

Directorate Scheme of Delegations: Resources

Introduction

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

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

- i) Summarises the powers and functions delegated to the Chief Executive, in Part 1
- ii) Describes how the Chief Executive 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 Chief Executive will delegate to the post that's most appropriate for the exercise of the function. Any direct line manager between the Chief Executive 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 the Chief Executive can delegate functions they remain responsible for and accountable to the Council for the exercise of their delegated powers, on occasion they may still decide to take decisions themselves. Officers may decide to refer delegated powers back to the Chief Executive, 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 Chief Executive 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 Chief Executive

Executive functions (part 3.4.B.5 of the Constitution)

'Executive' power rests with the Mayor. The Mayor 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 Chief Executive.

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

- (a) Finance management and Procurement;
- (b) Workforce and Change;
- (c) Legal and Democratic Services;
- (d) Policy, Strategy and Digital ;

Some executive functions are delegated directly to other officers within the Resources Directorate who remain responsible for and accountable to the Council for the exercise of his / her delegated powers:

- (a) Director: Legal and Democratic Services - to do all things necessary to perform legal services and ensuring that all decisions taken by the Council are lawful.
- (b) Director: Finance - to do all things necessary or expedient in the performance of financial services and ensuring that the Council takes sound financial decisions and has adequate risk management and insurance arrangements, having due regard to any relevant Council policy or Government guidance.

The Director: Legal and Democratic Services also performs the role of Senior Information Risk Owner (SIRO), which is part of their job description. This isn't a formal delegation as it is not a statutory post, but has been included for ease of reference.

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 Chief Executive.

- 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 Chief Executive:

- 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 Finance

They 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 Chief Executive.

Part 2: Delegations to Officers from the Chief Executive

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 Chief Finance Officer (S151 Officer).

- A. Function:** Responsibility for ensuring adherence to the Accounts and Audit Regulations in respect of the need to maintain sound systems of internal controls, adequate accounting records, supporting records and systems, and effective internal audit, taking into account public sector internal auditing standards or guidance. Effective and prudent oversight of the Pension Fund and its administration. **Post holder authorised to carry out function:** Director of Finance

- B. Function:** Insurance - Responsible for assessing the level of self-insurance, arranging necessary insurance covers and reviewing the adequacy of covers in ensuring the council's best interest is served. Handling insurance claims for and against the council
Post holder authorised to carry out function: Director of Finance. On a day-to-day basis this is delegated to the Senior Risk and Insurance Officer.

- C. Function:** Procurement and Contract Management - Responsible for the management of all procurement policies and procedures, authorise extensions and variations to a contract awarded under the Public Contracts Regulations 2015, the Concession Contracts Regulations 2016 or the Utilities Contracts Regulations 2016 and authorise such other person or directorate as he or she may direct, to do so.
Post holder authorised to carry out function: Director of Finance. On a day-to-day basis this is delegated to the Head of Procurement and Contract Management

2. Legal and Democratic Services

- A. Function:** Democratic Services and Scrutiny
Post holder authorised to carry out function: Head of Democratic Engagement

- B. Function:** Electoral services, Register office, Coroners, Mortuary

Date of update: June 2023

Post holder authorised to carry out function: Statutory Registration Manager

C. Function: Legal Services

Post holder authorised to carry out function: Head of Legal Services

D. Function: Information Assurance, Data Protection, Customer Relations and Modern Records Office

Post holder authorised to carry out function: Head of Information Assurance

E. Function: Shareholder Liaison Services

Post holder authorised to carry out function: Shareholder Liaison Manager

F. Function: Executive Office and Mayor's Office

Post holder authorised to carry out function: Head of Executive Office

G. Function: Business Support Services

Post holder authorised to carry out function: Head of Business Support Services

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

H. Function: 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.

Post holder authorised to carry out function: Head of Service, Legal Services / Team leaders, legal team

I. Function: 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. This is with the exception of settlement agreements relating to employment claims in which proceedings have been issued, which will remain the responsibility of the Director – Legal and Democratic Services.

Post holder authorised to carry out function: Head of Service, Legal Services / Team leaders, legal team / To such named officers outside Legal Services who the Director specifically authorises (list of individuals held by Business Manager, Legal Team).

J. Function: To take decisions to institute prosecutions on behalf of the authority

Post holder authorised to carry out function: Head of Service, Legal Services / Team leaders, legal team (in relation only to Fixed Penalty Notices, educational non-attendance and microchipping of dogs).

