

## APPENDIX 2

### *DELEGATION OF FUNCTIONS*

The decision making arenas for Council business are:

1. Full Council, which decides the council's overall policies, sets the level of council tax, the revenue budget and capital budget each year.
2. Executive, which is responsible for most decisions which are within the budget and policy framework agreed by Full Council. Executive functions are carried out by the Executive or officers acting under delegated powers.

Executive meetings should only take decisions that are significant, controversial or which are of strategic importance. The vast majority of decisions will be taken by officers under delegated powers, these may be taken in consultation with the relevant Executive member where it is appropriate to do so.

Officers should consider using their delegated powers for decisions that fall outside the definition above, however they must refer to the relevant executive member any decision that is controversial or which would benefit from higher visibility by being taken by the Executive for them to make recommendations as they consider appropriate.

Any decision that is likely to be contentious should be discussed with the executive member before the decision is made so that the appropriate decision making process can be agreed.

An officer may take an officer decision (see officers scheme of delegation), subject to the limitations referred to in the scheme.

All decisions must be taken in accordance with the "Decision Making Rules" as set out on page 167 of the constitution.

3. The Council will also establish committees to deal with the regulatory side of non-executive functions. These are:

Planning Committee  
Licensing Committee  
Appeals Committee

(See Article 8 for details of these committees)

In relation to planning and licensing, see also the Regulatory Committee Rules at page 130 and the code of practice relating to planning at page 196 and the code of practice relating to licensing at page 189.

Many of the decisions that relate to planning and licensing can be dealt with by officers under the officer delegation scheme.

4. The functions described in paragraphs 1 and 3 above are described as “non executive functions” and those in paragraph 2 are “executive functions”. Only the Executive can determine executive functions.

## DELEGATED FUNCTIONS

The council has agreed that the leader of the council may determine the size, membership and individual portfolios of the Executive.

The full council will agree the scheme of delegation (in as far as they relate to non executive functions) whilst the regulatory committees will agree any delegation of their functions to the officers.

## DELEGATION OF EXECUTIVE FUNCTIONS - EXECUTIVE

### 1. Executive

- 1.1 To collectively take decisions (within the budget and policy framework set by Full Council) which relate to executive functions and which:

- Have a genuine strategic island or council-wide effect, or
- Are controversial, or
- Form greater public exposure than an officer delegated decision is likely to receive, or
- Where there is no individual officer available (or willing) to exercise delegated authority.

### 2. Leader

- 2.1 The leader of the council has the delegated authority to determine:

- The size of the Executive
- The appointment of Executive members
- The allocation of portfolios and responsibility to Executive members and deputies

### 3. Executive Member Responsibilities

The leader shall, from time to time, amend the various portfolios of executive members and deputies and shall maintain a list of all the functions that are contained within those portfolios. This list is available from this web site :-

<http://www.iwight.com/Council/how-it-works/Councillors/Isle-of-Wight-Council-Members>

By their nature, the portfolios of responsibility cut across the various functions of the council and therefore in cases of uncertainty as to which executive member is responsible, the leader of the council shall determine the appropriate executive member.

## DELEGATED DECISION MAKING

Executive members - The leader will maintain and publish a list of executive members, titles, portfolios and responsibilities.

If the executive member considers that any decision that officers are consulting them about is likely to be sensitive or controversial, then they have the discretion to refer the decision to the Executive.

When the Executive is making a decision the principles of decision making as set out on page 167 must be followed.

## OFFICER SCHEME OF DELEGATION

### INTRODUCTION

#### 1. WHAT IS THE OFFICER SCHEME OF DELEGATION?

- 1.1 Certain types of decision must by law be delegated to an officer rather than being determined by members. These include the appointment and dismissal of officers below deputy chief officer level, discharge of the duties of the returning officer in elections and the proper officer functions. Other council functions must by law be determined by members, for example, setting the council tax and adopting the plans or strategies constituting the council's policy framework. For the great majority of local authority functions, it is a matter of local choice for the council whether they are exercised by members or delegated to officers.
- 1.2 The council's constitution sets out how the council operates, how decisions are made and the procedures that are followed to ensure that the council operates in an efficient, transparent and accountable manner.
- 1.3 The constitution describes the overall areas of responsibility for members of the Executive and for committees and sub-committees. However, to ensure that the council runs efficiently, it is necessary for some decisions to be taken by officers. The officer delegation sets out which officers are empowered to undertake which decisions or actions on behalf of the council.
- 1.4 The exclusions from the delegations to officers (i.e. the matters that are reserved for members' decision) are set out in section 2 below and must be referred to Full Council or Executive.

