

Scheme of delegation for Dorset County Council – 2013

1. Foreword

- 1.1 A “peer review” commissioned by the Leader and the Chief Executive and undertaken in July 2013 provided valuable insight and an external view from leading members and officers of other local authorities and the LGA about how Dorset County works. The peer review confirmed our many strengths, in particular our people and our ambition to bring about necessary change. It also identified that we were process heavy and that we did not have the right framework to help ensure that decisions are made at the right level and are not unnecessarily referred through tiers of managers before anything can be done.
- 1.2 The new approach set out in this document is an attempt to tackle one specific problem, the very detailed, restrictive and list based scheme of delegation which has been in place from 2002 until the adoption of this new scheme.
- 1.3 Local authority decision making takes place within a sometimes complex legal framework within which staff are accountable to elected members and those members are accountable to the communities who elect them. This document describes how within a legal framework the Council has been able to move away from a very detailed scheme of delegations to one which is much more flexible and gives staff greater freedom to make decisions.
- 1.4 In place of a scheme of delegation listing very specific things that directors are permitted to do and are permitted to authorise others to do on their behalf this new scheme of delegation takes as its starting point:
 - A presumption that senior managers have delegated authority to exercise functions and make decisions about the service areas for which they are responsible.
 - That senior managers will delegate functions and decision making to the most appropriate levels within their services so that staff are free to do their jobs without having to needlessly refer questions through tiers of management.
 - A requirement that all staff will operate within the overall policies approved by the County Council and the limitations described in the scheme of delegation.
- 1.5 Reviewing the scheme of delegation has also provided an opportunity to be clear about the respective roles of elected members of the Council and the staff. This has included reinforcing the crucial role of local members as the representatives of their communities by including very specific requirements on staff to engage and to consult with local members before exercising any delegated authority which would have a particular local impact.

2. How decisions are made

- 2.1 The County Council operates the Leader and Executive model of decision making under the Local Government Act 2000. Under this approach the County Council’s budget and its overall policy framework are decided by the full County Council. The County Council also elects the Leader (for the four

year life of the Council) and is the forum for debate on the most important issues affecting Dorset. The full County Council is also responsible for agreeing any changes to the Council's constitution, of which this scheme of delegation is a part.

- 2.2 The Leader appoints other members to form a Cabinet (also known as the Executive) and the law requires that the Cabinet must comprise as a minimum the Leader and two other members and as a maximum the Leader and nine other members.
- 2.3 In appointing members of the Cabinet and allocating special areas of responsibility the Leader will be asked to have regard to the Council's directorate and service structure so that where possible individual Cabinet members have responsibility for the following portfolios:-
 - (a) Cabinet member for Adult Social Care
 - (b) Cabinet member for Children's Social Care;
 - (c) Cabinet member for Corporate Resources;
 - (d) Cabinet member for Communications;
 - (e) Cabinet member for Education;
 - (f) Cabinet member for Environment;
 - (g) Cabinet member for Public Health and Community Services.
- 2.4 Within the overall policy framework and budget framework set by the full Council the law provides that most functions are the responsibility of the executive. A list of functions which are not to be the responsibility of the executive (for instance planning decisions which are made by the Planning Committee) and the relevant decision making body in each case is Appendix 1 to this scheme of delegation. Appendix 2 comprises a separate list of functions which may (but need not be) the responsibility of the executive i.e. local choice functions and again the decision making body is listed in each case. Appendix 3 sets out the responsibility for those functions which are not to be the sole responsibility of the executive, mainly the approval of key plans and strategies, which are recommended by the Cabinet to the full Council.
- 2.5 Each Cabinet member with special responsibility for functions of the County Council has responsibility to exercise political leadership in relation to those functions and to be publicly accountable for them. Decisions are made collectively by the Cabinet under the Chairmanship of the Leader and so the Cabinet as a whole have a wider, shared responsibility for all Cabinet decisions.
- 2.6 Decisions are made by the whole Cabinet but recommendations are presented to Cabinet by the relevant portfolio holder. Each portfolio holder is expected to work closely with the relevant Director responsible for his or her portfolio service areas. Individually and collectively portfolio holders should take account of advice from senior managers before reaching their own decision.
- 2.7 Any action by a Cabinet member shall be in accordance with:-
 - (i) the overall policies approved by the County Council and/or the Cabinet;
 - (ii) the County Council's Procedure Rules.

2.8 Cabinet portfolio holders are also expected in appropriate cases to maintain clear communication with the Chairman of the relevant Overview Committee or other Committee.

3. Delegations to officers

3.1 Local authority decisions are made by elected members but in order for the Council to be able to function on a day to day basis the law enables the Leader (in relation to executive functions) and the Council (in relation to other matters) to delegate its functions to officers to exercise on behalf of the Leader and the Council. In addition there are some functions which the law says must be exercised by specific officers.

3.2 The Council's "statutory officers" are the Chief Executive as head of paid service, the Chief Financial Officer and the Monitoring Officer. They and the Council's directors and heads of service are the "senior managers" for the purposes of this scheme and are accountable to elected members for how functions are exercised and how decisions are made within the service areas for which they are responsible.

3.3 The Council's old scheme of delegation was very detailed, listing specific functions delegated to officers, often by reference to individual Acts and regulations. The scheme was difficult to maintain and keep up to date and it was sometimes found that there were gaps meaning that action could not be taken when it needed to be because there was no specific authority.

