ii) in the opinion of either the Chief Finance Officer or the Chief Legal Officer (in relation to which attention is drawn to Article 2.8) involve a level of risk to the Council meriting referral to the Cabinet; or
- (iii) require the Council to incur gross expenditure in order to discharge its obligations under the agreement which is (a) reasonably anticipated to be in excess of £500,000 or (b) not provided for in a relevant budget; or
- (iv) involve the Council in receiving payment the value of which is reasonably anticipated to be in excess of £1,000,000; or
- (v) require the Council to provide works, services or supplies for a period exceeding 5 years; or
- (vi) contravene a Council policy;

the decision to enter into the proposed Council Supply Agreement or to agree the variation is reserved to the Cabinet.

9.2 Any decision to terminate an existing Council Supply Agreement which fulfils any of the criteria (i) to (vi) in paragraph 9.1 above is reserved to the Cabinet.

## 10. The 'Streets Ahead' Project (Highways PFI)



## Schedule 2 - Functions to be exercised by the Cabinet

10.1 Decisions taken pursuant to the Highways Maintenance PFI Contract dated 31<sup>st</sup> July 2012 between (1) the Council and (2) Amey Hallam Highways Limited ('the Streets Ahead Contract') are reserved to the Cabinet where they relate to:-

- (i) termination of the Streets Ahead Contract;
- (ii) the final approval of the making of High Value Changes (as defined in the Streets Ahead Contract); or
- (iii) step-in by the taking of any Required Action (as defined in the Streets Ahead Contract).

## Schedule 3

# Matters Delegated for Decision by Individual Cabinet Members

## Part 1 : General Provisions and Explanatory Notes

- 1.1 Subject to the provisions of this Schedule: -
- 1.1.1 an individual Cabinet member **may** take executive decisions of the description set out in Part 2 of this Schedule; and
  - 1.1.2 executive decisions of the description set out in Part 3 of this Schedule **must** be taken by an individual Cabinet member, subject to Articles 1.7<sup>a</sup> and 4.1.2<sup>b</sup> of this Scheme, the provisions of **Schedule 7**<sup>c</sup>, and any delegations of such functions expressly granted by Cabinet in accordance with Article 4.1.4 or by the relevant Cabinet member in accordance with Article 4.2.3.
- 1.2 Subject to paragraph 1.3 below, the general principle underlying delegations of matters for decision by individual Cabinet members is that they must fall exclusively within the scope of their individual portfolios. Where a matter affects more than one Cabinet portfolio the matter must be referred to Cabinet for decision UNLESS all the Cabinet members whose portfolios are affected agree with the decision in writing. Where the relevant portfolio is unclear or disputed, the advice of the Monitoring Officer should be sought, and in most cases

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<sup>a</sup> The authority of the Leader to take, or specifically delegate the taking of, any executive decision.

<sup>b</sup> The authority of the Cabinet to take any executive decision.

<sup>c</sup> Urgency provisions for Reserved Executive Functions.

## Schedule 3 - Matters Delegated for Decision by Individual Cabinet Members

the substantive matter should stand referred to Cabinet or the Leader for decision.

- 1.3 Where a decision falls to be taken by an individual Cabinet member and it relates to expenditure on works, services or supplies being purchased or hired on a Council wide basis it shall be taken by the Cabinet member with the Finance, Resources and Governance portfolio.
- 1.4 Subject to paragraph 1.3 above, when considering which Cabinet portfolios are affected by a decision, the Finance, Resources and Governance portfolio shall not (in the absence of other factors) be regarded as affected by a decision if funding for the proposal is already identified and available for this purpose within the relevant Service's or Portfolio's budget.
- 1.5 Individual Cabinet members may further delegate the discharge of any of the functions delegated to them to the extent provided for in Article 4.2.3<sup>d</sup> of this Scheme.
- 1.6 Unless expressly delegated to do so by the Leader, an individual Cabinet member may not discharge an executive function delegated to a Committee of the Cabinet or to an Area Committee.
- 1.7 An individual Cabinet member may not discharge an executive function:-
  - 1.7.1 where this Scheme requires that the function **must** be discharged by an Officer, unless expressly delegated to do so by the Leader; or

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<sup>d</sup> I.e. to an Area Committee (if the matter falls within its terms of reference) or to an Officer.

## Schedule 3 - Matters Delegated for Decision by Individual Cabinet Members

- 1.7.2 where the Constitution or the Law requires that the function **must** be discharged by an Officer.
- 1.8 An individual Cabinet member cannot make a decision which conflicts with a decision previously taken by the current Leader or by a Cabinet appointed by the current Leader without the prior written permission of the Leader.
- 1.9 The Monitoring Officer may issue procedural guidance relating to the discharging of executive functions by individual Cabinet members as agreed by the Leader. This guidance must always be followed.
- 1.10 The Monitoring Officer will keep a record of any express delegations by the Leader as referred to in paragraphs 1.6 and 1.7 above.

### Part 2 : Individual Cabinet Member Decisions

- 2.1 An individual Cabinet member may exercise any executive function where the matter falls exclusively within the scope of his/her individual portfolio or otherwise in accordance with paragraph 1.2 above, provided that:
- 2.1.1 the matter is not reserved for decision by the Cabinet in Schedule 2;
- 2.1.2 the function is not exercisable by a Committee of the Cabinet or an Area Committee or through joint arrangements; and

2.1.3 this would not contravene paragraph 1.7 above.

