

**SCHEME OF ASSIGNMENT OF RESPONSIBILITY FOR
FUNCTIONS**

APPENDIX 1 – SCHEME OF ASSIGNMENT OF RESPONSIBILITY FOR FUNCTIONS

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APPENDIX 1 - SCHEME OF ASSIGNMENT OF RESPONSIBILITY FOR FUNCTIONS

A. INTRODUCTION

1. The Council has adopted the 'new-style' Leader and Cabinet executive (England) governance model from after its elections on 4 June 2009. The 'executive' therefore consists of the Leader of the Council (who is appointed by full Council and may be removed by it) and 2 or more councillors appointed to the Cabinet from time to time by that Leader. The executive of Worcestershire County Council is described as 'the Cabinet'.
2. In accordance with the law, any function of the Council which is not otherwise specified in legislation is an 'executive function' and is the responsibility of the Leader and Cabinet. The Cabinet is responsible for all of the County Council's functions (including Local Choice functions) except those which are required by the law or this Council's Constitution to be the responsibility of the Council itself or any other non-executive part of the Council. Executive functions are regarded as exercisable by the Cabinet on behalf of the Council and may not be exercised by the Council.
3. Such executive functions may be discharged in accordance with provisions made by or under this Constitution or the law, in particular the Local Government Act 2000, Public Involvement in Health Act 2007 and associated Regulations.
4. Legislation specifies particular non-executive functions which cannot be the responsibility of the Cabinet, and also Local Choice functions which may be allocated to be the responsibility of the Cabinet but do not need to be. All local choice functions which are not otherwise allocated under this Constitution are the responsibility of the Cabinet.
5. The Leader may personally discharge functions which are the responsibility of the executive or arrange for their discharge by the Cabinet, another member of the Cabinet, a committee of the Cabinet, or by an officer. The Leader may change these arrangements from time to time. Unless the Leader otherwise directs, the Cabinet itself may arrange for the discharge of any of its functions by a committee of itself, a joint committee or by an officer.
6. This scheme reflects the assignment of functions by either the Council (in respect of matters which are not executive functions) or by the Leader of the Council or Cabinet (in respect of matters which are the responsibility of the executive) as appropriate to the particular function. In relation to delegation to officers the scheme does not distinguish between the 2 sources of delegation.
7. Responsibility for the functions of the Council and Cabinet is delegated or assigned as set out in the following provisions of this scheme, and such

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delegation/assignment includes the power to do anything which is calculated to facilitate or is conducive to the discharge of those functions.

8. The provisions of this scheme take account of the requirements of the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007 and relevant legislation including Regulations in the assignment of functions to the Council itself, to the Leader/Cabinet, to other Committees or Panels. They take account of any prohibitions restrictions or local choice in the assignment of these functions.
9. The Council, the Leader, Cabinet, Committees or Panels to which functions are assigned shall act in accordance with the law and the provisions of the Council's Constitution including any Standing Orders, Procedure Rules, Financial Regulations and protocols approved from time to time (except those joint committees or any other member bodies regulated by separate constitutions).
10. Those functions reserved to the full Council itself are not to be delegated or assigned except as permitted under the law or this Constitution.
11. Each body having decision-making powers (a 'Delegate') shall implement and act within the policies of the Council, having regard to the advice of Head of Legal and Democratic Services.
12. Each Delegate shall have the power to delegate further to an officer all or any of the functions delegated to it.
13. Each Delegate shall have the power to institute or defend or authorise appearance in legal proceedings, having regard to the advice of Head of Legal and Democratic Services.
14. A Delegate may decide not to exercise any function in relation to a particular matter and invite the Council, Leader or Cabinet (depending upon whether the function is the responsibility of the executive) or any other appropriate body as the case may be to do so instead.
15. The functions, powers and duties are delegated to officers in accordance with the scheme of delegation to officers.
16. **Meanings**
 - (a) **Executive functions** shall mean those functions that by law must be the responsibility of the Executive.
 - (b) **Non-executive functions** shall mean those functions that by law must not be the responsibility of the Executive.
 - (c) **Local choice functions** shall mean those functions that the Council may decide to exercise itself or delegate to any part of the Council including the Executive
 - (d) **Responsibility of the Executive** shall include those matters which are executive functions, or local choice functions which have been delegated to the Executive.

MEMBER BODIES

B COUNCIL

1 Only the Council has responsibility for and will exercise the following functions:

- (a) adopting and changing the Articles of the Constitution or authorising such;
- (b) approving or adopting the Policy Framework and the Budget (both as defined below)
- (c) approving or adopting the Members' Code of Conduct;
- (d) subject to the urgency procedure contained in the Budget Policy Framework Rules in Appendix 6 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget;
- (e) appointing and removing the Leader of the Council;
- (f) establishing, agreeing and/or amending (or making arrangements for agreeing and/or amending) the terms of reference for Committees, Joint Committees, or Panels which the Council may establish as part of its Constitution and which are not the responsibility of the executive, deciding on their composition and making arrangements for appointments to them;
- (g) appointing or removing the Chairman and Vice-Chairman of the Council, and the Chairman and Vice-Chairman of Committees established as part of the constitution of the Council and which are not the responsibility of the executive; and appointing or removing Lead Scrutiny members of the Overview and Scrutiny Performance Board;
- (h) Adopting or amending a members' allowances scheme and any other allowances or expenses payable to members or office holders;
- (i) changing the name of the county;
- (j) conferring the title of honorary Alderman;
- (k) confirming the appointment of, and dismissal, of the Head of Paid Service;
- (l) making, amending, revoking, re-enacting or adopting byelaws;
- (m) promoting or opposing the making of local or personal Bills in Parliament;

