



**Nottingham
City Council**

APPENDIX 6 (D)

RESPONSIBILITY

FOR

FUNCTIONS

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RESPONSIBILITY FOR FUNCTIONS

Introduction

This Appendix of the Constitution explains where responsibility is located for the various functions of the Council.

Types of Function

Functions fall into the following categories:

I. Non Executive Council Functions

These are functions which, under the law, may not be the responsibility of the Executive. In some cases, such as adopting the Council's budget or the policy framework, only the Full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or a manager. The detail of these arrangements is specified in this Appendix.

II. 'Local Choice' Functions

Local Choice functions are functions which may, by law, be exercised by the executive or by the Full Council, according to the decision of Council. This Appendix confirms the decision of Full Council on these matters.

III. Proper Officer Functions

The purpose of the Proper Officers provisions is to designate people to carry out statutory functions.

IV. Executive Functions

All other functions are executive functions. Key Decisions must be taken by Executive Board: some functions are dealt with under joint arrangements; and Executive Portfolio Holders can take decisions within their portfolios; the scheme of delegation sets out the system for officers taking decisions under this constitution. The executive is also able to delegate decision-making to area committees.

V. Delegations to Officers

The Council operates a system of 'A' delegated powers and 'B' delegated powers. 'A' delegated powers are those approved by the City Council, its committees and sub committees and powers conferred by standing orders and financial regulations. 'B' delegated powers are powers delegated to Corporate Directors to

do everything within their department's responsibilities except for matters that are A delegated decisions, certain human resource matters, decisions reserved for full Council, matters that cannot be delegated or those which involve making a key decision. Specific Human Resources matters are explained in section 5 of the Core Constitution and in Appendix 6 (i) Procedures

(i) **Restrictions on the exercise of delegated powers**

The following rules apply in relation to the exercise of delegated authority (whether executive or non executive) by Executive Members, Corporate Directors and other officers.

(a) All decisions must be taken in accordance with

- the law
- standing orders
- financial regulations
- relevant codes of practice
- Access to Information procedures
- The Council's policy framework
- approved budgets or within virement discretion

(b) No delegated decision should be taken in the following circumstances

- where a matter is reserved for a Council body
- where it is a Key Decision (reserved to Executive Board)
- where a prejudicial interest exists
- where the delegated decision would conflict with, or compromise an existing or proposed policy of the Council

(c) The Decision making process

- must include consultation with individuals and groups who may be affected
- consultation should include the Member(s) specific to the ward(s) that are affected (excluding regulatory and contract management matters)
- must have regard to written advice from the appropriate officer(s)

(d) The decision

- must be properly recorded
- if it is a Portfolio Holder decision, it should be made in conjunction with a Corporate Director and a declaration should be signed by both parties that this has been the case; the form recording the decision must be signed by both parties within 10 working days of each other.
- must be submitted to the Corporate Director, Resources (via Committee Services)

- must record reasons why it was not considered necessary to consult (where appropriate)

I. NON EXECUTIVE FUNCTIONS

(i) The following functions are reserved to Full Council

Adopting and amending the Constitution

Approving and adopting the policy framework and budget

Taking decisions about matters which are the responsibility of the Executive Board but which would conflict with the policy framework or budget if taken by that body (subject to the Urgency procedure)

Appointing and removing the Leader of the Council

Appointing and removing members of the Executive Board

Deciding the terms of reference and composition of committees of the Council, unless delegated elsewhere in the Council;

Decisions as to whether or not to delegate non executive functions to another local authority or to accept delegations from another Council

Adopting and amending the Code of Conduct for Members

Adopting or amending the Members' Allowances Scheme and determining other allowances payable to Members

Conferring the title of Honorary Alderman or the Freedom of the City;

Confirming the appointment of the Head of Paid Service and Corporate Directors

Any application to the Secretary of State in respect of a Housing Land Transfer

Considering any recommendation from the Appointments and Conditions of Service Committee for the dismissal of the Chief Executive in accordance with the Local Authority (Standing Orders) (England) Regulations 2001

The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.

