

# CITY OF PLYMOUTH

## Scheme of Delegation for Executive Functions 2011/12

### 1. Background

- 1.1. On 6<sup>th</sup> December 2010, the Council adopted a new style of executive arrangements with effect from the Annual Meeting on the 20<sup>th</sup> May 2011, choosing to have a Leader and Cabinet model. Under this arrangement all executive functions are vested in the Leader who can then delegate functions as seen fit. This document sets out the delegation of those functions.
- 1.2. The Leader is responsible for:
- appointing members of the cabinet;
  - delegating executive responsibilities to the cabinet;
  - delegating executive responsibilities to committees carrying out executive functions;
  - delegating executive responsibilities to individual cabinet members;
  - allocating executive responsibilities to officers;
  - allocating executive responsibilities when no-one has responsibility for them.
- 1.3. The Leader can at any time take back responsibilities delegated to committees of the cabinet, an individual cabinet member or officer, or decide to delegate them on certain conditions.
- 1.4. The Leader can also decide to delegate further responsibilities to committees of the cabinet, individual cabinet members or to an officer.
- 1.5. Executive responsibilities are carried out on behalf of the council and in the council's name.

### The Leader's Delegations to Cabinet and Individual Cabinet Members

#### 2. Delegations to Cabinet

- 2.1. The Leader's delegations to cabinet and cabinet members exclude the responsibilities set out in sections 5 (Devon Audit Partnership), 6 (Mount Edgcombe Joint Committee), 7 (South West Devon Waste Partnership), 8 (Regulation of consumer credit or hire businesses) and 9 (delegation by Cabinet).
- 2.2. The Leader has decided that some executive decisions must be agreed by the cabinet (set out in section 2.3). These decisions will be taken collectively by all cabinet members, unless the cabinet takes a specific decision to delegate that decision to a cabinet member, committee or officer.
- 2.3. The decisions that must be agreed by the cabinet are:

#### **Key decisions**

- decisions that would result in the council spending or saving or raising/reducing annual income by more than £500,000 (or more than £2,000,000 if that is the total cost of a contract award);
- decisions that would have a significant impact on two or more wards.

### ***Policy decisions and strategy***

- recommending the policy framework and budget to council;
- appointing representatives to outside organisations whose work relates to executive functions;
- agreeing policies and strategies that will have a significant impact on two or more wards.

### ***Finance and contract decisions***

- recommending the budget to council;
- recommending any changes to the net revenue budget to council;
- recommending the Treasury Management Strategy to council;
- setting the Council Tax base;
- recommending the Prudential and Treasury indicators to council;
- recommending the medium term financial strategy to council;
- recommending to council transfers between revenue cost centres;
- recommending the Corporate Asset Management Plan to council;
- recommending the Capital Programme to council;
- decisions in accordance with the capital and revenue delegation tables (appendix 2)
- approving the evaluation criteria for tenders with an estimated value of £2,000,000 or more;
- giving authorisation to tender for contracts with an estimated value of £2,000,000 or more;
- awarding contracts with a total cost of £2,000,000 or more.

### ***Property decisions***

- acquiring freeholds or leaseholds with a consideration or premium over £500,000;
- acquiring or disposing of leases for a term of more than 125 years – unless they are leases at Mount Edgcombe country park and house;
- acquiring or disposing of leases at Mount Edgcombe Country Park for a term of more than 10 years;
- disposing of property or leases for less than best consideration;
- making compulsory purchase orders.

### ***Decisions about services***

- changing eligibility for services if this will have a significant impact on two or more wards;
- designating conservation areas;
- agreeing local plans about civil contingencies;
- setting up external partnerships, shared service arrangements and transferring services to third parties;
- choosing preferred routes or options for principal routes and major transportation proposals following public consultation;
- approval of the draft school organisation plan;
- changes to admissions arrangements;
- decisions to consult on or pursue the amalgamation or closure of schools or to open new schools;
- the cabinets of Plymouth City Council and Cornwall Council have joint responsibility under Sections 6, 7, 8 and 9 of the Countryside Act 1968 and Section 19 of the Local Government (Miscellaneous Provisions) Act 1976 for the strategic management and control of the Mount Edgcombe house and country park including the power to acquire and sell land.