- (n) receiving and enabling answers to questions on reports from the West Mercia Police Authority and Hereford and Worcester Fire and Rescue Authority;
 - (o) appointing the independent members of the Standards and Ethics Committee and the independent Remuneration Panel;
 - (p) changing governance arrangements under Sections 33A-O of the Local Government Act 2000 (executive arrangements);
 - (q) changing the name of any of the Council's electoral Divisions;
 - (r) all other matters which, by law, must be reserved to the Council or which may be so reserved and the Council chooses to reserve to itself;
- 2 The Council has responsibility for and may delegate the exercise of the following functions except to the executive.
- (a) functions in relation to elections and boundaries;
 - (b) functions in relation to local government pensions etc;
 - (c) employment of staff, and identification of designated and proper officers;
 - (d) making arrangements for the appointment of representatives to outside bodies unless the appointment is the responsibility of the executive;
 - (e) adopting or varying the Constitution including the making or variation of procedural standing orders and rules and standing orders in relation to contracts.
 - (f) making arrangements for the proper administration of the Council's Financial affairs, including approving the Council's statement of accounts;
 - (g) payments or benefits in cases of maladministration;
 - (h) any functions under local legislation which may not be the responsibility of the executive;
 - (i) all other non-executive or local choice functions which are not the responsibility of the executive.
 - (j) all other functions which the Council is permitted to delegate by law or this Constitution.

Policy Framework

The Policy Framework means the following plans and strategies or successors from time to time:-

- Best Value Performance Plan
- Sustainable Community Strategy
- Corporate Plan
- Children and Young People's Plan
- Local Transport Plan
- Any Development Plan document required to be submitted to the Secretary of State for independent examination under the Planning and Compulsory Purchase Act 2004, including the Mineral and Waste Development Scheme.
- Youth Justice Plan
- Crime and disorder reduction strategy
- Such other plans and strategies as required by law to form part of the Policy Framework or which may be and have been adopted to be part of that Framework.

Budget

The budget includes the budget policy and medium term financial plan, the allocation of financial resources to different services, proposed contingency funds, setting the precept and decisions relating to compliance with prudential guidelines, the control of its capital and revenue expenditure and the setting of virement limits in relation to the following financial year. For the avoidance of doubt this includes the approval of the treasury management and investment strategies.

C CABINET

The Leader of the Council has determined that the Cabinet will consist of the Leader and 9 Cabinet Members. Cabinet will collectively:

- (a) Carry out all of the County Council's functions, including Local Choice functions except those which are required by the law or this Council's Constitution to be the responsibility of the Council itself or any other non-executive part of the Council. It will therefore have responsibility for all executive functions and functions which are responsibility of the executive;
- (b) Consider and recommend for approval by the Council the current budget containing the deployment of revenue and capital resources including the issue of the precept, the statement of prudential indicators in relation to the borrowing of money;
- (c) Consider and recommend for approval by the Council any plan and strategy forming part of the Policy Framework of the Council;
- (d) Consider and recommend for approval by the Council any plan or strategy which the Council has chosen to reserve itself;
- (e) Subject to the urgency provisions in the Budget and Policy Framework Rules (Appendix 6), consider and recommend to Council the determination of any matter relating to the Council's budget or approved policy framework, if it is minded to determine

the matter in a manner contrary to or not wholly in accordance with the budget, policy framework as the case may be or if it is not authorised by the Council's constitutional arrangements, standing orders, financial regulations, procedure rules or protocols;

- (f) Consider and respond to overview and scrutiny reports and recommendations;
- (g) Have responsibility for the best value review programme and for the approval of completed best value reviews;
- (h) Carry out such other functions as are set out in the Council's Constitution or allocated to it by the Leader, Council or legislation from time to time.

CABINET MEMBERS' AREAS OF RESPONSIBILITY

The Leader of the Council has responsibility for appointing Cabinet Members with Responsibility and assigning their respective political responsibilities for matters which are the responsibility of the executive.

The Leader has determined that decisions on behalf of the Executive will continue to be made collectively by the Cabinet. Delegations to officers in relation to executive functions continue as set out in the Assignment of responsibility for functions as updated from time to time.

Individual Cabinet members will continue to hold responsibility for political leadership in their assigned areas (including delivery of the relevant parts of the Local Area Agreements) insofar as they are the responsibility of the executive. The Leader of the Council has established the following areas of political responsibility to be held by Cabinet members:

- **LEADER OF THE COUNCIL**

Overall responsibility for executive functions and political leadership.

