

**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. The 'executive' 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 Leader and Cabinet are 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 (or officers or individual Cabinet Members) 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, Localism Act 2011 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 Leader and 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, a joint committee or by an officer. The Leader may change these arrangements from time to time. Unless the Leader otherwise directs, the Cabinet itself may also arrange for the discharge of any of its functions by a committee of itself, a joint committee, individual Cabinet Member 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 as updated from time to time, and such 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, Localism Act 2011 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, individual Members, 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 as necessary.
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 within the scope of their delegation, having regard to the advice of and with the consent of the 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 or Freeman;

- (k) confirming the appointment and dismissal of the Head of Paid Service; and confirming the dismissal of the Chief Financial Officer and the Monitoring Officer in accordance with the Officer Employment Rules;
  - (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 Hereford and Worcester Fire and Rescue Authority;
  - (o) appointing the members of the Independent Remuneration Panel;
  - (p) changing governance arrangements under Sections 9B-9C, 9K-9KC and Part 1A of the Local Government Act 2000 as amended (executive or other arrangements);
  - (q) changing the name of any of the Council's electoral Divisions in conjunction with the Local Government Boundary Commission for England as necessary;
  - (r) the appointment of 'Independent Persons' for the purposes of the ethical framework under the Localism Act 2011;
  - (s) 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, statutory 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 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**

3. The Policy Framework means the following plans and strategies or successors from time to time:-
- Sustainable Community Strategy (if any)
  - Corporate Plan
  - Children and Young People's Plan
  - Local Transport Plan
  - The approval, for the purpose of its submission to the Secretary of State for independent examination under section 20 (independent examination) of the Planning and Compulsory Purchase Act 2004, of a development plan document
  - Youth Justice Plan
  - 'Act Local in Worcestershire' framework
  - 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**

4. 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**

1. Cabinet will:
- (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**

2. 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.
3. The Leader (or Cabinet) may authorise individual members of the Cabinet to take decisions relating to executive functions either generally or in respect of particular decisions, including any of the Cabinet functions set out in paragraph 1 above. Delegations to officers in relation to executive functions continue as set out in the scheme of Assignment of Responsibility for Functions as updated from time to time.
4. Individual Cabinet members will continue to hold responsibility for political leadership in their assigned areas insofar as they are the responsibility of the Executive.
5. 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.  
Holds specific political responsibility for:

- **CORPORATE PLAN - FUTURE FIT / STRATEGIC PARTNERSHIPS AND FINANCE**
  1. Financial practice and standards
  2. Financial management
  3. Financial appraisal

4. Service business support
5. Pension Fund administration
6. Medium Term Financial Plan.

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

*[The Leader will be supported by the Chief Executive and all Directors as appropriate and by the Chief Financial Officer with respect to Finance].*

## **DEPUTY LEADER OF THE COUNCIL**

To deputise for the Leader of the Council as needed.

Holds specific responsibility for:

- **ECONOMY, SKILLS AND INFRASTRUCTURE:**

1. Strategic planning – community and spatial
2. Economic development and regeneration
3. Business Partnerships (including Local Enterprise Partnership)
4. Regional, European and international relationships
5. Strategic Transportation (including Local Transport Plan)
6. Skills Policy and Development, including training, apprenticeships, business engagement, and employment skills
7. Broadband.

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

*[The Deputy Leader will be supported by the Director of Business, Environment and Community and the Director of Children's Services].*

- **ADULT SOCIAL CARE**

- 1 Adult Social Care (and Lead Member for Adult Services)
2. Joint Commissioning with Health.

*[The Cabinet Member will be supported by the Director of Adult Services and Health].*

- **LOCALISM AND COMMUNITIES**

1. 'Act Local' Strategy development and implementation
2. Community leadership and engagement
3. Voluntary and Community sector
4. Cultural services including:
  - a. Libraries and Adult Learning
  - b. Arts
  - c. Museums and Archives
  - d. Archaeology
  - e. Information management and Record Office
5. Registration of Births, Deaths and Marriages
6. Coroner's Service

7. Countryside Services (amenities – including Gypsy and Traveller Service)
8. Trading Standards/Animal Welfare (as subject to joint arrangements and joint committee)

*[The Cabinet Member will be supported by the Director of Business, Environment and Community].*

- **CHILDREN AND FAMILIES (LEAD MEMBER FOR CHILDREN'S SERVICES)**

1. Children's Social Care
2. Joint Commissioning for Children's Services
3. Education (excluding Employment Skills)
4. Youth Offending Service (through a shared service)
5. Positive Activities for Young Persons.

*[The Cabinet Member will be supported by the Director of Children's Services].*

- **ENVIRONMENT**

1. Waste management
2. Environmental Protection and Conservation
3. Environmental Sustainability
4. Strategic Flooding issues
5. Scientific Services.

