

## Part 3 – Scheme of Delegation

### Officer scheme of delegation for Dorset Council – April 2019

#### Introduction

1. Local authority decisions are made by elected members but for the Council to be able to function on a day to day basis the law enables the various executive and non-executive functions to be delegated to Officers. In addition, there are some functions which the law says must be exercised by specific officers.
2. This part of the Constitution sets out the ways in which the officers of the Council can make decisions and which decisions they have the power to make. It is called the "Scheme of Delegation."
3. This Scheme of Delegation is set out as follows:

| Title  | Contents   |
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| Introduction   | Sets out what this Part of the Constitution (the "Scheme of Delegation") covers, conditions, limitations and indemnity and relevant definitions. |
| <a href="#">General Delegations to all Officers</a>  | Sets out the delegations which apply to all "Officers"   |
| <a href="#">Delegations to Chief Executive/Head of Paid Service</a>                                  | Sets out the delegations which apply to this officer   |
| <a href="#">General Delegations to all Chief Officers</a>  | Sets out the delegations which apply to all "Chief Officers".  |
| <a href="#">Delegations to the s151 Officer</a>  | Sets out the delegations which apply to this officer   |
| Delegations to the Executive Director Corporate Development  | Sets out the delegations which apply to this officer   |
| <a href="#">Delegations to the Corporate Director, Legal and Democratic (Monitoring Officer)</a>     | Sets out the delegations which apply to this officer   |
| <a href="#">Delegations to the Executive Director Place</a>  | Sets out the delegations which apply to this officer   |
| Delegations to the Executive Director, People – Adult Services (DASS)                                | Sets out the delegations which apply to this officer   |
| <a href="#">Delegations to the Executive Director People – Children’s Services (DCS)</a>             | Sets out the delegations which apply to this officer   |
| <a href="#">Delegations to the Director of Public Health</a>   | Sets out the delegations which apply to this officer   |
| <a href="#">Appendix 1<br/>Authorisations for Regulation of Investigatory Powers Act 2000 (RIPA)</a> | Sets out arrangements for authorisations in relation to RIPA   |
| <a href="#">Appendix 2<br/>Conditions and limitations</a>  | Identifies various conditions and limitations that apply to delegations by officers at different levels of seniority.                            |
| <a href="#">Appendix 3<br/>Arrangements for Proper Officer functions</a>                             | Sets out the legal requirements for "proper officers", what this means and a link to the Statutory and Proper Officer Register                   |
| <a href="#">Appendix 4<br/>Member and Officer Indemnity Rules</a>                                    | Set out provisions relating to the indemnity provided to members and officers.   |

## Advice and Interpretation

4. Where necessary, a final decision on the meaning and interpretation of this document (which is part of the Council's Constitution) will be made by the Monitoring Officer (or in his/her absence the Officer responsible for Legal Services) and his/her view be determinative. However, no delegation/nomination in this Scheme shall be interpreted as including any power that is prohibited by law from being delegated or nominated to an officer.
5. In this scheme including any nomination made in relation to it, unless the context requires otherwise, the terms below shall be construed as follows:
  - (a) "Chief Executive" includes reference to Head of Paid Service if different;
  - (b) "Chief Officer" means the Chief Executive, all Executive Directors, the Corporate Director – Legal and Democratic Services, Section 151 Officer and Monitoring Officer
  - (c) "Employment Powers" means all those employment powers referred to in Appendix 2 Part 1;
  - (d) "Financial Powers" means all those financial powers referred to in Appendix 2 Part 2;
  - (e) "Officers", shall include people employed, retained or appointed by the Council to advise and support Members and implement their decisions. The term "Officers" in this Constitution unless the context otherwise requires includes all the people who operate in this capacity including contractors, consultants, agency staff and volunteers;
  - (f) "Town and Country Planning Legislation means all legislation relating to any function of the Council concerning town and country planning including any such function arising under any of the following:
    - (i) the Town and Country Planning Act 1990;
    - (ii) the Planning (Hazardous Substances) Act 1990;
    - (iii) the Planning (Listed Buildings and Conservation Areas) Act 1990;
    - (iv) the Planning (Control of Advertisement) Regulations 1992;
    - (v) the Hedgerows Regulations 1997;
    - (vi) the Anti-Social Behaviour Act 2003 (in so far as it relates to high hedges);
    - (vii) the Planning and Compulsory Purchase Act 2004;
    - (viii) Planning Act 2008;
    - (ix) all of the Town and Country Planning (General Permitted Development) (England) Orders including for the avoidance of doubt the Town and Country Planning (General Permitted Development) (England) Orders of 2015;
    - (x) all of the Town and Country Planning (Development Management Procedure) (England) Orders including for the avoidance of doubt the Town and Country Planning (Development Management Procedure) (England) Orders of 2015;

- (xi) the Town and Country Planning Act 1971;
  - (xii) all the Housing and Planning Acts; and
  - (xiii) any regulations, directions and/or other orders made pursuant to any of the above;
- (g) “undertake all action”, includes as necessary:
- (i) undertaking any inspection and/or examination;
  - (ii) enter land, any premises and/or vehicle for the purposes of exercising any service and/or function;
  - (iii) giving of authority including in relation to determining and authorising the attendance of any person whether an Officer or otherwise;
  - (iv) preparing, signing, issuing and/or serving of any document (including any direction, notice, licence, order, permission, permit, consent, approval, registration and/or certificate);
  - (v) making any determination including a decision to approve, cancel, confirm, grant, make, modify, review, refuse, renew, replace, revoke, suspend, transfer, vary and/or withdraw any documentation referred to above together with the determination of any condition, obligation, limitation, restriction and/ or requirement considered necessary;
  - (vi) conducting any review and/or appeal and/or any assessment of a similar nature;
  - (vii) exercising any relevant power relating to analysis, certification, checking (including checking of records whether electronic or otherwise), destruction, detention, purchasing, removal, retention, sampling and/or seizure;
  - (viii) recording information through whatever medium including photographic and/or digitally;
  - (ix) undertaking any associated procedural action;
  - (x) managing any assessment process including determination of the appropriate assessment to use and the scoring of any assessment; and
  - (xi) exercising decision and/or discretion to determine the level of and/or whether to recover any cost incurred in relation to any action.
6. The Council operates a cascade principle of delegation/nomination to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers.
7. To ensure the smooth functioning of the Council and the efficient delivery of services, the Chief Officers and other named Officers have been delegated various powers that they need to perform their roles.
8. Certain Officers have specific duties and/ or formal functions to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as “Statutory” or “Proper” Officers and some have specific legal titles in addition to their job titles.

9. The way the Council structures its services and its Officer arrangements may change from time to time to reflect changes in service delivery and best practice. Further details of the current Officer Structure can be found in Officers – Article 12 – Part 1 of the Constitution and also in the management structure – Part 7 of the Constitution.
10. The cascade principle under which this scheme operates means that any Officer given a power (whether expressly set out in this scheme or otherwise) can nominate other Officers to exercise those powers:
  - through a local scheme of nomination (which sets out various standing nominations given to specific Officers in defined areas of the Council's service areas); and/or
  - through a specific nomination in relation to an individual decision which must be evidenced in writing, dated and signed by the officer delegating the power with a copy supplied to the Proper Officer .
11. Some powers may be delegated to an Officer directly by a Committee, Sub-Committee or through executive arrangements. In such cases, unless expressly limited otherwise, it shall be assumed that such a delegation includes power for the Officer to nominate other Officers to also exercise that delegation in accordance with the provisions of this scheme.
12. Where a power has been passed to an Officer (including where nominated through the Cascade principle), the person or body making the delegation / nomination may at any time take back responsibility for the function and may in any event also exercise the power despite the delegation/nomination.

#### **General provisions relating to the exercise of delegated authority by Officer**

13. The Chief Executive can at any time exercise any power delegated to any Officer whether specified in this officer scheme or otherwise unless expressly prohibited by law. At any time the Chief Executive is unavailable or absent, or the post is vacant, then any of the Executive Directors and/or the Corporate Director – Legal and Democratic Services can exercise any such power.
14. The powers of this Scheme are delegated to the Officers referred to by title within this Scheme of Delegation. So the delegations apply to whoever holds that post title at any time. The powers are automatically transferred to any successor officer to that post. Also, at various times, an Officer post may be left vacant, posts may be combined and/or the title changed. For the purposes of this Officer Scheme, reference to any post that is vacant, combined with any other and/or has its name changed shall be construed as referring to the Officer post which for the time being takes on the relevant responsibilities of the original post.
15. Where a delegation/nomination to an Officer overlaps with any other delegation/nomination, then the delegation/nomination can be exercised by the Officer without reference to any other Officer and free of any restriction and/or limitation that specifically relates to that other delegation/nomination.
16. These general provisions apply not only to named Officers but also to anyone else authorised or nominated by them to exercise delegated authority on their

behalf. In authorising others to act on their behalf attention should be drawn to the requirements of these provisions.

17. Any action by an Officer under a power granted in this Scheme of Delegation must be exercised in accordance with the conditions and subject to any relevant limitations in Appendix 2. Officers should also have regard to any other relevant matters that might relate to the exercise of such a power, including:
  - any relevant Council policies and procedures (compliance with some of which is mandatory), and
  - other relevant provisions in the Constitution (including Financial Regulations, the Contract Procedural Rules and the Officer Code of Conduct).
18. In deciding whether and how to exercise any power, an Officer must take advice from any other person (which might include another Officer and/or Member) that is appropriate before undertaking any specific action. This is equally true in situations where the Council acts as lead authority or host for a partnership involving the joint exercise of functions. In such cases, this could involve consulting with the appropriate Chairman or lead member for the partnership in place of, or in addition to, consultation with an appropriate Executive Member.
19. Nothing in this Scheme of Delegation shall prevent an Officer from deciding not to exercise a power and to refer it to some other body /Member who also has power to exercise it.
20. 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 can be consulted. Similarly, in the absence of the Chairman of a Committee the Vice-Chairman can be consulted. In the absence of an Executive Member the Leader could be consulted as an alternative.

### **General Indemnity**

21. The Council has adopted indemnity provisions in relation to its Officers and Members. Details of this indemnity as set out in Appendix 4.

| <b>Delegations to All Officers</b> ( <a href="#">Back to Scheme Contents</a> ) |  |
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| <b>Ref</b>   | <b>Delegation</b>  |
| 1  | To act as a witness: <ul style="list-style-type: none"> <li>(a) on behalf of the Council in any proceedings in which the Council is directly involved; and/or</li> <li>(b) where so directed by a court, tribunal, hearing or other inquiry with power so to do; and/or</li> <li>(c) in any other circumstance with the prior written approval of the Monitoring Officer.</li> </ul>   |
| 2  | To undertake all action relevant to that Officer that is required by or identified in Financial Regulations and/or Contract Procedural Rules as applicable to that Officer.  |
| 3  | To undertake all action relevant to any matter to which an Officer is given a role, power or activity pursuant to any provision set out in the Constitution where the Officer is exercising, <ul style="list-style-type: none"> <li>(a) a role as a Proper Officer as identified in Appendix 3;</li> <li>(b) Employment Powers subject to the conditions and limitations set out in Appendix 2; or</li> <li>(c) Financial Powers subject to the conditions and limitations set out in Appendix 2.</li> </ul> |

| <b>Delegations to the Chief Executive</b> ( <a href="#">Back to Scheme Contents</a> ) |   |
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| <b>Ref</b>  | <b>Power</b>  |
| 4   | To undertake all action related to the role of Head of Paid Service.  |
| <b>Governance</b>   |   |
| 5   | To agree changes to appointments to outside bodies arising from changes in the Executive, Members or group nominations.   |
| 6   | To summon a meeting of the Council provided that the circumstances necessitating the calling of the meeting are identified on the summons/agenda for that meeting   |
| 7   | Where a vacancy arises and there is no immediate meeting of the Full Council to appoint to any Committee, Board and/or statutory panel the nominee of the relevant political group and report the appointment to the next available meeting of the Full Council.  |
| 8   | To determine appointments to any statutory panels.  |
| 9   | To determine whether to grant a dispensation in respect of any disclosable pecuniary interest.  |
| 10  | To approve Member attendance at any conference and the payment of any expense or allowance in accordance with the adopted scheme of member allowances as set out in this Constitution.  |
| 11  | To summon a meeting of the Council provided that the circumstances necessitating the calling of the meeting are identified on the summons/agenda for that meeting.  |
| 12  | To undertake all action in connection with the arrangement of civic and ceremonial functions.   |
| <b>Officer Designations</b>   |   |
| 13  | To designate an Officer as an authorised officer to exercise the Council's powers under any statutory provisions.   |
| <b>Emergency and Urgency</b>  |   |
| 14  | In an emergency, power to undertake all action s/he considers necessary, including; <ul style="list-style-type: none"> <li>(a) incurring expenditure from working balances and/or reserves,</li> <li>(b) to determine whether to take, defend and/or settle any legal proceedings;</li> <li>(c) to make a final determination whether to acquire and/or dispose of building and/or land,</li> </ul> |

