

## SCHEME OF DELEGATION TO OFFICERS

1. This Scheme sets out the delegated powers of officers of the County Council. For the purposes of the Constitution the term 'Corporate Director' includes all Corporate Directors, the Chief Executive, the Service Director Customers, Governance and Employees, the Service Director Finance, Infrastructure and Improvement and the Service Director, Transformation and Change.
2. Corporate Directors may delegate these powers to other officers and must ensure they appoint another officer to substitute in their absence.
3. Officers can only exercise delegated powers in accordance with the law and all of the rules, procedures, codes and protocols contained in the Council's Constitution, including the Budget and Policy Framework. Officers do not have any delegation for any matter reserved to the Full Council or for any matter which by law may not be delegated to an officer.
4. Cabinet Members and Committee Chairmen may request an officer not to exercise their delegated power in any particular case and, if so, the Chief Executive, in consultation with the Leader where appropriate, shall determine how the decision will be taken.
5. Appointments of staff below Service Director or equivalent level will be made by Officers. Any other appointment must be made by the Senior Staffing Committee.
6. Corporate Directors will agree with the Leader, any Cabinet Member and their relevant Committee Chairmen (or Vice-Chairmen in their absence) the nature and level of information they require regarding the exercise of officers' delegated powers.
7. Corporate Directors must ensure that adequate arrangements are in place to brief and consult the Leader, any Cabinet Member or Committee Chairmen (or Vice-Chairmen in their absence) within their service areas as agreed.
8. Corporate Directors will exercise their delegated powers in accordance with any requirements of the Chief Executive.
9. Corporate Directors must ensure that their department maintains a list of specific delegations to officers and make this available for public inspection. This is not necessary for decisions relating to management or day to day operational matters which fall within the responsibility of an officer's appointment/job description.
10. The Chief Executive, the Service Director Customers, Governance and Employees, the Group Manager Legal and Democratic Services Team Managers Legal Services and Senior Solicitors have authority to certify the fixing of the Common Seal of the Council to a document where this is required in order to

give effect to a decision. This includes affixing a seal by electronic means where permitted. It also includes the signing of any document as an authorised signatory on behalf of the Council where this is required and no other authority to sign the document exists.

11. The Group Manager for Legal Services is responsible for authorising the commencement or defence of, or participation in, any legal proceedings, including appearing in proceedings and signing documents necessary to any legal procedure, and authorising other officers to do so on behalf of the County Council, in consultation with other officers as necessary and subject to the requirements of the Financial Regulations in relation to Risk Management and Insurance, and Legal Claims and Settlements.
12. Certain delegated decisions made under this scheme must be recorded on the Delegated Decision Record in accordance with the Access to Information Procedure Rules at **Section xx**.
13. This Scheme should be interpreted widely to enable the smooth and effective operation of the Council.
14. Any delegations marked \* are Local Choice Functions.

**ALL CORPORATE DIRECTORS**

15. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

<b>Ref</b>	<b>Authority</b>
GEN.1	To do anything that is required for the effective management of staff and other resources within their service
GEN.2	To determine ex-gratia claims of up to £1,000 in respect of employees or volunteers carrying out their duties who suffer damage to personal belongings
GEN.3	To settle Ombudsman complaints and to determine payments under the Payments for Maladministration Policy. Governance and Ethics Committee will receive regular reports on the operation of the Policy and payments made
GEN.4	To change the establishment of their departments within available budgets in accordance with the Employment Procedure Rules. Relevant Cabinet Member approval is required for any budgetary increases
GEN.5	To exercise the powers of the County Council in the event of an emergency or disaster including, but not limited to, making or approving any arrangements for the protection of persons or property. The Corporate Director will report back to the first available meeting of the Cabinet, Committee or Full Council as appropriate to the decision taken. in the event that this authority is exercised

**NOTE** Corporate Directors and certain other officers have delegated authority to take various financial decisions under the Financial Regulations set out in **Section XX**.

