

HEREFORDSHIRE COUNCIL CONSTITUTION

PART 3 – THE FUNCTIONS SCHEME

APPENDIX

CHIEF EXECUTIVE'S SCHEME OF DELEGATION TO OFFICERS

INTRODUCTION

1. This Scheme of Delegation authorises the Chief Executive and the Directors to exercise the functions of the Council as set out in this document. It authorises the making of such decisions and initiate such actions as they deem necessary in the interests of efficient delivery and improvement of services within their area of responsibility set out in this Scheme of Delegation or as revised from time to time by the Chief Executive to reflect the then current management structure of the Council. It repeals and replaces all previous Schemes of Delegation.
2. This scheme is without prejudice to the exercise of the Council's functions by the Council, the Cabinet, and the Council's Committees, Sub-Committees and panels.

GENERAL DELEGATIONS

3. The Chief Executive and the Directors are empowered to make decisions on behalf of the Council in accordance with the following general principles:
 - a. If a function, power or responsibility has not been specifically reserved to the Council, a Committee, or the Cabinet; the Director within whose remit the matter falls is authorised to act.
 - b. The Council, its Committees and the Cabinet will make decisions on matters of policy. The Chief Executive and the Directors have express authority to take all necessary actions to implement Council, Committee and Cabinet decisions that commit resources (within agreed budgets in the case of financial resources) as necessary and appropriate.
 - c. The Chief Executive and the Directors are empowered to take all operational decisions, within policy, in relation to the services for which they are responsible.

- d. The Chief Executive and the Directors are empowered to take all necessary decisions in cases of emergency. For the purposes of this scheme, “emergency” shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the Council may be compromised. “All necessary decisions” includes decisions to take such action as is necessary within the law to protect life, health, safety, the economic, social or environmental well being of the County, its communities and individuals living, working or visiting, and to preserve property belonging to the Council or others.
- e. In relation to all delegated authority conferred on the Directors by this scheme, the Chief Executive may allocate or reallocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as he or she thinks fit.
- f. 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 and approved by the Chief Executive. This nomination should be formally recorded in writing.
- g. Where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive or his/her nominee is authorised to act.
- h. Anything delegated to a Director is also delegated to the Chief Executive.
- i. The Council will, subject to the exceptions set out below, indemnify its employees and former employees against claims made against them (including costs awarded and reasonable costs incurred) and will not itself make claims against them for any loss or damage (other than claims falling 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) occasioned by any neglect, act, error or omission committed by them in pursuit of their duties as they may from time to time undertake in the course of their employment with the Council whilst acting within the scope of their authority which shall include when they are acting for other persons or other bodies with the Council's consent. For the avoidance of doubt this indemnity is to be interpreted as being consistent with the terms contained in SI 2004/3082.

Exceptions

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;
- (b) any neglect, error or omission by the employee otherwise than in the course of his duties;
- (c) liability in respect of losses certified by the auditor as caused by

wilful misconduct.

The indemnity will not apply if an employee, without the written authority of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this indemnity, or where there is evidence that the employee had acted with reckless disregard for the consequences.

The indemnity is without prejudice to the right of the Council to take or institute disciplinary action against an employee in respect of any neglect, act, error or omission.

4. In deciding whether or not to exercise such delegated powers, the Chief Executive and the Directors should consider whether to consult the appropriate Cabinet member(s) or Committee chairman and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body where they consider it expedient to do so.
5. The Chief Executive and the Directors may authorise named officers within their area of responsibility to exercise, on their behalf, powers delegated under this scheme. This includes the responsibility for service delivery and management to the nearest reasonable and practicable level to the service user, as well as any Council functions under all legislation, regulations, orders and statutory Codes of Practice, which includes entry of premises, inspections and signing and service of Notices in relation to those functions.
6. All delegations conferred under this scheme must be recorded in writing by the Chief Executive or the Directors as the case may be (including for the avoidance of doubt any delegation under paragraph 3 (e) above). Any decision taken under such authority shall remain their responsibility, and must be taken in their name. The responsibility for maintaining the record of delegations shall rest with both the delegating and the delegated officer. The monitoring officer shall be at liberty to inspect this record at his or her discretion and if appropriate make recommendation as to any revision in form or maintenance of the record.
7. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's Constitution (including its contract and financial procedures and regulations, and overall Council policy) to use the most efficient and effective means available, including the authorisation and deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council. For the avoidance of doubt routine operational management decisions have no requirement to be recorded.
8. This scheme permits:-the entering into contracts, review of their operation, establishment and maintenance of approved lists of contractors and suppliers and the appointment of consultants, subject to all constitutional, legal, procedural and budgetary provisions and arrangements in force for the time being and in so doing to take advice in so doing from the Council's finance and legal officers.

