

PART 3D: Officer Non-Executive Functions

- 3D.1 All non-Executive Functions, other than those allocated in Parts 3B & C above, are delegated to the Managing Director and Directors as set out in Table 3 below.
- 3D.2 In addition, the Managing Director and Directors will exercise powers or duties specifically delegated to them by Council, Committee, Sub-Committee or Joint Committee.
- 3D.3 The Managing Director and Directors are not required to exercise all delegations personally and may sub-delegate any Function in this Part 3D to Officers of suitable experience and seniority. Officers to whom such functions are sub-delegated may, themselves, subdelegate those functions to other officers who are of suitable experience and seniority. A letter or authorisation, providing a written record of any sub delegations should be provided to the Policy and Governance Manager at the time that any sub-delegation is made or amended.
- 3D.4 An Officer does not have delegated authority to take a Significant Decision unless (a) specifically authorised to do so by Council, Committee, Sub-Committee or Joint Committee, or (b) the Managing Director (or, in his absence or where he is unable to act, a Director) is taking action under urgency powers as set out in this Part 3D.
- 3D.5 The fact that a function is delegated to an Officer under this Scheme does not preclude the person or body which gave the delegation from exercising the function in question.
- 3D.6 Council or an Appropriate Committee may direct in any particular case that a delegated power to an Officer in respect of a non-Executive Function shall not be exercised by the Officer and that the Function in question shall instead be exercised by the Council or Appropriate Committee. Such direction must be exercised in consultation with the Managing Director or Appropriate Director.
- 3D.7 The Managing Director and Directors may at their discretion refer any matter to Council or Appropriate Committee for decision.
- 3D.8 Article 13 'Decision Making' applies to the exercise of all Non-Executive Functions by Officers in this Part 3D.

Table 3-Non-Executive Functions of Officers

Managing Director	
Function	Condition
Discharge any non-Executive Function not otherwise allocated in Parts 3B-D of the Constitution	Unless prohibited by law.
Discharge any non-Executive Function which is delegated to an Officer	Where that Officer is absent or unable to act through conflict of interest or otherwise. Except in the case of the Monitoring Officer or S151 Officer where they have allocated the function to their deputy.
Take an urgent decision in respect of a non-Executive Function, including a Significant Decision, in a situation where	Unless it is a decision that in law can only be made by Council.

there is not sufficient time for a report to be considered by Council or Appropriate Committee.	Wherever possible this shall be done in consultation with the Mayor or Appropriate Committee Chairman. The decision shall be reported to the next scheduled meeting of Council or the Appropriate Committee.
To ensure compliance with political balance rules and after agreement with all Group Leaders, to decide the size of committees and the allocation of seats following and event which causes a change in the political balance of the Council.	When Group Leaders cannot agree the matters shall be determined by full Council and not by the Managing Director.
Take an urgent decision not in accordance with the Budget or the Policy Framework	In accordance with Budget & Policy Framework Rules (Part 4 Rule 4) The decision shall be reported to the next available meeting of Council.
Determine claims and payments in accordance with the scheme of Member Allowances	
Discharge functions and take actions and decisions in respect of elections, electoral registration, referenda and related legislation	Except as specifically allocated to Council in Part 3B Table1.
Discharge functions and responsibilities with regard to a parish council	Except as specifically allocated to Council in Part 3B Table1.
Undertake the functions of the Head of Paid Service including the duty, where he considers it appropriate to do so, of reporting to Council on the manner in which the Council functions are co-ordinated, the number and grades of staff to discharge those functions and the organisation and proper management of those staff	
Approve reorganisation of functions and restructuring of staff within service areas and the transfer of staff and functions between service areas	Except where the Managing Director considers it appropriate to refer a report to Council.
Approve redundancy of or an application for early retirement (including ill health retirement) of an employee	Except (in the case of the Managing Director or Director) as specifically allocated to Council or Committee in Part 3B Table 1 or and Part 3C Table 2. Subject to corporate HR policies.
Appoint, dismiss and discipline employees within their service areas and determine their individual terms and conditions of employment and matters relating thereto	Chief Officer level and above is allocated to Council or Senior Appointments Committee subject to Officer Employment Procedure Rules (Part 4F) and corporate HR policies. Subject to appropriate budgetary provision.
Approve HR procedures and policies which relate to employee terms and conditions of employment	Except as specifically allocated to General Purposes Committee in Part 3C Table2.
Undertake functions in respect of local government pensions	Except as specifically allocated to General Purposes Committee in Part 3C Table2.

