

Cumberland Shadow Executive

27 March 2023

Cumberland Constitution – Executive Arrangements

Report from:	Cllr Lisa Brown, Deputy Leader (Statutory)
Report Author:	Monitoring Officer
Wards:	All Wards
Key Decision:	No

1.0 Purpose/Summary of report

- 1.1. The new Cumberland Constitution was approved by the Shadow Authority on 26th January 2023. The purpose of this report is to seek approval for those parts that are Executive functions.

2.0 Recommendations

- 2.1 It is recommended that Shadow Executive note and endorse the executive elements of the Constitution to include:-

- (1) Frequency and location of meetings;
- (2) Creation of Executive Committees and the relevant Constitutional provisions;
- (3) Establishment of a Joint Executive Committee (and Joint Overview and Scrutiny Committee), and the period for which each authority should chair the joint committee; and
- (4) Officer Scheme of Delegation

- 2.2 Any further changes be delegated to the Monitoring Officer following consultation with the Leader.

- 2.2 Reason for recommendations: Cumberland Council is required to have a constitution and it is essential that there are appropriate delegations and governance arrangements to allow services to be delivered.

3.0 Background

- 3.1 The Council is required by Section 9P of the Local Government Act 2000 to have a Constitution. At its meeting on 26th January 2023, the Shadow Authority for Cumberland approved a new Constitution which will come into effect on 1st April 2023.
- 3.2 Although the Shadow Authority approved the Constitution, some of the powers relate to executive functions and, therefore, also require Executive approval. The new Council will operate a Leader and Executive hybrid model of governance, which has both an Executive and Scrutiny function, but also creates Executive Committees to inform decision making and policy development.
- 3.3 This report provides further detail around the executive decision making framework.

Frequency and location of Executive meetings

- 3.4 The Constitution provides that the Executive will meet in accordance with the agreed published Calendar of Meetings, which is due to be agreed at Annual Council this year.
- 3.5 The draft calendar provides for meetings every four weeks, with a break during the month of August. Four weekly meetings are suggested because of the likely workload during the initial year however it is proposed that this frequency is reviewed in September 2023.
- 3.6 Executive meetings are proposed to take place at Council-owned locations (to reduce cost) around the Cumberland district. Owing to difficulties with public access and car parking, however, it is not proposed to use the Copeland Centre.

Creation of Executive Committees

- 3.7 It is proposed that four Executive Committees are established by the Executive. These will be chaired by the relevant Portfolio Holder and may comprise such members of the Executive as the Executive may decide.
- 3.8 Cross party involvement is recommended to ensure that all members' skills and knowledge are utilised to make a significant contribution to effective decision making. Such other members may contribute to the discussion but may not vote.
- 3.9 The proposed Executive Committees are as follows:
 - a. Highways and Transport Strategic Board: This is to enable those decisions which are not delegated to Community Panels to be made by an Executive member under advice from Community Panel Chairs and Vice-Chairs and relevant officers;
 - b. Nuclear Issues Board: The Executive may invite any other member or officer who it considers has the necessary skills, expertise and interest to inform decision making, consultation responses and policy development;
 - c. Budget Consultation Board: The Leader indicated at the Budget Council meeting on 1st March that he would establish a forum for all group leaders to contribute to budget setting. This Advisory Panel is the proposed means of fulfilling that promise; and

- d. Shareholder Committee: Cumberland Council is a shareholder of various Local Authority Owned Companies. It is recommended that the s151 Officer is the Shareholder Representative but that decisions are taken under advice of a Committee comprising Executive Members. Unlike the other Executive Committees, it is not recommended that cross party members are appointed.
- 3.7 The terms of reference for the Executive Committees as set out in the Constitution are attached at Appendix A. It is recommended that delegated authority is given to the Monitoring Officer to draft the terms of reference for the Budget Consultation Board and Shareholder Committee, following consultation with the s151 Officer.

Establishment of Joint Executive Committee

- 3.8 It is proposed that a Joint Committee is established between Cumberland and Westmorland & Furness Councils. This Joint Committee will comprise four Executive members from each Council and will oversee the various hosted services, the waste service (which is long term hosted) and the other shared arrangements between the Councils.
- 3.9 As an Executive Committee, the Joint Committee will be subject to the requirements to publish Notice of Key Decisions via the Forward Plan, and Scrutiny will be carried out by a Joint Overview and Scrutiny Committee.
- 3.10 The terms of reference for the Joint Committee and the Joint Overview and Scrutiny Committee are attached as Appendix B. It is proposed that Cumberland will initially host the Joint Committee, which will mean that the Chair will be from Cumberland, while Westmorland & Furness will host the Joint Overview and Scrutiny Committee. It is currently intended that the roles will swap after 12 months. Members are asked for a view on this, noting also that there is no provision currently for a Chair's casting vote. In the absence of a casting vote it is proposed that any disagreements would be resolved by the two Leaders following consultation with the two Chief Executives. Ultimately if any disagreement cannot be resolved, either party can give notice to terminate the hosted services agreement (IAA) which is the subject of a separate report to members.

Officer Delegation Scheme – Officer functions

- 3.11 The Constitution includes a scheme of delegation to officers but the delegation of executive powers must be approved by the Shadow Executive.
- 3.12 The Constitution is drafted along principles which delegate to Chief Officers the responsibility to make all decisions that are not reserved to Members either by the Constitution or by law. This reduces the risk that the scheme becomes out of date or misses a relevant power, whilst providing clarity about matters which are reserved to Members. The Constitution sets out principles for Chief Officer decision making, including that Chief Officers will ensure that they consult and engage members as appropriate, that they comply with governance processes and procedures and keep Portfolio Holders updated on decision within their portfolios.
- 3.13 It is recommended that Officers should be able to take Key Decisions within their functional area, however, where Key Decisions are taken by Officers, this should be on the basis of a written report and in the presence of the report author, and an Officer Decision Notice will be prepared as soon as possible thereafter.

- 3.14 Decision making (under both executive and non-executive powers) may be further delegated to officers within the functional area of each Chief Officer, however, responsibility and accountability for the decision remains with the Chief Officer. Chief Officers are currently working on their local schemes of delegation.
- 3.15 The Leader has overall responsibility for executive functions of the Council as described in Part 2 Section 4 of the Constitution, "Responsibility for Executive Functions". Executive Procedure Rule 8 requires the Leader to develop a Scheme of Delegation for Executive Functions, which will be published alongside the Constitution and which will set out which Portfolio Holder, Executive Committee of Officer is responsible for the exercise of particular Executive Functions. The Leader's Scheme will be updated at each Annual Meeting of the Council.

