

APPENDIX 4

GENERAL INSTRUCTIONS

All delegations to committees, Cabinet members and officers are subject to general instructions which contain the framework within which such delegations must be exercised, as follows:

1. All powers and duties of the Leader, Cabinet, non-Executive committees and sub-committees, and authorisations to officers shall be exercised and performed on behalf of and in the name of the Council
2. All delegated powers and duties and authorisations shall be:
 - (i) exercised in accordance with the policies of the Council and the Cabinet or non-Executive committees/sub-committees
 - (ii) subject to the terms of delegation and directions of the Council and of the Cabinet or non-Executive committees/sub-committees as appropriate
 - (iii) subject to the powers and duties reserved by statute; and
 - (iv) exercised within the limits of the approved budget.
3. All delegated powers, duties and authorisations may be further delegated subject to the terms of the delegation and the law.
4. The specific delegation of any power or duty to any Cabinet Member, non-Executive committee or sub-committee or any authorisation to an officer shall override any general grant of power or duty contained herein, provided that an officer may refer any matter within an authorisation to him/her to the Council, Cabinet or non-Executive committee or sub-committee as appropriate. In any such case, the matter so referred shall be within the delegated powers and duties of the Cabinet, the non-Executive committee or sub-committee to which it is referred.
5. A reference to an Act of Parliament in this Scheme includes a reference to any amendment of that Act.
6. The Chief Executive may, after consultation with the Leader and Deputy Leader of the Council, refer a matter direct to the Overview and Scrutiny Co-ordinating Committee for its consideration and advice before reporting the matter to the Cabinet.
7. The Monitoring Officer shall determine:
 - (i) Any conflict between the decisions of any two or more officers acting under any authorisations; and
 - (ii) Whether any matters involve a question of overall or major policy.

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8. The Monitoring Officer shall, in any case of uncertainty, determine whether any matter falls within the powers and duties delegated to the Cabinet, a non-Executive committee or sub-committee or within an authorisation to an officer.
9. Nothing in this Scheme shall derogate from any statutory powers or duties conferred or imposed directly on an officer of the Council.

DELEGATION TO OFFICERS

- 1) The Scheme of Delegation to Officers sets out the decisions that can be made by officers without reference to the Council, the Cabinet or to a committee
- 2) Non-Executive decisions are delegated to officers by the Council (or its committees and sub-committees unless their terms of reference prohibit onward delegation) under Section 101 of the Local Government Act 1972
- 3) Executive decisions are delegated to officers by the Leader or unless he objects by the Cabinet or a committee of Cabinet or a member of the Cabinet under Section 14 of the Local Government Act 2000
- 4) The General Instructions on Delegation apply both to the Scheme of Delegation and to specific delegations.

DELEGATION OF DAY TO DAY MANAGEMENT AND ADMINISTRATION

- 1.1 The Chief Executive, an Executive Director or in matters of urgency the Monitoring Officer, shall where specifically referred to without reference to the Cabinet or the Council (or an appropriate committee) except as set out herein, have power to carry into effect matters of day to day management and administration and in particular the functions and powers below in relation to the services they manage.
- 1.2 The officer may if he/she wishes refer the matter to the Council and appropriate committee or Cabinet and the Member body shall have the power to act.

2. POWERS AND FUNCTIONS

Finance

2.1 Revenue Expenditure

To incur revenue expenditure within estimates subject to compliance with Contract and Financial Regulations including virement.

2.2 Capital Expenditure

To incur capital expenditure provided that the Contract and Financial Regulations have been complied with.

- 2.3 The transfer of estimates within and between specified budget headings subject to compliance with Contract and Financial Regulations.

Contracts and Tenders

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1. The acceptance of a tender or quotation, the placing of an order or the signing of a contract for the supply of goods, services (including consultancy services) or materials or the execution of any work relating to the services for which they are responsible

PROVIDED THAT THE CONTRACT PROCEDURE RULES AND FINANCIAL REGULATIONS OF THE COUNCIL HAVE BEEN COMPLIED WITH.