### Part 3 : Reserved Individual Cabinet Member Decisions

3. To the extent that they are:-
- (a) not reserved for decision by the Cabinet in Schedule 2; and
  - (b) not exercisable by a Committee of the Cabinet or an Area Committee pursuant to this Scheme; and
  - (c) not delegated to an Officer by the Cabinet; and
  - (d) not delegated by the Leader to an Officer either specifically by this Scheme (i.e. other than by the general delegations in paragraph 1.1 of Schedule 6) or by a specific Executive Leader decision;

the following functions must be discharged by individual Cabinet members pursuant to, and subject to the provisions of, Article 4.2.2 of this Scheme.

#### 3.1 Strategic Planning and Review

- 3.1.1 Making a Key Decision in relation to their portfolio;
- 3.1.2 Agreeing policy issues relating to their portfolio area (but not if they relate to or, in the opinion of the Chief Executive or relevant Executive Director, would have a significant impact on a cross cutting issue,

## Schedule 3 - Matters Delegated for Decision by Individual Cabinet Members

strategy or plan) where the Leader or relevant individual Cabinet member considers the issue to be significant and has notified the Chief Executive or the relevant Executive Director or Director of this in writing (See Schedule 2, paragraph 2.3.);

- 3.1.3 Agreeing, in consultation with the Leader, fees and charges (other than any set by Full Council as part of the budget process) in relation to their portfolio areas in line with the medium term financial strategy and any policies in respect of fees and charges agreed by Cabinet or the Leader;
- 3.1.4 Approval of a variation to an existing scheme within the Capital Programme which increases the value of the scheme by more than £100,000 but not by more than £150,000;
- 3.1.5 Agreeing statutory and other strategies, in relation to their portfolio areas, **except** where they relate to, or would, in the opinion of the Chief Executive or relevant Executive Director, have a significant impact on cross-cutting issues, strategies or plans;
- 3.1.6 Agreeing to policy and performance priorities for the short and medium term in relation to their portfolio areas and taking into account the needs of the Council as a whole;
- 3.1.7 Considering reviews of Service performance against approved plans.

## 3.2 Grant Aid, Loans and Guarantees

## Schedule 3 - Matters Delegated for Decision by Individual Cabinet Members

- 3.2.1 No decision that the Council will act as the Accountable Body for external grant aid or provide a guarantee in relation to the liabilities of a third party shall be taken without the prior agreement of the Chief Finance Officer.
- 3.2.2 Subject to paragraph 3.1 above the following matters are reserved for decision by an individual Cabinet member:-
- (a) Agreeing to establish a fund (not being a fund wholly established with external grant aid for which the Council is the Accountable Body and which is received for this purpose) in excess of £100,000 (but not in excess of £250,000) from which individual grants or loans will be paid and agreeing the eligibility criteria for these grants or loans;
  - (b) Subject to paragraph 9.2 of Schedule 6, approving the payment of any grant or loan in excess of £50,000 (including a grant or loan paid wholly or in part by the Council out of external grant aid);
  - (c) Approving the withdrawal or reclaiming of grant aid which has been awarded to a third party where the amount of grant aid to be withdrawn or reclaimed is in excess of £25,000 (but not in excess of £75,000);
  - (d) Agreeing to the Council becoming the Accountable Body for any award of grant aid from an external funder to the Council or to a third party where:-
    - (i) the grant aid to be received by the Council is anticipated to be in excess of £750,000;
    - or
    - (ii) the grant aid to be received by the third party is anticipated to be in excess of £50,000;
  - (e) Agreeing to the Council guaranteeing the liabilities of a third party where the financial exposure of the Council under the guarantee is or may be in excess of £50,000.

## 3.3 Consultation and Petitions

## Schedule 3 - Matters Delegated for Decision by Individual Cabinet Members

- 3.3.1 Agreeing the Council's response to consultation by Government or other external agencies where this relates to proposed policy changes which the Leader or relevant individual Cabinet member considers to be significant and has notified the Chief Executive or the relevant Executive Director or Director of this in writing;
- 3.3.2 Dealing with petitions in their portfolio area in accordance with Council procedure.

### 3.4 Contracts

- 3.4.1 All Contracts must be let in accordance with the Council's Contracts Standing Orders, Financial Regulations and Financial Procedures<sup>e</sup>, and any other rules adopted by the Council from time to time.
- 3.4.2 **An individual Cabinet member shall not make any decision about a Contract where the decision is reserved to Cabinet in Schedule 2.**
- 3.4.3 **If a decision in relation to a Contract cannot be taken by an Officer pursuant to paragraph 3.2 of Schedule 6, then, subject to paragraph 3.4.2 above, the decision is reserved to an individual Cabinet member if:-**
- (a) it relates to:-
    - (i) deciding the procurement strategy for the Contract; or
    - (ii) deciding the award of the Contract; or

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<sup>e</sup> See Part 4 of the Constitution.



## Schedule 3 - Matters Delegated for Decision by Individual Cabinet Members

(b) it constitutes a Key Decision.

3.4.4 Subject to paragraph 3.4.2 above, where the Council is a party to an existing Contract **which is not for Commonly Recurring Items**, the agreement of a variation to that Contract which:-

(i) would result in an increase in the Contract Value where the increase exceeds £250,000 (but does not exceed £1,000,000);

(ii) would be a Key Decision; or

(iii) would result in an increase in the service delivery period where the increase exceeds 4 years (but does not exceed 7 years);

is reserved to an individual Cabinet member.

