

Scheme of Delegations: Chief Finance Officer September 2019

The Chief Finance Officer (CFO) is authorised in accordance with Part E: Officer Delegation Scheme to carry out functions on behalf of Full Council and the Executive. The CFO has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the CFO delegates functions to a fellow Director he/she makes it clear in this sub-delegation scheme whether that Director can sub-delegate those functions.

This scheme details the officers who can carry out each function on the CFO's behalf, together with the details of any terms and conditions which the CFO has imposed on that sub-delegation. All officers are bound by the Finance, Contract and Procurement Regulations (Part D of the Constitution) and the Employee Code of Conduct (which can be found in Part C of the Constitution) and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme.

Even though the CFO has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the CFO may indicate that the authority should not be exercised, in respect of any individual matter. In either case that matter should be referred to the CFO for a decision or for referral to the relevant Committee/Cabinet Member if appropriate.

Signed:



Date: 09 December 2019



Group Delegations

The Director has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group.

Group Title	Officers Included in Group Authorisation
Assistant Directors (Deputy s151 officers)	AD Development and Commercial AD Finance
Assistant Directors (Other)	AD Audit and Risk Management
Assistant Directors (Legal & Governance)	AD Legal Services AD Governance (and Deputy Monitoring Officer)
Finance Business Partners	Business Partner – Adult Social Care Business Partner – Children & Young People Business Partner – Digital & Customer Services; HR; Partnerships, Insight and Prevention, Finance & Governance, Chief Executive Business Partner – Inclusive Growth Business Partner – Neighbourhoods Major Developments Lead – Development & Commercial Team Head of City Finance- (Capital and Treasury) Head of City Finance -Accounts Head of City Finance – Corporate Finance (Revenue)
Heads of Service Corporate Procurement	Head of Procurement Head of Contract Management Head of Strategy and Development Head of Systems and Governance
Heads of Law- legal	Head of Employment and Civil Litigation Head of Planning, Property and Regeneration

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	Head of Commercial and Procurement Head of Adult Safeguarding Law Head of Practice Management Head of Education Head of Housing and Criminal
Heads of Service (Governance)	Head of Scrutiny Services Head of Electoral Services Head of the Cabinet Office

Delegation to Director	
Part E 3.2 (i)	<p>To make decisions and approve expenditure relating to the functions of the Directorate providing:</p> <ul style="list-style-type: none"> • that the sum expended is within the approved budget for the Directorate and/or relevant portfolio, and • the amount in relation to any single matter does not exceed £200,000 or in the case of procurement, the Procurement Threshold (£181,302 as at September 2019) ; • that the requirements of the Financial Approval Framework in the Financial Regulations (Part D of the Constitution) and other requirements in the Constitution are complied with. <p>Where the amount in relation to any single matter is between £200,000 and £500,000 (revenue) or £1m (capital) then the decision will be made by the Cabinet member with the Director.</p> <p>Each Director must ensure that they and their relevant staff follow the Financial Regulations (Part D of the Constitution) and the Policies, Standards, Procedures and Guidance to ensure that their services are administered in line with best practice.</p>
Sub-Delegations	Sub Delegation to Officers within Finance and Governance Directorate
<p>Subject to there being an approved budget, and in accordance with Part D: Financial, Contract and Procurement Regulations* (and any other requirements), make purchases of goods and services (excluding consultancy services costing greater than £25,000) as shown.</p> <p>Note 1: virements of revenue budgets between directorates and between capital schemes can only be undertaken by the Chief Finance Officer or delegates.</p> <p>Note 2: all grant applications must be approved by the Chief Finance Officer and City Solicitor (Officer or delegates).*</p> <p>* See Appendix A: Financial Approval Framework</p>	<p>Up to £10m subject to Procurement Governance etc Chief Finance Officer Up to £200,000 Chief Finance Officer, City Solicitor Up to £100,000 Assistant Directors (all) Up to £50,000 Finance Business Partners Major Developments Lead Heads of City Finance Heads of Service Corporate Procurement Heads of Law Heads of Service (Governance)</p>

Delegation to Director		
Part E 3.2 (ii)	<p>To determine employment matters relating to staff including all changes to staffing structures below JNC level and the annual implementation of the contractual pay increment system.</p> <p>These powers will not include changes to terms and conditions of employment (the Birmingham Contract) or additional payments to any individual member of staff above the general financial threshold delegated to officers (£200,000).</p>	
	Sub-Delegations	Sub Delegation to Officers within Finance and Governance Directorate
1.	<p>Authority to fill vacancies in line with Contract of Employment (applicable to Grade)</p> <p>Note: the creation of new posts must be agreed corporately</p>	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <p>For posts below Assistant Director: approval of business cases by managers and HR Business Manager for review of recommendations at Directorate Management Meeting (DLT)/or according to Directorate process.</p>
2.	<p>Acting Up / Honoraria</p>	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <p>For posts below Assistant Director: approval of business cases by managers and HR Business Manager for review of recommendations at Directorate Management Meeting (DLT)/or according to Directorate process.</p>
3.	<p>The organisational structure, job duties, grade and deployment of posts and employees for the Directorate</p>	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Chief Finance Officer / City Solicitor • Assistant Director