2. To dispose of property (including obsolete vehicles and plant, stores, old material and scrap) other than land in accordance with the requirements of the Contract Procedure Rules and Financial Regulations
3. To approve price variations under contracts containing fluctuation clauses and to approve contract variations subject to the Contract Procedure Rules and Financial Regulations
4. To approve lawful payments to contractors.

Bidding for Work on behalf of Third Parties

The giving of expressions of interest and the preparation and submission for the supply of goods and services and the carrying out of works for third parties.

General Management

1. To deal with lost or uncollected property.
2. To manage and administer all the Council's approved policies in accordance with those policies.
3. To engage in strategic partnerships to promote the social, environmental and economic wellbeing of the Borough and the objectives of the Council.
4. To respond to consultation documents submitted to the Council.
5. To make compensation payments arising from service complaints up to £1,000.

Staffing

1. To appoint employees unless the appointment is reserved to the Council and its committees (statutory officers under the Local Government and Housing Act 1989) in accordance with the policies and procedures of the Council and Financial Regulations.
2. To appoint employees or contractors on a temporary basis to provide cover for absences of employees or to cater for peaks in workload in accordance with the policies and procedures of the Council and Financial Regulations.
3. To deploy existing employees within the overall structure of the Department.
4. To authorise officers as long as they hold the appropriate qualifications.
5. To approve removal expenses.
6. To grant special leave for urgent, personal or domestic reasons.

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7. To manage and administer all of the Council's approved employment policies including performance management, appraisal, disciplinary and grievance procedures in accordance with the Council's approved policies.
8. To approve claims for damages to employees' personal effects, clothing and motor vehicles up to a maximum of £250.00.
9. To ensure the proper implementation of the Council's responsibilities relating to equal opportunities and the public sector equality duty.
10. To authorise out-of-Borough visits by Officers.
11. To approve ex-gratia payments, honoraria, non-contractual overtime payments, loans and allowances in accordance with Council policy.

Health and Safety

1. To ensure the maintenance of satisfactory health and safety policies and arrangements concerning the Council as an employer, landowner, service provider or otherwise.
2. To carry out the Council's functions under the Civil Contingencies Act and any other emergency planning powers.

Miscellaneous

To authorise action pursuant to the Regulation of Investigatory Powers Act 2000 in accordance with that Act.

Matters of Urgency

1. In the event of a matter which is not delegated by this Officer Scheme of Delegation requiring action when there is no scheduled meeting where the matter would be considered by the appropriate Cabinet or committee (and where the matter does not make or change policy), the Chief Executive or an Executive Director or the Monitoring Officer having consulted with the Leader or a Cabinet portfolio holder or the Chair of the appropriate committee (or in their absence the Vice Chair) shall have delegated authority to take such action.
2. In the case of 1 above, the actions taken shall be reported to the next available meeting of the Council or committee as appropriate.

THE CHIEF EXECUTIVE

1. The Chief Executive is authorised to discharge any non-Executive function of the Council not otherwise delegated to a committee or officer with the exception of those matters reserved to the Council.

Staffing

2. To determine the establishment of the Council's departments within the department budgets set by the Cabinet and to determine the terms and conditions of new posts. No new post shall be created nor any person

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employed in addition to a department's approved establishment unless the financial arrangements have been agreed by Cabinet.

3. To take all steps he considers necessary (under Section 138 of the Local Government Act 1972 and/or the Civil Contingencies Act 2004 and/or otherwise) including incurring expenditure where an emergency or disaster affecting the Borough or any part of it occurs or in connection with civil defence. Such action shall be reported to a subsequent meeting of Cabinet.
4. To execute a power delegated to any officer when that officer is unable or unwilling to act (subject to any qualification required for that action).
5. To grant leave for trade union purposes for service as a Member of another local or joint authority, service as a Justice of the Peace and service on Whitley Councils or other joint negotiating bodies.