

**Milton Keynes City Council**

**Officer Scheme of Delegation**

# Officer Scheme of Delegation

## KEY

Chief Executive	-	CE
• Director of Public Health*	-	DoPH
• Director Adult Services	-	DAS
• Director Children's Services	-	DCS
• Director of Customer and Community Services	-	DCCS
• Director Finance and Resources	-	DFR
Deputy Chief Executive	-	ACE
• Director Environment and Property	-	DEP
• Director Planning and Placemaking	-	DPP
• Director Law and Governance	-	DLG

*\* Shared with Bedford and Central Bedfordshire Councils*

## 1. **General**

- 1.1. This Scheme of Delegations is an associated document to the Council's Constitution and sets out the powers/functions delegated to specific officers. It shows the ways in which the officers of the Council can make decisions and which decisions they have the power to make.
- 1.2. "Officers" is the term used to refer to the people employed, retained or appointed by the Council to advise and support councillors and implement their decisions. The term "officers" in this Constitution includes all the people who operate in this capacity including contractors, consultants, agency staff and volunteers.
- 1.3. In order to ensure the smooth functioning of the Council and the efficient delivery of services, Full Council and the Cabinet have delegated to officers all of the powers that they need to perform their roles.
- 1.4. Certain named officers have specific legal duties to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as "Statutory" or "Proper" Officers and some have specific legal titles in addition to their job titles. There is a Proper Officer Register which sets out these details.
- 1.5. The way the Council structures its services and its officer arrangements changes from time to time to reflect changes in service delivery and best practice. Currently these arrangements include a Chief Executive (most senior officer of the Council) supported by ten other senior roles which are set out below and which together are referred to as the "Chief Officers":
  - Deputy Chief Executive
  - Director Adult Services
  - Director Children's Services
  - Director Environment and Property
  - Director Finance and Resources
  - Director Director Planning and Placemaking
  - Director Law and Governance
  - Director for Director of Customer and Community Services
  - Director of Public Health
- 1.6. See the current organisational structure of the Council, showing more detail about the roles and responsibilities of the Directors and the officers supporting them to deliver all the Council's services.

- 1.7. All Local Schemes of Delegation (and any changes to them) must be notified to the Monitoring Officer. Where a function has been delegated to an officer, the person or body making the delegation may at any time take back responsibility for the function and may therefore exercise the function (make the decision) despite the delegation.
- 1.8. The powers of this Scheme are delegated to the officers referred to by title within this Scheme of Delegation. The delegations apply to whoever holds that post title at any time – not to the individual person. The powers are automatically transferred to any successor officer, to whom the functions are allocated following any reorganisation of the Council’s management arrangements, irrespective of a change in the title/name of the officer post.
- 1.9. Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by the Director is introduced, that officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the Council, Cabinet, a committee or the Chief Executive decides to whom to allocate responsibility for the new legislation.

## **2. General Delegations to all Directors**

- 2.1. This Scheme gives the power for the Directors to take decisions in relation to all the functions in their areas of responsibility except where:
  - (a) a matter is prohibited by law from being delegated to an officer, and
  - (b) a matter has been specifically excluded from delegation by this scheme or delegation is otherwise limited, by a decision of the Council, the Cabinet/Executive, including the Leader’s Scheme of Delegation, a Committee or Sub-Committee or by any other provisions contained in the Constitution.
- 2.2. This Scheme of Delegation is by exception, so all powers are vested in the Director with the management responsibility for the functions who may delegate further, in writing (and in line with any relevant scheme of training and qualification).
- 2.3. Any power delegated under this Scheme can be exercised by the relevant Director and in all cases by the Chief Executive personally.
- 2.4. Directors may appoint another officer as their deputy and such deputy shall have all the powers of a Director as set out in this Constitution. A deputy may be appointed in relation to all the areas of service delegated to the Director

under this Constitution or in relation to a particular area of service only. A deputy may be appointed for a specific period of time (for example to cover the absence of a Director) or without time limitation. All such delegations should be notified to the Monitoring Officer. The appointment of a deputy shall not prevent the exercise by the Director of any delegation set out in this Constitution.

- 2.5. If there is any dispute or lack of clarity as to which Director has power to make decisions on specific areas of service, the Chief Executive shall have power to determine where the delegation should be exercised.
- 2.6. The following delegations shall apply to all Directors (and to any appointed deputies):

**Urgent Action**

- 2.7. To act on behalf of the Council in cases of urgency in the discharge of any function of the Council for which his/her Directorate or Service has responsibility, other than those functions which by law can be discharged only by the Council or a specific committee. This delegation is subject to the conditions that any urgent action:
  - (a) shall be reported to the Cabinet, the appropriate Cabinet Member or the appropriate committee;
  - (b) shall take account of the advice of the Monitoring Officer and the Section 151 Officer; and
  - (c) shall be reported to and where practicable exercised in consultation with the appropriate Cabinet Member or the Chair of the appropriate Committee.