3.4 The Localism Act 2011 gave local authorities a general power of competence, that is a power to do anything that an ordinary individual may do, unless the law contains some prohibition or limitation on acting. This scheme of delegation is modeled on the general power of competence in the sense that its starting point is a presumption that the senior managers have delegated authority to exercise functions and make decisions in relation to the service areas for which they are responsible. This ability to act now gives staff great freedom and flexibility and is subject only to the requirements, financial thresholds and other limitations set out in section 4 and the remainder of this scheme.

3.5 Any power conferred upon a senior manager may be exercised by any other member of staff authorised by them in writing, the details of all such delegations to be contained in a register maintained by the relevant senior manager up to date copies of which shall be supplied to the Democratic Services Manager annually on 1 April and whenever the register is altered.

3.6 In giving the senior managers a general authority to act and in enabling them to authorise other officers to act on their behalf the intention is that the Council as a whole will become more effective and "fleet of foot", with decisions made at the appropriate level without having to be referred unnecessarily to elected members and through tiers of managers.

3.7 All delegated authority must though be exercised in accordance with the requirements in section 4 of this scheme, below.

4. Conditions and limitations on the exercise of delegated authority by officers

- 4.1 These conditions and limitations apply not only to senior managers but also to anyone else authorised by them to exercise delegated authority on their behalf. In authorising others to act on their behalf the senior managers must draw attention to the requirements of these conditions and limitations and through line management ensure that they are complied with.
- 4.2 Any action by a senior manager under delegated powers shall be in accordance with:-
- (i) the overall policies approved by the County Council, the Cabinet or a sub-committee of the Cabinet.
 - (ii) the County Council's Procedure Rules.
 - (iii) the principles for decision making in paragraph 4.6, below.
- 4.3 If authority to act has been reserved to the full Council, the Cabinet, a Committee or sub-committee then no member of staff may exercise delegated authority in relation to that matter without the approval of the decision making body.

The authorisations which are reserved are described in the appendices. In addition, and in accordance with Part 2, Article 13 of the Constitution, "key decisions" are executive decisions reserved to the Cabinet, in accordance with the Executive Procedure Rules set out in Part 4 of the Constitution. Key decisions are those where the financial implications for the County Council exceed £500,000 or which are likely to have a significant effect on a division or divisions represented by at least two members. Exceptionally the Chief Executive has delegated authority to act in cases of urgency, including making key decisions.

- 4.4 Regulations now require that where officers exercise delegated authority and make executive decisions then the reasons must be recorded and published online. The County Council takes a proportionate approach to these requirements and only requires the recording of specific decisions under delegated powers and not routine activity where staff are simply doing their jobs. A record form and guidance are available from Democratic Services
- 4.5 Before exercising any delegated power staff must consider whether the decision to be made is of such a nature that it ought to be referred for a collective decision by the Cabinet. Through the Director clear communication must be maintained with the Cabinet member so that the Cabinet member may provide a "political steer" and if necessary require significant or sensitive issues to be referred to the Cabinet for decision. Similarly consideration must be given to the need in appropriate cases to consult the relevant overview committee or regulatory committee chairman. There may be instances where time pressures are such that decisions which might otherwise be referred to the Cabinet have to be made by Senior Managers after consulting a cabinet member. Such decisions must be reported to the next available Cabinet meeting.
- 4.6 Directors have responsibility for advising elected members and the Chief Executive on the strategic direction of the Council and they have an overall responsibility for groups of services and are accountable to elected members

for the performance of those services. Heads of service and their staff when considering the exercise of delegated authority must be alert to this accountability and consult with their director where decisions are likely to be sensitive or significant, such that the Director needs to consult with the relevant Cabinet member.

- 4.7 Before exercising any delegated power staff must also consider whether the decision to be made will have a particular local impact such that the local member should be consulted prior to any decision being made. The requirements in the County Council's scheme for engaging and consulting with local members must be complied with. If the local member consulted in this way so requires it then the matter must be referred to the Cabinet or appropriate Committee for decision.
- 4.8 Delegated decisions must not involve the adoption of a new policy or a major extension of an existing policy of the County Council and shall exclude any case where the magnitude or controversial nature of a proposal is such that responsibility for a decision should be taken by the County Council, the Cabinet or a subcommittee of the Cabinet. In particular key decisions are to be referred to the Cabinet.
- 4.9 All decisions made by Officers under delegated powers shall be in accordance with the County Council's principles of decision making, as follows:-
- (i) proportionality ie the action should be proportionate to the desired outcome.
 - (ii) due consultation and the taking of appropriate professional advice
 - (iii) respect for human rights and equalities law
 - (iv) presumption in favour of openness
 - (v) clarity of aims and desired outcomes
 - (vi) the decision reflects the balance of evidence or legal or financial position
 - (vii) the requirement to be able to provide reasons for decisions.
- 4.10 There are circumstances where the County Council may enter into partnership arrangements with other local authorities and with health bodies for the shared delivery of services. These arrangements may involve pooled budgets, delegations of the lead commissioning role and shared staffing and management structures. Under these arrangements it may be necessary for a senior manager to give delegated authority to act to someone employed by the partner body and not by the County Council. In such cases particular care must be taken to describe in writing the limits of the extent of delegated authority to act on behalf of the County Council and the details must be included in the register maintained by the relevant senior manager.
- 4.11 The County Council acts as lead authority or host for a number of partnerships involving the joint exercise of executive functions. Before exercising any delegated power to act in relation to partnership activity staff

must consider the appropriate consultation to be undertaken with elected members, including consultation with district local members. If necessary, this will involve consulting with the appropriate Chairman or lead member for the partnership in place of, or in addition to, consultation with the appropriate member of the County Council's Cabinet.