- **ADULT AND COMMUNITY SERVICES**

- 1 Adult Social Care (and lead member for Adults' Services)
- 2 Adult learning – community education and lifelong learning
- 3 Cultural services
 - Libraries
 - Arts
 - Museum
 - Archaeology
 - Information management/Record Office
- 4 Registration of Births, Deaths and Marriages
- 5 Coroner's Service
- 6 Supporting People
- 7 Community safety
- 8 Substance Misuse
- 9 Equalities and Diversity

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- **CHILDREN AND YOUNG PEOPLE**

Responsibility is divided between 2 Cabinet members as follows:

A – Cabinet Member with Responsibility for children (0-11 years)

- 1 Children's services including family services and child protection
- 2 Corporate parenting
- 3 School improvement and achievement (primaries or deemed primaries)
- 4 Services for schools (primaries or deemed primaries)
- 5 Policy development and quality assurance
- 6 Early years/SureStart

B – Cabinet Member with Responsibility for children and young people (12-19 years)

1. Children's services including family services and child protection
2. Corporate parenting
3. School improvement and achievement (secondaries or deemed secondaries)
4. Services for schools (secondaries or deemed secondaries)
5. Policy development and quality assurance
6. Youth service
7. Youth Offending Service

The Cabinet Member with Responsibility for children (0-11years) is designated the Lead member for Children's Services in accordance with the Children Act 2004. In cases of uncertainty or overlap either the Leader or the Lead member may determine how political responsibility shall be held between the 2 Cabinet Members.

- **CORPORATE SERVICES**

1. Human Resources and Organisational Development
2. Land and property
3. ICT and E-government
4. Legal and Democratic Services
5. Development of customer services with public sector partners (The Hub) and including consumer relations
6. Development of Shared Services with public sector partners
7. Procurement
8. Project Management/major projects/strategic partnerships
9. Student Finance

- **FINANCE**

1. Financial practice and standards
2. Financial management
3. Financial appraisal and commissioning
4. Service business support

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5. Professional accountability for outposted staff

[Note for the avoidance of doubt these functions responsibilities exclude any functions allocated to the Audit and Governance Committee].

• **HEALTH IMPROVEMENT**

1. Health Improvement initiatives
2. Improving health in line with public health and related targets in the Local Area Agreements
3. Health Improvement Strategy

• **PLANNING, ECONOMY AND PERFORMANCE**

- 1 Corporate planning and monitoring
- 2 Performance management and improvement
- 3 Corporate risk and efficiency management (Gershon)
- 4 Community leadership and engagement
- 5 Strategic planning – community and spatial
- 6 Economic development and regeneration (including tourism)
- 7 Regional, European and international relationships
- 8 Communication/marketing
- 9 Research and intelligence
- 10 Emergency Planning and Public Protection issues
- 11 Lead co-ordinating responsibility for Local Area Agreement/Local Strategic Partnership matters

[Note for the avoidance of doubt these responsibilities exclude any functions allocated to the Planning and Regulatory Committee].

• **TRANSPORT AND SAFE ENVIRONMENT**

- 1 Highways
- 2 Road Safety
- 3 Street Works
- 4 Strategic Transportation
- 5 Passenger Transport
- 6 Sustainable Transport
- 7 Trading Standards
- 8 Scientific Services
- 9 Flood Mitigation
- 10 Countryside
- 11 Gypsies
- 12 Animal Health

[The Cabinet Member will be supported by the Director of Environmental Services and relevant staff].

• **WASTE AND SUSTAINABILITY**

1. Waste management

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2. Strategic Flooding issues
3. Environmental Protection and Conservation
4. Environmental Sustainability

[The Cabinet Member will be supported by the Directors of Planning, Economy and Performance and Environmental Services, and their relevant staff].

D OVERVIEW AND SCRUTINY

Overview and Scrutiny Performance Board

The role of the Overview and Scrutiny Performance Board (OSPB) will be to:-

- (a) To plan and co-ordinate the work of Overview and Scrutiny, to agree areas for scrutiny (including the development of an outline work programme for approval by the County Council) and terms of reference for each in-depth scrutiny review;
- (b) To commission overview and scrutiny work through Overview and Scrutiny Panels, scrutiny task groups, joint working with district councils or itself;
- (c) To agree Overview and Scrutiny reports prepared by Overview and Scrutiny Panels, scrutiny task groups or joint working arrangements with district councils;
- (d) To act as an interface with the Cabinet;
- (e) To receive, comment and advise on the Council's policy framework such as the Sustainable Communities Strategy and on other major policy issues (with Overview and Scrutiny Panels or scrutiny task groups being commissioned to undertake any detailed work during the year);
- (f) To have overall responsibility for budget scrutiny and performance management issues (including Directorate performance against LAA forecasts), with Overview and Scrutiny Panels undertaking the detailed work in respect of their respective areas of involvement;
- (g) To review and/or scrutinise (or to commission a review and/or scrutiny of) decisions made or actions taken in connection with the discharge of any of the Council's functions whether or not the responsibility of the Cabinet;
- (h) To contribute to the policy development of the Council by undertaking (or commissioning) the consideration of issues prior to their consideration by the Cabinet;
- (i) To exercise the right to call-in, for re-consideration of decisions made but not yet implemented by the Cabinet;
- (j) To decide whether and how to deal with call-ins, commissioning Overview and Scrutiny Panels or establishing scrutiny task groups to undertake any detailed work under terms of reference agreed by the Board;

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- (k) To decided whether and how to deal with Councillor Call for Action requests (including those requests which relate to Crime and Disorder matters); Commissioning Overview and Scrutiny Panels or establishing scrutiny task groups to undertake any detailed work under Terms of Reference agreed by the Board;
- (l) To agree arrangements for any review of the performance of relevant external organisations which impact on the Council's functions and services and submit reports after comment, as appropriate, by the Cabinet and external organisations, to the Council;
- (m) To act as the relevant 'Crime and Disorder' Committee undertaking those responsibilities conferred by the Crime and Disorder Act, or commissioning specific work to be undertaken by a specific Overview and Scrutiny Panel or establishing a scrutiny task group to do so;
- (n) To monitor the quality of scrutinies;
- (o) To monitor (or commission the monitoring of) the implementation of any scrutiny recommendations accepted by the Cabinet;
- (p) To oversee the development of member skills and competencies in scrutiny;
- (q) To carry out such Overview and Scrutiny functions as may be allocated from time to time by legislation or this Constitution.

