

BUCKINGHAMSHIRE COUNTY COUNCIL

SCHEME OF DELEGATION, BY CHIEF EXECUTIVE TO OFFICERS, OF EXECUTIVE FUNCTIONS AND LOCAL CHOICE FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE LEADER AND CABINET

Introduction

1 General Principles

- a This scheme is made by the Chief Executive of the authority. It delegates powers and duties in relation to executive functions and local choice functions exercisable by the Executive to officers (other than in relation to Children's Services).¹ It may be read with Part 3h of the authority's Constitution, which delegates powers and duties in relation to executive functions and local choice functions to the Leader and Cabinet. Where their functions are common, Members of the Executive and officers exercise those functions as a partnership, subject to their differing roles (for example, in decision-making).²
- b This scheme is made, as part of the executive arrangements of the authority under section 15(2)(d) of the Local Government Act 2000. It is made in accordance with that section, and with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 (SI 2000 No. 2851). It shall be construed in accordance with any legislation amending, or substituted for, either of those provisions; or any legislation having a similar purpose or made for similar purposes.
- c In respect of any matter falling within the parameters of this scheme, the Chief Executive may in writing make such detailed delegations to officers concerning functions and activities within a given area of responsibility ("**internal delegations**") as he considers appropriate.
- d The Chief Executive may in writing delegate any executive function which has been delegated to him/her, and which is not otherwise delegated under this scheme. He/she may vary in writing any delegation made under this scheme.
- e This scheme delegates powers and duties within broad functional descriptions. It includes powers and duties under all legislation, present and future, within those descriptions, and all powers and duties incidental to that legislation, as well as authorising the affixing of the Common Seal.

¹ For which see separate delegation [*Delegation to Head of Children's Services*].

² See Article 13 of the authority's constitution, and its Access to Information Procedure Rules

- f This scheme includes an obligation on officers to keep members properly informed of activity arising within the scope of these delegations.

2 General Limitations

- a An officer, in exercising delegated powers, shall consult other appropriate officers and shall have regard to any advice received.
- b Any exercise of delegated powers shall be subject to any policy framework approved by the Council, or the policies approved by the Cabinet from time to time, including the authority's employment policies and disciplinary procedures, equal opportunities policies, and any service delivery policies; and shall be guided by relevant Codes of Conduct or protocols produced or adopted from time to time by the authority (including any Code or Protocol which has been included within the authority's Constitution) and the Corporate Plan.
- c Any exercise of delegated powers shall be subject to any statutory restrictions, and to the provisions of Part 4 of the Constitution.
- d In exercising delegated powers, officers may not go beyond the provision made in the revenue or capital budgets for their service, except to the extent permitted by the Financial Regulations and Contracts Standing Orders.

3 Further provisions

Individual Delegations

- a An officer to whom a delegation has been made by, or in accordance with, this scheme may (subject to the terms of any applicable internal delegation) further delegate in writing all or any of their delegated functions to another officer (described by name and post), either fully or under the general supervision and control of the delegating officer. Delegations made under this sub-paragraph ("individual delegations") may be made across service boundaries.

Register of Internal and Individual Delegations

- b Subject to paragraph 3c below, all internal delegations made under paragraph 1c above, and individual delegations made under paragraph 3a above, shall be recorded in a register kept by the Head of Legal and Democratic Services. (See also paragraph 3e below).

Continuation of existing delegations

- c A delegation to an officer which existed at the date of the introduction of this scheme shall, to any extent that it remains unaltered by (and is not inconsistent with) any delegation (or variation to a delegation) made by or under this scheme, shall continue to have effect.

Deemed delegations

- d Where in respect of a given function or activity, no delegation is in effect and an officer has a management responsibility in relation to the exercise of that function or activity, the exercise of any delegated authority necessary to carry out the function or activity effectively shall be deemed to have been delegated to that postholder.

