

SECTION 1 – GENERAL SCHEME OF DELEGATION

1.1 Meanings

- a. **Executive functions** are those functions that by law must be the responsibility of the executive.
- b. **Non-executive functions** are those functions that by law must not be the responsibility of the executive.
- c. **Local choice functions** are those functions that the council may decide to exercise itself or delegate to any part of the council including the executive. A list of local choice functions is included in section 3 of this part of the constitution.
- d. **Standing Orders** shall mean the standing orders set out in part 3 of this constitution.

1.2 The council is responsible for the exercise of all functions which are not the responsibility of the executive and for delegating all executive functions to the leader in accordance with section 9D and 9DA of the Local Government Act 2000. The council may delegate the exercise of non-executive or local choice functions to any other person or body subject to any statutory constraints.

1.3 Only the council may exercise those functions described in section 2 of this part of the constitution.

1.4 Subject to statutory requirements, standing orders and the matters reserved to the council set out above, the council delegates to the leader, the committees, local members and officers shown in the following sections, the powers and duties set out, and such other powers and duties as the council may from time to time specify. Any delegation of non- executive or local choice functions by the council shall not prevent the council from exercising those functions itself.

1.5 The leader is responsible for the exercise of all executive functions and any local choice functions delegated to it by the council. The leader may further delegate those functions in accordance with section 9E, 9EA and 9EB of the Local Government Act 2000 and any regulations made thereunder.

1.6 Subject to statutory requirements and standing orders the leader delegates to the cabinet, portfolio holders, committees, local members and officers set out in the following sections, the powers and duties set out and such other powers and duties as the leader may from time to time specify. Any such delegation by the leader shall not prevent the leader from exercising those functions themselves.

1.7 The leader, cabinet, committee, member or officer exercising delegated powers shall be empowered to act subject to the following general conditions:

1. Only the council shall be empowered to raise money by council tax, precept, or loan or to make bylaws.
 2. Subject to the urgency procedure in relation to executive decisions in standing orders in part 3 of this constitution, any decisions made shall accord with the policy framework and budget.
 3. Before acting on any matter involving the adoption of any major new policy which changes the policy framework, the approval of the council to the proposed course of action must be obtained.
 4. Decisions may not be made in relation to a power or duty where the delegated function is expressed to be advisory or limited to the making of recommendations or the submission of requests to the council or another body.
- 1.8** Action by the leader, cabinet, any committee, member or officer exercising delegated powers shall be subject to the restrictions imposed by standing orders.
- 1.9** The overview and scrutiny committee(s), Regulatory Committee and the Audit and Standards Committee shall have power to
- i. Re-delegate to any sub-committee appointed by it all or any of the powers and duties delegated to it by the council.
 - ii. Impose any conditions or restrictions it thinks fit on the exercise of powers and duties by any of its sub-committees.
- 1.10** Any committee shall have power to appoint a panel to advise it on any power or duty delegated to it.
- 1.11** All member bodies shall have power to:
- i. Re-delegate to an officer of the council all or any of the powers and duties delegated to it by the council or the leader.
 - ii. Impose any conditions or restrictions it thinks fit on the exercise of powers and duties delegated by it to an officer.
 - iii. Seek advice from an officer of the council.