

# Directorate Scheme of Delegations: Resources Directorate

## Introduction

In the Constitution, the Mayor and Full Council delegate certain powers and functions to the Executive Directors.

This is the Resources Directorate Scheme of Delegation to officers. It:

- i) Summarises the powers and functions delegated to the Executive Director of Resources, in Part 1
- ii) Describes how the Executive Director has delegated these powers and functions to officers in their Directorate to exercise on their behalf, in Part 2.

This scheme is subject to the [Council's Constitution](#), including the Council and Mayoral Schemes of Delegation and the Procurement Rules, the Financial Regulations and Standing Orders.

The Executive Director will delegate to the post that's most appropriate for the exercise of the function. Any direct line manager between the Executive Director and the post delegated the function is also entitled to perform that function, unless otherwise stated in the scheme.

In the event of a civil emergency or a business continuity disruption, all authorities relevant to the management of the incident are delegated to named duty officers, officers attending multi-agency coordination group meetings or officers chairing an Incident Management Team, as appropriate.

Although Executive Directors can delegate functions they remain responsible for and accountable to the council for the exercise of their delegated powers. On occasions they may still decide to take decisions themselves. Officers may decide to refer delegated powers back to the Executive Director, the Mayor or Full Council. The Mayor and Full Council can also decide to reserve a particular decision to themselves.

This Scheme of Delegation will remain in force until it is amended or revoked by the Executive Director for Resources or via changes to the Council and Mayoral Schemes of Delegation.

Guidance for managers and staff on how to use Schemes of Delegation is available on the intranet.

## Part 1: Functions delegated under the Constitution to the Executive Director of Resources

### Executive functions ([see Section 5 of Mayor's scheme of delegation](#))

'Executive' power rests with the Mayor. He or she delegates executive power to officers via the Mayoral Scheme of Delegation, which is part of the constitution. The following executive functions are delegated to the Executive Director of Resources:

Any function of the executive falling within the portfolio of the Executive Director of Resources including functions relating to:

- (a) Finance;
- (b) Human Resources;
- (c) Digital Transformation;
- (d) Legal and Democratic services;
- (e) Policy and Strategy;
- (f) Executive Office.

### *Local Choice executive functions ([part 3.3 of the Constitution](#))*

In national legislation, 'Local Choice' functions can be either executive or non-executive decisions. The Constitution sets out which they are in Bristol City Council. The following Local Choice functions have been decided to be executive functions and have been delegated to the Executive Director of Resources

- The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998

### Non-executive functions ([part 3.2.C of the Constitution](#))

'Non-executive' power rests with Full Council. Full Council can delegate non-executive powers to officers via the constitution. The following non-executive powers are delegated to the Executive Director of Resources:

- Some of the non-executive functions which are the responsibility of the **Public Rights of Way and Greens Committee** (specifically, all those set out in list A of the terms of reference, listed in 3.2.B of the constitution). The delegations are set out in Part 2 below.
- A set of miscellaneous functions listed in 3.2.C.6 of the Constitution, in relation to:
  - Marriages and registration
  - Elections
  - Pensions and FinanceThey are listed in detail in Part 2 below.

### *Local Choice non-executive functions ([part 3.3 of the Constitution](#))*

In national legislation, 'Local Choice' functions can be either executive or non-executive decisions. The Constitution sets out which they are in Bristol City Council. The following Local Choice functions have been decided to be non-executive functions and have been delegated to the Executive Director of

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Resources:

- None

## Part 2: Delegations to Officers from the Executive Director

### Executive Functions

#### 1. Finance

Note that there is a separate council-wide finance scheme of delegations, available on the Bristol City Council website, which details financial delegations to managers of all Directorates within the Council. All references to the Director Finance include the functions of the S151 Officer.