4.0 Consultation

- 4.1 The Constitution was drafted under oversight of a cross party member Constitution Working Group, led by Cllr Lisa Brown. The Working Group has met regularly since September 2022 to provide a steer on the principles, framework and key provisions of the Constitution, and continues to meet to review minor and consequential changes. Going forward, the Group will keep the Constitution under review, reporting to the Standards and Governance Committee.

5.0 Alternative Options

- 5.1 No alternative options have been considered. As Cumberland Council will operate a Leader and Executive form of governance, the majority of decisions will fall to Executive and the Leader is specifically required to prepare a Leader's Scheme of delegation. Operating the framework set out in this report will ensure efficiency of decision making taken at the appropriate level and will support those decisions taken as a Shadow Executive with regard to hosted services.

6.0 Implications

Financial, Resources and Procurement

- 6.1 There are no direct finance implications arising from this report.

Human Resources

- 6.2 The report contains no HR implications.

Legal

6.3 Contained in the body of the report.

Health and Sustainability Impact Assessment

6.4 Have you completed a Health and Sustainability Impact Assessment? No

Equality and Diversity

6.6 Have you completed an Equality Impact Analysis? No

6.7 Under the general equality duty as set out in the Equality Act 2010, local authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not. Having a Constitution in place will help to ensure that the Council does not discriminate unlawfully against any particular group of people.

7.0 Contributions to Cumberland Council Plan priorities

7.1 The Constitution sets out principles of decision making including efficiency and accountability and is designed to encourage and support community involvement in decision making so as to help ensure that decisions taken advance the priorities set out in the Cumberland Plan.

Contact Officers

Clare Liddle, Monitoring Officer

Appendices Attached to this Report

Appendix No.	Name of Appendix
A	Terms of Reference for Executive Advisory Panels
B	Terms of Reference for the Joint Committee
C	Officer Scheme of Delegation

Background Documents Available

Constitution of Cumberland Council

Appendix A: Terms of Reference for the Joint Committee extracted from the Constitution.

Shared (Hosted) Functions and Services

1.1 Joint Executive Committee

1.1.1 Scope

A Joint Executive Committee has been established under an Inter-Authority Agreement to oversee the management of those services which are provided on a Cumbria-wide basis on behalf of the Cumberland and Westmorland and Furness Authorities to ensure effective delivery of such services and to provide strategic direction

1.1.2 Joint Executive Committee - Composition

- (a) Each Authority shall appoint **4** Executive Councillors as its nominated members of the Joint Executive Committee. The Councillors appointed will have full voting rights.
- (b) Each Authority may nominate one or more substitute Members to attend any meeting in place of an appointed Member (who shall also be Executive Councillors) subject to notification being given to the Monitoring Officer via the relevant Democratic Services team before the start of the meeting. The Councillor appointed as a substitute shall have full voting rights.
- (c) Each member of the Joint Executive Committee shall comply with the Code of Conduct of their Authority when acting as a member of the Joint Executive Committee.
- (d) Each member of the Joint Executive Committee shall serve on the Joint Executive Committee for as long as they are appointed to the Joint Executive Committee by their Authority's Executive but a Councillor shall cease to be a member of the Joint Executive Committee if they cease to be a member of the Executive appointing them or if the relevant Authority removes them from the Joint Executive Committee.
- (e) Meetings of the Joint Executive Committee shall be carried out on a rotational basis in alternate Authority areas.
- (f) The Authority hosting the first meeting shall appoint one of its nominated members as Chair and that member shall remain Chair until the first meeting taking place after the elapse of **one year** from the time of their appointment unless they cease to be a member of the Joint Executive Committee. On the expiry of the first Chair's term of office as Chair, the Authority which did not appoint the first Chair shall appoint one of its nominated members as Chair for a period of one year from the time of their appointment. The same procedure shall be followed for the appointment of the Chair in subsequent years.
- (g) The Authority not appointing the Chair of the Joint Executive Committee in any year shall appoint one of its nominated members as Vice Chair.

- (h) Proposed key decisions of the Joint Executive Committee will be published on the Forward Plan for each Authority in accordance with their own Access to Information Rules.
- (i) Meetings will be governed by the Executive Procedure Rules and the Access to Information Rules for each Authority, including public speaking and questions, and where they might differ will be those of the Authority of the Chair unless otherwise agreed between the Monitoring Officers of the two Authorities as to which of the two sets of Rules will be applied.
- (j) The Joint Executive Committee shall normally meet once every two months (bi-monthly) unless otherwise determined by the Joint Executive Committee. Cancellation of meetings shall be agreed by the Joint Executive Committee or both Leaders.
- (k) The Authority providing the Chair shall also provide the host arrangements for Democratic Services and for the Monitoring Officer to act as proper officer to the Joint Executive Committee.
- (l) Additional meetings can be called by the relevant Monitoring Officer by providing at least five clear days' notice to members of the Joint Executive Committee, for the purposes of resolving urgent matters arising between the bi-monthly meetings. Additional meetings may be called if either Leader requests it.
- (m) The relevant Democratic Services team will send out the agenda, record minutes and arrange for the sign off of minutes in accordance with the procedure rules for the relevant Authority.
- (n) A meeting of the Joint Executive Committee will require a quorum of at least **2** members from each Authority.

1.1.3 **Joint Executive Committee - Terms of Reference**

Pursuant to Section 101 of the Local Government Act 1972, and to their powers under section 9EB LGA of the Local Government Act 2000 and Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, the Authorities' Executives have charged the Joint Executive Committee with responsibility for the exercise of:

- (a) Developing and approving the Service Strategies for each of the shared Functions and Services.
- (b) Ensuring that Service Strategies and the resources and budgets required to deliver the Service Strategies are in place.
- (c) Agreeing the responsibilities of each Authority to deliver the Service Strategies, including any specific responsibilities of the Host Authority and that the responsibilities are documented within the Service Strategies.