#### 2. GENERAL LIMITATIONS

- 2.1 This Scheme does not delegate to officers the following:
  - (a) Any matter reserved to Full Council unless explicitly delegated by Full Council

- (b) Appointment of the head of paid service and posts above deputy chief officer level. The appointment (on a recommendation from the Employment Committee) of the head of paid service is a matter for the Full Council, all other chief officer appointments are delegated to the Employment Committee (although the designation of certain statutory posts remains a matter for Full Council see page 28).
- (c) Any matter which by law may not be delegated to an officer.
- (d) Any matter expressly reserved to the Executive within its terms of reference or otherwise, by standing orders or financial regulations or withdrawn from delegation by this scheme or by the Executive or Full Council
- (e) The making of an order for the compulsory acquisition of land
- (f) The acquisition of land in advance of requirements
- (g) The adoption, amendment (other than minor amendments as set out in page 27) or delegation of any strategic plan or policy as set out in the terms of reference of the Full Council, the Executive or any committee, sub-committee or panel of the council.

## 2.2 Officers shall not be authorised by virtue of these provisions

- (a) To incur any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with financial regulations
- (b) To take a decision in contravention of any existing council policy.

## 3. GENERAL PRINCIPLES/COMMON OFFICER DELEGATIONS

- 3.1 The officer delegation scheme confers on chief officers extensive powers to carry out the council's functions, both executive and non-executive. The designation "chief officer" throughout this scheme will include the chief executive.
- 3.2 The head of paid service will maintain and publish a list of services for which each chief officer is responsible for, and in relation to which they have delegated powers under this scheme. The head of paid service has authority to amend that list and this scheme, to reflect operational necessity and in order to deliver continually improving services.
- 3.3 Powers shall be exercised in accordance with the law, the council's procedure rules, financial procedure rules, contract procedure rules and any policies relevant to the functions delegated.
- 3.4 The fact that a function is delegated to a chief officer under this scheme does not restrict an officer referring any decision to the Executive or relevant committee should he/she consider that the decision is controversial or of strategic importance.

“Function” is to be construed broadly and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

- 3.5 A chief officer is not required to exercise all delegations personally and may authorise officers of suitable experience and seniority to exercise delegated powers, either generally or specifically, on his/her behalf. A chief officer must maintain a list of all such authorisations, as part of a comprehensive service scheme of delegation.
- 3.6 The leader or the relevant executive member (i.e. the executive portfolio holder for that function) may direct that a delegated power should not be exercised by the chief officer but should be referred to Executive or the appropriate committee unless otherwise agreed. Such direction should be exercised in consultation with the relevant chief officer.
- 3.7 A chief officer may refer any matter to Full Council, the Executive, or the appropriate committee of the council for decision at their discretion.
- 3.8 Chief officers have responsibility to report to Full Council, Executive, the appropriate committee or committee chair or appropriate ward members (and following this the relevant Parish/Town Council) matters that are of a political or strategic significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position.
- 3.9 Chief officers and officers authorised to exercise delegated powers are required to keep members properly informed of activity arising within the scope of these delegations and to ensure a proper record of such activity is kept and available to members and the public in accordance with the legislation.
- 3.10 If the post holder or office of any employee of the council is vacant, or the employee is absent or otherwise unable to act, the most suitable senior officer available is hereby authorised to exercise the responsibilities of the vacant office and such action shall be recorded in writing (which includes email) by the chief officer with responsibility for the post or officer, or in the event of a chief officer, another chief officer.

#### 4. SPECIFIC OFFICER DELEGATIONS

##### 4.1 CHIEF EXECUTIVE

- 4.2 Where necessary in consultation with the monitoring officer, chief finance officer, political groups, leader of the council and/or relevant executive member(s) to authorise urgent action between Executive meetings and ensure that the chairman of the Scrutiny Committee is (where practicable) notified before the decision is made and then notified once the decision has been made.

- 4.3 To ensure strategically lead improvements in the quality and efficiency of service delivery and to devise and maintain systems to deliver good governance, including performance management, risk management and ethics/probity structures.
- 4.4 To determine the management structure and the deployment of staff.
- 4.5 Responsibility for ensuring:
- (i) that human resource management complies with current council policy and standards
  - (ii) propriety and observance of codes of conduct for all council staff
  - (iii) compliance with and observance of all established council policies
- 4.6 To make arrangements for the council to be represented on partnership and external bodies as required by statute or the council.
- 4.7 To have all the powers of any other officer of the council in the event of their absence or inability to act, except in so far as the exercise of such powers is by law limited to a specific post holder.