Health Overview and Scrutiny Committee

The role of the Health Overview and Scrutiny Committee will be:-

- (a) To review and scrutinise any matter relating to the planning, provision and operation of health services in the area of the County.
- (b) To review and scrutinise the impact of the Council's services and of key partnerships on the health of residents in the County.
- (c) To respond to consultations from the National Health Service on any proposal for a substantial development of health services in the area, or for a substantial variation in the provision of such a service;
- (d) To establish (or agree to participate in) joint Health Overview and Scrutiny committees where a local NHS body is undertaking statutory consultation with different authorities on a proposal for substantial variations or developments to NHS services where people from more than one local authority area might be affected, or as appropriate to deal with particular issues.
[The Director of Corporate Services is also authorised to determine the terms and details of any such joint committee, in consultation with the Chairman of HOSC and Group Leaders].

- (e) To determine whether to delegate responsibility for certain focussed scrutiny exercises to District Councils subject to the County Council's strategic policies and budget provisions being adhered to.

Overview and Scrutiny Panels

- **Adult Care and Well-Being Overview and Scrutiny Panel**- Sustainable Community Strategy (SCS) theme of meeting the needs of Children and Young People including their health.
- **Children and Young People Overview and Scrutiny Panel** – SCS themes of better environment for today and tomorrow; Economic success shared by all; Stronger Communities.
- **Environment and Economy Overview and Scrutiny Panel** – SCS themes of improving health and well-being; Communities that are safe and feel safe.
- **Resources Overview and Scrutiny Panel** - support functions

The role of the Overview and Scrutiny Panels will be:-

- (a) To be responsible for regular performance monitoring both in respect of directorate performance and performance against Local Area Agreement targets relevant to their theme/s;
- (b) To be responsible for routine budget monitoring of those services and functions within their area of scrutiny responsibility;
- (c) To contribute to the policy development of the Council by undertaking the consideration of issues on the terms commissioned by the OSPB and prior to consideration by Cabinet;
- (d) To carry out in-depth scrutinies on the basis of and in accordance with the terms of reference agreed by the OSPB;
- (e) To carry out any other tasks (including the consideration of Call-ins and Councillor Calls for Action) commissioned by the OSPB in pursuance of its functions.

Scrutiny Task Groups

- (a) To carry out in-depth scrutinies on the basis of and in accordance with the terms of reference agreed by the OSPB;
- (b) To carry out any other tasks (including the consideration of Call-ins and Councillor Calls for Action) commissioned by the OSPB in pursuance of its functions.

[NB Scrutiny Task Groups are not Committees of the Council but informal working groups]

E PLANNING AND REGULATORY COMMITTEE

- (a) To determine planning applications which are the responsibility of the Council;
- (b) To determine applications for the Council's own development;
- (c) To carry out all other 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 (the Functions Regulations);
- (d) To exercise the Council's functions relating to public rights of way as set out in Schedule 1 to the Functions Regulations (as amended);
- (e) To carry out any other licensing and registration or regulatory functions not assigned to any other body, including any which are not to be executive functions as defined in the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and associated regulations.

F STANDARDS AND ETHICS COMMITTEE

- (a) To promote and maintain a high standard of conduct by County Councillors, co-opted members and church and parent governor representatives; to oversee the Registers of Members' Interests; and to oversee the effectiveness of the Council's procedures for investigating and responding to complaints about Councillors.
- (b) To assist County Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct and Protocols in place from time to time;
- (c) To advise the County Council on the adoption or revision of any Members' Codes of Conduct and Protocols of the County Council;
- (d) To monitor the operation of such Codes and Protocols;
- (e) To advise, train, or arrange to train County Councillors, co-opted members and church and parent governor representatives on matters relating to any Members' Codes of Conduct and Protocols;
- (f) To grant dispensations to County Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) To consider such allegations of failure to comply with the Members' Code of Conduct as are referred to it, to consider reports or recommendations from a case or interim case tribunal, the Monitoring Officer or Ethical Standards Officer; and to conduct in accordance with the procedure in force from time to time assessment and review of, or hearings into and

determination of such allegations and take such action as required, permitted or appropriate;

- (h) To approve the reason for one or more County Councillors failing to attend meetings pursuant to Section 85 of the Local Government Act 1972 or succeeding provisions to similar effect;
- (i) To consider applications from officers of the Council in relation to waiving the restrictions relating to Politically Restricted Posts;
- (j) To carry out all functions allocated by legislation to a statutory standards committee

STANDARD AND ETHICS ASSESSMENT AND REVIEW SUB COMMITTEES

To carry out the functions of the Committee in relation to assessment and review respectively within (g) above in accordance with the relevant legislation or procedures from time to time, or such functions as are allocated to it on behalf of the Standards and Ethics Committee from time to time. The Assessment sub-committee will also deal with 'Consideration' meetings in accordance with the procedure.

STANDARDS AND ETHICS HEARING SUB-COMMITTEE

To carry out the functions of the Committee in relation to hearings within (g) to (i) above or as allocated in the relevant procedures from time to time; or such functions as are allocated to it on behalf of the Standards and Ethics Committee.