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|                              | subject to consultation with the s151 Officer, s/he considers it appropriate and feasible, and to notifying any emergency action as soon as reasonable to the Leader.   |
| 15                           | To undertake all action to ensure the effective delivery of the councils emergency planning function subject to the prior consultation with Section 151 Officer to the extent it will result in expenditure from working balances or reserves.  |
| <b>Operational Decisions</b> |   |
| 16                           | To undertake all action relating to the management and operation of any of the Council's services including: <ul style="list-style-type: none"> <li>(a) authorising the acquisition of any asset or service; and</li> <li>(b) the management of any land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture and appliances; and</li> <li>(c) to incur expenditure from working balances and/or reserves, provided that: <ul style="list-style-type: none"> <li>(i) any such action will not result in the overall budget for any individual service being exceeded unless the s151 Officer confirms that any overspend can be offset against working balances and/or other services underspends;</li> <li>(ii) the Section 151 Officer gives approval; and</li> <li>(iii) where s/he considers it appropriate and feasible to do so, prior consultation with any relevant Chief Officer(s).</li> </ul> </li> </ul> |
| 17                           | To take action in connection with the receipt of any expression of interest in relation to the community right to challenge. This power includes the power to receive and validate any expression of interest, provided that: <ul style="list-style-type: none"> <li>(a) in making a decision whether to accept or reject an expression of interest there has been prior consultation with appropriate Members; and</li> <li>(b) the expression of interest is reported to the Full Council in accordance with the Executive arrangements within three months of receipt.</li> </ul>  |
| 18                           | To publish notices as required on behalf of the Council under any legislation except where this is specifically delegated by this Scheme or reserved by law to a Chief Officer or other named Officer.  |
| 19                           | To take undertake all action to comply with health and safety legislation including the power to incur expenditure from existing balances or reserves subject to the approval of the Section 151 Officer.   |
| 20                           | To the extent it is not covered by Appendix 4 of this Scheme to be the Proper Officer and the person authorised to carry out any function or action described in: <ul style="list-style-type: none"> <li>(a) any regulations relating to referendums, petitions and/or directions;</li> <li>(b) the Criminal Procedure and Investigations Act 1996 relating to the appointment of Disclosure Officers;</li> <li>(c) any other legislative provision; and/or</li> <li>(d) the Constitution not otherwise specifically delegated to another Officer, including the power to appoint or nominate any other Officer to act.</li> </ul>  |
| 21                           | To exercise any power delegated to any Officer whether specified in this officer scheme or otherwise unless solely limited to exercise by that Officer by law.  |
| 22                           | To undertake all action to secure compliance with any decision of Full Council, any part of the Executive, a Committee, Board and/or statutory panel.   |
| 23                           | To sign any Council document not otherwise covered by this Scheme.  |
| 24                           | To determine the content and be responsible for any publication scheme (including determining any charges) under freedom of information and/or data protection legislation.   |
| 25                           | Subject to prior consultation with at least one Executive Member, to determine whether to close any of the Council offices for reasons of efficiency around the Christmas and New Year bank holiday period.   |

| <b>People Management</b>   |  |
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| 26   | To deal with all matters relating to the paid employment of Council officers.  |
| 27   | To determine any change to the whole or any part of the employee establishment / structure of the Council including power to incur expenditure subject to prior consultation with the Section 151 Officer.   |
| 28   | To determine the composition of any panel required to consider any employee issue, subject to consultation with the Officer responsible for Human Resources  |
| 29   | To determine the grading and regrading of posts provided that funding for any associated existing and future costs is available.   |
| <b>Proper Officer</b>  |  |
| 30   | To appoint any Officer to be a Proper Officer for the purposes of any function of the Council.   |
| <b>Delegations to all Chief Officers</b> ( <a href="#">Back to Scheme Contents</a> ) |  |
| <b>Ref</b>   | <b>Power</b>   |
| 31   | <p>In a declared emergency or major incident, the Chief Officers and Dorset Council's Duty Gold and Silver Officers, when acting in a decision making capacity at the Local Resilience Forum's: Strategic Co-ordinating Group (Gold), Tactical Co-ordinating Group (Silver), various Recovery Co-ordinating Groups (Gold and Silver) or at the Council's own internal Gold emergency groups 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 Council's duties in all relevant legislation. In line with Dorset Council's emergency command structure, Silver Officers have a restricted level of financial authorization in comparison to Gold and Chief Officers. Both the command structure and accompanying levels of Gold and Silver authorisations are set out within Dorset Council's Emergency Response Plan.</p> <p>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 Executive, the relevant service portfolio holder and Chief Officers 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 Executive as is appropriate in the circumstances of the emergency.</p> |
| 32   | <p>In any cases which s/he considers to be urgent, to discharge any function and deliver any service within the Chief Officers responsibility, other than those functions which can only be discharged by the Council or a specific Committee. This delegation is subject to the following conditions :</p> <p>(a) prior consultation with the Monitoring Officer and the Section 151 Officer;</p> <p>(b) consultation with the appropriate Executive Member or the Chairman of the appropriate Committee; and,</p> <p>(c) to the extent it will incur expenditure from working balances and/or reserves, the prior approval of the s151 Officer.</p>  |
| <b>Operational Decision Making</b>   |  |
| 33   | <p>To undertake all action relating to the management, operation and delivery of the services for which the Chief Officer is responsible including:</p> <p>(a) such action as the Chief Officer considers appropriate in relation to the discharge of any function wholly or partly relating to any of those services;</p> <p>(b) authorising the acquisition and/or disposal of any asset (excluding any land and/or building) or service; and</p>  |



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|    | (c) the management of any land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture and appliances, provided any such action will not result in the overall budgets for which the Chief Officer is responsible being exceeded.  |
| 34 | To undertake all action relating to the entering into of any short-term lease and/or letting arrangement in respect of any land or building for a term not exceeding 6 months including the agreement of any terms associated with such an arrangement provided that: <ul style="list-style-type: none"> <li>(a) s/he considers it is necessary in relation to the discharge of any function wholly or partly relating to any service for which s/he is responsible; and</li> <li>(b) any cost associated with any such transaction can be met from within existing budgets for which the Chief Officer is responsible.</li> </ul> |
| 35 | To undertake all action to give effect to any decision of or on behalf of the Council.   |
| 36 | To instruct / appoint and/or authorise any external person (including any consultant) or body (excluding legal professionals) to undertake work and/ or act for and/or on behalf of the Council in respect of any matter (including at any legal proceedings, tribunal, hearing, inquiry or similar body) relating to any work undertaken by any service for which the Chief Officer's is responsible and/or to which s/he is providing support.   |
| 37 | To determine whether to enter and to enter into any contract or agreement for works, services and/or supplies, including all terms, for any service for which the Chief Officer is responsible provided that: <ul style="list-style-type: none"> <li>(a) any expenditure incurred can be met from a relevant budget; and,</li> <li>(b) the process followed is in accordance with the Contract Procedure Rules.</li> </ul>   |
| 38 | To undertake all action relating to any matter arising in respect of any appeal, call-in, inquiry and/or hearing of whatever nature to which the Council is party including: <ul style="list-style-type: none"> <li>(a) to determine any procedural issue and any response to a procedural issue relating to any such matter; and</li> <li>(b) to determine whether or not to defend the whole or any part of the proceedings in respect of which the appeal etc is taking place.</li> </ul>   |
| 39 | To determine whether or not to support a bid by any organisation for any external grant/funding provided that any such support will not result in the overall budgets for which the Chief Officer is responsible being exceeded.   |
| 40 | To enter into an agreement with any voluntary agency, charity or public sector organisation, where the Council has or is proposing to offer financial and/or other assistance to that body, provided that no agreement shall commit the Council to utilise resources that are not available for this purpose and there is relevant insurance provision in place.   |
| 41 | With advice from Human Resources to determine the terms of and enter into agreements with any organisation to place staff at the disposal of that organisation.  |
| 42 | To administer the supply of goods, works and/or services to any external person/body.  |
| 43 | To undertake all action in connection with any application to the Council for a grant in respect of which s/he has been given a budget provided that any expenditure incurred can be met from that budget.   |
| 44 | To determine whether and how to respond on behalf of the Council to any local, county, sub-regional, regional or national consultation on matters affecting the Council subject to prior consultation with an Executive Member.  |
| 45 | To approve (with or without modification) or refuse any draft plan and/or strategy for public consultation subject to prior consultation with an Executive Member.   |
| 46 | To determine whether to enforce and to enforce the terms of any agreement, contract, licence, lease or any other legal instrument to which the Council is a party provided that the subject matter relates wholly or partly to work undertaken by any part of the Chief Officer's directorate.   |

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| 47 | <p>To:</p> <p>(a) make any planning application and/or any other application under any Town and Country Planning Legislation provided that in both cases:</p> <p>(i) there is prior consultation with the Executive Director - Corporate Development and the Executive Director – Place; and</p> <p>(ii) no such application will result in the overall budgets for which the Chief Officer is responsible being exceeded; and /or</p> <p>(b) provide a consultation response to any application under any Town and Country Planning Legislation</p>   |
| 48 | <p>To undertake all action in connection with the determination of any application submitted to the Council within the Chief Officer's service area(s) but excluding an application to the Council for planning permission made under section 62 of the Town and Country Planning Act 1990 applies [see further in this respect delegations to the Executive Director – Place].</p>  |
| 49 | <p>To undertake all action for the purpose of investigating and/or enforcing (including authorising any court proceedings) any:</p> <p>(a) actual, perceived or potential breach of any statutory provision; and/or</p> <p>(b) consent, authorisation, permit, registration, certificate, license, notice, order, permission or other document of a similar nature (including any condition, obligation, restriction, limitation or any other provision) given, issued or made by the Council, provided that the subject matter of that statutory provision and/or document relates wholly or partly to the work undertaken by any Service for which s/he has any responsibility.</p>  |
| 50 | <p>To undertake any inspection of land and/or buildings and/or exercise any related powers of entry for the Chief Officer's Service area(s) with the power to undertake action as a consequence the inspection (excluding authorising the initiation of any formal court proceedings).</p>   |
| 51 | <p>To undertake all action in connection with the issuing and serving of any notice for the purposes of securing information relating to any function of the Council, including any notice:</p> <p>(a) under Local Government (Miscellaneous Provisions) Act 1976; and</p> <p>(b) relating to any town and country planning function of the Council.</p>   |
| 52 | <p>To issue any licence or control any registration of persons or premises on behalf of the Council under any legislation except where this is specifically reserved by law to a specific Chief Officer or other named Officer.</p>  |
| 53 | <p>To authorise any Officer that s/he considers appropriate:</p> <p>(a) to carry out any inspection and/or examination;</p> <p>(b) to carry out any action arising during and/or out of any inspection and/or examination (including analysis, certification, checking, destruction, detention, measurement, purchasing, sampling, seizure and/or, testing);</p> <p>(c) to exercise any power of entry available to the Council;</p> <p>(d) to issue any document relating to an inspection and/or examination including any notice;</p> <p>(e) to serve any document;</p> <p>(f) to undertake any work in default and/or supervision or management;</p> <p>(g) to undertake any enforcement activity; and/or</p> <p>(h) to seek a warrant;</p> <p>provided that in all cases:</p> <p>(i) the authorisation relates wholly to a service or delegated power of the Chief Officer; and</p> <p>(ii) the Chief Officer believes that any cost associated with the authorisation can be met from within their existing budget and/or the prior approval of the Section 151 Officer is obtained.</p> |