3.4.5 Subject to paragraph 3.4.2 above, where the Council is a party to an **existing Contract for Commonly Recurring Items**, the agreement of a variation to that Contract which would result in an increase in the service delivery period where the increase exceeds 4 years (but does not exceed 7 years) is reserved to an individual Cabinet member.

3.4.6 Attention is drawn to the importance of obtaining advice from the Director of Finance and Commercial Services or the Chief Legal Officer as to whether a proposed variation of an existing Contract would be regarded in Law as the awarding of a new Contract to ensure that appropriate procedures are followed.

3.4.7 Attention is drawn to the importance of complying with any additional procurement requirements that an external funder may have imposed in any particular case.

## 3.5 Property

**3.5.1 An individual Cabinet member shall not make any decision about a Property related matter where the decision is reserved to Cabinet in Schedule 2.** Subject to this restriction, individual Cabinet members shall make the following decisions.

3.5.2 The Cabinet member with the Finance, Resources and Governance portfolio shall make decisions about:-

- (a) acquisitions of Property where the consideration to be paid by the Council exceeds £250,000 (up to a maximum consideration of £500,000), but not including any acquisition of Property that the Council is obliged by Law to complete;
- (b) Disposals which are not subject to a competitive process where the consideration to be received by the Council exceeds £300,000 (up to a maximum consideration of £750,000); and
- (c) Disposals for less than the best consideration reasonably obtainable where the Chief Property Officer estimates that the difference between the consideration to be received by the Council and the best consideration reasonably obtainable does not exceed £150,000.

## Schedule 3 - Matters Delegated for Decision by Individual Cabinet Members

3.5.3 Attention is drawn to the provisions of paragraph 6.2, and particularly to paragraphs 6.2.3 and 6.2.4 of **Schedule 2**.

### 3.6 Council Supply Agreements

3.6.1 **An individual Cabinet member shall not make any decision about a Council Supply Agreement where the decision is reserved to Cabinet in Schedule 2.** Subject to this restriction the following provisions of this Section 3.6 apply.

3.6.2 Where a proposed Council Supply Agreement would:-

- (i) in the opinion of either the Chief Finance Officer or the Chief Legal Officer (in relation to which attention is drawn to Article 2.8) involve a level of risk to the Council meriting referral to an individual Cabinet member; or
- (ii) require the Council to incur gross expenditure reasonably anticipated to be in excess of £100,000 (but not in excess of £500,000) in order to discharge its obligations under the agreement; or
- (iii) involve the Council in receiving payment the value of which is reasonably anticipated to be in excess of £250,000 (but not in excess of £1,000,000); or
- (iv) require the Council to provide works, services or supplies for a period exceeding 3 years (but not exceeding 5 years);

the decision to enter into the proposed Council Supply Agreement is reserved to the appropriate individual Cabinet member.

## Schedule 3 - Matters Delegated for Decision by Individual Cabinet Members

3.6.3 Any decision to terminate an existing Council Supply Agreement which fulfils any of the criteria (i) to (iv) in paragraph 3.6.2 above is reserved to the appropriate individual Cabinet member.

### 3.7 Highways Related Issues

3.7.1 The Cabinet Member for Transport and Development may discharge any functions delegated to the Cabinet Highways Committee in Schedule 4 that fall within their portfolio.

## Schedule 4

# Matters delegated to a Committee of the Cabinet

## Cabinet Highways Committee

1. Subject to the provisions of Schedule 5<sup>a</sup> and to paragraphs 11.1 of Schedule 6<sup>b</sup>, the Cabinet Highways Committee has delegated authority to exercise all the Council's executive functions arising from the Council's roles as the Highways Authority and Road Traffic Authority, including transport and parking matters, where these relate to:-
  - 1.1 the Capital Programme;
  - 1.2 policy statements;
  - 1.3 matters that have drawn objections from members of the public;
  - 1.4 schemes with a value in excess of £250,000.
  
2. The Council's remaining executive functions arising from its role as the Highways Authority and Road Traffic Authority, including transport and parking matters, are delegated to Officers as set out in paragraph 11 of Schedule 6.
  
3. Attention is drawn to the provisions of paragraphs 3.7.1 and 3.7.2 of Schedule 3 under which the Cabinet Member for Transport and Development may discharge any functions delegated to the Cabinet Highways Committee in this Schedule 4 that fall within their portfolio.

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<sup>a</sup> Matters delegated to Area Committees.

<sup>b</sup> The delegation of authority to the Head of Highway Maintenance in relation to the Highways Maintenance PFI ('Streets Ahead') Contract.

## **Schedule 5**

# **Matters Delegated to Area Committees**

- 1.1 No functions are currently delegated to Area Committees by this Scheme.

## Schedule 6

# Executive Functions Delegated to Officers

## 1. General Delegation to Officers

1.1 Subject to the remaining provisions of this Schedule, the Council's executive functions which are **not** Reserved Executive Functions are delegated to and individually exercisable by:-

1.1.1 the Chief Executive;

1.1.2 an Executive Director where the matter falls within his/her area of portfolio, service or budgetary responsibility or such other corporate area of responsibility to which s/he may be nominated from time to time;

1.1.3 a Director where the matter falls within his/her area of service or budgetary responsibility or such other corporate area of responsibility to which s/he may be nominated from time to time;  
and

1.1.4 such Officer(s) as may be designated by the Chief Executive or by the relevant Executive Director or Director to have delegated authority under this Scheme to exercise the function.

