

**EXERPTS FROM**

**Scheme of Delegation to Officers – General Principles**

## Proposed Delegations to be Formally Reported

**CHIEF EXECUTIVE, ASSISTANT CHIEF EXECUTIVES AND DIRECTORS, OR IN THEIR ABSENCE THEIR NOMINATED OFFICER, HAVE DELEGATED POWERS TO :-**

Delegated Power	Formally Reported	Council/ Cabinet Delegation
<b>(A) Financial Matters</b>		
1. <del>engage consultants to act on the Council's behalf, or prepare a report on the feasibility of projects, up to £15,000 per project;</del>		<b>Cabinet</b>
2. authorise <u>revenue</u> expenditure on feasibility work up to £10,000;		<b>Cabinet</b>
3. accept tenders for contracts <u>or framework agreements other than those which are Strategic Procurement Decisions within the meaning of the Contract Procedure Rules valued up to £75,000;</u>		<b>Cabinet</b>
<del>3-4.</del> <u>waive Contract Procedure Rules in accordance with clause 3.3 Contract Procedure Rules for contracts with a value which is expected to fall below £75,000.</u>	✓	<b>Cabinet</b>
<del>3-5.</del> <u>apply an exemption to tendering requirements in accordance with Contract Procedure Rules clauses 3.4 to 3.6.</u>		<b>Cabinet</b>
<del>3-6.</del> <u>draw up approved lists in accordance with paragraph 7.2 Contract Procedure Rules</u>		
<del>3-7.</del> <u>sign contracts with a value which is expected to fall below £75,000 in accordance with the requirements of the Contract Procedure Rules.</u>		
<del>4-8.</del> vary expenditure on capital expenditure contracts up to 10 per cent or £50,000, whichever is the lower, of the accepted tender in accordance with the Financial Procedure Rules, as set out in Part 4 of this Constitution;		<b>Cabinet</b>
<del>5-9.</del> make 'ex gratia' payments (e.g. for the loss of personal equipment) up to £1,000;		<b>Cabinet</b>
<del>6-10.</del> approve capital expenditure above an approved budget level up to £35,000 where items are urgent or would have a cost benefit (subject to approval by the Chief Executive and the Director of Corporate Services);	✓	<b>Cabinet</b>
<del>7-11.</del> make and maintain adequate arrangements for the following, in conjunction with the Director of Corporate Services :- (a) the financial organisation, accounting and book-keeping necessary to ensure the proper recording of all sums due to the Council; and (b) the collection, control, disposal and prompt and proper accounting for all cash in all Council departments, including sums due to the Council in respect of sponsorship; and		<b>Cabinet</b>

The Borough Solicitor has delegated powers to :-

<b>Delegated Power</b>	<b>Formally Reported</b>	<b>Council Executive</b>
<p>1. sign the following on behalf of the Council :- any document necessary to give effect to any resolution of the Council, Cabinet or any other body or person acting under delegated powers of Cabinet or Council;</p> <p>(a) notices of cancellation by local authorities in accordance with Section 53(5) of the Building Act 1984; (b) grants in relation to burials and cremations; (c) any necessary documents in relation to the surrender of Grants of Rights of Burial, and arrange re-purchases in appropriate cases; (d) agreements for the letting of allotments; and (e) every contract <del>which exceeds £75,000 in value or amount on behalf of the Council</del> in accordance with Contracts Procedure Rules, as set out in Part 4 of this Constitution or designate an Officer to sign such contracts;</p>		<b>Council and Cabinet</b>
<p>2. defend and/or settle, where appropriate, all claims made against this Council up to £50,000;</p>	<p>✓ above a threshold of £5K</p>	<b>Cabinet</b>
<p>3. take such proceedings or other steps as may be necessary to enforce any debt or other obligation to the Council or to pursue on its behalf any other civil claim;</p>		<b>Cabinet</b>
<p>4. institute criminal proceedings in respect of :- (a) offences against any legislation (including byelaws) which the Council is allowed to enforce, or which any of the Queen's subjects may prosecute; and (b) offences of common assault on behalf of an employee, if so required;</p>	<p>✓</p>	<b>Cabinet</b>
<p>5. take all necessary action to defend all criminal proceedings brought against the Council contrary to Section 539 of the Criminal Justice Act 1988;</p>		<b>Cabinet</b>
<p>6. brief Counsel and obtain Counsel's opinion;</p>		<b>Cabinet</b>
<p>7. issue proceedings, prosecute or take other steps as necessary under the Children Act 1989, Adoption Act 1976, Mental Health Act 1983, Crime and Disorder Act 1998 and regulations thereunder;</p>		<b>Cabinet</b>