9. This scheme permits the authorisation of legal proceedings in respect of offences under Acts, Regulations, Bylaws or orders within the remit of the Service areas, with the approval of the Assistant Director (Law, Governance and Resilience) including the acceptance of any formal or informal cautions in line with any enforcement and prosecutions policies in force. Where statute requires that a named officer shall instigate proceedings the relevant Director shall ensure that an officer is duly authorised in that behalf.
10. No officer is authorised to take any decision that must be taken by the Council, one of its Committees, the Cabinet or an individual Cabinet member in accordance with the Constitution. Officers should familiarise himself/herself with the constitutional decision-making requirements and take advice from the Council's monitoring officer if necessary to ensure that he/she acts at all times within his/her delegated authority.
11. When taking or considering taking any delegated decision all officers must have regard to the following:
 - a. Does the decision involve significant expenditure to the service budget, or wider Council budget?
 - b. Does the decision affect the reputation of the service and/or Council?
 - c. Is the decision significant with regard to one or more wards?
 - d. Does the decision carry a significant risk to the service or wider Council?
 - e. Does the decision impact on the reputation or finances of service users, partner organisations or Committees outside the Council?
 - f. Might the decision be regarded as conflicting with a Council policy?

If in taking any decision any or all of such criteria are identified, the officer should consult the Chief Executive through appropriate means and should consider whether to consult the relevant Cabinet member and other person(s) likely to be affected by any such decision. The officer should follow the advice of the Chief Executive in so doing.

SPECIFIC DELEGATIONS

DELEGATIONS TO THE CHIEF EXECUTIVE

In consultation with the Monitoring Officer, Director of Corporate Services (and DCE), political group leaders, Leader of the Council and/or relevant Cabinet member(s), to authorise urgent action which is necessary between Cabinet meetings and ensure that the decision be notified as soon as possible to the chairman of the relevant Scrutiny Committee.

1. To ensure strategically led improvements in the quality and efficiency of service planning, commissioning and delivery.
2. To fulfil the statutory functions of Head of Paid Service
3. To make arrangements for the Council to be represented on partnership and external bodies as required by statute or the Council.

4. To have all the powers of any other officer of the Council in the event of their absence or inability to act, except in so far as the exercise of such powers is by law limited to a specific post holder.
5. To act as Returning Officer for Local and Parliamentary Elections and as Acting Returning Officer for European Elections, including the power to appoint deputies where permitted to do so by statute.
6. To be the Electoral Registration Officer for Herefordshire and appoint deputies in that regard.

DELEGATIONS TO THE DEPUTY CHIEF EXECUTIVE AND DIRECTOR OF CORPORATE SERVICES (DCE)

The DCE's department delivers customer service and communications; law, governance and resilience; programmes in respect of people, policy and partnerships; commercial services and finance.

The DCE shall act as deputy to the Chief Executive including the power to grant delegations in accordance with this scheme and shall act as Chief Executive in the absence or in the event of incapacity of the Chief Executive unless the Chief Executive determines that another officer should act in his absence or incapacity.

The DCE shall be responsible for the following service areas and shall fulfil the following functions:

- Customer services including the Customer Insight Unit and handling all complaints in accordance with the Customer Strategy
- Internal/external communications/PR
- Governance and Member Services
- Chief Executive's Office – Registration and Electoral Services
- Legal services
- Business continuity (planning and risk)
- Emergency planning
- Policy and performance
- Strategic planning, policy formulation and corporate /service planning
- Chief Information Officer
- HR and OD and business transformation programmes
- Partnerships (including partnership support functions)
- Information, research and needs analysis
- I C T (including Information Governance)
- Corporate Transformation
- Commercial services (incl.local and strategic commissioning support)
- Commissioning of shared services
- Property services (client side)
- Financial functions and administration
- Audit
- Role as a Group 8 Safeguarding post as defined in the DCSF 'Working Together' guidance

The above service areas shall be taken to be delegated to the Heads of Service as shown below:-

The following functions shall be delegated to the Assistant Director (Law Governance and Resilience) (ADLGR)

The ADLGR shall be the designated Monitoring Officer for the Council. He/she shall be responsible for the following service areas and shall fulfil the following functions:

- Monitoring officer *
- Legal services
- Governance
- Business continuity (planning and risk)
- Emergency planning
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance

The following functions shall be delegated to the Assistant Director of People, Policy and Partnerships

- Policy and performance
- Strategic planning, policy formulation and corporate /service planning
- HR and OD and business transformation programmes
- Partnerships (including partnership support functions across the organisation)
- Information, research and needs analysis
- ICT
- Corporate Transformation
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance
- Chief Information Officer

The following functions shall be delegated to the Chief Finance and Commercial Services Officer

- Commercial services (local and strategic commissioning support)
- Commissioning of shared services
- Property services (client side)
- Audit
- S.151 LGA responsibilities and finance functions including financial monitoring *
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance

The following functions shall be delegated to the Assistant Director of Customer Services and Communications

- Customer services
- Customer Insight Unit
- Stakeholder communications

DELEGATIONS TO THE DIRECTOR FOR PLACES AND COMMUNITIES

The Directorate provides place-based commissioning, economic, environmental and cultural services and homes and community services to the Council. The Director shall be responsible for the following service areas:-