K. Function: 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.

Post holder authorised to carry out function: Head of Service, Legal Services / 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).

L. Function: 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

Date of update: June 2023

otherwise authorises or requires, or the full Council has given requisite authority to some other person.

Post holder authorised to carry out function: Head of Service, Legal Services

M. Function: Witnessing the Affixing of the City Council's Seal

Post holder authorised to carry out function: See list of individuals authorised to witness the affixing of the City Council's Seal, held by the Business Manager, Legal Team.

N. Function: To appear on behalf of the City Council, in proceedings before a magistrate's court and to conduct any such proceedings.

Post holder authorised to carry out function: See list of individuals authorised, held by the Business Manager, Legal Team.

O. Function: To address a Judge in Chambers in any civil proceedings in which BCC is a party and where the officer is acting under the supervision of a Lawyer

Post holder authorised to carry out function: See list of individuals authorised, held by the Business Manager, Legal Team.

P. Function: To address the county court in an action brought by the Council for either or both of the following—

(a) the recovery of possession of a house / dwelling belonging to the authority;

(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

Post holder authorised to carry out function: See list of authorised individuals, held by the Business Manager, Legal Team.

O. Function: To make all day-to-day management decisions relating to the Council's functions as they relate to corporate complaints and FOI.

Post holder authorised to carry out function: Head of Information Assurance

P. Function: Have responsibility for all aspects of Information Assurance (including Information Governance, Information Management and Information Security) including assurance/governance and service delivery approach.

Post holder authorised to carry out function: Head of Information Assurance

Q. Function: To approve approach in relation to Information Assurance for all Council operations including Transformation and Change projects and developing new working models/delivery approaches.

Post holder authorised to carry out function: Head of Information Assurance

R. Function: To own the Council's Information Assurance Risk Framework, to dictate the mitigation activities necessary to meet Information Assurance policy and standards.

Post holder authorised to carry out function: Head of Information Assurance

S. Function: To approve technical controls proposed and used by Digital Transformation team (IT) in relation to minimising Information Security risks, with escalation to the SIRO where appropriate.

Post holder authorised to carry out function: Head of Information Assurance

T. Function: To own the relationship with external parties pertaining to Information Assurance to include, but not limited to, the Information Commissioners Office.

Post holder authorised to carry out function: Head of Information Assurance

U. Function: Functions relating to the development and approval of policies which

Date of update: June 2023

utilise technical controls for Information Management and/or Information Security
Post holder authorised to carry out function: Head of Information Assurance

3. Workforce and Change

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 :Workforce and Change and managers of all Directorates across the Council.

A. Function: Functions related to HR ;

Post holder authorised to carry out function: Head of HR

B. Function: Functions relating to portfolio, programmes and projects ; PMO
Post holder authorised to carry out function: Head of Portfolio, Programmes and Projects

C. Function: Functions relating to Health, Safety and Wellbeing
Post holder authorised to carry out function: Head of Health, Safety and Wellbeing

D. Function: Functions relating to employee engagement and internal communications
Post holder authorised to carry out function: Head of Portfolio, Programmes and Projects

E. Function: Functions relating to Learning and Development, Organisational Development
Post holder authorised to carry out function: Head of HR

5. Policy, Strategy and Digital

- A. Function:** Functions related to Policy, Strategy and External Communications, including Consultation and Engagement
Post holder authorised to carry out function: Director: Policy, Strategy and Digital or Head of Policy, Strategy and Communications
- B. Function:** The making and approval of corporate policy and strategy documents, save for those constitutionally reserved to Full Council or other Committees, those with otherwise specified Schemes of Delegation (including specific statutory or regulatory decision-making pathways), or those requiring a Key Decision.
Post holder Authorized to carry out function: Director: Policy, Strategy and Digital or Head of Policy, Strategy and Communications
- C. Function:** Functions related to Insight, Performance, and Intelligence
Post holder authorised to carry out function: Director: Policy, Strategy and Digital or Head of Insight, Performance and Intelligence
- D. Function:** Originating and approving public media statements in line with the council's Media Relations Protocol.
Post holder authorised to carry out function: Director: Policy, Strategy and Digital or Head of Policy, Strategy and Communications or Service Manager: Public Relations
- E. Function:** Functions related to international work including Twinning
Post holder authorised to carry out function: Director: Policy, Strategy and Digital or Head of International Affairs
- F. Function:** Functions related to Equalities, Diversity and Inclusion
Post holder authorised to carry out function: Director: Policy, Strategy and Digital, or Head of Equality and Inclusion
- G. Function:** Functions related to the One City Approach and City Office
Post holder authorised to carry out function: Director: Policy, Strategy and Digital, or Head of City Office
- H. Function:** Functions relating to the governance and assurance of all internal and external IT solutions/systems
Post holder authorised to carry out function: Director of Policy, Strategy and Digital, or Head of IT Operations or Head of Digital Strategy and Transformation
- I. Function:** Functions relating to the delivery of Operational IT
Post holder authorised to carry out function: Director of [Policy, Strategy and Digital, or Head of IT Operations](#)
- J. Function:** Functions relating to the delivery of Digital and non-Digital services to citizens via the Customer Contact Centre
Post holder authorised to carry out function: Director of Policy, Strategy and Digital or Head of Citizen Services
- K. Function:** Functions relating to the governance/assurance of technical delivery and strategy pertaining to Digital, including digital services, digital innovation and digital strategy