Chief officer and their direct reports are authorised within their areas of responsibility and subject to the following conditions:

1. Chief officers are empowered to make such decisions and initiate such actions as they deem necessary in the interests of efficient delivery and improvement of services within their area of responsibility set out in the table at pages 79-83, which is revised from time to time to reflect the latest position.
2. To make minor amendments to the structure of their department subject to consultation with the relevant executive member.
3. With the exception of officers at JNC (Chief Officer) level, to make appointments to a post on the budgeted establishment and take such decision in relation to human resources as are appropriate for the proper management of the service within the approved structure.
4. To implement the council's human resources policies as shall apply at any time.
5. To authorise officers to carry out the councils functions under all legislation, regulations, orders and statutory codes of practice, to include entry of premises, inspections and signing and service of notices in relation to the council's enforcement functions.
6. In an emergency, to take such action as is necessary within the law to protect life, health, and safety, the economic social or environmental well-being of the Island, and to preserve property belonging to the council or others.

7. To enter into contracts, review their operation, establish and maintain approved lists of contractors of suppliers and the appointment of consultants, subject to the financial regulations, the procurement rules, contract standing orders and budgetary provision.
8. To authorise legal proceedings in respect of offences under acts, regulations, byelaws or orders within the remit of the service area, and with the approval of the head of Legal Services and monitoring officer.
9. When taking, or considering taking, delegated decisions all officers must have regard to the following:
  - Does the decision involve significant expenditure to the service budget, or wider council budget?
  - Does the decision affect the reputation of the service and/or council?
  - Is the decision significant with regard to one or more wards?
  - Does the decision carry a significant risk to the service or wider council?
  - Does the decision impact reputationally or financially on service users, partner organisations or committees outside the council?

Officers must consider the above and, depending upon the level of significance, prepare an officer decision using the pro forma, which may be presented to the relevant executive member for their agreement to the decision (this can be done via email). If the matter is considered to be of high significance then the officer should consider whether to consult ward member(s) (and following this the relevant Parish/Town Council) or whether in fact an Executive report should be prepared instead and the matter entered on the forward plan.

Day to day routine management decisions do not need to be subject to formally recorded decision procedures.

## Scheme of Delegation

Statutory Roles	Chief Officer Post	Job Role and Service Delivery Objectives
Head of Paid Service	Chief Executive	<p>Undertake the responsibilities of the Head of Paid Service as defined in law and the council's constitution and to be the council's principal advisor directing the management process and officers of the Council to deliver the objectives of the administration.</p> <p>Hold overall accountability for the management of staff and propose a culture that demonstrates a positive outlook and continuous improvement to meeting the challenges despite financial constraints. To review as necessary the staffing structure, capacity, skills and performance of the council to ensure that they match the needs of the community, financial constraints, strategic priorities and statutory obligations.</p> <p>Manage the interface between elected members and officers to ensure effective delivery of the Vision and Corporate Plan.</p> <p>Work with elected Members to build and develop strong relationships with existing and potential key partners (local, regional and national) across all sectors to develop effective partnership working and collaboration for the benefit of the Island community.</p> <p>To lead the Medium-Term Budget Strategy, Change Management and overall Council Performance.</p>
	Head of Place (currently vacant)	<p>To be the Council's lead on Economy and Tourism to develop and promote economic growth for the Island including the attraction of inward Investment and development of commercial services.</p> <p>To lead and manage Recreation, Leisure, Public Spaces, Public Realm, Economic Development, Tourism, Asset Management, Libraries, Help Centres, Rights of Way, Events and Consultation.</p> <p>To lead and manage Planning Services, Planning Policy, AONB, Conservation, Ecology, LSTF,</p>



		<p>Lead as Local Flood Authority, Housing, Building Control and Emergency Planning.</p> <p>To lead and manage Environmental Health, Trading Standards and Licensing and to take overall management of the Highways PFI contract.</p>
Director of Children's Services	Director of Children's Services	<p>Provide strategic leadership and development of the local education and children's services sector. Working with head teachers, school governors and academy sponsors and principals to support the drive for high educational standards for all children and young people, paying particular attention to the most disadvantaged groups.</p> <p>Ensure that there are clear and effective arrangements to protect children and young people from harm, in accordance with primary legislation, particularly the Children Acts 1989 and 2004. Ensure that children's services are integrated across the council, and that statutory partners, the local voluntary and community sector, parents and children and young people themselves are included in the scope of the council's planning, commissioning and delivery of children's services where appropriate.</p> <p>Responsibility for undertaking a strategic needs assessment for children and their families with actual or potential needs across the local authority area in conjunction with the nominated Director of Social Services and Director of Public Health.</p> <p>To lead and manage services for children and young people including Education, Social Care, Safeguarding, Youth Service and Learning and Development. . Act as the professional advisor to members of the Council.</p>
Director of Public Health	Director of Public Health	<p>Provide strategic leadership for the delivery of the Council's duties to improve public health together with those delegated functions by the Secretary of State for health protection or health improvement. Take the lead in exercising the Council's functions in planning for, and responding to, emergencies that present a risk to public health.</p>

