

### **Chief Executive Scheme of Delegation to Officers**

1. To support the council's intention that decision taking should be delegated in the interests of speed, and consistent with democratic accountability and openness, the constitution delegate's officer decision making to the chief executive.
2. The chief executive is unable to take all decisions personally and this scheme of delegation sets out: who the chief executive has authorised to take decisions or fulfil specified proper officer functions on their behalf; and the framework in which those delegations may be exercised.
3. Where the chief executive is absent or unable to take a decision specified to them the deputy chief executive is authorised to take any decision on their behalf.
4. It remains open to the officer making the delegation to call back a matter for their own determination, and for the decision maker to refer a matter back to the officer who delegated it to them.

### **General delegations**

5. The table at appendix 1 identifies which senior managers the chief executive has authorised to take executive (non-key), or non-executive decisions on their behalf, and the service areas their authority extends to.
6. Each senior manager identified in appendix 1 has delegated to them power to act on behalf of the council in relation to any incidental operational matters within the service areas for which they are responsible, including spending decisions, subject to the following overriding provision:
7. Any action taken under delegated powers shall be in accordance with:
  - i. the overall policies approved by full Council, the Cabinet or a committee;
  - ii. the provisions of the constitution, including the contract and financial procedure rules;
  - iii. no contracts, of any value, may be approved or authorised below the level of Service Director
  - iv. human resources policies and procedures;
  - v. approved capital and revenue budgets; and
  - vi. the requirements of the relevant legislation.
8. In exercising delegated authority, decision makers will:
  - be clear about what the council wants to happen, how it will be achieved, who is accountable for the decision and who is accountable for implementing it and monitoring implementation;
  - consult properly and have regard to the professional advice from the council's officers;
  - have regard to the public sector equality duty and respect for natural justice and human rights;
  - make the decision public unless there are good reasons for it not to be;
  - give due weight to all material considerations, only take relevant

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- matters into account, and make sure the action is proportionate to what the council wants to happen;
  - explain what options were considered and give the reasons for the decision; and
  - follow proper procedures.
9. Without prejudice to these delegations, senior managers are expected to have regard to any resolution of full Council, Cabinet, relevant cabinet member or committee, on any matter of principle or policy relating to the power being exercised and shall, as appropriate:
- a) maintain a close liaison with the relevant cabinet member(s), or in their absence the Leader;
  - b) ensure that the local member is consulted on, or advised of the exercise of delegated powers;
  - c) ensure that the Monitoring Officer and Chief Finance Officer are consulted and advised of any decisions as necessary; and
  - d) ensure that corporate leadership team is consulted and advised where appropriate in relation to cross service issues

### **Staff**

10. Subject to the provisions of the council's employment rules, each senior manager identified in appendix 1 is authorised to act in relation to the appointment of staff within approved budgets, in accordance with the personnel policies and procedures of the council.
11. Subject to the provisions of the council's employment rules, each senior manager identified in appendix 1 is authorised to act in relation to the dismissal of staff in accordance with the personnel policies and procedures of the council.
12. Subject to the provisions of the council's employment rules, each senior manager identified in appendix 1 is authorised to make variations in establishment using grades approved in accordance with the council's personnel policies and procedures, and to determine all other matters relating to the employment of staff, within approved budgets and in accordance with the personnel policies and procedures of the council.

### **Emergencies**

13. Where the chief executive or corporate directors are operating under the council's emergency management procedures (or silver and gold officers as listed below in the absence of the chief executive and all directors) and believes that there is a risk of damage to property, a threat to the health or wellbeing of an individual, or that the interests of the council may be compromised they are authorised to take 'all necessary decisions' to take such action as is necessary within the law to protect life, health, safety, the economic, social or environmental wellbeing of the county, its communities and individuals living, working or visiting, and to preserve property belonging to the council or others.
14. Before exercising this delegated authority any officer shall use their best

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endeavours if, in their opinion, time or circumstances permit, to consult the Leader, or, in their absence, the appropriate cabinet member, and the chairman of the relevant scrutiny committee and in any case, inform them of their actions as soon as practicable.

15. Where the delegated powers in paragraph 12 above are exercised, contract and financial procedure rules are deemed to be waived for that purpose.
16. Any action taken under the powers delegated above will be reported to the chief executive at the earliest opportunity. All emergency decision taken by officers are reported to full Council at the next meeting, including the extent to which it has been necessary to operate outside the contract and financial procedure rules.

### **Indemnity**

17. The Council will provide an indemnity (in accordance with SI 2004/3082) to any of their members, employees, former members and former employees relating to any neglect, act, error or omission committed by them as they undertook their duties which were authorised by the Council or arose from powers conferred or duties placed on the member or employee at the request of or with approval of the Council. This indemnity shall include when they are acting for other persons or bodies with the Council's consent. The indemnity will include costs awarded and reasonable costs incurred.
18. For the avoidance of doubt this indemnity will only apply for former members and employees in respect of acts and omissions whilst they were members or employees of the council
19. The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:
  - (a) fraud, dishonesty or a criminal offence on the part of the employee; or
  - (b) any neglect, error or omission by the employee other than in the course of his duties; or
  - (c) Activities which are "ultra vires", that is to say outside the powers of the council, save to the extent that at the time of the activity concerned the individual truly and reasonably believed that the activity was intra vires, i.e. within the legal powers of the council; or
  - (d) liability in respect of losses certified by the auditor caused by willful misconduct
20. The council will not usually itself make claims against its employees for any loss or damage as a result of the officers' actions, unless claims fall within the cover provided to its employees under any policy of insurance taken out by the council or any motor vehicle insurance policy taken out by the employee. In the case of criminal proceedings, if the officer in question is convicted of a criminal offence and that conviction is not overturned following any appeal reimbursement will be sought.
21. This indemnity will not cover the making by a member or employee of any claim. This indemnity will however include an indemnity for the defence by a member or

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employee in any claim where their actions whilst acting on behalf of the council are challenged.