- 4.12 Where a proposed exercise of delegated authority is such that the Leader should be consulted and the Leader is absent or otherwise unavailable then the Deputy Leader is to be consulted. Similarly, in the absence of the Chairman of an Overview Committee or the Chairman of one of the regulatory committees the Vice-Chairman is to be consulted. In the absence of an individual portfolio holder the Leader should be consulted.

5. Delegations to fulfill the County Council's duties in the Civil Contingencies legislation

- 5.1 In order to comply with the statutory requirements of the Civil Contingencies Act which identifies the County Council as a category 1 responder in a declared emergency or major incident, the senior managers (when acting in a decision making capacity at the Local Resilience Forum Strategic Command Group or at Dorset County Council's own Gold emergency group) are authorised for the purposes of the declared emergency to commit the appropriate resources (regardless of whether the value would equate to a key decision) and to suspend aspects of business as usual to comply with the County Council's duties in the Act.
- 5.2 Owing to the nature of such decision making at a time of a declared emergency or major incident, all decisions will be made on best advice available to the decision maker at the time and on the basis that the decision is a reasonable one in the circumstances. Notification to the Chairman and Vice Chairman of the Cabinet, the portfolio holder for Corporate Resources, the relevant service portfolio holder and senior manager will be given as soon as is practicably possible in the context of the emergency or major incident. A schedule of decisions taken under the delegation will be reported to the next meeting of the Cabinet as is appropriate in the circumstances of the emergency.

6. General Indemnity

All elected members and staff involved in decision making on behalf of the County Council are protected by a "general indemnity" which protects each of them from personal liability for the consequences of action taken in good faith on behalf of the Council. The detail of this indemnity is set out in appendix 4, below.

7. Specific delegations

- 7.1 The starting point for the delegated authority to staff to act is the general authorisation in section 3, above given to the senior managers and other staff authorised by them in writing. There are though instances where the statutory officers and some other senior managers retain very specific powers to act. These are listed in Appendix 4, below.

8. Regulation of Investigatory Powers Act 2000(RIPA)

- 8.1 The power to authorise surveillance under RIPA is an instance where the law imposes very strict limitations on which senior managers are permitted to act. These are listed in Appendix 5.

9. Delegations of people management matters under Manager Self Service

- 9.1 The Scheme of Delegation operates on the basis that a post at a particular management level has delegated power for all matters which can be decided by any post at a more junior management level within line management to the post e.g. management level 1 posts also have delegated power within their line management structures for all matters delegated to managers at levels 2 through to 5.
- 9.2 Details of the people management delegations given to particular levels of managers are listed in Appendix 6.
- 9.3 There has been a tendency in the past for higher level managers to expect matters to be referred to them for decision even though others had delegated authority to act on their behalf. The clear expectation now is that decisions must be made at the appropriate level, as set out in the table in Appendix 6.

10. Delegations of decisions with financial implications

- 10.1 Delegations are to be exercised within the framework of financial regulations and contract procedure rules currently in operation.
- 10.2 As with the scheme of delegation for people management matters under manager self service, this scheme operates on the basis that a post at a particular management level has delegated power for all matters which can be decided by any post at a more junior management level within line management to the post. However, as with people management matters, the expectation is that decisions are made at the appropriate level in accordance with the table set out in Appendix 7 and that decisions should not be referred unnecessarily up the "chain of command".

11. Advice and interpretation

- 11.1 The intention is that this scheme of delegation should be readily understood by all. It is though a legal document and any questions about its interpretation should be referred to the County Council's legal service.
- 11.2 Where necessary a final decision on the meaning and interpretation of this document (which is part of the County Council's Constitution) will be made by the Monitoring Officer.

Appendix 1

Responsibility for functions which are not to be the responsibility of the executive.

Function	Decision-making Body
1. Functions relating to town and country planning and development control as specified in Section A, Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 As Amended by the Amendment Regulations 2001 (SI 2001 No. 2212) (together known as the Functions Regulations).	Planning Committee
2. All functions of the County Council relating to licensing and registration as set out in Section B, Schedule 1 to the Functions Regulations.	Licensing and Registration Committee
3. Functions relating to health and safety under any 'relevant statutory provision' within the meaning of Part 1 of the Health and Safety at Work Act 1971, to the extent that those functions are discharged otherwise than in the Council capacity as employer as specified in section C to Schedule 1 of the Functions Regulations.	Licensing and Registration Committee
4. All the functions of the County Council in relation to elections in Section D of Schedule 1 to the Functions Regulations.	Licensing and Registration Committee (other than powers delegated under the Scheme of Delegation to the Chief Executive)
5. All the functions of the County Council specified in Sections E, F and G to Schedule 1 to the Functions Regulations in relation to:- (a) the names and status of areas and individuals; (b) the making, amending, revoking or re-enacting of by-laws; (c) the promotion of or opposition to local personal Bills.	County Council

