

## Appendix 2

### Review of Delegated Powers

	Description	Responsibility delegated by
	<b>Delegations to Directors, Assistant Directors and Executive Heads</b>	
1.25	In managing the services and functions for which they are responsible Directors, Assistant Directors and Executive Heads shall be authorised to take any decisions (including any Key Decisions) and to exercise all legal powers relevant to those services and functions. Except Assistant Directors and Executive Heads shall not be authorised to take any decisions where they are expressly delegated to the Executive Director, a specific Director, or Assistant Director or Executive Head in this Scheme of Delegation unless so expressly delegated to specifically to them.	Council/Executive
1.26	This authorisation shall include (but not be limited to) any decisions in relation to the budget for and resources (including employees) allocated to those service/s and function/s for which they are responsible, from time to time.	Council/Executive
1.27	Where the areas of responsibility and powers of an employee refer to specific Acts of Parliament, Regulations, Orders or guidance any subsequent re-enactment or amendment of the same shall apply.	Not applicable
1.28	To retain contract staff or appoint consultants on matters related to their areas of responsibility.	Council/Executive
1.29	To make any decisions related to staff matters within their business unit in accordance with Council policy.	Council
1.30	So far as is lawful, Directors, Assistant Directors and Executive Heads may delegate (in such manner as is considered appropriate) matters within the services and functions for which they are responsible to employees within their portfolio/business unit or to other Directors, Assistant Directors or Executive Heads. Any such delegations may be revoked, varied or subject to such limitations as the delegating Director, Assistant Director or Executive Head considers appropriate.	Not applicable

	<b>Description</b>	<b>Responsibility delegated by</b>
1.31	<p>A Director or Assistant Director (following consultation with the Executive Director of Operations and Finance and the relevant Executive Head) may (by written notice (including email)) withdraw (either permanently or temporarily) any of the above powers delegated to any Executive Head within his/her portfolio and/or impose restrictions or conditions upon the exercise of any of the above powers by that Executive Head. However, this paragraph shall not apply in relation to the following:</p> <ul style="list-style-type: none"> <li>(a) the Council's Monitoring Officer when acting in that capacity;</li> <li>(b) the Executive Head of Business Services when exercising powers or duties expressly reserved to him/her by law in respect of the Harbour Authority; and</li> <li>(c) any other officer when exercising powers or duties expressly reserved to him/her by law.</li> </ul>	Not applicable

**Limitations on delegations to the Executive Director of Operations and Finance, Directors and Assistant Directors, Executive Heads and all other officers.**

2.5	<p>No decision shall be taken by any officer under this Scheme of Delegation if any relevant member or the Executive Director of Operations and Finance requests that the matter shall be referred to the Council or the Executive (whichever shall be able to take the decision in question) or to the Executive Director of Operations and Finance.</p>	Council/Executive
2.6	<p>All decisions shall be in accordance with the law. Whether or not any decision is contrary to the Council's Constitution may, if necessary, be determined by the Council. However, no decision or action shall be taken by any employee if the Assistant Director Corporate and Business Services reasonably considers it to be contrary to the law.</p>	Not applicable

	<b>Description</b>	<b>Responsibility delegated by</b>
2.7	All decisions shall be in accordance with the Constitution and the Policy Framework of the Council. Whether or not any decision or action falls within the Policy Framework may, if necessary, be determined by the Council. However, no decision or action shall be taken by any employee if the Assistant Director Corporate and Business Services reasonably considers it to be contrary to the Policy Framework.	Council
2.8	All decisions shall be in accordance with the Council's Budget and Financial Regulations. Whether or not any decision or action falls within the Budget and Financial Regulations may, if necessary, be determined by the Council. However, no decision or action shall be taken by any employee if the Chief Finance Officer or the Monitoring Officer reasonably considers it to be contrary to the Budget or Financial Regulations	Council
2.9	All decisions relating to the expenditure of unbudgeted additional income, or lower than budgeted expenditure shall be in accordance with the Financial Regulations.	Council/Executive
2.10	All decisions shall be in accordance with the Council's Standing Orders. Whether or not any decision or action is in accordance with the Council's Standing Orders may, if necessary, be determined by the Council. However, no decision or action shall be taken by any employee which the Monitoring Officer reasonably considers to be contrary to the Council's Standing Orders.	Council
2.11	In relation to the authorisation of the institution, defence or conduct of legal proceedings no decision shall be taken without prior consultation with the Assistant Director Corporate and Business Services and no such action shall be taken that is contrary to or not in accordance with any instruction from the Assistant Director Corporate and Business Services.	Council/Executive
2.12	Before exercising (or deciding not to exercise) any delegated powers all employees shall undertake appropriate internal consultation. This consultation shall normally include (but not be limited to) the following:	Council/Executive