22. The indemnity will not apply if an employee admits liability, negotiates or attempts to negotiate a settlement of any claim that falls within the scope of this indemnity, without the written authority of the Council. The indemnity will also not apply where there is evidence that the employee had acted with reckless disregard for the consequences.
23. The indemnity is without prejudice to the right of the Council to take or start disciplinary action against an employee in respect of any neglect, act, error or omission.

### **Sub delegation**

24. Where a director is absent from the workplace for any period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated in writing, the nomination be approved by the chief executive and forwarded to the governance team. Nominated officers must be HoS2 pay grade or above and the level of financial delegation being made shall be specified in the nomination.
25. Each of the three corporate directors and those directors in the corporate centre shall maintain a directorate scheme of delegation specifying specific delegations relevant to the service.

### Statutory and proper officer functions

Council has designated posts as fulfilling the following statutory and proper officer functions:

| <b>SPO<br/>Reference<br/>Number</b> | <b>TITLE AND / OR DESCRIPTION</b>                                                                      | <b>STATUTORY DERIVATION</b>                                 | <b>OFFICER APPOINTED</b>                                                                        |
|-------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| SP01                                | Head of Paid Service                                                                                   | Local Government and Housing Act 1989, Section 4            | Chief executive                                                                                 |
| SP02                                | Monitoring Officer                                                                                     | Local Government and Housing Act 1989, Section 5            | Director of Governance and Law                                                                  |
| SP03                                | Officer responsible for financial administration                                                       | Local Government Act 1972, Section 151                      | Director of Resources and Assurance                                                             |
| SP04                                | Electoral Registration Officer and Returning Officer                                                   | Representation of the People Act 1983, Section 8, 28 and 35 | Chief executive                                                                                 |
| SP05                                | Chief Education Officer                                                                                | Education Act 1996, Section 532                             | Corporate Director, Children and Young People                                                   |
| SP06                                | Director of Children's Services                                                                        | Children Act 2004, Section 18                               | Corporate Director, Children and Young People                                                   |
| SP07                                | Director of Adult Social Services                                                                      | Local Authority Social Services Act 1970, Section 6         | Corporate Director, Community Wellbeing                                                         |
| SP08                                | Director of Public Health                                                                              | National Health Service Act 2006, Section 73A               | Director of public health                                                                       |
| SP09                                | Scrutiny Officer                                                                                       | Local Government Act 2000, Section 9FB                      | Democratic officer                                                                              |
| SP10                                | The Electoral Registration Officer for the purpose of the registration of electors, as required by law | Representation of the People Act 1983, Section 8            | Chief executive<br><br>Deputy Electoral Registration Officer:<br>Director of Governance and Law |

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| <b>SPO<br/>Reference<br/>Number</b> | <b>TITLE AND / OR DESCRIPTION</b>                                                                                                      | <b>STATUTORY DERIVATION</b>                           | <b>OFFICER APPOINTED</b>                                                    |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------------------------|
| SP11                                | The Acting Returning Officer at an election of a Member of Parliament                                                                  | Representation of the People Act 1983, Section 28     | Chief executive                                                             |
| SP12                                | The Returning Officer at an election of local elections                                                                                | Representation of the People Act 1983, Section 35     | Chief executive                                                             |
| SP13                                | The officer to whom a person elected to the office of councillor shall deliver a declaration of acceptance of office                   | Local Government Act 1972, Section 83(1)              | Chief executive<br>Director of Governance and Law<br>Head of Legal Services |
| SP14                                | The officer before whom a declaration of acceptance of office of chair of council or deputy chair of council may be made               | Local Government Act 1972, Section 83(3)(b)           | Chief executive Director of Governance and Law                              |
| SP15                                | The officer to whom written notice of resignation of elected office shall be delivered                                                 | Local Government Act 1972, Section 84                 | Director of Governance and Law                                              |
| SP16                                | To declare any vacancy in any office under this section                                                                                | Local Government Act 1972, Section 86                 | Director of Governance and Law                                              |
| SP17                                | The officer by whom a meeting of the council for the election of the vacant office of chairperson of the council may be convened       | Local Government Act 1972, Section 88(2)              | Chief executive Director of Governance and Law                              |
| SP18                                | No longer used                                                                                                                         |                                                       |                                                                             |
| SP19                                | To give notice and send summonses in respect of any council meeting                                                                    | Local Government Act 1972, Section 99 and Schedule 12 | Director of Governance and Law                                              |
| SP20                                | To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press | Local Government Act 1972, Section 100A(6)            | Director of Governance and Law                                              |