- (d) Ensuring that the services are provided within the policy and budget set by the Authorities.
- (e) Ensuring that the arrangements ensure that each Authority's statutory responsibilities are met.
- (f) Overseeing the implementation of the Service Strategies, including reviewing the performance of the services against budget and indicators for service quality, performance and efficiency, and initiating additional action where appropriate.
- (g) Ensuring that clear operational policies are in place and that these are complied with.
- (h) Agreeing the basis for apportioning cost between the two Authorities and the amount to be apportioned.
- (i) Ensuring that effective risk management arrangements are in place, that the Functions and Services are subject to adequate and independent audit and that any audit recommendations are acted upon.
- (j) Approving business cases for proposed changes and overseeing the progress of subsequent work.
- (k) Ensuring that there are robust plans for the disaggregation of services as and when required and that there is a smooth transition to separate or new arrangements.
- (l) Resolving issues that are referred to the Joint Executive Committee by the Joint Officer Board or relevant Chief Officers of the Service.
- (m) Delegating functions of the Joint Executive Committee to officers of either Authority under s.101 Local Government Act 1972.
- (n) Agreeing arrangements to place staff employed by one of the authorities at the disposal of the other authority to carry out the functions of the Joint Executive Committee as described above under s.113 Local Government Act 1972.
- (o) Take decisions in relation to the commissioning and procurement of services either hosted or under a lead authority arrangement from a third party.
- (p) Responding to reports or recommendations from the Joint Overview and Scrutiny Committee or one or both of the Authorities.
- (q) Providing an Annual Report to each of the two Authorities on the performance, finances and proposed service improvements including any arrangements for disaggregation.

A Joint Overview & Scrutiny Committee has been established under the above referenced Inter-Authority Agreement to provide oversight support and to scrutinise the work of the Joint Executive Committee for the oversight and management of the shared Functions and Services, including the development and delivery Service Strategies and, where applicable, the implementation of disaggregation plans.

1.2.1 Joint Overview and Scrutiny Committee - Composition

- (a) Each Authority shall appoint **6** Councillors (being non-executive councillors) on a politically proportionate basis as its nominated members of the Joint Overview and Scrutiny Committee. The Councillors appointed will have full voting rights. The Committee may co-opt non-voting members to assist it in its functions.
- (b) Each Authority may nominate one or more substitute Members to attend any meeting in place of an appointed Member (who shall also be non-executive members) subject to notification being given to the Monitoring Officer via the relevant Democratic Services before the start of the meeting. The Member appointed as a substitute shall have full voting rights.
- (c) Each member of the Joint Overview and Scrutiny Committee shall comply with the Code of Conduct of their Authority when acting as a member of the Joint Overview and Scrutiny Committee.
- (d) Each member of the Joint Overview and Scrutiny Committee shall serve on the Committee for as long as they are appointed to the Joint Overview and Scrutiny by the relevant Authority.
- (e) Meetings of the Joint Overview and Scrutiny Committee shall be carried out on a rotational basis in alternate Authority areas.
- (f) A meeting of the Joint Overview and Scrutiny will require a quorum of at least **2** members from each Authority.
- (g) The Chair shall be appointed by the Joint Overview and Scrutiny Committee at its first meeting of the municipal year and that Chair shall be a Councillor from the Authority other than the Authority providing the Chair of the Joint Executive Committee. The term of office and rotation of the Authority from which the Chair is appointed will rotate in synchronisation with the rotation and appointment of the Chair of the Joint Executive Committee.
- (h) The Vice-Chair shall be appointed by the Joint Overview and Scrutiny Committee from a nominated member of the other Authority from that which the Chair is appointed.
- (i) Meetings will be governed by the Access to Information Rules for each Authority, including public speaking and questions, and where they might differ will be those of the Authority of the Chair unless otherwise agreed between the Monitoring Officers of the two Authorities as to which of the two sets of Rules will be applied.
- (j) The Joint Overview and Scrutiny Committee shall normally meet once every two months (bi-monthly) unless otherwise determined by the Joint Overview and Scrutiny.

- (k) The Authority providing the Chair shall also provide the host arrangements for Democratic Services and for the Monitoring Officer to act as proper officer to the Joint Overview and Scrutiny. The relevant Democratic Services will send out the agenda, record minutes and arrange for the sign off of minutes in accordance with the procedure rules for the relevant Authority.
- (l) The scrutiny officer function shall be a shared function between the Authorities but which shall, where required, be led by the scrutiny officer of the Authority providing the Chair.
- (m) The **Call-In** mechanism will be affected by a request of any **3** members of the Committee of either Authority sent to the Monitoring Officer of either authority and containing details of the decision requested to be subject to call-in and the reasoning why. The process will then otherwise follow the call-in criteria, procedure and meeting requirements in respect of any subsequent meeting to be held of the Joint Overview and Scrutiny Committee in accordance with the Authorities' Overview and Scrutiny Procedure Rules. Where the Procedure Rules might differ, those applied will be the Overview and Scrutiny Procedure Rules of the Authority of the Chair unless otherwise agreed between the Monitoring Officers.

1.2.2 **Joint Overview and Scrutiny Committee - Terms of reference**

The Joint Overview and Scrutiny Committee is established under s101 and s 102 Local Government Act 1972 and to conduct the Authorities' functions under sections 9F and 9FA of the Local Government Act 2000 in respect of:

- (a) those functions exercised by the Joint Executive Committee
- (b) the shared Functions and Services for which the Joint Executive Committee is responsible
- (c) those decisions taken by the Joint Executive Committee, including those as delegated to an officer and those prospective decisions set out on the Forward Plan of decisions published in respect of the Joint Executive Committee
- (d) the 'call-in' function relating to these responsibilities, which shall be in the place of those call-in functions that might otherwise be exercised by the individual Authorities

1.2.3 **Joint Overview and Scrutiny Committee - Approach**

In fulfilling these functions the Joint Overview and Scrutiny Committee will seek to:

- (a) Develop a forward work programme of activities
- (b) Review or scrutinise decisions made, or other action taken by the Joint Executive Committee

- (c) Seek reassurance and consider whether the Functions and Services are operating in accordance with the Service Strategies, including the budgets and any implementation plans for disaggregation and continuing service provision
- (d) Identification of barriers to progress, best practice and possible improvements.
- (e) Holding the Joint Executive Committee to account by providing critical challenge to ensure that it provides the high-level strategic direction for the implementation of the Service Strategies.

1.3 **Cumbria Police, Fire and Crime Panel**

To be agreed with Police and Fire Commissioner

Appendix B: Terms of Reference of Executive Advisory Panels extracted from the Constitution

2 COMMITTEES OF THE EXECUTIVE

- 2.1 The Leader or the Executive may delegate any of its functions to a committee of the Executive. Committees of the Executive shall report to the Executive. If the Committee is to have decision-making powers then the Committee may only include Executive Councillors. The Leader or the Executive may also establish advisory committees, the membership of which need not be limited to Executive Councillors. The Leader or the Executive may change them, abolish them, or create further ones, at its own discretion.
- 2.2 Committees established by the Leader or the Executive shall be empowered to perform these functions with immediate effect unless the Leader or the Executive impose any express restriction when they are established. Unless stated otherwise, all decision-making committees will continue in operation until expressly abolished by the Leader or the Executive and all advisory or consultative liaison committees will continue in operation only until the first meeting of the Executive in the next civic year following their establishment when they must be expressly renewed or the cease to exist.
- 2.3 All functions that have been delegated to a committee established by the Leader or the Executive can still be taken by the Executive as the parent body (where the Executive has delegated that function) or by the Leader either personally or in accordance with the Leader's delegation of those functions to an individual Executive Councillor or an alternative committee of the Executive.
- 2.4 The establishment, abolition or cessation of committees and the amendment of their terms of reference will be reported to Council in due course for noting in the Council's Constitution.

