

## **PART 3**

### **Officer Delegations**

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1. Directors (which for this part, unless specified otherwise, includes the Chief Executive, Deputy Chief Executive, Executive Directors, Corporate Directors and Directors) are authorised to exercise the powers and duties of the County Council in relation to the service and activities for which they are responsible, and the professional and managerial responsibilities of their posts. They are accountable to the elected members of the County Council for the efficient and economic discharge of these responsibilities. Members are accountable to the public and are responsible for all major matters which impact upon the public in the course of the County Council exercising its powers and duties. Officers can only act within delegated powers and these are exercisable subject to
  - (a) strategies, policies, priorities and Financial Regulations determined by the members of the County Council;
  - (b) referral to the appropriate body of members for consultation or decision on all matters of public controversy or undecided matters of policy or substantial change from previous practice or which involve difficult or major issues relating to (a) above where custom and practice or initial consultation with elected members indicates that such referral should take place;
  - (c) members with specific functional responsibilities or being the electoral division representative receiving appropriate information about the exercise of the powers;
  - (d) compliance with the law and all policies, regulations, orders, codes, protocols, and similar documents approved by Council, Cabinet or a Regulatory Committee;
  - (e) consultation with appropriate officers and proper regard to any advice given;
  - (f) other specific delegations in this scheme or similar documents to another officer;
  - (g) decisions by the Chief Executive or the Monitoring Officer on whether Directors should exercise any delegated power.
  
2. In addition to the constraints referred to above, there are exceptions to all officers' delegated powers. In particular there is no delegation to officers of:
  - (a) matters specifically reserved to members by resolution of Council or the Cabinet;

- (b) approval to exceed the provision in the revenue or capital budgets for their service responsibilities;
  - (c) decisions on permanent savings in the budget to achieve the Council's policies;
  - (d) the making of an order for the compulsory acquisition of land;
  - (e) the right to confirm any order or issue or grant any permission, consent, licence or other determination which is the subject of a statutory right of objection that has been duly exercised;
  - (f) the right to make appointments to posts which are made by the Staff Appointments Committee or Full Council;
  - (g) the right to determine any matter within the remit of the Dismissal Appeals Committee;
  - (h) the right to determine a major employee reorganisation.
3. Delegations made from Council or Cabinet to officers must include a specific definition of the desired outcome, must be time limited and monitored, and the extent of any authority to modify parameters and arrangements should be clearly stated.
4. When transfers of responsibility occur between officers, there should be a formally documented handover, which includes a clear definition of the project or service status, progress to date, the extent of any delegations, and any constraints or controversial issues that may require active stakeholder communication or involvement. The relevant Cabinet Member(s) should also be consulted.
5. Ex-gratia payments (to customers and third parties)
- 5.1 Directors as defined under Human Resources Delegations below may make an ex-gratia payment not exceeding £500, in consultation with the Council Lead for Complaints and Customer Feedback.
  - 5.2 Directors as defined under Human Resources Delegations below may make an ex-gratia payment not exceeding £3,000, in consultation with the appropriate Cabinet Member, subject to the approval of the Chief Executive and the Assistant Director (Governance, Legal & Assurance).
  - 5.3 The Chief Executive may make an ex-gratia payment not exceeding £5,000 in consultation with the appropriate Cabinet Member and after agreement with the Assistant Director (Governance, Legal & Assurance).
  - 5.4 Payments made by an individual Director or the Chief Executive under paragraphs 5.1, 5.2 and 5.3 respectively shall not exceed

£10,000 in total in any particular financial year, subject to prior approval by the Head of Finance.

5.5 Payments made by the Assistant Director (Governance, Legal & Assurance) shall be in consultation with the appropriate Cabinet Member and subject to the approval of the Chief Executive.

6. Absence of Chief Executive and other Directors as defined under Human Resources Delegations

6.1 The terms 'Chief Executive', 'Deputy Chief Executive', 'Executive Director', 'Corporate Director' and 'Director' shall include any officer nominated by them, in writing, to act on their behalf in their absence, when they are unable to act or otherwise.

## HUMAN RESOURCES DELEGATIONS

***The following is a summary of those HR matters delegated to Directors. In addition, the final section sets out those matters, related to Director delegations, which should be referred for decisions by councillors.***

The terms Director, Corporate Director and Executive Director are taken to refer to those officers authorised to take decisions in relation to their Directorate/Department and to the Deputy Chief Executive for functions in the corporate centre. Specific roles are allocated to the Head of HR and to the Head of Finance; these are areas of delegated corporate responsibility arising from those officers' respective professional remit.

