

Principles of Delegation

1.1 One of the primary purposes of the Constitution is to make it clear where responsibility for a particular function lies, and which person or body (Full Council, Committee or Officer) makes the decision that will result in an action being taken or not taken.

1.2 The Hierarchy of Decision-Making

The Full Council

The Full Council will exercise the functions reserved by law to Full Council in Article 4 of this Constitution and those determined locally to be functions for Full Council as set out in Section 3 of this Part of the Constitution.

Committees

Committees will exercise the functions set out in the Council's Scheme of Delegation.

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Officers

Officers will exercise delegated functions set out in the Council's Scheme of Delegation.

1.3 If a function is delegated to the appropriate Officer, the Chief Executive may nominate a substitute Officer where this would, in the Chief Executive's opinion, be appropriate.

1.4 Limitations on and Parameters of Delegations

- a) The exercise of a delegated power, duty or function shall be subject to the Council's Constitution (including, but not limited to any Special Procedure and/or Protocol, the Council Procedure Rules, Financial Regulations, etc) in line with the Scheme of Delegation and any Corporate Standards;
- b) All delegated functions shall be deemed to be exercised on behalf of and/or in the name of the Council.
- c) An Officer to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to the requirements that follow. Such authorisations shall be in writing and shall only be given to an Officer over which the Officer with the original delegated power etc. has control. Such authorisations should only be given where there is significant administrative convenience in doing so. The Officer authorised by the other should act in the name of the Officer who received the original delegation. No authorisation may be given if

the statute or law prohibits it. Authorisations of this kind should not be considered to be norm but used only in appropriate circumstances and after careful thought. There can be no additional such delegation.

- d) References to any enactment, regulation, order or byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.
- e) Any reference to any Act of Parliament includes reference to regulations, subordinate and EU legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.
- f) Subject to any express instructions to the contrary from the delegating body, any power to approve also includes the power to refuse, and the power to impose appropriate conditions.

All delegations are subject to:

- a) The right of the delegating body to decide any matter in a particular case;
- b) The delegatee may in any case in lieu of exercising his/her delegated power refer to the delegating body for a decision; and
- c) Any restrictions, conditions or directions of the delegating body.

In exercising delegated powers, the delegatee shall:

- a) Take account of the requirements of the Constitution, Corporate Standards and Special Procedures and shall address all legal, financial and other professional safeguards as if the matter were not delegated;
- b) Shall exercise the delegation so as to promote the efficient, effective and economic running of the Council, and in furtherance of the Council's visions and values; and
- c) Shall and when appropriate, report back to the appropriate delegating body as to the exercise of those delegated powers.
- d) Except where otherwise expressly provided either within this part of the Constitution or by resolution of the delegating body, the exercise of any delegated power, duty or function is subject to having the appropriate and necessary budgetary provision in place to take the action in the name of and/or on behalf of the Council.
- e) Any post specifically referred to shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.
- f) Where a power or duty is delegated, and the exercise of that power or duty is contingent upon the opinion of the Council that particular conditions or factual circumstances exist, then the delegatee in question has the power to determine whether or not those circumstances exist or

those conditions have been fulfilled in the name of and with the authority of the Council.

- g) If a matter is delegated, but that delegation cannot be implemented, that should be reported to the delegating body.
- h) Functions, matters, powers, authorisations, delegations, duties and responsibilities, etc. within this Scheme shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything specified.