Post holder authorised to carry out function: Director of Policy, Strategy and Digital or Head of Digital Strategy and Transformation

- L. Function:** Functions relating to IT and digital Enterprise Architecture, Solutions Architecture & Design

Post holder authorised to carry out function: Director of Policy, Strategy and Digital or Head of Digital Strategy and Transformation

- M. Function:** To make all day-to-day management decisions relating to the Council's functions as they relate to customer services contact centres.

Post holder authorised to carry out function: Head of Citizen Services / Contact Centre Manager / Citizen Service Points Manager

- N. Function:** To make all day-to-day management decisions relating to the Council's functions as they relate to face-to-face Citizen Service Points.

Post holder authorised to carry out function: Head of Citizen Services / Citizen Service Points Manager / Contact Centre Manager

- O. Function:** To make all day-to-day management decisions relating to the Council's functions as they relate to the Translation and Interpreting Service.

Post holder authorised to carry out function: Head of Citizen Services / Performance and Citizen Engagement Manager

6. Non-Executive Functions

1. Finance

- A. Function:** Functions relating to local government pensions etc. (Regulations under section 7, 12 or 24 of the Superannuation Act 1972). (*Constitution ref: 3.2.C.6(q)*)

Post holder authorised to carry out function: Director, Finance

- B. Function:** 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 Rescue Services Act 2004 (Sections 34 and 36 of the Fire and Rescue Services Act 1972). (*Constitution ref: 3.2.C.6(r)*)

Post holder authorised to carry out function: Director, Finance

- C. Function:** Duty to make arrangements for proper administration of financial affairs, ensuring that the Council secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency, effectiveness and equity, and operates within required financial policies and procedures in ensuring appropriate use of public money. (Section 151 of the Local Government Act 1972) and (*Constitution ref: 3.2.C.6(s)*)

Post holder authorised to carry out function: Director, Finance

- D. Function:** Internal Audit - Responsible for the organisation's internal audit service, including drawing up the internal audit plan, giving the annual audit opinion, counter-fraud and promoting good corporate governance.

Post holder authorised to carry out function: Chief Internal Auditor or deputy

Date of update: June 2023

Chief Internal Auditor or other officers to which responsibility is further delegated within the Internal Audit Team.

Benefits

- E. Function:** Administration of Housing Benefits
Post holder authorised to carry out function: Head of Revenues and Benefits
- F. Function:** Administration of Council Tax Reduction
Post holder authorised to carry out function: Head of Revenues and Benefits
- G. Function:** Administration of Discretionary Housing Payments
Post holder authorised to carry out function: Head of Revenues and Benefits
- H. Function:** Administration of Local Crisis and Prevention Fund
Post holder authorised to carry out function: Head of Revenues and Benefits

Revenues

- I. Function:** Administration of :
- Council Tax
 - Business rates
 - BIDS (Business improvement districts)

In accordance with:

- Local Government Finance Acts and associated legislation.
- Local policies, including but not limited to
- Discretionary Rate relief (not for profit/voluntary organisations)
- S44a Partly occupied relief
- Empty and Second Homes Premiums

Post holder authorised to carry out function: Head of Revenues and Benefits/ 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

- J. Function:** Administration (Recovery) of Overpaid Housing Benefit
Post holder authorised to carry out function: Head of Revenues and Benefits / Debt Management Group Leader / Debt Management officer / Revenues Support Manager / Revenues Group Leaders
- K. Function:** The adoption and implementation of national policies and relief schemes relating directly to business rates or council tax.
Post holder authorised to carry out function: Head of Revenues and Benefits