6. All the functions of the County Council in relation to pensions in Section H of Schedule 1 to the Functions Regulations.	Personnel Appeals Committee (other than the powers delegated under the Scheme of Delegation to the Chief Financial Officer on the advice of the Investment Advisory Panel). Staffing Committee for the Chief Executive and Directors.
7. All functions of the County Council relating to public rights of way and to applications for modification of the definitive Map (including creating rights of way, bridleways etc. and re-classifying roads as public paths) in Section I of Schedule 1 of the Functions Regulations.	Roads and Rights of Way Committee
8. The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations.	Roads and Rights of Way Committee
9. The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions Regulations.	Roads and Rights of Way Committee
10. All functions of the County Council relating to Sea Fisheries under Sea Fisheries legislation.	County Council
11. Power to make Standing Orders and Standing orders as to contracts.	County Council (on recommendation from the Standards Committee)
12. The duty to approve the County Council's statement of accounts, income and expenditure and balance sheets.	County Council
13. Power to make payments or provide other benefits in cases of maladministration.	Standards Committee
14. The functions of the County Council to make limestone pavement orders.	Planning Committee
15. The functions of the County Council relating to the preservation of trees and protection of hedgerows.	Planning Committee

<p>16. (a) Determination of terms and conditions on which staff hold office (including procedures for dismissal)</p> <p>(b) Appointment of Directors and Deputy Chief Executive and recommendation of appointment of Chief Executive.</p>	<p>Staffing Committee</p> <p>Staffing Committee</p>
<p>17. Confirmation of appointment of Chief Executive.</p>	<p>County Council</p>
<p>18. Appointment of all staff not covered by paragraphs 16 and 17 above.</p>	<p>Appropriate Director or his/her nominees under powers delegated under the Scheme of Delegation</p>
<p>19. Establishment of an Independent Remuneration Panel and approval of the Scheme for Members' Allowances upon recommendation of the Independent Panel.</p>	<p>County Council</p>
<p>20. Power to appoint officers for particular purposes (appointment of 'proper officer').</p>	<p>County Council</p>
<p>21. Duty to designate officer as the Head of the authority's Paid Service, and to provide staff etc.</p>	<p>County Council</p>
<p>22. Duty to designate officer as the Monitoring Officer, and to provide staff etc.</p>	<p>County Council</p>
<p>23. Duty to designate officer as the Chief Financial Officer and to provide staff etc.</p>	<p>Staffing Committee</p>

Appendix 2

Responsibility for functions which may (but need not be) the responsibility of the executive, i.e. local choice functions

<u>Function</u>	<u>Decision-making Body</u>
1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 to the Functions Regulations.	Cabinet
2. The determination of an appeal against any decision made by or on behalf of the County Council in respect of:- Personnel matters Children's and Adult Services matters	Personnel Appeals Committee Children's and Adult Services Appeals Committee
3. Any function relating to contaminated land.	Cabinet
4. The making of arrangements pursuant to sub-section (1) of Section 67 of, and Schedule 18 to, the 1998 Education Act (appeals against exclusion of pupils).	Cabinet
5. The making of arrangements pursuant to Section 94(1) and (4) of, and Schedule 24 to, the 1998 Education Act (admission appeals).	Cabinet
6. The making of arrangements pursuant to Section 95(2) of, and Schedule 25 to, the 1998 Education Act (children to whom section 87 applies: appeals by governing bodies).	Cabinet
7. The making of arrangements under Section 20 (questions on police matters at Council meetings) of the Police Act 1996 (b) for enabling questions to be put on the discharge of the functions of a police authority.	Cabinet

<p>8. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under Section 3) to the Police Act 1996.</p>	<p>County Council</p>
<p>9. Leading the County Council's search for efficiency.</p>	<p>Cabinet supported by the Overview Committees</p>
<p>10. Making arrangements for the execution of Highways work.</p>	<p>Director for Environment in accordance with the Scheme of Delegation</p>
<p>11. Appointment of any individual:-</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than:-</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub committee of such a body;</p> <p>and the revocation of any such appointment.</p>	<p>Cabinet in respect of bodies with Executive functions save that the County Council will reserve to itself the appointments to the following bodies:-</p> <p>(a) LGA;</p> <p>(b) South West Regional Assembly</p> <p>The County Council in respect of other outside bodies.</p>
<p>12. Making agreements with other local authorities for placing staff at the disposal of those other authorities.</p>	<p>Staffing Committee</p>

Appendix 3

Responsibility for functions, not to be the sole responsibility of the executive

FUNCTION APPROVAL OF THE FOLLOWING PLANS AND STRATEGIES	DECISION-MAKING BODY
1. Corporate Plan (Our Role in Dorset)	County Council
2. Children and Young People's Plan	County Council
3. Community Strategy	County Council
4. Crime and Disorder Reduction Strategy	County Council
5. Plans and strategies which together comprise the Development Plan including the Bournemouth, Dorset and Poole Waste Local Plan and the Bournemouth, Dorset and Poole Minerals Local Plan	County Council
6. Youth Justice Plan	County Council
7. Economic Development Plan	County Council
8. Lifelong Learning Development Plan (Adult Learning Plan)	County Council
9. The Dorset Waste Strategy	County Council
10. Food Law Enforcement Service Plan	County Council
11. Local Cultural Strategy	County Council
12. Local Transport Plan	County Council
13. Budget	County Council
14. Asset Management Plan	County Council
15. Treasury Policy Management Statement	County Council
16. Capital Programme	County Council
17. Approval for the purposes of public consultation in accordance with Regulation 10 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999 of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan	Planning Committee
18. Arrangements for school provision in Dorset	County Council