1.2 The Chief Executive and an Executive Director may place limitations upon the extent to which a Director in his/her portfolio may:-

1.2.1 exercise the delegated authority conferred by paragraph 1.1.3 above; or

## Schedule 6 - Executive Functions Delegated to Officers

- 1.2.2 designate other Officers to exercise functions under paragraph 1.1.4 above;
- and shall ensure that any such limitations are detailed in his/her scheme of delegation prepared in accordance with paragraph 2.1 below. Unless the Chief Executive or Executive Director expressly provides otherwise in his/her scheme of delegation, any limitations imposed on a Director under this paragraph shall also apply to any Officer designated by that Director under paragraph 1.1.4 above.
- 1.3 For the avoidance of doubt, an Officer may only designate another Officer to have delegated authority to exercise a function pursuant to paragraph 1.1.4 above where the Officer making the designation is authorised by this Scheme to exercise that function.
- 1.4 For the avoidance of doubt, the Chief Executive, or in the Chief Executive's absence his/her designated deputy, has the power to act in cases of Extreme Urgency to discharge any executive function delegated to another **Officer** by any person or Councillor body. (Note: Schedule 7 contains provisions under which certain Officers may discharge Reserved Executive Functions (i.e. functions reserved for **Councillors**) in cases of Extreme Urgency.
- 1.5 It is acknowledged that in some circumstances it may be appropriate for an Officer with delegated authority to exercise a function ('Officer A') to authorise another Officer of suitable experience and seniority ('Officer B') to exercise that function on behalf of and in the name of Officer A without Officer B having delegated authority in his/her own right to do so, subject to any procedural safeguards that Officer A may consider necessary being put in place. Officer A will remain responsible for any decision taken pursuant to such arrangements.



## Schedule 6 - Executive Functions Delegated to Officers

- 1.6 An Officer cannot make a decision which conflicts with a decision previously taken by the current Leader, by a Cabinet appointed by the current Leader or by an individual member of such a Cabinet without the prior written permission of the Leader.
- 1.7 If, following the coming into operation of this Scheme, the Leader, Cabinet or an individual Cabinet member grants specific delegated authority to an Officer ('the delegate') which is subject to an explicit condition or qualification, the delegate shall not attempt to exercise any delegation conferred by Article 4.5.3<sup>a</sup> or within this Schedule 6 in contravention of such condition or qualification, or to authorise another Officer to do so, without the prior written permission of the Leader.
- 1.8 Attention is drawn to the provisions of Articles 2.6<sup>b</sup> and 4.5.3<sup>c</sup>.
- 1.9 The Monitoring Officer may issue procedural guidance relating to the discharging of executive functions by Officers. This guidance must always be followed.

## 2. Officers' Schemes of Delegation

- 2.1 The Chief Executive and the Executive Directors will each be responsible for maintaining an up to date scheme of delegation for their portfolio or budget area which will identify the functions to be carried out, name the post whose holder may make the delegated decision, and the limits, if any, to each delegation. Such limits will include

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<sup>a</sup> The ability of certain Officers in certain circumstances to appoint deputies to discharge functions delegated to the appointing Officer.

<sup>b</sup> A current delegation as referred to in Articles 2.4 and 2.5 shall not prevent the taking of any decision in accordance with this Scheme.

<sup>c</sup> The right of an Officer to appoint a deputy.

## Schedule 6 - Executive Functions Delegated to Officers

obligations to take appropriate advice beforehand and to formally record decisions and any advice received, and may include, for example, obligations to consult, refer back to or report decisions taken to the Chief Executive, the Executive Director, the Director or the Councillor, or Councillor body, with oversight of the relevant area.

- 2.2 For the avoidance of doubt each Executive Director will be responsible for ensuring that his/her scheme of delegation incorporates any delegations issued by Directors within the Executive Director's area of portfolio, service or budgetary responsibility or such other corporate area of responsibility to which s/he may be nominated from time to time
- 2.3 The Chief Executive and each Executive Director will provide the Monitoring Officer with their scheme of delegation in a format to be agreed with the Monitoring Officer. These schemes of delegation will be published on the Council's website and made available to each Councillor.

### 3. Contracts

- 3.1 An Officer may **not** make any decision in relation to a Contract where that decision is a Reserved Executive Function **unless** specifically delegated to do so by Cabinet in accordance with Article 4.1.4 of this Scheme, by an individual Cabinet member in accordance with Article 4.2.3 of this Scheme or by the Leader other than by this Scheme, or in accordance with **Schedule 7<sup>d</sup>**.

#### 3.2 **Subject to compliance with the requirements of the Council's**

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<sup>d</sup> Urgency provisions for Reserved Executive Functions.

**Contracts Standing Orders, Financial Regulations and Financial Procedures<sup>e</sup> and any other rules adopted by the Council from time to time**, the Chief Executive, a relevant Executive Director, a relevant Director and such Officer(s) as may be designated by any of them for this purpose in accordance with paragraph 1.1.4 above may award a Contract provided that it:-

- 3.2.1 is either (a) awarded to the person submitting the most economically advantageous tender decided by reference to pre-determined weighted award criteria, where payment is to be made by the Council, or the highest, where payment is to be received by the Council, or (b) the subject of a waiver of Contracts Standing Orders granted in accordance with Contracts Standing Orders;
- 3.2.2 is within available budget (including any proper virement) in accordance with Financial Regulations, and does not, in the opinion of either the Chief Finance Officer (in relation to which attention is drawn to Article 2.8), significantly affect the Council's overall budget strategy;
- 3.2.3 is not contrary to any duly approved policy of the Council;
- 3.2.4 is not a significant departure from a relevant Council Service Plan;
- 3.2.5 it does not have a service delivery period exceeding 4 years; and
- 3.2.6 **either** (a) has (or, in the case of determining the procurement

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<sup>e</sup> See Part 4 of the Constitution.