The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996. Full Council will appoint City Councillors to the Joint Committee for appointments to the Nottinghamshire Police Authority;

Making, amending, revoking, re-enacting and adopting bye-laws and promoting or opposing the making of local legislation;

All other functions which must by law be reserved to the Full Council.

(ii) **Delegations to Council bodies**

Council bodies will exercise non executive functions as follows

a) The following functions are reserved **only** for the Development Control Committee:

- the functions of the Council relating to town and country planning and development control as specified in schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the Functions regulations) and including the following, together with associated powers of enforcement:-

- (i) applications for planning permission
- (ii) applications for consent for the display of advertisements
- (iii) plans deposited under building regulations
- (iv) listed buildings consent
- (v) conservation area consent
- (vi) Tree Preservation Orders
- (vii) demolitions
- (viii) the approval of planning briefs

the functions of the Council relating to the regulation of the use of highways and rights of way as set out in Schedule 1 of the Functions regulations.

b) The following functions are reserved **only** for the Licensing Committee and Panels:

To undertake those functions of the Licensing Authority prescribed by the Licensing Act 2003 and the Gambling Act 2005.

The Committee therefore deals with applications/notifications relating to:-

- (i) the sale/supply of alcohol;
- (ii) the provision of Regulated Entertainment e.g. plays, films, indoor sporting events, live music, dancing etc. and;
- (iii) the provision of late night refreshment;
- (iv) various types of gambling premises and gaming permits.

The Committee should carry out its functions with a view to promoting the licensing objectives which for the Licensing Act 2003 are:-

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

And for the Gambling Act are:-

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

c) The following functions are reserved only for the Regulatory and Appeals Committee:-

1. To deal with applications for licences and registrations of various kinds including:-

- licensing and registration functions and functions relating to health and safety at work set out in Schedule 1 of the Functions Regulations and
- regulation, under the Nottingham Corporation Act 2003, of occasional sales and dealers in second-hand goods;

but excluding

- licensing matters which are statutorily the responsibility of the Licensing Committee.

2. Individual case panels selected by the Corporate Director of Resources from a wider group of members constituting the Regulatory and Appeals Committee members to constitute a panel to hear and determine:-

(a) appeals relating to housing rents and homelessness;

(b) appeals relating to the refusal / revocation of registration under the Council's Control Scheme for Houses in Multiple Occupation;

(c) day Care and Childminding representations;

(d) access to personal files appeals;

(e) representations under the Data Protection Act 1998;

(f) approved Premises (Marriages) appeals;

(g) statutory complaints concerning education matters;

(h) recommendations from the Social Services Complaints Review Panel.

The Committee also provides two representatives for the Social Services Review Complaints Panel and carries out any other appellate functions which, by virtue of statutory provision or any procedure agreed by the Council, require member determination.

d) The following functions are reserved **only** for the Appointments and Conditions of Service Committee:

- (i) to undertake the appointment process in respect of the Chief Executive and Corporate Directors; (long listing, short listing and formal interview) and subject to having ascertained the views of the Executive Board in accordance with Standing Orders, to make recommendations to Council
- (ii) to determine the terms and conditions of City Council employees and procedures for disciplinary action and dismissal;
- (iii) to designate proper officers;
- (iv) to designate officers as Head of Paid Service, Section 151 Officer and as Monitoring Officer and to ensure the provision of sufficient staff and other resources;
- (v) to exercise any other personnel functions which cannot be the responsibility of the Executive;
- (vi) to receive reports on action taken as set out in respect of terms agreed for the Chief Executive, Corporate Directors and Directors leaving the employment of the Council where those terms included compensation;
- (vii) to determine redundancies and efficiency retirements for Corporate Directors and Directors and to determine efficiency retirement for the Chief Executive;
- (viii) to appoint an independent person to investigate matters of misconduct and capability involving the Chief Executive, Section 151 Officer and the Monitoring Officer;
- (ix) to approve any proposals for significant restructuring of the Council's management structure;
- (x) to approve any proposals from the Chief Executive for changes to salary levels (including ranges of salaries) for Corporate Directors and the Deputy Chief Executive.

