

# General principles of the scheme

The powers referred to in Schedule 1, (which for the avoidance of doubt are the powers allocated to the chief executive and heads of service), may be exercised subject to the following:

GENERAL PRINCIPLES OF THE SCHEME		
Ref	Function	Consultation (where applicable)
1.0	CONDITIONS OF DELEGATION	
1.1	Officers may <b>manage and control their respective service areas</b> , exercise the powers designated to them and deliver the service for which they are responsible subject to the following general principles:	
	(a) All <b>decisions taken</b> must be in accordance any statutory requirements, the approved budget, any policies and plans approved by the council, the council's financial procedure rules and procurement procedure rules, any other procedure rules as agreed by the council and the council's code of conduct and adopted protocols.	
	(b) Any decision taken <b>must not contradict any decision</b> of any other person or body with authority to take such decision unless approval to do so has been agreed.	Monitoring officer
	(c) Decisions can be taken where there is <b>inadequate budgetary provision</b> in case of urgency or emergency or cases where the council has a legal duty to act.	Section 151 officer / monitoring officer (Note refer to budget and policy framework rules and access to information regulations/ procedure rules)
	(d) Where, in the opinion of the relevant officer, a decision taken under delegated powers is likely to be <b>contentious</b> or have <b>adverse legal consequences</b> .	Leader of the council and/or the relevant cabinet member before taking the decision / monitoring officer
	(e) All decisions must be taken in <b>compliance with the constitution</b> .	

GENERAL PRINCIPLES OF THE SCHEME		
Ref	Function	Consultation (where applicable)
	(f) An <b>officer with line management responsibility</b> for an officer with delegated powers may exercise that power, instead of the officer so designated, and may direct or negate any course of action proposed. In the absence of the officer with line management responsibility, a head of service may exercise that power. In the absence of an alternative head of service the chief executive may exercise that power.	
	(g) <b>An officer may, instead of exercising a delegated power, refer a matter to a more senior officer, or to the council, cabinet or a committee or sub-committee.</b>	
	(h) References in these general principles to <b>delegated powers include any delegation</b> whether in the scheme of delegation or a specific delegation given by cabinet, council or a committee.	
	(i) Any head of service <b>may exercise delegated powers to the chief executive</b> in his absence.	
	(j) The chief executive may <b>suspend the authority delegated</b> to any head of service, and the chief executive and heads of service may suspend the authority delegated to any other officer.	
	(k) <b>All “key” decisions, as defined in the constitution, will be recorded, published and made available for inspection by members of the council and the public, subject to the rules of procedure in relation to exempt or confidential information also set out in the constitution.</b>	
	(l) Where a <b>decision affects a particular ward.</b>	Ward councillor(s) except where cabinet, council or committee has agreed otherwise
	(m) Where a decision is delegated to an officer in consultation with a specified <b>cabinet member who is absent.</b>	Alternative cabinet member

GENERAL PRINCIPLES OF THE SCHEME		
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	(n) A decision delegated to an officer by council, cabinet or a committee can be taken by an <b>officer with line management</b> responsibility for that officer in his/her absence.	
	(o) A decision delegated to an officer in consultation with the chair(man) of a committee may be taken <b>in consultation with the vice-chair(man)</b> if the chair(man) is absent.	
	(p) <b>Where</b> responsibility for functions transfers <b>from one head of service to another, assuming responsibility for a function may exercise delegated powers relating to that function.</b>	
	(q) Delegations <b>to the chief executive and heads of service apply to any officers appointed to those roles whether they are employed by the authority or have been placed at the disposal of the authority.</b>	
	(r) When exercising any delegated powers, the relevant officer will also have the <b>power to do anything</b> which is calculated to facilitate, or is conducive, or incidental to the exercise of such delegated powers.	
	(s) A power delegated to an officer under this scheme or any other <b>powers delegated to them may be given to any other person</b> to carry out that power and act on their behalf, albeit the responsibility cannot be delegated.	