### **3. Areas of responsibility of individual cabinet members**

- 3.1 The Leader has decided that some decisions must be agreed by the individual cabinet member who has responsibility for that function unless the cabinet member takes a specific decision to delegate that decision to a committee or officer.
- 3.2 The individual members of cabinet will have responsibility for the functions that are set out below.

#### **Leader of the Council**

- 3.3 The Leader will act as chair of Cabinet meetings and may act on behalf of, or instead of, any other cabinet members. Is responsible for and may take decisions about:
- an overview of the Council and its resources
  - Corporate plan
  - Plymouth 2020 Board
  - Plymouth Life Centre
  - City Centre Company
  - Destination Plymouth

#### **Deputy Leader of the Council and Cabinet Member for Planning, Strategic Housing and Economic Development**

- 3.4 The Deputy Leader will deputise for the Leader as appropriate in the absence of the Leader and may nominate any cabinet member to deputise for the Leader in the absence of the Leader and Deputy Leader. The Deputy Leader is responsible for and may take decisions about:
- Regional and local economic strategy
  - Economic development
  - Inward investment
  - Business support
  - Commercial development
  - Planning Policies and Strategies
  - Planning
  - Local development framework
  - Strategic housing
  - Homelessness
  - Private sector housing, grants and improvements
  - Housing enabling role with respect to registered social landlords
  - Tourism development, services and marketing
  - Plymouth Waterfront Partnership

Is the corporate project lead and may take decisions about:

- West End regeneration (joint with Cabinet member for transport)
- Millbay regeneration
- Derriford
- Sutton Harbour
- Plymouth 2020 - Growth Board

### **Cabinet Member for Adult Health and Social Care**

3.5 The cabinet member with responsibility for adult health and social care is responsible for and may take decisions about:

- Public Health
- Adult health and social care
- Older people services
- Supporting people programme
- Mental health services
- Physical disability services
- Drug and alcohol services
- Learning disability services
- Overall healthcare issues

Is the corporate project lead and may take decisions about:

- Plymouth 2020 – Healthy Theme Group and Shadow Health and Well Being Board

### **Cabinet Member for Finance, Property and People**

3.6 The cabinet member with responsibility for finance, property and people is responsible for and may take decisions about:

- Human Resources
- Revenue budget
- Capital programme
- Strategic procurement
- Housing benefit and revenues
- Corporate property and facilities management
- Lord Mayor's Role and Events

### **Cabinet Member for Children and Young People**

3.7 The cabinet member with responsibility for children and young people is responsible for and may take decisions about:

- Children's services
- Adoption and fostering
- Corporate parenting
- Schools and colleges, including governing issues
- Early years development
- Education grants
- School capital programme
- Youth services

Is the corporate project lead and may take decisions about -

- Plymouth 2020 - Wise Theme Group
- Plymouth 2020 – Children's Trust

### **Cabinet Member for Customer Services**

3.8 The cabinet member with responsibility for customer services is responsible for and may take decisions about:

- Customer services
- Business continuity
- ICT
- Media, public relations and communications

Is the corporate project lead and may take decisions about:

- Developing effective and efficient customers' services for the Council ensuring a high standard and improving customer satisfaction across all Council services
- Communications (internal and external)

### **Cabinet Member for Transformation, Performance and Governance**

3.9 The cabinet member with responsibility for performance and transformation is responsible for and may take decisions about:

- Performance management
- Transformation / change management
- Corporate policy development
- Corporate planning
- Civil contingencies
- Democracy and Governance
- Member Development

Is the corporate project lead and may make decisions about:

- Overall transformation and change management strategy.