NB

“Significant restructuring” is a restructuring which involves:

- (a) the transfer of a significant function between Council departments, or to an external body, or**
- (b) the addition or deletion of a Corporate Director or Director post to or from a department.**

- e) The following responsibilities are reserved **only** for the Standards Committee:
- (i) To promote and maintain high standards of conduct by members and co-opted members;
 - (ii) To advise the Council on the adoption or revision of its code of conduct, to monitor its operation and to assist members and co-opted members in observing it;
 - (iii) To arrange training and advice for members and co-opted members on matters relating to the Council's code of conduct, and related probity issues;
 - (iv) To receive annual reports from the monitoring officer relating to complaints from the public, internal complaints, whistle-blowing and any other matters relating to conduct and propriety;
 - (v) To consider recommendations from the District Auditor relevant to the Code of Conduct and related probity issues;
 - (vi) To hear cases under the Council's procedure for dealing with complaints about members' conduct;
 - (vii) To consider matters referred to it under relevant legislation;
 - (viii) To make recommendations regarding the settlement of cases of maladministration;
 - (ix) To keep under review and make recommendations on the content of the Code of Conduct for officers and any protocols in connection with member/officer relations;
 - (x) Granting dispensations to Councillors, co-opted members and church and parent governor representatives in relation to the Code of Conduct, as permitted by legislation;
 - (xi) To review the operation of the Council's Confidential Reporting Code and make recommendations for any changes to it;
 - (xii) To respond to consultation exercises carried out by government and other agencies on issues related to the work of the Committee;
 - (xiii) To consider any other matters referred to it by the Monitoring Officer.

- f) The following responsibilities are reserved **only** for the Overview and Scrutiny Committee:
- (i) To oversee and manage the Council's overview and scrutiny function, setting terms of reference and membership for its committees and task and finish panels;
 - (ii) To oversee and manage the Council's overview and scrutiny programme to an annual plan;
 - (iii) To have specific responsibility for the overview and scrutiny of major corporate policies, performance and resource issues and for areas of service provision not provided for elsewhere;
 - (iv) To establish and commission reviews from task and finish panels, setting terms of reference, membership and timescales as necessary, and to undertake reviews itself, if considered necessary, in respect of policy development, executive decisions and matters of wider local concern;
 - (v) To ensure that all responsibilities placed upon overview and scrutiny bodies are carried out, including holding the executive to account, undertaking a policy development and review role and scrutinising and making recommendations to the Executive, the Authority or the responsible body on the work undertaken on matters which are the responsibility of the Council and on concerns or areas of interest in the wider City;
 - (vi) To manage the call-in process in accordance with the Overview and Scrutiny Rules in appendix 6(i) of the Core Constitution and may, for this purpose, appoint a sub-committee with delegated powers.

All scrutiny bodies have authority under the Overview and Scrutiny Procedure Rules to invite people other than Council members and officers to attend meetings on a regular or occasional basis to give evidence, answer questions, discuss issues of local concern and/or act in an advisory role.

II. LOCAL CHOICE FUNCTIONS

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended specify which functions are not to be the responsibility of the Executive, which functions may, but do not have to be, the responsibility of the Executive (the “local choice functions”) and which are to some extent to be the responsibility of the Executive.

The table below shows how the Council has decided that the “local choice functions” will be exercised. Where a function is allocated to the Executive Board, the Board will be able to delegate decisions within that function to a committee or sub-committee of itself or to an officer. Similarly, where a function is allocated to the Council, the Council may delegate it to a committee or sub-committee or to an officer.

