

Section 5B  
Delegation of decision making to officers

Scheme of delegation to officers - Overview  
Delegation to Directors - General & Conjoint

Individual Directors

- 1 Chief Executive
- 2 City Solicitor
- 3 Director for Finance and Resources
- 4 Director of Corporate Services
- 5 Director of Housing, Neighbourhoods & Building Services
- 6 Director of Regeneration
- 7 Director of Culture, Leisure & Regulatory Services
- 8 Director of Adult Services
- 9 Director of Children, Families & Education
- 10 Director of Public Health
- 11 Director of the Port

Scheme of delegation to officers - Overview

The Chief Executive, responsible for the directorates, has concurrent powers to act in respect of the delegations set out below.

The delegated powers are subject to the terms of the following general conditions:

1. All delegated functions shall be deemed to be exercised on behalf of and in the name of the council, or the Cabinet, as the case may be.
2. The exercise of a delegated power shall:
  - a. be in accordance with the city council's adopted policies
  - b. not amount to a new policy or extension or amendment of an existing policy
  - c. be subject to the requirements of standing orders, financial rules, contract procedure rules and HR policies
3. An officer to whom a power is delegated may nominate or authorise another officer of the council to exercise that power. The term director and officer includes the chief executive.
4. Any reference to any act of parliament includes reference to regulations or subordinate regulations made under that Act.
5. References to any sum shall be increased annually by reference to such inflation index as the Director of Finance and Resources considers appropriate. The Director of Finance and Resources shall notify the directors annually of the relevant sums.
6. Where the exercise of powers is to be subject to prior consultation with another officer, that officer may give his or her views in general terms in advance to apply to any particular circumstance, to remove the need for consultation for each proposal.
7. Delegation to officers is subject to -
  - a. the right of the council, the Cabinet or any committee to decide any matter in any particular case (the officer may in any case in lieu of exercising his/her delegated power refer to the Cabinet or a committee for decision)
  - b. any restrictions, conditions or directions of the Cabinet or a committee

Delegation to Directors - General & Conjoint

**General**

These powers may be delegated by the directors to another officer.

**Financial Management**

1. To incur routine revenue expenditure. (For the avoidance of doubt 'routine' expenditure includes items of a repetitive and largely unvarying nature such as purchase of minor office equipment and materials).
2. To incur non-routine revenue expenditure within the budget.

**Staffing within Directorate**

1. To appoint staff.
2. To approve contractual arrangements for staff.
3. To apply the Council's HR policy with regard to staff employed within the directorate remit with regard to appointments, dismissal and redundancy.
4. Confirmation of appointments on completion of probationary period.

**Shareholder Committee Protocol**

1. Purpose of the Shareholder Committee
  - 1.1. The purpose of the Shareholder Committee is to exercise the shareholder functions of the Council for any company and provide strategic oversight and guidance and to represent the Council as Shareholder Representative at meetings with the companies.
  - 1.2. In particular, the Shareholder Committee will be responsible for:
    - a. Incorporating and winding down any company, including constitutional matters such as:
      - i. Varying Articles of Association
      - ii. Changing the names of companies and registered addresses
    - b. Approving Shareholders Agreements
    - c. Approving the annual Business Plans of the companies
    - d. Approving any action which is inconsistent with the approved Business Plan
    - e. Monitoring performance of the companies against the approved Business Plans
    - f. In consultation with the Section 151 Officer, approving any investment of funds together with any terms of loan agreement to any company
    - g. Appointing and dismissing of directors
    - h. Approving major business transactions
    - i. Approving the issuing or reduction of share capital
    - j. Approving the appointing of auditors; and
    - k. Approving any other matter which is defined as the Reserved Matter in Shareholders Agreements

## 2. Membership

- 2.1. The Shareholder Committee shall consist of a majority from the Administration and 1 member from all other parties, drawn from the elected Members of the Council. Subject to 2.2, other members of the Council (who are not directors of any of the companies concerned) may attend and vote as substitutes in the event that an appointed member of the Shareholder Committee is unable to attend.
- 2.2. As the role of the Shareholder Committee is to advise and discharge executive functions in relation to company matters and to exercise the role of the Shareholder Representative, only Cabinet members can be members of the Shareholder Committee with voting rights, although other Cabinet members and non-Cabinet members can be invited to attend, without voting rights.
- 2.3. The Leader will be the chairman of the Shareholder Committee and will have the casting vote in the event that a majority decision cannot be reached. A Vice Chair will be selected from the elected members of the Shareholder Committee.
- 2.4. The necessary quorum for the meeting will be no less than 3 elected and vote rights bearing Cabinet Members of the Council present.