<b>Function</b>	<b>Post authorised to carry out function</b>
Authority to exercise all functions relating to financial management, internal audit and treasury management in accordance with approved policies and procedures.	Director, Finance
Internal Audit	Chief Internal Auditor or Director, Finance
Treasury Management	As set out in the Council's Treasury Management Procedures, or Director, Finance
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Misc Provisions) Act 1976	Executive Director Resources or Director – Legal and Democratic Services
Money Laundering Regulations 2003 Regulation 7 Being told about suspected money laundering	Chief Internal Auditor
Authority to exercise all functions relating to corporate asset management and capital strategy.	Director, Finance or Executive Director Resources
Authority to exercise all functions relating to corporate valuation and estate management services.	Director Finance or Executive Director Resources
Corporate Property	As set out in the Council's Growth and Regeneration Directorate Scheme of Delegations

#### 2. Legal and Democratic Services

<b>Function</b>	<b>Post holder authorised to carry out function</b>
Democratic Services and Scrutiny	Head of Democratic Engagement

Electoral services, Registry office, Coroners, Mortuary	Head of Statutory Services
Legal Services	Head of Legal Services

Note that the following table details functions which the constitution delegates directly to the Director, Legal and Democratic Services.

<b>Function delegated in the Constitution to Director, Legal and Democratic Services</b>	<b>Post holder(s) authorised to carry out functions</b>
To prepare, negotiate and execute documents and otherwise take any action required to give effect to all resolutions and / or decisions of the full council, the executive, a committee or delegated officer.	Team leaders, legal team
To institute (with the exception of prosecutions which are dealt with below), defend or act in respect of legal proceedings or other determinations involving the council including power to settle and compromise such matters where necessary to give effect to a resolution and / or decision of the council or where necessary to protect the council's interests.	Team leaders, legal team  To such named officers outside Legal Services who the Director specifically authorises (list of individuals held by Director, Legal and Democratic Services).
To take decisions to institute prosecutions on behalf of the authority	Director, Legal and Democratic Services Head of Service, Legal Services
To make and serve notices and other instruments where necessary to give effect to a resolution and / or decision of the council or where necessary to protect the council's interests.	Team leaders, legal team  To such named officers outside Legal Services who the Director specifically authorises (list of individuals held by Director, Legal and Democratic Services).
Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by the Director, Legal and Democratic Services, or other person authorised by them, unless any enactment otherwise authorises or requires, or the full Council has given requisite authority to some other person.	Director, Legal and Democratic Services Head of Service, Legal Services
Witnessing the Affixing of the City Council's Seal	See list of individuals authorised to witness the affixing of the City Council's Seal, held by the Business Manager, Legal Team.
To appear on behalf of the City Council, in proceedings before a magistrate's court and to conduct any such proceedings.	See list of individuals authorised, held by the Business Manager, Legal Team.
To address a Judge in Chambers in any	See list of individuals authorised, held by the

<b>Function delegated in the Constitution to Director, Legal and Democratic Services</b>	<b>Post holder(s) authorised to carry out functions</b>
civil proceedings in which BCC is a party and where the officer is acting under the supervision of a Lawyer	Business Manager, Legal Team.
<p>To address the county court in an action brought by the Council for either or both of the following—</p> <p>(a) the recovery of possession of a house / dwelling belonging to the authority;</p> <p>(b) the recovery of any rent, damages or other sum claimed by the authority in respect of the occupation by any person of such a house / dwelling</p>	See list of authorised individuals, held by the Business Manager, Legal Team.

### 3. HR & Workforce

Note that there is a separate council-wide HR Scheme of Delegations, available on the Bristol City Council website, which details HR Delegations from the Head of Paid Service to the Director HR, Workforce and Organisational Design and managers of all Directorates across the Council.

<b>Function</b>	<b>Post authorised to carry out function</b>
<p>Functions related to corporate communications and organisational development</p> <ul style="list-style-type: none"> <li>• Communications and marketing</li> <li>• Internal communications</li> <li>• Design</li> <li>• Organisational development</li> <li>• Learning and Development</li> </ul>	Head of Corporate Communications and Organisational Development or Director HR, Workforce and Organisational Design

### 4. Business Support, ICT, and Change Services

<b>Function</b>	<b>Post authorised to carry out function</b>
IT Change Services	Change Services Manager
IT Delivery	Service Manager, ICT Delivery
IT Commissioning and Security	ICT Commissioning and Information Security Manager

Functions relating to Change Services, including: <ul style="list-style-type: none"> <li>• PMO</li> <li>• Business Architecture &amp; Design</li> <li>• Solution Architecture &amp; Design</li> </ul>	Head of Change Services
IT Delivery Service	Head of IT
Functions relating to Enterprise Architecture & Design	Head of IT
Functions relating to Digital Services	Digital Services Strategy & Design Manager
Functions relating to Software Development & Support	Software Development & Support Manager
ICT Commissioning	ICT Commissioning & Information Security Manager
Information Security	ICT Commissioning & Information Security Manager

