

PART 3

SCHEDULE 4 Part B (As settled by the Leader)

SCHEME OF DELEGATION of EXECUTIVE FUNCTIONS TO OFFICERS

1. This part of the scheme of delegation records the delegations of executive functions to officers under article 7 by the Leader.
2. The Leader authorises the directors to exercise any of the executive functions of the Council as set out in this document.
 - a. All delegations conferred under this scheme must be recorded in writing by the directors (including for the avoidance of doubt any delegation under paragraph 5(e) below). Any decision taken under such authority shall remain their responsibility.
 - b. The Monitoring Officer will maintain a central record of all delegations under this scheme and make this available for public inspection. The directors are responsible for recording all delegations under paragraph 5(e) below in such form as the monitoring officer may prescribe.
3. This scheme is without prejudice to the exercise of the Executive's functions by the Cabinet.
4. For the purposes of this scheme "the directors" means the directors whose job title and areas of responsibility are set out below.
5. The directors are empowered to make all executive decisions within their areas of responsibility on behalf of the Council in accordance with the following general principles:
 - a. If a function, power or responsibility has not been specifically reserved to the Cabinet by the leader, the director within whose remit the matter falls is authorised to act.
 - b. Full Council and its committees will make decisions on matters of significant policy.
 - c. The directors have express authority to take all necessary actions to implement executive decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
 - d. The directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.

- e. The directors are empowered to take all necessary decisions in cases of emergency.
 - f. In relation to all delegated authority conferred on the directors by this scheme, the Leader may allocate or re-allocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as he or she thinks fit. He will notify the Director: Governance and Assurance (Monitoring Officer) of any such change. The Director: Governance and Assurance (Monitoring Officer) will amend Table 1 in Part 3 of the Constitution as necessary.
 - g. Where a director is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Leader. This nomination should be formally recorded in writing.
 - h. Where there is doubt over the responsibility for the exercise of a delegated power, the head of paid service or their nominee is authorised to determine who is to act.
 - i. These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the Council's goals.
6. For the purposes of this scheme, emergency shall mean a situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the Council may be compromised.
7. In deciding whether or not to exercise such delegated powers, the directors should consider whether to consult the appropriate portfolio holder or leader and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate portfolio holder or cabinet where they consider it expedient to do so.
8. The directors may authorise officers in their service areas to exercise, on their behalf, powers delegated under this scheme.
9. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's constitution, including its contract and financial procedures and regulations, and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.

10. Without prejudice to the generality of the foregoing the directors shall have the power:
- a. To take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:
 - invitation and acceptance of tenders
 - submission of bids for funding
 - write-off of irrecoverable debts
 - virement (within the budget framework)
 - disposal and acquisition of assets
 - service and placing of any necessary statutory or other notice (other than those expressly reserved to a Council, committee or cabinet)
 - after consultation with the Director: Governance and Assurance (Monitoring Officer), authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council.
 - b. To put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility.
 - c. In the case of any overspend to notify the Chief Finance Officer in accordance with the financial procedure rules and regulations.
 - d. To determine staffing arrangements within approved budgets, subject to agreement on grading with the head of paid service and conformance with Council policies.
 - e. To take all action to recruit, appoint, develop, manage and reward employees within approved Council policies and procedures (including operation of policies for discipline and dismissal, voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.
 - (f) To authorise following consultation with and the approval of the Director: Governance and Assurance (Monitoring Officer) suitably qualified and/or experienced Council Officers within their relevant area of management to conduct, prosecute, defend and appear in legal proceedings on behalf of the Council before the Magistrates Court in

accordance with Section 223 of the Local Government Act 1972 as amended.

11. With regard specifically to the Ward Member budgets:
 - a) The Director for Governance and Assurance to determine applications for Ward Member funding.
 - b) The Section 151 Officer, in consultation with the Leader of the Council, to make any necessary changes to the process for awarding money from Ward budgets, including changes to the officer responsible for determining applications for ward budget funding.

12. In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage.
 - a. A key decision should be taken in accordance with the relevant requirements;
 - b. the views of the relevant portfolio holder;
 - c. consideration of the views of the local councillors in decisions about local services;
 - d. the implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases consultation with officers, relevant cabinet member(s) or committee Chair and local members, where the issue relates to a specific area, should take place;
 - e. consultation in accordance with the Council's consultation strategy and the views emanating from that process;
 - f. the range of available options;
 - g. the staffing, finance and legal implications;
 - h. the assessment of any associated risks in accordance with the Council's risk and management strategy;
 - i. the involvement of appropriate statutory officers and/or other directors;
 - j. the Council's constitution, including the forward work plan, its contract and financial procedures and regulations, all relevant guidance, legislation, codes of practice and protocols.