### **Cabinet Member for Community Services (Safer and Stronger Communities, Sport and Leisure)**

3.10 The cabinet member with responsibility for community services (safer and stronger communities, sport and leisure) is responsible for and may take decisions about:

- Anti-social behaviour
- Community safety
- Community cohesion and equalities
- Leisure / sports facilities
- Events
- Cultural activities
- Heritage, museums and libraries
- Mount Edgumbe country house and park
- Licensing - hackney carriages

Is the corporate project lead and may take decisions about:

- Benefit take up campaigns
- Localities working

- Plymouth 2020 – Safe and Strong Theme Group
- Plymouth 2020 – Culture Board

### **Cabinet Member for Community Services (Street Scene, Waste and Sustainability)**

3.11 The cabinet member with responsibility for community services (street scene, waste and sustainability) safer and stronger communities is responsible for and may take decisions about:

- Waste management
- Cleansing, waste disposal and recycling
- Fleet management
- Parks including playgrounds
- Public open space
- Climate change and sustainability
- Public protection service (covering environmental protection and monitoring and neighbourhood and environmental quality, trading standards, food safety and standards, safety, health and licensing (excluding hackney carriages)

Is the corporate project lead and may take decisions about:

- South West Devon Strategic Waste Project

### **Cabinet Member for Transport**

3.12 The cabinet member with responsibility for transport is responsible for and may take decisions about:

- Transport policies and strategies
- Highways
- Car parks
- Tamar Bridge and Torpoint Ferry

Is the corporate project lead and may take decisions about:

- West End regeneration (joint with Cabinet Member for Planning, Strategic Housing and Economic Development)
- Eastern corridor scheme

## **4. Cabinet member decisions**

### ***Policy decisions and strategy***

- setting or changing policy that does not have a significant impact on two or more wards.

### ***Finance and contract decisions***

- decisions in accordance with the capital and revenue delegation tables (appendix 2)
- decisions that will result in the council spending or saving or raising/reducing annual income by more than £100,000 but not more than £500,000 unless the decision is to award a contract;
- giving authorisation to tender for contracts with an estimated value of £500,000 or more but less than £2,000,000;

- approving the evaluation criteria for tenders with an estimated value of £500,000 or more but less than £2,000,000;
- award of contracts with an estimated value of £500,000 or more but less than £2,000,000;
- award of contracts for personal social services with an estimated value in excess of £250,000 per annum;
- setting or changing rents, fees, charges and concessions that would result in the council spending or saving or raising/reducing annual income up to £500,000 (or up to £2,000,000 if a contract award);
- the cabinet member for finance agrees a draft budget for consultation;
- deciding applications for mandatory rate relief and discretionary non-domestic rate relief outside the approved scheme;
- agreeing significant variations to the scheme for financing schools;
- the cabinet member with responsibility for the Mount Edgumbe Country Park will decide whether to recommend that cabinet approves variations to the business plan for the country park that require extra spending and propose the means of meeting any additional costs to council;
- the cabinet member with responsibility for Mount Edgumbe Country Park will decide whether to agree variations to the business plan that do not require extra spending;
- the cabinet member with responsibility for the Tamar Bridge and Torpoint Ferry will decide whether to recommend that council approves variations to the business plan for the bridge and ferry that require extra spending and propose the means of meeting any additional costs to council;
- the cabinet member with responsibility for the Tamar Bridge and Torpoint Ferry will decide whether to agree variations to the business plan that do not require extra spending.

### ***Property decisions***

- acquiring freeholds or leaseholds with a consideration or premium of more than £100,000 but less than £500,000;
- acquiring leaseholds for more than three years but less than 10 years;
- no tender, other than the highest tender, will be accepted by the cabinet member unless a written report has been considered.

