

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

GENERAL DELEGATIONS

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Budgetary Control	To incur normal revenue expenditure, in accordance with Financial Procedure Rules and within the terms of budgets set by the Council.	Council / Executive Committee	Chief Executive / Deputy Chief Executive / Directors
	To approve and submit tenders on behalf of the Council up to a value of £250,000. The inclusion of an item in the capital programme shall not confer authority to incur expenditure until a financial report in a form specified in the Council's Procedure rules has been submitted to and approved by the Executive Committee.	Executive Committee	Chief Executive / Deputy Chief Executive/ Directors
	To adopt revised Statutory Fees and Charges, in cases where the Council has no discretion, subject to their annual notification to Members as part of the Fees and Charges Review report.	Executive Committee	Chief Executive / Deputy Chief Executive / Directors / Heads of Service
	In setting Fees and Charges, as a general principle, to round up or down to the nearest practical amount, any of the proposed fees and charges which it is felt would cause administrative difficulties.	Executive Committee	Chief Executive / Deputy Chief Executive/ Directors / Heads of Service
Employees	To control and manage own Directorates.	Council/Executive Committee	Chief Executive/ Deputy Chief Executive/Directors or their nominated Manager(s)
	Within the terms of the Council's agreed policies and employment objectives, to deal with the following matters without reference to Committee:-		
	a) to engage employees within budget provision / establishment;	Council	Chief Executive/ Deputy Chief Executive/ Directors
b) to deal with the recruitment, suspension, and dismissal of employees in accordance with	Council	Chief Executive/ Deputy Chief Executive/	

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

	<p>agreed procedures;</p> <p>c) subject to negotiation with employees and/or their representatives, to vary the conditions of service, salaries and hourly rates (including the level of bonus payments) where in their judgement such variations are in the interest of the service, where the terms of employment permit this. In exercising this authority, CX / DCX / Directors shall observe national agreements and shall not depart from individual terms and contracts of employment;</p> <p>d) subject to the prior approval of the Executive Committee, and consultation with employees and/or their representatives, to carry out Service Reviews, as necessary, and implement outcomes;</p> <p>e) to provide an overview of training activities for the Council and, in accordance with the Council's stated requirements, direct provision of training via in-house and external resources (Human Resources);</p> <p>f) to settle claims of up to £150 for damage to and/or loss of employee's clothing and personal property.</p> <p>g) to exercise the various delegations defined hereunder.</p>	<p>Council</p> <p>Executive Cttee</p> <p>Executive Cttee</p> <p>Executive Cttee</p> <p>Various</p>	<p>Directors/Heads of Service as appropriate</p> <p>Chief Executive/ Deputy Chief Executive/ Directors</p> <p>Chief Executive/ Deputy Chief Executive/ Directors</p> <p>Chief Executive/ Deputy Chief Executive/ Directors</p> <p>Chief Executive/ Deputy Chief Executive/ Directors</p> <p>All employees, including all employees of Bromsgrove District Council seconded to Redditch Borough Council under shared services arrangements.</p>
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Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

			or employed by other local authorities who provide services for or on behalf of Redditch Borough Council under shared service arrangements
Tenders & Contracts	<p>To invite tenders for contracts from the approved list in the case of selective tendering where provision had been made for those items within the revenue budget and capital budget.</p> <p>Subject to Contract Procedure Rules, to engage the services of consultants operating within their own sphere of professional competence.</p> <p>(In instances where professions in other Directorates are involved, the Director of that Directorate is to be contacted to establish whether the necessary expertise is available in-house and, if not, to advise and engage outside consultants accordingly.</p> <p>If there is no available professional advice within the Council the Director is authorised to seek appropriate consultants direct.)</p> <p>Further separate delegations under the Contract Procedure Rules.</p>	<p>Executive Committee</p> <p>Executive Committee</p> <p>Council</p>	<p>Chief Executive/Deputy Chief Executive/ Directors / Heads of Service</p> <p>Chief Executive/ Deputy Chief Executive/ Directors/Heads of Service</p> <p>Various</p>
Urgent Business	To determine urgent matters where there is insufficient time to convene a meeting of the Council, Executive or other Committee, or it would be disproportionate to do so in relation to the scale of the decision required.	Council or Executive/leader as appropriate	Chief Executive following consultation with the Executive/Leader, S 151 Officer and the Monitoring Officer.