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| 54                       | To appoint/authorise any Officer and any other person undertaking any task for or on behalf of the Council to be:<br>(a) an inspector;<br>(b) an authorised officer; and/or<br>(c) an enforcement officer,<br>including power to authorise any such Officer /person to undertake all action relevant to the performance of such a role in relation to any service and/or function of the Council, provided that in all cases the appointment / authorisation relates wholly or partly to any service and/or function which for which s/he has any responsibility and/or any delegated management power. |
| 55                       | To undertake all action in connection with any fixed penalty notice, including:<br>(a) to determine any relevant content; and/or<br>(b) to determine whether or not to issue a notice;<br>provided that the fixed penalty notice relates wholly or partly to a Chief Officer's Service area (excluding authorising the initiation of any formal court proceedings).   |
| 56                       | Subject to prior consultation with the Corporate Director – Legal and Democratic to determine whether to issue a caution of whatever nature as an alternative to undertaking criminal proceedings provided the caution relates wholly or partly to any service and/or function for which s/he is responsible and/or has delegated power and/or to which s/he is providing support.  |
| 57                       | To authorise and take action to secure a warrant in relation to any work being undertaken by the Chief Officer's Service area.  |
| 58                       | To monitor, store, archive and/or destroy Council documentation relating wholly or partly to the work undertaken by the Chief Officer's Service area in accordance with any Council policies.   |
| 59                       | To take action in connection with the receipt of any expression of interest in relation to the community right to challenge. This power includes the power to receive and validate any expression of interest, provided that:<br>(a) in making a decision whether to accept or reject an expression of interest there has been prior consultation with appropriate Members; and<br>(b) the expression of interest is reported to Full Council / in accordance with Executive arrangements within three months of receipt.   |
| 60                       | To undertake all action in connection with a request for the release of information pursuant to:<br>(a) any freedom of information legislation;<br>(b) any environmental information legislation;<br>(c) any subject access request; and/or,<br>(d) any other legislation.  |
| <b>Signing Documents</b> |   |
| 61                       | To sign any document to give effect to any decision of or on behalf of the Council.   |
| <b>Financial</b>         |   |
| 62                       | To undertake all action in relation to the finances of their directorates provided:<br>(a) in the case of any virement between budgets there is prior consultation with the Section 151 officer; and<br>(b) this will not result in the overall budgets for which Chief Officer is responsible being exceeded.  |
| 63                       | To:<br>(a) prepare and submit any application for external grants/funding; and/or<br>(b) determine whether to accept the award of any external grant/funding (including any related conditions and/or limitations) provided:  |

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|                          | <ul style="list-style-type: none"> <li>(i) that any costs (including any match funding) to the Council required as part of any grant/ funding being available from a budget within the control of the Chief Officer; and</li> <li>(ii) there is prior approval of the Section 151 Officer where s/he is required to sign off on any requirements relating to the grant/funding.</li> </ul>   |
| 64                       | <p>To set any fee, charge and/or any method of charge for any matter relating wholly and/or partly to the Chief Officer's Service area(s) provided that:</p> <ul style="list-style-type: none"> <li>(a) the Council has not already formally determined the fee and/or charge for that work for the proposed period of time to be covered; and</li> <li>(b) the amount of the fee and/or charge is in accordance with any such fee and charge expressly set by legislation.</li> </ul> |
| 65                       | To determine whether to write off any debt of up to £10,000 or any higher sum identified in the Financial Regulations subject to the prior approval of the Section 151 Officer.  |
| <b>People Management</b> |  |
| 66                       | To appoint staff (excluding the posts of Chief Executive, Monitoring Officer, Section 151 Officer, and Directors) within structures and budgets approved by the Council and the Executive where Procedure Rules allow and to exercise control and discipline in accordance with the Council's agreed policies and personnel procedures and this Scheme.  |
| 67                       | To exercise day to day management of Officers placed under the control of the Chief Officer in accordance with the principles for people management in Appendix 2.   |
| 68                       | To implement, in the areas for which they are responsible, corporate personnel policies and nationally and locally determined conditions of service adopted by the Council.  |
| 69                       | To approve changes to the number and distribution of posts for which they are responsible subject to financial provision for the current and future years being available. Where changes are proposed to the Chief Officer structure a report to the Chief Executive will be required before any such changes are implemented. All other changes to structures remain delegated to Chief Officers.   |
| 70                       | To approve changes to the grading of posts taking account of job evaluation outcomes for posts covered by these schemes provided that funding for any associated existing and future cost is available and any such change is in accordance with the principles for people management in Appendix 2.   |
| 71                       | <p>To make decisions about making individual posts redundant, or agreeing to an individual's early retirement, subject to</p> <ul style="list-style-type: none"> <li>(a) the approval of the Staffing Committee in respect of the award of discretionary payments in cases which involve the early introduction of pension benefit where this is required by any relevant HR policy; and,</li> <li>(b) funding associated with any redundancy payment being available.</li> </ul>      |
| 72                       | To appoint, authorise and sign an identity card of, any Officer (including any inspector, authorised officer, enforcement officer and/or other person undertaking work for or on behalf of the Council) necessary for the proper performance of that Officer's duties provided that any appointment / authorisation relates to the service and function for which the Officer has responsibility and/or any delegated power.   |
| <b>Complaints</b>        |  |
| 73                       | To undertake all action in connection with the preparation and issuing of any information and/or response to a complaint against the Council made pursuant to the Council's formal complaints procedure or Ombudsman complaint.  |
| 74                       | <p>To resolve a complaint, including the approval of compensation in respect of:</p> <ul style="list-style-type: none"> <li>(a) any complaint made through the Council's complaint procedure; and/or</li> <li>(b) any finding of maladministration by the Local Government and Social Care Ombudsman,</li> </ul>   |

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|                       | including the power to incur expenditure from working balances and /or reserves subject to prior approval of the Section 151 Officer.   |
| 75                    | Subject to prior consultation with the Corporate Director – Legal and Democratic to settle any claim or potential claim made by or against the council in a sum not exceeding £50,000 including power to authorise expenditure from working balances and/or reserves subject to the prior approval of the s151 Officer. |
| <b>Governance</b>     |   |
| 76                    | To undertake all action in connection with the provision of reasons and responses to representations in relation to the holding of private meetings.  |
| 77                    | To sign off and/ or approve a report or item to go to any body of the Council and/or any other body of which the Council is part.   |
| <b>Communications</b> |   |
| 78                    | To determine whether to authorise the release of information or other documentation to the press, any member of the public or external body.  |
| 79                    | To take any action in response to a request for radio, television and/or other coverage or recording of any meeting of the Council.   |
| <b>RIPA</b>           |   |
| 80                    | To exercise the role of authorising officer and designated person as set out in Appendix 1.   |

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| <b>Delegation to all Duty Gold and Silver Officers</b> ( <a href="#">Back to Scheme Contents</a> )   |  |
| <b>Ref</b>   | <b>Power</b>   |
| 81   | <p>In a declared emergency or major incident, the Chief Officers and Dorset Council's Duty Gold and Silver Officers, when acting in a decision making capacity at the Local Resilience Forum's: Strategic Co-ordinating Group (Gold), Tactical Co-ordinating Group (Silver), various Recovery Co-ordinating Groups (Gold and Silver) or at the Council's own internal Gold emergency groups 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 Council's duties in all relevant legislation. In line with Dorset Council's emergency command structure, Silver Officers have a restricted level of financial authorisation in comparison to Gold and Chief Officers. Both the command structure and accompanying levels of Gold and Silver authorisations are set out within Dorset Council's Emergency Response Plan.</p> <p>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 Executive, the relevant service portfolio holder and Chief Officers 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 Executive as is appropriate in the circumstances of the emergency.</p> |
| <b>Additional delegations to the Section 151 Officer</b> ( <a href="#">Back to Scheme Contents</a> ) |  |
| <b>Ref</b>   | <b>Power</b>   |
| <b>Audit</b>   |  |
| 82   | To undertake all action in relation to all issues relating to the Internal Audit functions of the Council.   |
| 83   | To consider and make any recommendation in respect of the strategic and annual audit plans.  |
| <b>Companies</b>   |  |

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| 84  | To undertake all action relating to any financial matter concerning any company and/or Limited Liability Partnership in which the Council has or has resolved to have a shareholding including power to determine whether to grant any loan of up to £20,000 for a term not exceeding 3 months to such a body (and whether this should be on the basis of being interest free or otherwise), provided that:<br>(a) in the case of:<br>(i) determining the number of shares held by the Council and all arrangements relating to subscribing to them;<br>(ii) any financial arrangements s/he considers necessary to enable the company to effectively function in accordance with and for the purposes set out in the company's memorandum and articles of association; and/or<br>(iii) a determination to grant any loan, subject to prior consultation with the Leader and any other Executive Manager that the Section 151 Officer considers appropriate; and<br>(b) in all cases any costs associated with such action will not result in the overall budgets for which the Section 151 Officer is responsible being exceeded. |
| <b>Financial Management and Accounting</b>          |  |
| 85  | To determine financial management and accounting procedures and the form and extent of financial records.  |
| 86  | To operate the Council's banking arrangements including:<br>(a) act as a co-signatory for any cheque drawn on the Council's accounts; and/or<br>(b) sign any amendment to any cheque drawn on the Council's accounts.  |
| 87  | To pay all sums properly authorised as due.  |
| 88  | To pay salaries and allowances.  |
| <b>Income</b>                                       |  |
| 89  | To undertake all action:<br>(a) for the collection of all income, interest and costs due to the Council, including power to issue and recover any penalties relating to such matters; and/or<br>(b) to waive / write-off any related sums provided it accords with any relevant provisions in Financial Regulations.   |
| 90  | To remit income in the following classes:-<br>(a) arrears of contributions in respect of children and young persons in care; and/or<br>(b) charges to residents in homes, hostels and boarding establishments.   |
| <b>Investment / lending</b>                         |  |
| 91  | To exercise the powers of the Council to borrow, invest and to lend (excluding by way of a mortgage) and to determine rates of interest and terms of repayment on such loans as may be required or prudent from time to time.  |
| 92  | To undertake all action in connection with an application for the Council to grant a mortgage subject to prior consultation with the Executive Member responsible for finance  |
| <b>Council Tax, non-Domestic rates and Benefits</b> |  |
| 93  | To determine and undertake all calculations necessary for the purposes of determining the council tax base and business rates base for the Council for any year.   |
| 94  | To:<br>(a) undertake all calculations necessary to determine any amounts which any Secretary of State requires to be notified to him/her in relation to non-domestic rating income;<br>(b) undertake all calculations necessary to determine any other amounts which s/he at his absolute discretion considers to be related to any such requirements of any Secretary of State identified in (a) above including the amount of authorities' shares calculated for purposes related to shale oil and gas; and/or   |

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|                             | (c) complete any related form and provide appropriate notification to the relevant Secretary of State and any other parties required to be notified.   |
| 95                          | To make requests to the Valuation Office Agency to revise any valuation list.  |
| 96                          | To determine on-costs and rates of interest in respect of any sums due to the Council.   |
| 97                          | To determine all claims, administer and collect payment in relation to Council Tax, National Non-Domestic Rates and Housing Benefits (including the exercise of all discretions conferred upon the Council by the relevant schemes), including power to write off any court costs.   |
| 98                          | The payment of sums properly payable from the Collection Fund.   |
| <b>Insurance</b>            |  |
| 99                          | To deal with all insurances relating to the Council, any of its services and functions and its Members including the areas of cover, the extent of cover, the negotiation and acceptance of conditions of cover, and settlement of claims against the insurer or by a claimant (so far as permitted by the insurer).   |
| <b>Overspends/borrowing</b> |  |
| 100                         | To authorise the overspend of any approved service budget up to a maximum of £500,000 in any one instance (including the use of expenditure from reserves or working balances) provided that: <ul style="list-style-type: none"> <li>(a) the authorization is reported to the next available meeting of an appropriate Committee and/or an Executive Member; and</li> <li>(b) the total amount of any approved overspend across the Council pursuant to this delegation does not exceed £500,000 in any one financial year without there having been prior consultation with the Executive Member responsible for finance and/or other appropriate Member(s).</li> </ul> |
| 101                         | To incur overdraft on the Council's bank accounts, the net pooled balance not to exceed £10M overdrawn at any one time.  |
| <b>Virements</b>            |  |
| 102                         | To authorise any virement between Council budgets following any consultation required under this Scheme of Delegation provided the Section 151 Officer is satisfied that the virement is not financially imprudent having regard to the Council's overall financial circumstances  |
| <b>Pensions</b>             |  |
| 103                         | To make investment decisions for the Dorset Council Pension Fund in accordance with a strategy (if any) agreed by the Pension Fund Committee.  |
| 104                         | In relation to superannuation to determine: <ul style="list-style-type: none"> <li>(a) admission to the Scheme;</li> <li>(b) the application of interchange rules;</li> <li>(c) all issues relating to the surrender of any allowance; and</li> <li>(d) all issues relating to child pension provision.</li> </ul>   |
| 105                         | In relation to injury to any employee to determine whether to make an award of up to any statutory maximum of:- <ul style="list-style-type: none"> <li>(a) the employee's pension because at the time of their enforced early retirement they did not have sufficient qualifying service for a pension;</li> <li>(b) any additional pension an employee would have received but for the enforced early retirement; and/or</li> <li>(c) any additional pension an employee would have earned had s/he not had to take lower paid employment (involving a lower rate of pay and/or reduced hours) due to an injury,</li> </ul> provided that in all cases:                 |