G AUDIT AND GOVERNANCE COMMITTEE

- (a) To review the annual audit plans of both the internal and external auditors;
- (b) To receive and comment upon the external and internal auditors' reports;
- (c) To monitor the adequacy and effectiveness of the Council's system of internal control;
- (d) To consider and approve the annual statements of accounts;
- (e) To be satisfied as to the Council's overall corporate governance arrangements;
- (f) To ensure that a corporate risk management strategy is drawn up, and to consider, monitor and review the effectiveness of the Council's risk management arrangements;
- (g) To consider monitor and review the Council's arrangements for the prevention and detection of fraud and corruption;

- (h) To consider any report from the Chief Internal Auditor in pursuance of Financial Regulations.

H APPELLATE PANEL

- (a) Individual appeal panels selected by the Director of Corporate Services from the wider group of members constituting the Appellate Panel to hear and determine Personnel Appeals and to carry out any other appellate and representations functions which by virtue of statutory provision or of any procedure agreed by the Council require member determination;
- (b) Members from the Appellate Panel will also be selected to serve on any Review Panel required as part of the corporate representations procedure.

I APPOINTMENTS ETC. PANEL

- (a) To act in relation to the appointment, terms and conditions, discipline, capability, suspension or dismissal of the Chief Executive (Head of Paid Service), Directors and Heads of Service (collectively Chief Officer-related posts) in accordance with the provisions of the Officer Employment Rules. (Appendix 9 to the Constitution).
- (b) To take any decisions on non-executive functions relating to staffing and personnel matters which are not, in pursuance of any policies practices or procedures, delegated to officers, including the determination of any cases of early termination of employment or redundancy involving the award of added years.

J JOINT COMMITTEES OF THE EXECUTIVE

- **WEST MERCIA SUPPLIES JOINT COMMITTEE (REGULATED BY FORMAL AGREEMENT)**

A joint committee has been established of the executives of Worcestershire County Council and Shropshire Council, Telford and Wrekin Council and Herefordshire Council.

The joint committee has responsibility to operate and manage West Mercia Supplies for the purposes of carrying out purchasing and distribution activities and take other action in accordance with the formal agreement between the above Councils.

- **SOUTH WORCESTERSHIRE SHARED SERVICES PARTNERSHIP JOINT COMMITTEE (REGULATED BY FORMAL AGREEMENT)**

A joint committee has been established of the executives of the Council, Worcester City Council, and Wychavon District Council, and with Malvern Hills District Council

The Joint Committee has provision to operate and manage such shared services as are agreed to be placed within its remit by participating authorities. The Worcestershire Hub has been placed within the remit of this Joint Committee as a

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shared service between the Council and Malvern Hills District Council and Worcester City Council as participating authorities.

The Cabinet has also agreed that the provision of a shared ICT service to Malvern Hills District Council, Worcester City and Wychavon District Council fall within that Joint Committee from 1 April 2010.

- **MUSEUM SERVICE (TO BE REGULATED BY FORMAL AGREEMENT)**

The Cabinet has authorised a Joint Committee to be established with Worcester City Council for the provision of a joint Museum Service from 1 April 2010. The Joint Committee has not yet been established but will exercise the Council's statutory functions under Section 12 of the Public Libraries and Museum Act 1964 in relation to the joint service.

K JOINT CONSULTATIVE/NEGOTIATION COMMITTEES (REGULATED BY FORMAL CONSTITUTIONS)

Joint Committee for Chief Officers

Provision for consultation, sharing of information or negotiation on any employee relations matter affecting officers of the council whose terms and conditions of employment fall within the scope of the Joint Negotiating Committee for Chief Officers.

Joint Employees Committee

Provision for consultation, sharing of information or negotiation on any employee relations matter affecting employees of the council whose terms and conditions of employment fall within the National Joint Council for Local Government Service.

Joint Teaching Staff Committee

Provision for consultation, sharing of information or negotiation on any employee relations matter affecting teachers

L OTHER BODIES

- **Investment Monitoring Panel**

The Panel performs no decision-making functions but is established by the Director of Financial Services to advise him in respect of the monitoring of pension fund investments, and includes elected members and such other stakeholders as the Director determines.

[NB the Panel is not a Committee of the Council but is an advisory working group to assist the Director of Financial Services]

- **Standing Advisory Council on Religious Education (SACRE)**

SACRE is a statutory body established to advise the Council on matters relating to collective worship and religious education and performs its functions in accordance with statutory requirements.

OFFICERS' SCHEME OF DELEGATION

1. The functions, powers and duties in this scheme are delegated to officers as shown in the attached schedule by the Council, Leader or Cabinet. These include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of these functions.
2. When functions are delegated to an officer, the Leader or Cabinet (in relation to a function which is the responsibility of the executive) or (in relation to non executive functions) the Council, relevant Committee, or other member body with decision-making powers may specify that a particular decision shall not be exercised by an officer but be reserved or referred to the Council, Cabinet or Committee or other member body as the case may be.
3. The Chief Executive and Directors, acting as the Chief Officers' Management Board (COMB), shall have the responsibility to ensure that the Council's policies, practices and procedures are carried out in a corporate, consistent and co-ordinated manner and may take collective decisions.
4. Subject to Paragraph 5, the Chief Executive and each Director shall have the following general responsibilities, powers and duties:
 - (a) To implement and act within the approved policy framework and budget and any other approved policies, plans, practices and procedures of the Council;
 - (b) To delegate further, in writing, all or any of their delegated functions to other officers to exercise in their own name;
 - (c) In exercising delegated powers, to consult with such other officers as appropriate and to have regard to any advice given and in particular to seek appropriate advice in relation to a professional judgement required in any area in which he/she is not professionally qualified;
 - (d) To advise on policy development and formulation;
 - (e) To act in accordance with the Council's Constitution, Standing Orders, Financial Regulations, Procedure Rules and any protocols or other arrangements approved in pursuance of them;
 - (f) To carry out all employment functions and to deal with any staffing establishment issue in relation to staff employed in the delivery of services for which he/she is responsible;