**Implementation of decisions**

- 2.8. To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of Cabinet and Council.

**General operational**

- 2.9. To have overall responsibility for the operational management of the relevant area of service and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the service is responsible.

### **Consultation**

- 2.10. To undertake and consider the outcome of statutory and non-statutory consultations on service provision.
- 2.11. To respond to Government consultations and consultations from other bodies, in consultation with the relevant Cabinet Portfolio Holder(s) or committee Chair.
- 2.12. To undertake all steps required to complete Government statistical returns.

### **Finance**

- 2.13. To manage the finance of their directorates to ensure value for money and the development of budget policy options with a detailed assessment of financial implications.
- 2.14. To enter into contracts and incur expenditure in accordance with the relevant Constitutional rules such as Financial Regulations, Contract Procedure Rules and the Leader's Financial Scheme of Delegation.
- 2.15. To determine the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant equipment or machinery subject to any statutory limitations and requirements.

### **Staffing**

- 2.16. To deal with the full range of employment and staff management issues, below Director level including, but not limited to appointments, terms and conditions (other than those negotiated nationally) training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the Staff Employment Procedure Rules.
- 2.17. To implement any necessary changes to staffing structures, except where clauses (a) to (d) apply, subject to prior consultation with all appropriate parties affected by the decision, including any Trades Union:
  - (a) involves the loss of one or more posts not currently vacant.
  - (b) involves re-grading of posts or the grading of new posts.
  - (c) involves changes to existing National or Local Agreements and policies.
  - (d) cannot be achieved within the delegated powers in respect of budgets.
- 2.18. To enter into reciprocal arrangements for the authorisation and appointment of officers to facilitate cross-border co-operation in the discharge of delegated functions with any other council.

### **Land and Assets**

- 2.19. To manage land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.
- 2.20. To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation.
- 2.21. To make application for planning permission and any other necessary applications for other consents required for the development of land.

### **Legal Authorisation and Enforcement**

- 2.22. To authorise officers possessing such qualifications as may be required by law and where Directors are satisfied that appropriate training has been undertaken, to:
  - (a) take samples, carry out inspections or surveys, enter land and premises and generally perform the functions of and/or act as a duly authorised officer of the Council (howsoever described);
  - (b) issue certificates of authority or certify copies of documents;
  - (c) enforce the requirements of legislation; and
  - (d) instruct the Monitoring Officer to consider whether or not legal proceedings to enforce the requirements of legislation are appropriate.
- 2.23. With the approval of the Director of Law and Governance or his/her deputy, to:
  - (a) authorise the issue and service of requisitions for information, any notice, order or direction;
  - (b) approve or issue any licence which may be required or authorised by or under any legislation or byelaws (not otherwise mentioned in this scheme of delegation); and
  - (c) authorise the institution of legal and quasi-legal proceedings and/or other action (including debt recovery) as is considered necessary to protect the interests of the Council ([see Annex](#)).

- 2.24. To exercise the role of authorising officer and designated person under the Regulation of Investigatory Powers Act 2000.

### **Safeguarding Children and Vulnerable Adults**

- 2.25. To ensure that arrangements are in place to discharge the responsibilities of the Council with their functional responsibilities in respect of the need to safeguard and promote the welfare of children and of vulnerable adults.

## ANNEX

### Director Law and Governance (Monitoring Officer)

	<b>Legal Proceedings</b>	<b>DLG</b>
1.	Constitution (Para 15.3) Local Government Act 1972, S.222	For the promotion or protection of the interests of the inhabitants of the borough: (a) to prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, to institute them in the Council's name; and (b) to, on behalf of the local authority, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body.
2.	Legal Proceedings – County Court, High Court and any other Tribunal	To institute and carry on, or defend, civil proceedings in the County Court or High Court or any other Tribunal (including proceedings for an Injunction) on behalf of and in the name of the Council and to take such enforcement action in the Court proceedings as may be considered appropriate.
3.	Legal Proceedings – Parking Offences Section 112 of the Road Traffic Regulation Act 1984, Section 35(4) of the Road Traffic Regulation Act 1984 Section 112(4) of the Road Traffic Regulation Act 1984	(i) To require information from any person as to the identity and address of the driver of the vehicle who is alleged to have committed an offence under Section 35(4) of the Road Traffic Regulation Act 1984, (Failure to comply with or contravention of Off-Street Parking Places Order); and (ii) To institute legal proceedings against any person who fails to give information requested under paragraph (i) above.