## 3. Meetings

- 3.1. The Shareholder Committee will meet as regularly as required to ensure proper exercise of its functions but not less than quarterly.
- 3.2. The members of the Shareholder Committee may invite the Chief Executive, Section 151 Officer, City Solicitor, Officer of the Council or their deputies and any other persons as required who will be the advisors to the Shareholder Committee.
- 3.3. It is anticipated that the directors of companies will be invited if their input is required to make an informed decision.

## 4. Administration

- 4.1. The agenda of the meeting together with any supporting documentation will be provided to members of the Shareholder Committee at least 5 working days in advance. This notice period may be waived if the Chair of the Shareholder Committee so agrees.
- 4.2. The meetings of the Shareholder Committee will be minuted which will subsequently be approved at the next meeting.

## **Miscellaneous**

1. Where appropriate, to submit tenders and quotations and to undertake the supply of goods and services to other Local Authorities and public bodies in so far as such goods and services can be provided within the existing resources of their departments, subject to consultation with the city solicitor on the terms of any proposed contract.
2. To exercise the council's statutory powers of entry, of requisitioning information, and of executing work in default and recovering costs where appropriate, in

connection with or for the purpose of carrying out any function delegated to an officer (including enforcement of any decision of the council taken under delegated powers or otherwise).

3. To apply for planning permission and any other necessary planning consents for development by the council in connection with or for the purpose of carrying out any function delegated to an officer.
4. To sell surplus vehicles, stores and other equipment for the best price obtainable and to write-off any such items which have become unfit for use and of no value, in accordance with agreed Council policy.
5. Following an investigation into a complaint, to make an ex-gratia/ compensation payment up to a limit of £2,000 for any one case, or in agreement with the Monitoring Officer for an amount in excess of £2,000, and to advise the relevant Cabinet Member or Chair of any such payment.
6. To award contracts within agreed budgets and in accordance with Council policies.
7. To exercise Community Protection Notices (CPNs) powers within their sphere of responsibility.
8. Consultation: to finalise the city council's comments on any matter where the council is a consultee in consultation with the Chief Executive and relevant Cabinet Member / Chair.
9. To implement and monitor the Equality Policy as it applies to the City Council as employer, in respect of its duties under any relevant anti-discrimination or equal opportunities legislation.
10. To provide or secure arrangements to facilitate the provision of information and services provided by the City Council to all who have a right of access in accordance with the Council's Equality Policy.

### **Emergencies & Continuity**

If the Council needs to act urgently in any matter including, without limitation, complying with the Emergency Response Plan and other council response plans or taking any action under new legislation of powers, the Chief Executive may authorise any action taken or expenditure occurred as necessary. A Director may act in the place of the Chief Executive where the Chief Executive is unwell, unobtainable or where there is no Chief Executive in post. The Chief Executive, or Director as appropriate, may delegate responsibility to another nominated Officer where it is considered appropriate.

### **Conjoint Delegations**

#### **TO THE DIRECTOR CONCERNED AFTER CONSULTATION WITH THE DIRECTOR RESPONSIBLE FOR CORPORATE SERVICES**

1. To appoint and dismiss staff below Chief Officer level.
2. To act as the authorising officer for the use of covert surveillance under the Regulation of Investigatory Powers Act 2000.

3. To refer cases of suspected dishonesty on the part of council employees to the police for investigation after consultation where necessary with the City Solicitor and Monitoring Officer
4. To purchase, lease or otherwise acquire Information Technology hardware, software or communications products or services up to a value of £100,000.

**TO THE DIRECTOR CONCERNED IN CONSULTATION WITH THE DIRECTOR RESPONSIBLE FOR FINANCE AND RESOURCES**

1. To approve extensions of sick pay up to a maximum of 6 months.
2. To dispense with or relax the requirements for contracts to provide for liquidated damages and for indemnities.
3. To approve overspending on a contract sum up to the greater of £1500 or 0.5% (capital scheme) or 5% (revenue scheme). For amounts above this refer to MIS.
4. Subject to the following paragraph, to incur additional revenue expenditure or overspending up to the sum of £50,000 where estimate provision has not been made, but where equivalent savings can be found within the relevant budget heading.
5. To incur capital expenditure up to a limit of £100,000.
6. Subject to paragraph 3 above, to approve additional capital expenditure or overspending up to £50,000 when the additional expenditure has not been provided in the estimates, when equivalent savings can be identified within the approved estimates for the relevant portfolio or committee.
7. To determine the increase in any existing fee or charge where increases are proposed in line with RPI, subject to any rounding.
8. To add any supplementary credit approval (SCA) to the approved budget and to authorise its expenditure for the purpose allocated, subject to a report for information on the MIS on the receipt of the SCA and the subsequent action taken.

**TO THE DIRECTOR CONCERNED IN CONSULTATION WITH THE CHIEF EXECUTIVE**

To determine, in accordance with the Taylor Report recommendations, as adopted by the Government's Guide to Safety at Sports Grounds "the Green Guide", safety at Fratton Park via the Council's Safety Advisory Group.