- (g) To be responsible for the performance of those employees carrying out the functions for which he/she is responsible;
- (h) To institute, defend, appeal, make any application or representation within, any criminal or civil legal proceedings before any court, tribunal or inquiry, provided that the Head of Legal and Democratic Services agrees that it is appropriate to take such action;
- (i) To manage any physical assets, including land and buildings (except for the acquisition, appropriation or disposal of land and buildings), information technology, vehicles and equipment generally, allocated to the service for which he/she is responsible;
- (j) To enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of either body;
- (k) To make payments or provide other benefits in cases of maladministration.
- (l) Where the Chief Executive is unable to act or is absent, the powers delegated to him/her shall be exercised by any other member of the Chief Officers' Management Board;
- (m) When any Director is unable to act or is absent, the powers delegated to him/her shall be exercised by any other officer nominated by him/her or by the Chief Executive;
- (n) To maintain close liaison with appropriate Councillors on any sensitive or contentious issues;
- (o) To keep relevant Councillors informed as appropriate including on matters affecting their electoral division;
- (p) To be the lead officer on major corporate issues, as designated in each case by COMB or the Chief Executive;
- (q) To act as proper officer where so designated by the Chief Executive from time to time; and
- (r) To exercise the Council's well-being powers under the Local Government Act 2000 in relation to matters falling within the ambit of their Directorate or delegated powers.

5. The following functions are not delegated to any officer:

- (a) any matters reserved to full Council, the Cabinet or any other Committee or a member body having decision-making powers, or any matter constituting a key decision;
- (b) any function which by law may not be delegated to an officer;

- (c) the adoption of significant new policy or significant variations to existing policies and any matter which is contrary to the policy framework and budget of the Council (subject to any exception in the Budget and Policy Framework Rules); and
 - (d) the appointment, terms and conditions, or dismissal of the Chief Executive, Directors and Heads of Service (Chief Officer- related posts).
6. (a) An officer may decide not to exercise any function in relation to a particular matter and to invite the Council, the Cabinet, or other Committee or relevant member body having decision-making powers, as appropriate, to do so instead. It is open to an officer to consult with appropriate Councillors (such as the Leader of the Council, Group Leaders, Cabinet Members with responsibility, Chairman of any other relevant Committee or Panel, as the case may be) on the exercise of delegated powers or in deciding whether or not to exercise such powers. An officer will normally consider very carefully whether to exercise any delegated powers where a matter is likely to be controversial or contentious.
- (b) The extent to which officers carry out such consultations is ultimately a matter for them but in exercising this judgement they should have regard to the following general principles:
- (i) Day to day decisions on technical, professional or routine issues would normally be taken without consultation with councillors
 - (ii) The need to consult with a Cabinet Member with Responsibility when an issue arises when there is some uncertainty in the application of existing policy
 - (iii) If a decision is required in relation to a matter which has a clear impact on or significantly affects a particular electoral division(s) an officer would be expected to consult with the relevant local member(s)
 - (iv) If a decision is likely to generate high profile publicity or have a significant impact on the Council's relationship with external bodies and partners an officer would be expected to consult with the relevant Cabinet Member with Responsibility.
 - (v) The need or desirability to consult with representatives of the group(s) not forming part of the administration.
 - (vi) An officer may find it desirable to consult with a member or group of members who have been identified as possessing expertise in relation to a specific matter.
- (c) An officer will be expected to comply with any protocols

agreed from time to time in relation to the exercise of specific functions.

SCHEDULE TO SCHEME OF DELEGATION TO OFFICERS

THE CHIEF EXECUTIVE

1. To be Head of the Paid Service.
2. To be County Controller for Civil Defence.
3. To oversee policy development and planning (including corporate policy development) and Best Value strategy.
4. To be responsible for advising on the appropriate level of resources for services.
5. To oversee corporate performance monitoring of the Council.
6. To oversee community consultation, engagement, and leadership.
7. To oversee corporate communications.
8. To be responsible for strategies for change whether from within the authority or externally influenced.
9. To make arrangements for dealing with any matter raised by the Government or Local Authority Association calling for a view or decision by the Council.
10. To oversee issues in relation to the corporate representations procedure and any other council complaints process, including matters of maladministration.
11. To carry out any functions assigned in pursuance of the Council's constitution, standing orders, financial regulations, Procedure Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.
12. To be responsible for the overall organisational structure and management of the Council.
13. To be responsible for the effective leadership, management and performance of the Chief Officers Management Board.