Highways and Transport Board

- 2.5 The Council has established a Highways and Transport Board as a Committee of the Executive, formed as follows:

- 2.5.1 The Highways and Transport Board is a Committee of the Executive and shall be comprised of such of the Executive Members as the Leader or Executive shall determine
- 2.5.2 The Chair and Vice Chair of each Community Panel shall have the right to attend and speak at meetings. They will not have voting rights.
- 2.5.3 The Committee will meet at such times as shall be agreed by its members.
- 2.5.4 The Committee shall not be quorate unless three voting members are present.
- 2.5.5 One of the relevant Executive Councillors shall act as its Chair.
- 2.5.6 There shall be a right on the part of any member of the Committee to require the reference of any matter to the full Executive for determination.
- 2.5.7 Any local councillor for each ward directly affected by a matter to be considered by the Committee shall receive notification of that matter to enable them to make representations to the Committee in writing or in person (any failure to receive notification will not invalidate a decision).

Terms of Reference

- 2.5.8 The Highways and Transport Board is a Committee of the Executive and shall be responsible for the exercise of the following executive functions (unless or until the Leader or Executive shall determine otherwise):
 - (a) To agree and keep under review the implementation of the rolling 3 year strategic programme for highways and transport (revenue and capital) and the one year delivery plan.
 - (b) To recommend to Council any Highways or Transport Strategies and Policies within the Policy Framework for example the Local Transport Plan.
 - (c) To agree strategies and policies relating to Highways and Transport that are not in the Policy Framework.
 - (d) To agree responses to highways and transport consultation papers when referred by the Director or not reserved by Executive.
 - (e) To authorise the entering of agreements with public transport operators to provide financial support for services which are not available commercially.
 - (f) To consider and determine traffic management matters, other than those matters that are the responsibility of the Community Panels under the agreed Locality Scheme Budget, and those matters that require urgent determination or are of a temporary nature. The relevant local Councillor shall be notified of the matter.
 - (g) To consider information and updates provided by the Director on highways asset management strategy and delivery plan for promoting best practice and the implementation of asset management principles for all highway maintenance activities.

- (h) To receive and consider referrals from Community Panels on Highways and Transport matters.

Nuclear Issues Board

- 2.6 The Council has established a Nuclear Issues Board as a Committee of the Executive, formed as follows:
 - 2.6.1 The Nuclear Issues Board is a Committee of the Executive and shall be comprised of such of the Executive Members as the Leader or Executive shall determine.
 - 2.6.2 The Committee will meet at such times as shall be agreed by its members.
 - 2.6.3 The Committee shall not be quorate unless three voting members are present.
 - 2.6.4 One of the relevant Executive Councillors shall act as its Chair.
 - 2.6.5 There shall be a right on the part of any member of the Committee to require the reference of any matter to the full Executive for determination.
 - 2.6.6 Any local councillor for a ward directly affected by a matter to be considered by the Committee shall receive notification of that matter to enable them to make representations to the Committee in writing or in person (any failure to receive notification will not invalidate a decision).
 - 2.6.7 The Committee is able to invite such other persons, representatives and stakeholders as it considers will assist and inform its work (who shall be able to speak but not vote).

Terms of Reference

- 2.6.8 The Nuclear Issues Board is a Committee of the Executive and shall be responsible for the exercise of the following executive functions (unless or until the Leader or Executive shall determine otherwise):
 - (a) to advise the Executive on policy and issues relating to the nuclear industry in Cumberland including public and worker safety, environmental issues, socio-economic impact, the decommissioning of existing facilities and the possible development of new capacity.
 - (b) In carrying out its duties the Committee will, as and when necessary, liaise with industry stakeholders, with other local authorities, regional and central government and other governmental agencies and make recommendations on research

Appendix C: Officer Scheme of Delegation extracted from the Constitution

1 INTRODUCTION TO THE OFFICER SCHEME OF DELEGATION

- 1.1 “**Officers**” is the term used to refer to the people employed, retained or appointed by the Council to advise and support Councillors and implement their decisions. The term “officers” in this Constitution includes all the people who operate in this capacity including contractors, consultants and agency staff.
- 1.2 The Council operates a “cascade” principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council’s decisions and actions will fall into the category of operational day to day decisions taken by its officers.
- 1.3 In order to ensure the smooth functioning of the Council and the efficient delivery of services, **Council**, the **Leader** and the **Executive** have delegated to officers all of the powers that they need to perform their roles. This scheme describes powers and functions reserved to particular statutory or proper officers as well as the more general authority as granted by Council and the Executive to be able to implement decisions and to undertake and operate the Council’s functions. Additional authority to act, or reservations to any authority granted, may be set out in a decision of the Council, a Committee or Executive or through a separate Leader’s or Committee’s Scheme of Delegation
- 1.4 Certain officers have specific legal duties and powers to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as “Statutory” or “Proper” Officers and some have specific legal titles in addition to their job titles.
- 1.5 The way the Council structures its services and its officer arrangements changes from time to time to reflect changes in service delivery and best practice. The current arrangements include a Chief Executive/Head of Paid Service (as the most senior officer of the Council) supported by a number of Chief Officers.
- 1.6 See the current organisational structure of the Council, showing more detail about the roles and responsibilities of the Chief Officers and the officers supporting them to deliver all the Council’s services.