*[The Cabinet Member will be supported by the Director of Business, Environment and Community].*

- **HEALTH AND WELL-BEING**

1. Health Improvement Strategy
2. Public Health
3. NHS Partnerships
4. Health Service Strategy (including Health and Well-being Board (HWB) and ensuring joint HWB links to adult and children's social care)
5. Community Safety including Substance Misuse
6. Health and Emergency Planning (including Public Protection).

*[The Cabinet Member will be supported by the Director of Adult Services and Health].*

- **HIGHWAYS**

1. Highways
2. Road Safety
3. Street Works
4. Sustainable Transport
5. Passenger Transport
6. Flood Mitigation
7. Countryside Services (including executive functions for rights of way and Gating Orders)

*[The Cabinet Member will be supported by the Director of Business, Environment and Community]*

- **TRANSFORMATION AND COMMISSIONING**

1. Future Fit Programme and Projects
2. Human Resources and Organisational Development
3. Land and property
4. ICT
5. Legal and Democratic Services
6. Procurement
7. Research and Marketing
8. Equalities
9. Corporate Risk Management
10. Customer Services and Access (including Hub and Consumer Relations)
11. Shared Services
12. Performance Management and Improvement

*[The Cabinet Member will be supported by the Director of Commercial and Change].*

## **COMMITTEES OF THE COUNCIL**

### **D. OVERVIEW AND SCRUTINY**

#### **1. 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 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 monitoring issues, 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;
- (k) decide whether and how to deal with Councillor Call for Action requests (including those requests which relate to Crime and Disorder matters); and commission Overview and Scrutiny Panels or establish scrutiny task groups to undertake any detailed work under Terms of Reference agreed by the Board;
- (l) 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) act as the relevant 'Crime and Disorder' Scrutiny Committee undertaking those responsibilities conferred by the Crime and Disorder Act, or commission specific work to be undertaken by a specific Overview and Scrutiny Panel or establish a scrutiny task group to do so;
- (n) to monitor the quality of scrutinies;
- (o) monitor (or commission the monitoring of) the implementation of any scrutiny recommendations accepted by the Cabinet;
- (p) oversee the development of member skills and competencies in scrutiny;
- (q) carry out such Overview and Scrutiny functions as may be allocated from time to time by legislation or this Constitution.

## **2. Health Overview and Scrutiny Committee**

The role of the Health Overview and Scrutiny Committee (HOSC) will be to:-

- (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 Head of Legal and Democratic Services is also authorised to determine the terms of reference and details of any such ad hoc 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.

### 3. Overview and Scrutiny Panels

The remits of the scrutiny bodies are summarised in the table below. OSPB may resolve any ambiguities between remits.

<b>Panel</b>	<b>Business Area</b>
OSPB	<ul style="list-style-type: none"> <li>• Scrutiny performance</li> <li>• Coordinate and agree the scrutiny work programme for endorsement by Council</li> <li>• Co-ordinate workload</li> <li>• Call-ins</li> <li>• Allocate Council-wide issues not otherwise falling within the remit of a particular Panel to one of the Panels</li> <li>• Consider reports and recommendations from Panels or Task Groups</li> <li>• Monitor the quality of scrutiny</li> </ul>
Adult Care and Well-Being	<ul style="list-style-type: none"> <li>• Health and Well-being</li> <li>• Adult Social Care</li> </ul>
Children and Families	<ul style="list-style-type: none"> <li>• Children's Social Care and Families</li> <li>• Public Health relating to Families</li> <li>• Education and Skills</li> </ul>
Economy and Environment	<ul style="list-style-type: none"> <li>• Economy</li> <li>• Environment</li> <li>• Highways</li> <li>• Infrastructure</li> </ul>
Corporate and Communities	<ul style="list-style-type: none"> <li>• Commissioning, contracts and commerce and ensuring the corporate commissioning cycle works well</li> <li>• Transformation</li> <li>• Finance</li> <li>• Localism and Communities</li> <li>• Organisation and employees</li> </ul>

Health O&S Committee	<ul style="list-style-type: none"> <li>Local NHS bodies and health services</li> </ul>
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Each Panel will cover the remits of the Cabinet Members with Responsibilities as follows:

Overview and Scrutiny Panel	Cabinet Member with Responsibility
Adult Care and Well-Being	Health and Well-being* <sup>1</sup> Adult Social Care
Children and Families	Children and Families Economy, Skills and Infrastructure
Economy and Environment* <sup>2</sup>	Environment Highways Economy, Skills and Infrastructure
Corporate and Communities	Transformation and Commissioning Finance Localism and Communities

\*<sup>1</sup>This area is also covered by the Health Overview and Scrutiny Committee.