Appendix 4

1. General Indemnity

1.1 The County Council gave a general indemnity in 1992 to any member of staff acting in good faith in the course of their employment, in the following form. This indemnity was modified in 2005 to extend to members as well as employees of the Council. At the same time it was also extended to provide financial support for members and officers to enable them to:-

- (1) resist criminal proceedings
- (2) resist defamation proceedings

2. Exceptions

2.1 The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:-

fraud, dishonesty or criminal offence committed by the member or employee;

any neglect, act, error or omission by the member or employee otherwise than in the course of his/her employment; and

2.2 The indemnity will not apply if a member or employee without the express permission of the authority, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution.

2.3 In pursuance of the above indemnity, the Council undertake not to sue (or joint others in an action as co-defendant versus) a member or an officer of the Council in respect of any neglect, error or omission by him/her in the course of his/her role as a member or as an employee, but subject to the same exceptions as in 2 above.

2.4 The above indemnity and undertaking shall be without prejudice to the right of the Council: -

- (1) through the Standards and Governance Committee to take action in respect of a locally referred allegation of a breach of the Code of Conduct for Members or the breach of a local protocol, or
- (2) to take disciplinary action against an employee in respect of any neglect, act, error or omission.

The above indemnity and undertaking apply:

Retrospectively to any neglect, act, error or omission which may have occurred before this date; and after the retirement or resignation of the member or employee concerned, as well as during their term of office or employment with the council.”

Appendix 5

1. Powers to be delegated to the senior managers

- 1.1 To make applications for planning permission, after consultation with the Director for Corporate Resources as Chief Financial Officer, the Monitoring Officer and the Director for Environment, through the Asset Management Group.
- 1.2 To appoint private consultants of any profession within his or her own service areas where the senior manager has insufficient staff or there is a need for particular specialist assistance. In making any such appointments the senior manager must comply with contract procedure rules and may not engage professional services where that discipline or profession is the responsibility of another senior manager.
- 1.3 To make decisions about making individual posts redundant, or agreeing to an individual's early retirement, subject to the approval of the Personnel Appeals Committee in respect of the award of discretionary payments in cases which involve the early introduction of pension benefit.
- 1.4 To submit applications for external funding in support of County Council priorities subject to the County Council's contribution being less than the threshold for a key decision (£500,000) and funding being included within an approved budget and where a change of the County Council's policy is not required.

2. Powers to be delegated to the Chief Executive

- 2.1 To be Head of Paid Service for the purposes of Section 4(1) of the Local Government and Housing Act 1989.
- 2.2 To be Proper Officer in relation to the following provisions in the Local Government Act 1972:
 - (a) Section 83(1)(2) and (3) - the officer to whom a person elected to the office of Chairman, Vice-Chairman or Councillor of the Council shall deliver a declaration of office.
 - (b) Section 84 - the officer to whom a person elected to any office under the Act may give written notice of resignation.
 - (c) Section 88(2) - the officer who may convene a meeting for the election of Chairman of the Council following a casual vacancy in that office.
 - (d) Section 89(1)(b) - the officer who receives notice of casual vacancies from two local government electors.
 - (e) Schedule 12, Part 1 Paragraph 4(2)(b) - the officer who shall sign a summons to attend a Council Meeting.
 - (f) Schedule 12, Part 1 Paragraph 4(3) - the officer to receive notices from members regarding the address to which summonses to meetings are to be sent.

- 2.3 To be **Proper Officer** in relation to the provisions of the Regulations under Sections 15 to 17 of the Local Government and Housing Act 1989 regarding:
- (a) the receipt of Notices from Members concerning:
 - (i) the constitution of political groups;
 - (ii) the membership of political groups;
 - (iii) the wishes of political groups;
 - (iv) the review of the allocation of seats to political groups;
 - (b) the notification to political groups of:
 - (i) the allocation of seats to political groups;
 - (ii) the vacation of a seat allocated to a political group.
- 2.4 To authorise in cases of urgency the acquisition or disposal of land or any other step or transaction (not limited to land and property matters) which she considers to be in the best interests of the County Council, (which shall include making “key decisions”) after consultation with the Chairman and Vice-Chairman of the Cabinet and after having taken advice from the Chief Financial Officer and the Monitoring Officer.
- 2.5 To act as County Returning Officer for County Council elections.
- 2.6 To decide requests from members for dispensations to speak and vote at meetings in accordance with the County Council’s procedure approved by the County Council on 19 July 2012 to meet the requirements of the Localism Act 2011.
- 2.7 To decide on individual cases for exemptions from political restriction to meet the requirements of the Localism Act 2011.
- 3. Powers delegated to the Chief Financial Officer**
- 3.1 To be Proper Officer in relation to the following provisions of the Local Government Act 1972:-
- Section 115(2) - the officer who shall receive all money due from every officer employed by the Council.
 - Section 146(1) - the officer in relation to transfers of securities on alteration of area, etc.
- 3.2 To be Proper Officer under Section 151 of the Local Government Act 1972 responsible for the proper administration of the County Council's financial affairs.
- 3.3 To be Chief Financial Officer for the purposes of Section 6 of the Local Government and Housing Act 1989.
- 3.4 To incur overdraft on the Council's bank accounts, the net pooled balance

not to exceed £10M overdrawn at any one time.