<b>Delegated Power</b>	<b>Formally Reported</b>	<b>Council Executive</b>
8. prepare documentation for and to represent the Council in the Special Educational Needs Tribunal;		<b>Cabinet</b>
9. authorise any Officer of the Council to prosecute, or defend on its behalf, or to appear on its behalf in, proceedings before a Magistrates Court, in accordance with Section 223 of the Local Government Act 1972;		<b>Cabinet</b>
10. authorise Officers and/or appoint Inspectors in conjunction with the Chief Executive (either may sign such authority or other certificate of appointment as may by law be required, pursuant to the provisions of Section 101 of the Local Government Act 1972 and the various statutory and other powers of the Council);		<b>Council</b>
11. approve the granting of wayleaves and authorise the signing and sealing of any necessary document in connection therewith (following consultation with any other Officer concerned);		<b>Council</b>
12. enter a defence to any claim brought against the Council;		<b>Cabinet</b>
13. in cases of urgency, institute proceedings with a view to seeking an Injunction where he/she considers it expedient for the promotion or protection of the interests of the inhabitants of the area, pursuant to Section 222 of the Local Government Act 1972 or any other legislation permitting local authorities to seek an injunction with or without a power of arrest attached;	✓	<b>Cabinet</b>
14. make orders :- (a) prohibiting trespassory assemblies under Section 70 of the Criminal Justice and Public Order Act 1994;  (b) prohibiting public processions under Section 13 of the Public Order Act 1986; and  (c) under Section 21 of the Town Police Clauses Act 1847, in all cases where temporary Road Closure Orders are required, subject to the residents and the Ward Councillors affected by such closures being informed by the Director of Community Services, and alternative residents parking being provided where possible;	✓ ✓ ✓	<b>Council</b>
15. serve Notices to Quit, and any other notices and formal demands, on tenants which are deemed to be required in the interests of the Council (excluding the management of Council housing);		<b>Cabinet</b>
16. terminate tenancies of those persons allowed possession of allotments who have not completed a tenancy agreement;		<b>Cabinet</b>
17. issue 'certificates of opinion' as to whether or not the duties of a post fall within the criteria of political sensitivity;		<b>Council</b>
18. accept any offer regarding land, goods to be supplied or work proposed to be executed in accordance with the Contracts Procedure Rules, as set out in Part 4 of this Constitution;	✓	<b>Cabinet</b>
19. undertake enforcement action (including the service of Stop Notices and including legal proceedings) under the Town and Country Planning Acts in respect of contravening development and to authorise work in default;	✓	<b>Council</b>

<b>Delegated Power</b>	<b>Formally Reported</b>	<b>Council Executive</b>
20. make Tree Preservation Orders under Section 198 of the Town and Country Planning Act 1990; and	✓	<b>Council</b>
21. take appropriate action to achieve a settlement in the case of dispute under Part I of the Land Compensation Act 1973.	✓ above a threshold of £5K	<b>Cabinet</b>

## DIRECTOR OF COMMUNITY SERVICES

The Director of Community Services or in his/her absence the nominated Officer has delegated powers to :-

Delegated Power	Formally Reported	Council Executive
(A) in respect of Contracted Services and Services operating within Trading Accounts :-		Cabinet
1. purchase materials, vehicles and equipment;		Council
2. serve the appropriate notice on employees to be made redundant;	✓	Cabinet
3. set prices for the sale of horticultural produce from Woodburn Nurseries;		Cabinet
4. negotiate venue hire charges for special events;		Cabinet
5. vary the percentage concessions available to ‘Leisuresaver’ card holders, provided that their ‘Leisuresaver’ price is well publicised on all publicity material;		Cabinet
6. operate the Civic Theatre and the Arts Centre on a trading account basis within the Council’s approved net expenditure budgets;		Cabinet
7. introduce a variable scale of charges for clearing blocked drains removing household and trade refuse and to amend those charges to suit changing market conditions; and		Cabinet
8. <del>submit, in urgent cases only, cross boundary tenders (which can involve work for other local authorities or bodies), which are in excess of £75,000 in value, in accordance with paragraph 8.4 of the Contract Procedure Rules. procedures previously agreed (following consultation with the relevant Cabinet Member, whenever possible).</del>		Cabinet
(B) in respect of Housing Matters :-		