\*<sup>2</sup>The Economy and Environment Overview and Scrutiny Panel will review and scrutinise the Council's flood risk management functions which may affect the local authority's area, as set out in the Flood and Water Management Act 2010.

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

- (a) be responsible for regular performance monitoring of directorate performance and quality assurance relevant to their theme/s;
- (b) be responsible for routine budget monitoring of those services and functions within their area of scrutiny responsibility;
- (c) 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) carry out in-depth scrutinies on the basis of and in accordance with the terms of reference agreed by the OSPB;
- (e) 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.

#### 4. Scrutiny Task Groups

The role of the Scrutiny Task Groups will be to:

- (a) carry out in-depth scrutinies on the basis of and in accordance with the terms of reference agreed by the OSPB;

- (b) 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 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);
- (d) To exercise the Council's non-executive 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 or other relevant legislation.

## **F. STANDARDS AND ETHICS COMMITTEE**

The Standards and Ethics Committee will comprise elected county councillors appointed in accordance with the rules of political balance plus three independent non-voting co-optees (who are neither officers nor members of the Council, and who are ineligible to be Chairman or Vice-Chairman of the Committee).

The role of the Standards and Ethics Committee will be to:

- (a) promote and maintain high standards of conduct by County Councillors, co-opted members, church and parent governor representatives, independent lay co-opted members of the West Mercia Police and Crime Panel and members of the Health and Well-being Board ('Members');
- (b) assist Members to observe the Members' Code of Conduct and relevant Protocols in place from time to time;
- (c) oversee the Registers of Members' Interests and oversee the effectiveness of the Council's procedures for investigating and responding to complaints about Members;



- (d) monitor the operation of any Members' Codes of Conduct and Protocols of the County Council and to advise the County Council on the adoption or revision of such Codes and Protocols;
- (e) advise, train, or arrange to train Members on matters relating to any Members' Codes of Conduct and Protocols;
- (f) agree, keep under review and revise the procedures from time to time for dealing with complaints against Members;
- (g) appoint independent co-optees onto the Committee or sub-committee from time to time;
- (h) advise Council on the appointment of 'Independent Persons' for the purposes of the ethical framework under the Localism Act 2011;
- (i) grant dispensations to Members from requirements relating to interests as set out in the Members' Code of Conduct;
- (j) consider such allegations of failure to comply with the Members' Code of Conduct or Member/Officer Relations Protocol or other member conduct complaints as are referred to it; to consider reports or recommendations from the Monitoring Officer and to conduct hearings into and determine such allegations and take such action and impose such sanctions on behalf of the Council as are required, permitted or appropriate;
- (k) 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 or other provisions to similar effect;
- (l) carry out any other functions allocated to it including considering appeals from members who have been refused Disclosure and Barring Service clearance by the Head of Legal and Democratic Services to carry out their functions with regard to children and vulnerable adults.

#### **STANDARD AND ETHICS ASSESSMENT AND REVIEW SUB COMMITTEES**

(Appointed ad hoc – to consist of 3 elected members and 1 independent co-optee)

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

#### **STANDARDS AND ETHICS APPEALS SUB-COMMITTEE**

(Appointed ad hoc – to consist of 3 elected members and 1 independent co-optee, none of whom sat on the original Hearing sub-committee)

To hear by review any appeals brought by members found to be in breach by a hearing sub-committee under (j) above.

## **G. AUDIT AND GOVERNANCE COMMITTEE**

The role of the Audit and Governance Committee will be to:

- (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 Internal Audit in pursuance of Financial Regulations.

## **H. APPELLATE PANEL**

- (a) Individual appeal panels are selected by the Head of Legal and Democratic 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**

The role of the Appointment Etc Panel will be to:

- (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. WASTE CREDIT GOVERNANCE COMMITTEE**

The role of the Committee will be to have oversight of the actions of the Council acting as lender to the waste project and its waste contractor Mercia Waste Management Ltd (Mercia) and:

- (a) To review, in conjunction with external advisers advising the Council as lender, the risks being borne as a result of the funding provided by the Council to Mercia and consider whether the risks being borne by the Council, as lender, are reasonable and appropriate having regard to the risks typically assumed by long term senior funders to waste projects in the United Kingdom and best banking practice;
- (b) To monitor the administration of the loan to the waste project in line with best banking practice having regard to any such external advice, including the terms of any waivers or amendments which may be required or are desirable;
- (c) To consider what steps should be taken to protect the interests of the Council as lender in the event of a default or breach of covenant by Mercia, and make recommendations as appropriate to Full Council, the Council's statutory officers or Cabinet as appropriate to ensure the appropriate enforcement of security and litigation in relation to the loan to Mercia;
- (d) To consider and recommend appropriate courses of action to protect the position of the Council as lender to the waste project;
- (e) To make recommendations as appropriate to Council with regard to its Budget and Policy Framework and the loan to the waste project;
- (f) Generally to take such other steps in relation to the loan within the scope of these Terms of Reference as the Committee considers to be appropriate.

