

6. Officers and Scheme of Delegations

6.1 This section describes the requirements for Officers and the decision making powers approved by Council. The use of the word “Officers” means all employees and staff engaged by the Council to carry out its functions. Appointment of staff cannot be the responsibility of the Executive.

6.2 Management Structure

6.2.1 The Full Council may engage such Officers as it considers necessary to carry out its functions. The Full Council will engage persons for the following posts, except as otherwise delegated, who will be designated Chief Officers and their deputies who will be designated Deputy Chief Officers.

Post	Functions and Areas of Responsibility
Managing Director	<p>Overall corporate management and operational responsibility</p> <p>Returning Officer and Electoral Services Officer</p> <p>Direct service responsibility for Human Resources & Organisational Development</p> <p>Other duties as required by statute or the Council</p>
Heads of Service (x4)	<p>Such duties as the Head of Paid Service shall determine comprising:</p> <ul style="list-style-type: none"> • Corporate Services (including Democratic Services, Finance & Payroll, Internal Audit, Legal, Procurement); or • Operations (including Active Leisure, Cemeteries, Environmental Protection, Food Health and Safety, Leisure Centres, Licensing, Open Spaces & Countryside Management, Resorts, Street Cleansing, Waste & Recycling); or • Service Delivery and Improvement (including Business Improvement & Development, Communications, Community Safety, Customer Services, Housing, Revenue & Benefits); or

	<ul style="list-style-type: none"> • Place and Commercial Services (including Building Control, Development Management, Drainage & Coastal, Economy & Assets, Estates/Property Management, Spatial Planning); <p>and</p> <ul style="list-style-type: none"> • Other duties as required by statute or the Council.
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6.2.2 The appointment of staff below Deputy Chief Officer level must be the responsibility of the Head of Paid Service or his nominee.

6.2.3 The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

6.3 Head of Paid Service, Monitoring Officer and Chief Finance Officer

6.3.1 The Council designates the following posts as shown:

Post	Designation (including role and restrictions)
Managing Director	<p>Head of Paid Service (cannot be the Monitoring Officer but may hold the position of Chief Finance Officer if a qualified accountant)</p> <ul style="list-style-type: none"> • To report to the full Council (via the Appointments and Remuneration Panel) on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

Head of Corporate Services	<p>Chief Finance Officer and Deputy Managing Director (cannot be the Monitoring Officer)</p> <ul style="list-style-type: none"> • After consulting with the Head of Paid Service and the Monitoring Officer, to report to full Council or to the Executive and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully • To administer the financial affairs of the Council • To contribute to the corporate management of the Council, in particular through the provision of professional financial advice • To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework • To provide financial information to the media, members of the public and the community.
Solicitor to the Council	<p>Monitoring Officer (cannot be the Chief Finance Officer or the Head of Paid Service).</p> <ul style="list-style-type: none"> • To maintain an up-to-date version of the Constitution • After consulting the Head of Paid Service and Chief Finance Officer, to report to full Council or to the Executive if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration; such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered. • To contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee • To conduct investigations into matters referred by the Standards Committee and make reports or recommendations in respect of them to the Standards Committee • To ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible • To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework • To advise whether decisions of the Executive are in accordance with the budget and policy framework.

6.3.2 The Council is required by law to provide the Monitoring Officer and Chief Finance Officer with such Officers, accommodation and other resources as are in the Monitoring Officer's and the Chief Finance Officer's opinion sufficient to allow their duties to be performed.

6.4 Conduct and Employment

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Section 10 of this Constitution. The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Section 9 of this Constitution and the Appointments and Remuneration Committee.

6.5 Scheme of Officer Delegations

General Principles of Officer Delegations

6.5.1 The following general principles shall apply in respect of all Officer delegated powers.

6.5.2 All delegated decisions are to be made in accordance with or in a manner which would not conflict with:

- (a) the Constitution;
- (b) the Council's approved budget and policies; and
- (c) the law.