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| <b>SPO<br/>Reference<br/>Number</b> | <b>TITLE AND / OR DESCRIPTION</b>                                                                                                                                                         | <b>STATUTORY DERIVATION</b>                   | <b>OFFICER APPOINTED</b>                                                                                                                  |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| SP21                                | The officer to exclude from committees, sub- committees, council or cabinet meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded | Local Government Act 1972, Section 100B(2)    | Director of Governance and Law                                                                                                            |
| SP22                                | The officer to supply to any newspaper copies of documents supplied to members of committees, sub-committees, council or cabinet meetings in connection with an item for consideration    | Local Government Act 1972, Section 100B(7)(c) | Democratic services manager                                                                                                               |
| SP23                                | The officer to prepare a written summary of proceedings of committees, sub-committees, council or the cabinet from which the public were excluded                                         | Local Government Act 1972, Section 100C(2)    | Director of Governance and Law                                                                                                            |
| SP24                                | The officer to prepare a list of background papers for reports considered by committees, sub-committees, council or the cabinet                                                           | Local Government Act 1972, Section 100D(1)(a) | Corporate Director, Economy and Environment;<br>Corporate Director, Children and Young People;<br>Corporate Director, Community Wellbeing |

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| <b>SPO<br/>Reference<br/>Number</b> | <b>TITLE AND / OR DESCRIPTION</b>                                                                                                                                                                               | <b>STATUTORY DERIVATION</b>                                 | <b>OFFICER APPOINTED</b>                                                                                                                  |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| SP25                                | The officer to determine which documents constitute background papers and ability to charge for the provision of such documents                                                                                 | Local Government Act 1972, Section 100D(5) and section 100H | Corporate Director, Economy and Environment;<br>Corporate Director, Children and Young People;<br>Corporate Director, Community Wellbeing |
| SP26                                | The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection                                                                                    | Local Government Act 1972, Section 100F(2)                  | Director of Governance and Law                                                                                                            |
| SP27                                | To maintain a register of the names and addresses of members and membership of committees, lists of delegations and the like                                                                                    | Local Government Act 1972, Section 100G                     | Director of Governance and Law                                                                                                            |
| SP28                                | The officer to whom money properly due from officers shall be paid                                                                                                                                              | Local Government Act 1972, Section 115                      | Director for Resources and Assurance                                                                                                      |
| SP29                                | The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies                                                                                | Local Government Act 1972, Section 146                      | Director for Resources and Assurance                                                                                                      |
| SP30                                | The officer to be responsible for the proper administration of the authority's financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget) | Local Government Act 1972, Section 151                      | Director for Resources and Assurance                                                                                                      |



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| <b>SPO<br/>Reference<br/>Number</b> | <b>TITLE AND / OR DESCRIPTION</b>                                                                                                                                     | <b>STATUTORY DERIVATION</b>                                        | <b>OFFICER APPOINTED</b>       |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------|
| SP31a                               | Authorising officers to issue, prosecute, defend, settle or enforce legal proceedings on behalf of the council.                                                       | Local Government Act 1972, Section 222                             | Director of Governance and Law |
| SP31b                               | Authorising officers to attend court and appear on behalf of the council under Local Government Act 1972 and the County Courts Act 1984                               | Local Government Act 1972, Section 223                             | Director of Governance and Law |
| SP32                                | The officer to receive and retain statutory documents on behalf of the authority                                                                                      | Local Government Act 1972, Section 225(1)                          | Director of Governance and Law |
| SP33                                | The officer to certify photographic copies of documents                                                                                                               | Local Government Act 1972, Section 229(5)                          | Director of Governance and Law |
| SP34                                | The officer to receive documents required to be served on the authority                                                                                               | Local Government Act 1972, Section 233                             | Director of Governance and Law |
| SP35                                | The officer to authenticate documents on behalf of the authority                                                                                                      | Local Government Act 1972, Section 234(1) and (2)                  | Director of Governance and Law |
| SP36                                | The officer to certify printed copies of bylaws                                                                                                                       | Local Government Act 1972, Section 238                             | Director of Governance and Law |
| SP37                                | The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent                                                       | Local Government Act 1972, Schedule 12 [paragraphs 4(2)(b) & 4(3)] | Director of Governance and Law |
| SP38                                | The officer responsible for the exercise of functions under Sections 9(1) & (2), 13(2)(h) and (3)(b) and 20(b) of the Registration Services Act 1953 (Proper Officer) | Local Government Act 1972, Schedule 29 [paragraph 41]              | Electoral services manager     |
| SP39                                | The officer to certify copies of any resolution, order, report or minutes of proceedings of the authority as evidence in any legal proceedings                        | Local Government (Miscellaneous Provisions) Act 1976, Section 41   | Director of Governance and Law |

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| <b>SPO<br/>Reference<br/>Number</b> | <b>TITLE AND / OR DESCRIPTION</b>                                                                                                                                                                                                                                                 | <b>STATUTORY DERIVATION</b>                                                            | <b>OFFICER APPOINTED</b>                       |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------|
| SP40                                | Notices requiring details of interest in land                                                                                                                                                                                                                                     | Local Government (Miscellaneous Provisions) Act 1976, Section 16                       | Director of Governance and Law                 |
| SP41                                | The officer to hold on deposit the list of politically restricted posts and provision of certificates as to whether a post is politically restricted                                                                                                                              | Local Government and Housing Act 1989, Section 2                                       | Chief executive<br>Director of HR and OD       |
| SP42                                | The officer to receive notices relating to the membership of political groups                                                                                                                                                                                                     | Local Government and Housing Act 1989, Section 15-17 (and regulations made thereunder) | Chief executive Director of Governance and Law |
| SP43                                | The officer responsible for ensuring a proper record is made of cabinet decisions and that the document comprising the authority's forward plan is published in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 | Local Government Act 2000                                                              | Director of Governance and Law                 |
| SP44                                | To establish and maintain the members' register of interest and ensure it is available for public inspection                                                                                                                                                                      | Local Government Act 2000, Section 81                                                  | Director of Governance and Law                 |
| SP45                                | To ensure that copies of the constitution are available for inspection                                                                                                                                                                                                            | Local Government Act 2000, Section 37                                                  | Director of Governance and Law                 |
| SP46                                | To make payments of relevant allowances in accordance with the council's members allowances scheme                                                                                                                                                                                | Local Government Act 2000, Section 99                                                  | Democratic services manager                    |

