

# RESPONSIBILITY FOR FUNCTIONS

## Introduction

1. Delegation is simply a way of allocating matters to the levels appropriate to ensure that the council's business is dealt with in the most efficient way possible.
2. This means that some matters will be considered and approved by all members of the council or the Executive, as appropriate, whereas others can be dealt with efficiently and properly by other bodies established for that purpose, or by individual Cabinet members or by officers.
3. The Financial Procedure Rules and the Contract Procedure Rules set out in Part 4 of the constitution contain some additional delegations of responsibility.
4. Unless specifically authorised, a body or individual holding delegated authority is not permitted to exercise delegated powers on a decision, the effect of which will be to negate a decision previously taken at a higher level.
5. Any person or body responsible for nominating, appointing or selecting members of any of the following:-
  - i Appeals Panels
  - ii Licensing Panels
  - iii Regulatory Panels
  - iv Strategic Planning Committee and the Area Sub-Committees
  - v Standards Committee

should ensure that no-one is selected to be a member of such committee, sub-committee or panel unless they have either received any relevant training already or will have received it before they are required to attend any meeting unless this is wholly impracticable in the particular circumstances (in which case, advice from the Service Director – Legal, Governance and Commissioning should be sought).

6. Delegated power will normally be exercised at the lowest level to which it has been given. However, all such powers will also be held by the delegating body and no delegation shall preclude the reference of matters for a decision to that body, except where action has already been taken in the exercise of delegated power. This provision is subject to any statutory requirements which may apply from time to time.
7. References to any statute or statutory provision shall be taken to include:-
  - (i) any statute or provision which may from time to time replace, amend or extend it;

- (ii) any orders, directions, regulations or codes made under it; and
  - (iii) any ministerial circulars or advice notes which relate to it.
8. Delegation of any power carries with it (subject to the relevant procedure rules) the power to decide to enter into, amend or terminate any agreement or contract, as appropriate, in order to implement any exercise of that power.
  9. Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.
  10. Any named officer may make arrangements for any function delegated to him or her to be exercised by a member of staff within his/her department whom he/she considers to be appropriate.