<p>4.</p>	<p>The operation of arrangements relating to hours of work, annual and other leave and time off for employees.</p>	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <p>Procedures for local operation:</p> <ul style="list-style-type: none"> • Chief Finance Officer / City Solicitor • Assistant Director • Managers at GR7 – GR4
<p>5.</p>	<p>The operation of the Council’s procedures relating to:</p> <ul style="list-style-type: none"> • Discipline; • Grievance; • Managing Capability; • Dignity at Work. 	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Chief Finance Officer / City Solicitor • Assistant Director • Managers at GR7 – GR4 <p>Note: the Chair of a Disciplinary Hearing must have attended the Power to Dismiss Course</p>
<p>6.</p>	<p>Operation of the Council’s procedures in relation to redundancy, including consultation with trade unions</p>	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Chief Finance Officer / City Solicitor • Assistant Director
<p>7.</p>	<p>The promotion, implementation and monitoring of the Council’s Equal Opportunities in Employment policy.</p>	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Chief Finance Officer / City Solicitor • Assistant Director • Managers at GR7 – GR4

8.	Training and Development for the Directorate.	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Chief Finance Officer / City Solicitor • Assistant Director • Managers at GR7 – GR4
9.	Ensuring the health, safety & welfare of employees	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Chief Finance Officer / City Solicitor • Assistant Director • Managers at GR7 – GR4
10.	Determining ‘politically restricted’ posts	Director under the advice from HR Director and City Solicitor (or delegates)
11.	Approval of cases of early retirement	Director under the advice from the Chief Finance Officer and HR Director (or delegates)
12.	Deal with compensation for loss of office	Director under the advice from the Chief Finance Officer and HR Director (or delegates)
13.	Make Compensation for diminution of Emoluments	Director only under the advice of the HR Director and City Solicitor (or delegates)

Delegation to Director,		
Part E 3.2 (iii)	To approve tender strategies and award contracts in accordance with the Procurement Government Arrangements where the supplies, materials, or services to be purchased or the works to be executed are between the Procurement Threshold (£181,302 as at September 2019) and £10,000,000 in value, over the contract length.	
Sub-Delegations		Sub Delegation to Officers within Finance and Governance Directorate
1.	<p>To approve tender strategies and contracts in accordance with Part D Financial, Contract and Procurement Regulations (Procurement Government Arrangements).</p> <p>Submitting bids to external organisations in accordance with Part D Financial, Contract and Procurement Regulations</p> <p>To approve contract extensions where the option to extend exists in the original contract, in accordance with Part D Financial, Contract and Procurement Regulations</p>	<p>Up to £10m subject to Procurement Governance etc Chief Finance Officer</p> <p>Up to £200,000 Chief Finance Officer, City Solicitor</p> <p>Up to £100,000 Assistant Directors (all)</p> <p>Up to £50,000 Finance Business Partners Major Developments Lead Heads of City Finance Heads of Service Corporate Procurement Heads of Law Heads of Service (Governance)</p>

Delegation to Director		
Part E 3.2 (iv)	Where no other viable alternative exists to approve contract extensions, where no extension option in the contract exists, in accordance with the Procurement Governance Arrangements where the supplies, materials, or services to be purchased or the works to be executed do not exceed £500,000	
Sub-Delegations	Sub Delegation to Officers within Finance and Governance Directorate	
1.	<p>Approval of Contract extensions as above in accordance with Part D Financial, Contract and Procurement Regulations</p> <p>Note: The report author (or team member) cannot approve their own report – this should be done by another officer with appropriate delegations</p>	<p>Up to £500,000 Chief Finance Officer, City Solicitor</p> <p>Up to £100,000 Assistant Directors (all)</p> <p>Up to £50,000 Finance Business Partners Major Developments Lead Heads of City Finance Heads of Service Corporate Procurement Heads of Law Heads of Service (Governance)</p>