## Schedule 6 - Executive Functions Delegated to Officers

strategy, is expected to have) a Contract Value which does not exceed £250,000 and is **not** a Key Decision **or** (b) is for Commonly Recurring Items;

and, for the avoidance of doubt, in all such cases may also determine the procurement strategy and select the persons from whom quotations or tenders are to be invited.

- 3.3 For the avoidance of doubt, the Chief Executive, a relevant Executive Director, a relevant Director or such Officer(s) as may be designated by any of them for this purpose in accordance with paragraph 1.1.4 above may still take a decision in relation to a Contract which is not expressly permitted by paragraphs 3.1 or 3.2 above PROVIDED the decision is not a Reserved Executive Function.
- 3.4 Attention is drawn to the importance of obtaining advice from the Director of Finance and Commercial Services or the Chief Legal Officer as to whether a proposed variation of an existing Contract would in Law be regarded as the awarding of a new Contract to ensure that appropriate procedures are followed.
- 3.5 Attention is drawn to the importance of complying with any additional procurement requirements that an external funder may have imposed in any particular case.

## 4. Chief Legal Officer

- 4.1 The Chief Legal Officer has general authority to commence, defend or settle any legal proceedings as s/he considers necessary or

## Schedule 6 - Executive Functions Delegated to Officers

appropriate to protect the interests of the Council.

4.2 The Chief Legal Officer is authorised to discharge any Council function relating to measures to counter anti social behaviour including giving any consents or confirmations on behalf of the Council, provided that, without affecting the generality of paragraph 4.1 above, this authorisation shall not extend to a Council function relating to anti-social behaviour relating to a particular tenancy.

4.3 For the avoidance of doubt, paragraph 4.2 above does not restrict the ability of any Officer, Councillor or decision-making body to discharge any Council function relating to anti-social behaviour where this is permitted by the other provisions of this Scheme or required by law.

4.4 The Chief Legal Officer may arrange for the discharge of any of the functions delegated to him/her in paragraphs 4.1 and 4.2 above as s/he considers appropriate including, for example, authorising other Officers to take particular steps.

## 5. Property

5.1 **Subject to paragraph 5.2 below, in the case of all Property matters and all Mortgagee Sales the relevant Executive Director will be the Executive Director, Place and the relevant Director will be the Chief Property Officer.**

5.2 Subject to paragraph 5.3 below, an Executive Director may make declarations that Property is surplus to a service's requirements where

## Schedule 6 - Executive Functions Delegated to Officers

the service falls within his/her portfolio, and such declaration shall not be made by the Chief Property Officer.

5.3 The Chief Property Officer may make declarations that Property is surplus to a service's requirements in the following circumstances:-

5.3.1 Where Property being prepared for disposal has a value of less than £50,000 and an area of less than 0.25 hectares, the Chief Property Officer, in consultation with the Director of Finance and Commercial Services, may declare the Property surplus to requirements (subject to any statutory requirements) if no alternative use has been put forward.

5.3.2 The Chief Property Officer, in consultation with the Director of Finance and Commercial Services, may declare income producing Property (meaning investment Property which is not used for Council service delivery but is let or licensed to third party users to generate income for the Council) surplus to requirements if either of the following conditions is met:-

- (a) The Property is not required for current or future Council service delivery and the Property scores below an agreed level of financial return (to be determined by the Executive Director, Resources in the light of benchmarking/prevaling market conditions) when subjected to a detailed options appraisal; or
- (b) The Property is vacant or there is a reasonable likelihood of it becoming vacant and the Property is not required for alternative service provision following consideration under an 'Options for Re-use' procedure to be agreed by the Executive Director, Place.

## Schedule 6 - Executive Functions Delegated to Officers

5.3.3 The Chief Property Officer, in consultation with the Director of Finance and Commercial Services, may declare Property surplus to requirements where properly authorised to do so by an individual or a decision-making body in accordance with this Scheme.

5.4 Attention is drawn to the provisions of paragraph 6.2 of **Schedule 2**.

### 6. Human Resources Matters and Appointments to External Bodies

6.1 No Officer at Director grade or above shall be seconded by an Officer to a body outside the Council without prior consultation with the relevant Cabinet member.

6.2 Prior to taking steps to restructure a Council service the relevant Executive Director or Director must seek advice from the Director of Human Resources and Customer Services.

6.3 Appointments of Officers to serve on external bodies shall be made in accordance with established Council procedures and any guidance issued by the Chief Legal Officer.

## 7. Community Right to Challenge (Localism Act 2011)

- 7.1 This paragraph 7 relates to the 'Community Right to Challenge' contained in Part 5, Chapter 2 of the Localism Act 2011 ('the Act').
- 7.2 With the exception of Reserved Executive Functions the functions pursuant to Part 5 Chapter 2 of the Act are delegated to the Director of Finance and Commercial Services in consultation with the appropriate Cabinet member and Executive Director, but any procurement exercise and contract award must be determined as otherwise provided for in this Scheme and Contracts Standing Orders.
- 7.3 Attention is drawn to the provisions of paragraph 7.2 of Schedule 2 of this Scheme<sup>f</sup>.