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|                   | <p>(i) no such award, together with any state injury award, shall result in the total pension the employee could have earned being exceeded; and</p> <p>(ii) where in any particular case there would be eligibility for an award but an award is not considered appropriate and/or less than any statutory maximum is to be awarded then there is prior consultation with the Executive Member responsible for Finance before making a final determination.</p> |
| 106               | To determine any application in relation to an employee's pension arising as a result of <p>(a) the employee's marriage being dissolved; and/or</p> <p>(b) the employee's spouse / partner dying.</p>  |
| <b>General</b>    |  |
| 107               | To undertake all action including the signing of proxies on behalf the Council in respect of any bankruptcy, liquidation and/or receivership.  |
| 108               | To determine whether to make any payment to any parish and/or town council which provides services in relation to any Council matter subject to any costs being able to be met from within an existing budget (including any approved virement).   |
| <b>Governance</b> |  |
| 109               | To the extent as provided for in Financial Regulations to review and amend the same including any supporting documents identified in the Financial Regulations.  |

| <b>Additional delegations to the Corporate Director, Legal and Democratic (Monitoring Officer)</b> |  |
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| <a href="#">(Back to Scheme Contents)</a>  |  |
| <b>Ref</b>   | <b>Delegation</b>  |
| 110  | To exercise all statutory powers of the "Monitoring Officer".  |
| 111  | To authorise, institute, defend, appear in and settle legal proceedings or disputes in contemplation of legal proceedings (including any appeal, review of similar proceedings against any action or proceedings in any tribunal, inquiry, hearing or other forum of legal proceedings) by or on behalf of the Council, together with power to undertake all preliminary or further work as s/he considers appropriate.  |
| 112  | To instruct/appoint and/or authorise any person (including counsel and/or any consultant) or body to undertake work and/or act for and/or on behalf of the Council in respect of any legal issue (including any legal proceedings, tribunals, hearings and/or inquiries) relating to the Council including whether to outsource any legal work.  |
| 113  | Subject to such initial prior consultation with the Executive Director - Place as s/he considers appropriate to undertake all action in respect of any trespass on Council owned land including action to secure the cessation of the trespass and/or to seek to prevent its recurrence.   |
| 114  | To undertake all action in connection with the preparing and/or issuing of any: <p>(a) licence, lease, transfer and/or, conveyance concerned with the acquisition and/or disposal of any interest in land or property; and/or</p> <p>(b) easement and/or wayleave,</p> including in consultation with the Executive Director – Place, determining any rent level, fee and all other terms associated within any such document.   |
| 115  | To undertake all action in connection with the preparing and/or issuing of any contract, notice, order, permit, certificate, requisition or other document including any: <p>(a) byelaw;</p> <p>(b) contract relating to the supply of any good and/or service;</p> <p>(c) order for the control of drinking in public places and/or a public spaces protection order;</p> <p>(d) notice and/or order relating to any vehicle;</p> <p>(e) stop notice;</p> <p>(f) temporary stop notice;</p> |



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|                          | (g) road closure; and<br>(h) application for late night shopping,<br>provided that there has been approval to progress the matter via the exercise of a delegated power under this Scheme of Delegation or otherwise.  |
| 116                      | To undertake all action in connection the recovery of any actual or perceived proceeds of crime, whether under the powers of the Proceeds of Crime Act 2002 or otherwise, including any necessary preliminary and subsequent action to secure and then progress the outcome of any determination, provided that there is initial consultation with an Executive Member as to whether or not to pursue any related application. |
| 117                      | In consultation with such Chief Officers as s/he considers appropriate (if any) to determine whether to accept or reject (and whether or not subject to conditions) any purchase notice served on the Council pursuant to any town and country planning functions if a decision is required before the next normal meeting of a members body with power to determine such matters.   |
| 118                      | To determine whether to issue or withhold any consent or approval under the terms of any lease, conveyance or other document including power to determine whether or not to issue any certificate or other document in relation to the provisions of any planning obligation together with power to undertake all actions to give effect to and as a consequence of any determination.   |
| 119                      | To affix and attest the seal to any order, deed or other document to give effect to any decision of or on behalf of the Council.   |
| 120                      | To act as the person specified by the Council as administering authority, to consider disputes in respect of the Local Government Pension Scheme where there is a requirement for a re-consideration mechanism, together with power to appoint other Officers for any other purpose related to such reconsideration.   |
| 121                      | To sign and issue any certificate confirming the Council's power to enter into a contract where this is legally required.  |
| 122                      | To determine any application 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).  |
| 123                      | Subject to prior consultation with the Chairman of an Area Planning Committee to make any public path diversion, extinguishment and creation order provided that:<br>(a) there is no pre-order consultation opposing the proposal that has not been withdrawn;<br>and<br>(b) this power does not apply to any case involving a Council property.   |
| 124                      | To confirm any published public path diversion, extinguishment and creation order provided that:<br>(a) there is no representation opposing the confirmation that has not been withdrawn; and<br>(b) this power does not apply to any case involving a Council property..  |
| 125                      | To determine any application for the apportionment of rights of common in the Register of Common Land.   |
| 126                      | In accordance with any Council scheme and/or policy (if any) to determine whether to authorise the payment of any member allowance and/or expense  |
| 127                      | Subject to consultation with Chairman of Council to determine whether to approve any expenditure on civic hospitality.   |
| 128                      | To authorise any Member attendance at a conference, session and/or workshop.   |
| 129                      | To make arrangements for (including the holding of) any referendum.  |
| 130                      | To authorise any officer of the Council to appear in any court or tribunal.  |
| <b>Member Complaints</b> |  |
| 131                      | To:  |

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|  | <ul style="list-style-type: none"> <li>(a) dismiss any councillor conduct complaint that is trivial or concerns conduct that would not be a breach of the relevant council's code of conduct; and/or</li> <li>(b) decide after consultation with an independent person whether a complaint should be referred for investigation or on some other action.</li> <li>(c) refer any complaint concerning a failure to disclose a disclosable pecuniary interest to the police without further reference.</li> </ul> |
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| <b>Additional delegations to the Executive Director, Place</b> ( <a href="#">Back to Scheme Contents</a> ) |  |
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| <b>Ref</b>   | <b>Power</b>   |
| 132  | <p>To undertake all action relating to:</p> <ul style="list-style-type: none"> <li>(a) the acquisition (whether by agreement or through the use of compulsory powers) or disposal of any land or building; and/or</li> <li>(b) any grant and/or termination of any lease or licence for any land or building;</li> <li>(c) any other transaction (whether by agreement or through the use of compulsory powers) associated with any land or building,</li> </ul> <p>provided that in all cases:</p> <ul style="list-style-type: none"> <li>(i) the sum of money associated with any such acquisition, disposal or other transaction (including termination) does not exceed five hundred thousand pounds (unless already approved by Cabinet); and</li> <li>(ii) all costs associated with any such transaction can be met from within a budget available for such purposes.</li> </ul>  |
| 133  | <p>To undertake all action in relation to any blight notice including:</p> <ul style="list-style-type: none"> <li>(a) determine whether to issue a counter notice; and/or</li> <li>(b) incur expenditure from working balances and/or reserves subject to prior consultation with the Section 151 Officer.</li> </ul>  |
| 134  | <p>To determine any application under the Town and Country Planning Legislation including:</p> <ul style="list-style-type: none"> <li>(a) any application submitted wholly or partly under section 73 and/or section 73A of the Town and Country Planning Act 1990;</li> <li>(b) any application for listed building consent;</li> <li>(c) any application for permission in principle and/or technical detail consent;</li> <li>(d) any reserved matter application; and/or</li> <li>(e) whether to require / impose any condition, obligation, limitation and/or any other restriction and/or any other requirement in respect thereof,</li> </ul> <p>but excluding any application:</p> <ul style="list-style-type: none"> <li>(i) submitted by or on behalf of a Member, his/her spouse or civil partner where the application form expressly identifies the application as having been made by or on behalf of that Member, spouse or partner (as the case may be);</li> <li>(ii) submitted by or on behalf of an employee of the Council, his/her spouse or civil partner where the application form expressly identifies the application as having been made by or on behalf of that employee, spouse or partner (as the case may be) and either that employee: <ul style="list-style-type: none"> <li>(A) is directly involved in the processing of and/or determination of any such application; and/ or</li> <li>(B) is a Chief Officer.</li> </ul> </li> <li>(iii) on land which a person to which paragraph (i) or (ii) applies owns, leases or has a legal interest registered at HM Land Registry and that person has informed the Head of Planning of their interest for the application;</li> <li>(iv) submitted by or on behalf of the Council where the application form identifies this to be the case;</li> <li>(v) that would in the opinion of the Officer exercising this power ("nominated Officer"):</li> </ul> |

- (A) be contrary to the Development Plan (as defined in section 38(3) Planning and Compulsory Purchase Act 2004 when assessed as a whole; and
  - (B) be required to be referred to the Secretary of State in accordance with any relevant direction;
- (vi) for outline or full planning permission for development within Schedule 1 Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as it exists at the time of the application being received by the Council in respect of which an Environmental Impact Assessment has been submitted; and/or
- (vii) in respect of which:
- (A)
    - (1) any one or more Members has made a written representation relating to the application and there remains at least one representation which has not been withdrawn at the time that the application is to be determined; and/or,
    - (2) one or more town and/or parish councils in whose area the application is situated (in whole or part) have made a written representation relating to the application at least one of which has not been withdrawn at the time that the application is to be determined; and
  - (B) the representation(s):
    - (1) have been received by the Council within 21 calendar days beginning with the date on which in relation to the application the Council first displays a site notice, or first publishes a press advert, or commences any procedure for notifying a Member (whichever is the earliest) (or such extended period as the nominated Officer considers appropriate in the circumstances); and
    - (2) in the opinion of the nominated Officer contain one or more material planning considerations; and
    - (3) with regard to any received from a Town and Parish Council (and not withdrawn) contain a response that in the opinion of the nominated Officer is contrary to the proposed decision of Officers; and
  - (C) the nominated Officer in consultation with:
    - (1) the Chairman and Vice-Chairman of the Planning Committee that the nominated Officer considers most relevant (or any other Member as the Chairman and/or Vice-Chairman may by giving written notification to the nominated Officer appoint to act on his/her behalf for such a purpose in respect to any period of time as specified in such notification); and
    - (2) the ward member(s) of any ward in which the application site is situated in whole or part, considers ought to be referred to that Planning Committee for determination<sup>\*\*\*</sup>.

\* For the avoidance of doubt, reference to a “written representation” includes a representation submitted by electronic means.

\*\* For the avoidance of doubt, reference to a “proposed decision” means the actual decision that is proposed and not any reason(s) relating to that decision.

