

APPENDIX B: LEADER'S SCHEME OF DELEGATION FOR EXECUTIVE FUNCTIONS



I. BACKGROUND

- 1.1 On 6 December 2010, the Council adopted a new style of executive arrangements with effect from the Annual Meeting on 20 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 but excludes any decisions that are contrary to the policy framework or budget which must be taken by council.
- 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. (ie The Leader can choose to exercise any powers in the Scheme of Delegation).
- 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.

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

A decision will be a "key decision" if it is an executive decision -

AND is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant:

- a. in the case of capital projects¹ and contract awards, when the decision involves a new commitment to spend and/or save in excess of £3million in total; or
- b. in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million.

OR is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority. (“Significant Impact” in this respect is determined by the Monitoring Officer)

Policy decisions and strategy

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

Finance and contract decisions

- recommend the budget to council;
- recommend any changes to the net revenue budget to council;
- recommend the Treasury Management Strategy to council;
- set the Council Tax base;
- recommend the Prudential and Treasury indicators to council;
- recommend the medium term financial strategy to council;
- recommend transfers between revenue cost centres to council;
- recommend the Corporate Asset Management Plan to council;
- recommend the Capital Programme to council (except where Council has delegated responsibility to the Leader (see appendix 2));
- take decisions in accordance with the capital and revenue delegation tables in Financial Regulations (appendix 2)
- approve the outline business case or give authorisation to tender for contracts with an estimated value of £3million or more;
- award contracts with a total cost of £3million or more.

Property (including land) decisions

- acquire freeholds or leaseholds with a consideration or premium or capitalised rental exceeding a value of £3million, unless the acquisition of any leasehold interest by the Council is as a consequence of a disposal by statutory transfer order imposed by legislation;

¹ **Nb** An allocation in the Capital Programme is not a commitment to spend as allocations are subject to change. Decisions for the commitment of spend which follow capital allocations are subject to the executive decision making process and may be considered Key Decisions. The approval process for Capital Projects is set out in Part H of the constitution.

- dispose of leases for a term of more than 125 years – unless they are leases at Mount Edgcumbe country park and house;
- acquire or dispose of leases at Mount Edgcumbe country park for a term of more than 10 years;
- dispose of property or leases for less than best consideration that can reasonably be achieved, of an amount that exceeds £3million, unless the disposal is by statutory transfer imposed by legislation;
- make compulsory purchase orders.

Decisions about services

- change eligibility for services if this will have a significant impact on two or more wards;
- designate conservation areas;
- agree local plans about civil contingencies;
- set up external partnerships, shared service arrangements and transfer services to third parties;
- choose preferred routes or options for principal routes and major transportation proposals following public consultation;
- approve the draft school organisation plan;
- take 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 Edgcumbe 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:
- Liaison with Government
 - Leadership representative of the Council on national and regional bodies
 - The overview of the Council and its resources
 - The Corporate Plan
 - Corporate policy development

- One Plymouth
- The Box
- HM Dockyard and defence issues
- Plymouth's fishing industries
- Economy and Enterprise
- Regional and local economic strategy (including regional transport links)
- Strategic and commercial projects
- Capital programme where delegated

Deputy Leader of the Council

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 lead for HR
- Human resources, organisational development and Trade Union liaison
- Member development
- Democracy and governance
- Legal and elections
- Leisure management contract
- Library service
- Mayflower 400 commemorations
- Events, culture, heritage and museums (including Mount Edgcumbe)
- Waterfront Partnership
- Sports Development
- Parks, Recreation and Sports Pitches

Cabinet Member for Finance

3.5 The Cabinet member with responsibility for finance is responsible for and may take decisions about:

- Revenue budget
- Capital programme monitoring and oversight
- Corporate property / land and facilities management
- Performance management and pledge delivery
- District shopping centre revival
- City Centre Company
- Health and Wellbeing Hubs investment programme
- Revenues and municipal enterprise
- Fees and Charges

Cabinet Member for Children and Young People*

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

- Children's social care
- Child Sexual Exploitation
- Children's Public Health
- Adoption and fostering
- Corporate parenting
- Early intervention and prevention for families
- Youth Offending Service
- Children's mental health
- Children's dental health

**S19 Children Act 2004 Lead Member (Cabinet Member Children and Young People is designated as the Lead Member for Children's Services as required by Section 19 of the Children's Act 2004)*

Cabinet Member for Health and Adult Social Care

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

- Health and Adult Social Care
 - Older people's services
 - Mental health services
 - Physical disability services
 - Drug and alcohol services
 - Learning disability services
 - Adults' public health
- Dementia friendly city
- Health and social care co-operative commissioning
- Other healthcare matters

Cabinet Member for Housing and Co-operative Development

3.8 The Cabinet member with responsibility for housing and co-operative development is responsible for and may take decisions about:

- Plan for Homes delivery including strategic housing, homelessness and unauthorised encampments
- Community wealth building
 - Co-operative support and development
 - Strategic procurement, inclusive growth and social value
 - Community economic development and social enterprise support

- Co-operative Council support
 - Cities of Service, including volunteering, the voluntary and community sector, community use of Council assets, the Plymouth Change Fund and DataPlay
 - Welcoming Plymouth including equalities and diversity, asylum seekers and refugees
 - Fairness Commission delivery
 - Veterans and the Community Covenant
- Tackling poverty
 - Child Poverty
 - National welfare policy and Council discretionary welfare funds

Cabinet Member for Environment and Street Scene

3.9 The Cabinet member with responsibility for environment and street scene is responsible for and may take decisions about:

- Green Infrastructure including tree management
- Plastic Free Plymouth
- Carbon Neutral City
- Climate change and sustainability
- Recycling
- Energy Policy
- Environmental enforcement
- Marine National Park designation
- Commercial and domestic waste management
- Street Cleaning

Cabinet Member for Strategic Planning and Infrastructure

3.10 The Cabinet member with responsibility for strategic planning and infrastructure is responsible for and may take decisions about:

- Plymouth and South West Devon Joint Local Plan
- Transport policies and strategies
- Sustainable transport including cycling and walking
- Strategic Highways
- Highways maintenance
- Parking and marine services
- Tamar Bridge and Torpoint Ferry

Cabinet Member for Customer Focus and Community Safety

3.11 The Cabinet member with responsibility for customer focus and community safety is responsible for and may take decisions about

- Customer Services
- Community Engagement
- Environmental health
- Trading standards
- Taxi Licencing
- Miscellaneous Licensing
- Food safety
- Crime and Anti-Social Behaviour
- Safer Plymouth Community Safety Partnership
- Civil Protection and Resilience

Cabinet Member for Education, Skills and Transformation

3.12 The Cabinet member with responsibility for Education, Skills and Transformation is responsible for and may take decisions about

- Executive leadership and oversight of the Council's transformation activities.
- Designs for the future purpose, functions, shape and size of the organisation
- Information technology
- Digital transformation
- Post – 16 Education and Training
- Plan for Education
- Plymouth Education Board
- Plymouth challenge
- Schools
- School admissions arrangements
- Early Years
- Adult Education
- Higher and Further Education
- Skills and Employability

**For clarity this portfolio does not include the statutory duties of the lead member for children's services.*

4. DELEGATIONS TO CABINET MEMBERS

The individual Cabinet member who has responsibility for the functions set out in section 3 has authority to :

Policy decisions and strategy

- set or change policy that does not have a significant impact on two or more wards.

Finance and contract decisions

- take decisions in accordance with the capital and revenue delegation tables in Financial Regulations (appendix 2)
- take decisions which will result in the council spending or saving or raising/reducing annual income by not more than £1million unless the decision is to award a contract;
- approving the outline business case and/or giving authorisation to tender for contracts with an estimated value of less than £3million;
- award contracts with an estimated value of less than £3million;
- award contracts for personal social services with an estimated value in excess of £250,000 per year
- set or change rents, fees, charges and concessions that would result in the council spending or saving or raising/reducing annual income up to £1million;
- agree a draft budget for consultation;
- decide applications for mandatory rate relief and discretionary non-domestic rate relief outside the approved scheme;
- agree significant variations to the scheme for financing schools;
- decide whether to recommend that Cabinet approves variations to the business plan for Mount Edgcumbe country park that require extra spending and propose the means of meeting any additional costs to council;
- decide whether to agree variations to the Mount Edgcumbe country park business plan that do not require extra spending;
- decide whether to recommend that council approves variations to the business plan for the Tamar Bridge and Torpoint Ferry that require extra spending and propose the means of meeting any additional costs to council;
- decide whether to agree variations to the business plan for the Tamar Bridge and Torpoint Ferry that do not require extra spending.

Property and land decisions

- acquire freeholds or leaseholds with a consideration or premium or capitalised rental exceeding a value of £200,000 but less than £3million, unless the acquisition of any leasehold interest by the Council is as a consequence of a disposal by statutory transfer order imposed by legislation;
- dispos of property or leases for less than best consideration that can reasonably be achieved, where that amount exceeds £200,000 but is less than £3million, unless the disposal is by statutory transfer imposed by legislation.

Decisions about services

- change the designation of schools;

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

5. RESPONSIBILITIES OF THE DEVON AUDIT PARTNERSHIP JOINT COMMITTEE

5.1 The Devon Audit Partnership Joint Committee is a joint committee of three constituent councils (Plymouth City Council, Devon County Council and Torbay Council and the Office of the Police and Crime Commissioner for Devon and Cornwall. 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 EDGCUMBE JOINT COMMITTEE

6.1 The Mount Edgcumbe 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 Strategic Director for Place 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

7.1 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 her 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

Birmingham City Council has been granted funding by central government to set up a national task force to deal with illegal money lending. In view of this the Leader has delegated the following responsibilities to Birmingham City Council:

- 8.1 power to discharge the functions of enforcement of part 3 of the Consumer Credit Act 1974 and
- 8.2 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.