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| <b>SPO<br/>Reference<br/>Number</b> | <b>TITLE AND / OR DESCRIPTION</b>                                                                                                                      | <b>STATUTORY DERIVATION</b>                                               | <b>OFFICER APPOINTED</b>                                                               |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| SP47                                | Officer for the purpose of verifying the validity of any electoral petition and for the purposes of announcing and holding any referendum              | Local Government Act 2000                                                 | Chief executive                                                                        |
| SP47a                               | The officer to whom general notices and recording of disclosures of interests                                                                          | Localism Act 2011, Section 30                                             | Director of Governance and Law                                                         |
| SP48                                | The officer to act as Local Registrar as defined                                                                                                       | Land Charges Act 1975, Section 3                                          | Land charges manager                                                                   |
| SP49                                | Proper officer to seek an order for removal of persons into care                                                                                       | National Assistance Act 1948 and National Assistance (Amendment) Act 1951 | Corporate Director, Community Wellbeing; Corporate Director, Children and Young People |
| SP50                                | Proper officer for births, deaths and marriages                                                                                                        | Registration Services Act 1953, Section 6                                 | Head of Practice Management<br>Practice manager – legal services                       |
| SP51                                | No longer used                                                                                                                                         |                                                                           |                                                                                        |
| SP52                                | Requirement to report to council annually on the robustness of estimates and the adequacy of the proposed financial reserves                           | Local Government Act 2003, Section 25                                     | Director of Resources and Assurance                                                    |
| SP53                                | Requirement to appoint a suitably qualified person as the council's medical advisor on environmental health and proper officer for notifiable diseases | Public Health (Control of Diseases) Act 1984                              | Director of public health                                                              |

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| <b>SPO<br/>Reference<br/>Number</b> | <b>TITLE AND / OR DESCRIPTION</b>                                                                                                                                                                               | <b>STATUTORY DERIVATION</b>                    | <b>OFFICER APPOINTED</b>                                                                                                                                         |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SP54                                | To certify council records for the purposes of admitting the document in evidence in civil proceedings                                                                                                          | Civil Evidence Act 1995                        | Director of Governance and Law                                                                                                                                   |
| SP55                                | To apply for the discharge or variation of a Child Safety Order                                                                                                                                                 | Crime and Disorder Act 1998, Section 12        | Corporate Director, Community Wellbeing<br>Corporate Director, Children and Young People                                                                         |
| SP56                                | To have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons                                                                  | Crime and Disorder Act 1998, Section 17 and 37 | Chief executive<br><br>Corporate Director, Economy and Environment;<br>Corporate Director, Children and Young People;<br>Corporate Director, Community Wellbeing |
| SP57                                | Delegated power to authorise officers to enter premises and seize items where the council has a power of seizure under this Act and to perform other related duties (return and security of seized items)       | Criminal Justice and Police Act 2001           | Service Director, Economic Development and Regulatory Services                                                                                                   |
| SP58                                | The officer to be responsible for the proper administration of the authority's financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget) | Local Government Finance Act 1988, Section 114 | Director for Resources and Assurance                                                                                                                             |

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| <b>SPO<br/>Reference<br/>Number</b> | <b>TITLE AND / OR DESCRIPTION</b>                                                                                                                                                                                  | <b>STATUTORY DERIVATION</b>                                                                                    | <b>OFFICER APPOINTED</b>             |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|--------------------------------------|
| SP59                                | Notification to the council's auditor of any meeting to be held under Section 115 of the 1988 Act (meeting to consider any report of the Director for Resources and Assurance under Section 114)                   | Local Government Finance Act 1988, Section 116                                                                 | Director for Resources and Assurance |
| SP60                                | Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required                                                                                   | Local Government Finance Act 1988, Section 139A                                                                | Director for Resources and Assurance |
| SP61                                | Certification of relevant powers to enter into contracts                                                                                                                                                           | Local Government (Contracts) Act 1997                                                                          | Director of Governance and Law       |
| SP62                                | To appoint an officer for the purpose of signing the Grants of Exclusive Right of Burial Deeds on behalf of the burial authority                                                                                   | Local Authorities' Cemeteries Order 1977 (SI 1977 No. 204)                                                     | Direct services manager              |
| SP63                                | The exercise by the authority of its duty to take steps as it considers appropriate for improving the health of the people in its area                                                                             | National Health Service Act 2006, Section 2B                                                                   | Director of public health            |
| SP64                                | The exercise by the authority of any functions prescribed by Secretary of State in relation to dental public health                                                                                                | National Health Service Act 2006, Section 111 (amended by Health and Social Care Act 2012, part 1, section 29) | Director of public health            |
| SP65                                | The exercise by the authority of its duty to cooperate with the prison service with a view to improving the exercise of their respective functions in relation to securing and maintaining the health of prisoners | National Health Service Act 2006, Section 249                                                                  | Director of public health            |