### Pay and Conditions of Service

To implement national, regional and local pay awards, terms and conditions of service, and approved HR policies and procedures including the interpretation of any discretionary clauses	Head of HR, Head of Finance, Executive Directors, Corporate Directors and Directors
To agree the grading of all posts within the County Council excluding Teachers, Youth & Community Workers and Fire-fighters	Head of HR
To take decisions for all posts, excluding Directors, which relate to starting salary, progression, honoraria, market force supplements and other contractual payments.	Executive Directors, Corporate Directors and Directors
To take decisions for Directors relating to starting salary, progression, honoraria, market force supplements and other contractual payments.	Chief Executive
To extend sick pay at full or half rate for a period of up to 6 months	Executive Directors, Corporate Directors and Directors

### Posts

To make all appointments to posts other than those reserved to the Staff Appointments Committee	Executive Directors, Corporate Directors and Directors
To make temporary and/or supernumerary appointments beyond approved staffing complements to cover exceptional events e.g. long-term sickness, peak workloads, etc, for a period not exceeding 12 months.	Executive Directors, Corporate Directors and Directors

To establish externally funded posts, ensuring there is a clear audit trail for the funding.	Executive Directors, Corporate Directors and Directors
In accordance with County Council policies and procedures to dismiss or formally warn an employee below Director level.	Executive Directors, Corporate Directors and Directors
In accordance with County Council policies and procedures to dismiss or formally warn an employee at Director level.	Chief Executive

### Travel

To authorise the granting of car loans	Head of Finance with Executive Directors/ Corporate Directors/Directors
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### Training

The authorisation of all training requirements including attendance, expenditure and allowances	Executive Directors, Corporate Directors and Directors
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### Industrial Relations

To undertake negotiations, consultations and discussions with recognised trade unions and other staff associations	Executive Directors/Corporate Directors/Directors on operational matters; Head of HR on strategic/corporate HR matters
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7. The following summaries of Directors' delegations detail further exceptions and provide appropriate clarification:

#### Chief Executive

1. To be the Head of the Paid Service in accordance with the Local Government and Housing Act 1989.
2. To have authority over all other officers so far as is necessary for the efficient management and execution of the County Council's affairs, functions or services except:
  - (i) where officers are exercising specific responsibilities imposed on them under statute;
  - (ii) that where the professional judgement or expertise of a Director is involved the officer shall have full opportunity to explain his or her views.
3. Subject to observance of the appropriate procedures and rights of appeal, to decide disciplinary, incapability and salary related matters concerning Directors.
4. To undertake executive powers where necessary in the event of a civil emergency.
5. To exercise the functions of the County Council under the Crime and Disorder Act 1998 and the Learning and Skills Act 2000.

6. To exercise the powers of the County Council under S. 2 of the Local Government Act 2000 (well-being powers), and the Localism Act 2011 (general power of competence).
7. To hold the Executive Director of People Services to account for the effective working of the local safeguarding arrangements.
8. To provide leadership on matters pertaining to health and safety in order to protect our employees and those who may be affected by our activities in accordance with the Health and Safety at Work etc Act (HSWA) 1974.

Whilst the Chief Executive cannot delegate accountability under HSWA, they can delegate responsibility to ensure that arrangements are in place to ensure compliance with HSWA. The County Council has delegated this responsibility to the Safety, Health and Wellbeing Board (SHAW Board), chaired by the Deputy Chief Executive as the Health and Safety champion of the Corporate Leadership Team.

9. To be responsible for ensuring that the Council meets its responsibilities with regard to the Counter-Terrorism and Security legislation and statutory Government Guidance, and for providing an Annual Assurance Statement to the Home Office as required.