## 8. Charities

- 8.1 The Director of Policy, Performance and Communications is the Officer authorised by this Scheme to make decisions on behalf of the Council in its role as the sole Charity Trustee of a charity, provided that this authority:-
- 8.1.1 does not extend to making a decision which is a Reserved Executive Function;
- 8.1.2 must be exercised in consultation with the Chief Legal Officer;

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<sup>f</sup> Reservation to Cabinet of the decision to accept an expression of interest submitted pursuant to the Community Right to Challenge.



and

8.1.3 is subject to any restrictions which may be imposed on it from time to time by the Cabinet.

## 9. Grant Aid and Guarantees

- 9.1 No decision that the Council will act as the Accountable Body for external grant aid or provide a guarantee in relation to the liabilities of a third party shall be taken by an Officer without the prior agreement of the Chief Finance Officer.
- 9.2 If the Council is the Accountable Body for some external grant aid the Chief Executive, the appropriate Executive Director or the appropriate Director may approve the payment of any grant or loan from that external grant aid where paying the grant or loan to that specific recipient is required or clearly intended by the terms of the Council's agreement with the external funder, PROVIDED that the Accountable Body arrangement has been properly authorised in accordance with this Scheme.
- 9.3 Attention is drawn to the provisions of paragraphs 3.2(e) and 3.2(f) of Schedule 2 and paragraphs 3.2.2(d) and 3.2.2(e) of Schedule 3<sup>9</sup>.

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<sup>9</sup> The requirement in certain cases for Cabinet or individual Cabinet member approval for the Council to act as Accountable Body for external grant aid or as a guarantor.

## 10. The Enterprise Programme

10.1 The Director of City Growth is authorised to approve, in consultation with the Cabinet member for Business and Investment, expenditure under the Enterprise Programme, and to approve the terms and authorise the completion of any related legal documentation and generally to take such steps as appear appropriate to him to deliver the Enterprise Programme or to protect the Council's interests in this area.

10.2 Without limiting the above this authority specifically covers:-

10.2.1 General Fund proposals for Enterprise (including agreed carry forward from 11/12) approved by Full Council for the period April 2011 to March 2014; and

10.2.2 ERDF funding approved by the Department for Communities and Local Government through to March 2014.

10.3 This authority:-

10.3.1 is subject to any restrictions which may be imposed on it from time to time by the Cabinet or by an individual Cabinet member with a relevant portfolio; and

10.3.2 is without prejudice to the authority of any persons to make decisions under any other provisions of this Scheme.

## 11. The 'Streets Ahead' Project (Highways PFI) and other Highways Related Issues

11.1 The Head of Highway Maintenance is authorised to make decisions on behalf of the Council as the 'Authority Representative' under the Highways Maintenance PFI Contract dated 31<sup>st</sup> July 2012 between (1) the Council and (2) Amey Hallam Highways Limited ('the Streets Ahead Contract'), including authorising the making of call-off contracts (as deeds and in the agreed contractual form) for the provision of non-core services pursuant to the Streets Ahead Contract', provided that this authority:-

11.1.1 does not extend to making a decision in relation to:-

- (a) termination of the Streets Ahead Contract;
- (b) the final approval of the making of High Value Changes (as defined in the Streets Ahead Contract); or
- (c) step-in by the taking of any Required Action (as defined in the Streets Ahead Contract);

such matters being reserved to Cabinet;

11.1.2 is subject to any further restrictions which may be imposed on it from time to time by the Cabinet or by an individual Cabinet member with a relevant portfolio; and

11.1.3 is without prejudice to the authority of any other persons to make decisions under any other provisions of this Scheme.

11.2 Subject to paragraph 1 of Schedule 4<sup>h</sup>, Schedule 5<sup>i</sup> and paragraph 11.1 above, any functions of the executive in relation to the Council's roles

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<sup>h</sup> Matters delegated to Cabinet Highways Committee.

<sup>i</sup> Matters delegated to Area Committees.

## Schedule 6 - Executive Functions Delegated to Officers

as Highways Authority and Road Traffic Authority, including transport and parking (except any function that relates to highways maintenance and street naming and numbering and section 287, Highways Act 1980 (power to erect barriers in streets in cases of emergency)) may be discharged by the Chief Executive, by the Executive Director, Place, by the Director of City Growth and by the Head of Strategic Transport and Infrastructure in each case acting individually.

- 11.3 Subject to paragraph 1 of Schedule 4<sup>j</sup>, Schedule 5<sup>k</sup> and paragraph 11.1 above, any functions of the Executive in relation to the Council's role as Highways Authority in so far as they relate to highways maintenance and street naming and numbering and section 287, Highways Act 1980 (power to erect barriers in streets in cases of emergency) may be discharged by the Chief Executive, by the Executive Director, Place, by the Director of Culture and Environment and by the Head of Highways Maintenance in each case acting individually.

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<sup>j</sup> Matters delegated to Cabinet Highways Committee.

<sup>k</sup> Matters delegated to Area Committees.

## Schedule 7

# Urgency Provisions for Reserved Executive Functions

## 1. Introduction

1.1 Reserved Executive Functions may be discharged by the following Officers in accordance with the following provisions.

1.2 In the context of urgent decision making attention is drawn in particular to the importance of complying with:-

- The Council's Financial Regulations and Contracts Standing Orders;
- the statutory and Constitutional procedural requirements for the making, recording and publicising of executive decisions, including the special rules available to expedite urgent decisions; and
- the Council's rules relating to the 'calling-in' of executive decisions for scrutiny or for exempting them from such call-in;

including the Access to Information Procedure Rules and Scrutiny Procedure Rules found in Part 4 of the Constitution, and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1.3 Attention is drawn to the provisions of paragraph 1.4 of Schedule 6<sup>a</sup>.

