

3.5 ARRANGEMENTS FOR THE DELEGATION OF FUNCTIONS TO OFFICERS

3.5.1 General Delegations to Officers

Subject to the provisions set out below, any function, unless reserved to a committee or to Full Council, is deemed delegated to and individually exercisable by:-

- the Chief Executive;
- 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;
- 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; or
- a Head of Service designated as having specific responsibility for a function by the Chief Executive or Executive Director.

Responsibilities are set out in the Management Structure at Part 7 of this Constitution. The Chief Executive and Executive Directors are responsible for ensuring that this Management Structure is kept up to date so that the Officer responsible for the exercise of any function may be identified.

An Executive Director or Director with delegated authority to exercise a function may authorise an Officer of suitable experience and seniority to exercise that function on behalf of and in the name of the Executive Director or Director without having delegated authority in his/her own right to do so, subject to any procedural safeguards considered necessary being put in place. The Executive Director or Director will remain responsible for any decision taken pursuant to such arrangements.

Each Director will maintain a list of the Officers authorised to exercise any function. Each Executive Director will be responsible for ensuring that such lists are kept up to date and that a central record is held for each portfolio.

An Executive Director or Director with delegated authority to exercise a function or a Head of Service designated as having specific responsibility for a function may authorise any particular named officer:-

- to carry out inspection and enforcement duties,
 - to enter land and premises (whether specifically or in general) and / or
 - to require information as to interests in land and premises;
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where this is (i) authorised by law and (ii) necessary in the performance of any function or duty of the service and may sign identity cards in connection with the exercise of this authority, PROVIDED that a list shall be maintained of all officers so authorised with a description of the extent of such authorisation and the relevant statutory power.

All existing delegations to officers made by way of an Executive decision prior to the coming into force of this Constitution continue in force and effect, save that a requirement to act in consultation with an Individual Executive Member will be read as a requirement to act in consultation with the appropriate Policy Committee Chair, until revoked by a decision of Full Council or a Policy Committee.

3.5.2 Grant Aid

Unless reserved to a committee or to Full Council, the decision to apply for external grant aid is delegated to and exercisable by an Executive Director and must be made in consultation with the Chief Finance Officer.

3.5.3 Chief Legal Officer

The Chief Legal Officer is the Director of Legal and Governance.

The Chief Legal Officer has general authority to commence, defend or settle any legal proceedings as s/he considers necessary or appropriate to protect the interests of the Council.

The Chief Legal Officer is authorised:

- to exercise the function of carrying out a review of a decision in respect of including land in the authority's list of Assets of Community Value
- to determine the validity of an application to register land as common land or a town or village green
- to grant approval for the use of the City Council's Coat of Arms

Subject to the ability of any Officer or decision-making body to discharge any Council function relating to anti-social behaviour where this is or required by law, 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. With the exception of any action taken under the general authority in respect of legal proceedings, this authorisation

shall not extend to a Council function relating to anti-social behaviour relating to a particular tenancy.

The Chief Legal Officer may arrange for the discharge of any of the functions delegated to him/her to be undertaken by other Officers as s/he considers appropriate including, for example, authorising such Officers to take particular steps.

3.5.4 Chief Finance Officer

The Chief Finance Officer is the Director of Finance and Commercial Services 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.

The Chief Finance Officer is responsible for the maintenance and operation of the Council's Financial Procedure Rules (Financial Regulations) and Contracts Standing Orders, both at Part 4 of this Constitution.

3.5.5 Chief Property Officer

The Chief Property Officer is the Head of Regeneration and Property Services.

The Chief Property Officer is authorised to make any decision in respect of Property matters not reserved to a committee or Full Council with the exception of the following decisions which shall be made by an Executive Director:

- a declaration that operational property is surplus to the requirements of a service within the Portfolio

3.5.6 Chief Planning Officer

The Chief Planning Officer is the Head of Planning.

The Chief Planning Officer is authorised to make any decision in respect of the following areas of responsibility to the extent that they are not reserved to the Planning and Highways Committee or Full Council:

- Planning applications and permissions
- Development control
- Development management
- Local Plan

3.5.7 Human Resources Matters and Appointments to External Bodies

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 Policy Committee Chair.

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.

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.

3.5.8 The ‘Streets Ahead’ Project (Highways PFI)

The Director of Street Scene and Regulation is authorised to make decisions, other than those reserved to a Committee or Full Council, on behalf of the Council as the ‘Authority Representative’ under the Highways Maintenance PFI Contract dated 31st 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’.

3.5.9 Other Highways Related Issues

Other than those matters reserved to a committee or Full Council, any functions in relation to the Council’s roles 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, City Futures, by the Director of Investment, Climate Change and Planning and by the Head of Strategic Transport, Sustainability and Infrastructure in each case acting individually.

Other than those matters reserved to a committee or Full Council, any functions 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, Operational Services, by the Director of Street Scene and Regulation and by the Head of Highways Maintenance in each case acting individually.

3.5.10 Extreme Urgency

‘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.

The following Officers may make a decision in a case of Extreme Urgency, other than a decision which is reserved to Full Council, subject to the conditions set out below.

- In all cases a decision must comply with the Council’s Financial Regulations and Contracts Standing Orders, and the statutory and Constitutional requirements for the making, recording and publicising of decisions.
- The action being taken and the reasons for it being taken must be reported as soon as possible to the Chief Executive (except for those decisions taken by the Chief Executive) and the Chair (or in their absence, the Deputy Chair) of the appropriate Policy Committee or of the Strategy and Resources Policy Committee.
- Where the matter requires expenditure which has not been budgeted for, prior consultation must take place with the Chief Finance Officer (except for those decisions taken by the Chief Finance Officer).

Any matter:

- The Chief Executive

Where 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:

- Executive Director
- Chief Legal Officer
- Director of Finance and Commercial Services
- Director of Adult Health and Social Care
- Director of Children’s Services

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