#### **Assistant Director (Governance, Legal & Assurance)**

1. To act as solicitor to the Council and to institute, conduct and, where appropriate, defend and settle criminal and civil legal proceedings and claims concerning the County Council's responsibilities and interests except in relation to those covered by the County Council's insurance policies.
2. To take any action in order to protect the interests of the Council or of any person or property to whom, or for which, the Council has responsibility or in order to give legal effect to any decision or action properly taken by the Council or a Committee or person on behalf of the Council.
3. To be the Monitoring Officer and the Proper Officer in accordance with the Local Government Acts (except where signified under other officer delegations) and the Registration Service Act 1953.
4. To be responsible for the administration of the Council's political management structures.
5. To determine applications for planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992 where such applications relate to land or buildings managed by the Strategic Development Division within the Growth, Highways and Infrastructure Directorate and provided that no objections have been received.

6. To appoint members and clerks to Education Appeal Panels established under the School Standards and Framework Act 1998.
7. To determine applications under Section 15(8) of the Commons Act 2006.
8. To be the 'Qualified Person' in accordance with the Freedom of Information Act 2000.

### **Head of HR**

To exercise the functions of the County Council relating to all human resources and employment matters, including the salary and grading structures of all posts subject to observance of appropriate procedures and rights of appeal. The following powers are not within the functions of the Head of HR:

1. The power to determine the salary and grading structures for posts from JNC Chief Executive to senior manager level (see Part 1, para 12.3).
2. The power to determine the grading of posts does not apply to teachers and other employees subject to the local management of schools, youth and community workers, and fire fighters.
3. Executive Directors/Corporate Directors/Directors having the right to:
  - (a) Make temporary and/or supernumerary appointments beyond approved staffing complements to cover exceptional events e.g. long-term sickness, peak workloads, etc for a period not exceeding 12 months.
  - (b) Dismiss or formally warn all employees below Director level in accordance with County Council policies and procedures.
4. The scheme of delegation to Executive Directors/Corporate Directors/Directors covering detailed HR issues set out above.

To exercise the functions of the County Council relating to all operations of the scheme employer discretions under the local government pension scheme regulations, subject to observance of appropriate statutory rules and limitations, and to report annually to the Suffolk Pension Board any discretions so applied.

### **Deputy Chief Executive**

1. To exercise the functions of the County Council relating to Policy, Communications, Consultation and Media, Finance, Assets and Investment, Governance, Legal & Assurance, IT, Human Resources, Performance and Change. In respect of HR the delegation does not apply to matters delegated to the Head of HR.

2. To exercise the function of the Chief Information Officer (CIO) and Senior Information Risk Owner (SIRO) for the County Council.

The CIO/SIRO will:

1. Review and monitor all computerised and manual record systems, and develop the strategic direction of all information processing and communication systems and operations.
2. Provide overall management and definition of all computer and communication activities within the organisation including responsibility for providing a strategic leadership role in the day to day operation of the ICT functions.
3. Establish an effective Information Governance Framework and ensure compliance with regulatory, statutory and organisational information security policies and standards.
4. Act as the champion for information management within the organisation, being an exemplar for all staff and encouraging the CLT to do likewise.
5. Oversee incident response as well as the investigation of security breaches, and assist as necessary with disciplinary and legal matters associated with such breaches.
6. Build networks with peers and organisations that can provide essential support and knowledge exchange services.
7. Establish a reporting and learning culture to enable the organisation to better understand risks and opportunities and develop strategy accordingly.

### Health and Safety

Representing the Corporate Leadership Team, act as the Health and Safety champion. This involves chairing the Safety, Health and Wellbeing Board (SHAW Board) in accordance with the Board's terms of reference to ensure continual improvement of the health and safety management arrangements at the County Council.

### **Executive Director of Growth, Highways and Infrastructure**

1. To exercise the functions of the County Council relating to highways, transportation, town and country planning, waste disposal, economic development, flood and water management, environment and countryside.
2. In the case of planning applications under town and country planning legislation, the Executive Director of Growth, Highways and Infrastructure may delegate the following functions to the appropriate Assistant