### ***Decisions about services***

- changing the designation of schools;
- setting school term dates;
- designating dispersal orders;
- service reductions and developments including closure, relocations or change of name which have a significant impact locally;
- naming or renaming roads and streets on principal routes or in the city centre;
- renumbering properties when less than two thirds of the residents agree;
- changing eligibility criteria for services unless it will have a significant impact on two or more wards.

### **Delegations to Joint Committees or Other Authorities**

#### **5. Responsibilities of the Devon Audit Partnership Joint Committee**

- 5.1 The Devon Audit Partnership Joint Committee is a joint committee of 3 constituent councils (Plymouth City Council, Devon County Council and Torbay Council. The Joint Committee will carry out the following responsibilities on behalf of Plymouth City Council:

- Receive and consider reports from the management board, the head of the internal audit partnership, external audit and the host council;
- Approve the annual accounts of the partnership;
- Approve the budget in respect of the audit partnership functions;
- Approve the annual work programme in respect of the audit partnership functions;
- Approve the appointment and dismissal or removal of the head of the internal audit partnership;
- Approve changes to the partnership client base, trading agreements, charging policies and other necessary matters pertaining to the future operations of the partnership;
- Resolving any disputes that are still unresolved after reference to the management board.

## **6. Responsibilities of the Mount Edgumbe Joint Committee.**

6.1 The Mount Edgumbe Joint Committee is a joint committee of Plymouth City Council and Cornwall Council. It has delegated authority from each of the constituent councils (Plymouth City Council and Cornwall Council) to:

- propose an annual business plan to both cabinets;
- monitor performance of the undertaking against the business plan and recommend variations to the business plan to the cabinet members;
- monitor performance of the undertaking to ensure value for money is achieved;
- ensure the management of the country park and estate accords with proper financial and legal practice appropriate to local authorities;
- ensure proper audit and risk management procedures are in place
- carry out an appropriate inspection of the house and country park on an annual basis;
- undertake appropriate consultation with key stakeholders.

Following consultation with the Director for Environment, Planning and Economy of Cornwall Council, the Director for Community Services in Plymouth has delegated authority to carry out all other responsibilities in relation to Mount Edgumbe.

## **7. Responsibilities for the South West Devon Waste Partnership.**

The South West Devon Waste Partnership comprises Plymouth City Council, Devon County Council and Torbay Council. It has formed a joint committee that is responsible for all executive functions and powers of each authority as may be necessary, calculated to facilitate, incidental or conducive to the discharge of the joint procurement of, and the subsequent operation and management of, facilities for the treatment and disposal of residual waste in pursuance of the waste disposal functions of the three authorities arising under Section 51 of the Environmental Protection Act 1990.

The South West Devon Waste Partnership has delegated authority from each of the partners to:

- take any decision where the Lead Officer of any of the appointing authorities has notified the Chair to the Waste Project Executive in writing of that authority's formal objection to the proposed decision of the Chair of the Waste Private Finance Initiative (PFI) project executive in accordance with clause 8.2.7 of Schedule C of the Joint Working Agreement;
- agree all evaluation criteria relating to the project;
- select the preferred bidder.

The Chief Executive of Plymouth City Council in his capacity as chair of the Waste PFI project executive deals with all other executive functions relating to the partnership.



## **8 Delegation to the executive of Birmingham City Council**

- 8.1 The Leader has delegated the following responsibilities to Birmingham City Council:
- 8.1.2 power to discharge the functions of enforcement of part 3 of the Consumer Credit Act 1974 and
- 8.1.3 power to prosecute any matters associated with or discovered during an investigation by that council's illegal money lending team;  
such delegation to be exercised in accordance with a protocol to be agreed by both executives.
- 8.2 The Public Protection Services Manager of Plymouth City Council is given delegated authority to negotiate the terms of any such protocol and execute it on behalf of Plymouth City Council.

## **9. Delegation by cabinet.**

Cabinet can authorise a cabinet member, committee or an officer to carry out its delegated responsibilities on its behalf.