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#### *Notes*

- *The Committee will be cross-party with 9 members established in accordance with the legal requirements of political balance*
- *The Committee will not contain any current members from time to time of the Cabinet*
- *The Committee will be chaired by a Councillor appointed by full Council. The Vice-Chairman will be from a Group other than that forming the present administration*
- *The Committee will be advised by external financial and legal advisers on behalf of the Council's s151 officer and will also seek advice as*

*appropriate from the Council's statutory officers including the Council's Monitoring Officer and Section 151 officer*

- *The Committee will meet in public (unless the grounds for exemption are met under the Access to Information legislation) and upon at least 5 working days notice (unless called sooner as a matter of urgency) in accordance with that legislation*
- *The Committee will not be responsible for decisions in respect of the operation of the waste contract or any waste disposal authority executive functions*
- *The Committee will not be accountable to the Cabinet*
- *The Committee may decide matters within its terms of reference or refer them to full Council, statutory officers or Cabinet for determination*

*As the Committee regulates or controls the finance of the Council (in relation to the funding provided to Mercia) the law does not permit co-optees to sit as members of the committee by virtue of s102(3) LGA 1972.*

*However, in order to benefit from a clearer separation of roles, the Committee may be advised by an external financial expert who will report to the Committee, attend its meetings and provide expert advice to it. As necessary, the Committee may also receive legal advice from an external firm of solicitors with expertise in banking law. The Council's s151 officer and Monitoring Officer will retain their overarching statutory roles in respect of the Committee.*

*The Cabinet, not the Committee, will continue to be responsible for exercising the role of the Council's executive, acting as a waste disposal authority within the overall Budget and Policy framework set by the Council. The Cabinet will have no supervisory or other responsibility for the Committee.*

## **K PENSIONS COMMITTEE**

From its first meeting to take decisions in regard to the Administering Authority's responsibility for the management of the Worcestershire County Council Pension Fund, including the management of the administration of the benefits and strategic management of Fund assets, specifically:

- Changes to the Statement of Investment Principles, including the strategic benchmark for asset allocation, Investment Manager benchmarks and Investment Manager targets.
- The termination and appointment of Investment Managers and associated professional service providers.
- The termination and appointment of the Fund's Independent Financial Adviser, Performance Measurement Consultant, Global Custodian and Actuary.
- The Pensions Administration Strategy Statement, Policy Statement on Communication Strategy, Policy Statement on Governance Strategy, Funding Strategy Statement and Governance Compliance Statement.
- The Triennial and Interim Actuarial Valuations.
- The approval of the Pension Fund Annual Report and Accounts.

- The approval of the Pension Fund annual and triennial budgets.
- Key outstanding risks as identified in the Pension Fund Risk Register.
- The Pension Administration Advisory Forum arrangement and regular Forum reports, which consider and address outstanding member and employer issues and concerns.
- The Pension Investment Advisory Panel arrangement and regular Advisory Panel reports, which monitor performance of the Fund's assets.
- Requests for admission of qualifying Community and Transferee Bodies wishing to join the Fund.
- Key pension policy discretions that are the responsibility of the Administering Authority.

*Notes:*

*The Pension Committee is a formal committee of the Council and comprises a total of 8 voting members:*

- *5 Worcestershire County Councillors*
- *1 co-opted Councillor as nominated by Herefordshire Council (being the second largest employer in the Fund)*
- *1 co-opted voting employer representative and*
- *1 co-opted voting employee representative from a relevant Union.*

*The 5 County Councillor members are formally appointed by the Head of Legal and Democratic Services in accordance with political balance requirements from time to time and the nominations of the relevant Group Leaders, and the 3 co-optees are co-opted by the Chairman of the Committee.*

*[Further detail is set out in the Pension Fund Governance Policy Statement adopted by Council 12 February 2015]*

## **L JOINT COMMITTEES OF THE EXECUTIVE**

- **West Mercia Energy Joint Committee (regulated by formal agreement and administered by Shropshire County Council)**

A Joint Committee has been established between the executives of Worcestershire County Council and Shropshire Council, Telford and Wrekin Council and Herefordshire Council in relation to the running of West Mercia Energy.

The objectives of the Joint Committee shall be to maintain effective, efficient and economic arrangements for the purchase and supply of energy at the request of and to the satisfaction of the Member Authorities and to other public bodies where it is permitted by law and is to the benefit of Member Authorities to do so.