\*\*\* For the avoidance of doubt, the nominated Officer need only consider such response(s) as have been received from a Member (being the Chairman, Vice-Chairman, appointed Member and/or ward member(s) as the case may be), no later than 5 working days following the day of first communication with that Member seeking his/her view for the purpose of deciding whether a matter should be referred to Planning Committee for determination. In the event of no responses at all being received within such time then no further consultation

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|     | is required and the nominated Officer can proceed on the assumption that none of the Members consulted want the application to be referred.   |
| 135 | <p>To undertake all action in respect of any application under any Town and Country Planning Legislation relating to any of the following:</p> <ul style="list-style-type: none"> <li>(a) any certificate of lawfulness including any application for a certificate of lawfulness or development (CLUEDs) and/or a certificate of proposed use or development (CLOPUDs) provided that there is prior notification of the application to any Member in whose ward the application is situated;</li> <li>(b) any prior notification, prior approval and/or any other determination relating to any permitted development provision (including any local development order and/or neighbourhood development order) including: <ul style="list-style-type: none"> <li>(i) whether any such notification/approval/determination is required; and</li> <li>(ii) determining whether any exception, condition, limitation and/or other restriction has been met in connection with any prescribed permitted development;</li> </ul> </li> <li>(c) any non-material amendment;</li> <li>(d) for the discharge of any condition/obligation and/or confirmation of compliance with any condition/obligation;</li> <li>(e) for approval of any scheme, design, code or other documentation submitted for approval by the Council including any application for a variation to any such approved documentation;</li> <li>(f) any advertisement including any banner may be visible from any highway;</li> <li>(g) to undertake any work to any tree in Conservation Area and/or to which a Tree Preservation Order relates;</li> <li>(h) any grant provided that this can be met from an existing budget available for such a purpose; and/or</li> <li>(i) any street furniture including any telecommunication equipment.</li> </ul> |
| 136 | <p>To undertake all action in respect of administering / processing any application under any of the Town and Country Planning Legislation including the power to:</p> <ul style="list-style-type: none"> <li>(a) determine whether any application has been validly made and/or whether to decline to register and/or determine any application including to decline to determine any application which s/he considers to be a repeat application, relating to an extant enforcement action and/or as a result of the submission of inadequate/insufficient information;</li> <li>(b) determine what, and the extent of, information required in respect of any application, including any environmental impact assessment and/or any other assessment and/or report;</li> <li>(c) determine any scoping and/or screening opinion including whether any such opinion is required;</li> <li>(d) undertake any appropriate assessment;</li> <li>(e) determine whether to consult/refer any matter to a relevant Secretary of State;</li> <li>(f) make any arrangement for a site visit;</li> <li>(g) determine whether any matter which would normally be a reserved matter should be required as part of an outline application;</li> <li>(h) determine whether to allow any amendment / variation to any application and/or any document submitted in relation to any such application;</li> <li>(i) determine the method and extent of consultation and/or re-consultation in respect of the notification, consultation and/or advertisement of any application;</li> <li>(j) determine whether to seek to secure the withdrawal of any application outstanding for a period in excess of six calendar months and/or to determine whether any such application should be treated as withdrawn;</li> </ul>               |

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|     | <ul style="list-style-type: none"> <li>(k) authorise any change to any register or other record of the Council as a consequence of any matter that is being dealt with including any deletion and/or other modification;</li> <li>(l) determine any request for any deferment and/or withdrawal by any party; and/or</li> <li>(m) determine whether any change constitutes a minor amendment.</li> <li>(n) enter into planning performance agreements</li> </ul>   |
| 137 | <p>To prepare any local plan, action plan and/or any supplementary planning document pursuant to any of the Town and Country Planning Legislation including:</p> <ul style="list-style-type: none"> <li>(a) to determine whether to enter into any service level agreement and/ or contract for any associated purpose provided that any cost can be met from an existing budget within the control of the nominated Officer and/or the prior approval of the Section 151 Officer has been obtained;</li> <li>(b) the drafting of any plan and/or document including any preferred option; and</li> <li>(c) to determine whether to undertake any consultation process, any procedural issue relating to any such consultation and to consider and determine any action to take in response to any representation received;</li> </ul> <p>provided that such power does not include:</p> <ul style="list-style-type: none"> <li>(i) making a final determination whether to submit any plan for independent examination;</li> <li>a. making a final determination whether to accept any recommendation arising from any independent examination; and</li> <li>(ii) making a final determination whether to adopt any plan and/or supplementary planning document.</li> </ul>   |
| 138 | <p>To undertake all action in in relation to any function of the Council concerning neighbourhood planning (including all functions relating to the making and approval of any neighbourhood development plan, neighbourhood development order and/or community right to build order) whether under any Town and Country Planning Legislation or otherwise including power to:</p> <ul style="list-style-type: none"> <li>(a) make a final determination as to whether to designate a neighbourhood plan area and/or make such an area a business area;</li> <li>(b) determine whether to submit any matter to independent examination; and/or</li> <li>(c) determine whether to appoint and the appointment of any examiner provided that any costs associated with the same can be met from an existing relevant budget and/or the prior approval of the Section 151 Officer is obtained,</li> </ul> <p>provided that this does not include power to make:</p> <ul style="list-style-type: none"> <li>(i) a final determination as to whether to designate a neighbourhood plan area unless in his/her opinion: <ul style="list-style-type: none"> <li>(A) there is insufficient time to have the matter considered by the relevant committee as part of the normal committee cycle;</li> <li>(B) the Council is legally obliged to approve the designation; and/or</li> <li>(C) there has been no objection to the proposal submitted to the Council within any relevant time for the submission of representations which has not been withdrawn;</li> </ul> </li> <li>(ii) the final determination as to whether to submit any document to a referendum;</li> <li>(iii) the final determination as to whether to make a neighbourhood development order /community right to build order and the terms of any planning permission granted pursuant to a neighbourhood development order /community right to build order; and</li> <li>(iv) the final determination as to whether to make a neighbourhood development plan.</li> </ul> |
| 139 | <p>To undertake all action relating to any matter arising in respect of any appeal, call-in and/or other inquiry and/or hearing of whatever nature arising pursuant to any Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to generality of the foregoing:</p>  |

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|     | <p>(a) to determine any response required in relation to any procedural issue relating to any such matter including for the avoidance of doubt whether any such matter should be dealt with by means of written representation, hearing or public inquiry;</p> <p>(b) to determine any procedural issue relating to any such matter including the venue for the holding on any hearing and/or appeal; and/or</p> <p>(c) to determine whether or not to defend any reason for refusal.</p>   |
| 140 | To determine whether to delegate authority to a neighbouring planning authority to determine an application submitted under any Town and Country Planning Legislation that crosses an administrative boundary subject to prior consultation with the Chairman of the Strategic Planning Committee, or in his/her absence the Vice-Chairman of the Strategic Planning Committee.   |
| 141 | To allocate and distribute funding (including authorising payment) secured in connection with any permission (including any related planning obligation or CIL payment), consent or other approval granted under Town and Country Planning Legislation subject to the decision being in accordance with any strategy and/or policy adopted by the Council.  |
| 142 | <p>To manage and implement procedures for the sale / re-sale of any low cost / discounted market housing including:</p> <p>(a) determining whether a person is eligible for consideration for the provision of such a property; and</p> <p>(b) setting a price for the sale of any such property.</p>   |
| 143 | To undertake all action relating to the preparation, maintenance and publication of all registers that the Council is required to maintain under any Town and Country Planning Legislation including Part 1 of the Brownfield Register.   |
| 144 | To take action in relation to the designation of any nature reserve including to determine any application, provided that this does not include power to make a final determination to approve the designation of any nature reserve unless there has been prior consultation with at least one Member and any local Member in whose ward any nature reserve would be situated.   |
| 145 | <p>To undertake all action in order to regulate any actual, perceived or potential breach of any of the Town and Country Planning Legislation including:</p> <p>(a) any action to seek to regulate any actual or perceived breach of any notice, order, agreement, obligation and/or other document, condition, restriction and/or other limitation issued or provided for pursuant to such Town and Country Planning Legislation;</p> <p>(b) the undertaking of any site visit;</p> <p>(c) to determine whether to issue any notice including:</p> <ul style="list-style-type: none"> <li>(i) any requisition for information;</li> <li>(ii) any planning contravention notice;</li> <li>(iii) any enforcement notice;</li> <li>(iv) any breach of condition notice;</li> <li>(v) any notice pursuant to section 215 Town and Country Planning Act 1990;</li> <li>(vi) any temporary stop notice;</li> <li>(vii) any stop notice;</li> <li>(viii) any advertisement discontinuance notice; and/or</li> <li>(ix) any replacement tree notice;</li> </ul> <p>(d) to determine whether or not to amend and/or withdraw any notice;</p> <p>(e) to determine whether to seek any injunction and/or pursue any action arising therefrom; and/or</p> <p>(f) to determine whether or not to take and/or to cease action whether because in his/her opinion the breach is trivial, there is insufficient demonstrable harm and/or, it is not expedient to take / continue to take action,</p> |

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|     | <p>provided that this delegation does not include the power to make a final determination to:</p> <ul style="list-style-type: none"> <li>(i) seek any injunction and/or any make any application for contempt whether pursuant to the Town and Country Planning Act 1990 or otherwise; or</li> <li>(ii) issue a stop notice; or</li> <li>(iii) issue a temporary stop notice</li> </ul> <p>unless:</p> <ul style="list-style-type: none"> <li>(A) in his/her opinion the need to issue a stop notice or temporary stop notice is urgent;</li> <li>(B) in respect of an application for an injunction or contempt there is the prior approval of the Corporate Director – Legal and Democratic Services; and</li> <li>(C) any cost associated with the issue of the stop notice or temporary stop notice can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.</li> </ul> |
| 146 | To undertake all action relating to whether to seek to spot list any building that in his/her opinion is of architectural and/or historic interest and is or may be under threat.  |
| 147 | To undertake all action in relation to a grant of a permission in principle for the purposes of determining whether to issue and the content of any direction as to when such permission in principle should take effect.  |
| 148 | To undertake all action in respect of any matter relating to any actual and/or perceived fly posting whether currently occurring or otherwise including to determine whether to take any direct action and any action necessary pursuant to any such determination.  |
| 149 | To undertake all action in connection with: <ul style="list-style-type: none"> <li>(a) the exercise of any function of the Council as local planning authority pursuant to any Pastoral Measure whether the Pastoral Measure 1983 No 1 or otherwise; and</li> <li>(b) the provision of any response to any consultation to faculty procedure and pastoral measures relating to any alteration to of any ecclesiastical building including any scheme for redundancy.</li> </ul>  |
| 150 | To determine whether and how to respond on behalf of the Council to any application pursuant to any of the Town and Country Planning Legislation submitted to any other local authority subject so far as s/he considers it feasible so to do to prior consultation with any Executive Member with responsibility for planning and the Chairman of the planning committee that s/he considers most relevant to the application.  |
| 151 | To undertake all action in connection with any proposal / application for the cancellation, revocation, deletion, modification and/or variation to any agreement, deed, undertaking and/or any other document entered into wholly or partly pursuant to any Town and Country Planning Legislation provided that such power does not extend to the approval of an application to modify, vary or revoke an agreement or planning obligation: <ul style="list-style-type: none"> <li>(a) imposed by an express decision of Planning Committee; and</li> <li>(b) where in his/her opinion such approval would result in a material reduction of benefit to the community secured pursuant to such agreement or obligation (as the case may be).</li> </ul>  |
| 152 | To undertake all action in respect of the submission to the Council of any matter consequent to any permission, consent, approval and/or other determination made pursuant to any Town and Country Planning Legislation including: <ul style="list-style-type: none"> <li>(a) to develop and maintain a process for the submission of any application relating to any money secured pursuant to any planning obligation;</li> <li>(b) the submission of any scheme, detail and/or plan; and/or</li> <li>(c) to make any determination in relation to any such submission including for the avoidance of doubt any such submission to comply with any condition and/or obligation.</li> </ul>   |