General Principles Relating to Officer Delegation

- 1.7 For the purposes of officer delegated powers, both within this part and any other part of the Constitution, the term “Chief Officer” shall include the following officers:
 - 1.7.1 The Chief Executive and Head of Paid Service
 - 1.7.2 The Monitoring Officer
 - 1.7.3 The Section 151 Officer (Chief Finance Officer)
 - 1.7.4 The Assistant Chief Executive – Strategy, Policy and Performance
 - 1.7.5 The Director of Adult Social Care and Housing

- 1.7.4 The Director of Business Transformation and Change
 - 1.7.5 The Director of Children and Family Wellbeing
 - 1.7.6 The Director of Place, Sustainable Growth and Transport
 - 1.7.7 The Director of Public Health and Communities
 - 1.7.8 The Director of Resources
- 1.8 This scheme gives the power for the Chief Officers to take decisions in relation to all the functions in their areas of responsibility except where:
- 1.8.1 a matter is prohibited by law from being delegated to an **Officer**; or
 - 1.8.2 a matter has been specifically excluded from delegation under this scheme by a decision of the **Council**, a Committee or Sub-Committee.
- 1.9 The cascade principle under which this scheme operates means that any officer given powers under this scheme can further delegate those powers to other officers through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas). A full list of the Local Schemes of Delegation is available on the Council's website and you can look at any of the schemes in detail.
- 1.10 All Local Schemes of Delegation (and any changes to them) must be agreed by the relevant Chief Officer and the Monitoring Officer.
- 1.11 Where a function has been delegated to an **officer** (including where sub-delegated through the cascade principle), the person or body making the delegation may at any time take back responsibility for the function and may therefore exercise the function (make the decision) despite the delegation.
- 1.12 In some circumstances the **officer** to whom a power has been delegated may consider a matter to be of such importance or sensitivity that their delegated authority should not be exercised. In these circumstances he or she may refer the matter back to the delegator for determination.
- 1.13 Any power delegated or cascaded under this Scheme can be exercised by the relevant Chief Officer and in all cases by the Chief Executive personally, with the exception of those statutory functions delegated exclusively to the Council's **Chief Finance Officer** or the **Monitoring Officer**.
- 1.14 The powers of this Scheme are delegated to the officers referred to by title within this Scheme of Delegation. So the delegations apply to whoever holds that post title at any time – not to the individual person. The powers are automatically transferred to any successor officer, to whom the functions are allocated following any reorganisation of the Council's management arrangements, irrespective of a change in the title/name of the officer post. Nominated Deputies are able to exercise all functions of the person delegating the functions.
- 1.15 Delegations relate to all provisions for the time being in force under any applicable legislation and cover functions of the Council and all powers and duties incidental to that legislation.
- 1.16 Any delegation must be exercised:

- 1.16.1 In accordance with the **Budget and Policy Framework**, all the Council's Procedure Rules, the Pay Policy Statement approved annually and the Officer Code of Conduct;
 - 1.16.2 In accordance with the decision-making requirements set out in the Constitution, including requirements for decision-records and access to information;
 - 1.16.3 In accordance with any appropriate legislative, regulatory, consultation, equalities or procedural requirements that may be required; and
 - 1.16.4 Having identified and managed appropriate strategic and operational risks within the officer's area of responsibility
- 1.17 Officer decisions must be evidenced in writing using the agreed standard form, dated and signed by the officer exercising the delegated authority.
- 1.18 An **officer**, in exercising delegated powers may consult the relevant Committee Chair or executive Councillor if they consider it appropriate to do so and shall consult other appropriate officers for professional advice including legal, financial and technical officers and shall have regard to any views and advice received.
- 1.19 Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by the Chief Officer is introduced, that officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the **Council**, the executive, a Committee or the **Chief Executive** decides to whom to allocate responsibility for the new legislation.
- 1.20 Chief Officers may appoint another officer as their deputy and such deputy shall have all the powers of the Chief Officer as set out in this Constitution. A deputy may be appointed in relation to all the areas of service delegated to the Chief Officer under this Constitution or in relation to a particular area of service only. A deputy may be appointed for a specific period of time (for example to cover the absence of a Chief Officer) or without time limitation. The appointment of a deputy shall not prevent the exercise by the Chief Officer of any delegation set out in this Constitution.
- 1.21 If there is any dispute or lack of clarity as to which Chief Officer has power to make decisions on specific areas of service, the Chief Executive shall have power to determine where the delegation should be exercised.

2 GENERAL DELEGATIONS

- 2.1 The following delegations shall apply to all Chief Officers (and to any appointed deputies).

Urgent action

- 2.2 To act on behalf of the Council in cases of urgency in the discharge of any function of the Council for which their Directorate or Service has responsibility, other than those functions which by law can be discharged only by the Council, the executive, or a specific Committee. A decision will be urgent where any delay would seriously prejudice the legal or financial position of the Council or the interests of the Members of the Public of the Council's area. This delegation is subject to the conditions that any urgent action:

- 2.2.1 shall be reported to the next meeting of the appropriate Committee
- 2.2.2 shall take account of advice of the **Monitoring Officer** and the **Chief Finance Officer**
- 2.2.3 shall be exercised in consultation with the Leader (in relation to executive functions), the Chair (in relation to Council functions), or the Chair of the appropriate Committee.

Implementation of decisions

- 2.3 To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of Council, the executive, a Committee or Sub-Committee, or an Officer.

General operational

- 2.4 To have overall responsibility for the operational management of the relevant area of service, including approval of operational procedures and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the service is responsible.
- 2.5 Any Chief Officer may be appointed by the Chief Executive to deputise in their absence and in the absence of the Assistant Chief Executive, and when so appointed is authorised to exercise all the powers of the Chief Executive (including those of the Head of Paid Service).

Consultation

- 2.6 To undertake and consider the outcome of statutory and non-statutory consultations on service provision.
- 2.7 To respond to Government Consultations and consultations from other bodies, in consultation with the Leader or the relevant Committee Chair.
- 2.8 To undertake all steps required to complete Government Statistical Returns.

Finance

- 2.9 To manage the finance of their departments to ensure value for money and the development of budget policy options with a detailed assessment of financial implications.
- 2.10 To enter into contracts and incur expenditure in relation to their functional area and in accordance with the approved budget, with the exception (unless otherwise provided in this Scheme of Delegation) of certificates under the Local Government Contracts Act 1997, the Council's Accounts and Contracts and Deeds where specific provisions are made in the Council's Contracts Procedure Rules.
- 2.11 To determine a Pricing Strategy that articulates the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery.
- 2.12 To submit applications for grant funding that align with the Council **Budget and Policy Framework**, in accordance with the approvals required under the Financial Procedure Rules.

Staffing

- 2.13 To deal with the full range of employment and staff management issues, below Chief Officer level including but not limited to appointments, terms and conditions (other than those negotiated nationally) training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the Employment Procedure Rules.
- 2.14 To enter into reciprocal arrangements for the authorisation and appointment of officers to facilitate cross-border co-operation in the discharge of delegated functions with any other public sector organisation.