- **South Worcestershire Shared Services Partnership Joint Committee (regulated by formal agreement and administered by Worcester City Council)**

A Joint Committee has been established of the executives of Worcestershire County Council, Worcester City Council, 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 had been placed within the remit of this Joint Committee as a shared service between the County Council and Malvern Hills District Council and Worcester City Council as participating authorities and is now a commissioned service).

The role of the South Worcestershire Shared Services Partnership Joint Committee will be to:

- oversee the implementation, development and on-going operation of the shared services;
- ensure the effective delivery of the shared service functions in accordance with the terms of the agreement;
- monitor the effectiveness of those arrangements and make recommendations to the Member Authorities e.g. in the event of any changes to legislation, developments in best practice or the requirements imposed on Member Authorities;
- on an annual basis, agree a three year business plan for each shared service including:
  - Business & financial objectives
  - Performance improvement & efficiency targets
  - Indicative staffing levels
  - Business continuity planning
  - Risk management;
- set annual capital, revenue and staffing budgets for each shared service and no later than 1 December in each year submit these to the Member Authorities for approval as part of the business plan;
- monitor the operational performance of the shared services;
- ensure effective action is taken to remedy any under-performance in the delivery of services;
- monitor the financial performance of each shared service;
- determine the terms of employment of all staff within the shared service functions;

- (j) produce an annual report to the Member Authorities by no later than 30 June in each year covering the performance of the shared services in the 12 month period ending on the preceding 31 March;
- (k) co-operate with and participate in Overview and Scrutiny exercises of the Member Authorities;
- (l) review the operation and effectiveness of the shared service arrangements at least every two years, consider ways in which the Shared Services partnership can be expanded and made recommendations to the Member Authorities as appropriate.

- **Joint Museums Committee (regulated by formal agreement)**

A Joint Committee has been established with Worcester City Council for the provision of a Joint Museum Service from 1 April 2010. The Joint Committee exercises the Council's statutory functions under Section 12 of the Public Libraries and Museum Act 1964 in relation to the joint service.

The role of the Joint Museums Committee will be to:

- (a) carry out functions under sections 12-20 of the Public Libraries and Museums Act 1964, section 111 of the Local Government Act 1972 and related well-being powers;
- (b) manage and monitor the operation of an effective museum service for Worcester City Council and Worcestershire County Council in accordance with the current service level agreement
- (c) agree business and development plans for the joint service
- (d) approve all new, or revised, policies for museum operations
- (e) agree levels of service provision as set out through the annual budget setting process and the Service Level Agreement
- (f) agree temporary alterations to the level of fees and charges pertaining to the Joint Museums Service
- (g) agree the annual budget proposal to be submitted to the Member Authorities for final approval
- (h) make budget decisions related to the use of/funding of end of year surplus or deficit
- (i) approve the museums' annual report and recommend to Member Authorities
- (j) acquire objects for the collections of Member Authorities

- (k) agree temporary alterations to the level of and negotiate contracts administering fees, charges and licences pertaining to the joint museum service
- (l) advise participating authorities on the strategic framework for museums.
  - **Worcestershire Regulatory Services Joint Committee (regulated by formal agreement and administered by Bromsgrove District Council)**

A joint Committee has been established of the Executives of Worcestershire County Council, Bromsgrove District Council, Redditch Borough Council, Worcester City Council, Wychavon District Council, Wyre Forest 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 in its remit by participating authorities. The provision of a shared Regulatory Service (including the County Council's functions in relation to Trading Standards and Animal Welfare) falls within this service.

The joint committee's role is to:

- (a) oversee the implementation, development and on-going operation of the shared services
- (b) ensure the effective delivery of the shared service functions in accordance with the terms of the agreement
- (c) monitor the effectiveness of those arrangements and make recommendations to the Member Authorities e.g. in the event of any changes to legislation, developments in best practice or the requirements imposed on Member Authorities
- (d) on an annual basis, agree a three year business plan for each shared service including:
  - Business & financial objectives
  - Performance improvement & efficiency targets
  - Indicative staffing levels
  - Business continuity planning
  - Risk management
- (e) set annual capital, revenue and staffing budgets for each shared service and no later than 1<sup>st</sup> December in each year submit these to the Member Authorities for approval as part of the business plan
- (f) monitor the operational performance of the shared services
- (g) ensure effective action is taken to remedy any under-performance in the delivery of services
- (h) monitor the financial performance of each shared service



- (i) determine the terms of employment of all staff within the shared service functions
- (j) produce an annual report to the Member Authorities by no later than 30 June in each year covering the performance of the shared services in the 12 month period ending on the preceding 31 March
- (k) co-operate with and participate in Overview and Scrutiny exercises of the Member Authorities
- (l) review the operation and effectiveness of the shared service arrangements at least every two years, consider ways in which the Shared Services partnership can be expanded and made recommendations to the Member Authorities as appropriate.

