

## **Sub-Scheme of Delegation – Chief Executive**

**November 2020**

The 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 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 Chief Executive or named Strategic Director. Details of those delegations can be found in Appendix 9 of the Council's Constitution.

The 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 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 Chief Executive's behalf, together with the details of any terms and conditions which the Chief Executive has imposed on that sub-delegation. All officers are bound by the Employee Code of Conduct (which can be found in [Appendix 7 of the Constitution](#)) 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 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 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 Chief Executive for a decision or for referral to the relevant Committee if appropriate.

Where the 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 Chief Executive unless the absence provisions at the end of this scheme apply.

## Group Delegations – Definitions and Priorities

The 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	Order of responsibility
Strategic Leadership Team	Strategic Director of Adult Care, Housing and Public Health Strategic Director of Children and Young People’s Services Strategic Director of Finance and Customer Services Strategic Director of Regeneration and Environment Assistant Chief Executive Assistant Director of Human Resources and Organisational Development Assistant Director of Legal Services Head of Communications and Marketing	
Strategic Directors	Strategic Director of Adult Care, Housing and Public Health Strategic Director of Children and Young People’s Services Strategic Director of Finance and Customer Services Strategic Director of Regeneration and Environment Assistant Chief Executive	

## 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 Chief Executive alone, with general effect.

Article	Function Delegated	Officer to whom delegated	Terms and conditions
14.2	The Chief Executive may report to the full Council as necessary on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of those functions and the organisation of officers	Not delegated	
19.2	The Chief Executive will give a printed copy of the Constitution to each member of the Council upon delivery to him or her of that person's declaration of acceptance of office on the member first being elected to the Council.	Head of Democratic Services	

## **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 5 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.

### **Emergency delegation for the discharge of non-executive functions**

The Chief Executive may take decisions on non-executive functions in the event of an emergency that prevents the Council or its committees, boards or panels from discharging those functions.

The Chief Executive must discharge non-executive decision-making functions in consultation with the Mayor in respect of Council matters or the Chair and Vice-Chair of any relevant committee, board and panel.

Any decision must record why the decision is urgent and can't await the next scheduled ordinary meeting of a committee and must record why it has been deemed impossible to convene an extra ordinary meeting of that committee.

Any decisions taken by the Chief Executive under emergency delegation must be reported to all Members by the Head of Democratic Services and retrospectively recorded at Cabinet or other appropriate Committee.

**Council Functions  
General Delegations**

	Function Delegated	Officer to whom delegated	Terms and Conditions
<b>General</b>			
(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	
<b>Personnel</b>			
(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	<ol style="list-style-type: none"> <li>1. Subject to there being budgetary provision.</li> <li>2. Such staff should be employed on terms set out in the guidance issued by the Assistant Chief Executive.</li> </ol>
(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 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.

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
(a)	To assign officers in relation to requisitions of the registration officer in accordance with Section 52(4) of the Representation of the People Act 1983	Assistant Director of Legal Services Electoral Services Manager	
(b)	To provide assistance at European Parliamentary elections in accordance with Section 6(7) and (8) of the European Parliamentary Elections Act 2002	Assistant Director of Legal Services Electoral Services Manager	
(c)	To divide constituency into polling districts in accordance with Section 18A to 18E and Schedule A1 of the Representation of the People Act 1983	Assistant Director of Legal Services Electoral Services Manager	
(d)	To divide electoral divisions into polling districts at local government elections in accordance with Section 31 of the Representation of the People Act 1983	Assistant Director of Legal Services Electoral Services Manager	

(e)	Powers in respect of holding of elections in accordance with Section 39(4) of the Representation of the People Act 1983	Assistant Director of Legal Services Electoral Services Manager	
(f)	To pay expenses properly incurred by electoral registration officer in accordance with Section 54 of the Representation of the People Act 1983	Assistant Director of Legal Services Electoral Services Manager	
(g)	To fill vacancies in the event of insufficient nominations in accordance with Section 21 of the Representation of the People Act 1985	Not delegated	
(h)	To declare vacancy in office in certain cases in accordance with Section 86 of the Local Government Act 1972	Assistant Director of Legal Services Electoral Services Manager	
(i)	To give public notice of a casual vacancy in accordance with Section 87 of the Local Government Act 1972	Assistant Director of Legal Services Electoral Services Manager	
(j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 in accordance with Section 10 of the Representation of the People Act 2000.	Not delegated	
(k)	Functions relating to community governance	Not delegated	
	(i) Duties relating to community governance reviews in accordance with Section 79 of the Local Government and Public Involvement in Health Act 2007.		
	(ii) Functions relating to community governance petitions in accordance with Sections 80 and 83 to 85 of the Local Government and Public Involvement in Health Act 2007.		
	(iii) Functions relating to terms of reference of review in accordance with Sections 81(4) to 81(6) of the Local Government and Public Involvement in Health Act 2007		