Function	Responsible body
1. Any function under a local Act other than a function of imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration.	Executive Board
2. The determination of an appeal against any decision made by or on behalf of the authority (other than employee dismissals)	Appeals Panel
3. The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the Schools Standards and Framework Act 1998 (making arrangements for appeals against exclusion of pupils).	Executive Board
4. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the Schools Standards and Framework Act 1998 (making arrangements for admission appeals).	Executive Board
5. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the Schools Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Executive Board

6. The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Council
7. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Council (who appoint City Councillors to the Joint Committee for appointments to the Nottinghamshire Policy Authority)
8. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Council, Overview and Scrutiny Committee.
9. Any function relating to contaminated land.	Executive Board
10. The discharge of any function relating to the control of pollution or the management of air quality.	Executive Board
11. The service of an abatement notice in respect of a statutory nuisance.	Executive Board
12. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Executive Board
13. The inspection of the authority's area to detect any statutory nuisance	Executive Board
14. The investigation of any complaint as to the existence of a statutory nuisance.	Executive Board
15. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Executive Board
16. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Executive Board
17. The making of agreements for the execution of highways works.	Executive Board

<p>18. The appointment of any individual -</p> <p>(a) to any office other than an office in which he/she is employed by the Council;</p> <p>(b) to any body other than -</p> <p>(i) the Council;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body,</p> <p>and the revocation of any such appointment.</p>	<p>Executive Board</p>
<p>19. The making of agreements with other local authorities for placing staff at the disposal of those other local authorities.</p>	<p>Executive Board</p>
<p>20. The responsibility for approving a draft Local Area Agreement</p>	<p>Executive Board</p>

PROPER OFFICER PROVISIONS

The Council has approved “Proper Officer” appointments in accordance with the relevant provisions of the Local Government Act, 1972, as amended and as set out hereunder:-

Section	Description	Proper Officer
83(1)-(4)	Officer to whom persons elected to any of the following offices of the City Council shall make declaration of acceptance of office: Lord Mayor, Deputy Lord Mayor, Councillor.	Chief Executive
84	The Officer to whom a person elected to any office under the City Council may give written notice of resignation.	Chief Executive
88(2)	The Officer who may convene a meeting of the Council for the election to fill a vacancy.	Chief Executive
89(1)(b)	The Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors.	Chief Executive
115(2)	The Officer who shall receive all money due from every officer employed by the Council.	Chief Finance Officer
146(1)(a) and (b)	The Officer who shall give statutory declarations and certificates with regard to securities on the change of name or status.	Chief Finance Officer
146(1)(a)	Declarations and Certificates with regard to securities	Chief Executive
151	The Officer responsible for the proper administration of financial affairs.	Chief Finance Officer
191	Functions with respect to ordnance survey	Corporate Director of Resources
191(2),(4) (b)	The Officer to whom applications under Section 1 of the Ordnance Survey Act 1842 should be sent.	Corporate Director of Resources

Section	Description	Proper Officer
204(3)	The Officer to whom notice of application for a Justices Licence under Schedule 1 to the Licensing Act 1964 should be given.	Corporate Director of Environment and Regeneration
210(6) and (7)	Charities	Corporate Director of Resources
225(1)	Deposit of Documents with the Proper Officer and the making of notes or endorsements and receipts.	Corporate Director of Resources
229(4) and (5)	The Officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	The Director having custody of the original or the Director of Legal Services
234(1)	Authentication of documents.	The Director having custody of the original or the Director of Legal Services
234(2)	(a) Statutory notices under the Public Health Act 1936 and 1961, the Public Health (Recurring Nuisances) Act 1969, the Clean Air Acts 1956 and 1968, the Control of Pollution Act 1974, the Housing Acts 1957 to 1988 and the Local Government and Housing Act 1989 (other than for Council Houses), the Local Government (Miscellaneous Provisions) Act 1976, the Prevention of Damage by Pests Act 1948, the Food Act 1984 and the Environmental Protection Act 1990 (as it relates to statutory nuisances). The Building Regulations and the Building Act 1984 and under the Local Government (Miscellaneous Provisions) Act 1976 with regard to dangerous trees and excavations.	Corporate Director of Environment and Regeneration or the Director of Legal Services
	(b) Notices in respect of Council dwellings relating to the right to buy or proceedings for the termination of a secure tenancy.	Corporate Director of Adult Services, Housing and Health, Director of Legal Services