#### **M. 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.

#### **N. OTHER BODIES**

- **Pension Board**

The Board is not a committee of the Council but is established in accordance with Section 5 of the Public Service Pensions Act 2013 and under Regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).

The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Pension Scheme to:

- (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme; and
  - (b) to ensure the effective and efficient governance and administration of the Scheme.
1. *No officer or elected member of the Administering Authority who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board.*
  2. *The Board shall consist of four voting members appointed by the Chief Financial Officer, as follows:*
    - Two Member Representatives; and*
    - Two Employer Representatives.*
  3. *There shall be an equal number of Member and Employer Representatives appointed to the Board.*
  4. *There shall also be one other Board member to act as its independent chair (as proposed by the Chief Financial Officer and agreed by a majority of the Board) who is not entitled to vote.*

*[Further detail is set out in the pension Fund Governance Policy Statement adopted by Council 12 February 2015]*

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

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

## **O. WEST MERCIA POLICE AND CRIME PANEL**

The role of the West Mercia Police and Crime Panel, acting as a statutory joint committee of all the principal authorities in the West Mercia area, is to:

- (a) support the effective exercise of the functions of the Police and Crime Commissioner (PCC) and exercise its functions with a view to such support
- (b) review and make a report or recommendations to the PCC on the draft police and crime plan, or draft variation, given to the Panel by the PCC
- (c) review and make a report or recommendation to the PCC on the annual report
- (d) review and hold a public confirmation hearing in respect of, a 'proposed senior appointment' as defined in the Police Reform and Social

Responsibility Act 2011 and report to the PCC with a recommendation as to whether or not the candidate should be appointed

- (e) review and hold a public confirmation hearing in respect of, the proposed appointment of the Chief Constable and report to the PCC with a recommendation as to whether or not the candidate should be appointed or exercise the Panel's right to veto the appointment
- (f) hold a scrutiny meeting in private in respect of a proposal by the PCC to call upon the Chief Constable to retire or resign and make a recommendation to the PCC in respect of the proposal
- (g) review and make a report (which may include recommendations) on the PCC's proposed precept or exercise the Panel's right to veto the proposed precept
- (h) review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions
- (i) make reports or recommendations to the PCC with respect to the discharge of the PCC's functions
- (j) fulfil any further function in relation to complaints about conduct matters, in accordance with any responsibilities accorded to the Panel by or under the Police Reform and Social Responsibility Act 2011
- (k) appoint an Acting PCC if necessary
- (l) consider suspending the PCC if it appears to the Panel that the PCC has been charged in the United Kingdom, Channel Islands or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years
- (m) fulfil any other function of the Police and Crime Panel as provided by the Police Reform and Social Responsibility Act 2011 or associated primary or secondary legislation.

## **P. HEALTH AND WELL-BEING BOARD**

The role of the Health and Well-being Board, acting as a statutory committee, is to:

- a. Lead and build partnerships for health and well-being
- b. Establish a shared understanding of health and well-being in Worcestershire and the County's health and social care needs
- c. Ensure continuous improvement in health and well-being outcomes and the quality and value for money of health, social care and related children's services
- d. Lead strategic planning and drive commissioning of NHS, public health, social care and related children's services
- e. Influence how the County Council and the local NHS use their resources to organise and provide services
- f. Encourage persons who arrange and provide health, social care and related services to work in an integrated manner

- g. Ensure that there is long-term action across a range of partners to influence the determinants of health and well-being
  - h. Ensure that effective arrangements are in place to protect the public against infectious diseases and other threats to health through preventative efforts and robust planning and an effective response to outbreaks and incidents
  - i. Ensure that effective arrangements are in place for safeguarding at-risk adults and children
  - j. Become a forum for public discussion and accountability of strategies, policies, services and activities that influence health and well-being and health and social care services
  - k. Develop a consensus around major service change.
- (b) To do this the Board will:
- a. Prepare and produce a Joint Strategic Needs Assessment (JSNA) to provide a clear statement of health and well-being in Worcestershire and the County's health and social care needs
  - b. Develop a Joint Health and Well-being Strategy; based on this assessment, to provide a framework for how these needs are to be addressed
  - c. Develop a clear understanding of current and future funding, activity and expenditure across health and social care, and opportunities for service change
  - d. Determine whether health and social care commissioning plans are consistent with the JHWS, endorse these where appropriate or advise on what additions or changes are expected
  - e. Oversee Joint Commissioning between the County Council and the CCGs
  - f. Encourage and oversee the progressive integration of budgets across health and social care and related services.
  - g. Consider and approve the use of the Better Care Fund (previously named the Integration Transformation Fund).