Delegation to Director		
Part E 3.2 (v)	To write off any individual debts of income (including any associated court costs and bailiffs fees) within their service directorate responsibility, and after consultation with the Chief Finance Officer, up to the sum of £25,000 per individual or organisation, which in the opinion of the Director is considered to be uneconomical to collect or is irrecoverable. <i>All individual debts above this amount can only be written off by the Chief Finance Officer.-</i>	
Sub-Delegations	Sub Delegation to Officers within Finance and Governance Directorate	
1.	Write-off debts up to £25,000 for each debtor.	Chief Finance Officer (or deputising officer)

Delegation to Director	

Delegation to Director	
Part E 3.2 (vi)	The Chief Executive and Directors have delegated authority to approve and make payments in connection with the duties of the council where it holds monies in the capacity of an “Accountable Body”. In all such cases where the Council is the Accountable Body, the Chief Executive or any Chief Officer has authority to make lawful payments in compliance with the terms under which the Council holds monies as the Accountable Body and in accordance with any requirements approved by the Council as Accountable Body, up to but not exceeding the total amount held under each agreement with the grant giver.
Sub-Delegations	Sub Delegation to Officers within Finance and Governance Directorate
1.	To approve and make payments in connection with the duties of the council where it holds monies in the capacity of an “Accountable Body” as above and in accordance with Part D Financial, Contract and Procurement Regulations
2.	Up to £200,000 Chief Finance Officer (or deputising officer) / Assistant Directors (deputy s151) and Chief Executive (expect where process has been agreed by cabinet)
3.	Assistant Directors (deputy s151 officers)
4.	Assistant Directors (deputy s151 officers)
5.	Assistant Directors (deputy s151 officers)
	Assistant Directors (deputy s151 officers)

Delegation to Chief Executive and the Chief Finance Officer	
Part E 3.2 (viii)	The Chief Executive and the Chief Finance Officer, may exercise voting rights at general meetings of companies of which the Council is a member or by written resolution and may take any necessary action to protect, safeguard and effectively manage the Council’s interest in

Delegation to Chief Executive and the Chief Finance Officer	
	such companies
Sub-Delegations	Sub Delegation to Officers within Finance and Governance Directorate
1.	Chief Finance Officer (or deputising officer) / Assistant Directors (deputy s151)
Delegation to Chief Executive and the Chief Finance Officer	
Part E 3.2 (ix)	<p>The Chief Executive, and the Chief Finance Officer (and no other Director) without financial limit have the following additional powers to make decisions in relation to:</p> <ul style="list-style-type: none"> • all future forms of indemnity on behalf of the Council including the signing of certificates under the Local Government (Contracts) Act 1997. • the Council’s loan and investment portfolios in accordance with the statutory borrowing limits determined by the Council and the Council’s Treasury Policy Statement and Management Strategy as approved from time to time by the Council and all such decisions are exempt from the reporting requirements set out here; • trust fund and accountable body investments; • banking arrangements including opening bank accounts and credit card facilities; • non land and building leases; • the application for financial assistance to the City Council and the authorisation of any grant claims; • the administration of the Housing Rents, Council Tax and Housing Benefit systems and the collection of Community Charge, Council Tax, Housing Rents and Non-Domestic Rates (including setting Non-Domestic rates and applications for relief or reduction in accordance with the criteria and policy guidance approved from time to time by the Cabinet);- • matters relating to the transfer of pension rights.

Delegation to Chief Executive and the Chief Finance Officer		
	Sub-Delegations	Sub Delegation to Officers
1.		Chief Executive and the Chief Finance Officer or deputising officer Delegated under Treasury Management delegations only

Delegation to Director, Inclusive Growth, Chief Finance Officer and City Solicitor		
Part E 3.2 (xi-xii)	The Leader and Cabinet Member, Finance and Resources, jointly with the Director, Inclusive Growth, Chief Finance Officer and the City Solicitor (or their delegates as set out in the Scheme of Sub-Delegations) have the following additional powers to make decisions in relation to the approval of acquisitions to, and disposals from, the Investment Property portfolio up to a limit of £25m in any one transaction. These decisions will take the form of Joint Cabinet Member Chief Officer decision and as such are subject to the provisions in Part B6.5 of the Constitution.	
	Sub-Delegations	Sub Delegation to Officers within Inclusive Growth Directorate
1.	As above	Director, Inclusive Growth, Chief Finance Officer and the City Solicitor (or deputising officers)

Delegation to Director, Inclusive Growth, Chief Finance Officer and City Solicitor	
Part E	The Director, Education & Skills (and in their absence the Chief Finance Officer) has the authority to authorise and approve the

