

## THE DELEGATION SCHEME

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### 1 Introduction

- 1.1 This part of the Constitution sets out who are the responsible members or officers for the different decisions that the Council makes.
- 1.2 It also provides a short summary of the decision-makers and the general principles that underlie this scheme.

### 2 Decisions

- 2.1 The decisions that Council makes can be split into 7 categories. The separation of these functions between Council, the Cabinet, committees and officers are listed under these headings:-
  1. General Provisions
  2. Budget and Accounts
  3. Policy Formulation and Implementation
  4. Constitutional Affairs
  5. Planning and Development Control
  6. Licensing and Registration
  7. Employment Matters

### 3 The Decision-Makers

- 3.1 All powers that the Council/ the Leader have may be delegated to:-

Council	The Leader
<ul style="list-style-type: none"><li>• Appeals Committee</li><li>• Audit Committee</li><li>• Boundary Review Committee</li><li>• Constitution Committee</li><li>• Licensing Committee</li><li>• Personnel Committee</li><li>• Planning Committee</li><li>• Standards Committee and</li></ul>	<ul style="list-style-type: none"><li>• Cabinet</li><li>• Cabinet Members</li></ul>

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<p><b>Hearings Sub Committee</b></p> <ul style="list-style-type: none"> <li>• Other committees as may be agreed from time to time</li> </ul>	
<ul style="list-style-type: none"> <li>• Officers</li> </ul>	<ul style="list-style-type: none"> <li>• Officers</li> </ul>

### 4 Principles of Decision-Making

4.1 All decisions, however they are taken must take into account the following principles of governance and good practice:-

1. **Key Decisions** are taken by members
2. Consideration of all options available
3. Having regard to due consultation
4. Consideration of professional advice from officers
5. Clarity of aims and desired outcomes
6. The action proposed must be proportionate to the desired outcome
7. Having respect and regard for human rights
8. Presumption for openness, transparency and accountability
9. Presumption for economy, efficiency and effectiveness
10. Only relevant matters taken into account
11. Due weight to all material considerations (including opportunities and risks)
12. Proper procedures will be followed

### 5 Principles of Delegation

5.1 To ensure efficient and effective local government:-

1. decisions are delegated to the lowest level that is consistent with the principles of openness and accountability – a delegation granted to a specific post may be delegated onwards to an appropriately qualified officer as required for the operational efficiency of the service
2. where decisions are delegated the person making the delegation may call it back for their own decision. The Leader must provide written notice and details of any changes to delegations that he has made to the Proper Officer. Withdrawal of a delegation to a Joint Committee will be deemed to take place upon service of written notice on the Chairman of the Joint Committee and the Proper Officer
3. where decisions are significant or sensitive the person with a delegation may refer the decision upwards for determination

### 6 General Provisions Council

6.1 All matters which, by law must be reserved to Council are reserved to Council

#### The Leader

6.2 Decisions in respect of all functions that are not either by law reserved to Council or that, by local choice have been reserved to Council.

### **Officers**

#### **Urgent Decisions**

- 6.3 The Managing Director, having as far as reasonably possible conferred with the Leader shall, in the event of civil emergency or other issues of extreme urgency, have the power to make decisions for the protection of the Borough and its inhabitants which cannot be dealt with in accordance with the normal decision making powers of the Council
- 6.4 The Managing Director has delegated authority to deal with those urgent items of business falling within the remit of the Leader where a Leader is not in office, including acting as consultee for the purposes of this delegation scheme.

#### **General Provisions**

- 6.5 Save as expressly reserved to Council, the Leader or other decision maker, Chief Officers and Assistant Directors may take any action in accordance with the Council's Budget and Policy Framework which are not Key Decisions to implement decisions of the Council, the Leader or other decision-maker in so far as these are in compliance with the Budget and Policy Framework or the statutory or general requirements of service delivery in their respective areas of responsibility.
- 6.6 Without limitation this shall include the power to:-
1. commission or provide services in the most efficient economic and effective manner either with or without public or private sector partners
  2. administer (including to apply for) and manage grants to and from other bodies and individuals
  3. sign contracts/ enter into agreements, licences etc
  4. take emergency action
  5. manage operational properties and other Council owned land not included in the Property Investment Portfolio
  6. undertake routine maintenance and repair of operational properties and repair replace dispose of plant or equipment
  7. apply for planning permission
  8. undertake procurement and issue completion certificates
  9. enter into framework agreements
  10. undertake consultation with appropriate persons or bodies
  11. prepare, determine, approve, issue, assess, impose conditions, vary, grant, make, confirm, serve, suspend, refuse, transfer, review, monitor and or revoke plans, applications, licences, orders, discounts, rebates, certificates, consents, reliefs, notices, permits, exemptions and appeals
  12. use relevant statutory powers to request information and documents, enter onto land, to stop vehicles, to search, inspect, test, take samples and/or seize/ remove documents and other evidence as appropriate and undertake works in default