Revenues Service – Recovery and write off

- L. Function:** The Director Legal and Democratic Services has delegated powers to officers:
- (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
 - (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
- Post holder authorised to carry out function:** A list of individual officer names is held by the Service Director, Legal and Democratic Services
- M. Function:** 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 the Director of Finance.
- Post holder authorised to carry out function:** Head of Revenues / 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
- N. Function:** Implementation of the City Council's Procurement Regulations, including:
- Protection of the City Council's position with regard to the Public Contracts Regulations 2015 (as amended).
 - Compliance with Procurement Regulations, including appropriate financial thresholds.
- Post holder authorised to carry out function:** Head of Procurement and Contract Management

2. Legal and Democratic Services

In the Constitution the following functions are delegated to the Chief Executive.

Marriages and Registration (Constitution ref: 3.2.C.6)

- A. Function:** Power to approve premises for the solemnisation of marriages (S.46A of the Marriage Act 1949 (c.76) & the Marriages (Approved Premises) Regs 1995 (S.I. 1995/510).
- Post holder authorised to carry out function:** Director, Legal and Democratic Services

Elections (Constitution ref: 3.2.C.6)

- B. Function:** Power to assign officers in relation to requisitions of the registration officer (section 52(4) of the Representation of the People Act 1983)
- Post holder authorised to carry out function:** Director, Legal and Democratic Services
- C. Function:** Duty to divide constituency into polling districts (Sections 18A and 18E of Schedule A1 to the Representation of the People Act 1983)
- Post holder authorised to carry out function:** Director, Legal and Democratic Services

- D. Function:** Power to divide electoral divisions into polling districts at local government elections (Section 31 of the Representation of the People Act)
Post holder authorised to carry out function: Director, Legal and Democratic Services
- E. Function:** Power in respect of holding of elections (Section 39(4) of the Representation of People Act 1983)
Post holder authorised to carry out function: Director, Legal and Democratic Services
- F. Function:** Power to pay expenses properly incurred by electoral registration officers (Section 54 of the Representation of the People Act 1983)
Post holder authorised to carry out function: Director, Legal and Democratic Services
- G. Function:** Power to fill vacancies in the event of insufficient nominations (Section 21 of the Representation of the People Act 1985)
Post holder authorised to carry out function: Director, Legal and Democratic Services
- H. Function:** Duty to declare vacancy in office in certain cases (Section 86 of the Local Government Act 1972)
Post holder authorised to carry out function: Director, Legal and Democratic Services
- I. Function:** Duty to give public notice of a casual vacancy (Section 87 of the Local Government Act 1972)
Post holder authorised to carry out function: Director, Legal and Democratic Services
- J. Function:** 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)
Post holder authorised to carry out function: Director, Legal and Democratic Services
- K. Function:** 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)
Post holder authorised to carry out function: Director, Legal and Democratic Services
- L. Function:** Duties relating to publicity (Sections 35, 41 and 52 of the 2007 Act)
Post holder authorised to carry out function: Director, Legal and Democratic Services
- M. Function:** Duties relating to notice to Electoral Commission (Sections 36 and 42 of the 2007 Act)
Post holder authorised to carry out function: Director, Legal and Democratic Services
- N. Function:** Power to alter years of ordinary elections of parish councillors

Date of update: June 2023

(Section 53 of the 2007 Act)

Post holder authorised to carry out function: Director, Legal and Democratic Services

O. Function: Functions relating to change of name of electoral area (serving notice) (Section 59 of the 2007 Act)

Post holder authorised to carry out function: Director, Legal and Democratic Services

Public Rights of Way and Greens

(These comprise List A of the Public Rights of Way and Greens Committee terms of reference)

P. Function: 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)

Post holder authorised to carry out function: Director, Legal and Democratic Services

Q. Function: Power to register variation of rights of common (Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471))

Post holder authorised to carry out function: Director, Legal and Democratic Services

R. Function: Power to apply for an enforcement order against unlawful works on common land (Section 41 Commons Act 2006);

Post holder authorised to carry out function: Director, Legal and Democratic Services

S. Function: Power to protect unclaimed common land and unclaimed town and village greens against unlawful interference (Section 45(2)(a) Commons Act 2006);

Post holder authorised to carry out function: Director, Legal and Democratic Services

T. Function: 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)

Post holder authorised to carry out function: Director, Legal and Democratic Services