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| <b>SPO<br/>Reference<br/>Number</b> | <b>TITLE AND / OR DESCRIPTION</b>                                                                                                                                                                    | <b>STATUTORY DERIVATION</b>                                                                                    | <b>OFFICER APPOINTED</b>                    |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| SP66                                | The exercise by the authority of any of its functions as set out in Schedule 1 and Section 73B as amended by Health and Social Care Act 2012                                                         | National Health Service Act 2006, Schedule 1 and Section 73B as amended by the Health and Social Care Act 2012 | Director of public health                   |
| SP67                                | The exercise by the authority of any of the Secretary of State’s public health functions, which it is required to carry out by regulations issued by the Secretary of State                          | National Health Service Act 2006, Section 6C(1)                                                                | Director of public health                   |
| SP68                                | The exercise by the authority of any of the Secretary of State’s public health functions, which are delegated to it by the Secretary of State                                                        | National Health Service Act 2006, Section 7A                                                                   | Director of public health                   |
| SP69                                | The exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health                                                   | National Health Service Act 2006, Section 73A(1)(d)                                                            | Director of public health                   |
| SP70                                | The exercise by the authority of its functions under section 325 Criminal Justice Act 2003 (cooperating with “responsible bodies” in relation to the assessment of risks posed by certain offenders) | National Health Service Act 2006, Section 73A(1)(e)                                                            | Director of public health                   |
| SP71                                | The exercise by the authority of such other functions relating to public health as may be prescribed                                                                                                 | National Health Service Act 2006, Section 73A(1)(f)                                                            | Director of public health                   |
| SP72                                | No longer in use                                                                                                                                                                                     |                                                                                                                |                                             |
| SP73                                | Notification of a personal data breach to the Commissioner as per this provision                                                                                                                     | Data Protection Act 2018, Section 67                                                                           | Head of Information compliance and equality |

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| <b>SPO<br/>Reference<br/>Number</b> | <b>TITLE AND / OR DESCRIPTION</b>                                                                                                                                                                                                                                                                                             | <b>STATUTORY DERIVATION</b>                                                                 | <b>OFFICER APPOINTED</b>                    |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------|
| SP74                                | The officer responsible for ensuring a proper record and access is made of Executive reports, background papers and decisions and that the document comprising the Authority's Forward Plan is published in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 | Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2012 | Democratic services manager                 |
| SP75                                | An officer responsible for; monitoring, informing, advising the controller or the processor and the employees who carry out processing of their obligations pursuant to the Regulation and other UK data protection legislation.                                                                                              | General Data Protection Regulation (EU Regulation 2016/679), Article 35                     | Head of Information compliance and equality |
| SP76                                | The officer to receive complaints that any category 1 or 2 hazards may exist on premises or that an area in the district should be dealt with as a clearance area                                                                                                                                                             | Housing Act 2004, Section 4                                                                 | Corporate Director, Economy and Environment |
| SP77                                | To appoint an inspector and agricultural analyst and, if the authority thinks fit, one or more deputy agricultural analyst                                                                                                                                                                                                    | Agricultural Act 1970, Section 67(3)                                                        | Chief executive                             |
| SP78                                | To appoint a chief inspector of weights and measures and such number of other inspectors if necessary                                                                                                                                                                                                                         | Weights and Measures Act 1985, Section 72(1)                                                | Trading standards service manager           |

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| <b>SPO<br/>Reference<br/>Number</b> | <b>TITLE AND / OR DESCRIPTION</b>                                                                                                                                                                                                                                                        | <b>STATUTORY DERIVATION</b>                                                                                     | <b>OFFICER APPOINTED</b>                |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| SP79                                | Caldicott guardian to ensure patient data is kept secure and adherence to the Caldicott principles.                                                                                                                                                                                      | Caldicott Report 1997, Recommendation 3                                                                         | Corporate Director, Community Wellbeing |
| SP80                                | A senior information risk owner who will take overall ownership of the local authority's Information Risk Policy.                                                                                                                                                                        | Information Governance Toolkit                                                                                  | Service Director, Corporate Services    |
| SP81                                | Persons to act as an approved mental health professional for the purposes of the Mental Health Act.<br><br>This includes the power to make applications under Sections 2, 3, 4, 18, 135, and 138. This also includes duties under Section 13, 136 and 17A of the Mental Health Act 1983. | Mental Health Act 1983, Section 114                                                                             | Approved mental health professionals    |
| SP82                                | Notification of appointment, notification of dismissal and any objections                                                                                                                                                                                                                | The Local Authorities (Standing Orders) (England) Regulations 2001, Schedule 1, Part 2, Para 5(2) and Para 6(2) | Director of HR and OD                   |
| SP83                                | Publish the verification number<br>Validation decision                                                                                                                                                                                                                                   | The Local Authorities (Referendums) (Petitions) (England) Regulations 2011, Regulation 4 and 10                 | Chief executive                         |

26. The chief executive is designated as the council's proper officer for all other such purposes.



Appendix 1

In accordance with the constitution 3.7.13 it is not appropriate for executive decisions to be taken by any officer below the level of service director in the organisation structure. Where senior officers below service directors are named their delegation is to undertake operational decisions only.