6.5.3 Where any legislation referred to in a delegation is amended or repealed the Schedule will be deemed to have been changed to incorporate the appropriate new or amended legislation.

6.5.4 Functions delegated are by reference to job titles or posts as at the date of adoption of this Scheme. In the event that such titles or posts are deleted or otherwise changed subsequently, the delegations will be transferred to those Council post holders whose duties include or most closely correspond to the duties of the post originally referred to.

6.5.5 Any function delegated to a specified officer may also be exercised:

- (a) by any Officer who has been so authorised in writing by the officer to whom the function is delegated; or
- (b) their relevant Strategic Leadership Team ("**SLT**") officer.

6.5.6 The powers delegated to SLT officers may be exercised by any other SLT Officer in his absence.

6.5.7 Functions which have been delegated to:

- (a) a committee may be delegated to an Officer or sub-committee

- (b) a sub-committee may be delegated to an Officer
- (c) the Executive may be delegated to an Executive Member, an Officer or committee of the Executive.

6.5.8 Each SLT officer should maintain a separate record of Officer on going sub-delegations pertaining to their service areas and provide copies to the Monitoring Officer for record keeping.

6.5.9 In cases where individual Officers are appointed as Proper Officers, the appointee may not sub-delegate that appointment.

Cross Service Delegations

6.5.10 Corporate Management Team officers may make decisions on the **management and administration of the services** for which they are responsible subject to such decisions being within approved budget and policy and other relevant provisions in the Constitution.

6.5.11 SLT officers are authorised to:

- (a) **appoint staff;**
- (b) **submit applications for planning** consent under the Town and Country Planning General Regulations 1992;
- (c) **submit applications for planning consent;**
- (d) grant permission for the **suspension of normal closing hours** in respect of any towns in the District over the Christmas period;
- (e) determine any matter of **urgency** falling within the function of the Council or the Executive which in the interests of the Council cannot await the next relevant meeting subject to (when possible) consultation with:
 - i) The Chair and Vice Chair in the case of Council matters; and
 - ii) The Leader and the Deputy Leader in the case of Executive matters.

6.5.12 The Council's **Financial Rules** which also form part of the Constitution also contain a number of powers delegated to specified officers.

6.5.13 **Legal proceedings** by the Council may be initiated and conducted by the Council's Solicitor(s) or persons authorised by the Solicitor to the Council.

6.5.14 **Cautions for breaches of criminal law** may, after consultation with the most relevant Executive Member, be undertaken by the relevant member of SLT.

6.5.15 The Managing Director and the Solicitor to the Council or any officer appointed by them shall be designated "**the Proper Officer**" for the **purposes of all statutory notices** and other Officers to whom a particular function is delegated shall also be designated as the Proper Officer for the purposes of relevant statutory notices. For the avoidance of doubt, such delegations shall include power to issue, sign and serve such notices.

- 6.5.16 CMT officers shall be authorised so far as their area of responsibility applies and where legislation permits to:
- (a) Grant **power of entry** to specified officers
 - (b) Obtain **particulars of persons** interested in land pursuant to Section 16 Local Government Miscellaneous Provisions) Act 1976
 - (c) Obtain information pursuant to Town and Country Planning Act 1990 Section 330 regarding **interests in land**.

Service Area Delegations

- 6.5.17 The following schedules of the Constitution set out the delegations to the specified post holders with reference to service areas within which they sit the Council’s organisational structure. These delegations are additional to the cross service delegations above (see 6.5.10 to 6.5.16).

Schedule 1	Managing Director / Head of Paid / Returning Officer Service Operational Responsibilities.
Schedule 2	Corporate Services
Schedule 3	Operations
Schedule 4	Community Services & Improvement
Schedule 5	Place and Commercial Services

- 6.5.18 Schedule 6 sets out the Planning Call-in Rules which apply to delegation reference 5E1 (see Schedule 5).