## **Q. EXERCISE OF FUNCTIONS BY LOCAL COUNTY COUNCILLORS**

Each County Councillor had been authorised in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007 to exercise the Council's functions to promote the economic, social or environmental well-being in relation to their electoral Division in accordance with the Worcestershire Councillor Divisional Fund Scheme (WCDF). Those well-being functions are now contained within Section 1 of the Localism Act 2011.

## **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. This Scheme sets out the standing delegations to officers and associated restrictions. For the avoidance of doubt, in addition there may be specific ad hoc delegations to officers from the relevant decision-maker.
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 Strategic Leadership Team (SLT), 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, any function or powers delegated to him/her may be exercised by any other member of Strategic Leadership Team;
- (m) When any Director is unable to act or is absent, any functions or powers delegated to him/her may 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 SLT 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 powers of general competence under the Localism Act 2011 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) other than the appointment of an Acting Head of Service for up to 4 months or payment of an honorarium or ex gratia payment for up to 12 months (see the Officer Employment Rules).
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; and
  - (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.



# APPENDIX 1

## 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).
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 have oversight of the corporate representations procedure and any other council complaints processes, 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 Strategic Leadership Team.
14. To grant exemptions to political restrictions for officers in accordance with Section 3A of the Local Government and Housing Act 1989.
15. To have overall responsibility for the 'Future Fit' transformation and reform agenda.

## **DIRECTOR OF ADULT SERVICES AND HEALTH**

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 be the Director of Public Health and carry out the functions of the Council in respect of public health under the Health and Social Care Act 2012 and any other health legislation (as amended from time to time)
3. To carry out the functions of the Council regarding the statutory scheme for disabled persons' vehicle badges.
4. To be the Chief Adviser to the Council on all issues related to health.
5. To carry out the functions of the Council under the NHS Act 2006 and any other health legislation (as amended from time to time) to enter arrangements with NHS or other bodies for the exercise of NHS or health functions or health-related Council functions relating to adults.
6. To support the Health and Well-being Strategy in partnership with the NHS, Voluntary and Community Sector and other agencies.
7. To carry out the functions of the Council in relation to Joint Commissioning of NHS, social care, public health and related services.
8. To ensure the sustainability of the adult social care and public health systems through appropriate preventive programmes including Supporting People.
9. To carry out the functions of the Council in relation to Community Safety including under Section 17 of the Crime and Disorder Act 1998 (as amended) and in relation to the prevention of crime and disorder, abuse of drugs, alcohol and other substances, and the reduction of re-offending and anti-social behaviour.
10. To carry out the functions of the Council in relation to Emergency Preparedness, Resilience and Response including the Civil Contingencies Act 2004, Safety of Sports Grounds, Control of Major Accident Hazards, Pipelines Safety, Health and Social Care Act 2012 all as updated or amended, and other Public Protection matters including reservoirs, and other relevant licensing matters.
11. To carry out the functions of the Council in managing relations with the Voluntary and Community sector.
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 BUSINESS, ENVIRONMENT AND COMMUNITY**

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 disposal and 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. Subject to the delegation to the Regulatory Services Shared Services Committee, to carry out the residual 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.
13. To carry out the functions of the Council in relation to the Registration of Births, Deaths and Marriages.
14. To carry out the functions of the Council in relation to the Coroner's Service.
15. 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, and have overall responsibility for the Hive.

16. To carry out the functions of the Council as County Planning Authority, including the preparation, review and monitoring of and consultation on Local Development Schemes and Development Plan Documents.
17. 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 Council or Planning and Regulatory Committee.
18. To carry out the functions of the Council in relation to economic development and regeneration including Tourism.
19. To carry out the functions of the Council concerning Regional, European and International issues and relationships.
20. To carry out the functions of the Council with regard to environmental policy issues, conservation and enhancement.
21. To manage Agenda 21 sustainability and environmental energy issues.
22. To carry out the functions of the Council as local education authority in relation to adult/family 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).
23. 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.
24. To act as Data Protection Officer and Strategic Information Risk Owner (SIRO).
25. To manage the Council's functions in relation to archives and records.
26. To carry out the functions of the Council as a Lead Local Flood Authority.