Section	Description	Proper Officer
236(9)	The Officer responsible for sending certified copies of byelaws to appropriate bodies.	Corporate Director of Resources
238	The Officer who shall certify copies of Byelaws as true copies.	Corporate Director of Resources
248	Keeping the roll of Freemen.	Chief Executive
Sch 12/Para.4 (2)(b)	Summons to attend meeting.	Corporate Director of Resources
Sch.12/para.4 (3)	The Officer who may receive notice from a member of the address to which a summons to a meeting is to be sent.	Corporate Director of Resources
Sch.14/para.2 5 (7)	The Officer who may certify copies of resolutions passed under the Public Health Acts 1875 to 1925 as true copies for production in legal proceedings.	Director of Legal Services
100B(2)	Exclusion from reports open to inspection parts relating to items during which the meeting is likely not to be open to the public.	Corporate Director of Resources
100B(7)(C)	The supply to the press of additional material supplied to Members of the Council in connection with items of business to be discussed.	Corporate Director of Resources
100C(2)	Preparation of a written summary of those parts of the proceedings of a Committee which disclose exempt information.	Corporate Director of Resources
100D(1)(a) and (5)(a)	Identification of background papers and compilation of list of such documents.	Director responsible for the report.
100F(2)	Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by Members of the Council.	Corporate Director of Resources
Local Elections (Principal Areas) Rules 1986		
	All references to the Proper Officer	Chief Executive

	in these rules relate to the :-	
Section	Description	Proper Officer
Local Government Act 1974		
S30(5)	Publication in newspapers of reports of Local Commissioner.	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976		
S41	Certification of copies of resolutions, minutes and other documents.	Director of Legal Services
Public Health (Control of Diseases) Act 1984		
S11	Notifiable disease/food poisoning	Corporate Director of Environment and Regeneration
S18	Information to be furnished with regard to notifiable diseases/food poisoning.	Corporate Director of Environment and Regeneration
S20	Preventing someone working to stop spread of disease.	Corporate Director of Environment and Regeneration
S21	Exclusion from school of a child liable to convey a notifiable disease.	Corporate Director of Environment and Regeneration
S22	List of day pupils at school having a case of notifiable diseases.	Corporate Director of Environment and Regeneration
S24	Infected articles not to be sent to any laundry.	Corporate Director of Environment and Regeneration
S29	Letting of house or room after recent case of concerning a notifiable disease	Corporate Director of Environment and Regeneration
S31	Disinfection of premises	Corporate Director of Environment and Regeneration
S32	Removal of person from an infected house.	Corporate Director of Environment and Regeneration
S48	Removal of body to a mortuary or for immediate burial.	Corporate Director of Environment and Regeneration
S59	Authentication of documents	Corporate Director of Environment and Regeneration
S60	Service of notices and other documents	Corporate Director of Environment and

		Regeneration
Section	Description	Proper Officer
Food Safety Act 1990		
S49	Proper Officer of the Authority as regards documents relating to matters within his/her province.	Corporate Director of Environment and Regeneration
Housing Act 1985		
S606(1) and (2)	Reports on unfitness and clearance.	Corporate Director of Environment and Regeneration
Local Government and Housing Act 1989		
S2	Receipt of list of politically restricted posts	Chief Executive
S114	Financial report to the authority.	Chief Finance Officer
	Monitoring Officer	Corporate Director of Resources
	Head of Paid Service	Chief Executive
Registration Service Act 1953		
	All references to Proper Officer	Chief Risk Officer
The Local Government (Committees and Political Groups) Regulations 1990		
	Notifications to and by the Proper Officer	Corporate Director of Resources
The Local Authorities (Standing Orders) (England) Regulations 2001		
	Functions in relation to notifying Executive of appointments, dismissals etc.	Corporate Director of Resources or Head of Human Resources
	The Local Code of Conduct	Corporate Director of Resources
Freedom of Information Act 2000		
	Section 36 exemption	Monitoring Officer or in their absence, the Chief Executive

Deputy Proper Officer provisions

The Chief Executive can designate an individual officer (in writing) who is authorised to act as Deputy Returning Officer for Elections when the Chief Executive is unable to act.