The Director of Public Health 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. INTERPRETING THE RULES ON DELEGATION

- 9.1 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).
- 9.2 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.

10. DELEGATION BY CABINET

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

11. 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.

12. DELEGATION BY COMMITTEES

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

13. DELEGATION TO OFFICERS

13.1 All executive responsibilities except the ones in sections 2, 3, 4, 5, 6, 7 and 8 are delegated to the officers in the corporate and 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

13.2 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).

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 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 settling any claims or legal proceedings.

15.2 All officers in the senior management structure (see appendix 1) 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 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 Head of Legal Services or an officer nominated by him/her.

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 I

Chief Executive's Department

Chief Executive

Assistant Chief Executive

Head of Legal Services (and Monitoring Officer)

People Directorate

Strategic Director for People

Service Director for Integrated Commissioning

Service Director for Community Connections

Children's Services

Director for Children's Services

Service Director for Education, Participation and Skills

Service Director for Children, Young People and Families

Place Directorate

Strategic Director for Place

Service Director for Strategic Planning and Infrastructure

Service Director for Economic Development

Service Director for Street Services

Office of the Director of Public Health

Strategic Director of Public Health

Transformation and Change Directorate

Strategic Director for Customer and Corporate Services

Service Director for Customer Services and Service Centre

Service Director for Finance

Service Director for Human Resources and Organisational Development

APPENDIX 2

Capital and Revenue Delegation

The Leader, through the Council's Executive arrangements is able to make changes to the Capital Programme as long as they are in accordance with the Council's Budget and Policy Framework.

1. The Leader, in consultation with the Cabinet Member for Finance, may add or remove a scheme or alter the allowed budget of a scheme in the capital programme and determine the priority of all schemes, provided that the total value of the capital programme as agreed by Council is not exceeded;
2. any changes made by the Leader will be supported by a sound business case;
3. any addition and/or amendments made to capital schemes under executive arrangements will be reported in the Council financial monitoring report and quarterly to full Council;
4. the relevant sections of the constitution are amended accordingly.

New Capital Schemes and Capital Programme Transfers (Virement)

Should be approved in accordance with the following rules:

New Schemes/Transfers	Who can approve it?
Up to £200,000	Responsible Finance Officer in consultation with the relevant Cabinet member(s)
Above £200,00	Leader in consultation with the Cabinet Member for Finance and relevant Cabinet member(s)

Revenue Finance Delegation Tables

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

Amount to be moved	Who can approve it?
Up to £20,000	Service Head (Team Plymouth)
Up to £50,000	Assistant Director
Up to £100,000	Director (with notification to Responsible Finance Officer)
Up to £1 million	Cabinet Member if it is within the budget, if not council makes the decision on the recommendation of the Cabinet
Over £1 million	Cabinet if it is within the budget, if not council makes the decision on the recommendation of the Cabinet

Writing off debt

The rules for writing off debt are set out below:

Value of Debt	Who can approve it?
Up to £40	Nominated recovery officers
Up to £200	Nominated recovery officers (Grade E and above)
Up to £1,000	Nominated Officers (Grade H and above)
Up to £10,000	Heads of Service and other nominated officers of the Assistant Director for Finance
Up to £10,000	School principal and/or governors (schools debt)
Up to £100,000	Responsible Finance Officer
Between £100,000 and £200,000	Cabinet Member
All debt over £200,000 unless covered by below exception	Cabinet
Unlimited in the case of bankruptcy or liquidation/CVA/death/no assets/no trace	Responsible Finance Officer or other senior finance officer nominated by him.

Purchase Cards

Purchase Card Limits	Maximum transaction limit (£)	Maximum Authorised Card limit (£)
Director	2,000	10,000
Assistant Director	1,000	5,000
Service Head (Team Plymouth)	1,000	5,000
Head Teacher	1,000	10,000
Stores Purchase Officer	10,000	100,000
Departmental Nominated Purchase Officer	10,000	10,000
Emergency Planning Officer	20,000	100,000
Senior Officer from Finance Department (for emergency response purposes)	20,000	100,000

Approval in excess of these limits may be given by the Assistant Director for Finance in exceptional cases, for example, Lodge Cards.

Level	Purchase Order Authorisation Limits
Directors	Above £200,000
Assistant Directors	£100,000 to £200,000
Heads of Service (Team Plymouth)	£10,000 to £100,000
4th Tier Officers and below: Grades H to I	Up to £25,000
4th Tier Officers and below: Grades F to G	£0 to £2000

Cash Transactions

The maximum amount of cash that can be taken in one payment transaction is £9,000.

Stock write off limits

Stock write off limits are the same as debt write off limits.