	<b>Description</b>	<b>Responsibility delegated by</b>
2.12.1	Where the proposal may have implications relating to the Council's Corporate Plan, consultation with all relevant members and the Executive Director of Operations and Finance;	Council/Executive
2.12.2	Where the proposal may have any policy implications, or any significant service implications, consultation with all relevant members and the Executive Director of Operations and Finance;	Council/Executive
2.12.3	Where the proposal might reasonably be regarded as unusual or highly contentious, or involve an uncertain outcome, or has been the subject of (or is likely to result in) an allegation of maladministration being made against the Council, consultation with the relevant member, the Executive Director of Operations and Finance and appropriate other senior officers;	Council/Executive
2.12.4	Where the proposal has any legal implications, consultation with the relevant member and the Assistant Director of Corporate and Business Services;	Council/Executive
2.12.5	Where the proposal may have significant implications for any particular Ward, consultation with all the members representing that Ward;	Council
2.12.6	Where the proposal may have any financial or audit (whether internal or external) implications, or any property implications, consultation with the Chief Finance Officer;	Council/Executive
2.12.7	Where the proposal may have any constitutional implications, consultation with the Monitoring Officer;	Council
2.12.8	Where the proposal may have any implications relating to the Council's insurance policies (or the ability of the Council to obtain insurance at reasonable rates in the future), consultation with the Assistant Director Corporate and Business Services;	Council/Executive

	<b>Description</b>	<b>Responsibility delegated by</b>
2.12.9	Where the proposal may have any health and safety implications for the public or employees, consultation with the Assistant Director Community and Customer Services;	Council/Executive
2.12.10	Where the proposal may have any human resources implications, consultation with the Assistant Director Corporate and Business Services;	Council
2.12.11	Where the proposal may have any equalities implications, consultation with the Assistant Director Corporate and Business Services;	Council/Executive
2.12.12	Where the proposal may have any implications for another Council business unit, consultation with the relevant Director, Assistant Director and Executive Head;	Council/Executive
2.12.13	Where any relevant member, Director, Assistant Director or Executive Head has expressed opposition to a proposal, consultation with the Executive Director of Operations and Finance;	Council/Executive
2.8.14	Where the proposal is similar to a previous matter that has been the subject of consultation with any member (or which a member has expressed a desire to be consulted about), consultation with that member;	Council/Executive
2.12.15	Where the delegated power is expressly required to be exercised in consultation with one or more Community Partnership, the Community Partnership(s) specified in the decision to delegate;	Council/Executive
2.12.16	Where the proposal may have significant implications for one or more Community Partnerships, consultation with those Community Partnerships affected; and	Council/Executive
2.12.17	In any cases of doubt, consultation with the relevant member.	Council/Executive

	<b>Description</b>	<b>Responsibility delegated by</b>
2.13	Freehold property acquisitions and disposals may not be authorised where in the reasonable opinion of a fellow or member of the Royal Institute of Charter Surveyors (RICS) the estimated value of the land or property being acquired or disposed of exceeds £50,000 or (if a transaction is linked to another transaction) where the aggregate estimated value exceeds that amount (this includes disposals at a peppercorn rate). But this paragraph shall not prevent the Executive Director of Operations and Finance, Directors and Assistant Directors authorising land/property acquisitions and freehold disposals where they are in accordance with the Council's Capital Programme or an express Council decision.	Executive
2.14	The Executive Director of Operations and Finance, Directors and Assistant Directors and Executive Heads may not authorise leases if, in the reasonable opinion of a fellow or member of the Royal Institute of Charter Surveyors (RICS), the market value of the premium exceeds £25,000 or if the market value of the rent (including any service charge) should exceed £10,000 per year, or (if a transaction is linked to another transaction) where the aggregate relevant amounts exceeds those limits(this includes leases at a peppercorn rent) . But this paragraph shall not prevent the Executive Director of Operations and Finance, Directors, Assistant Directors and Executive Heads authorising leasehold disposals where they are in accordance with the Council's Capital Programme or an express Council decision.	Executive
2.15	The Executive Director of Operations and Finance, all Directors, Assistant Directors and Executive Heads may not authorise the acceptance of any tender for goods or services where the estimated or actual (whichever the higher) total contract value exceeds £50,000 or (if a contract is linked to another contract) where the aggregate estimated or actual (whichever the higher) value exceeds that amount unless otherwise specified within the Financial Regulations. But this paragraph shall not prevent the Executive Director of Operations and Finance, Directors, Assistant Directors and Executive Heads authorising the acceptance of any tenders for goods or services where they are pursuant to the Council's approved Capital Programme.	Executive

	<b>Description</b>	<b>Responsibility delegated by</b>
2.16	No decisions shall be taken that is contrary to the terms of any specific delegations whether in this Scheme or made by Council (or a Council Committee or Sub-Committee) or the Executive, or an employee of the Council.	Not applicable

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