Director and the Head of Planning: -

(a) Minerals and waste development

- i) Applications to vary conditions of an existing permission including variations to extend the duration of operations.
- ii) The erection of ancillary buildings, extensions to buildings, plant or machinery, earthworks and lagoons.
- iii) New Minerals and Waste sites not allocated in the Minerals and Waste Local Plan under 1ha in size.
- iv) Planning applications for Minerals and Waste development on sites allocated in the Minerals and Waste Local Plan.
- v) In the above cases delegation will only be exercised where no objections have been received from an authority required to be consulted (e.g. the Environment Agency or other under art.18) or the Parish Council up until the time the decision is taken. Where between 1 and 4 objections have been received from non-statutory consultees\*, including residents and businesses, the application shall be referred to the Local Member(s), Chair and the Vice Chair of the Development and Regulation Committee who may call in the application for determination by the Development and Regulation Committee or otherwise allow the matter to be dealt with under delegated powers.
- vi) The making of representations when consulted as Mineral & Waste Planning Authority, for example, on matters such as safeguarding of mineral resources or waste management sites.
- vii) To determine whether or not to require the submission of an application for the periodic review of mineral planning permissions, subject to the local county councillor(s) being consulted, in accordance with the power provided by Section 10 and Schedule 3 of the Growth and Infrastructure Act 2013

(b) Applications under Regulation 3 of the Town & Country Planning General Regulations 1992 (i.e. County Council development)

- i) Applications for any development or variation of condition, except those that relate to land or buildings managed by the same Assistant Director as the Head of Planning. Where land or buildings are managed by the same Assistant Director, the delegated decisions will be taken by the Head of Legal Services.

In the above cases, delegation will only be exercised where no objections have been received from an authority required to be consulted (e.g. the Environment Agency or other under art.18) or the Parish Council at the time the decision is taken. Where between 1 and 4 objections have been received from non-statutory consultees\*, including residents and businesses, the application shall be referred to the Local Member(s), Chair and the Vice Chair of the Development and Regulation Committee who may call in the application for determination by the Development and Regulation Committee or otherwise allow the matter to be dealt with under delegated powers.

[\* Consultation requirements are set out in the Town and country Planning (Development Management Procedure) (England) Order 2015 Part 4 articles 18 and 20 and Schedule 4 (Appendix B)]

(c) For all applications

- i) Applications for approval of reserved matters following the grant of outline planning permission.
- ii) Applications for Non-Material Amendments to existing planning permissions under Section 96A of the Town & Country Planning Act 1990.
- iii) Applications for approval of details by condition, under Article 27 of the Town & Country Planning (Development Management Procedure) Order (England) 2015.
- iv) Prior approval applications under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- v) The imposition, before the release of a planning permission, of a condition, additional to those agreed by the Development and Regulation Committee, where the reply to a consultation, or similar information, received after the Committee meeting warrants such a condition and that

condition accords wholly with the decision made by the Committee.

- vi) Minor amendments, before the release of a planning permission, of conditions, such as for clarity, amending arrangement or other typographical purposes.
- vii) To revoke or modify or discontinue an existing planning permission under S97 or S102 of the Town and Country Planning Act 1990. Other than to address an administrative error, before revoking or modifying or discontinuing a planning permission previously determined by a Committee, the proposed action shall be referred to the Local Member(s), Chairman and Vice-Chairman of the Development and Regulation Committee who may call in the proposal for determination by the Development and Regulation Committee or otherwise agree the matter to be dealt with under delegated powers.
- viii) To adopt a “screening opinion”, “scoping opinion”, or to make a request for further information, in accordance with Parts 2, 3, 4, 5, 8 and 9 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- ix) To determine all applications for Certificates of Lawfulness of Existing Use or Development and Certificates of Lawfulness of Proposed Use or Development under the Town and Country Planning Act 1990 (as amended), following consultation with the Head of Legal Services.

(d) Enforcement

- i) To issue a Planning Contravention Notice, Breach of Condition Notice, Enforcement Notice, Temporary Stop Notice or Stop Notice and to determine whether or not to prosecute offenders who do not comply with the requirements of such Notices. Before issuing a Stop Notice [but not a Temporary Stop Notice] the Director shall consult with the Chairman and Vice-Chairman of the Development and Regulation Committee and shall notify the local councillor(s) for that division.

3. Responses to Consultations

- a) To make representations to outside bodies on all matters relating to development proposals, including Local

Impact Reports, provided such representations are not inconsistent with any criteria formally determined by councillors.

