

Sub-Scheme of Delegation – Assistant Chief Executive

The Assistant Chief Executive is authorised in accordance with the Officer Delegation Scheme in [Appendix 9 of the Constitution](#) to carry out functions on behalf of the Council and the Executive. The Assistant Chief Executive and each Strategic Director has the benefit of a number of delegations – these are set out separately in two schemes in Appendix 9; one for non-executive functions (delegated by the Council) and one for Executive Functions (delegated by the Leader of Council). Each scheme is further separated into the general functions which are shared so that officers can carry out those functions in relation to areas within their remit, and specific functions which may only be carried out by or on behalf of the Assistant Chief Executive. Details of those delegations can be found in Appendix 9 of the Council's Constitution.

The Assistant Chief Executive has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the Assistant Chief Executive delegates functions, he/she makes it clear in this sub-delegation scheme whether the Strategic Director can sub-delegate those functions. This scheme details the officers who can carry out each function on the Assistant Chief Executive's behalf, together with the details of any terms and conditions which the Assistant Chief Executive has imposed on that sub-delegation. All officers are bound by the Officer Employment Procedure Rules and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme.

Even though the Assistant Chief Executive has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Assistant Chief Executive may indicate that the authority should not be exercised, in respect of any individual matter. In either case that matter should be referred to the Assistant Chief Executive for a decision or for referral to the relevant Committee if appropriate.

Where the Assistant Chief Executive has chosen not to sub-delegate his/her authority, this is clearly stated within the scheme. Decisions in relation to those functions should be taken by the Assistant Chief Executive unless the absence provisions at the end of this scheme apply.

Group Delegations – Definitions and Priorities

The Assistant Chief Executive has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group. It also provides details of how it should be determined which of the officers within the group should take any given decision.

| Group Title | Officers included in group authorisation | Responsibility |
|-----------------------------|---|-----------------------|
| Directorate Leadership Team | Assistant Director of Human Resources and Organisational Development Head of Change and Innovation Head of Communications and Marketing Head of Democratic Services Head of Neighbourhoods Head of Performance, Intelligence and Improvement | |

Delegation of Functions under the Articles of the Constitution

Specific Delegation

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to the Assistant Chief Executive alone, with general effect.

| Article | Function Delegated | Officer to whom delegated | Terms and conditions |
|----------------|--|----------------------------------|---|
| 19.2 | The Chief Executive will give a printed copy of the Constitution to each member of the Council upon delivery to him of that person's declaration of acceptance of office on the member first being elected to the Council. | Head of Democratic Services | This function is delegated by the Chief Executive to the Head of Democratic Services. It may be discharged by the Assistant Chief Executive |

Council (Non-Executive Functions)

The functions set out in this part of the sub-delegation scheme are Council Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which have been delegated to the Chief Executive by Council, or by a Council Committee.

Decisions in relation to these functions should be categorised in accordance with Article 13 and taken in accordance with the Access to Information Procedure Rules which can be found in Appendix 3 of the Constitution.

Where a significant decision is taken using delegated powers from the Constitution, the Council or a committee, or this sub-scheme of delegation, in relation to a Council Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Record. The decision may be implemented immediately. The report supporting the decision should be published together with the Delegated Decision Record on the Council's website as soon as practicable after the decision has been taken.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Record to make this written record if it is helpful to do so. The decision may be implemented immediately.

**Council Functions
General Delegations**

| | Function Delegated | Officer to whom delegated | Terms and Conditions |
|------------------|---|----------------------------------|--|
| General | | | |
| (a) | To make payments or provide other benefits in cases of maladministration | Not delegated | Functions to be exercised following consultation with the Chief Finance Officer and Monitoring Officer |
| (b) | Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer | Not delegated | |
| Personnel | | | |
| (c)(i) | To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure | Not delegated | |
| (c)(ii) | To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision. | Not delegated | 1. Subject to there being budgetary provision. 2. Such staff should be employed on terms set out in the guidance issued by the Assistant Chief Executive. |
| (c)(iii) | To determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations. | Not delegated | |

Council Functions Specific Delegations

The sub-delegation scheme for Council functions set out below includes a number of powers authorising the named officer to make decisions in relation to approvals, licenses, permissions and registrations. In accordance with his/her general delegations, and unless otherwise stated, the Assistant Chief Executive includes in relation to those authorisations the power to:-

- (a) Impose conditions, limitation or restrictions;
- (b) Determine any terms to which they are subject;
- (c) Determine whether and how to enforce any failure to comply;
- (d) Amend, modify, vary or revoke; and
- (e) Determine whether a charge should be made or the amount of such a charge.

| | Function Delegated | Officer to whom delegated | Terms and Conditions |
|-----|--|--|-----------------------------|
| (a) | Functions related to local government pensions | Assistant Director of Human Resources and Organisational Development | |
| (b) | To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal | Assistant Director of Human Resources and Organisational Development | |
| (c) | To determine employee terms and conditions | Not delegated | |