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<sup>a</sup> The authority of the Chief Executive in cases of Extreme Urgency to discharge any function delegated to another Officer.

## 2. The Chief Executive

2.1 The Chief Executive may exercise any Reserved Executive Function in a case of Extreme Urgency provided that:-

2.1.1 where the matter requires expenditure which has not been budgeted for, prior consultation has taken place wherever possible with the Chief Finance Officer; and

2.1.2 the action taken and the reasons for it being taken are reported as soon as possible to the appropriate portfolio holding Cabinet member.

## 3. Executive Directors

3.1 An Executive Director (other than the Executive Director, Resources) may individually exercise any Reserved Executive Function in a case of Extreme Urgency provided that:-

3.1.1 the matter falls within his/her portfolio, service or budget area or such other corporate area of responsibility to which s/he may be nominated from time to time;

3.1.2 where the matter requires expenditure which has not been budgeted for, prior consultation has taken place wherever possible with the Chief Finance Officer; and

3.1.3 the action taken and the reasons for it being taken are reported as soon as possible to the Chief Executive and the appropriate

## Schedule 7 - Urgency Provisions for Reserved Executive Functions

portfolio holding Cabinet member.

3.2 The Executive Director, Resources may exercise any Reserved Executive Function in a case of Extreme Urgency provided that

3.2.1 the matter falls within his/her portfolio, service or budget area or such other corporate area of responsibility to which s/he may be nominated from time to time; and

3.2.2 the action taken and the reasons for it being taken are reported as soon as possible to the Chief Executive and the appropriate portfolio holding Cabinet member.

### 4. Chief Legal Officer

4.1 The Chief Legal Officer may exercise any Reserved Executive Function in a case of Extreme Urgency provided that:-

4.1.1 the matter falls within his/her service or budget area or such other corporate area of responsibility to which s/he may be nominated from time to time;

4.1.2 where the matter requires expenditure which has not been budgeted for, prior consultation has taken place wherever possible with the Chief Finance Officer; and

4.1.3 the action taken and the reasons for it being taken are reported as soon as possible to the Chief Executive and to the appropriate portfolio holding Cabinet member.

## 5. Director of Finance and Commercial Services

5.1 The Director of Finance and Commercial Services may exercise any Reserved Executive Function in a case of Extreme Urgency provided that:-

5.1.1 the matter falls within his/her service or budget area or such other corporate area of responsibility to which s/he may be nominated from time to time;

5.1.2 the action taken and the reasons for it being taken are reported as soon as possible to the Executive Director, Resources and to the appropriate portfolio holding Cabinet member.



## Schedule 8

# Joint Arrangements

The following executive functions are discharged by way of the specified joint arrangements.

Function	Joint Arrangement
Archaeology Service	Executive Committee and Joint Advisory Committee for the South Yorkshire Archaeology Service
Archives	South Yorkshire Joint Advisory Committee on Archives
Broadband	Yorkshire and Humberside Regional Broadband Joint Committee
Emergency Planning	Sheffield and Rotherham Emergency Planning Joint Committee
Trading Standards	South Yorkshire Trading Standards Joint Committee

## Schedule 9

# Local Choice Functions which are the Responsibility of the Executive

1. The following table indicates those local choice functions which are identified in Part 3 of the Constitution as being exercisable as executive functions.
2. The Leader may exercise these executive functions both personally and through this Scheme as set out in the table.
3. For the avoidance of doubt, these delegations do not affect the ability of the Cabinet to discharge all executive functions pursuant to Article 4.1.2 of this Scheme, or the ability of individual Cabinet members to be able to make decisions in accordance with Part 2 of Schedule 3 of this Scheme.

	<b>Local Choice Function</b>	<b>Statutory Provision</b>	<b>Delegation of Function</b>
3.	The appointment of Review Boards	Regulations made under Sub-section (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.	Delegated to Officers in accordance with Schedule 6 of this Scheme
4.	The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	Section 52, Education Act 2002	Delegated to Officers in accordance with Schedule 6 of this Scheme

Schedule 9 - Local Choice Functions which are the Responsibility of the Executive

	<b>Local Choice Function</b>	<b>Statutory Provision</b>	<b>Delegation of Function</b>
5.	The making of arrangements in respect of admission appeals	Sections 94(1), 94(1A) and 94(4) and Schedule 24, School Standards and Framework Act 1998	Delegated to Officers in accordance with Schedule 6 of this Scheme
6.	The making of arrangements in respect of children to whom section 87 applies: appeals by governing bodies	Section 95(2) and Schedule 25, School Standards and Framework Act 1998	Delegated to Officers in accordance with Schedule 6 of this Scheme
10.	Any function relating to contaminated land	Part IIA, Environmental Protection Act 1990	Delegated to Officers in accordance with Schedule 6 of this Scheme
11.	The discharge of any function relating to the control of pollution or the management of air quality	Pollution Prevention and Control Act 1999; Part IV, Environment Act 1995; Part I, Environmental Protection Act 1990; Clean Air Act 1993	Delegated to Officers in accordance with Schedule 6 of this Scheme
12.	The service of an abatement notice in respect of a statutory nuisance	Section 80(1), Environmental Protection Act 1990	Delegated to Officers in accordance with Schedule 6 of this Scheme
13.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Section 8, Noise and Statutory Nuisance Act 1993	Delegated to Individual Cabinet Member in accordance with Schedule 6 of this Scheme
14.	The inspection of the authority's area to detect any statutory nuisance	Section 79, Environmental Protection Act 1990	Delegated to Officers in accordance with Schedule 6 of this Scheme