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| 153 | <p>To undertake all action in respect of:</p> <ul style="list-style-type: none"> <li>(a) determining whether to issue any completion notice pursuant to any Town and Country Planning Legislation including for the avoidance of doubt any further action arising as a consequence of determining to issue such a notice;</li> <li>(b) making any modification to and/or the revocation and/or the discontinuance of any planning permission and/or permission in principle issued pursuant to any Town and Country Planning Legislation provided that this does not include power to modify and/or revoke any such permission: <ul style="list-style-type: none"> <li>(i) that was expressly granted by the Planning Committee unless in his/her opinion the matter is urgent;</li> <li>(ii) without the prior approval of the Corporate Director – Legal and Democratic; and</li> <li>(iii) unless any cost associated with any such action can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained; and/or</li> <li>(iv) the review of any old mineral position and/or mineral permission but excluding the power to make a final determination unless any cost associated with such a determination can be met from a budget available for such a purpose or the prior approval of the Section 151 Officer is obtained.</li> </ul> </li> </ul> |
| 154 | <p>To undertake all action in connection with any proposal for a change/modification and/or recording/registration of:</p> <ul style="list-style-type: none"> <li>(a) any common land;</li> <li>(b) a town or village green; and/or</li> <li>(c) a public right of way,</li> </ul> <p>provided that this power does not extend to confirming any such change unless in his/her opinion no objection that was submitted during any relevant consultation period remains.</p>   |
| 155 | <p>To undertake all action for the purpose of issuing a refusal of an application submitted pursuant to any Town and Country Planning Legislation where there exists statutory power for another body or person to direct that a refusal should be issued by the Council, and that direction is exercised.</p>  |
| 156 | <p>To undertake all action relating to making and/or confirming any type of Tree Preservation Order including:</p> <ul style="list-style-type: none"> <li>(a) any temporary Tree Preservation Order; and/or</li> <li>(b) to amend, vary, modify and/or revoke any Tree Preservation Order,</li> </ul> <p>provided that the ward Member in whose ward the Tree Preservation Order is situated is notified as soon as reasonably practicable after any such making, confirming, amending, varying, modifying and /or revoking (as the case may be).</p>   |
| 157 | <p>To undertake all action pursuant to any Town and Country Planning Legislation in connection with:</p> <ul style="list-style-type: none"> <li>(a) any tree which in his/her opinion are, or may be, dangerous; and/or</li> <li>(b) an application for work to, including the felling of, a tree: <ul style="list-style-type: none"> <li>(i) that is subject to any type of tree preservation order;</li> <li>(ii) within a conservation area; and/or</li> <li>(iii) otherwise requires approval by the Council for work and/or felling to be undertaken,</li> </ul> </li> </ul> <p>provided that:</p> <ul style="list-style-type: none"> <li>(iv) unless in his/her opinion the need to determine such an application is urgent then notice of the application has been sent to any Member in whose ward the tree is situated at least seven (7) calendar days before a</li> </ul>  |



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|     | <p>determination is made; and</p> <p>(v) the power to make any final determination in respect of any such application does not include an application made by or on behalf of:</p> <p>i. the Council;</p> <p>ii. a Member where this has been identified on the application form; and/or</p> <p>(vi) an employee of the Council where this has been identified on the application form.</p>  |
| 158 | <p>To undertake all action in respect of any matter arising in relation to:</p> <p>(a) the issue of any building preservation notice; and/or</p> <p>(b) any urgent work that may be required in respect of any listed building, whether pursuant to the Planning (Listed Building and Conservation Areas) Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(c) to enter any building, structure (including any moveable structure) and/or on any land;</p> <p>(d) to determine whether to issue any notice;</p> <p>(e) to determine in relation to any such urgent work the extent of any work that may be required and to authorise the undertaking of any such work; and/or</p> <p>(f) to appoint/authorise any other person for any purpose relating to any of the above, provided that in all cases:</p> <p>(g) this power does not extend to making any final determination as to whether to issue a notice unless in his/her opinion the delay in taking the matter through the normal committee cycle of the Council could be materially disadvantageous to any reason for issuing the notice; and</p> <p>(h) any cost associated with any such action can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.</p> |
| 159 | <p>To undertake all action in respect of any matter arising under any Town and Country Planning Legislation relating to any hedge and/or hedgerow including:</p> <p>(a) to determine whether or not to uphold a formal complaint regarding a high hedge;</p> <p>(b) to determine whether or not to issue any notice including any Remedial Notice; and/or</p> <p>(c) to determine whether or not to vary and/or revoke any such notice.</p>  |
| 160 | <p>To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Licensing Act 2003 including power to determine whether a representation is a "relevant representation" for the purposes of the Act, but excluding any matter whether by virtue of section 10 Licensing Act 2003 or otherwise cannot be discharged by an Officer.*</p>   |
| 161 | <p>To undertake all action in connection with the submission of any scheme, details and/or other matter pursuant to any licence, notice, permission, consent, approval or other determination issued by or on behalf of the Council pursuant to the Licensing Act 2003 or the Gambling Act 2005.*</p>  |
| 162 | <p>To prepare and issue reports on behalf on the Licensing Committee where a matter relates to a licensing function under the Licensing Act 2003 or the Gambling Act 2005 and is necessary to facilitate the exercise of another function of the Council.*</p>   |
| 163 | <p>To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Gambling Act 2005 including power to determine whether a representation is a "relevant representation" for the purposes of the Act, but excluding any matter whether by virtue of section 154 Gambling Act 2005, section 10 Licensing Act 2003 (as it applies to the Gambling Act) or otherwise cannot be discharged by an Officer.*</p>   |

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|  | <p>* Delegations to Officers in relation to the Licensing Act 2003 and the Gambling Act 2005 rest with the Licensing Committee.<br/>For the avoidance of doubt:</p> <p>(a) references to the Licensing Act 2003 and the Gambling Act 2005 include any regulations, directions and/or other orders made pursuant to either of them; and</p> <p>(b) all interpretation and other provisions set out in the Introduction and General provisions sections at the start of the Officer Scheme of Delegations shall apply equally to these delegations including powers relating to nomination.</p> <p>(c) To determine suspension or revocation of a Hackney Carriage or Private Hire vehicle driver's licence, with immediate effect subject to prior consultation with the Chair or Vice Chair of the Licensing Committee</p> |
|--|--|

| <b>Additional delegations to Executive Director People - Children's Services</b><br>( <a href="#">Back to Scheme Contents</a> ) |  |
|---|--|
| <b>Ref</b>  | <b>Power</b>   |
| 164   | To be the statutory director of children's services for the purposes of exercising all functions designated in section 18 of the Children Act 2004 and any relevant regulations. |
| 165   | To determine whether to approve any school governor appointment for which the Council has responsibility.  |

| <b>Additional delegations to Shared Director of Public Health</b> ( <a href="#">Back to Scheme Contents</a> ) |  |
|---|--|
| <b>Ref</b>  | <b>Power</b>   |
| 166   | To be the statutory director of public health for the purposes of exercising all functions designated in section 73A of the National Health Service Act 2006 and any relevant regulations. |
| 167   | To determine any expenditure from the Public Health Grant.   |

In addition to the delegated powers above, the Shared Director of Public Health shall also have all delegated powers given to that post by Bournemouth, Christchurch and Poole Council.

| <b>Delegations to Service Manager for Licensing and Community Safety</b> |   |
|--|---|
| <b>Ref</b>   | <b>Power</b>  |
|  | To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Licensing Act 2003 including power to determine whether a representation is a "relevant representation" for the purposes of the Act, but excluding any matter whether by virtue of section 10 Licensing Act 2003 or otherwise cannot be discharged by an Officer.* |
|  | To undertake all action in connection with the submission of any scheme, details and/or other matter pursuant to any licence, notice, permission, consent, approval or other determination issued by or on behalf of the Council pursuant to the Licensing Act 2003 or the Gambling Act 2005.*  |

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|  | To prepare and issue reports on behalf on the Licensing Committee where a matter relates to a licensing function under the Licensing Act 2003 or the Gambling Act 2005 and is necessary to facilitate the exercise of another function of the Council.*   |
|  | To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Gambling Act 2005 including power to determine whether a representation is a "relevant representation" for the purposes of the Act, but excluding any matter whether by virtue of section 154 Gambling Act 2005, section 10 Licensing Act 2003 (as it applies to the Gambling Act) or otherwise cannot be discharged by an Officer.* |
|  | <p>* Delegations to Officers in relation to the Licensing Act 2003 and the Gambling Act 2005 rest with the Licensing Committee.</p> <p>For the avoidance of doubt:</p> <p>(a) references to the Licensing Act 2003 and the Gambling Act 2005 include any regulations, directions and/or other orders made pursuant to either of them; and</p> <p>(b) all interpretation and other provisions set out in the Introduction and General provisions sections at the start of the Officer Scheme of Delegations shall apply equally to these delegations including powers relating to nomination.</p>  |

## Appendix 1

[\(Back to Scheme Contents\)](#)

### Regulation of Investigatory Powers Act 2000 (RIPA)

The Council maintains a RIPA policy that includes identification of Officers employed within Dorset Council appointed to roles identified with that policy. Officers appointed to such roles have power to undertake all action ascribed to those roles in any relevant legislation and any policy adopted by the Council in relation to RIPA.

Any Officer employed by Dorset Council or any partner of Dorset Council who is appointed to undertake the role of RIPA Officer on behalf of the Council shall have power to undertake all action to update the RIPA policy at any time to reflect changes to Officers appointed to roles within the RIPA policy.

**Notwithstanding any other provision in this Officer Scheme an Officer who is identified in any relevant RIPA policy to authorise surveillance cannot nominate any other Officer to exercise the power on his/her behalf.**

In the absence of any Officer being identified in a RIPA policy to authorise surveillance the following Officers shall be able to exercise such a power to the extent identified.

| <b><u>Post</u></b>       | <b><u>Purpose of Authorisation</u></b>  |
|--------------------------|---|
| 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) |
| Executive Director Place | All purposes for Environment Services (but excluding where there is a likelihood of acquiring confidential information)                   |

**Appendix 2**[\(Back to Scheme Contents\)](#)**Conditions and Limitations of Delegations****1. Part 1 - Employment Powers**

The Employment Powers set out below can be exercised by the Officer identified and all levels above (subject to any further nomination provision)

| <b>Management Level</b> |                                      | <b>Proposed Delegation</b>  |
|-------------------------|--------------------------------------|---|
| 0                       | Chief Executive                      | (a) Early retirement recommendation.  |
| 1                       | Officers reporting direct to Level 0 | (a) Early retirement recommendation.<br>(b) Lease Cars – agreement to early termination of contract.<br>(c) Redundancy recommendation.<br>(d) Suspension and dismissal of all employees up to and including second tier (i.e. those not employed on the conditions of service for Directors).<br>(e) Overpayments – recommendation for write off.<br>(f) Approval of giving lectures by employees at courses during office hours and retention of any fees received.  |
| 2                       | Officers reporting to Level 1        | (a) Approval of Removal and Disturbance Allowances (including the exercise of discretion in respect of extensions etc.).<br>(b) Premature retirement on grounds of permanent ill health recommendation.<br>(c) Flexible retirement recommendation.<br>(d) Payment of honoraria  |
| 3                       | Officers reporting to Level 2        | (a) Accelerated incremental progression in exceptional cases/merit increments.<br>(b) Creation of new post within existing budget (subject to establishment control).<br>(c) Creation of new post from new funding (subject to establishment control).<br>(d) Changes to post (subject to establishment control).   |
| 4                       | Officers reporting to Level 3        | (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.<br>(b) The payment of 'planned overtime'/additional hours to employees for who they have line management responsibility.<br>(c) Granting of special leave of absence with/without pay.<br>(d) Granting of approval for employees to undertake private work (outside of office hours).<br>(e) Ex gratia payments. |

|   |                               |  |
|---|-------------------------------|--|
|   |                               | <ul style="list-style-type: none"> <li>(f) Acting up arrangements.</li> <li>(g) Move to a different position within the establishment.</li> <li>(h) Review of discrete post of job evaluation request.</li> <li>(i) Labour market increments request.</li> <li>(j) Annual Leave carry forward.</li> <li>(k) Occupational Health referral.</li> <li>(l) Travel status authorisation.</li> <li>(m) Maternity leave approval.</li> <li>(n) Paternity leave approval.</li> </ul>   |
| 5 | Officers reporting to Level 4 | <ul style="list-style-type: none"> <li>(a) Incremental progression - approval of competency increments through the salary grade.</li> <li>(b) Approval to attend training courses (external courses are subject to Procurement approval at the appropriate level).</li> <li>(c) Sick leave (including return to work and trigger point interviews etc.)</li> <li>(d) Annual leave approval.</li> <li>(e) Change to employment within current position.</li> <li>(f) Performance and Development Review completion.</li> <li>(g) Notification of staff leaving.</li> <li>(h) Exit interviews.</li> <li>(i) Probation sign off.</li> <li>(j) Flexible working – approval of change to working patterns.</li> <li>(k) Travel expenses claim authorisation.</li> </ul> |