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13. take enforcement and oversight action in accordance with relevant statutory powers, policies and procedures, including, prosecutions, cautions, fixed penalty notices, abatement notices, improvement notices, prohibition notices and other statutory notices
14. maintain relevant registers and lists, documents and other records
15. manage statutory registers, plans and maps
16. undertake case reviews
17. apply and review fines, fees, charges and concessions as appropriate
18. act as or to appoint and/ or designate Proper Officers, analysts, inspectors, sampling officers or authorised officers
19. provide appropriate training for members, officers and service users
20. undertake works on behalf of others
21. develop policies and procedures
22. approve virements within or between service budgets
23. manage the payment of grants including the application, recalculation and repayment of them as appropriate
24. recover expenses and costs
25. draft press releases and respond to press inquiries
26. the use of relevant statutory powers to enable the delivery of delegated functions
27. to appoint/ dismiss and otherwise manage staff
28. to seek external funding
29. respond to consultation papers
30. whatever action is otherwise necessary to ensure the economic, efficient and effective delivery of their service

### **7 Budget and Accounts**

#### 7.1 Council

To approve or adopt the Budget including setting limits on virements and approving the plans for the Authority's revenue and capital budget expenditure and budgets  
Subject to the urgency provisions set out at \*\* above to make decisions that are decisions of the Leader but are outside the Budget & Policy Framework  
The writing off of bad debts in accordance with the provisions of the Financial Regulations

#### 7.2 The functions of the Council as a Council Tax levying authority

#### 7.3 Leader

#### 7.4 Audit

#### 7.5 Officers

### **8 Policy Formulation and Implementation**

#### 8.1 Council

To approve or adopt the Policy Framework

#### 8.2 Leader

### 8.3 Officers

## 9 Constitutional Affairs

### 9.1 Council

To appoint/ remove the Leader

To approve changes to the Constitution

To approve changes to or replace the existing Members Remuneration Scheme

To agree the composition of Council committees and appoint Councillors to these committees

To appoint representatives to outside bodies unless the appointment unless already delegated is delegated to the Leader

To make, amend, revoke re-enact or adopt by-laws and promote or oppose the making of local legislation or personal bills

To change the name of the Borough

To grant Freedom of the Borough and confirm the appointment of Alderman

To finalise consultation responses on:-

1. Parliamentary Boundary Reviews
2. Periodic and further Electoral Reviews
3. Reviews of European Parliamentary electoral regions.
4. all other electoral arrangement reviews

All local choice functions which Council has reserved to itself and all other matters which must by law be reserved to Council

### 9.2 Leader

### 9.3 Constitution Committee

1. To make recommendations to Council about proposed changes to the Constitution to Council

### 9.4 Boundary Review Committee

1. Dealing with all matters relating to Community Governance Reviews
2. Grouping parishes, dissolving groups and separating parishes from groups
3. Duty to divide the constituency in to polling districts
4. The power to divide electoral divisions into polling districts at local government elections.

### 9.5 Officers – Monitoring Officer

1. To monitor and review the Constitution and make recommendations about proposed changes to the Constitution to the Constitution Committee
2. To make minor amendments to the Constitution, for example minor legislative changes and changes to designations

### 10 Planning and Development Control

10.1 Council

10.2 Leader

10.3 Planning Committee

All matters relating to applications for planning permission where the following applies:

- 1 The application is submitted by or on behalf of Telford & Wrekin Council or otherwise in respect of Council owned land;
- 2 The application is submitted by or on behalf of a Senior Officer of Telford & Wrekin Council (third tier and above);
- 3 The relevant Planning Officer considers that the application should be determined by the Board;
- 4 An elected Member has formally requested that an application is determined by the Board. Such a request may also be made by a Parish or Town Council in relation to an application within its boundaries;
- 5 The application is contrary to the Wrekin Local Plan or Local Development Framework.

10.4 Officers

### 11 Licensing and Registration

11.1 Council

11.2 Licensing Committee

11.3 Appeals Committee

11.4 Officers

### 12 Employment Matters

12.1 Council

To confirm the appointment/ dismissal of the Head of Paid Service and to confirm the designation of Monitoring Officer and Chief Finance Officer.

12.2 Personnel Committee

Agree, at a strategic level, issues relating to employees including terms and conditions and employee relations.

Advise upon corporate policies and procedures affecting some or all employees employed by the Council including nationally and locally negotiated terms and conditions of employment.

All functions relating to the local government pension scheme.

Oversee the recruitment of, and make recommendations to Council to confirm the appointment of the [Head of Paid Service](#).

Consider whether or not to suspend the [Head of Paid Service](#) and appoint a [Designated Independent Person](#) to investigate allegations made against the [Head of Paid Service](#) or to suspend the [Head of Paid Service](#) acting upon the recommendation of the [Designated Independent Person](#).

Consider whether or not to recommend to Council the dismissal of the [Head of Paid Service](#).

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Consider applications for early retirement for Assistant Directors, Directors and the Managing Director.

12.3 Appeals Committee

12.4 Officers