## 5. Policy and Strategy

Function	Post authorised to carry out function
Functions related to Policy, Strategy Public Affairs and Equalities	Head of Policy and Public Affairs
Functions related to Performance, Information and Intelligence	Head of Insight, Performance and Intelligence
Functions related to Public Relations, Marketing, Consultation and Engagement	Head of External Communications and Consultation
Functions related to International work including Twinning	Head of International Affairs

### Non-Executive Functions

#### 1. Finance

Function	Post authorised to carry out function
Functions relating to local government pensions etc. (Regulations under section 7, 12 or 24 of the Superannuation Act 1972). ( <i>Constitution ref: 3.2.C.6(q)</i> )	Director Finance
Functions under the Fireman's Pension Scheme relating to pensions, etc., as respects persons employed by the fire and rescue authorities pursuant to Section 1 of the Fire and	Director Finance

Rescue Services Act 2004 (Sections 34 and 36 of the Fire and Rescue Services Act 1972). ( <i>Constitution ref: 3.2.C.6(r)</i> )	
(s) Duty to make arrangements for proper administration of financial affairs etc. (Section 151 of the Local Government Act 1972) ( <i>Constitution ref: 3.2.C.6(s)</i> )	Director, Finance
<b>Benefits</b>	
Administration of Housing Benefits.	Benefits Operations Manager, Benefits Service
Administration of Council Tax Reduction.	Benefits Operations Manager, Benefits Service
Administration of Discretionary Housing Payments.	Benefits Operations Manager, Benefits Service
Administration of Local Crisis and Prevention Fund.	Benefits Operations Manager, Benefits Service
<b>Revenues</b>	
<p>Administration of :</p> <ul style="list-style-type: none"> <li>• Council Tax</li> <li>• Business rates</li> <li>• BIDS ( Business improvement districts)</li> </ul> <p>In accordance with:</p> <ul style="list-style-type: none"> <li>• Local Government Finance Act and associated legislation.</li> <li>• Local policies, including but not limited to <ul style="list-style-type: none"> <li>○ Discretionary Rate relief (not for profit/voluntary organisations)</li> <li>○ S44a Partly occupied relief</li> </ul> </li> </ul>	Revenues Manager Revenues Support Manager Council Tax Group Leader Council Tax Officer Business Rates Group Leader Business Rate Officer Valuation & Inspection Group leader Valuation Officer Visiting Officer Debt Management Group Leader Debt Management officer Systems and Information Group Leader Information Officer Information Support Officer Senior Systems Control Officer Systems Control Officer
Administration (Recovery) of Overpaid Housing	Revenues Manager

Benefit	Debt Management Group Leader Debt Management officer Revenues Support Manager Revenues Group Leaders
The adoption and implementation of national policies and relief schemes relating directly to business rates or council tax.	Revenues Manager
<b>Revenues Service – Recovery and write off</b>	
<p>The Director Legal and Democratic Services has delegated powers to officers:</p> <p>(a) to institute, defend or act in respect of legal proceedings or other determinations involving the council including power to settle and compromise such matters where necessary to give effect to a resolution and / or decision of the council or where necessary to protect the council's interests</p> <p>(b) to make and serve notices and other instruments where necessary to give effect to a resolution and/or decision of the council or where necessary to protect the council's interests</p>	A list of individual officer names is held by the Service Director, Legal and Democratic Services.
The write off/on of council tax, non-domestic rate, BID levies and overpaid housing benefit in accordance with the "Internal Code of Practice for Write Off" which has been signed off by audit and the s151 officer.	Revenues Manager Revenues Support Manager Council Tax Group Leader Council Tax Officer Business Rates Group Leader Business Rate Officer Debt Management Group Leader Debt Management Officer Valuation and Inspection Group Leader
<b>Function</b>	
<p>Implementation of the City Council's Procurement Regulations, including:</p> <ul style="list-style-type: none"> <li>- Protection of the City Council's position with regard to the Public Contracts Regulations 2015 (as amended).</li> </ul>	<b>Post authorised to carry out function</b> Procurement and Commercial Relations Manager