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

Service Managers (4th Tier and below)	In the absence of any specific delegation and subject to supervision by their immediate line Managers, Service Managers are authorised to perform the duties for which they are employed, including the day-to-day management of their specific Service.	Council/Executive Committee	Various
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Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

ALL DIRECTORATES – MISCELLANEOUS DELEGATIONS

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Miscellaneous. Delegations	1) The day-to-day discharge of functions not otherwise covered by this scheme in accordance with any requirements of the Chief Executive.	Executive Committee	Chief Executive or in his absence the Deputy Chief Executive
	2) To respond to miscellaneous enquiries for which no delegated authority currently exists and to determine whether further formal decision is required and, if so, what.	Exec	Chief Executive, in consultation with Group Leaders and Monitoring Officer
	3) In the absence of the Chief Executive, to exercise the various specific delegations (referred to elsewhere within Scheme of Delegations to Officers, etc.)	Council / Exec	Duty Officer (Deputy Chief Executive)
	4) In the absence of the Chief Executive, to exercise the Proper Officer functions which are the responsibility of the Chief Executive.	Council / Exec	Deputy Chief Executive or other Chief Executive Nominee
	5) In the absence of the relevant Director, to exercise the various specific delegations set out in the Scheme, except in circumstances where statute debars such action.	Council / Exec	Chief Executive/ Duty Officer (Deputy Chief Executive)
	6) To serve requisitions for information as to ownership of property.	Executive Cttee	All Directors / Head of Finance & Revenues, or in their absence, other relevant Heads of Service / Managers
	7) To seek Planning Permission on behalf of the Council.	Council	Directors and Heads of Service, subject to prior consultation with Ward Members

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
	8) To seek Building Regulation Consent, on behalf of the Council, for carrying out development.	Exec	Directors / Ho Resources and Finance / Ho Planning & Regeneration
	9) To apply for Licences, on behalf of the Council.	Executive Committee	Directors/Officers authorised by Directors
	10) To respond to Petitions, in accordance with the approved Protocol.	Council	Monitoring Officer/ Chief Executive/ Deputy Chief Executive / Directors / Relevant Officers
	11) To reply on the Council's behalf, where time limits require, to all consultations from adjoining local authorities, the County Council, the LGA, the Government and other bodies.	Council / Executive Cttee	Directors / relevant 3 rd and 4 th Tier Officers
	12) Other than as detailed elsewhere in this Scheme of Delegation to Officers and subject to the agreed policy of the Council to accept bookings of all other Council accommodation.	Executive Committee	Chief Executive/ Deputy Chief Executive/ Directors
	13) Any Officer with a delegated power under this Scheme may authorise other Officers to exercise the powers on their behalf. Any such authorisation should be in writing, which in most cases, will be by way of Job Description. In other cases, please see Form of Authorisation at Appendix 1.	Council / Executive Committee/ Planning / Licensing Committees	Chief Executive/ Deputy Chief Executive/ Directors
	14) Any of the powers delegated to a specific Officer within this Scheme may be exercised by any of their line Managers, except where such exercise is not permitted in law or subject to other qualification. (Some powers may only be exercised by a specific type of Officer.)	Council / Executive Cttee/ Planning / Licensing Committees	Various

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

	<p>15) Where an Officer has delegated powers to issue legal proceedings, they are also authorised to take action to enforce any judgment obtained.</p> <p>16) To pursue such urgent legal action when required in the future, in cases where existing authority is not sufficient, where the proposed action is not politically controversial, or in conflict with current decision, policy and practice, and where there are no other circumstances which, in the view of the Officer concerned or the Portfolio Holder, might suggest the need for a full Committee (or Council) decision.</p>	<p>Council / Exec / Planning / Licensing Committees</p> <p>Council / Exec / Planning / Licensing Committees</p>	<p>Various</p> <p>Various Officers, in consultation with relevant Portfolio Holder</p>
<p>Regulation of Investigatory Powers Act (RIPA)</p>	<ol style="list-style-type: none"> 1. To review, revise and update the Council's RIPA policy. 2. Under the provisions of Part 1 chapter 2 of the Regulation of Investigatory Powers Act 2000 relating to the Accessing of Communications Data, to appoint officers to act as SPOCs (Single Point of Contact). 3. To grant authorisations, subject to approval by the Magistrate's Court, under the Regulation of Investigatory Powers Act (RIPA) 2000 to conduct covert surveillance. 4. In relation to requests for Directed Surveillance, including authorisation as referred to above, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation 	<p>1 – 7 Council</p>	<ol style="list-style-type: none"> 1. Head of Legal, Equalities and Democratic Services. 2. Head of Legal, Equalities and Democratic Services. 3. Heads of Service authorised to do so under Appendix 2 of the RIPA policy. 4. Heads of Service authorised to do so under Appendix 2 of the RIPA policy.