- b) In consultation with the relevant Cabinet Member and local councillors, to prepare responses to district council, borough council and Broads Authority local plan consultations. Where there are matters of significant interest or disagreement then these will be referred to Cabinet for determination.
  - c) In consultation with the relevant Cabinet Member and local councillors, to prepare responses to Neighbourhood Plan consultations. Where there are matters of significant interest or disagreement, then these will be referred to Cabinet for determination.
- 4. To be the Proper Officer of the County Council for the purpose of Ordnance Survey matters under Section 191 of the Local Government Act 1972 and for the purpose of receiving for deposit lists of buildings of special architectural or historic interest under the Planning (Listed Buildings and Conservation Areas) Act 1990.
  - 5. Decisions on the use and distribution of any surplus from the On-Street Parking Account in consultation with the relevant Cabinet Member.
  - 6. To consider, take decisions on, and sign Traffic Regulation Orders under Section 16A of the Road Traffic Regulation Act 1984, in consultation with the relevant Cabinet Member; and, where appropriate, refer matters to the Development and Regulation Committee.

#### **Head of Finance - Responsible Financial Officer (under section 151 of the Local Government Act 1972)**

- 1. To be responsible for the proper administration of the financial affairs of the Council in accordance with section 151 of the Local Government Act 1972, which responsibility shall include all arrangements concerning financial planning, financial control, banking, accounts, income, insurances, investments, bonds, loans, leasing, borrowing (including methods of borrowing), trust and pension funds (within the scope of the Council's pension fund investment policies that are approved by the Pension Fund Committee), the payment of creditors and the payment of salaries, wages, pension scheme benefits and gratuities.
- 2. To be responsible for the provisions of the Accounts and Audit Regulations 2015 in respect of the need to maintain an adequate and effective system of internal audit of the Council's accounting records and of its system of internal control in accordance with proper internal audit practices.

3. To be the Proper Officer of the Council in relation to the following statutory provisions:

Local Government Act 1972

- (1) Section 115(2) .. The officer to whom all money due from every officer employed by the Council shall be paid.
- (2) Section 146 .. The officer to make any statutory declaration in connection with the transfer of securities.

Local Government (Miscellaneous Provisions) Act 1976

- (3) Section 30 .. The officer to write off overpayment of salary, allowances or pensions which occur as a result of the death of an employee or pensioner.

Local Government Finance Act 1988

- (4) Section 114-115 .. The officer responsible for reporting on unlawful expenditure decisions or where expenditure exceeds the resources available.

Local Government Act 2003

- (5) Section 25 .. The officer responsible for reporting on the robustness of the estimates made for the purposes of calculating the annual budget and precept, and the adequacy of the proposed financial reserves.

### **Executive Director of People Services**

The Executive Director of People Services may hold one or more of the statutory functions of Director of Children's Services (DCS), Director of Adult Social Services (DASS) or Director of Public Health (DPH) if they are appropriately qualified. The Chief Executive will confirm in writing which of these statutory functions each postholder holds.

The Executive Director of People Services is accountable for the effective delivery of Children and Young People's Services, Adult and Community Services, and Public Health.

## **Corporate Director for Children and Young People's Services**

### **1. To exercise the Council's functions relating to Children's Social Care and to exercise the Council's functions relating to the health of children**

- (i) **Section 11 of the Children Act 2004** requires local authorities and other named statutory partners to make arrangements to ensure that their functions are discharged with a view to safeguarding and promoting the welfare of children; ensure that there are clear and effective arrangements to protect children and young people from harm (including those attending independent schools).
- (ii) Local authorities are also required to set up a LSCB to coordinate the effectiveness of arrangements to safeguard and promote the welfare of children and young people in that area.
- (iii) The DCS has the responsibility within the local authority for improving outcomes for children and young people, children's social care functions and local cooperation arrangements for children's services.
- (iv) To have a shared responsibility with all officers and members of the local authority to act as effective and caring corporate parents for looked after children, with key roles in improving their educational attainment, providing stable and high-quality placements and proper planning for when they leave care.
- (v) To ensure that disabled children and those with special educational needs (SEN) can access high quality provision that meets their needs and fund provision for children with statements of SEN.
- (vi) To ensure arrangements are in place for alternative provision for children outside mainstream education or missing education (e.g. due to permanent exclusion or illness) to receive suitable full-time education.
- (vii) To understand local need and secure provision of services taking account of the benefits of prevention and early intervention and the importance of co-operating with other agencies to offer early help to children, young people and families.

### **2. To exercise the Council's functions relating to the Youth Offending service**

- (i) To ensure there is coherent planning between all agencies providing services for children involved in the youth justice system (including those leaving custody), secure the provision of

education for young people in custody and ensure that safeguarding responsibilities are effectively carried out.