Land and assets

- 2.15 To manage vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture, appliances, uniforms and (in consultation with the Director of Resources) land and premises necessary for the provision of services.
- 2.16 To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation.
- 2.17 To make application for planning permission and any other necessary applications for other consents required for the development of land.

Legal authorisation and enforcement

- 2.18 To act as “duly authorised officers” (for the purposes of all relevant legislation) and to enforce/administer the requirements of all relevant regulatory legislation which shall (for the avoidance of doubt) include (but not be limited to) taking the following action (and all actions reasonably necessary, expedient or ancillary in order to facilitate or enable the same):
 - 2.18.1 Applying for warrants, carrying out investigations, inspections or surveys, entering land and premises, taking samples and seizing property
 - 2.18.2 issuing (or declining to issue) licences, certificates or certified copies of documents, approvals, permissions, consents, notices, orders, directions or requisitions for information
- 2.19 Only with the approval of the **Monitoring Officer**, to authorise the institution, defence, settlement of or participation in civil and criminal proceedings and quasi-proceedings (which for the avoidance of doubt shall include but not be limited to all court hearings, tribunal, inquiry and appeal processes), administer cautions and/or take any other action considered necessary to protect the interests of the Council. Only the Monitoring Officer, however, may seek, instruct or authorise the obtaining of any legal advice or representation by external solicitors, counsel or other legal bodies.
- 2.20 Where authorised in the Constitution or applicable policy, to exercise the role of authorising officer and designated person under the Regulation of Investigatory Powers Act 2000. (The **Monitoring Officer** is excluded from this provision as they have the formal ‘reviewer’ role.)

Safeguarding children and vulnerable adults

- 2.21 To ensure that arrangements are in place to discharge the responsibilities of the Council within their functional responsibilities in respect of the need to safeguard and promote the welfare of children and of vulnerable adults.

Emergencies and Continuity

- 2.22 If the Council needs to act urgently in any matter including, without limitation, complying with the Emergency Response Plan and other council response plans or taking any action under new legislation of powers, and the Chief Executive is either unwell, unobtainable or where there is no Chief Executive in post, then a Chief Officer may act in the place of the Chief Executive and may delegate responsibility to another nominated Officer where it is considered appropriate.

3 DELEGATIONS TO CHIEF EXECUTIVE AND CHIEF OFFICERS

Statutory Chief Officers

Chief Executive/Head of Paid Service

- 3.1 The Chief Executive is the most senior officer in the Council. It is their role to support the Councillors and to provide leadership for the Council.
- 3.2 The Chief Executive is empowered to operate all the services of the Council and, except where powers, duties and functions are reserved, to exercise all powers, duties and functions of the Council, including those delegated to other officers with the exception of those statutory functions delegated exclusively to the Council's Chief Finance Officer or the Monitoring Officer.
- 3.3 Every Council must, by law, appoint one of its officers as the Head of Paid Service. The Chief Executive is also the Council's Head of Paid Service. Their responsibility in this role is to make proposals to the Council about the manner in which the discharge of the Council's functions is co-ordinated and the numbers, grades and organisation of staff required and the proper management of those staff. The Chief Executive has power to exercise any function of the Head of Paid Service contained in any legislation and in any other Part of this Constitution.
- 3.4 The Chief Executive may appoint one or more deputies, each of whom has power to exercise all the powers and duties of the Chief Executive during their absence, incapacity or conflict from acting or during vacancy of the role.
- 3.5 The Chief Executive is given delegated power to undertake the following roles and responsibilities and to take the following decisions subject to the terms of this Constitution:
 - 3.5.1 To be the Council's principal officer representative and to promote its good image and reputation
 - 3.5.2 To lead and direct the strategic management of the Council
 - 3.5.3 To appoint other officers as Proper Officers for the purposes of any specific Council service area or function and to maintain an up to date Proper Officer Register showing who is appointed to act as the Proper Officer for all Council service areas and functions
 - 3.5.4 Unless another officer is appointed as Proper Officer, to act as Proper Officer for the Council for the purposes of all Council service areas and functions
 - 3.5.5 To discharge emergency planning and civil protection functions (together with the Director of Public Health and Communities in the case of emergency presenting a risk to public health);

- 3.5.6 To take such steps (including the incurring of expenditure where necessary) as may be required in the event of any national or local emergency requiring immediate action by the Council
- 3.5.7 To undertake the communications, marketing and media functions of the Council with regard to policy and strategic direction.
- 3.5.8 To exercise any function of the Council which is not specified in the Constitution or in law as a function that must be exercised by Councillors, except the statutory functions of the Monitoring Officer.
- 3.5.9 To take any decision where any delay incurred in taking the decision would seriously prejudice the Council's or the public interest to the extent that it is appropriate to exercise emergency powers. This may include waiving the Council's Contracts Procedure Rules to the extent that this complies with domestic laws. In exercising this power, the Chief Executive must consult with the Leader of the Council, the Monitoring Officer and the Chief Finance Officer or in their absence, their nominated deputies, unless the delay caused by doing so would itself be likely to result in danger to life or property. The Chief Executive will report any such decision to the next meeting of Council;
- 3.5.10 To allocate or re-allocate responsibility for functions in the Scheme of Delegation to Officers provided that any changes applicable for a period of more than six months must be reported to Council as a change to the Scheme of Delegation.

Monitoring Officer

- 3.6 The Monitoring Officer is appointed in accordance with Section 5 of the Local Government and Housing Act 1989 and has all the powers and duties of the Monitoring Officer and is responsible for supporting and advising the Council in relation to:
 - 3.6.1 the lawfulness and fairness of the decision making of the Council
 - 3.6.2 the Council's compliance with its legal responsibilities and requirements, and
 - 3.6.3 matters relating to the conduct of Councillors (including Parish Councillors).
- 3.7 The Monitoring Officer will provide advice to ensure that decisions are taken on proper authority, by due process, and in accordance with the Budget and Policy Framework.
- 3.8 The Monitoring Officer shall, where necessary, and in consultation with the Head of Paid Service and the Chief Finance Officer, report any proposal, decision or omission considered to be unlawful or that amounts to

maladministration to the Council as appropriate in accordance with Section 5 of the Local Government and Housing Act 1989.