Authorise any Officer for any legal purpose including Proper and Statutory Officer appointments	Unless otherwise prescribed by law or allocated to Council in Part 3B.
District Emergency Co-Ordinator	
Make minor and consequential amendments to the Constitution to reflect changes of fact including changes in allocation of Functions	Directors, Council Solicitor and Group Leaders to be informed of any change which the Managing Director considers to be significant.
Determine applications for: (a) full planning permission; (b) outline planning permission; (c) approval of reserved matters; (d) listed building consent; (e) conservation area consent; (f) advertisement control consent	Except as specifically allocated to Planning Committee under Part 3C Table 2.
Determine planning applications relating to trees including (a) trees covered by Tree Preservation Orders: and (b) trees within Conservation Areas.	Except as specifically allocated to Planning Committee under Part 3C Table 2.
Other actions and decisions (including enforcement, entry on to land and planning agreements) as local planning authority under the Town & Country Planning Act 1990, Planning (Listed Building & Conservation Area) Act 1990 and all planning related legislation.	Except as specifically allocated to or by Council.
Authorise the stopping up or diversion of a highway, footpath or bridleway or extinguish public rights of way over land held for planning purposes.	
Extinguish public right of way over land acquired for clearance.	
Undertake functions relating to high hedges and protection of important hedgerows.	
Determine jointly with the Council Solicitor the wording of, and completion of agreements under Section 106 of the Town and Country Planning Act 1990.	Except as specifically allocated to Planning Committee under Part 3C Table 2.
Directors	
Function	Condition
Discharge any Non-Executive Function which is delegated to an Officer (including the Managing Director) under this Part 3D	Where that Officer is absent or unable to act through conflict of interest or otherwise Except in the case of the Monitoring Officer or S151 Officer where they have allocated the function to their deputy.

Undertake the statutory role of Head of Paid Service	Where the Managing Director is absent or unable to act through conflict of interest or otherwise. The role rests with the Director who is deputising for that period.
Appoint, dismiss and discipline employees within their service areas and determine their individual terms and conditions of employment and matters relating thereto	Chief Officer level and above is allocated to Council or Senior Appointments Committee and subject to Employment Rules (Part 4) and corporate HR policies. Subject to appropriate budgetary provision.
Approve revenue budget virements between service areas/budget heads not exceeding £25,000	If exceeding £10,000, Cabinet Member to be informed.
Set fees and charges and increase in line with inflation	Cabinet Member or Appropriate Committee Chairman to be informed.
Authorise legal proceedings.	In consultation with the Council Solicitor.
Director of Policy & Resources	
Function	Condition
Undertake the functions of the Council's S151 Officer to ensure proper administration of the Council's financial affairs.	
Approve the carry forward of budget underspend to next financial year for same purpose as originally intended.	
Make minor changes to the Financial Rules to reflect changes in fact and accounting and audit requirements/best practice.	Managing Director and Directors to be informed
Make minor changes to the Contract Rules to reflect changes in fact and procurement requirements and best practice.	In consultation with the Council Solicitor and Managing Director and Directors to be informed
Approve ex gratia and maladministration compensation payments up to £5,000	In consultation with the Council Solicitor.
Director of Communities	
Determine any application for the grant, renewal, variation or transfer of a licence, consent, permit or permission.	Except as specifically allocated to Licensing and Enforcement Committee or Sub-Committee under Part 3C Table 2.
Suspend or continue the suspension of a hackney carriage or private hire driver, vehicle or operator's licence.	Where public safety is at risk.
Revoke or withdraw a licence, consent, permit or permission.	Except as specifically allocated to Licensing Committee or Sub-Committee under Part 3C Table 2..

Other actions and decisions (including enforcement, entry on to land and waiving of fees) as licensing authority under the Licensing Act 2003, Gambling Act 2005 and all other licensing legislation	Except as specifically allocated to Council, Licensing Committee or Sub-Committee under Part 3C Tables 1 and 2.
Highway authority functions (as delegated to the Council by the County Council).	Except as specifically allocated to Licensing Committee under Part 3C Table 2.
Discharge all functions under the Health & Safety at Work etc. Act 1974 and other health and safety related legislation (otherwise than in the Council's capacity as employer).	
Discharge all functions under food and food safety legislation which cannot be exercised as Executive Functions.	
Monitoring Officer	
Function	Condition
Undertake the functions of the Monitoring officer prescribed by law.	
To grant dispensations to Councillors and co-opted Members from the requirements relating to interests set out in the Members' Code of Conduct where: (a) so many Members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would impede the transaction of the business and render the meeting inquorate; or (b) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter; or (c) without a dispensation, no Member of the Cabinet would be able to participate in the matter and the Cabinet meeting would be inquorate as a result.	