- 3.5 To be responsible for Internal Audit under the Accounts and Audit Regulations 1996.
- 3.6 To make investment decisions for the Dorset County Pension Fund in accordance with a strategy agreed by the Pension Fund Investment Committee.
- 3.7 To remit income in the following classes:-
 - (a) arrears of contributions in respect of children and young persons in care;
 - (b) charges to residents in homes, hostels and boarding establishments.
- 3.8 Superannuation
 - admission to the Scheme
 - application of interchange rules
 - surrender of allowances
 - re-introduction of child's pension
- 3.9 To agree to grant terms and conditions under Section 31 of the Local Government Act 2003 for and on behalf of the County Council.
- 3.10 To authorise sponsorship and advertisement arrangements for any County Council property.
- 3.11 (a) To make awards in accordance with the Superannuation Regulations (Injury Allowances) equal of 50% of:-
 - (i) the pension the employee would have received but lost completely because at the time of their enforced early retirement they did not have sufficient qualifying service for a pension;
 - (ii) the additional pension the employee would have received but for the enforced early retirement;
 - (iii) the additional pension the employee would have earned had they not had to take lower paid employment (involving a lower rate of pay and/or reduced hours) because of the injury.

In all cases such allowances, together with any State Injury Award, must not exceed the total pension the employee could have earned.

Where in any particular case and for whatever reasons, an allowance within these guidelines is considered inappropriate then the Director shall consult with the Cabinet Member for Corporate Resources before making a determination.

- 3.12 To approve applications under Regulation E5(6)(b) of the Superannuation Regulations 1986 where the second marriage is dissolved or the husband dies subject to the wife not being materially better off by reason of her second marriage.

4. Powers to be delegated to the Monitoring Officer

- 4.1 To act as the person specified by the County Council as administering authority, to consider disputes in respect of the Local Government Pension Scheme referred under the Local Government Pension Scheme (Amendment) Regulations 2004, for Stage two reconsideration (deputising to be undertaken by the Deputy Monitoring Officer).

To be 'proper officer'

- 4.2 In relation to the following provisions:-
- (i) The Local Government Act 1972:-
 - (a) Section 225(1) - the officer with whom documents shall be deposited.
 - (b) Section 229(5) - the officer who shall certify a photographic copy of a document in the custody of the Council or of a document which has been destroyed while in the custody of the Council, or of any part of such document.
 - (c) Section 234 - the officer who may authenticate documents on behalf of the Council.
 - (d) Section 236(10) - the officer who shall send copies of bylaws to district councils and receive the same from district councils.
 - (e) Section 238 - the officer who shall certify a printed copy of a bylaw of the Council.
 - (ii) The Local Government (Access to Information) Act 1985 and the Local Government Act 2000 and associated regulations.
- 4.3 To act as "Monitoring Officer" under Section 5 of the Local Government and Housing Act 1989, and the Local Government Act 2000.
- 4.4 To institute, defend or settle legal proceedings or disputes in contemplation of legal proceedings on behalf of the County Council, to appear on behalf of the County Council, at public inquiries and at any other tribunal, to engage Counsel, and to take all necessary action in connection with such proceedings or contemplated proceedings.
- 4.5 To authorise the sealing or signature of any order, deed or other document necessary to give effect to a decision of the Council, or a committee, sub-committee or officer acting under delegated powers.
- 4.6 To authorise Trading Standards Officers within the Adult and Community Services Directorate to institute legal proceedings, lay informations and make complaints, and appear on behalf of the County Council before any Court of Summary Jurisdiction.
- 4.7 To issue on behalf of the County Council certificates under the provisions of the Local Government (Contracts) Act 1997 with the issue of any such certificate to be reported to the next following meeting of the Cabinet.
- 4.8 To determine applications to amend the register of common land and town and village greens (except applications to register or de-register land as common land and town and village greens).

- 4.9 After consultations with the Chairman of the Roads and Rights of Way Committee, to make public path diversion, extinguishment and creation orders where pre-order consultations relating to proposals give rise to no indication of opposition (in cases not involving County Council properties)
- 4.10 To confirm published public path orders to which no objections have been received (in cases not involving County Council properties).

5. Powers delegated to the Director for Children's Services and Chief Financial Officer

- 5.1 To authorise any arrangements concerning a licensed deficit for a school exceeding £50,000 or any extension of the period of three years within which a school must set a recovery plan to overcome a significant budget deficit.

6. Powers delegated to the Director for Environment and Chief Financial Officer

- 6.1 In exceptional cases of urgency, to modify the Capital Programme to incorporate:-
- (i) any significant change in the specification or scope of a capital scheme at any time;
 - (ii) any significant change in the estimated cost of a project prior to contract letting;
- after consultation with the Cabinet member for Environment, and subject to the changes being reported to the next meeting of the Cabinet.

