

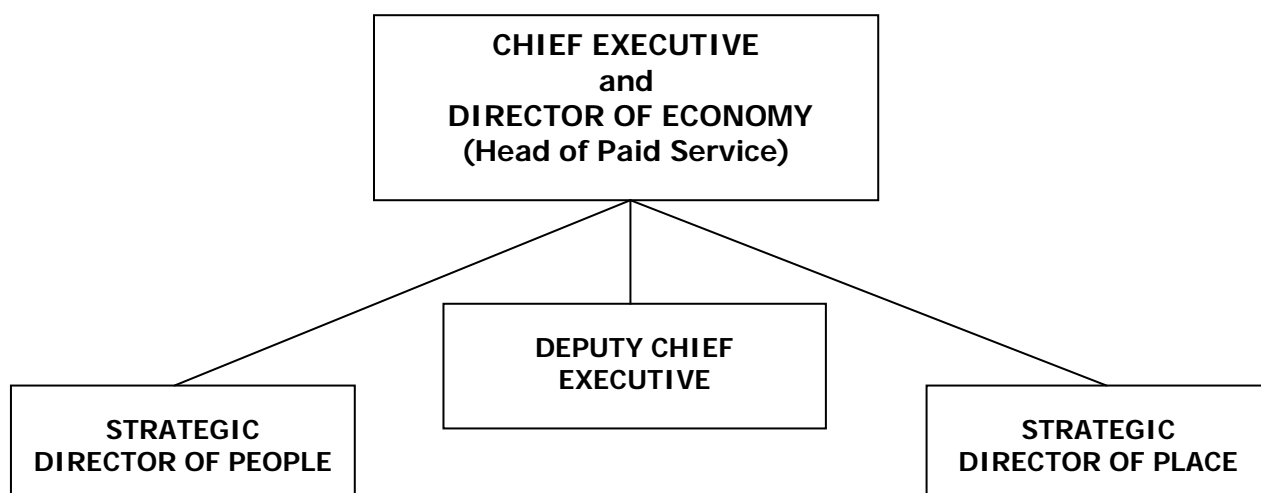
Article 12 – Officers

This Article sets out details with regard to “Officers”, which means all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of “employees” to cover those engaged under short term, agency or other non employed situations.

Management structure

12.1 **General.** The Council is empowered to engage Officers to carry out its functions.

12.2 Chief Executive, Deputy Chief Executive and Strategic Directors



12.3 Statutory Officers of the Council

Head of the Paid Service = Chief Executive and Director of Economy and Returning Officer and Electoral Registration Officer

This is the Chief Executive of the Council.

The Council must approve the appointment of the Head of Paid Service before a final offer of appointment is made to him/her. The Council must approve the dismissal of the Head of Paid Service before notice of dismissal is given to him/her.

Monitoring Officer = Director of Legal & Democratic Services

This role promotes the legality of decision making, high standards of conduct by Councillors and officers and supports the Standards Committee.

Chief Finance Officer = Director of Finance

This role is responsible for ensuring the sound financial administration of the Council.

Scrutiny Officer = Head of Scrutiny Services

This role promotes Overview & Scrutiny functions of the Council.

12.4 Delegated Authority to Chief Executive and Director of Economy and Chief Officers (Deputy Chief Executive and Strategic Directors)

- (a) Subject to clause (f) below, the Strategic Directors, including the Deputy Chief Executive have the following delegated powers in respect of all matters which are not “key decisions” and not reserved for decision by the Council or by a Committee of the Council:
- (i) to make decisions and approve expenditure relating to the functions of their Directorate providing (1) that the sum expended is within the approved budget for the Directorate and/or relevant portfolio, and (2) the amount in relation to any single matter does not exceed £200,000 or (3) the amount in relation to any single matter is between £200,000 and £500,000 (revenue) or £1M (capital) jointly with the relevant Cabinet member(s).
 - (ii) 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. 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 (£200k).
 - (iii) to approve tender strategies and award contracts in accordance with the Procurement Government Arrangements in **Volume B** where the supplies, materials, or services to be purchased or the works to be executed are between the European Threshold (currently £172,514) and £2,500,000 in value, over the contract length.
 - (iv) 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 Director of Finance, up to the sum of £25,000 per individual or organisation,, which in the opinion of the Strategic Director, is considered to be uneconomical to collect or is irrecoverable. *All individual debts above this amount can only be written off by the Director of Finance.*
 - (v) the Chief Executive and Director of Economy has all the above delegated authority in respect of all executive and non-executive expenditure, and as may be necessary, determine which Directorate discharges any particular Council function if this is not clear.
 - (vi) the Deputy Chief Executive additionally has the powers and restrictions set out in 12.4(f) below.
- (b) These powers may be delegated further under a Scheme of Delegation as may be determined by the Chief Executive and Director of Economy, Deputy Chief Executive and Strategic Directors, and the Scheme of Delegation will be produced to the Chief Executive and Director of Economy and published

on the Council's website, and powers are also delegated to all officers in accordance with their job description and Divisional budget.

- (c) Officers should ensure that delegated powers are exercised in accordance with relevant Council policies and procedures and also put appropriate systems in place for recording the exercise of delegated powers in the following manner and circumstances:
 - (i) all decisions with a value of £50,000 or more made by officers under delegated powers should be recorded in writing and a single copy for each Directorate produced to the Chief Executive and Director of Economy and the Leader/Deputy Leader on the 30th September and 31st March of each year.
 - (ii) additionally, all decisions taken jointly with Cabinet Members should also be recorded but in these cases using a standard committee report form (public or private as appropriate), signed by the relevant Chief Officer and then recorded on the Council's Democracy in Birmingham website.
- (d) The Director of Legal and Democratic Services may exercise all proper officer and any other functions of the Council which do not fall within the Directorate or budget responsibility of a Strategic Director and has the powers set out in Article 14.
- (e) The Chief Executive and Director of Economy 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 such companies.
- (f) The Chief Executive and Director of Economy, and Deputy Chief Executive (and no other Strategic Director) without financial limit have the following additional powers to make decisions in relation to:
 - (i) all future forms of indemnity on behalf of the Council including the signing of certificates under the Local Government (Contracts) Act 1997.
 - (ii) 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 in Article 13.
 - trust fund 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.

(iii) the management of all of the Council's land and properties and for all acquisitions and disposals (including the granting and surrendering of any rights over such land and property) provided that any term does not exceed ~~100~~25 years and any value does not exceed £125,000 p.a. in the case of freehold and leasehold transactions sold, at a premium the premium does not exceed £1,000,000 and the authorising and payment of discretionary contributions towards trade/loss and or removal expenses and all payments due under an approved Compulsory Purchase Order save that land and property held by the Council as Trustee shall be the responsibility of the Trusts and Charities Committee.

(g) The Chief Executive and Chief Officers 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 up to but not exceeding the total amount held under each agreement with the grant giver.

Note: in any regear of a lease only the extra term shall be used in calculating the gross value.