| Reference | Service Area                                                                                                                                                                                            | Post(s) to which the activity is delegated                                                                                                      | Previous reference |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| SA01      | Act as chief executive including the power to grant delegations in accordance with this scheme<br><br>And in the absence of or a conflict of interest of the chief executive or deputy chief executives | Corporate Director, Children and Young People<br><br>Corporate Director, Community Wellbeing<br><br>Corporate Director, Economy and Environment | SA01               |

**COMMUNITY WELLBEING**

| Reference | Service Area                                                                                                                                                                                                                                                                                                                                                                                              | Post(s) to which the activity is delegated | Previous reference |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------|
| CW-01     | Adult social care operation and policy provision of assessment and care management; approved mental health practitioners; deprivation of liberty functions; strategic and operational safeguarding adults policies and procedures; prevention and support services (including welfare rights, occupational therapy, financial assessments, direct payments, telecare, rapid response registered service). | Corporate Director, Community Wellbeing    | SA02               |

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| Reference | Service Area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Post(s) to which the activity is delegated | Previous reference |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------|
| CW-02     | Public Health                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Director of public health                  | SA03               |
| CW-03     | <p>To discharge any functions in relation to the corporate public health duties of the council authorised to the director of public health under the NHS Act 2006 and the Health and Social Care Act 2012, including responsibility for:</p> <ul style="list-style-type: none"> <li>• The annual report on the health of the local population;</li> <li>• Improving public health, including commissioning alcohol and drug misuse services, sexual health services, child health services, smoking cessation services;</li> <li>• Planning for, and responding to, emergencies that present a risk to public health;</li> <li>• Promoting safer communities by working with local criminal justice partners and police and crime commissioners, the probation service and the prison service;</li> <li>• The council’s public health response to licensing applications; and</li> <li>• Developing wellbeing, implementing the health and wellbeing strategy.</li> </ul> | Director of public health                  | SA04               |

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| Reference | Service Area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Post(s) to which the activity is delegated | Previous reference |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------|
| CW-04     | <p>To carry out such public health protection or health improvement functions as the Secretary of State shall delegate to local authorities either by arrangement or under regulations and including services mandated by regulations made under Section 6C of the National Health Service Act 2006, as amended, namely:</p> <ul style="list-style-type: none"> <li>• ensuring appropriate access to sexual health services;</li> <li>• the delivery of the national child measure programme;</li> <li>• the delivery of the NHS health check assessment;</li> <li>• public health advice to NHS commissioners; and</li> <li>• to be a statutory member of the health and wellbeing board.</li> </ul> | Director of public health                  | SA05               |
| CW-05     | Community resilience and development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Corporate Director, Community Wellbeing    | SA06               |
| CW-06     | Health and wellbeing including leading on the development of the health and wellbeing board                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Corporate Director, Community Wellbeing    | SA07               |
| CW-07     | Housing and homelessness support and solutions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Corporate Director, Community Wellbeing    | SA08               |
| CW-08     | Commissioning, quality assurance and contract management relating to all ages                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Corporate Director, Community Wellbeing    | SA09               |
| CW-09     | Herefordshire safeguarding adults board strategic development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Corporate Director, Community Wellbeing    | SA10               |

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| Reference | Service Area                                                                                                                                     | Post(s) to which the activity is delegated    | Previous reference |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------|
| CW-10     | Safeguarding children and young people in Herefordshire, Herefordshire safeguarding adults, and community safety partnership board business unit | Corporate Director, Children and Young People | SA11               |
| CW-11     | Directorate lead for Caldicott guardian functions                                                                                                | Service director all ages commissioning       | SA12               |
| CW-12     | Customer services                                                                                                                                | Corporate Director, Community Wellbeing       | SA13               |
| CW-13     | Sustainable communities                                                                                                                          | Corporate Director, Community Wellbeing       | SA14               |
| CW-14     | Promoting community cohesion and preventing anti-social behavior                                                                                 | Corporate Director, Community Wellbeing       | SA15               |
| CW-15     | Directorate performance                                                                                                                          | Corporate Director, Community Wellbeing       | SA16               |
| CW-16     | Directorate risk management                                                                                                                      | Corporate Director, Community Wellbeing       | SA17               |
| CW-17     | Libraries                                                                                                                                        | Corporate Director, Community Wellbeing       | SA41               |
| CW-18     | Cultural and leisure service                                                                                                                     | Corporate Director, Community Wellbeing       | SA42               |
| CW-19     | Hoople Care                                                                                                                                      | Corporate Director, Community Wellbeing       | New                |

## CHILDREN AND YOUNG PEOPLE

| Reference | Service Area                                                                                                                                             | Post(s) to which the activity is delegated    | Previous reference |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------|
| CYP-01    | Commissioning for children's services including schools, early years, colleges, adult learning, social care and vulnerable                               | Corporate Director, Children and Young People | SA19               |
| CYP-02    | Safeguarding and child protection services                                                                                                               | Corporate Director, Children and Young People | SA20               |
| CYP-03    | Early help and family support services                                                                                                                   | Corporate Director, Children and Young People | SA21               |
| CYP-04    | Children's centres                                                                                                                                       | Corporate Director, Children and Young People | SA22               |
| CYP-05    | Early years and school improvement and support                                                                                                           | Corporate Director, Children and Young People | SA23               |
| CYP-06    | Special educational needs and disabilities service                                                                                                       | Corporate Director, Children and Young People | SA24               |
| CYP-07    | Sufficiency of places in early years, schools and colleges                                                                                               | Corporate Director, Children and Young People | SA25               |
| CYP-08    | Schools admissions                                                                                                                                       | Corporate Director, Children and Young People | SA26               |
| CYP-09    | Ensure effective co-operation with the health and wellbeing board                                                                                        | Corporate Director, Children and Young People | SA27               |
| CYP-10    | Ensure the effectiveness of the Herefordshire safer children and young people partnership and other children and young people's partnership arrangements | Corporate Director, Children and Young People | SA27               |