- 3.9 The Monitoring Officer may appoint one or more deputy Monitoring Officers, each of whom has power to exercise all the powers and duties of the Monitoring Officer during their absence, incapacity or conflict from acting or during vacancy of the role.
- 3.10 The Monitoring Officer has power to exercise any function of the Monitoring Officer contained in any other Part of this Constitution.
- 3.11 The Monitoring Officer shall have the following delegated powers and responsibilities:
 - 3.11.1 To authorise the settlement of actual or potential claims, borehole claims or Local Government and Social Care Ombudsman cases across all functions of the Council.
 - 3.11.2 To prosecute, defend, settle, make application, serve any notice or appear on behalf of the Council in any Court, Tribunal or hearing on any criminal, civil or other matter (including appeals).
 - 3.11.3 To institute legal proceedings for any offences within the Council's area.
 - 3.11.4 To lodge objections to any proposal affecting the Council's interests.
 - 3.11.5 To determine applications for the display of the crest or logo of the Council.
 - 3.11.6 To approve the Council's response to any investigation carried out by the Local Government and Social Care Ombudsman.
 - 3.11.7 To approve the Council's response to any request for information under the Freedom of Information Act 2000 or the Environmental Information Regulations 2003.
 - 3.11.8 To take all action including the completion of agreements, the service of notices, giving of directions, obtaining or issuing orders, authorising the execution of powers of entry, and the institution and defence of legal proceedings necessary or desirable to protect and advance the interests of or discharge the roles, functions and responsibilities of the Authority.
 - 3.11.9 To make discretionary payments under Land Compensation Act 1973 on the recommendation of the District Valuer.
 - 3.11.10 In accordance with the Council's approved policy, to monitor the integrity of the operation of the Regulation of Investigatory Powers Act 2000 by:

- (a) Ensuring compliance with all relevant legislation and with the Codes of Practice.
 - (b) Engagement with the Inspectors from the Investigatory Powers Commissioner's Office when they conduct their inspections, and, where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.
 - (c) Monitoring authorisations and conducting a quarterly review of applications, authorisations and refusals, and reviewing renewals and cancellations.
- 3.11.11 To make Orders for the Temporary Closure of Highways and Regulation of Traffic.
- 3.11.12 To attest the affixing of the Council's seal to all documents approved for sealing.
- 3.11.13 To authorise appropriate Officers to administer formal cautions in respect of criminal offences.
- 3.11.14 To determine whether a particular claim for payment under the Councillors Allowances Scheme is appropriate.
- 3.11.15 To authorise appropriately qualified employees or persons acting on behalf of the Council to appear in, and conduct legal proceedings in, any Court or Tribunal on behalf of the Authority.
- 3.11.16 To prove debts owed to the Authority in bankruptcy and liquidation proceedings.
- 3.10.17 To deal with the initial stages of the disciplinary procedure for the statutory officers (Chief Executive and Chief Finance Officer), in conjunction with the appointed Chair of the Staffing Committee;
- 3.10.18 To deal with the initial stages of allegations under the grievance procedure against the Chief Executive or Chief Finance Officer;
- 3.10.19 To deal with the initial stages of allegations under the Council's bullying and harassment procedure against the Chief Executive or Chief Finance Officer.
- 3.11.20 To make such changes to the Council's Constitution as they deem to be necessary and which are in the Council's interests and which do not materially change any principles previously approved by the Council including, but not limited to, changes:
- (a) amounting to routine revisions
 - (b) to provide appropriate clarity

- (c) to correct typographical and other drafting errors
- (d) to reflect new legislation
- (e) to correct inconsistencies in drafting
- (f) to reflect new officer structures and job titles, properly approved through Council processes.

3.11.21 To grant dispensations to Councillors or Coopted members under Section 33 of the Localism Act 2011, to allow them, where they have a disclosable pecuniary interest in a matter to be considered at a meeting of the Council, or any of its committees or sub-committees, or the Cabinet or any committee or sub-committee of the Cabinet, to participate in any discussion of the matter in which they have the disclosable pecuniary interest at the meeting or to participate in any vote, or further vote, taken on the matter at the meeting; in any of the following circumstances:

- (a) if it is considered that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- (b) if it is considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) if it is considered that granting the dispensation is in the interests of persons living in the authority's area; or
- (d) if it is considered that it is otherwise appropriate to grant a dispensation.

3.11.22 The Monitoring Officer has the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by Councillors, implementing decisions and undertaking efficient management of the services, contracts and staff for which they are responsible in the following functional areas:

- (a) Legal and Democratic Services;
- (b) Member Support;
- (c) Election Services;
- (d) Coroners Services;

- (e) Internal Audit; and
- (f) any other services allocated or re-allocated to the Monitoring Officer by the Chief Executive.

Chief Finance Officer (s.151 Officer)

- 3.12 The Chief Finance Officer is appointed in accordance with section 151 of the Local Government Act 1972 as:
 - 3.12.1 The financial adviser to the Council, Committees and Officers
 - 3.12.2 The Authority's 'responsible financial officer', and is
 - 3.12.3 Responsible for the proper administration of the Council's financial affairs as specified in, and undertakes the duties required by, section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003, and all other relevant legislation.
- 3.13 "Proper Administration" is not defined but shall also include responsibilities for compliance with the statutory requirements for accounting and internal audit.
- 3.14 The Chief Finance Officer may appoint one or more sufficiently qualified deputies, each of whom has power to exercise all the powers and duties of the section 151 Officer during their absence, incapacity or conflict from acting or during vacancy of the role.
- 3.15 The Chief Finance Officer shall have the following delegated powers and responsibilities:
 - 3.15.1 To carry out the functions and responsibilities which are detailed in the Finance Procedure Rules;
 - 3.15.2 To strengthen the strategic and operational financial leadership of the Council through medium term financial planning and budgetary control overseeing the Council's annual budget;
 - 3.15.3 To secure effective treasury management, including taking all action necessary in relation to all debts, payment of accounts, loans (including guarantees and indemnities), grants, advances, investments, financing and banking generally;
 - 3.15.4 To take all action necessary to ensure the safeguarding of assets by maintaining and administering appropriate insurance and approving requests to post-pone legal charges;

- 3.15.5 To lead the revenue and benefits service;
- 3.15.6 To take all action necessary to facilitate debt recovery and enforcement action including instituting prosecutions, making applications to courts and tribunals and authorising officer to appear on behalf of the Council;
- 3.15.7 To take all necessary action in respect of the Council's role in relation to the administration and operation of the Pension Fund and to represent the needs of Cumberland to Westmorland and Furness as the "Pension Administering Authority";
- 3.15.8 To adopt the Council's annual Council Tax Base
- 3.15.9 To make recommendations to Council on Council Tax requirements, on the Council tax base and to administer and manage generally all matters relating to Council Tax, Non Domestic Rates and General Rates including the awarding of discounts, relief, and exemptions and the levying, collection, recovery, and disbursement of all sums due to the Council in respect of the same in accordance with all governing Regulations;
- 3.15.10 To act as the Council's shareholder representative in respect of Cumbria Holdings.
- 3.15.11 To have the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by elected members implementing decisions and undertaking efficient management of the services, contracts and staff for which he/she is responsible in the following functional areas:
 - (a) Procurement;
 - (b) Insurance;
 - (c) Pensions;
 - (d) Accounting and Financial Planning;
 - (e) Revenues and Benefits; and
 - (f) Financial services (including treasury management and banking);
 - (g) performance;
 - (h) the financing of the Capital Programme;
 - (i) Any other services allocated to the Chief Finance Officer by the Chief Executive