	(iv) Power to undertake a community governance review in accordance with Section 82 of the Local Government and Public Involvement in Health Act 2007		
	(v) Duties when undertaking review in accordance with Sections 93-95 of the Local Government and Public Involvement in Health Act 2007		
	(vi) Duty to publicise outcome of review in accordance with Section 96 of the Local Government and Public Involvement in Health Act 2007		
	(vii) Duty to send two copies of order to Secretary of State and Electoral Commission in accordance with Section 98(1) of the Local Government and Public Involvement in Health Act 2007		
(l)	Functions relating to consultation and notification processes in relation to changing the name of an electoral area in accordance with Section 59 of the Local Government and Public Involvement in Health Act 2007	Assistant Director of Legal Services Electoral Services Manager	Consultation processes only
	<b>Functions in relation to parishes and parish councils</b>		
(m)	To dissolve small parish councils in accordance with Section 10 of the Local Government Act 1972	Assistant Director of Legal Services Electoral Services Manager	Consultation processes and publication of statutory notices only
(n)	To make orders for grouping parishes, dissolving groups and separating parishes from groups in accordance with Section 11 of the Local Government Act 1972	Assistant Director of Legal Services Electoral Services Manager	Consultation processes and publication of statutory notices only
(o)	To make temporary appointments to Parish Councils in accordance with Section 91 of the Local Government Act 1972	Assistant Director of Legal Services Electoral Services Manager	Consultation processes and publication of statutory notices only



	<b>Functions Relating to Changing Governance Arrangements</b>		
(p)	To secure that copies of a document setting out new governance arrangements are available for public inspection, and to publish a notice about the change in accordance with Section 9KC of the Local Government Act 2000	Assistant Director of Legal Services Head of Democratic Services	
(q)	To take any step, subject to timely consultation with the relevant committee in advance of any action being taken, under or for the purposes of complying with any order from the Secretary of State in accordance with Section 9N of the Local Government Act 2000	Not delegated	

## **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 Chief Executive by the Leader of Council.

If the Leader or relevant Cabinet Member directs that the 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 4 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**

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
<b>Financial</b>			
(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.	Strategic Leadership Team	
(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.	Strategic Leadership Team	
<b>Procurement</b>			
(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.	Strategic Leadership Team	
<b>Communications and Media</b>			
(d)	To issue statements to the press and other news media about their delegated functions within the Council's adopted Budget and Policy Framework.	Assistant Chief Executive	
<b>Authorising Officers</b>			
(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	

	to issue any necessary certificates of authority.		
<b>Corporate Procedures</b>			
(f)	To take any action remitted to the Chief Executive under corporate procedures	Not delegated	
<b>Local Choice Functions</b>			
(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	
<b>Budget and Policy Framework</b>			
(i)	To canvas views of local stakeholders, formulate initial proposals within the budget and policy framework	Not delegated	
<b>Employment</b>			
(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: (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: (i) Appropriate professional advice be sought (ii) Prior consultation with all appropriate parties affected by the decision, including all officially recognised trade unions, and (iii) Appropriate consideration of pay

			and grading requirements (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.
(l)	Workforce Development	Assistant Chief Executive Assistant Director of Human Resources and Organisational Development	
<b>Partnerships</b>			
(m)	To engage in partnerships with organisations in public, private and voluntary sector	Not delegated	
(n)	To promote and influence partnership working with organisations across the borough	Not delegated	
(o)	To work in partnership beyond the borough to support and participate in regional and sub-regional arrangements	Not delegated	
<b>Functions on behalf of an NHS body</b>			
(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 Chief Executive's remit.	Not delegated	
<b>Provision of Statutory Returns</b>			
(q)	To provide such statutory returns as are necessary within	Not delegated	

	the Chief Executive's remit		
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**Executive Functions  
Specific Delegations**

	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
	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 1d below in relation to elections	Assistant Director of Legal Services Electoral Services Manager	
1a	The registration of electors	Assistant Director of Legal Services Electoral Services Manager	
1b	Elections and referenda in relation to local matters, including:- i) Reviews of polling districts, places and stations	Assistant Director of Legal Services Electoral Services Manager	
1c	Assisting with and responding to consultation in relation to boundary reviews of all types, including:-  i) Parliamentary constituency reviews ii) Electoral reviews iii) Principal area boundary reviews iv) Structural reviews	Assistant Director of Legal Services Electoral Services Manager	
1d	Community governance reviews	Assistant Director of Legal Services Electoral Services Manager	
2	Any function not otherwise delegated at paragraphs 2a to 2c below in relation to civic and ceremonial functions of the Council	Assistant Chief Executive Head of Democratic Services	
2a	Provision of support to the Mayor	Head of Democratic Services	
2b	Ceremonial occasions	Head of Democratic Services	

2c	Authorisation of use of the Council's Crest	Assistant Director of Legal Services	
3	Any function not otherwise delegated at paragraphs 3a to 3b below in relation to devolution	Strategic Director of Regeneration and Environment Assistant Chief Executive	
3a	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	
3b	<ul style="list-style-type: none"> <li>i) Liaison with Barnsley, Doncaster, Rotherham and Sheffield City Region Combined Authority bodies</li> <li>ii) Liaison with central government departments</li> </ul>	Strategic Director of Regeneration and Environment Assistant Chief Executive	



## 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 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 Chief Executive by Council or the Cabinet for a period less than 6 months which are not therefore reflected in the Constitution

<b>Place from where function derived</b>	<b>Function Delegated</b>	<b>Officer to whom delegated</b>	<b>Terms and Conditions</b>
Flag Protocol for Riverside House and Rotherham Town Hall	To determine requests that sit outside of the provisions of the protocol	Not to be delegated	To be exercised in consultation with the Leader of the Council

### Absence Provisions

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

<b>Function sub-delegated by the Chief Executive</b>	<b>Officer with authority to exercise function in absence of the Chief Executive</b>	<b>Terms and Conditions</b>
All functions which are delegated to the Chief Executive, save for those mentioned specifically below	Strategic Director of Finance and Customer Services	To exercise the functions of the Chief Executive, in the absence of the Chief Executive