Other provisions

- e All action taken under the terms of these delegations (and not falling within the description of an internal delegation in paragraph 1c above, or an individual delegation in paragraph 3a above) shall be properly documented in accordance with arrangements approved by the Head of Legal and Democratic Services.
- f It is always be open to a senior officer to consult the appropriate Cabinet Member on the exercise of a delegated function; or, not to exercise a delegated function, but to refer the matter to the Cabinet or an appropriate Cabinet Member.
- g In this scheme, “officer” means the holder of any post to which a function or activity, or powers and duties in relation to such a function or activity, may be delegated.
- h Where a function or activity has been specifically delegated by or under this scheme to an officer, that function or activity shall not be exercised by another officer without the consent of the former, other than in circumstances of the death or incapacity of that officer or, in an emergency, where the officer to whom the delegation was made is absent or otherwise unavailable.
- l An authority delegated to officers includes management of the human and material resources made available for the service/portfolio areas and any function concerned; to the extent of that authority, within the limitations of this scheme, and subject to any specific delegations made by or in accordance with this scheme to another officer.

- j In each case, a delegated authority excludes any determination of policy, or exceptions to policy, or of any budget by the officer concerned.

4 Delegations to officers

- a The functions or activities listed in the Annex to this Scheme of Delegation, and as varied from time to time, are hereby delegated to the officers in the posts named in the Annex.

Limitation of delegations

- b The powers delegated to officers under this Scheme do not include the power to take a key decision.³ Officers are responsible, in the context of this Scheme, for the management of their services, the provision of advice to the Executive and to Members, and the implementation of Council and Executive policies and decisions. A decision which an officer takes, under a delegation of an executive function, must:

- implement a policy previously approved, or decision previously taken, by the Cabinet or a Cabinet Member; or by or with the Council, or a committee or sub-committee; or
- facilitate, or be conducive or incidental to, the implementation of a policy previously approved, or decision previously taken, by the Cabinet or a Cabinet Member; or by or with the Council, or a committee or sub-committee; or
- relate to the management of the human, material or financial resources made available for the functions for which the Executive are responsible.

Any officer exercising powers or duties in pursuance of full sub-delegation will be politically restricted under section 2(1)(g) of the Local Government and Housing Act 1989.

³ Although an officer may take a decision which, if taken by a Member, would be a key decision, in a situation of special urgency or a major emergency, in accordance with Articles 13.3 and 13.9 of the Constitution.

Annex

Delegations to Officers

The following functions are delegated to the following officers by the Chief Executive:

STRATEGIC DIRECTOR, ADULT SOCIAL CARE HEAD OF OLDER PEOPLE'S SERVICES AND HEAD OF ADULT DISABILITY SERVICES AND MENTAL HEALTH

- 1 To exercise the social services functions of the authority (where these are executive functions), other than those for which the Director of Children's Services is responsible under section 18 of the Children Act 2004.

HEAD OF ADULT DISABILITY SERVICES AND MENTAL HEALTH

To exercise the executive functions delegated to the Cabinet Member for Adult Social Care in relation to:

- (i) the support and assistance of people with learning or physical disabilities, or sensory impairment, people with mental health problems and older people;
- (ii) partnership/joint arrangements to provide such support and assistance;
- (iii) relations with the voluntary sector.

HEAD OF OLDER PEOPLE'S SERVICES

To exercise the executive functions delegated to the Cabinet Member for Adult Social care in relation to the support and assistance of older people.

HEAD OF CULTURE AND LEARNING

To exercise the executive functions delegated to the Cabinet Member for Community Services in relation to:

- (i) Libraries, Museums, Archives, Heritage, Local Studies;
- (ii) Sport and culture;
- (iii) Continuing Education/Student support;
- (iv) Corporate Grants;
- (v) Information Centres.

HEAD OF PUBLIC PROTECTION SERVICES

To exercise the executive functions delegated to the Cabinet Member for Community Services in relation to:

- (i) Trading Standards and Regulatory Services;

- (ii) Registration of births, deaths and marriages, including acting as the Proper Officer for the purposes of the Registration Service;
- (iii) Community Safety/Drug Action Team;
- (iv) Emergency planning;
- (v) Coroner's Service;
- (vi) Youth Offending Team, and links with probation.