- (ii) **Section 10 of the Children Act 2004** places a duty on local authorities and certain named partners (including health) to co-operate to improve children's well-being. The **DCS** must lead, promote and create opportunities for co-operation with local partners (for example, health, police, schools, housing services, early years, youth justice, probation, higher and further education, and employers) to improve the well-being of children and young people.

**3. To exercise the Council's functions relating to education and training and to make decisions on the licensing of the employment of children**

- (i) Working with headteachers, school governors and academy sponsors and principals, local authorities should promote educational excellence for all children and young people and be ambitious in tackling underperformance.
- (ii) Taking rapid and decisive action in relation to poorly performing schools, including using intervention powers with regard to maintained schools and considering alternative structural and operational solutions.
- (iii) To develop robust school improvement strategies, including choosing whether to offer such services in a competitive and open school improvement market, working beyond local authority boundaries.
- (iv) To promote high standards in education by supporting effective school to school collaboration and providing local leadership for tackling issues needing attention which cut across more than one school, such as poor performance in a subject area across a cluster of schools.
- (v) To support maintained schools in delivering an appropriate National Curriculum and early years providers in meeting the requirements of the Early Years Foundation Stage (as outlined in the EYFS Statutory Framework).
- (vi) To establish a school's forum for the area, maintain a scheme for financing-maintained schools and provide financial information;
- (vii) To undertake specified responsibilities in relation to staffing and governance of maintained schools.
- (viii) Local authorities should promote the interests of children, young people, parents and families and work with local communities to stimulate and support a diversity of school, early years and 16-19 provision that meets local needs.

- (ix) To ensure fair access to all schools for every child in accordance with the statutory School Admissions and School Admissions Appeal Codes and ensure appropriate information is provided to parents.
- (x) To ensure provision for suitable home to school transport arrangements.
- (xi) To actively promote a diverse supply of strong schools, including by encouraging good schools to expand and, where there is a need for a new school, seeking proposals for an Academy or Free School;
- (xii) To promote high quality early years provision, including helping to develop the market, securing free early education for all three/ four year old's and for all disadvantaged two year old's, providing information, advice and assistance to parents and prospective parents and providing information, advice and assistance to parents and prospective parents, and ensuring there are sufficient Sure Start children's centre services to meet local need and sufficient childcare for working parents.
- (xiii) To secure access for young people to enough educational and recreational leisure-time activities and facilities for the improvement of their well-being and personal and social development.
- (xiv) To promote children's and young people's participation in public decision- making so they can influence local commissioners; and should promote participation in education or training of young people, including by securing provision for young people.

### **Corporate Director for Adult and Community Services**

1. To exercise the functions of the County Council with regard to its responsibilities for care and support for adults, support for carers and safeguarding adults from abuse or neglect as set out in:

Care Act 2014

The Mental Capacity Act (2005) and Deprivation of Liberty Safeguards

The Mental Health Act 2007

The Human Rights Act 1998

The Domestic Violence, Crime and Victims Act 2004 and subsequent legislation relating to Domestic Violence Protection Notices and Orders, the criminal offence of Coercive and Controlling Behaviour, Modern Slavery and Forced Marriages



2. To undertake the function of the supervisory body for the purposes of the Mental Capacity Act 2005 Deprivation of Liberty Safeguards, and to act as Authorised Signatory when the supervisory body gives an authorisation for deprivation of liberty.

The Council should, through the office of the DASS, ensure that effective systems are in place for discharging the following functions (including where a local authority has commissioned any services from another provider rather than delivering them itself):

- Prevention, information and advice
  - Systems leadership and making sure the voice of social care social work and the social model is heard, particularly by working with NHS partners, the police, providers, voluntary organisations, the wider council and members of the community etc. to:
    - shape care and health and wider public services in the area
    - promote the inclusion and rights of disabled and older people
  - Leading and championing the voice of people needing social care by engagement with them, shaping, influencing and implementing policy
  - Meeting essential needs for care and support, including market shaping and continuity: commissioning effectively and ensure the availability and quality of services that people want in order to be in control of their lives.
  - Safeguarding adults needing care and support:
    - from abuse or neglect
    - when doctors are considering compulsory treatment or admission to psychiatric hospital
    - when people lack capacity to decide and may be restricted of their liberty
  - Financial and resources management - to manage within resources, including fair charging policies and to advocate for a fair share for adults needing care and support
3. To exercise the functions of the County Council relating to adult and community learning.