- Central area-wide-based commissioning function for Economic and Cultural services, highways, transport, housing and community, environmental sustainability, planning and waste
- Process shaping for service, performance frameworks and joint review
- Service re-design/ Improvement
- Balancing all stakeholder demands to develop a single set of area-wide priorities and objectives for delivery of the community's aspirations (outcomes related programmes)
- Developing frameworks for QA and performance
- Planning policy
- Development management
- Conservation
- Building control
- Markets, Fairs and Street Trading
- Bereavement Services
- Waste management
- Sustainability
- Economic development
- Tourism
- Food and marketing
- Cultural Services (heritage, libraries, arts and archives)
- Regeneration programmes
- County Wide Broadband development
- Grants and programmes
- Housing needs and development
- Private sector housing
- Homepoint
- Homelessness/housing advice
- Community Development
- Community Engagement
- Managing relationships with communities (e.g. Parish Councils, Community Groups)
- Big Society Hotline: support and advice for local initiatives
- Safer Herefordshire
- Highways
- Public rights of way

- Parks and countryside
- Transportation
- Community protection
- Parking
- Role as a Group 8 Safeguarding post as defined in the DCSF 'Working Together' guidance

The above service areas shall be taken to be delegated to the Heads of Service as shown below:-

The following functions shall be delegated to the Assistant Director of Place-Based Commissioning

- Central area-wide-based commissioning function for economic and cultural services, highways, transport, housing and community, environmental planning and waste, environmental health, trading standards
- Process shaping for service, performance and joint review
- Specific and joint service re-design/ Improvement
- Balancing all stakeholder demands to develop a single set of area priorities
- Developing frameworks for QA and performance
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance
- Waste Management
- Sustainability
- Highways
- Public Rights of Way
- Parks and Countryside
- Transportation

The following functions shall be delegated to the Assistant Director of Economic, Environment and Cultural Services

- Planning policy
- Development management
- Conservation
- Building control
- Markets , Fairs and Street Trading
- Bereavement Services
- Economic development
- Tourism
- Food and marketing
- Cultural services (heritage, libraries, arts and archives)
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance

The following functions shall be delegated to the Assistant Director of Homes and Community Services

- Housing needs and development
- Private sector housing
- Homepoint
- Homelessness/housing advice
- Community Development
- Community Engagement
- Managing relationships with communities
- Big Society Hot Line
- Safer Herefordshire
- Community protection

- Parking
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance
- Regeneration Programmes
- Grants and Programmes

DELEGATIONS TO THE DIRECTOR FOR PEOPLES' SERVICES

The Directorate provides Health and Social Care commissioning for both adults and children, and children and young people's services, as well as health and well-being services.

- Director of Adult Social Services**
- Director of Children's Services **
- Central area-wide commissioning for Public Health, Adult Social Care and Children's Services including schools, early years, social care and vulnerable children
- Service - shaping, performance frameworks and joint review processes
- Joint working with GPCC and other commissioners
- Specific/joint service re-design and improvement
- Balancing stakeholder demands in developing a single set of area-wide priorities/objectives for delivery of community aspirations (outcomes related to programmes)
- Developing QA and performance frameworks
- Delivery of children and young people's services including:-
 - Safeguarding and child protection services
 - Locality services
 - Children's centres
 - Integrated youth support
 - Early years and school improvement and support
 - Special educational needs and disabilities service
 - Schools admissions
 - Home to school transport
- Delivery of Public Health requirements
- Director of Public Health

- Health Promotion
- Health Improvement
- Consultant contracts
- Effective Health and Wellbeing Board
- Health and public protection
- Environmental Health
- Animal Health welfare
- Trading Standards
- Licensing
- Role as a Group 8 Safeguarding post as defined in the DCSF 'Working Together' guidance

The above service areas shall be taken to be delegated to the Heads of Service as shown below:-

The following functions shall be delegated to the Assistant Director of Peoples' Services Commissioning (Adults , Children and Health)

- Director of Adult Social Services responsibilities
- Central area-wide commissioning for Public Health, Adult Social Care and Children's Social Care
- Service - shaping, performance frameworks and joint review processes
- Joint working with GPCC, Integrated Commissioning Organisation and other commissioners
- Specific/joint service re-design and improvement
- Balancing stakeholder demands in developing a single set of area-wide priorities/objectives for delivery of community aspirations (outcomes related to programmes)
- Developing QA and performance frameworks
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance

The following functions shall be delegated to the Assistant Director of Children and Young People's Provider Services

- Director of Children's Services responsibilities
- Delivery of children and young people's services
- Responsibility for central resource bank and multi-disciplinary teams
- Regulation and safeguarding teams.
- Educational Psychology
- Community Operations
- Improvement and Inclusion
- School Inspections
- Schools support (early years, behaviour, subject advice)

- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance

The following functions shall be delegated to the Assistant Director of Health and Wellbeing Services

- Delivery of Public Health agenda
- Director of Public Health
- Health Promotion
- Health Improvement
- Consultant contracts
- Relationship with Health and Wellbeing Board
- Health and public protection
- Environmental Health
- Trading Standards
- Licensing
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance

KEY

* --denotes Statutorily appointed role

**---Denotes Statutory role that may be delegated