

Appendix 2 – Proposed Amendments to the Scheme of Delegations to Officers to reflect Orbis arrangements

Extract from Part 6 – Scheme of Delegations to Officers

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PART 6.1 INTRODUCTION

1. The delegations set out in Parts A and B of this Scheme of Delegation shall be construed and applied in accordance with the following paragraphs.
2. The following expressions shall have the meanings assigned to them :-

“Chief Officer” means any one of the Chief Executive, Executive Directors of Finance & Resources; Economy, Environment and Transport; Health and Adult Social Care; Families, Children and Learning; Neighbourhoods, Communities and, Housing or the Executive Lead for Strategy, Governance and Law (and Monitoring Officer) or any of their successors including any person appointed to undertake the functions of the Chief Officer by whatever name called unless the context suggests otherwise.

“Executive Leadership Team” means the Team consisting of the Chief Officers.

“Corporate Landlord” means the model adopted by the council under which the council’s property assets are managed with the aim of bringing together all property functions (except for operational service issues) under Property & Design to improve the utilisation, efficiency and effectiveness of the council’s land & buildings.

“the Orbis Partnership” shall mean the public sector partnership which has been entered into by Brighton & Hove City Council with East Sussex County Council and Surrey County Council and the Orbis Public Law Partnership which has been entered into by Brighton & Hove City Council with East Sussex County Council, Surrey County Council and West Sussex County Council in order to deliver certain of the Council’s corporate services via a shared arrangement.

3. The functions of the Ccouncil specified in Part A of this Scheme are delegated to the Chief Officers in relation to their areas of responsibility (and subject to the Corporate Landlord model).
4. The functions of the Council specified in Part B of this Scheme are delegated to the officer/s described therein.
5. The functions delegated under this Scheme of Delegation shall be subject to the Council’s standing orders, financial regulations, policies

and procedures and to any instruction or guidance of the Council or the appropriate Committee or Sub-Committee acting under its delegated powers. The functions shall be carried out subject to the duty to have due regard to the need to prevent people from being drawn into terrorism.

6. Except in relation to any statutory function vested directly in the officer concerned, each officer shall, in exercising his/her delegated functions, comply with any instructions of the Chief Executive. The Chief Executive is authorised to rule on any questions arising under this scheme including the extent to which any function is delegated.
7. Where a function is delegated to an officer, he/she may authorise the carrying out of that function, in his/her name, by other officers within his/her department, directorate, team, unit or section (or such other officers as report to him/her directly or indirectly) either fully or under the general supervision and control of the authorising officer. Without prejudice to the generality of the foregoing, such authorisation may include authorisation to issue and sign statutory notices in the name of the relevant officer or any other person with delegated functions.

8 Without prejudice to the other provisions of this Scheme, employees of Orbis Partnership authorities may be authorised by Brighton & Hove City Council to carry out work on the authority's behalf by the relevant Executive Director or other authorised officer of BHCC. This may occur on a basis agreed between Brighton & Hove City Council and the relevant authority/ies, provided that the work in question may lawfully be carried out by a person who (whilst not an officer of Brighton & Hove City Council) may be directed to act on this Council's behalf either by professional practice or at the Monitoring Officer or other officer's discretion.

9. All such matters as may be regarded as included by inference shall be comprised within the delegated functions of officers; and any delegation to an officer shall include all consequential or ancillary matters as necessary. For example, where the exercise of a function has been delegated, it shall include, subject to any express reservations in this scheme, the power to serve notices or orders, authorise agreements, authorise proceedings or fix or vary fees and charges.