7. Powers delegated to the Head of Human Resources and Exchequer Services

- 7.1 To act as the person specified by the County Council as a scheme employer under the Local Government Pension Scheme (Amendment) Regulations 2004 to consider disputes about first instance decisions on pension matters.

8. Powers delegated to the Head of Community Services

- 8.1 Proper Officer for Registration matters
- 8.2 Authorised to make arrangements for the implementation of Civil Partnership legislation under the Civil Partnership Act

9. Powers delegated to the Head of Planning

- 9.1 To make all development control decisions, subject to the following exceptions which would require the decision of the Planning Committee:-
- (i) Applications where the officers are recommending consent but the District Planning Authority has expressed a view that the application should be refused;

- (ii) Applications where the officers are recommending consent but the development does not accord with the Development Plan and/or the relevant Government policy;
- (iii) Applications where the applicant is the County Council and the application is for a major development as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2010;
- (iv) Application which requires an Environmental Impact Assessment;
- (v) All applications to which there is an objection from the local County Council member(s) be referred to the Planning Committee and not dealt with under delegated powers;
- (vi) Any application from which compensation is likely to arise from the determination of a review of the Mineral Planning Permissions (ROMPS) Application;
- (vii) Applications recommended for consent but where the Appropriate Assessment does not accord with the advice of Natural England;
- (viii) Where a material objection has been raised against the application and the planning issues raised in that objection cannot be resolved through a planning condition or legal agreement but officers are nevertheless recommending consent.

9.2 The Head of Planning will retain the discretion to bring any other matter he deems appropriate before the Planning Committee.

Appendix 6

Regulation of Investigatory Powers Act 2000 (RIPA)

The officers listed below are authorised under the Regulation of Investigatory Powers Act to permit surveillance for the purposes listed. The authorising officer must satisfy him or herself that the statutory tests for the authorisation of directed surveillance, the acquisition of communications data or the use of a covert human intelligence source have been met and that the use of the technique is necessary and proportionate. However, no such techniques may be used without the additional authorisation of a Justice of the Peace. The Director for Corporate Resources has delegated authority in relation to legal proceedings and has authorised certain officers in legal services and the trading standards service to make applications to a Justice of the Peace where one of the authorising officers listed below has permitted this.

Note: the Authority of the senior managers to authorise surveillance is legislative and cannot be delegated to other officers to exercise on their behalf.

<u>Post</u>	<u>Purpose of Authorisation</u>
Chief Executive	All purposes (including where there is a likelihood of acquiring confidential information)
Monitoring Officer	All purposes (including but only in the absence of the Chief Executive where there is a likelihood of acquiring confidential information)
Director for Corporate Resources (Chief Financial Officer)	All purposes for Corporate Resources Services (and including where there is a likelihood of acquiring confidential information but only in the absence of both the Chief Executive and the Monitoring Officer)
Director for Adult and Community Services	All purposes for Adult and Community Services (but excluding where there is a likelihood of acquiring confidential information)
Director for Children's Services	All purposes for Children's Services (but excluding where there is a likelihood of acquiring confidential information)
Director for Environment	All purposes for Environment Services (but excluding where there is a likelihood of acquiring confidential information)
Head of Planning	All purposes for Development Control (but excluding where there is a likelihood of acquiring confidential information)

Appendix 7

Delegations are to be exercised only within the framework of guidance and controls currently in operation. In particular, any exercise of authority under this scheme must be in accordance with guidance and procedures published on Insite (the corporate information framework) and take account of any supplementary advice provided by the Head of Human Resources and Exchequer Services and his/her staff.

Management Level for MSS		Proposed Delegation (all to be used in line with any relevant guidance on Insite)
0	Chief Executive, Directors and Statutory Chief Officers	(a) Early retirement recommendation. <p style="text-align: center;">and</p>
1	Senior managers reporting direct to Level 0 (normally Heads of Service)	(a) Lease Cars – agreement to early termination of contract. (b) Redundancy recommendation. (c) Suspension and dismissal of all employees up to and including second tier (i.e. those not employed on the conditions of service for Directors). (d) Overpayments – recommendation for write off. (e) Approval of giving lectures by employees at courses during office hours and retention of any fees received. <p style="text-align: center;">and</p>
2	Officers reporting to Level 1 (typically service managers)	(a) Approval of Removal and Disturbance Allowances (including the exercise of discretion in respect of extensions etc.). (b) Premature retirement on grounds of permanent ill health recommendation. (c) Flexible retirement recommendation. (d) Payment of honoraria (paragraphs 35(b)(i) and (ii)). <p style="text-align: center;">and</p>
3	Officers reporting to Level 2 (typically team managers)	(a) Accelerated incremental progression in exceptional cases/merit increments. (b) Creation of new post within existing budget (subject to establishment control). (c) Creation of new post from new funding (subject to establishment control). (d) Changes to post (subject to establishment control). <p style="text-align: center;">and</p>
4	Officers reporting to Level 3 (typically assistant team managers)	(a) Recruitment and appointment of all employees up to and including second tier, including placing an advertisement, appointment (internal and external), commencing salary within service/competence increments of position. (b) The payment of 'planned overtime'/additional hours to employees to whom they have line