## 2. Part 2 - Financial Powers

The Financial Powers set out below can only be exercised by the Officer identified and all levels above (subject to any further nomination provision)

| Officer Role                      | Management Level | Proposed Delegation   |
|-----------------------------------|------------------|---|
| <b>Signing contract documents</b> |                  |   |
| Monitoring Officer                |                  | <ul style="list-style-type: none"> <li>(a) Signing of contracts under seal of any value.</li> <li>(b) Signing of contracts valued in excess of £500,000.</li> <li>(c) Signing of inter authority, collaboration, partnering and framework agreements.</li> <li>(d) Approval to terminate contracts early with a value in excess of £500,000.</li> <li>(e) Approval to extend contracts where the original contract value exceeds £500,000 and within the original terms and advertised scope of the contract.</li> <li>(f) Authorisation and signing of letters of intent committing the Council to expenditure in excess of £500,000.</li> </ul> |

|   |            |   |
|---|------------|---|
| Chief Executive, and other Chief Officers                             | 0          | (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.<br>(b) Approval to terminate contracts early with a value not exceeding £500,000.<br>(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.<br>(d) Authorisation and signing of letters of intent committing the Council to expenditure not in excess of £500,000. |
| Managers reporting direct to Level 0                                  | 1          | (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.<br>(b) Approval to terminate contracts early with a value not exceeding £500,000.<br>(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.<br>(d) Authorisation and signing of letters of intent committing the Council to expenditure not in excess of £500,000. |
| <b>Expenditure</b>  |            |   |
| Section 151 Officer   |            | Authorisation of expenditure over £500,000 in conjunction only with the exercise of the Chief Executive's delegated authority in cases of urgency.  |
| Chief Executive   | 0          | Approval of expenditure over £100,000 and not exceeding £500,000  |
| Managers reporting direct to Level 0                                  | 1          | Approval of expenditure over £100,000 and not exceeding £500,000.   |
| Officers reporting to Level 1   | 2          | Approval of expenditure over £50,000 and not exceeding £100,000.  |
| Officers reporting to Level 2   | 3          | Approval of expenditure over £1,000 and not exceeding £50,000.  |
| Officers reporting to Level 3 and/or 4                                | 4 and/or 5 | Approval of expenditure not exceeding £1,000.   |
| <b>Exemptions / variation in relation to Contract Procedure Rules</b> |            |   |
| Monitoring Officer / Section 151 Officer                              |            | Approval of requests for exemption / variation to the Contract Procedure Rules for contracts valued over  |

|   |   |   |
|---|---|---|
|   |   | £100,000 but not exceeding EU procurement thresholds.   |
| Chief Executive and other Chief Officers    | 0 | Approval of requests for exemptions to the Contract Procedure Rules for contracts with a value not in excess of £100,000. |
| <b>Procurement Tender Evaluation Models</b> |   |   |
| Officer responsible for Procurement         |   | Authorisation of procurement tender evaluation models for contracts with a value not exceeding £100,000.                  |
| Chief Executive and Other Chief Officers    | 0 | Authorisation of procurement tender evaluation models for contracts with a value in excess of £100,000.                   |



## Appendix 3 – Proper Officers

[\(Back to Scheme Contents\)](#)

### Proper Officer Provisions

The following Officers have been appointed as ‘Proper Officers’ for the purposes of the legal provisions (Part 1) and provisions in the Constitution (Part 2).

Where legislation refers to the need to make proper arrangements the Officer identified shall have primary responsibility for seeking to secure such arrangements. Where more than one Officer is identified in relation to any particular provision the intention is that the first named Officer will have primary responsibility to act as the relevant Proper Officer but the further named Officers may still act for and on behalf of that person and in particular shall be regarded as having primary responsibility in the event of the first Officer being unavailable or absent.

The Chief Executive shall be the Proper Officer for all purposes unless another Officer is identified below and/or the Chief Executive appoints another Officer to be the Proper Officer for the purpose of any function.

In the event of the exercise of any nomination rights under this Officer Scheme of Delegations that relate to the exercise of any power of a Proper Officer then any Officer so nominated shall also be deemed to be appointed a Proper Officer subject as may be provided for in any such nomination.

### Part 1 – Proper Officer posts relating to legal provisions

| <b>Legislative Provision</b>                    | <b>Function</b>   | <b>Proper Officer</b>  |
|---|---|--|
| <b>National Assistance Act 1948</b>             |   |  |
| S.47  | Persons in need of care and attention                                 | Executive Director, People – Adult Services                  |
| <b>Marriage Act 1949</b>                        |   |  |
| S 9, 13, 20, 57(4)                              | Registration of Births, Deaths and Marriage;<br>Reimbursement of fees | Head of Community and Public Protection;<br>Chief Executive  |
| <b>National Assistance (Amendment) Act 1951</b> |   |  |
| S 1   | Persons in need of care and attention                                 | Executive Director, People – Adult Services                  |
| <b>Registration Service Act 1953</b>            |   |  |
| S(1), 6(3), 10(1),14(1)                         | Dealings with registration officers                                   | Head of Community and Public Protection;<br>Chief Executive  |
| <b>Public Health Act 1961</b>                   |   |  |
| S37   | Disinfection or destruction of verminous article.                     | Executive Director – Place;                                  |
| <b>Local Government Act 1972</b>                |   |  |
| S13   | Parish Meeting  | Chief Executive  |
| S.83  | Witness and receipt of Declaration of Acceptance of Office            | Chief Executive;<br>Corporate Director, Legal and Democratic |

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|-------------|---|---|
| S.84        | Receipt of notice of resignation of elected member  | Corporate Director, Legal and Democratic                    |
| S.88        | Arranging a Council meeting to appoint the Mayor  | Chief Executive;  |
| S.89        | Notice of casual vacancy in office of councillor  | Chief Executive<br>Corporate Director, Legal and Democratic |
| S.100(B)(2) | Designation of reports 'not for publication' to the press and public  | Chief Executive and Chief Officers                          |
| S.100(B)(7) | Supply of copies of documents   | Corporate Director, Legal and Democratic                    |
| S.100(C)    | Written summary of the proceedings at Committees and sub-Committees   | Corporate Director, Legal and Democratic                    |
| S.100(D)    | Background papers   | Chief Executive and Chief Officers                          |
| S100(F)     | Exempt information  | Chief Executive and Chief Officers                          |
| S.100(G)(1) | Register of Elected Members   | Corporate Director, Legal and Democratic                    |
| S.100(G)(2) | List of delegated powers of Officers  | Corporate Director, Legal and Democratic                    |
| S.100(G)(3) | Written summary of rights to attend meetings and to inspect and copy documents  | Corporate Director, Legal and Democratic                    |
| S. 101      | To enter into a Service Level Agreement on behalf of the Council with another appropriate local weights and measures authority to enable this Council to meet and discharge its metrological functions under Sections 4 and 5 of Weights and Measures Act 1985 relating to Local and Working Standards respectively on terms to be finalised in consultation with the Director (Law and Democratic Services | Executive Director, Place                                   |
| S.115       | Receipt of money due from Officers  | S151 Officer  |
| S137A       | Deposit of accounts   | Executive Director, Corporate Development                   |
| s.138       | Emergency disaster powers   | Chief Executive   |
| S.146       | Declarations and certificates with regard to transfer of securities   | s151 Officer  |

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| s.151   | Proper administration of the Council's financial affairs                              | Section 151 Officer  |
| S.191   | Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent | Chief Executive  |
| S.210   | Charities   | Chief Executive  |
| S.224   | Custodian of documents  | Chief Executive and Chief Officers   |
| S.225   | Deposit of documents  | Chief Executive and Chief Officers   |
| S.229   | Certification of photographic copies of documents                                     | Corporate Director, Legal and Democratic and all other Chief Officers  |
| S.234   | Signing /authentication of documents  | Chief Officers   |
| S236  | Sending of copies of byelaws to the Council   | Corporate Manager, Legal and Democratic  |
| S.238   | Certification of byelaws  | Corporate Director, Legal and Democratic   |
| S.248   | The Roll of Freemen   | Chief Executive;<br>Corporate Director, Legal and Democratic   |
| Schedule 12   | Signing of summons to Council meeting   | Chief Executive;<br>Corporate Director, Legal and Democratic;<br>any other person identified for such purpose in the procedural rule of the Constitution |
| Schedule 14   | Certification of resolution for legal proceedings.                                    | Corporate Director, Legal and Democratic   |
| <b>Local Government Act 1974</b>                            |   |  |
| S.30  | Receipt of Ombudsman Reports  | Corporate Director - Legal and Democratic; Chief Executive   |
| <b>Local Government (Miscellaneous Provisions) Act 1976</b> |   |  |
| S.41(1)   | Certify copies of evidence of resolutions and minutes of proceedings                  | Corporate Director, Legal and Democratic   |
| <b>Rent Agriculture Act 1976</b>                            |   |  |
| Schedule 4  | Provision of certificate of alternative accommodation                                 | Chief Officers   |
| <b>Rent Act 1977</b>  |   |  |
| Schedule 15, Part (iv)                                      | Provision of certificate of suitable alternative accommodation                        | Chief Officers   |
| <b>Representation of the People Act 1983</b>                |   |  |
| All   | For all proper officer purposes identified in the legislation                         | Chief Executive;   |
| <b>Public Health (Control of Disease) Act 1984</b>          |   |  |
| All   | For all proper officer purposes identified in the legislation                         | Executive Director, Place  |

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| <b>Building Act 1984</b>   |   |   |
| S. 78  | Giving of notice, and taking such steps as are necessary to remove danger, in respect of dangerous building or structure.   | Executive Director , Place; Corporate Director, Legal and Democratic                                  |
| <b>Housing Act 1985</b>  |   |   |
| S73;   | Chief Inspector of Weights and Measures   | Officer holding the required certificate of qualification (Officer responsible for Trading Standards) |
| S606(1),   | Report to Council as to unfitness of a house or as to a clearance area.   | Executive Director – Place;   |
| S606(2)  | Complaint by a Justice of the Peace or a Parish Council as to unfitness of a house or as to a clearance area.   | Executive Director – Place;   |
| <b>Weights and Measures Act 1985</b>                                       |   |   |
| S73  | Chief Inspector of Weights and Measures   | Officer holding the required certificate of qualification (Officer responsible for Trading Standards) |
| <b>Local Government and Housing Act 1989</b>                               |   |   |
| S. 2   | Deposit list of politically restricted posts with Proper Officer  | Executive Director, Corporate Development   |
| S.4  | Head of paid service  | Chief Executive   |
| S.5  | Monitoring Officer  | Corporate Director, Legal and Democratic  |
| S 15   | Calculation of Political Balance on Committees  | Corporate Director, Legal and Democratic; Chief Executive   |
| S. 37  | Statement of accounts from a voluntary body   | Executive Director, Corporate Development   |
| <b>Local Government (Committees and Political Groups) Regulations 1990</b> |   |   |
| All  | For all proper officer purposes identified in the regulations   | Chief Executive; Officers responsible for Democratic and Electoral Services                           |
| <b>Local Government Finance Act 1992</b>                                   |   |   |
| s.38(2)  | Giving notice in the press of the amounts of Council Tax that have been set; and the maintenance of the Loans Register and signing of certificates issued under the provisions of the Local Authority (Stocks and Bonds) Regulations, 1974. | Executive Director, Corporate Development   |
| <b>Local Government Act 2000</b>   |   |   |
| All  | For all proper officer purposes identified in the   | Chief Executive;  |

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|  | legislation and all subordinate legislation                          |  |
| <b>Local Authorities (Standing Orders) (England) Regulations 2001</b>  |  |  |
| All  | For all proper officer purposes identified in the regulations        | Chief Executive;<br>Officers responsible for Human Resources and Organisational Development; |
| <b>Local (Principal Area) (England and Wales) Rules 2006</b>           |  |  |
| Schedule 2 Rule 54   | Retention Officer - public Inspection of documents after an election | Chief Executive;<br>Officers responsible for Democratic and Electoral Services               |
| <b>Local Democracy, Economic Development and Construction Act 2009</b> |  |  |
| s.31   | Statutory Scrutiny Officer   | Officer Responsible for Audit  |
| <b>Localism Act 2011</b>   |  |  |
| All  | For all proper officer purposes identified in the legislation        | Chief Executive  |