### CHIEF EXECUTIVE

16. To be the Head of Paid Service and Proper Officer.
17. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
CEX.1	Taking all decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations across the Council
CEX.2	Making any decision normally reserved to any other decision maker in accordance with the Urgency Procedure Rules
CEX.3	Taking decisions whether to grant dispensations (including general dispensations) to councillors and co-opted members from requirements relating to interests and their participation in meetings
CEX.4	Taking any decision on any matter not reserved to another officer by law
CEX.5	Holding to account Corporate Directors for the performance of their departments
CEX.6	Subject to the Employment Procedure Rules to be responsible for all staffing matters
CEX.7	To be responsible for Health and Safety matters outside of the responsibility of the Cabinet Member for Personnel (under Part 1 of the Health & Safety at Work Act 1974) and to chair and oversee the Council's Compliance Board (Health & Safety) and the Risk, Safety and Emergency Management Board to ensure the effectiveness of the corporate health and safety management system and compliance with ISO 45001.
CEX.8	*Responsibility for the appointment of any individual (a) to any office other than an office in which he is employed by the authority
CEX.9	*Responsibility for the making of agreements with other local authorities for placing staff at the disposal of those other local authorities

### CHIEF EXECUTIVE'S DEPARTMENT

#### Service Director Customers, Governance and Employees

18. To be the Monitoring Officer.
19. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
CGE.1	Taking all decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into

	contracts, in accordance with approved policies and Financial Regulations in relation to the following areas: <ul style="list-style-type: none"> <li>• Legal, Democratic and Information Governance</li> <li>• Equalities</li> <li>• Communications and Marketing</li> <li>• Human Resources</li> <li>• Customer Services and Complaints</li> <li>• Health and Safety</li> <li>• Business Support Services</li> </ul>
CGE.2	Holding officers to account for the performance of their service areas
CGE.3	Delegated authority from the Chief Executive for staffing matters in relation to their areas, including authorising other officers under their control to implement and exercise the day-to-day operational aspects of this delegation, eg recruitment to vacancies in accordance with the Employment Procedure Rules
CGE.4	Approving departmental officer travel outside the UK and providing a report for information to Governance and Ethics Committee
CGE.5	Taking all operational decisions necessary relating to the level and nature of support services for County Councillors
CGE.6	To approve the recruitment process for any Co-opted and Independent Members of committees and panels in the absence of any other agreed process
CGE.7	*Be responsible for obtaining information under Section 330 of the Town and Country Planning Act 1990 as to interest in land
CGE.8	*Be responsible for obtaining particulars of persons interested in land; Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
CGE.9	To be the Senior Responsible Officer under the Regulation of Investigatory Powers Act 2000 (RIPA) and to nominate officers to act in accordance with the Council's RIPA Policy
CGE.10	To be the Senior Information Risk Owner in respect of information risk

### Service Director Finance, Infrastructure and Improvement

20. To be the Chief Finance Officer (Section 151 Officer).

21. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
FII.1	Taking all decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas: <ul style="list-style-type: none"> <li>• Financial Services</li> <li>• Procurement</li> <li>• Information and Communications Technology (ICT)</li> <li>• Risk and Assurance</li> <li>• Insurance</li> </ul>

FII.2	Holding officers to account for the performance of their service areas
FII.3	Delegated authority from the Chief Executive for staffing matters in relation to their areas, including authorising other officers under their control to implement and exercise the day-to-day operational aspects of this delegation, eg recruitment to vacancies in accordance with the Employment Procedure Rules
FII.4	Approving departmental officer travel outside the UK and providing a report for information to Governance and Ethics Committee

### Service Director, Transformation and Change

22. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

TC.1	Taking all decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas: <ul style="list-style-type: none"> <li>• Programme and Project Management</li> <li>• Corporate Performance</li> <li>• Policy Development</li> </ul>
TC.2	Holding officers to account for the performance of their service areas
TC.3	Delegated authority from the Chief Executive for staffing matters in relation to their areas, including authorising other officers under their control to implement and exercise the day-to-day operational aspects of this delegation, eg recruitment to vacancies in accordance with the Employment Procedure Rules
TC.4	Approving departmental officer travel outside the UK and providing a report for information to Governance and Ethics Committee

### CORPORATE DIRECTOR ADULT SOCIAL CARE AND HEALTH

23. To be the designated Director of Adult Social Services under s6(A1) of the Local Authority Social Services Act 1970.

24. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
ASCH.1	Taking all decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts and joint commissioning, in accordance with approved policies and Financial Regulations in relation to the following areas: Adult social care including (but not limited to): <ul style="list-style-type: none"> <li>• Safeguarding</li> <li>• Mental health</li> <li>• Disability</li> <li>• Older people</li> <li>• Residential services</li> <li>• Day services</li> </ul>