<ul style="list-style-type: none"> <li>- Compliance with Procurement Regulations, including appropriate financial thresholds, currently:             <ul style="list-style-type: none"> <li>• Starting threshold of Procurement Regulations: £15,000, including compliance with Contracts Finder</li> <li>• Three quotes: £15,000 to relevant EU thresholds, currently £164,176 for services, £589,148 for Light Touch Regime, and £4,104,394 for works</li> </ul> </li> <li>-</li> </ul>	
<b>Functions related to payments, charging, and financial protection</b>	
<p>Implementation of the City Council's Adult Social Care Charging Policy, including:</p> <ul style="list-style-type: none"> <li>- Accurate payments in line with authorised Care Package Line Items.</li> <li>- Financial assessment in line with the Care and Support Statutory Guidance as amended [last amended 24 February 2017], leading to accurate charges being levied.</li> <li>- Financial protection in line with the Mental Capacity Act in line with direction from the Court of Protection.</li> </ul>	<p>Procurement and Commercial Relations Manager</p>

## 2. Legal and Democratic Services

In the Constitution the following functions are delegated to the Executive Director of Resources.

Function	Post authorised to carry out function
<b>Marriages and Registration (Constitution ref: 3.2.C.6)</b>	
<p>Power to approve premises for the solemnisation of marriages (S.46A of the Marriage Act 1949 (c.76) &amp; the Marriages (Approved Premises) Regs 1995 (S.I. 1995/510).</p>	<p>Director, Legal and Democratic Services</p>
<b>Elections (Constitution ref: 3.2.C.6)</b>	
<p>Power to assign officers in relation to requisitions of the registration officer (section 52(4) of the Representation of the People Act 1983).</p>	<p>Director, Legal and Democratic Services</p>
<p>Duty to provide assistance at the European Parliamentary Elections (Section 6(7) and (8) of the European Parliamentary Elections Act 2002).</p>	<p>Director, Legal and Democratic Services</p>
<p>Duty to divide constituency into polling districts (Sections 18A and 18E of Schedule A1 to the Representation of the People Act 1983).</p>	<p>Director, Legal and Democratic Services</p>
<p>Power to divide electoral divisions into polling districts at local government elections (Section 31 of the Representation of the People Act).</p>	<p>Director, Legal and Democratic Services</p>
<p>Power in respect of holding of elections (Section 39(4) of the</p>	<p>Director, Legal and</p>

Representation of People Act 1983).	Democratic Services
Power to pay expenses properly incurred by electoral registration officers (Section 54 of the Representation of the People Act 1983	Director, Legal and Democratic Services
Power to fill vacancies in the event of insufficient nominations (Section 21 of the Representation of the People Act 1985).	Director, Legal and Democratic Services
Duty to declare vacancy in office in certain cases (Section 86 of the Local Government Act 1972).	Director, Legal and Democratic Services
Duty to give public notice of a casual vacancy (Section 87 of the Local Government Act 1972).	Director, Legal and Democratic Services
Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of People Act 2000 (Section 10 of the Representation of the People Act 2000 ).	Director, Legal and Democratic Services
Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of People Act 2000 (Section 10 of the Representation of the People Act 2000 ).	Director, Legal and Democratic Services
Duties relating to publicity (Sections 35, 41 and 52 of the 2007 Act).	Director, Legal and Democratic Services
Duties relating to notice to Electoral Commission (Sections 36 and 42 of the 2007 Act).	Director, Legal and Democratic Services
Power to alter years of ordinary elections of parish councillors (Section 53 of the 2007 Act).	Director, Legal and Democratic Services
Functions relating to change of name of electoral area (serving notice) (Section 59 of the 2007 Act).	Director, Legal and Democratic Services
<b>Public Rights of Way and Greens (These comprise List A of the Public Rights of Way and Greens Committee terms of reference)</b>	
Functions relating to the registration of common land and town or village greens (part 1 Commons Act 2006 and the Commons Registration (England) Regulations 2008)	Director, Legal and Democratic Services
Power to register variation of rights of common (Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471));	Director, Legal and Democratic Services
Power to apply for an enforcement order against unlawful works on common land (Section 41 Commons Act 2006);	Director, Legal and Democratic Services
Power to protect unclaimed common land and unclaimed town and village greens against unlawful interference (Section 45(2)(a) Commons Act 2006);	Director, Legal and Democratic Services
Power to institute proceedings for offences in respect of unclaimed registered common land or unclaimed town or village greens (Section 45(2)(b) of the Commons Act 2006).	Director, Legal and Democratic Services