## Part 2 - Proper Officer posts referred to in Constitution

N.B. Reference to any Proper Officer shall include any other Officer directly or indirectly nominated by him/her for such purposes

| Proper officer provision  | Officer  |
|---|--|
| <b>Articles</b>   |  |
| 7.4 (e) maintaining O&S sub-committee information                                       | Officer responsible for democratic services  |
| 8.1 (c) maintaining list of statutory decision making bodies                            | Officer responsible for democratic services  |
| 8.2 (e) maintaining list of all other sub-committees                                    | Officer responsible for democratic services  |
| 8.3(b) notification of intended Member substitute                                       | Officer responsible for democratic services  |
| 8.3(d) notification of intended non-Member substitute                                   | Officer responsible for democratic services  |
| 8.15 (f) person appointed as designated officer for purposes of Port Marine Safety Code | Officer appointed for this purpose by Full Council or the Harbours Committee; or if no Officer appointed then the Executive Director - Place |
| 8.37 (e) determination of committee responsible for dealing with a planning matters     | Head of Planning; Executive Director - Place   |
| 16.3 (a), (b) and (c) making available copies of the constitution and summary           | Officer responsible for democratic services  |
| <b>Procedure Rules</b>  |  |
| <b>Council and Committee Procedure Rules</b>  |  |
| 3.1 Calling Extraordinary meeting   | Head of Paid Service   |
| 5 Notice of meetings; publication of agenda   | Head of Paid Service; Officer responsible for democratic services<br>Officer responsible for democratic services                             |

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| 8.2 Date for adjournment of meeting   | Head of Paid Service; most senior Officer present at a meeting                           |
| 9.4 Notice of question at meeting   | Head of Paid Service; Officer responsible for democratic services                        |
| 9.5 (a) Determining whether to reject a question                                  | Monitoring Officer; Head of Paid Service; Officer responsible for democratic services    |
| 9.6 (a), (b) Determining who should respond to a question                         | Any Chief Officer  |
| 9.12 (c) Arranging circulation of a written answer                                | Officer responsible for democratic services  |
| 10.2 (a) / 10.9 Receipt of deputation information                                 | Officer responsible for democratic services  |
| 10.5 (a) Consideration as to whether to reject a deputation                       | Monitoring Officer; any other Chief Officer; Officer responsible for democratic services |
| 10.5 (b) Keeping record of deputations  | Officer responsible for democratic services  |
| 10.6 (a) Deciding who should respond to a deputation                              | Any Chief Officer  |
| 10.6 (b) Providing information on deputation to a Member                          | Officer responsible for democratic services  |
| 10.8 Deciding whether to refer a matter to another Committee and referring it.    | Officer responsible for democratic services; Head of Paid Service                        |
| 10.13 (b) Arranging circulation of a response to a deputation                     | Officer responsible for democratic services  |
| 12.2 (a) Arranging for items to be included in an agenda                          | Officer responsible for democratic services;   |
| 13.2 (a) / (b) Receipt of valid member question                                   | Officer responsible for democratic services; Head of Paid Service                        |
| 13.2 (d) Providing information on a valid members question                        | Officer responsible for democratic services; Head of Paid Service                        |
| 14.2 (a); (b) Receipt of and deciding whether to allow valid member motion        | Officer responsible for democratic services; Head of Paid Service                        |
| 14.3(b) Deciding whether to refer a matter to another Committee and referring it  | Officer responsible for democratic services; Head of Paid Service                        |
| 15 Notice of amendment to budget  | Officer responsible for democratic services; Section 151 officer;                        |
| 21 Record of members attending meeting  | Officer responsible for democratic services; Head of Paid Service                        |
| 31(a) (iii) notice of calling of extraordinary meeting                            | Head of Paid Service   |
| 36(2) (a) / (b) Receipt of and deciding whether to allow valid committee question | Officer responsible for democratic services; Head of Paid Service                        |
| 36(2) (d) Providing copy of valid committee question                              | Officer responsible for democratic services;   |
| <b>Access to Information Procedure Rules</b>                                      |  |
| 5.2 Making reports available  | Officer responsible for democratic services;   |

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| 6.2 Deciding whether to make information available for a charge       | Officer responsible for democratic services;   |
| 10 Excluding public access to report                                  | Any Chief Officer; Officer responsible for democratic Services                       |
| 13.1 / 13.2 General exception to information not in forward plan`     | All Chief Officers; Officer responsible for democratic services;                     |
| 16 Recording executive decisions                                      | Officer responsible for democratic services;   |
| 17.2, 17.3, 17.4 Procedure for Executive Briefing                     | Officer responsible for democratic services; All Chief Officers                      |
| 19.5 limitation on meeting of executive                               | Officer responsible for democratic services; Head of Paid Service                    |
| 19.6 presence of person to record meeting                             | Officer responsible for democratic services; Head of Paid Service                    |
| 20.2 recording details of Executive Briefing                          | Officer responsible for democratic services; Head of Paid Service                    |
| 22.1 Member access to information                                     | All Chief Officers; Officer responsible for democratic services                      |
| <b>Budget and Policy Framework Procedure Rules</b>                    |  |
| 2.2 Referring executive comments to Full Council                      | Officer responsible for democratic services; Head of Paid Service                    |
| 2.5, 2.6 executive concerns to budget and convening further meetings  | Head of Paid Service   |
| <b>Executive Procedure Rules</b>                                      |  |
| 10.1 Placing item on agenda of Executive                              | Officer responsible for democratic services; Head of Paid Service                    |
| <b>Overview and Scrutiny Procedure Rules</b>                          |  |
| 28 Annual report on call in and proposals for review                  | Officer responsible for democratic services; Monitoring Officer                      |
| 30 Determining appropriate Overview and Scrutiny Committee            | Monitoring Officer; Officer responsible for democratic services;                     |
| <b>Officer Employment and Dismissal Procedure Rules</b>               |  |
| 5.2, 5.3, 5.4 Procedure for appointing statutory chief Officer        | Officer responsible for democratic services; Officer responsible for human resources |
| <b>Part 3(1) Responsibility for Council Functions (non executive)</b> |  |
| Responsibility for lists  | Officer responsible for democratic services;   |
| <b>Part 3(2) Officer Scheme of Delegations</b>                        |  |
| 10 Receipt of specific nomination provision                           | Monitoring Officer; Officer responsible for democratic services                      |

**Appendix 4**  
([Back to Scheme Contents](#))

**Officer and Member Indemnity Provisions**

**1. Interpretation**

1.1 For the purpose of these indemnities and undertaking:

- (a) “Criminal proceedings” includes any interview or investigation by the Police, and any proceedings before a criminal court in the United Kingdom.
- (b) “Member” means an elected member of the Council at the time of any neglect, act, error or omission;
- (c) “Officer” means a person employed by the Council at the time of the neglect, act, error or omission, but does not include a person undertaking work for the Council through an agency or a person performing a service under a contract with the Council for the provision of that service other than a contract of employment directly with the Council; and
- (d) a loss or damage shall be deemed to have arisen to the Member or Officer “in his/her capacity as a Member or Officer of the Council” where:
  - (i) the act or failure to act was outside the powers of the Council, or outside the powers of the Member or Officer, but the Member or Officer reasonably believed that the act or failure to act was within the Council’s powers or within the powers of the Member or Officer at the time that he/she acted or failed to act; or
  - (ii) the act or failure to act occurred not in the discharge of the functions of the Member or Officer as a Member or Officer of the Council but in his/her capacity as a Member or Officer of another organisation, where the Member or Officer was, at the time of the act or failure to act, a Member or Officer of that organisation as a result of:
    - (A) his/her appointment by the Council; or
    - (B) his/her nomination to that organisation by the Council, or
    - (C) the Council formally accepting an invitation for a Member or Officer to be appointed to that organisation,but only in cases where:
    - (1) such act or failure to act was within the power of that organisation; and/or
    - (2) that organisation has not itself secured adequate insurance for the benefit of the Member or Officer that is



available to and would cover the Member or Officer for the act or failure to act.

- 1.2 These indemnities and undertakings shall apply during a Member's term of office or an Officer's employment by the Council, to any act or failure to act and shall continue to apply after the Member or Officer has ceased to be a Member or Officer of the Council.

## **2. Indemnity for loss or damage**

- 2.1 Subject to the exclusions set out in paragraph 4 and to the terms in paragraph 5, the Council will indemnify all its Members and Officers against any loss or damage (including any award of costs and/or damages against the Officer or Member), suffered by a Member or Officer arising from his/her act or failure to act in his/her capacity as a Member or Officer of the Council.

## **3. Indemnity for civil and criminal proceedings**

- 3.1 The Council will, subject to paragraphs 3.2 and 3.3 and to the exclusions and terms in paragraphs 4 and 5, indemnify all its Members and Officers against the reasonable costs which s/he may incur in securing appropriate legal advice and representation in respect of any actual or prospective civil or criminal proceedings arising from his/her act or failure to act in his/her capacity as a Member or Officer of the Council.
- 3.2 The indemnity in paragraph 3.1 applies for the defence of defamation proceedings by Members and Officers subject to the alleged statement being made in the Member's capacity as a Member or the Officer's capacity as an Officer; but not for the bringing of defamation proceedings.
- 3.3 The indemnity in paragraph 3.1 is subject to a condition that if the Member or Officer is convicted of a criminal offence in consequence of such proceedings and the conviction is not overturned on appeal, the Member or Officer shall reimburse the Council for any sums expended by the Council under this indemnity and the Member or Officer shall, if required by the Council, sign an agreement confirming this before the release of any money by the Council.

## **4. Exclusions**

- 4.1 These indemnities will not include loss or damage directly or indirectly caused by or arising from:
  - (a) any criminal offence (to extent as provided for in paragraph 3.3 above), fraud or other deliberate wrongdoing or recklessness by the Member or Officer; and/or
  - (b) any act or failure to act by the Member or Officer otherwise than in his/her capacity as a Member or Officer (save where the Member or Officer is acting for another organisation as provided for above); and/or
  - (c) any motor vehicle claim in which an Officer or Member has used his or her own private vehicle on the Council's business; and/or

- (d) an Officer defending or resisting any potential or actual disciplinary action taken by the Council against that Officer; and/or
- (e) failure by the Member to comply with the Council's Code of Conduct for Members.

## **5. Terms**

- 5.1 These indemnities will not apply if a Member or Officer, without the express permission of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim.
- 5.2 In the event that a Member or Officer is threatened with civil or criminal proceedings, the Member or Officer must immediately inform the Head of Paid Service and the Monitoring Officer and follow such reasonable instructions as may be given.
- 5.3 These indemnities shall not extend to any challenge or other claim against any decision of the Section 151 Officer and/or Monitoring Officer and/or the Council and/or the Council's insurers made pursuant to the provisions of these indemnities.
- 5.4 The indemnity will not automatically apply to any appeal or other challenge against the outcome of any claim or other proceedings unless in the opinion of the Monitoring Officer any such appeal or other challenge has a reasonable chance of success.
- 5.5 Where the Council arranges insurance to cover its liability under these indemnities references to the Council shall where appropriate include references to its insurer.
- 5.6 The Council or its insurers will be entitled to take over and conduct in the name of the Officer or Member the defence of any claim or other proceedings brought against the Officer or Member.
- 5.7 The Council undertakes not to sue (or join in action as co-defendant) an Officer or Member in respect of any negligent act or failure to act by the Officer or Member in his/her capacity as an Officer or Member subject to the following exceptions:
  - (a) any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the Officer or Member; or
  - (b) any act or failure by the Officer or Member otherwise than in his/her capacity as an Officer or Member of the Council.
- 5.7 The above indemnities and undertaking shall be without prejudice to the right of the Council:

- (a) to take action against the Member through the Audit and Governance Committee for a breach of the Code of Conduct for Members or the breach of a local protocol; or
- (b) to take disciplinary action against an Officer in respect of any neglect, act, error or omission.

**6.0 Co-opted Member**

- 6.1 The above indemnities and undertakings may be extended to apply to any co-opted Member on a case by case basis if the Council so determines.