

## **Section Two — Scheme of Delegation**

### **10.0 Delegation of Cabinet Functions**

#### **10.1 Key Decisions**

**10.2** In accordance with Article 13.4 the Leader, after consultation with Cabinet Members and Officers, will table at every meeting of the Cabinet a list of what they consider are key decisions and once this list has been approved such decisions shall not be taken other than by the full Cabinet.

### **11.0 Delegation to Cabinet Members**

**11.1** A Cabinet Member may take any decision other than a key decision which is both within his/her remit (as set out in Paragraph 8.0 above) and within the policy and budget framework in Part 4 of the Constitution.

**11.2** Two or more Cabinet Members may jointly agree to make a decision which is within their collective remits.

**11.3** If a Cabinet Member has a Disclosable Personal Interest as set out at Standing Order 34 and in the Members' Code of Conduct at Part 6 of this Constitution in any matter which is the subject of a proposed decision or is absent or otherwise unavailable to act the Leader or the Deputy Leader may exercise all the powers delegated to that Member in paragraph 11.1.

**11.3.1** If a Cabinet Member has a conflict of interest (within the meaning described in the Cabinet Procedure Rules) in any matter which is the subject of a proposed decision by them then they may seek a dispensation from the Council's Monitoring Officer to remove that disability or the Leader or the Deputy Leader may exercise the powers delegated to that Member in paragraph 11.1 for the purposes of that matter.

**11.4** Before taking any decision under this delegation a Cabinet Member shall so far as is reasonably practicable consult any member whose division is particularly affected by that decision and shall arrange for a copy of any further report which they intend to take into account in coming to a decision to be made available to the Chair of the relevant Scrutiny Committee or to the local County Councillor if it relates to a local issue as described on paragraph 11.6 below.

- 11.5** A form summarising any such decision and signed by the Cabinet Member(s) indicating also details of any personal interest or conflict of interest referred to at 11.3.1.above and any dispensation granted to that Cabinet Member shall be sent, together with a record of any report or other information which was taken into account by the decision-maker(s), to the County Solicitor immediately.
- 11.6** The decision will then be notified to all members of the Council within 2 working days of it having been made. If the decision relates to a local issue a member whose division is particularly affected may within 5 working days of such notification being given ask that the decision be referred to the full Cabinet for consideration. If the decision is of general application to the whole county any member may ask the Leader of his/her political group to require the decision to be referred to the full Cabinet for consideration. Where a decision relates to matter that would, had it been taken by the Cabinet, been considered as a Part II item in the absence of the press and public Members will be notified of the decision and reminded that any documentation contains exempt information which should not be disclosed to the press and public.
- 11.7** Until the Cabinet has considered a decision which is the subject of a requisition under Paragraph 11.6 it shall not be implemented.
- 11.8** All forms sent to the County Solicitor in accordance with Paragraph 11.5 above shall be kept in a Register which shall be tabled at all meetings of the Cabinet and be available for public inspection.

## **12.0 Delegation of Discretionary Locality Budgets**

- 12.1** In accordance with Article 6.9, the Leader of the Council in consultation with Cabinet Members, shall determine the amounts of any discretionary locality funds to be made available to Members within the overall sums determined by the Council for those purposes; to be allocated on the same basis for each Member.
- 12.2** A Member may determine the allocation and distribution of any discretionary locality annual budget allocated to them in line with the operating principles set out in this Part of the Constitution and the Policy & Budget Frameworks set out at Part 4 of the Constitution.

### **13.0 Delegation of Committee Functions**

- 13.1** Any Chief Officer or Head of Service shown in the Management Structure set out at Part 8 of the Constitution may, in consultation with the Chair of any Committee (or in his/her absence the Vice Chair), make a decision in respect of any functions within the terms of reference of that Committee which for reasons of urgency cannot be delayed until the next ordinary meeting of that Committee and does not warrant convening a special meeting.
- 13.2** The procedure for registering and reporting such decisions set out in Paragraph 11.8 shall apply.

### **14.0 Delegation to Officers**

- 14.1** For the purposes of this paragraph the words 'Chief Officer' are defined as the holders of the following posts: Chief Executive, the Chief Officers for Children's Services, for Adult Care & Health, for Highways, Infrastructure Development & Waste, Director of Finance (Chief Finance Officer), County Solicitor (Monitoring Officer) and Director of Public Health.
- 14.2** A Chief Officer or Head of Service (as defined in the Council's pay Policy Statement at Part 6 of the Constitution) is empowered to make all the day-to-day decisions which relate to the efficient discharge of the Council's statutory functions and which are within the directorate or management responsibilities identified in his or her terms of appointment and for this purpose may authorise an officer in his/her Service to make any such decision on his/her behalf.
- 14.3** Any Chief Officer or Head of Service authorised to make the decisions referred to in paragraph 11.0 above but before doing so shall exercise careful, professional judgement, involving appropriate consultation, as to whether that decision is one which should be taken by a Cabinet Member.
- 14.4** Any decision under Paragraph 14.3, shall, in line with the Openness of Local Government Bodies Regulations 2014, be published on the Council's website at:  
<https://new.devon.gov.uk/democracy/officer-decisions/>.
- 14.5** For the avoidance of doubt:
- All the specific delegations of subsisting duties and powers to members and individual officers in this Part of the Constitution and which are in the Register maintained by the Chief Executive under the Local Government (Access to Information) Act 1985 (as set out in the table overleaf) are hereby approved by the Leader of the

Council (adjusted as necessary to reflect any variation in the title of job description of the officer concerned);

- Any statutory reference to "the Proper Officer" shall mean the County Solicitor as Monitoring Officer.