Director of Public Health and Communities

- 3.16 The Director of Public Health and Communities holds the statutory role for the Council as the person appointed as the Director of Public Health (required by section 73A of the National Health Service Act 2006).
- 3.17 The Director of Public Health and Communities has the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by elected members and undertaking efficient management of the services, contracts and staff for which he/she is responsible in the following functional areas:
- 3.17.1 Public health intelligence;
 - 3.17.2 Health improvement and the Wider Determinants of Health;
 - 3.17.3 Public health protection;
 - 3.17.4 Public Health commissioning, contract management and quality assurance;
 - 3.17.5 Regulatory Services including Environmental Health and Protection, Trading Standards, Licensing and Private Sector Housing;
 - 3.17.6 The statutory functions of the Director of Public Health (together with the Chief Executive in the case of planning for and responding to emergencies that present a risk to public health); and
 - 3.17.7 Any other services allocated or reallocated to the Director of Public Health by the Chief Executive.

Director of Adult Social Care and Housing

- 3.18 The Director of Adult Social Care and Housing holds the statutory role for the Council of the Director of Adult Social Services (required by Section 6 of the Local Authority Social Services Act 1970).
- 3.19 The Director of Adult Social Care and Housing has the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by elected members, implementing decisions and undertaking efficient management of the services, contracts and staff for which he/she is responsible in the following functional areas:
- 3.19.1 All adults services including but not limited to:

- (a) Adult Social Care Services – Community Teams;
- (b) Adult Social Care – Hospital Teams;
- (c) Mental Health and Learning Disability Services;
- (d) Adult Safeguarding;
- (e) Adult Social Care commissioning, contract management and quality assurance;
- (f) Adult Social Care Business Support and Finance;
- (g) The provision of residential and day services to children and adults including those provided by Cumbria Care (“Provider Services”);
- (h) Integration of health and social care services; and
- (i) Any other services allocated to the Director by the Chief Executive

Director of Children and Family Wellbeing

3.20 The Director of Children and Family Wellbeing holds the statutory role for the Council of the Director of Children's Services (required by Section 18 of the Children Act 2004) and is the designated person for the purposes of Section 22 of the Children Act 1989.

3.21 The Director of Children and Family Wellbeing has the full range of powers necessary to discharge the Council's functions, including taking decisions which are not specified in the Constitution or in law as having to be taken by Councillors, implementing decisions, and undertaking efficient management of the services, contracts and staff for which they are responsible in the following functional areas:

3.21.1 Children and young people's services including Looked After Children;

3.21.2 Education and skills;

3.21.3 SEND;

3.21.4 the provision of residential and day services to children; and

3.21.5 any other services allocated to the Director by the Chief Executive.

3.22 The Director of Children and Family Wellbeing has specific powers to:

- 3.22.1 in consultation with the relevant Executive Councillor whether to undertake a consultation on a school organisation proposal where the Council is the proposer, provided that, decisions relating to school organisation must be referred to Cabinet for determination; and
- 3.22.2 nominate local authority governors to maintained schools in consultation with the relevant local Councillor or the Chair and Vice Chair of the relevant Community Panel.

Non Statutory Chief Officers

Assistant Chief Executive

- 3.23 The Assistant Chief Executive has the full range of powers necessary to discharge the Council's functions, including taking decisions which are **not** specified in the Constitution or in law as having to be taken by elected members and undertaking efficient management of the services, contracts and staff for which he/she is responsible in the following functional areas:
 - 3.23.1 Strategic and Corporate Policy;
 - 3.23.2 Performance and data/ intelligence;
 - 3.23.3 Communications; and
 - 3.23.4 PR and Media Relations.

Director of Business Transformation and Change

- 3.24 The Director of Business Transformation and Change has the full range of powers necessary to discharge the Council's functions, including taking decisions which are **not** specified in the Constitution or in law as having to be taken by elected members and undertaking efficient management of the services, contracts and staff for which he/she is responsible in the following functional areas:
 - 3.24.1 Business Partnering;
 - 3.24.2 Commissioning and Procurement;
 - 3.24.3 Human Relations and Organisational Development;
 - 3.24.4 ICT;

- 3.24.5 Programme Management Office; and
- 3.24.6 Any other services allocated to the Director by the Chief Executive

Director of Place Sustainable Growth and Transport

3.25 The Director of Place Sustainable Growth and Transport has the full range of powers necessary to discharge the Council's functions, including taking decisions which are **not** specified in the Constitution or in law as having to be taken by Councillors, implementing decisions, and undertaking efficient management of the services, contracts and staff for which they are responsible in the following functional areas:

- 3.25.1 Inward Investment and Growth;
- 3.25.2 Climate Change, Net Zero and Biodiversity and the Natural Environment;
- 3.25.3 Sustainable Growth;
- 3.25.4 Planning and Building Control;
- 3.25.5 Transport and Highways;
- 3.25.6 Community Infrastructure;
- 3.25.7 Waste and Street Scene; and
- 3.25.8 Any other services allocated or reallocated to the Director of Place, Sustainable Growth and Transport by the Chief Executive

Director of Resources

3.26 The Director of Resources has the full range of powers necessary to discharge the Council's functions, including taking decisions which are **not** specified in the Constitution or in law as having to be taken by elected members or Statutory Chief Officers and undertaking efficient management of the services, contracts and staff for which he/she is responsible in the following functional areas:

- 1.1.1. Financial Services including responsibility for management of the Chief Financial Officer (S151 Officer);
- 1.1.2. Legal and Democratic services, Elections, Member Support, Coroner's Services, Registrars and Internal audit and risk management including responsibility for management of the Monitoring Officer.

- 1.1.3. Assets and Fleet including management of housing and school assets;
- 1.1.4. All aspects of Customer Service Delivery including community hubs and prevention, front door and service integration;
- 1.1.5. Corporate Complaints and Business Administration; and
- 1.1.6. Any other services allocated or reallocated to the Director of Resources by the Chief Executive