### **Director of Public Health**

1. To exercise the statutory public health function of the County Council under the Health and Social Care Act 2012.
2. To produce and publish a report on the health of the local population in accordance with Section 31 of the 2012 Act.

3. To have responsibility, in accordance with Section 30 of the 2012 Act, for:
  - all of the County Council's duties to take steps to improve the health of the people in its area;
  - any of the Secretary of State's public health protection or health improvement functions delegated to local authorities, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the 2006 Act, inserted by section 18 of the 2012 Act;
  - exercising the County Council's functions in planning for, and responding to, emergencies that present a risk to the public's health;
  - the County Council's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders; and
  - such other public health functions as the Secretary of State specified in regulations.
4. As well as those core functions, the Acts and regulations give the Director of Public Health responsibility for:
  - the County Council's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications (a function given to local authorities by sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the 2012 Act);
  - ensuring that if the County Council provides or commissions a maternity or child health clinic, then through regulations made under section 73A(1), having responsibility for providing Healthy Start vitamins (a function conferred on local authorities by the Health Start and Welfare Food Regulations 2005 as amended); and
  - having a place on the Suffolk Health and Wellbeing Board (section 194(2)(d) of the 2012 Act).
5. To exercise the functions of the County Council relating to libraries, museums, archives and the arts and heritage.

## **Fire and Rescue Service**

The Chief Fire Officer and Executive Director for Public Safety is authorised to:

1. Licences, Notices and Registrations  
Exercise the County Council's powers and duties arising by virtue of any provision under the statutes or any amendments, regulations or EC directives appertaining thereto listed in relevant legislation below.

2. Appointment and Authorisation for Powers of Entry  
Exercise the County Council's statutory powers with regard to authorising officers for the purposes of exercising powers of entry under relevant statutes.
3. Appointment of Fire Service Inspectors  
Exercise the County Council's statutory powers and duties to appoint such officers of the Service as are in the opinion of the Chief Officer suitably qualified to act as inspectors pursuant to relevant statute.
4. In consultation with the Head of HR, to exercise the functions of the County Council relating to all operations of the scheme manager discretions under the firefighters pension scheme regulations, subject to the observance of the appropriate statutory rules and limitations, and to report annually to the Suffolk Firefighters' Pension Board any discretions so applied.
5. Exercise the County Council's statutory functions under relevant legislation and authorise officers to carry out such functions.

#### Legislation

The Fire and Rescue Services Act 2004

The Regulatory Reform (Fire Safety) Order 2005

The Health and Safety at Work etc. Act 1974

The Construction (Design and Management) Regulations 2007

The Theatres Act 1968

The Gaming Act 1968

The Cinemas Act 1985

The Local Government (Miscellaneous Provisions) Act 1982

The Licensing Act 2003

Policing and Crime Act 2017

Administer and negotiate general conditions of service issues for staff covered by the National Joint Council for Local Authority Fire Brigades and the Local Government Services Schemes of Conditions of Service.

#### Emergency Planning

To exercise the functions of the County Council under the Civil Contingencies Act 2004, the Radiation (Emergency Preparedness and Public Information) Regulations 2019, the Control of Major Accident Hazards Regulations 2015 and the Pipelines Safety Regulations 1996. These functions are routinely discharged by the Suffolk Joint Emergency Planning partnership established under the Local Authority (Goods & Services) Act 1970. The public information duties under Regulations 21 and 22 of the Radiation (Emergency Preparedness and Public Information) Regulations 2019 is routinely discharged by the Head of Communications.

## **Head of Trading Standards**

1. To exercise the functions of the County Council under legislation concerning food, agriculture, weights and measures, consumer safety, consumer protection, petroleum, explosives, animal health and other fair trading matters.
2. To exercise the County Council's statutory functions under The Fire Safety and Places of Sport Act 1987 and authorise officers to carry out such functions.
3. To discharge the functions of the County Council under the Safety of Sports Grounds Act 1975 (as amended)
4. Exercise the County Council's powers to obtain communications data, undertake directed surveillance and utilise covert human intelligence sources, whether employed by the Authority or otherwise subject to compliance investigatory powers legislation.

Exercise the County Council's powers as consultee under any legislation including objecting to the issue of licences, consents, registrations or permissions and/or submitting responses or representation.