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|-----|--|--|---|
| (d) | Publication of agendas and reports in accordance with the Access to Information Procedure Rules (Appendix 3 of the Constitution) | Head of Democratic Services | Agendas and report for Cabinet and Council must have been reviewed and agreed for publication by the Leader and Chief Executive |
| (e) | Preparation and publication of minutes of meetings of the Council and its committees, Cabinet and other decision making bodies in accordance with the Access to Information Procedure Rules (Appendix 3 of the Constitution) | Head of Democratic Services | |
| (f) | Maintenance of a list of background papers, in accordance with the Access to Information Procedure Rules (Appendix 3 of the Constitution) | Head of Democratic Services | |
| (g) | Publication and supply of papers to the public and press, in accordance with the Access to Information Procedure Rules (Appendix 3 of the Constitution) | Head of Democratic Services | |
| (h) | To ensure that the Constitution of the Council is publicly available for inspection online and at Rotherham Town Hall | Head of Democratic Services | |
| (i) | To receive requests for the inclusion of items on agendas of Overview and Scrutiny Management Board and Select Commissions | Statutory Scrutiny Officer (Head of Democratic Services) | Agenda items to be referred to relevant Chair(s) for determination |
| (j) | To inform officers of requests to attend Overview and Scrutiny Management Board (on behalf of the Chair(s)) | Statutory Scrutiny Officer (Head of Democratic Services) | |
| (k) | To record requests for call-in of executive (Cabinet) decisions | Statutory Scrutiny Officer (Head of Democratic Services) | |

Executive Functions

Introduction

The functions set out in this part of the sub-delegation scheme are Executive Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which have been delegated to the Assistant Chief Executive by the Leader of Council.

If the Leader or relevant Cabinet Member directs that the Assistant Chief Executive should not exercise his/her delegated authority in respect of any Executive function, then the officer with sub-delegated authority may not exercise that authority, and the matter must be referred to Cabinet.

Decisions in relation to these functions should be categorised in accordance with Article 13 and taken in accordance with the Executive Procedure Rules which can be found in Appendix 1 of the Constitution.

Where a decision is proposed in relation to an Executive Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Record. Once the decision has been taken, it may be implemented immediately.

Where an Administrative Decision is taken in relation to an Executive Function you should keep a written record for audit purposes. You can use a Delegated Decision Record to make this written record if it is helpful to do so. There is no requirement to publish the decision and it may be implemented immediately.

**Executive Functions
General Delegations**

| | Function Delegated | Officer to whom delegated | Terms and Conditions |
|---------------------------------|---|---|-----------------------------|
| Financial | | | |
| (a) | To incur expenditure and to generate and collect income in line with Finance and Procurement Procedure Rules and within approved revenue and capital estimates. | Assistant Directors Heads of Service | |
| (b) | In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Chief Finance Officer at the first opportunity. | Assistant Directors Heads of Service | |
| Procurement | | | |
| (c) | To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Finance and Procurement Procedure Rules. | Assistant Directors Heads of Service | |
| Communications and Media | | | |
| (d) | To issue statements to the press and other news media about their delegated functions within the Council's adopted Budget and Policy Framework. | Not delegated | |
| Authorising Officers | | | |
| (e) | To authorise officers possessing such qualification as may be required by law or in accordance with the Council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Council (however described) and | Not delegated | |

| | Function Delegated | Officer to whom delegated | Terms and Conditions |
|------------------------------------|---|---|--|
| | to issue any necessary certificates of authority. | | |
| Corporate Procedures | | | |
| (f) | To take any action remitted to the Assistant Chief Executive under corporate procedures | Not delegated | |
| Local Choice Functions | | | |
| (g) | Functions under a local act, unless specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000 | Not delegated | |
| (h) | To obtain particulars of persons interested in land | Not delegated | |
| Budget and Policy Framework | | | |
| (i) | To canvas views of local stakeholders, formulate initial proposals within the budget and policy framework | Not delegated | |
| Employment | | | |
| (j) | To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service, as modified or extended by any local or national agreements | Assistant Chief Executive Assistant Director of Human Resources and Organisational Development | |
| (k) | Decisions in relation to restructures, except where the decision: <ul style="list-style-type: none"> (i) Involves changes to existing national or local agreements and policies; and/or (ii) Cannot be achieved within delegated powers in respect of budgets | Not delegated | Decisions are subject to: <ul style="list-style-type: none"> (i) Appropriate professional advice be sought (ii) Prior consultation with all appropriate parties affected by the decision, including all officially |

| | Function Delegated | Officer to whom delegated | Terms and Conditions |
|------------------------------------|---|--|---|
| | | | <p>recognised trade unions, and</p> <p>(iii) Appropriate consideration of pay and grading requirements</p> <p>(iv) Proposals which involve additional Council expenditure outside officer delegations or which involve issues outside existing Council policy will be referred to the Council or appropriate committee.</p> |
| (l) | Workforce Development | Assistant Director of Human Resources and Organisational Development | |
| Functions on behalf of an NHS body | | | |
| (p) | To carry out functions exercisable on behalf of an NHS body under Section 75 of the National Health Service Act 2006 in relation to matters within the Assistant Chief Executive's remit. | Not delegated | |
| Provision of Statutory Returns | | | |
| (q) | To provide such statutory returns as are necessary within the Chief Executive's remit | Not delegated | |