DIRECTOR OF ADULT AND COMMUNITY SERVICES

1. To be the Director of Adult Social Services and carry out the functions of the Council in relation to Adult Social Services and Social Care including all social services functions under the Local Authority Social Services Act 1970 (as amended from time to time) as far as they relate to adults.
2. To carry out the functions of the Council regarding the scheme for disabled persons' vehicle badges under the Chronically Sick and Disabled Persons Act 1970.
3. To be the principal point of contact for the conduct of business with the health service sector and carry out the functions of the Council under the Health Act 1999 and any other health legislation (as amended from time to time) so far as these functions relate to adults.
4. To carry out the functions of the Council in relation to Supporting People.
5. To carry out the functions of the Council in relation to the Registration of Births, Deaths and Marriages.
6. To carry out the functions of the Council in relation to the Coroner's Service.
7. To carry out the functions of the Council as Library and Museum authority, and generally act in relation to Libraries, Arts, Museums, Archaeology and associated cultural services.
8. To manage the Council's functions in relation to archives and records.
9. To have overall responsibility for the Council's information management systems, including any functions under Freedom of Information Act, Data Protection Act and other Regulations.
10. To act as Data Protection Officer.
11. To carry out functions of the Council in relation to Community Safety.
12. To carry out the functions of the Council in relation to substance misuse.
13. To carry out the functions of the Council in relation to domestic violence.
14. To be responsible for overseeing the Council's approach to equality and diversity.
15. To carry out the functions of the Council as local education authority in relation to adult learning and further and higher education including the functions set out in section 18(3) of the Children Act 2004 (as amended from time to time).
16. To carry out any functions assigned in pursuance of the Council's constitution, standing orders, financial regulations, Procedure Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.

THE DIRECTOR OF CHILDREN'S SERVICES

1. To carry out the functions of the Council as a Children's Services Authority including those functions referred to in Section 18(1) of the Children Act 2004 (as amended from time to time).
2. To carry out the function of the Council as Local Education Authority including the functions of the Council relating to child employment and the youth service but excluding functions relating to adult learning and further and higher education set out in Section 18(3) of the Children Act 2004 (as amended from time to time).
3. To be responsible for the administration and planning of the review of organisation of schools within the County.
4. To carry out the functions of the Council which are social services functions under the Local Authority Social Services Act 1970 (as amended from time to time) so far as they relate to children.
5. To carry out the functions of the Council as an Adoption Agency.
6. To carry out the functions of the Council under section 31 of the Health Act 1999 (as amended from time to time) so far as those functions relate to children.
7. To carry out the functions of the Council under sections 23C to 24D of the Children Act 1989 (as amended from time to time). (After care arrangements etc).
8. To carry out the functions of the Council under sections 10 to 12 and 17 of the Children Act 2004 as amended from time to time arrangements to safeguard and promote the welfare of children; Children and Young Persons' Plans).
9. To carry out the functions of the Council in relation to early years/Surestart.
10. To carry out the functions of the Council in relation to Youth Offending Services.
11. To be responsible for the development of Corporate Parenting.
12. To carry out any functions assigned in pursuance of the Council's constitution, standing orders, financial regulations, Procedure Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.

THE DIRECTOR OF CORPORATE SERVICES

1. To be the County Returning Officer.
2. To be Proper Officer of the Council, except where legislation or arrangements specify another officer.
3. To manage the administration of the Council's Consumer Relations Service, including corporate representations procedure and issues of maladministration.
4. To manage the functions, in so far as they relate to the County Council, in relation to West Mercia Police Authority, the Courts Service and the Hereford and Worcester Fire and Rescue Service.
5. To oversee the ethical conduct of the Council and the production of codes, conventions and protocols.
6. To determine, advise or issue general guidance to officers and Members of the Council in relation to propriety, constitutional, electoral and legislative matters.
7. To carry out any functions assigned in pursuance of the Council's constitution, standing orders, financial regulations, Procedure Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.
8. To carry out any functions in connection with the production of the scheme for Members' Allowances, the review and operation of the scheme and any other payable allowances.
9. To be responsible for the provision of services to Members of the Council.
10. To draw up, monitor and review the Council's constitution and its components and make any changes or additions to them to give effect to any decisions of the Council, or changes in the law or where, in his/her opinion, needs and circumstances require it.
11. After consultation with appropriate Members of the Council, and where required in accordance with their wishes to make appointments, removals or replacements to any Member body in the Council's constitution and to outside bodies; and to fill casual vacancies on any such bodies in accordance where required with Sections 15 - 17 of the Local Government and Housing Act 1989.
12. To carry out and manage the functions of the Council in relation to electoral and boundary issues.
13. To be responsible for the exercise of the Council's functions through the constitutional and political structures, decision making and delegatory processes, including necessary administrative arrangements, and to advise upon and oversee public access to the democratic processes in line with legal provision and Council policy.

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14. To be responsible for administrative buildings and facilities management.
15. To be responsible for the development, implementation and review of the County Council's management development strategy and corporate training programme.
16. To be responsible for the development, implementation and training on Health and Safety issues and Employee welfare.
17. To determine and issue general guidelines to officers for the management of human resources, including recruitment, training, conditions of service, staff development/appraisal, disciplinary matters and any other matter concerning staff.
18. To be responsible for employee relations.
19. To authorise acquisition, re-use, appropriation and disposal of the Council's land and buildings, together with the granting, or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves and variations of rent.
20. To have overall responsibility for the management and maintenance of any land or buildings, including agricultural landholdings, held for County Council purposes having regard to service objectives and in the interests of the Council as a whole.
21. To take such actions as are considered appropriate in relation to advance payments, blight notices, home loss payments under the Land Compensation Act 1973, notices to quit, purchase notices and other notices.
22. To oversee and make arrangements for the selection of tenants for the County Farms Estate.
23. To determine and issue general guidelines to officers for the management of land and building resources.
24. To manage the functions of the Council in relation to the development of Customer Services with Public Sector parties (eg the Worcestershire Hub) and one stop shops.
25. To determine and issue general guidelines to officers for the management of information technology issues and resources.
26. To determine registration matters relating to Commons and Village Greens.
27. To approve the use of the Council's coat of arms.
28. To certify or make arrangements for the certification of authorisation and identity cards and passes for officers and members.