In other cases where the designated Proper Officer is unable to act, the following are designated Deputy Proper Officers:-

For the Chief Executive any Corporate Director

For any Corporate Director, a Director in the same department.

The Chief Executive is designated as Proper Officer for any purposes where no other Officer has been specifically designated. If neither the Proper Officer nor the Deputy Proper Officer is able to act the Chief Executive may designate an appropriate Officer to act as Proper Officer or Deputy Proper Officer. If the Chief Executive is unable to exercise this power then it shall be exercised by the Corporate Director of Resources or a Resources second tier officer.

(NB) The Monitoring Officer and the Section 151 officer designate their own deputy direct and are not covered by the above.

III. EXECUTIVE FUNCTIONS

The following table sets out the financial limits of delegation

	Revenue	Capital
Executive Board	Any sum but £0.5m + is a key decision	Any sum but £1m + is a key decision
Executive Portfolio Holder	£499,999 (provided the spend is on services / goods within the current policy framework of the Council)	£999,999 (provided that the scheme is within a capital programme approved by Executive Board)
Corporate Director	£200,000 (provided the spend is on services / goods within the current policy framework of the Council)	£400,000 (provided that the scheme is within a capital programme approved by Executive Board)

Any financial decision taken under this delegation should be in compliance with Financial Regulations. In any case, the exercise of the delegation must be on the basis that an uncommitted budget is available to cover the expenditure and that in the case of a revenue spend, there will be no increase in spending in a future year as a result of the decision.

Executive Board

The following decisions are reserved **only** for the Executive Board

Key Decisions which are defined as decisions likely

- (a) to result in the Council incurring expenditure or making income or savings of more than £500,000 revenue, taking account of the impact for a full year; or £1,000,000 capital (see section 3 for explanation of revenue and capital expenditure)
- (b) to be significant in terms of its effects on communities living or working in an area consisting of two or more wards in the City.

To recommend plans and strategies to Full Council for approval as part of the policy framework

Developing Budget proposals for submission to Full Council

Any decision specified by the Executive Board as reserved

Local Choice functions delegated to the Executive Board by Full Council (as specified below)

Any other functions which are not by law or under this constitution functions of and decided by another part of the Council

Leader of the Council

The following functions have been delegated to the Leader of the Council

The Leader can specify delegations from the Executive Board to committees, Portfolio Holders and / or officers

The Leader has delegated authority for any in year adjustments to the responsibilities of Portfolio Holders

The Leader may take decisions in respect of any portfolio if the Monitoring Officer determines that the relevant Executive Portfolio Holder is unable to act

To ensure that the Code of Conduct is observed and that ethical behaviour is promoted

In an emergency, the Leader may take any executive action

Executive Portfolio Holder

The following functions have been delegated by the Executive Board to Executive Portfolio Holders

An Executive Board member has power to make any Executive decision in respect of their portfolio subject to the **Restrictions on Delegated Powers (a) to (d)** set out above in the introduction to this appendix.

An Executive Board member may delegate decisions in respect of matters within their portfolio to an officer (subject to the financial limits set out previously).

The Executive Portfolio Holder should have regard to written advice from the appropriate officer and is responsible for recording the decision in a form approved for the purpose by the Corporate Director of Resources. The form should be signed and dated by both the portfolio holder and relevant Corporate Director within 10 working days of each other and lodged with Committee Services within 2 working days of the last dated signature.

In those circumstances where a delegated decision comes within the remits of more than one Portfolio, only the signature of the principal portfolio holder is required. However, consultation with the other affected Portfolio Holders and a record of their affirmation of the proposals should be recorded on the form approved for these purposes by the Corporate Director of Resources.

The Executive Portfolio Holder is expected to give public account of the functions within his or her area of responsibility and in appropriate cases, to maintain clear communication with the Chair(s) of the relevant Scrutiny Review Panel(s).

* The portfolio of each Executive Board Member is set out in Appendix 6(F) Formal Roles and Responsibilities.