Schedule 9 - Local Choice Functions which are the Responsibility of the Executive

	<b>Local Choice Function</b>	<b>Statutory Provision</b>	<b>Delegation of Function</b>
16.	The obtaining of information as to interests in land	Section 330, Town and Country Planning Act 1990	Delegated to Officers in accordance with Schedule 6 of this Scheme
15.	The investigation of any complaint as to the existence of a statutory nuisance	Section 79, Environmental Protection Act 1990	Delegated to Officers in accordance with Schedule 6 of this Scheme
17.	The obtaining of particulars of persons interested in land	Section 16, Local Government (Miscellaneous Provisions) Act 1976	Delegated to Officers in accordance with Schedule 6 of this Scheme
19.	The appointment of any Officer: (a) to any office other than an office in which he is employed by the Council; (b) to any body other than (i) the Council or (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment		Delegated to Officers in accordance with Schedule 6 of this Scheme  (But note Schedule 6, paragraph 6.1.)
20.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities		Delegated to Officers in accordance with Schedule 6 of this Scheme  (But note Schedule 6, paragraph 6.1.)

Schedule 9 - Local Choice Functions which are the Responsibility of the Executive

	<b>Local Choice Function</b>	<b>Statutory Provision</b>	<b>Delegation of Function</b>
22.	Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements.		Delegated to Cabinet (but subject to further delegation pursuant to Article 4.1.4 of this Scheme)

**Note:** The numbering in the above table is taken from Schedule 2, Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

# Appendix A

## Cabinet Portfolios 2020-21

### Sheffield City Council - Cabinet Portfolios January 2021

#### **Leader of the Council - Councillor Robert Johnson**

- Lead the Council and Chair Cabinet
- Corporate Policy and Strategy
- Sheffield Partnership Board
- Core Cities
- Devolution
- Sheffield City Region (Combined Authority and Local Enterprise Partnership)

#### **Business and Investment - Councillor Mazher Iqbal**

- Strategic Economic Policy
- Economic Regeneration
- City Centre Development (including City Centre Plan and Heart of the City II)
- Major Events
- International Economic Strategy/Exports

#### **Children and Families - Councillor Jackie Drayton**

- Children and Young People's Health and Social Care
- Adoptions and Fostering
- Safeguarding Children
- Corporate Parenting
- Care Leavers

- Youth Justice
- Early Years
- Tackling Poverty (including impact of welfare reform)
- All Age Disability Service (including transition)
- Public Health

### **Culture, Parks and Leisure - Councillor Mary Lea**

- Leisure and Sports
- Activity Sheffield
- Parks, countryside and public realm (outside Streets Ahead contract)
- Museums and Galleries
- Food policy
- Libraries
- City and Community Events
- City Centre Management
- Markets
- Allotments

### **Education and Skills - Councillor Abtisam Mohamed**

- Youth Prevention Services
- Lifelong Learning
- Youth Engagement and Involvement
- Skills
- Employability
- Information Advice and Guidance
- School Improvement and Attainment
- School Places Provision

- School admissions
- Schools Capital and Maintenance Funding
- School Inclusion Services, including Special Educational Needs and Disabilities, Exclusion, pupil referral services

**Environment, Streetscene and Climate Change – Councillor Mark Jones**

- Streets Ahead project
- Waste Management
- Environmental Regulation
- Trading Standards

**Finance, Resources and Governance and Deputy Leader - Councillor Terry Fox**

- Budget/Finance
- HR (Human Resources) Issues
- Customer Services
- Commercial Services
- Emergency Planning
- ICT (Information and Communication Technology)
- Equalities (including Equality Hubs)
- Revenues and Benefits (including welfare provision)
- Property
- Legal and Governance
- Locality Management (including Local Area Partnerships)

**Health and Social Care - Councillor George Lindars-Hammond**

- Adult Social Care
- Adult Safeguarding
- Personalisation



- Strategy for Ageing Population
- Dementia Friendly City
- Integration of health and social care
- Mental Health
- Domestic Abuse
- Drugs and Alcohol Services
- Supported Living (Care)
- Chair, Health and Wellbeing Board

**Neighbourhoods and Community Safety - Councillor Paul Wood**

- Council Housing (including HRA (Housing Revenue Account) Business Plan, sheltered, older persons living accommodation, specialist provision, housing repairs, acquisitions and Council new build)
- Private Sector Housing and Regulation
- Community Safety and city ASB (Anti-Social Behaviour)
- Neighbourhood Management (including Housing Investment Programmes and Gleadless Valley Masterplan)
- Registered Private Providers of Social Housing
- Homelessness, interim, temporary and Supported Housing
- Migration and Asylum
- Gypsy and Travellers Strategy and Management
- Supported Living (Housing)
- Older Persons Housing Strategy
- Community Digital Inclusion Strategy
- Community Development
- Voluntary Sector (including Grant Aid)

**Transport and Development - Councillor Julie Grocutt**

- Transport Strategy
- Bus Partnership
- Parking Services
- Cycling
- Road Safety
- Air Quality
- Planning
- Housing Strategy & Delivery
- Affordable Housing Policy
- Flood Defence
- Licensing Policy