	Public Health (also see delegation to Director of Public Health)
ASCH.2	Holding officers to account for the performance of their service areas
ASCH.3	Delegated authority from the Chief Executive for staffing matters in relation to their areas, including authorising other officers under their control to implement and exercise the day-to-day operational aspects of this delegation, eg recruitment to vacancies in accordance with the Employment Procedure Rules
ASCH.4	Approving departmental officer travel outside the UK and providing a report for information to Governance and Ethics Committee

### DIRECTOR OF PUBLIC HEALTH

25. To be the designated Director of Public Health.
26. The exercise of the responsibilities and all of the statutory functions of the Director of Public Health are delegated by the County Council, the Leader or the Executive as appropriate including:

Ref	Authority
DPH.1	To take responsibility for the management of the Council's Public Health Services and function, including preparing an annual report on the health of the local population
DPH.2	To provide leadership, expertise, advice and assurance to Senior Officers and Councillors on public health services and functions across the public health system in relation to planning for or responding to emergencies involving a risk to public health
DPH.3	Responsibility for fulfilling statutory requirements to work with local partners in promoting safer communities in line with the statutory functions of the Director of Public Health

### CORPORATE DIRECTOR CHILDREN AND FAMILIES

27. To be the designated Director of Children Services in accordance with Section 19 of the Children's Act 2004.
28. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
CF.1	Taking all decisions necessary to secure the provision of service and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas: <ul style="list-style-type: none"> <li>• Education</li> <li>• Special educational needs and disability</li> <li>• Safeguarding</li> <li>• Children's social care</li> <li>• Youth services</li> <li>• Early Years</li> </ul>

CF.2	Holding officers to account for the performance of their service areas
CF.3	Delegated authority from the Chief Executive for staffing matters in relation to their areas, including authorising other officers under their control to implement and exercise the day-to-day operational aspects of this delegation, eg recruitment to vacancies in accordance with the Employment Procedure Rules
CF.4	*Responsibility for the making of arrangements for the determination of the review of a decision to exclude pupils from maintained schools
CF.5	*Responsibility for the making of arrangements for the determination of school admission appeals
CF.6	*Responsibility for the making of arrangements for the determination of appeals by Governing Bodies against decisions made by or on behalf of the County Council to admit a child to whom Section 87(2) of the Schools Standards and Framework Act 1998 applies
CF.7	Responsibility for approving school governor appointments for which the Council has responsibility
CF.8	Approving departmental officer travel outside the UK and providing a report for information to Governance and Ethics Committee

### CORPORATE DIRECTOR PLACE

29. To be the designated Deputy Chief Executive.
30. The exercise of the responsibilities set out below are delegated by the County Council, the Leader or the Executive as appropriate:

Ref	Authority
PL.1	<p>Taking all decisions necessary to secure the provision of service and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas:</p> <ul style="list-style-type: none"> <li>• Waste Disposal</li> <li>• Transport</li> <li>• Highways</li> <li>• Property</li> <li>• Catering and Facilities Management</li> <li>• Planning</li> <li>• Economic Development</li> <li>• Grant aid administration</li> <li>• Community Engagement</li> <li>• Conservation</li> <li>• Libraries</li> <li>• Country parks</li> <li>• Sport and Arts</li> </ul> <p>Public protection including:</p> <ul style="list-style-type: none"> <li>• Trading Standards</li> <li>• Emergency management</li> <li>• Registration services</li> <li>• Community Safety</li> </ul>