## **10 Delegation by cabinet members.**

A cabinet member can authorise a committee or an officer to carry out his or her delegated responsibilities on his or her behalf.

## **11 Delegation by committees.**

Committees can authorise a sub-committee or an officer to carry out their delegated responsibilities on their behalf.

## **12. Delegation to officers.**

12.1 All executive responsibilities except the ones in sections 2, 3, 4, 5, 6, 7 and 8 are delegated to the officers in the **senior management structure** (see appendix 1). Note the capital and revenue delegation tables (appendix 2).

An officer can only carry out a responsibility if:

- they (or an officer who reports to them) have budgetary or management responsibility for it and
- the constitution or the law does not require it to be carried out by someone else.

### **Officers' use of delegated powers**

- 12.2 Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision, or refer the matter to the relevant committee.

Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).

### **13. Interpreting the rules on delegation**

- 13.1 When the Leader has delegated a responsibility in this scheme of delegation, so is the authority to do anything necessary to carry it out (unless it was forbidden when the responsibility was delegated).
- 13.2 Examples of this are the authority to sign all necessary documents, determine applications, authorise payments, authorise prosecutions, implement national agreements, issue and serve statutory and other notices, authorise entry to land in pursuance of statutory powers, and take default action under relevant legislation if:
- a) the constitution or the law does not require the action to be taken by someone else; and
  - b) the decision maker has had regard to any advice from the Chief Finance Officer and the Monitoring Officer.

### **14. Appointment of proper officers.**

All members of the senior management structure may appoint officers to act as proper officers for the purposes of any Act of Parliament or Statutory Instrument if:

- (a) The member of the corporate management team or senior management team or one of their staff has budgetary or management responsibility for that function; and
- (b) the officer appointed is qualified to carry out the functions of a proper officer; and
- (c) the constitution or the law does not require it to be carried out by someone else.

### **15. Legal action.**

- 15.1 The Monitoring Officer and Head of Legal Services can take any legal action necessary to carry out the council's decisions or protect its interests e.g. starting defending, withdrawing, or setting any claims or legal proceedings.
- 15.2 All officers in the senior management structure (see appendix I) may start, defend or withdraw any claims or legal proceedings or authorise officers to appear on behalf of the council in court and take default action under relevant legislation if:
- the action taken is about a function that they or an officer who reports to them has budgetary or management responsibility for; and
  - the constitution or the law does not require the action to be taken by someone else; and
  - they have had regard to any advice from the Head of Legal Services.

### **Signing of documents**

- 15.3 The Monitoring Officer and Head of Legal Services can sign any document necessary to carry out the council's decisions or protect its interests including certificates given under the Local Government (Contracts) Act 1997.

- 15.4 All officers in the senior management structure (see appendix 1) may sign documents on behalf of the council or authorise officers that they manage to sign documents on behalf of the council if:
- the document is about a function that they or an officer who reports to them has budgetary or management responsibility for; and
  - the constitution or the law does not require the document to be signed out by someone else; and
  - they have had regard to any advice from the Chief Finance Officer and Monitoring Officer.

#### **Common seal of the council**

- 15.5 The common seal of the council will be kept by the Head of Legal Services. It will be attested by the Monitoring Officer, Head of Legal Services or an officer nominated by them.

The council will keep a book recording when the common seal is used. The book will be signed by the officer who attests the seal.

#### **16. Responsibilities not covered by this scheme.**

If an executive responsibility does not have to be carried out by the cabinet, an individual cabinet member or a committee and no one has budgetary and management responsibility for it, the Leader will arrange for it to be carried out by the cabinet, a committee or an officer.