		Take the lead in the production of the Joint Strategic Needs assessment, Joint Strategy on Health and Wellbeing and deliver the annual public health report. Commission, or ensure the provision of service that underpin public and health improvement.
Director of Adult Social Services	Director of Adult Social Care	<p>To act as the statutory Director of Adult Social Services</p> <p>Provide professional leadership for all council staff and those across local partnerships in the provision of adult social care services. Take accountability for ensuring that relevant professional and occupational standards and standards of conduct are maintained across adult social care services provided by, or commissioned by the Council. Responsibility for undertaking a strategic needs assessment for adults and families with actual or potential social care needs across the local authority area in conjunction with the Director of Children's Services and Director of Public Health.</p> <p>Ensure that there are clear and effective arrangements to assess and where necessary meet the care needs of eligible service users and to protect vulnerable adults from harm, in accordance with primary legislation, particularly the Care Act 2014 and Health and Social Care 2012. Ensure that adult services are integrated across the council, and that statutory partners, the local voluntary and community sector and service users themselves are included in the scope of the council's planning, commissioning and delivery of Adult Services where appropriate.</p>
Chief Fire Officer	Chief Fire Officer	<p>Ensuring that the Council meets its legal responsibilities that an effective fire and rescue service is provided across the Island together with the provision, training and equipping of the Isle of Wight Fire and Rescue Service to undertake; firefighting, protection of people and property from fire, fire safety promotion, road traffic collision rescues and other emergency responses to civil emergencies.</p> <p>To lead and manage the Island's Fire and Rescue Services and to maintain them to meet statutory duties. Take the lead on community safety and play a major role in civil protection and ensuring that there is an integrated approach to handling civil emergencies.</p>

	Head of Resources	<p>To be accountable for the development of the council's core support services that will underpin the transformation of the council as a facilitating organisation including:</p> <ul style="list-style-type: none"> <li>• Leading and managing the Resources Directorate and the functions within it and be the Council's lead officer on organisational change, business support and all workforce matters</li> <li>• Leading on the delivery of the corporate plan priority of ensuring that all resources available to the Island are used in the most effective way in achieving the Island's priorities</li> </ul> <p>To lead and manage Professional HR advisory services (including equality and diversity and health and safety); Organisational development; Business intelligence and performance; Business Centre (including customer contact centre and exchequer services); ICT; commissioning and procurement; corporate governance (including democratic services and scrutiny functions); electoral registration and elections and legal services</p>
Monitoring Officer	Head of Legal Services	<p>Undertake the responsibilities of the Monitoring Officer as defined in law and the Council's Constitution. To act as the Council's chief legal advisor to ensure that the Council operates lawfully and within the agreed constitution and to report any unlawful acts or maladministration to the council. Also responsible for the Corporate Information Unit and acts as Data Protection Officer, SIRO (Senior identified risk officer) and Senior Responsible Officer (RIPA).</p> <p>To lead and manage Legal Services, to ensure statutory duties are met and that they are cost effective. To ensure that the Council's information management responsibilities are met effectively and within available resources.</p>
Section 151 Officer	Chief Finance Officer and S151 Officer	<p>Undertake the responsibilities of the Section 151 officer as defined in law and the council's constitution. To act as the council's chief financial officer to ensure the proper administration of the council's financial affairs and that there are appropriate financial practices and procedures in place to meet these requirements.</p> <p>To lead and manage financial services and Audit; deliver a balanced budget and sustainable Medium Term Financial Strategy for the council within the context of the reducing resources available each year. To promote the development of improved financial practices and procedures,</p>

		and improved financial control and business processes, to ensure services enabled and delivered by the council continue to be affordable.
Returning Officer and Electoral Registration Officer	Strategic Manager for Organisational Change and Corporate Governance	To be the returning officer for local elections, acting returning officer for parliamentary elections and the local returning officer for the European Union elections (including the ability to appoint deputies for these roles). Also to be the electoral registration officer for the Isle of Wight.