PL.2	<p>Subject to any matters reserved to Planning and Rights of Way Committee</p> <p>a. To carry out all County Council non-executive functions relating to town and country planning and development control as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the Functions Regulations)</p> <p>b. To exercise the Council's non-executive functions relating to highways, public rights of way and commons and village greens as set out in Schedule 1 to the Functions Regulations</p> <p>c. To carry out any other licensing and registration or regulatory functions of the Council not assigned to any other body, including any which are not to be executive functions as defined in the Local Government Act 2000, the Functions Regulations, the Local Government and Public Involvement in Health Act 2007 and associated regulations or other relevant legislation.</p>
PL.3	Holding officers to account for the performance of their service areas
PL.4	Delegated authority from the Chief Executive for staffing matters in relation to their areas, including authorising other officers under their control to implement and exercise the day-to-day operational aspects of this delegation, eg recruitment to vacancies in accordance with the Employment Procedure Rules
PL.5	*Be responsible for obtaining information under Section 330 of the Town and Country Planning Act 1990 as to interest in land
PL.6	*Be responsible for obtaining particulars of persons interested in land; Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
PL.7	*Be responsible for the making of agreements for the Execution of highway works under s.278 of the Highways Act 1980
PL.8	Approving departmental officer travel outside the UK and providing a report for information to Governance and Ethics Committee

## STATUTORY OFFICERS

31. There is a legal requirement to allocate some specific responsibilities to Officers and the Council has designated the following posts:

Head of Paid Service	Chief Executive
Proper Officer for all functions (except where delegated by the Chief Executive to other Officers)	Chief Executive
Monitoring Officer	Service Director Customers, Governance and Employees
Chief Finance Officer (also known as Section 151 Officer)	Services Director Finance, Infrastructure and Improvement



**HEAD OF PAID SERVICE**

32. The Council's Chief Executive is currently designated as the Head of Paid Service. The functions of the Head of Paid Service are:

Reporting to Full Council on the way in which the discharge of the Council's functions is managed
The number and grade of officers required for the discharge of these functions
The way in which the officers are structured into departments
Considering applications from officers for exemption from political restriction in respect of the post held by that officer

**NOTE:** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

**PROPER OFFICER**

33. The Proper Officer refers to senior officers being designed for specific purposes under Local Government legislation.

**MONITORING OFFICER**

34. The Council's Service Director, Customers, Governance and Employees is currently designated as the Monitoring Officer. The functions of the Monitoring Officer are:

Responsibility for maintaining the Constitution including authority to make amendments to the Constitution to keep it up to date with any permitted changes made by the Leader, make any minor and consequential amendments and corrections to the Constitution and to keep it up to date with legislation and/or to keep the whole constitution in line with Council decisions made from time to time
Responsibility for ensuring the lawfulness and fairness of decision making; this includes authority, after consulting with the Head of Paid Service and Chief Finance Officer, to report to the Full Council or the Executive if they consider that any proposal, decision or omission would give rise to unlawfulness or maladministration
Responsibility for contributing to the promotion and maintenance of high standards of conduct including monitoring adherence to the County Council's Members' Code of Conduct and dealing with any allegations of breaches of the code
Maintaining and publishing a register of Members' Disclosable Pecuniary Interests (and any other interests defined by the County Council), including deciding on the publication of sensitive interests

**NOTE:** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

**CHIEF FINANCE OFFICER (Section 151 Officer)**

35. The Council's Service Director Finance, Infrastructure and Improvement is currently designated as the Chief Finance Officer (Section 151 Officer). The functions of the Chief Finance Officer are:

Responsibility for ensuring the lawfulness and financial prudence of decision making; this includes authority, after consulting with the Head of Paid Service and Monitoring Officer, to report to the Full Council if they consider that any proposal, decision or omission would give rise to unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully
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Responsibility for the administration of the financial affairs of the Council
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Responsibility for providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity
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Providing financial information to the media, the public and the community
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**NOTE:** The Chief Finance Officer cannot be the Monitoring Officer but may hold the post of Head of Paid Service.

**SCRUTINY OFFICER**

36. The Council is required to appoint a Scrutiny Officer. The functions of the Scrutiny Officer are:

To promote the role of the Council's scrutiny function and committees
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To provide support to the Overview Committee and Select Committees and members of those committees
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To provide support and guidance to councillors, Cabinet Members and officers of the Council in relation to the functions of the Council's Overview Committee and Select Committees
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**NOTE:** the Scrutiny Officer cannot be the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.

**DATA PROTECTION OFFICER**

37. The Council is required to appoint a Data Protection Officer. The functions of the Data Protection Officer are:

To inform and advise the organisation and its employees about their obligations to comply with the General Data Protection Regulations (UK GDPR) and other data protection laws
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To monitor compliance with the UK GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits
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To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, residents etc)
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