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| Reference | Service Area                                                                                                | Post(s) to which the activity is delegated                                               | Previous reference |
|-----------|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------|
| CYP-11    | Delivery of adult and community learning                                                                    | Corporate Director, Children and Young People                                            | SA28               |
| CYP-12    | Youth justice                                                                                               | Corporate Director, Children and Young People                                            | SA29               |
| CYP-13    | Adoption and fostering                                                                                      | Corporate Director, Children and Young People                                            | SA30               |
| CYP-14    | Herefordshire safer children and young people partnership                                                   | Corporate Director, Children and Young People                                            | SA31               |
| CYP-15    | Directorate lead for Caldicott guardian functions                                                           | Service Director, Safeguarding, Quality Assurance and Improvement                        | SA32               |
| CYP-16    | Education services                                                                                          | Corporate Director, Children and Young People                                            | SA33               |
| CYP-17    | Home to school transport policy                                                                             | Corporate Director, Economy and Environment; and service director education              | SA35               |
| CYP-18    | Tracking and reduction of those not in education, employment or training                                    | Corporate Director, Children and Young People                                            | SA36               |
| CYP-19    | Education and commissioning policies and procedures                                                         | Corporate Director, Children and Young People<br>Corporate Director, Community Wellbeing | SA37               |
| CYP-20    | Commissioning of children's and young people's services including schools, early years, colleges, adult and | Corporate Director, Children and Young People                                            | SA38               |

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| Reference | Service Area                                                                            | Post(s) to which the activity is delegated    | Previous reference |
|-----------|-----------------------------------------------------------------------------------------|-----------------------------------------------|--------------------|
|           | community learning, social care and vulnerable children; and children's centre services |                                               |                    |
| CYP-21    | Directorate performance                                                                 | Corporate Director, Children and Young People | SA39               |
| CYP-22    | Directorate risk management                                                             | Corporate Director, Children and Young People | SA40               |
| CYP-23    | Overall lead for community safety and the prevent strategy                              | Corporate Director, Children and Young People | SA18               |

## ECONOMY AND ENVIRONMENT

| Reference | Service Area                                               | Post(s) to which the activity is delegated  | Previous reference |
|-----------|------------------------------------------------------------|---------------------------------------------|--------------------|
| EE-01     | European and external funding                              | Corporate Director, Economy and Environment | SA43               |
| EE-02     | Strategic planning policy including neighbourhood planning | Corporate Director, Economy and Environment | SA44               |
| EE-03     | Economic development                                       | Corporate Director, Economy and Environment | SA45               |
| EE-04     | Environment and waste                                      | Corporate Director, Economy and Environment | SA48               |
| EE-05     | Sustainability                                             | Corporate Director, Economy and Environment | SA49               |

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| <b>Reference</b> | <b>Service Area</b>                                                        | <b>Post(s) to which the activity is delegated</b> | <b>Previous reference</b> |
|------------------|----------------------------------------------------------------------------|---------------------------------------------------|---------------------------|
| EE-06            | Highways and transportation                                                | Corporate Director, Economy and Environment       | SA50                      |
| EE-07            | Public rights of way                                                       | Corporate Director, Economy and Environment       | SA51                      |
| EE-08            | Parks and countryside                                                      | Corporate Director, Economy and Environment       | SA52                      |
| EE-09            | Development management                                                     | Corporate Director, Economy and Environment       | SA53                      |
| EE-10            | Conservation                                                               | Corporate Director, Economy and Environment       | SA54                      |
| EE-11            | Building control                                                           | Corporate Director, Economy and Environment       | SA55                      |
| EE-12            | Markets, fairs and street trading                                          | Corporate Director, Economy and Environment       | SA56                      |
| EE-13            | Bereavement services including Coroners services and Registration services | Corporate Director, Economy and Environment       | SA57                      |
| EE-14            | Environmental health and trading standards                                 | Corporate Director, Economy and Environment       | SA58                      |
| EE-15            | Technical and parking services                                             | Corporate Director, Economy and Environment       | SA59                      |
| EE-16            | Enforcement                                                                | Corporate Director, Economy and Environment       | SA60                      |



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| Reference | Service Area                             | Post(s) to which the activity is delegated  | Previous reference |
|-----------|------------------------------------------|---------------------------------------------|--------------------|
| EE-17     | Community protection                     | Corporate Director, Economy and Environment | SA61               |
| EE-18     | Housing growth, development and strategy | Corporate Director, Economy and Environment | SA63               |