## **THE DIRECTOR OF CHILDREN'S SERVICES**

1. To carry out the functions of the Council as a Children's Services Authority (or Local Authority in the context of children's social care matters) 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 functions of the Council as Local Education Authority (or Local Authority in the context of educational matters) including the functions of the Council relating to education, 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 the NHS Act 2006 and any other health legislation (as amended or replaced from time to time) to enter arrangements with NHS or other bodies for the exercise of NHS or health functions or health-related Council functions 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) in relation to after care arrangements etc.
8. To carry out the functions of the Council under sections 10 to 13 and 17A of the Children Act 2004 (as amended from time to time) in relation to arrangements to safeguard and promote the welfare of children and Children and Young Persons' Plans.
9. To carry out the functions of the Council in relation to early years/Sure Start and the Childcare Act 2006.
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 COMMERCIAL AND CHANGE

1. To lead and drive organisational change and commissioning support within the Council. Driving through cultural change and on a peer to peer basis enabling, supporting and challenging strategic commissioners to deliver better outcomes within financial constraints.
2. To develop, shape and implement the role of commissioning support and delivery models across the Council's Services. Driving the delivery of commercial skills and acumen in the organisation ensuring robust market engagement, contract management and quality assurance of services in support of the strategic commissioning Directorates.
3. To lead the service transformation element of Open for Business, understand how commissioning decisions impact the Worcestershire economy and improving economic outcomes (e.g. growth, jobs, social value) either through spend or behaviours.
4. To play an active role in building the reputation of Worcestershire, across the region and on a national basis within local government sector and beyond.
5. To work collaboratively with key partners in creating networks and opportunities to improve services for the citizens of Worcestershire.
6. 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.
7. To be responsible for the development, implementation and review of the County Council's management development strategy and corporate training programme.
8. To be responsible for the development, implementation and training on Health and Safety issues and Employee welfare.
9. 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.
10. To be responsible for employee relations.
11. To determine ICT and Customer Access Strategy, direction, issues and work plan
12. To be responsible for the Council's corporate procurement function, including the Corporate Procurement Strategy, the Procurement Code and the Council's relationship with West Mercia Energy.

13. To manage the administration of the Council's Consumer Relations Service, including corporate representations procedure and issues of Maladministration.
14. To be responsible for administrative buildings and facilities management.
15. To authorise acquisition ( whether by agreement or compulsory), re-use, appropriation and disposal of interests and estates in land, property and buildings, together with the granting, or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves and variations of rent.
16. 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.
17. 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.
18. To oversee and make arrangements for the selection of tenants for the County Farms Estate.
19. To determine and issue general guidelines to officers for the management of land and building resources.
20. 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.
21. To develop shared services with public sector parties.
22. To be responsible for Corporate Performance Management and Improvement.
23. To be responsible for Corporate Risk.
24. To be responsible for the Council's Research and Marketing service (including corporate communications, media and public relations).
25. To take responsibility for Corporate Project Management.
26. To be responsible for the Worcestershire Partnership.
27. To be responsible for overseeing the Council's approach to equality and diversity.
28. To be responsible for the 'Future Fit' transformation and reform agenda.

## **THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

1. To be the Monitoring Officer, and oversee the ethical conduct of the Council and the production of associated codes, conventions and protocols.
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 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.
9. To delegate further all or any of the delegated functions from paragraph 3 onwards to other officers to exercise in their own name.
10. To be the County Returning Officer.
11. To be Proper Officer of the Council, except where legislation or arrangements specify another officer.
12. To determine, advise or issue general guidance to officers and Members of the Council in relation to propriety, constitutional, electoral and legislative matters.
13. 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.
14. To be responsible for the provision of services to Members of the Council.
15. After consultation with appropriate Members of the Council (particularly relevant Group Leaders), 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.



16. To carry out and manage the functions of the Council in relation to electoral and boundary issues.
17. 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.
18. To determine registration matters relating to Commons and Village Greens.
19. To approve the use of the Council's coat of arms.
20. To certify or make arrangements for the certification of authorisation and identity cards and passes for officers and members.
21. To determine the terms of reference and details of any joint Health Overview and Scrutiny Committee in consultation with the Chairman of HOSC and Group Leaders.

#### **OVERVIEW AND SCRUTINY MANAGER**

1. To be the Council's designated Scrutiny Officer.

## **CHIEF FINANCIAL OFFICER**

1. To be the Chief Financial Officer for the Council
2. To lead the promotion and delivery by the whole County Council of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.
3. To exercise a professional responsibility to intervene in spending plans in order to maintain the balance of resources so that the County Council remains in sound financial health.
4. Determine a scheme of delegation and reserve powers, including a formal schedule of those matters specifically reserved for collective decisions by the Pensions Committee etc , and ensure that it is monitored and updated.
5. 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.
6. 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.
7. To implement national and local pay awards and increase payments under the Pension Increase Acts.
8. To make finance and operating leasing arrangements.
9. To manage the deployment of the Council's revenue and capital resources including any resources allocated for joint working.
10. To advise on Public Private Partnerships and Private Finance Initiative schemes as they affect the financial position of the Council.
11. 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.