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29. To develop shared services with public sector parties.
30. To be responsible for the Council's Procurement function, including the Corporate Procurement Strategy and the Council's relationship with West Mercia Supplies.
31. To take responsibility for Project Management/Major Projects/Strategic Partnerships.
32. To administer student finance arrangements.

The Head of Legal and Democratic Services

1. To be the Monitoring Officer.
2. To be County Solicitor and act as Solicitor to the Council.
3. To settle on appropriate terms any litigation or claim taken by or against the Council.
4. To authorise the institution, defence, withdrawal, compromise or any other action relating to claims or legal proceedings, civil or criminal.
5. To authorise officers of the Council to appear before Magistrates' Courts or County Court.
6. To issue or serve statutory or legal notices on behalf of the Council for any of its functions.
7. To attest the affixing of the Council's seal.
8. To delegate further all or any of the delegated functions from paragraph 3 onwards to other officers to exercise in their own name.

THE DIRECTOR OF ENVIRONMENTAL SERVICES

1. To carry out the functions of the Council as Highway Authority (including footpaths, bridleways and cycleways) and to be Proper Officer under the Highways Act 1980.
2. To carry out the functions of the Council as a surveying authority in respect of public rights of way and other relevant licensing matters.
3. To carry out the functions of the Council as Traffic Authority, and also functions relating to road safety and on and off street parking.
4. To carry out the functions of the Council as a street or streetworks authority.
5. To carry out the Council's network management functions under the Traffic Management Act 2004.
6. To oversee and co-ordinate public/integrated transport issues as they affect the County and carry out the Council's functions in respect of public passenger transport services.
7. To carry out the functions of the Council in respect of waste management.
8. To carry out the functions of the Council in respect of rights of way, and the management of open spaces, Commons and Village Greens and the Countryside Service.
9. To manage the Council's scientific services.
10. To carry out the functions of the Council as weights and measures authority and food authority and all regulatory and licensing functions in relation to trading standards, consumer protection, animal health, sales to minors, explosives, petroleum and poison.
11. To manage and carry out the functions of the Council in relation to the Gypsy Service.
12. To carry out any functions assigned in pursuance of the Council's constitution, standing orders, financial regulations, Procedure Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.

THE DIRECTOR OF FINANCIAL SERVICES

1. To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, and Regulation 6 of the Accounts and Audit Regulations 2003, including making and issuing financial regulations.
2. To be the Chief Financial Officer for the Council.
3. To operate the Local Government Pension Scheme Regulations 1997, and any subsequent amending regulations, including the exercise of discretions and to make arrangements for the management of the Pension Fund Investments.
4. To implement national and local pay awards and increase payments under the Pension Increase Acts.
5. To make finance and operating leasing arrangements.
6. To manage the deployment of the Council's revenue and capital resources including any resources allocated for joint working.
7. To advise on Public Private Partnerships and Private Finance Initiative schemes as they affect the financial position of the Council.
8. To determine and implement arrangements for Treasury Management in accordance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) Treasury Management in the Public Services Code of Practice and any other arrangements approved by the Council.
9. To carry out any functions assigned in pursuance of the Council's constitution, standing orders, financial regulations, Procedure Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.

DIRECTOR OF PLANNING, ECONOMY AND PERFORMANCE

1. To be responsible for Corporate Planning and monitoring.
2. To be responsible for Performance Management and Improvement
3. To be responsible for Corporate Risk and Efficiency Management including the Gershon agenda.
4. To be responsible for Community Leadership and Engagement.
5. To carry out the functions of the Council as County Planning Authority, including such functions as are from time to time delegated to it by the Regional Planning Body; the preparation, review and monitoring of and consultation on Local Development Schemes and Development Plan Documents.
6. To consider and determine county matter applications and applications for the carrying out of the Council's own development, in accordance with any protocols agreed from time to time by the Planning and Regulatory Committee.
7. To carry out the functions of the Council in relation to economic development and regeneration including Tourism.
8. To carry out the functions of the Council concerning Regional, European and International issues and relationships.
9. To carry out the functions of the Council with regard to environmental policy issues, conservation and enhancement.
10. To manage Agenda 21 sustainability and environmental energy issues.
11. To manage corporate communications (and marketing including media and public relations).
12. To manage the Council's Research and Intelligence service.
13. To carry out the functions of the Council in relation to Emergency Planning including the Civil Contingencies Act 2004, Safety of Sports Grounds, Control of Major Accident Hazards, Pipelines Safety and other Public Protection matters including reservoirs, and other relevant licensing matters.
14. To carry out any functions assigned in pursuance of the Council's constitution, standing orders, financial regulations, Procedure Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.

DIRECTOR OF PUBLIC HEALTH

Note- this is a joint appointment with Health

1. To carry out the functions of the Council in respect of Public Health and Well-Being.
2. To carry out any functions assigned in pursuance of the Council's constitution, standing orders, financial regulations, procedure Rules, protocols and any approved policies, plan, codes, practices and procedures of the Council.