## Proper Officer Provisions

## And

## Officer Delegation Arrangements

Officers of the Council

Chief Executive

Director of Education, Leisure and Lifelong Learning

Chief Finance Officer

Director of Social Services, Health and Housing

Director of Environment and Regeneration

**OFFICERS OF THE COUNCIL**

**Proper Officer Provisions**

**1. Appropriate Officers of the Council**

Section 243 Local Government Act 1972 Authentication of documents – that the Officer in each case to which the Council (or any Committee or Sub Committee) or the Cabinet or Cabinet Committee duly authorised in that behalf has delegated the power to give, make or issue any Notice, Order or other document which the Council is authorised or required by or under any enactment to give, make or issue – or to whom any other delegated powers have been granted, and whereby the decisions thereunder require any notice, order or other document to be authenticated – is hereby designated the Proper Officer in relation to Section 234 of the Local Government Act 1972 (Authentication of Documents) and in relation to any similar provision contained in any other enactment.

**2. Access to Information Provisions**

(a) For the purpose of Section 100B (2) and (7) (c) of the Local Government Act 1972 and Regulations 5(2) and 5(7) (c) of the Local Authorities (Executive Arrangements) (Decisions; Documents; and Meetings) (Wales) Regulations 2001 – determination of “not for publication” reports and of supply to the press of copies of documents other than reports – each Director is designated as “Proper Officer” i.e. in the case of Corporate Director Group reports/documents, the Chief Executive; in the case of joint reports/documents, the Co-ordinating Director; in the case of other reports/documents, the relevant Director. (N.B. the relevant Heads of Service are also designated as “Proper Officer” for the above purposes);

(b) For the purpose of Section 100C (2) of the Local Government Act 1972 – to provide written summaries of proceedings dealt with in private – the Chief Executive is designated as “Proper Officer”;

(c) For the purpose of Regulation 6 of the above Regulations – attendance and recording of decisions taken at meetings of local authority executives and their committees – the Chief Executive is designated as “Proper Officer”;

(d) For the purpose of Regulation 7 of the above Regulations – recording of executive decisions made by individuals – the Chief Executive is designated as “Proper Officer”.

(e) For the purpose of Regulation 8 of the above Regulations – arrangements for inspection of documents following executive decisions – the Chief Executive is designated as “Proper Officer”;

(f) For the purpose of Section 100D(1)(a) and (5)(a) of the Local Government Act 1972 and Regulations 9(a) and 2 of the above Regulations – compilation of lists of background papers to public report items and identification of relevant documents therein for inspection – each Director is designated as “Proper Officer” i.e. in the case of public Corporate Director Group reports, the Chief Executive; in the case of public joint reports, the Co-ordinating Director; in the case of other public reports, the relevant Director. (N.B. the relevant Heads of Service are also designated as “Proper Officer” for the above purposes);

(g) For the purpose of Section 100F(2) of the Local Government Act 1972 and Regulations 10 and 11 of the above Regulations – determining documents disclosing exempt information which are not open to inspection by members – the Chief Executive, the Director of Finance and Corporate Services, and the Head of Legal Services are designated as “Proper Officer”.

(h) For the purpose of Section 100F(2) of the Local Government Act 1972 and Regulations 10 and 11 of the above Regulations – determining documents disclosing exempt information which are not open to inspection by members – the following officers are also designated as “Proper Officer”.

* Michael Shaw
* Joanna Stevens
* Gareth Griffiths
* John Hodges

**OFFICERS OF THE COUNCIL**

**Delegation Arrangements**

**1. General Delegation and Urgency Action**

 That in respect of matters within their Directorate’s functions which Directors deem to require urgent action (where any delay would prejudice the Council’s or the public’s interests) and which do not warrant the holding of a special meeting of the Council (or a Committee or Sub Committee) or a Cabinet or a Cabinet Committee, such Officers shall have delegated power to authorise any action as a matter of urgency on any such matters within the terms of reference and delegation arrangements of Council (its Committees and Sub Committees) or Cabinet and Cabinet Committees; and in connection herewith:-

(a) The urgency provisions in Part 4 of this Constitution (Budget and Policy Framework Rules, and Scrutiny Procedure Rules) must be observed, particularly the member consultation arrangements;

(b) That in respect of an urgent decision to be taken by a Director in respect of an executive function, there shall be consultation with the Leader and relevant Cabinet member or in either of their absence an alternative Cabinet member.

(c) That in respect of an urgent decision to be taken by a Director in respect of a non-executive function, there shall be consultation with the Chairman and Vice Chairman of the relevant Committee (or in the absence any two members of the relevant Committee);

(d) The above is in addition to such other powers expressly delegated to Directors;

(e) A Director’s decision under the urgency provisions above, and under any other expressly delegated powers, shall be deemed to be a resolution of the Council or of the Committee/Sub Committee, or of the Cabinet or Cabinet Committee as the case may be, and shall be sufficient authority for sealing any documents necessary to give effect to such decision;

(f)

(i) The reference to Directors under the urgency provisions above, and under any other powers expressly delegated to them, shall be deemed also to include their Heads of Service who shall be empowered to take decisions, whether urgent or otherwise, in those matters delegated to their Director. Generally, such decisions by Heads of Service should only be taken in respect of those matters which are applicable to their own functional responsibilities, unless the absence of the Head of Service for a particular functional responsibility (and the absence of the Director) necessitates a decision being taken by another of that Directorate’s Head of Service;

(ii) Any powers or duties delegated to a Director or Head of Service may be exercised by any other person duly authorised by him/her in writing from time to time;

(iii) A record shall be kept in each Directorate of all such authorisations which have been made by the Director or Head of Service as in (ii) above; and a central register of same shall be kept by the Head of Legal Services.