13. Any councillor may request that decisions taken by officers under the delegated powers are scrutinised by the appropriate Overview and Scrutiny Committee.
14. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the head of paid service.

Directorate & Chief Officer roles	Reporting Chief Officers	Functions
Chief Executive (Statutory role - Head of Paid Service)	Director for Adult Care & Health	Adult social care and health
	Corporate Director for Children's Services	Children's services
	Corporate Director for Strategy & Partnerships	<ul style="list-style-type: none"> • Strategy & Partnerships • Public Health • Safer Wirral Hub • Policy & Planning • Strategic commissioning development • Performance management & improvement • Business, Intelligence & Research • Communications, Marketing, Press & PR
	Corporate Director for Economic & Housing Growth	<ul style="list-style-type: none"> • Economy • Housing • Growth & investment
	Corporate Director for Business Management	<ul style="list-style-type: none"> • Business management & corporate resources including: <ul style="list-style-type: none"> – Transformation – organisational change and design – Human resources – IT – Finance & investment – Law and governance – Commercial

		management
	Corporate Director for Delivery Services (Assistant Chief Executive)	Delivery Services including Place and Community services
Adult Care & Health (Director for Adult Care & Health)	Assistant Director – Integrated Commissioning Programme	<ul style="list-style-type: none"> • Integrated commissioning • Standards & planning • Professional leadership • Care governance • Independent reviews
	Assistant Director – Health & Care Outcomes	<ul style="list-style-type: none"> • Integrated health provision • Community services • Adult social care • Personalised support • Integrated disability and mental health
Children’s Services (Corporate Director for Children’s Services)	Deputy Director for Children	<ul style="list-style-type: none"> • Children in need and child protection • Fostering, Adoption & Permanence service • Children looked after & care leavers
	Assistant Director – Early Help & Prevention	<ul style="list-style-type: none"> • Early Help/Targeted Family Support • Early years & childcare • Children’s centres • Youth & Play
	Assistant Director – Modernisation & Support	<ul style="list-style-type: none"> • Performance, improvement & modernisation • Inspection, audit & compliance • Local partnership arrangements
	Lead Commissioner for Schools	<ul style="list-style-type: none"> • School improvement & intervention • Services for children with disabilities/SEN • Education services including admissions • Adult learning

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Strategy & Partnerships (Corporate Director for Strategy & Partnerships)	Director for Health & Wellbeing	<ul style="list-style-type: none"> • Statutory DPH • Health improvement • Health protection • Voluntary sector • Neighbourhoods/Area Public Service Boards
	Strategic Commissioner - Environment	<ul style="list-style-type: none"> • Environmental strategies and related services
Economic & Housing Growth (Corporate Director for Economic & Housing Growth)	Assistant Director – Culture & Visitor Economy	<ul style="list-style-type: none"> • Culture & leisure • Visitor economy • Digital infrastructure
	Assistant Director – Major Growth Projects & Housing Delivery	<ul style="list-style-type: none"> • Strategic assets • Housing strategy • Housing infrastructure • Forward planning • Local plan (to include approval and publication of evidence base and associated technical reports relevant to the preparation of the local plan)* • Planning • Building control
	Assistant Director – Regeneration & Inward Investment	<ul style="list-style-type: none"> • Regeneration & Economic Development • Business Support/Inward investment
Business Management (Corporate Director for Business Management)	Director of Change & Organisational Design	<ul style="list-style-type: none"> • Corporate strategy & business planning • Organisation development • Business design & change • Human resources • Information technology

(* per Cabinet Minute No.47(2), 17 December 2018 – currently under review)

	Director – Governance & Assurance (Statutory role – Monitoring Officer)	<ul style="list-style-type: none"> • Legal services • Democratic services • Electoral Registration • Freedom of Information • Records Management & Archives • Registrars • Licensing
	Director of Finance & Investment (Statutory role – Chief Finance Officer)	<ul style="list-style-type: none"> • Corporate Finance • Audit, risk & business continuity • Revenue/Benefits • Customer services & one stop shops
	Director of Merseyside Pension Fund	<ul style="list-style-type: none"> • Merseyside Pension Fund • Fund investments
	Assistant Director – Commercial Management	<ul style="list-style-type: none"> • Corporate commissioning & contract management • Quality assurance & commissioning reviews • Procurement • Waste & environment
Delivery Services (Corporate Director for Delivery Services & Assistant Chief Executive)	Assistant Director – Community Services	<ul style="list-style-type: none"> • Leisure services • Library services • Culture services • Parks & countryside • Grounds & park maintenance
	Assistant Director – Place Services	<ul style="list-style-type: none"> • Highways management • Supported housing • Housing standards • Homelessness • Trading standards • Environmental health