

Appendix 2

Delegation changes proposed in respect of non-executive functions

1. The Chief Executive to have delegated authority until the next Full Council meeting (or such other date as may be determined by the Leader), in consultation with the Leader or relevant Cabinet Member, in respect of decisions meeting the following criteria which are normally reserved to Cabinet:
 - The exercise of that function or the making of that decision would or would be likely to conflict with or result in a change or departure from any decision or policy agreed by the Council or the Cabinet or relevant Cabinet Member
 - The exercise of that function or the making of that decision would or would be likely in the opinion of the relevant Strategic Director or the Chief Executive to result in a very significant change in the model of service delivery.
 - The exercise of that function or the making of that decision would or would be likely to expose the Council to a significant or unusual level of risk, financial or otherwise, as determined by the Chief Executive, the Director of Finance or the Director of Legal, HR, Audit & Investigations.
 - The exercise of that function or the making of that decision would result or would be likely to result in the permanent closure of a facility used by the public or a permanent and significant reduction in the level of services or facilities provided to the public.
2. The Chief Executive to have delegated authority until the next Full Council meeting to make decisions usually reserved to the General Purposes Committee in respect of staff related matters in consultation with the Chair of the committee

The following changes to the Constitution are proposed to give effect to these delegations:

PART 3 - RESPONSIBILITY FOR FUNCTIONS

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9.3.4 The Chief Executive shall have authority to:

- To determine the terms and conditions on which staff appointed by the Senior Staff Appointments Sub-Committee shall hold office, including procedures for their dismissal, and to determine the grading structure to be applied to posts appointed by the Senior Staff Appointments Sub-Committee.
- To determine the overall framework of terms and conditions of service for employees.

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10. Exemptions, Restrictions and Limitations on Powers Delegated to Officers

- 10.1 Chief Officers exercising delegated authority (other than the Chief Executive in the case of (a), (k), (l) or (m) below) shall take all reasonable steps (including the taking of financial, legal and other similar advice) to ensure that no function is exercised or decision taken if, in their reasonable opinion:-

- (a) **Policy:**
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The exercise of that function or the making of that decision would or would be likely to conflict with or result in a change or departure from any decision or policy agreed by the Council or the Cabinet, other than the determination of planning applications where the departure from the development plan is determined in accordance with section 54A of the Town and Country Planning Act 1990.

(b)

(k) **Change in service delivery:**

The exercise of that function or the making of that decision would or would be likely in the opinion of the relevant Strategic Director or the Chief Executive to result in a very significant change in the model of service delivery.

(l) **Significant or unusual risk:**

The exercise of that function or the making of that decision would or would be likely to expose the Council to a significant or unusual level of risk, financial or otherwise, as determined by the Chief Executive, the Director of Finance or the Director of Legal, HR, Audit & Investigations.

(m) **Closure of a facility or reduction in services:**

The exercise of that function or the making of that decision would result or would be likely to result in the permanent closure of a facility used by the public or a permanent and significant reduction in the level of services or facilities provided to the public other than where such closure or reduction in service is considered necessary by the relevant Strategic Director or the Chief Executive for reasons of health and safety.

(n) **Charges and Fees:**

The decision relates to the setting, levying or increase of any fees or charges to any member of the public in respect of a Council service (other than room lettings and copying charges) unless it is authorised by the Council's Fees and Charges Policy and related guidance.

PART 4 – TERMS OF REFERENCE

GENERAL PURPOSES COMMITTEE

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Terms of Reference

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5. If referred to the committee by the Chief Executive to determine the terms and conditions on which staff appointed by the Senior Staff Appointments Sub-Committee shall hold office, including procedures for their dismissal, and to determine the grading structure to be applied to posts appointed by the Senior Staff Appointments Sub-Committee.

6. If referred to the committee by the Chief Executive to determine the overall framework of terms and conditions of service for employees.