**Executive Functions
Specific Delegations**

| | Function Delegated | Officer to whom delegated | Terms and Conditions |
|----|---|---|-----------------------------|
| | Any function of the Leader and Cabinet not otherwise delegated to a Strategic Director in relation to: | | |
| 1 | Any function not otherwise delegated at paragraphs 1a to 1c below in relation to civic and ceremonial functions of the Council | Assistant Chief Executive Head of Democratic Services | |
| 1a | Provision of support to the Mayor | Head of Democratic Services | |
| 1b | Ceremonial occasions | Head of Democratic Services | |
| 1c | Authorisation of use of the Council's Crest | Assistant Director of Legal Services | |
| 2 | Any function not otherwise delegated at paragraphs 2a to 2b below in relation to devolution | Strategic Director of Regeneration and Environment Assistant Chief Executive | |
| 2a | Delivery of devolved powers in conjunction with Barnsley, Doncaster, Rotherham and Sheffield City Region Combined Authority | Strategic Director of Regeneration and Environment Assistant Chief Executive | |
| 2b | i) Liaison with Barnsley, Doncaster, Rotherham and Sheffield City Region Combined Authority bodies ii) Liaison with central government departments | Head of Performance, Intelligence and Improvement | |

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| 3 | Provisions of the Executive Procedure Rules concerning agendas and decision records arising from meetings of the Cabinet | | |
| 3a | To comply with the instructions of the Leader of the Council in respect of the compilation of the agenda for meetings of the Cabinet, and all other provisions concerning the agenda setting for Cabinet meetings detailed within the Executive Procedure Rules (Appendix 1 of the Constitution) | Head of Democratic Services | |
| 4 | To receive notification of changes to the membership of the Cabinet from the Leader of the Council | Head of Democratic Services | |
| 5 | To manage and oversee the Members' Allowances Scheme | Head of Democratic Services | |
| 6 | To manage and oversee the training and development of councillors | Head of Democratic Services | |

Miscellaneous Functions

The functions set out in this part of the Sub-delegation scheme are derived from:-

- Legislation which provides that a function should be the specific responsibility of the Assistant Chief Executive;
- Policies and Procedures which form part of the Constitution of Rotherham Metropolitan Borough Council;
- Sub-delegations made by other Strategic Directors of Rotherham Metropolitan Borough Council to whom those functions have been delegated; and
- Delegations which have been made to the Assistant Chief Executive by Council or the Cabinet for a period less than 6 months which are not therefore reflected in the Constitution

| Place from where function derived | Function Delegated | Officer to whom delegated | Terms and Conditions |
|--|---------------------------|----------------------------------|-----------------------------|
| | | | |

Absence Provisions

The table below sets out details of responsibility for those functions which are not sub-delegated by the Assistant Chief Executive in the usual course of business. These sub-delegations may only be exercised in the absence of the Assistant Chief Executive on leave or where the Assistant Chief Executive has confirmed in writing that he/she will be absent from the office and these provisions are to apply.

| Function sub-delegated by the Assistant Chief Executive | Officer with authority to exercise function in absence of the Assistant Chief Executive | Terms and Conditions |
|---|--|---|
| All functions which are delegated to the Assistant Chief Executive, save for those mentioned specifically below | Assistant Director of Human Resources and Organisational Development | To, in the absence of the Assistant Chief Executive, exercise the functions of the Assistant Chief Executive in respect of Human Resources and Organisational Development |
| | Head of Change and Innovation | To, in the absence of the Assistant Chief Executive, exercise the functions of the Assistant Chief Executive in respect of Change and Innovation |
| | Head of Communications and Marketing | To, in the absence of the Assistant Chief Executive, exercise the functions of the Assistant Chief Executive in respect of Communications and Marketing |
| | Head of Democratic Services | To, in the absence of the Assistant Chief Executive, exercise the functions of the Assistant Chief Executive in respect of Democratic Services |

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|--|---|--|
| | Head of Neighbourhoods | To, in the absence of the Assistant Chief Executive, exercise the functions of the Assistant Chief Executive in respect of Neighbourhoods |
| | Head of Performance, Intelligence and Improvement | To, in the absence of the Assistant Chief Executive, exercise the functions of the Assistant Chief Executive in respect of Performance, Intelligence and Improvement |