**Appendix One**  
**Senior Management Structure**

Chief Executive

Assistant Chief Executive

Head of Policy, Performance and Partnerships

Head of Communications

Director of Services for Children and Young People

Assistant Director, Learner and Family Support

Assistant Director for Lifelong Learning

Assistant Director for Children's Social Care

Director for Community Services

Assistant Director for Culture, Sport and Leisure

Assistant Director for Environmental Services

Assistant Director for Safer Communities

Assistant Director for Adult Health and Social Care

Director for Development and Regeneration

Assistant Director for Planning Services

Assistant Director for Transport

Assistant Director for Strategic Housing

Assistant Director for Economic Development

Director for Corporate Support

Assistant Director for Customer Services and Business

Assistant Director for Finance, Assets and Efficiencies

Assistant Director for Information and Communication Technology (ICT)

Assistant Director for Human Resources and Organisational Development

Assistant Director for Democracy and Governance

Director of Public Health

## Appendix Two

### Capital Finance Delegation Tables

**New Capital Schemes** – In year, new capital schemes should be approved in accordance with the following conditions:

<b>Value of new scheme</b>	<b>Who can approve it?</b>
Up to £100,000	Chief Finance Officer in consultation with the Director and relevant Cabinet Member(s)
Between £100,000 and £500,000	Cabinet
Above £500,000	Council

**Capital Programme Transfers (Virement)** – These should be approved in accordance with the following conditions:

<b>Transfer description and value</b>	<b>Who can approve it?</b>
<b>Within a Directorate</b>	
Up to £100,000	Chief Finance Officer in consultation with the Director, Capital Delivery Board and relevant Cabinet Member(s)
Up to £500,000	Cabinet
<b>Between Directorates</b>	
Up to £100,000	Chief Finance Officer in consultation with the Director, Capital Delivery Board and relevant Cabinet Member(s)
Up to £500,000	Cabinet

**Capital Scheme Variations** – Where there are variations in contract costs on existing schemes compared with the provision in the Capital Programme and the relevant Director is not able to identify a virement, additional costs will be approved in accordance with the following conditions:

<b>Existing scheme additional costs</b>	<b>Who can approve it?</b>
£100,000 or 10% of original contract sum (whichever is lowest)	Chief Finance Officer in consultation with the Director, Capital Delivery Board and relevant Cabinet Member(s)
£500,000 or 25% of original contract sum (whichever is lowest)	Cabinet
More than 25% of original sum or £500,000	Council

Where there are proposed increases to existing approved schemes in the Capital Programme which can be funded from additional identified funding then scheme increases will be approved in accordance with the following conditions:

<b>Existing scheme additional costs</b>	<b>Who can approve it?</b>
Up to £100,000	Chief Finance Officer in consultation with the Director, Capital Delivery Board and relevant Cabinet Member(s)
£100,000 to £500,000	Cabinet
Above £500,000	Council

**Note.** All changes to the capital programme will be reported to Members through the quarterly budget and performance report.

## Revenue Finance Delegation Tables

**The rules for moving money between revenue cost centres (virement) are:**

<b>Amount to be moved</b>	<b>Who can approve it?</b>
Up to £10,000	Service Head (Team Plymouth)
Up to £25,000	Assistant Director
Up to £100,000	Director in consultation with the relevant Cabinet Member(s)(with notification to Chief Finance Officer)
Between £100,000 and £500,000	Cabinet Member
Over £500,000	Cabinet

**Writing off debt** – the rules for writing off debt are set out below:

<b>Value of Debt</b>	<b>Who can approve it?</b>
Up to £20	Nominated recovery officers
Up to £100	Nominated recovery officers (Grade E and above)
Up to £500	Nominated Officers (Grade H and above)
Up to £5,000	Heads of Service and other nominated officers of Director of Corporate Support
Up to £5,000	Schools debt - school principal and/or governors
Up to £50,000	Chief Finance Officer
Between £50,000 and £100,000	Cabinet Member
All debt over £100,000 unless covered by below exception	Cabinet
Unlimited in the case of bankruptcy or liquidation/CVA/death/no assets/no trace	Chief Finance Officer or other senior finance officer nominated by him.