3.2 (xiv)	completion of (but not limited to) the grant of long term leases, commercial transfer agreements and any other ancillary documentation relating to the changing status of schools pursuant to the Academies Act 2010 or any associated legislation relating to the changing status of schools, as well as requesting the making and varying of Instruments of Government for maintained schools, subject to the agreement of the City Solicitor	
	Sub-Delegations	Sub Delegation to Officers within Inclusive Growth Directorate
1.	As above	Chief Finance Officer or deputising officer (in the absence of the Director, Education and Skills)
Delegation to Chief Officers and Statutory Officers		
Part E 3.3	<p>Chief Officers and Statutory Officers are empowered to authorise all necessary actions in relation to disasters and emergencies as designated under the Council’s Emergency Plan when activated; or under Business Continuity Plans in the event of a business continuity disruption.</p> <p>In the event of the Emergency Plan being activated, and following action taken, the Chief Officer must notify the Chief Finance Officer in writing, of the circumstances and estimated financial impact and report formally to the relevant Cabinet Member or, for non-executive matters, to the next available meetings of the relevant committee</p>	
	Sub-Delegations	Sub Delegation to Officers within [title] Directorate
1.	As above	Director or deputising officer

Scheme of Delegations: City Solicitor

FUNCTION	JOB TITLE
CONSTITUTION	
Maintenance of the Constitution – amendments to correct minor administrative errors, update job titles, where legislative changes result in any section of the Constitution being in conflict with any relevant legislation	Assistant Directors (Legal & Governance)
MONITORING OFFICER/DEPUTY MONITORING OFFICER RESPONSIBILITIES	
Designated as Deputy Monitoring Officer under Section 5 Local Government and Housing Act 1989.	Assistant Directors (Legal & Governance)
To act as deputies to carry out the functions of a Proper Officer, required by legislation, in the absence of the City Solicitor	Assistant Directors (Legal & Governance)
Consider and grant dispensations to Members where: a) the number of Members precluded from transacting the business is so great that it would impede the business of the Council, committee or Executive; b) the political balance is affected to the extent that it could affect the outcome of a vote relating to the business; Localism Act 2011 s33	Assistant Directors (Legal & Governance)
Deal with breaches of the Code of Conduct for Councillors in accordance with the Code of Conduct	Assistant Directors (Legal & Governance)
Maintain a register of Members’ and Co-opted Members’ Interests including Disclosable Pecuniary Interests	Assistant Directors (Legal & Governance)
LEGAL FUNCTION	
To instruct external legal support when appropriate in relation to any matter concerning the Council.	Assistant Directors (Legal & Governance) Heads of Law Senior Solicitors Solicitors

FUNCTION	JOB TITLE
<p>Authorise, institute, defend, participate in or settle any legal proceedings where such action is necessary to give effect to Council Functions, decisions of the Council, Cabinet, Committees, other Council decision-making body or to implement delegated decisions by Officers and to complete all legal formalities, including the creation and completion of legal documentation required to implement the decision or to obtain specialist advice / Counsels opinion</p>	<p>Assistant Directors (Legal & Governance) Heads of Law Senior Solicitors Solicitors Legal officers – in respect to matters within their remit or as authorised by the Head of Law</p>
<p>Authority to sign or seal any document needed to implement any decision taken by, or in the name of the Council</p>	<p>Assistant Directors (Legal & Governance) Heads of Law Senior Solicitors</p>
<p>To designate officers of the Council as being authorised under section 223 Local Government Act 1972 to institute, prosecute, defend or appear on the Council’s behalf in proceedings in the Magistrates Court and conduct such proceedings, notwithstanding that the officer concerned may not be a solicitor holding a current practice certificate.</p>	<p>Assistant Directors (Legal & Governance)</p>
<p>To determine which documents should be sealed</p>	<p>Assistant Directors (Legal & Governance) Heads of Law Solicitors Legal Officers</p>
<p>To attest the affixing of the seal</p>	<p>Assistant Directors (Legal & Governance) Heads of Law Senior Solicitors Solicitors Legal Officers Business Support</p>
<p>Authentication of Documents for legal proceedings – Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the City Solicitor or other person authorized by her unless any enactment otherwise</p>	<p>Assistant Directors (Legal & Governance) Heads of Law Senior Solicitors</p>

FUNCTION	JOB TITLE
requires or authorises, or the Council give necessary authority to some other person for the purpose of such proceedings.	
Make arrangements for local settlements of complaints where it is considered appropriate, including arranging mediation if required	Assistant Directors (Legal & Governance) Heads of Law Senior Solicitors Solicitors
Settle legal proceedings in the best interests of the Council	Assistant Directors (Legal & Governance) Heads of Laws Solicitors
Arrange representation in Court for the Council	Assistant Directors (Legal & Governance) Heads of Laws Solicitors