**CORPORATE SERVICES**

| Reference | Service Area                                                       | Post(s) to which the activity is delegated | Previous reference |
|-----------|--------------------------------------------------------------------|--------------------------------------------|--------------------|
| CS-01     | Equalities                                                         | Director of Governance and Law             | SA70               |
| CS-02     | Democratic Services                                                | Director of Governance and Law             | SA72               |
| CS-03     | Legal Services                                                     | Director of Governance and Law             | SA73               |
| CS-04     | Payments for maladministration under s92 Local Government Act 2000 | Director of Governance and Law             | SA73a              |
| CS-05     | Electoral services                                                 | Director of Governance and Law             | SA74               |
| CS-06     | Records and information compliance                                 | Director of Governance and Law             | SA77               |
| CS-07     | Corporate risk management                                          | Director of Governance and Law             | SA89               |

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| <b>Reference</b> | <b>Service Area</b>                                                                     | <b>Post(s) to which the activity is delegated</b> | <b>Previous reference</b> |
|------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------|
| CS-08            | Hoople – commissioning                                                                  | Director of Resources and Assurance               | SA46                      |
| CS-09            | Property services                                                                       | Director of Resources and Assurance               | SA62                      |
| CS-10            | Corporate information, research and needs analysis                                      | Director of Resources and Assurance               | SA64                      |
| CS-11            | Information access and handling all complaints in accordance with the customer strategy | Director of Resources and Assurance               | SA65                      |
| CS-12            | Customer service standards                                                              | Director of Resources and Assurance               | SA66                      |
| CS-13            | Facilities management                                                                   | Director of Resources and Assurance               | SA67                      |
| CS-14            | Corporate Leadership Team, Leader and Chairman Support                                  | Director of Resources and Assurance               | SA68                      |
| CS-15            | Policy planning                                                                         | Director of Resources and Assurance               | SA69                      |
| CS-16            | Corporate grants and income development                                                 | Director of Resources and Assurance               | SA71                      |
| CS-17            | ICT commissioning and strategy                                                          | Director of Resources and Assurance               | SA75                      |
| CS-18            | Communications                                                                          | Director of Resources and Assurance               | SA76                      |

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| Reference | Service Area                                                           | Post(s) to which the activity is delegated | Previous reference |
|-----------|------------------------------------------------------------------------|--------------------------------------------|--------------------|
| CS-19     | County-wide broadband deployment and digital inclusion                 | Director of Resources and Assurance        | SA78               |
| CS-20     | Procurement / commercial team                                          | Director of Resources and Assurance        | SA79               |
| CS-21     | Transformation                                                         | Director of Resources and Assurance        | SA86               |
| CS-22     | Project management                                                     | Director of Resources and Assurance        | SA87               |
| CS-23     | Corporate performance to include strategic corporate planning and CPiP | Director of Resources and Assurance        | SA88               |
| CS-24     | Corporate co-ordination risk management                                | Director of Resources and Assurance        | SA90               |
| CS-25     | Corporate co-ordination performance reporting / management             | Director of Resources and Assurance        | SA91               |
| CS-26     | Finance services                                                       | Director of Resources and Assurance        | SA92               |
| CS-27     | Revenues and benefits                                                  | Director of Resources and Assurance        | SA93               |
| CS-28     | Audit                                                                  | Director of Resources and Assurance        | SA94               |
| CS-29     | Insurance                                                              | Director of Resources and Assurance        | SA95               |
| CS-30     | Human resources and organisational development                         | Director of HR and OD                      | SA80               |

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| <b>Reference</b> | <b>Service Area</b>                        | <b>Post(s) to which the activity is delegated</b> | <b>Previous reference</b> |
|------------------|--------------------------------------------|---------------------------------------------------|---------------------------|
| CS-31            | Flexible working                           | Director of HR and OD                             | SA81                      |
| CS-32            | Payroll                                    | Director of HR and OD                             | SA82                      |
| CS-33            | Hoople HR services                         | Director of HR and OD                             | SA83                      |
| CS-34            | Business continuity and emergency planning | Director of HR and OD                             | SA84                      |
| CS-35            | Health and safety                          | Director of HR and OD                             | SA85                      |

## Appendix 2 – Gold and Silver officers

| Officer appointed                                                                             | Gold/Silver officer |
|-----------------------------------------------------------------------------------------------|---------------------|
| Chief Executive                                                                               | Gold                |
| Corporate Director – Community Wellbeing                                                      | Gold                |
| Corporate Director – Children and Young People                                                | Gold                |
| Corporate Director – Economy and Environment                                                  | Gold                |
| Director – Governance and Legal Services                                                      | Gold                |
| Director – Resources and Assurance                                                            | Gold                |
| Director – HR & OD                                                                            | Gold                |
| Director – Public Health                                                                      | Gold                |
| Director – Strategy and Performance                                                           | Gold                |
|                                                                                               |                     |
| Service Director, Community Wellbeing (All Ages Commissioning)                                | Silver              |
| Service Director, Community Wellbeing (Social Care Delivery)                                  | Silver              |
| Service Director, Community Wellbeing (Communities)                                           | Silver              |
| Service Director, Children and Young People (Education, Skills and Learning)                  | Silver              |
| Service Director, Children and Young People (Safeguarding, Quality Assurance and Improvement) | Silver              |
| Service Director, Children and Young People (Early Help and Safeguarding)                     | Silver              |
| Service Director, Economy and Environment (Economy and Regulatory)                            | Silver              |
| Service Director, Economy and Environment (Environment, Highways and Waste)                   | Silver              |
| Head of Chief Executives Office (Corporate Services)                                          | Silver              |
|                                                                                               |                     |

**Signed:**

**Date: 30 June 2023**

**Paul Walker**

**Chief Executive**