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

	<p>5. In relation to requests for Covert Human Intelligence Sources where the source is aged under 18, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation.</p> <p>6. To maintain the central record of documents relating to RIPA policy, including authorisations.</p> <p>7. To carry out all necessary action to ensure that the Office of Surveillance Commissioners is satisfied with the Council's Policy and Procedures in respect of RIPA.</p>		<p>5. Chief Executive or in his absence the Deputy Chief Exec.</p> <p>6. The Information Management Team under the supervision of the Head of Transformation and Organisational Development.</p> <p>7. Head of Legal, Equalities and Democratic Services.</p>
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Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

PROPER OFFICER DELEGATIONS

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Council Summons	1. To sign summonses to Council Meetings and to receive notices regarding addresses to which summons to meeting is to be sent under provisions of paragraphs 4(2)(b) and 4(3) of Schedule 12 to the Local Government Act 1972.		Chief Executive or in his/her absence the Monitoring Officer
Local Government Act 1972	<p>2. To be appointed "Proper Officer" in relation to the following provisions of the Local Government Act 1972:</p> <p>a. Sections 83(1) to (4) - Witness and receipt of acceptance of office</p> <p>b. Section 84 – Receipt of declaration of resignation of office</p> <p>c. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors</p> <p>d. Section 229(5): Certification of photographic copies of document</p> <p>e. Sections 234(1) and (2): Authentication of documents</p> <p>f. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Mayor</p> <p>g. Section 204(3): Receipt of application for licence under Sch 2 of Licensing Act 1964</p>		<p>a. Chief Executive</p> <p>b. Chief Executive</p> <p>c. Head of Legal, Equalities and Democratic Services</p> <p>d. Legal, Equalities and Democratic Services</p> <p>e. Head of Legal, Equalities and Democratic Services</p> <p>f. Chief Executive</p> <p>g. Head of Legal, Equalities and Democratic Service</p>

Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
	<p>h. Section 210 (6) and (7): Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or, if there is no such office to “Proper officers”.</p> <p>i. Section 212(1) and (2): Proper Officer to act as Local Registrar for Land Charges Act 1925</p> <p>j. Section 225: Deposit of documents</p> <p>k. Section 236(9): To send copies of byelaws for parish records</p> <p>l. Section 236(10): To send copies of byelaws to the County Council</p> <p>m. Section 238: Certification of byelaws</p> <p>n. Section 228 (3): Accounts of “any Proper Officer” to be open to inspection by any member.</p>		<p>h. Head of Legal, Equalities and Democratic Services</p> <p>i. Head of Legal, Equalities and Democratic Services</p> <p>j. Head of Legal, Equalities and Democratic Services</p> <p>k. Head of Legal Equalities and Democratic Services</p> <p>l. Head of Legal, Equalities and Democratic Services</p> <p>m. Head of Legal, Equalities and Democratic Services</p> <p>n. Head of Resources</p>

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
	<p>o. Section 191: Function with respect to ordnance survey</p> <p>p. Schedule 16 para 28: Receipt on deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act 1971)</p> <p>q. Sections 115(2) and 146(1)(a) and (b): Receipt of money due from officers declaration and certificates with regard to securities</p> <p>r. Section 151</p>		<p>o. Head of Planning</p> <p>p. Head of Planning</p> <p>q. Head of Resources</p> <p>r. Head of Resources</p>

Monitoring Officer

Subject	Detail	Delegated by:	Delegated to:
Constitution and Scheme of Delegation – amendments	<p>1. To make amendments to the Scheme of Delegation and other areas of the Constitution in order to reflect changes in legislation or regulations, job titles and the reallocation of functions of the Council between departments, provided that the amendments do not extend or reduce the existing delegations or other powers and duties currently listed in the Constitution</p> <p>2. To make amendments to that part of the Constitution which comprises the Management Arrangements to the extent that such amendment reflects either a change in personnel or changes to the corporate structure which have been agreed by Council</p>	Council	Monitoring Officer
Outside Bodies	To maintain and amend a list of external bodies and organisations to which Members have been appointed by the Council	Council	Monitoring Officer, in consultation with the Leader