HEAD OF YOUTH AND COMMUNITY SERVICES

To exercise the executive functions delegated to the Cabinet Member for Community Services in relation to Youth and Community Services, Connexions;

SERVICE DIRECTOR: PLACE

- 1 To exercise the executive functions of the Leader of the Council in relation to economic development

- 2 To exercise the executive functions of the Cabinet Member for Environment in relation to:-
 - a. Waste infrastructure, management and disposal
 - b. Natural and historic environment
 - c. Country parks, green spaces and forestry management
 - d. Public rights of way
 - e. Gypsies and travellers
 - f. Sustainability

- 3 To exercise the executive functions of the Cabinet Member for Planning and Transportation in relation to:-
 - a. Strategic and local planning
 - b. Development control and enforcement
 - c. Extraction of minerals
 - d. Transport Infrastructure management;
 - e. Strategic transport;
 - f. The highway network, including functions under the Highways Act 1980 (and any amending or substituted legislation, or legislation with a similar purpose or made for similar purposes);
 - g. Road traffic regulation;
 - h. Sustainable public and community transport;
 - i. Street works;
 - j. Goods vehicle licensing

- 4 To discharge the environmental and sustainability functions of the authority, including its functions under the Environmental Protection Act 1990, the Control of Pollution Act 1974, or other environmental protection legislation falling within the functions delegated to the Leader, the Cabinet Member for Environment or the Cabinet Member for Planning and Transportation

- 5 To exercise the executive functions of the Cabinet Member for Finance and Resources in relation to:-
 - a. Contracts and procurement
 - b. The management of the Council's Property Portfolio

HEAD OF PROPERTY SERVICES

To exercise the functions delegated to the Cabinet Member for Resources in relation to:

- (i) Contracts and procurement;
- (ii) The management of the Council's Property Portfolio.

CORPORATE DIRECTOR ORGANISATIONAL DEVELOPMENT AND HUMAN RESOURCES

To exercise the functions delegated to the Cabinet Member for Resources in relation to Organisational Development and Human resources.

HEAD OF INFORMATION TECHNOLOGY

To exercise the functions delegated to the Cabinet Member for Resources in relation to Information and Communications Technology.

HEAD OF CUSTOMER SERVICE AND COMMUNICATION

To exercise the functions delegated to the Cabinet Member for Resources in relation to Communications.

HEAD OF FINANCE

- 1 To exercise the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988.
- 2 To be the Proper Officer under section 115 of the Local Government Act 1972.
- 3 To have responsibility for the overall management of the internal audit function in accordance with the Accounts and Audit Regulations 2003 (or any amending or substituted legislation, or legislation with a similar purpose or made for similar purposes).
- 4 To have responsibility for borrowing and lending within limits approved by the authority.

HEAD OF LEGAL AND DEMOCRATIC SERVICES

- 1 To be the Monitoring Officer.

- 2 To act as the Solicitor to the Council.
- 3 To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings (civil or criminal), in which the Council or any person on its behalf is or may be a party or has or may have an interest, including proceedings in relation to anti-social behaviour, or the making or defending of appeals; or to take any other appropriate steps in, or in relation to, any claim or legal proceedings.
- 4 To authorise officers of the authority to appear before Magistrates' Courts or District Judges.
- 5 To be the Proper Officer of the authority, except where legislation, or a delegation made by or under this Scheme, names another officer; and to authorise the making and issue of any formal documents.
- 6 To authorise the giving of any indemnity by the authority.
- 7 To authorise the service of notices to ascertain interests in land or particulars of persons interested in land; or to enter, or authorise entry, upon land, in connection with the discharge of any of the functions of the authority.
- 8 To negotiate, and agree a planning obligation, agreement or charge on behalf of the authority.
- 9 To authenticate documents on behalf of the authority.
- 10 To determine which documents should be sealed by the affixing of the Common Seal.
- 11 To attest the affixing of the Council's Common Seal.
- 12 To authorise a proper person to act as the authorising officer under the Regulation of Investigatory Powers Act 2000 and to exercise the authority's powers thereunder.
- 13 At the written request of the Chief Executive, to exercise the authority's functions in respect of Freedom of Information, data protection and environmental information (as defined in the Environmental Information Regulations 2004) and related secondary legislation; together with any amending or substituted legislation, or legislation which as a similar purpose or is made for similar purposes.
- 14 To act as the qualified person for the purposes of section 36 of the Freedom of Information Act 2000.