		<p>management responsibility for.</p> <ul style="list-style-type: none"> (c) Granting of special leave of absence with/without pay. (d) Granting of approval for employees to undertake private work (outside of office hours). (e) Ex gratia payments. (f) Acting up arrangements. (g) Move to a different position within the establishment. (h) Review of discrete post of job evaluation request. (i) Labour market increments request. (j) Annual Leave carry forward. (k) Occupational Health referral. (l) Travel status authorisation. (m) Maternity leave approval. (n) Paternity leave approval. <p style="text-align: center;">and</p>
5	Officers reporting to Level 4 (typically team leaders)	<ul style="list-style-type: none"> (a) Incremental progression - approval of competency increments through the salary grade. (b) Approval to attend training courses (external courses are subject to Procurement approval at the appropriate level). (c) Sick leave (including return to work and trigger point interviews etc.) (d) Annual leave approval. (e) Change to employment within current position. (f) Performance and Development Review completion. (g) Notification of staff leaving. (h) Exit interviews. (i) Probation sign off. (j) Flexible working – approval of change to working patterns. (k) Travel expenses claim authorisation.
<p>Specific delegations to the Head of Human Resources and Exchequer Services</p> <ul style="list-style-type: none"> (a) Extension to full and half sick pay (b) Approval of injury allowance payments (c) Redundancy payments for teachers 		

Appendix 8

Officer Role	Management Level	Proposed Delegation (to be used in accordance with Contract Procedure Rules and Financial Regulations and relevant Guidance)
Signing contract documents		
Head of Legal and Democratic Services as Monitoring Officer		<ul style="list-style-type: none"> (a) Signing of contracts under seal of any value. (b) Signing of contracts valued in excess of £500,000. (c) Signing of inter authority, collaboration, partnering and framework agreements. (d) Approval to terminate contracts early with a value in excess of £500,000. (e) Approval to extend contracts where the original contract value exceeds £500,000 and within the original terms and advertised scope of the contract. (f) Authorisation and signing of letters of intent committing the County Council to expenditure in excess of £500,000.
Chief Executive, Directors and Statutory Chief Officers	0	<ul style="list-style-type: none"> (a) Signing of contracts (not under seal) up to but not exceeding £500,000 and signing of contracts for urgent special educational needs or urgent social care. (b) Approval to terminate contracts early with a value not exceeding £500,000. (c) Approval to extend contracts where the original contract value does not exceed £500,000 and within the original terms and advertised scope of the contract. (d) Authorisation and signing of letters of intent committing the County Council to expenditure not in excess of £500,000.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	<ul style="list-style-type: none"> (a) Signing of contracts (not under seal) up to but not exceeding £500,000 and signing of contracts for urgent special educational needs or urgent social care. (b) Approval to terminate contracts early with a value not exceeding £500,000. (c) Approval to extend contracts where the original contract value does not exceed £500,000 and within the original terms and advertised scope of the contract. (d) Authorisation and signing of letters of intent committing the County Council to expenditure not in excess of £500,000.

Expenditure		
Director for Corporate Resources as s.151 Officer		Authorisation of expenditure over £500,000 in conjunction only with the exercise of the Chief Executive's delegated authority in Appendix 5 paragraph 2.4 in cases of urgency.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	Approval of expenditure over £100,000 and not exceeding £500,000.
Officers reporting to Level 1 (typically service managers)	2	Approval of expenditure over £50,000 and not exceeding £100,000.
Officers reporting to Level 2 (typically team managers)	3	Approval of expenditure over £1,000 and not exceeding £50,000.
Officers reporting to Level 3 & 4 (typically assistant team managers)	4 & 5	Approval of expenditure not exceeding £1,000.
Exemptions		
Head of Legal and Democratic Services as Monitoring Officer And Director for Corporate Resources as s.151 Officer		Approval of requests for exemption to the Contract Procedure Rules for contracts valued over £100,000 but not exceeding EU procurement thresholds.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	Approval of requests for exemptions to the Contract Procedure Rules for contracts with a value not in excess of £100,000.
Procurement Tender Evaluation Models		
Head of Dorset Procurement		Authorisation of procurement tender evaluation models for contracts with a value in excess of £100,000.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	Authorisation of procurement tender evaluation models for contracts with a value not exceeding £100,000.

Specific Officer Delegations
Director for Corporate Resources as Section 151 Officer
Approval of finance appraisals for all supplier tenders for procurements contracts valued over £150,000.
Approval of financing routes.
Approval of finance lease agreements.
Approval of disposal of assets not otherwise covered in the scheme not exceeding £500,000 in value.
Delegations to the Head of Legal and Democratic Services as Monitoring Officers
Responsibility for safe custody of the County Council's seal and the execution of documents under seal.
Delegations to the Head of Procurement
Approval of EU procurement routes for over EU threshold procurement.
Delegated to the Corporate Fleet Manager
Approval of acquisition and disposal of all vehicles with a value not exceeding £500,000.
Delegated to the Head of Property Management
Approval for the acquisition and disposal of interests in land and buildings with a value not exceeding £500,000.

Note

All staff must respect the lead advisor role of any senior manager responsible for a particular service area and must not commission advice or services other than through the service in question. By way of illustration legal advice and support is only to be provided by or commissioned through the Head of Legal and Democratic Services and the same applies to other professional disciplines.