

Part 3: Scheme of Delegation

Scheme of delegation for Dorset County Council

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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:
- 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

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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.
- 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 Regulatory 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.

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- 2.8 Cabinet portfolio holders are also expected in appropriate cases to maintain clear communication with the Chairman of the relevant Overview and Scrutiny 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:-

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- (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 and Scrutiny 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.

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- 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 and Scrutiny Committee or the Chairman 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 relevant portfolio holder for corporate matters, 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.

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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 6.

9. Delegations of people management matters

9.1 The scheme of delegation for people management matters, Appendix 7, operates on the basis that people management decisions are delegated to the lowest possible level.

9.2 The scheme of delegation for people management matters can be varied by the Head of Paid Service, in consultation with the Corporate Leadership Team, Monitoring Officer and Section 151 Officer.

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.

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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). | Regulatory 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. | Regulatory 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. | Regulatory Committee |
| 4. All the functions of the County Council in relation to elections in Section D of Schedule 1 to the Functions Regulations. | Regulatory 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 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. | Regulatory Committee |
| 7. 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. | Regulatory Committee |
| 8. The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions Regulations. | Regulatory Committee |
| 9. All functions of the County Council relating to Sea Fisheries under Sea Fisheries legislation. | County Council |
| 10. Power to make Standing Orders and Standing orders as to contracts. | County Council (on recommendation from the Audit and Governance Committee) |
| 11. The duty to approve the County Council's statement of accounts, income and expenditure and balance sheets. | Audit and Governance Committee |
| 12. Power to make payments or provide other benefits in cases of maladministration. | Audit and Governance Committee |
| 13. The functions of the County Council to make limestone pavement orders. | Regulatory Committee |

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| 14. The functions of the County Council relating to the preservation of trees and protection of hedgerows. | Regulatory Committee |
| 15. (a) Determination of terms and conditions on which staff hold office (including procedures for dismissal) | Staffing Committee |
| (b) Appointment of Directors and Deputy Chief Executive and recommendation of appointment of Chief Executive. | Staffing Committee |
| 16. Confirmation of appointment of Chief Executive. | County Council |
| 17. Appointment of all staff not covered by paragraphs 16 and 17 above. | Appropriate Director or his/her nominees under powers delegated under the Scheme of Delegation |
| 18. Establishment of an Independent Remuneration Panel and approval of the Scheme for Members' Allowances upon recommendation of the Independent Remuneration Panel. | County Council |
| 19. Power to appoint officers for particular purposes (appointment of 'proper officer'). | County Council |
| 20. Duty to designate officer as the Head of the authority's Paid Service, and to provide staff etc. | County Council |
| 21. Duty to designate officer as the Monitoring Officer, and to provide staff etc. | County Council |
| 22. Duty to designate officer as the Chief Financial Officer and to provide staff etc. | Staffing Committee |

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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 Children's and Adult Services matters | 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 |
| 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. | County Council |
| 9. Leading the County Council's search for efficiency. | Cabinet |
| 10. Making arrangements for the execution of Highways work. | Director for Environment and the Economy in accordance with the Scheme of Delegation |
| 11. Appointment of any individual:- (a) to any office other than an office in which he is employed by the authority; (b) to any body other than:- (i) the authority; (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. | Cabinet in respect of bodies with Executive functions save that the County Council will reserve to itself the appointments to the following bodies:- (a) LGA; (b) South West Regional Assembly The County Council in respect of other outside bodies. |
| 12. Making agreements with other local authorities for placing staff at the disposal of those other authorities. | Staffing Committee |

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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 |

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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 join 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 Audit 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.

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Appendix 5

1. Powers to be delegated to the senior managers

- 1.1 To make applications for planning permission, after consultation with the Chief Financial Officer, the Monitoring Officer and the Director for Environment and the Economy, 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 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.

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- 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 he/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.
- 2.8 The role of hearing and determining grievance appeals is delegated to the Chief Executive or a director after consultation with one trained member and one trade union representative drawn from any one of the recognised trades unions
- 2.9 The role of hearing and determining end of employment appeals is delegated to the Chief Executive or a director after consultation with two trained members.

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.

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- 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 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, 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

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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 Regulatory 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 the Economy 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 relevant Cabinet Member, and subject to the changes being reported to the next meeting of the Cabinet.

7. Powers delegated to the Head of Human Resources and Organisational Development

7.1 To act as the person specified by the County Council as a scheme employer, to consider disputes in respect of the Local Government Pension Scheme, about first instance decisions on pension matters.

7.2 Redundancy payments for teachers.

7.3 Extension to full and half sick pay.

8. Powers delegated to the Head of Early Help and 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

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9. Powers delegated to the Head of Economy

- 9.1 To make all development control decisions, subject to the following exceptions which would require the decision of the Regulatory 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 Regulatory 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 Economy will retain the discretion to bring any other matter he/she deems appropriate before the Regulatory Committee.

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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 Monitoring Officer 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) |
| 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 and the Economy | All purposes for Environment Services (but excluding where there is a likelihood of acquiring confidential information) |
| Head of Economy | All purposes for Development Control (but excluding where there is a likelihood of acquiring confidential information) |

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Appendix 7

Scheme of Delegation for People Management Matters

People management matters are delegated to the lowest possible level – usually the direct line manager – unless, by taking such action, the general principles described below are not supported.

- It is expected that the Chief Executive, supported by the Corporate Leadership Team, ensures that people management decisions are made in accordance with this scheme and that all managers* are aware of their delegated responsibilities.
- Managers can make all operational decisions within the remit of their role.
- Managers are not able to make decisions which require approval of the Staffing Committee or the Head of Human Resources and Organisational Development. (For example, pension scheme discretions and redundancy).
- Managers have the discretion to approve any requests made by their employees where either the DES ESS or mediated access process enables the manager to approve the request. (For example, approval of leave).
- Any manager taking formal action (written warning/suspension/dismissal), must have first received appropriate people management training.
- Before making a decision, the manager must consider whether the matter is of a particularly sensitive or significant nature that consulting with or informing a higher tier of manager is appropriate.
- HR & OD policy, procedure and guidance must always be followed, in line with employment legislation. Due consideration must be given to equality and diversity matters and health and safety responsibilities.
- Appeals against any formal decision will always be heard by a different manager than the manager making the decision, unless a specific route is specified in a particular HR & OD policy and procedure.
- All decisions made are in accordance with the County Council's principles of decision making. Decisions are: proportionate; follow due consultation and appropriate professional advice; respect human rights and equalities; made in favour of openness with clarity of aims and desired outcomes and reflect the balance of evidence or the legal or financial position.
- Managers must be able to provide reasons for decisions.

*The County Council's people managers are those with formal line management responsibility, as outlined in the job description. In addition, the line manager is the person with responsibility for performance management and undertaking the PDR. People managers are recorded as a manager in DES, with access to MSS. Officers without people management responsibility may also have delegated responsibility under this scheme if they are nominated to act on a manager's behalf.

The Scheme of Delegation for People Management Matters can be varied by the Chief Executive, in consultation with the Corporate Leadership Team and Monitoring Officer.

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Appendix 8

| Officer Role | Mgt Lvl | 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 | | |
| Chief Financial Officer 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. |

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| | | |
|---|-------|--|
| 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 Chief Financial Officer 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 | | |
| Chief Financial Officer 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 Officer | | |
| 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.