Chief Executive

The following functions are exercised by the Chief Executive of the Council

To exercise the functions of the Council's Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 and in this role:-

The overall corporate management and operational responsibility (including overall management responsibility for all staff)

The overall provision of professional advice to all parties in the decision making process (the Executive, Overview and Scrutiny, the Council and other Committees)

The development and promotion of the City's and Council's interests and priorities, in conjunction with the Leader of the Council

Developing the strategic direction of the Council and its plans in accordance with the Council's overall policy framework

Together with the Monitoring Officer, responsibility for a system of record keeping for all the local authority's decisions (Executive or otherwise)

Representing the authority on partnership and external bodies (as required by statute or by the authority)

To be responsible, in conjunction with the Monitoring Officer, for maintaining the Constitution, to ensure that the Code of Conduct is observed and that ethical behaviour is promoted.

To designate "Authorised Officers" for the purposes of particular statutory functions from time to time and so authorise them to perform the functions of such a person under relevant legislation.

Deputy Chief Executive

To prepare the Best Value Performance Plan, the Community Strategy and the Strategic Plan and other key corporate policies as appropriate for agreement by the Executive Board and Council

To co-ordinate, direct and monitor the authority's change management initiatives to achieve best value in the delivery of its functions

To lead on performance, strategy, policy and partnerships

To manage relationships with the press and media, including the preparation of press releases and other publications in accordance with the Code of Publicity

In the absence of the Chief Executive, the functions of the Chief Executive and Head of Paid Service will be the responsibility of the Deputy Chief Executive

Director of Legal Services and Legal Services Managers (2)

The provision of legal advice to the authority (including all meetings, decision makers, Members and officers of the authority), the instruction of solicitors and counsel, the approval of contract terms, the conveyancing of land and property and the formal certifying of documents on behalf of the authority.

To authorise the sealing or signature of any Order, Deed, notice, undertaking, contract or any other document when this is necessary to give effect to the substance of a decision of the Executive Board, an Executive Member, the Council (or any of its committees) or of an officer acting under delegated powers, or otherwise to protect the authority's position

To authorise, institute or defend on behalf of the authority any legal proceedings, and to appear on behalf of the authority in proceedings before appropriate Courts or Tribunals or other legal forums (unless specifically delegated to another officer). In doing so, the Director of Legal Services and Legal Services Managers (2) are authorised to take all necessary action in connection with such proceedings (including as to settlement of litigation on the best terms available where this is in his/ her opinion appropriate).

IV. DELEGATIONS TO OFFICERS

(i) **“A” Delegated Powers**

Officers may exercise all those delegated powers approved by the City Council, its committees and sub-committees and powers conferred by standing orders and financial regulations. References to particular Boards, committees, sub-committees and officers shall for the purposes of these “A” delegated powers be construed as references to the boards/committees and officers currently responsible for the matters concerned and references to specific Acts shall be construed as referring to any other legislation amending, extending or succeeding those Acts, including regulations and Orders made under them.

The detailed “A” delegated powers are set out in a separate document.

(ii) **“B” Delegated Powers**

Power delegated to each Corporate Director to do everything within their department’s responsibilities subject to the constraints and requirements set out in the section ‘Restrictions on the Exercise of Delegated Powers’ in the introduction to this Appendix. The exercise of ‘B’ delegated powers requires consultation with opposition spokespersons.

Corporate Directors may refer a matter for decision to the appropriate board or committee notwithstanding the fact that they have authority to take it themselves. They may also delegate their powers to other officers. This further delegation must be :

- recorded in writing
- exercised in the name of the officer to whom it was originally delegated
- have effect as if taken in the name of that officer.

A record of the decision (in the form set out below) must be made and forwarded to the Corporate Director of Resources within two working days.

RECORD OF DECISION UNDER B DELEGATED POWERS

1) DEPARTMENT:

2) DECISION MADE BY :

Officer.....

(on behalf of.....)

3) SUBJECT OF DECISION

4) RELATIONSHIP TO COUNCIL POLICY

5) CONSULTATIONS

Consultee

Date

Portfolio holder

Conservative Spokesperson

Liberal Democrat Spokesperson

Other Consultations (Specify)

6) OUTCOME OF CONSULTATIONS/ REASONS FOR NOT CONSULTING