(g) Directors cannot take decisions in matters which can only be statutorily discharged by the full Council;

(h) Directors are authorised, notwithstanding any other provisions in this constitution, to rescind at any time, any earlier decision taken under their delegated powers (and where such earlier decision may have required member consultation, there shall be further consultation with those members in the rescission process);

(i) No delegation shall preclude the referral of matters to the delegating body for a decision;

(j) Officers decisions under urgency delegated arrangements will be reported back to the relevant Executive or Council Committee meeting with the reasons for the urgency action. Other Officer decisions under delegated arrangements will be recorded within Directorates and available on request to Scrutiny Committees and to individual Councillors (subject to the limitations on rights as described under the Access to Information Procedures Rules); and also to the public, except that no information which is confidential or exempt under the Access to Information Procedure Rules need to be disclosed;

(k) Any reference under any Officer delegation powers as to authorisation, initiation, institution, instruction or commencement of legal proceedings, prosecutions or possessions, must be in conjunction with the Head of Legal and Democratic Services or such other Solicitor/Barrister in his/her Division as he/she may authorise from time to time;

(l) The Chief Executive shall also be construed as reference to a Director for the purposes of Annex J, or elsewhere in this Constitution where the context is relevant.

**2. Emergency Planning**

Notwithstanding any other requirements of this Constitution, that in the event of an emergency incident occurring which in the opinion of any Director, necessitates any urgent decisions to be taken, each Director is granted delegated authority to take such decisions, without any consultation requirements where expenditure is to be incurred on purchases or repair (including materials or goods required in connection therewith) or in relation to any other requirements considered necessary; and whether or not specific budgetary provision exists – subject in all cases to detailed records being kept of the action taken and expenditure incurred, with a briefing at the earliest opportunity to the Leader, Cabinet and Council.

**3. Early Retirement/Voluntary Redundancy Mechanism for Dealing with Individual Cases**

(a) Each Director is given delegated authority to determine ER/VR applications following consultation with and following the approval of the Chief Finance Officer and either the Chief Executive or the Head of Human and Organisational Development

(b) A formal record of the decision is to be made and subsequently reported to the Personnel Committee at an appropriate time.

**4. Disclosure & Barring Service**

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(a) That Head of Human and Organisational Development shall identify all regulated positions within individual Directorates, carry out a risk assessment and determine the level of disclosure for regulated position

(b) That HR Managers, the Principal HR Manager and Head of Human and Organisational Development be designated as Lead Counter Signatories and Corporate Directors be authorised to designate other appropriate officers as counter signatories and certification officers.

**5. The Regulation of Investigatory Powers Act 2000**

The following are authorised to act as Authorising Officers pursuant to The Regulation of Investigatory Powers Act 2000, for the purposes of authorising directed surveillance, the use of covert human intelligence sources and access to communications data, provided that the Monitoring Officer has certified that the named Officers have attended an appropriate RIPA Training Course:

M. Roberts – Head of Streetcare;

C. Morris – Head of Planning and Public Protection

N. Pearce – Director of Environment and Regeneration

**6. Maladministration Issues**

Each Director is authorised:

(a) To deal with reports from the Ombudsman under Section 21 of the Public Service Ombudsman (Wales) Act 2005 and in consequence to determine any payment or other benefit arising from any maladministration or service failure pursuant to Section 34 of the 2005 Act above;

(b) to determine any payment or other benefit arising from any maladministration or anything which may amount to maladministration in cases where a person has been adversely affected and the Ombudsman is not involved, such action being pursuant to \*Section 92 of the Local Government Act 2000 (\* “local choice” function)

**7. Setting of Fees and Charges Executive Functions**

That the determination of the following matters be delegated to the appropriate Corporate Director following consultation with the Council Leader, the relevant Cabinet Member and Chairman of the relevant Scrutiny Committee:

(a) Fees and charges applicable in the current financial year

(b) Fees and charges which are applicable in any subsequent financial year and which, in the opinion of the relevant Corporate Director, need to be set in advance of that financial year for operational reasons.

**8. Setting of Fees and Charges Non-Executive Functions**

That the determination of the following matters be delegated to the appropriate Corporate Director following consultation with the Council Leader, the Deputy Leader and Chairman of the relevant Non-Executive Committee:

(a) Fees and charges applicable in the financial year 2020/2021;

(b) Fees and charges which are applicable in any subsequent financial year and which, in the opinion of the relevant Corporate Director, need to be set in advance of that financial year for operational reasons.

**9. Grants**

The Chief Executive, Chief Finance Officer, Director of Environment and Regeneration, Director of Education Leisure and Lifelong Learning and Director of Social Services Health and Housing and all Heads of Service (in consultation with the relevant Cabinet Member or Leader) to submit grant applications for any matter within their respective areas or where the Council acts as a lead authority for regional collaboration.

The Chief Executive, Chief Finance Officer, Director of Environment and Regeneration, Director of Education Leisure and Lifelong Learning and Director of Social Services Health and Housing and all Heads of Service to accept (in consultation with the relevant Cabinet Member or Leader) for any matter within their respective areas or where the Council acts as a lead authority for regional collaboration to enter into any grant agreement in respect of any grant funding subject to consultation with the Chief Finance Officer or Head of Finance.

Where two signatories are required to a grant agreement, the two signatories shall be the Corporate Director or a Head of Service within that same directorate and the Chief Finance Officer or Head of Finance or in their absence the Chief Executive or Head of Legal and Democratic Services.