

Notice of Meeting

Leader Decisions

**Date & time**

Tuesday, 3
September 2019 at
12.30 pm

Place

Members' Conference
Room, County Hall,
Penrhyn Road,
Kingston upon
Thames, KT1 2DN

Contact

Ben Cullimore
Room 122, County Hall
020 8213 2782
ben.cullimore@surreycc.gov.uk

Chief Executive

Joanna Killian

If you would like a copy of this agenda or the attached papers in another format, e.g. large print or braille, or another language, please either call 020 8541 9122, write to Democratic Services, Room 122, County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 8914, fax 020 8541 9009, or email ben.cullimore@surreycc.gov.uk.

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Ben Cullimore on 020 8213 2782.

Cabinet Member

Mr Tim Oliver (Leader of the Council)

AGENDA

1 DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- i. Any disclosable pecuniary interests and / or
- ii. Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest.
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner).
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

2 PROCEDURAL MATTERS

a Members' Questions

The deadline for Members' questions is 12pm four working days before the meeting (Wednesday 28 August 2019).

b Public Questions

The deadline for public questions is seven days before the meeting (Tuesday 27 August 2019).

c Petitions

The deadline for petitions was 14 days before the meeting and none have been received.

3 UPDATES TO THE COUNCIL'S SCHEME OF DELEGATION

(Pages 1
- 32)

The Council requires that its scheme of delegation (the 'scheme') is regularly reviewed and updated to ensure it can carry on its business efficiently and lawfully. The Council is also required to set a financial threshold for 'key decisions'. Various updates are being proposed in this report.

Joanna Killian
Chief Executive

Published: Friday, 23 August 2019

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, County Hall has wifi available for visitors – please ask at reception for details.

Anyone is permitted to film, record or take photographs at council meetings with the Chairman's consent. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that the Chairman can grant permission and those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation.

This page is intentionally left blank

SURREY COUNTY COUNCIL

LEADER OF THE COUNCIL

DATE: 3 SEPTEMBER 2019

**LEAD OFFICER: LEIGH WHITEHOUSE, EXECUTIVE
DIRECTOR OF RESOURCES**



SUBJECT: UPDATES TO THE COUNCIL'S SCHEME OF DELEGATION

COMMUNITY VISION OUTCOME: Council

SUMMARY OF ISSUE:

The Council requires that its scheme of delegation (the 'scheme') is regularly reviewed and updated to ensure it can carry on its business efficiently and lawfully. The Council is also required to set a financial threshold for 'key decisions'. Various updates are being proposed in this report.

RECOMMENDATIONS:

It is recommended that:

1. The updated Legal Services Scheme of Delegation in Annex 1 is approved.
2. A further delegation to the Cabinet Member for All-Age Learning to approve the following policies and any subsequent changes to these:
 - a. Home to School Transport Policy 4-16 year olds 2019/20
 - b. Home to School/College Transport Policy for Surrey students of sixth form age – 2019/20
3. The delegation for taking decisions at the Shareholder and Investments Panel is expanded to the Executive Director of Resources as per Annex 2.
4. Increase the Council's financial 'key decision' threshold to £1,000,000 and approve the new capital programme delegations in Annex 3.
5. The updated Children, Families, Lifelong Learning and Culture Scheme of Delegation in Annex 4 is approved.
6. That the Director of Law and Governance be authorised to make the necessary changes to the Council's Scheme of Delegation and the Constitution be updated accordingly.

REASON FOR RECOMMENDATIONS:

The revised scheme sets out the Executive functions that are authorised to exercise the functions of the Council relating to their areas of responsibility and any changes to this are required to be approved by the Leader of the Council and reported to the Council.

The Council will benefit from a clear and unambiguous scheme in the carrying out its functions. The proposed updates are intended to ensure legal compliance following changes to the Council's staffing structures and follow best practice in the exercise of delegated powers.

DETAILS:

1. Each area being altered is set out below with explanatory information about the changes.

Legal Services Scheme of Delegation

2. Following the decision to take Legal Services out of Orbis Public Law, a review of the scheme was requested to ensure it meets the Council's needs. The revised scheme as set out in Annex 1 is the result of this exercise.
3. No major changes are proposed from the existing scheme and all delegations remain at the existing officer levels. The changes are as follows:
 - a. LDS5 was previously delegated under a Cabinet decision but was not codified into the scheme. It is now included for ease of reference.
 - b. LDS6-10 have been re-worded to provide greater clarity of the functions delegated.
 - c. A further delegation concerning the exercise of a proper officer function has been removed as it is covered elsewhere in the Constitution.

Home to School Transport Policies – delegation to Cabinet Member for All-Age Learning

4. At its meeting on 28 November 2017 the Cabinet approved a new travel assistance policy for children and young people with an education, health and care plan or statement of special educational needs, 0-25 years, and in doing so also approved a delegation allowing the Cabinet Member with responsibility for the education portfolio to approve any future changes to this policy.
5. As a result the following delegation was added to the Scheme of Delegation – Responsibility for Function, Section 2 – Responsibility for executive functions exercised by Cabinet Members, as listed by the Leader (outlined in Article 5.02 of the Constitution):

'To agree changes to the Travel Assistance Policy for Children and Young People with an Education Health and Care Plan (EHCP) or a Statement of Special Education Needs (SEN): 0-25 years'

6. Since this delegation was approved it has become clear that this policy should not be looked at in isolation and as a result a further delegation is requested to allow the Cabinet Member for All-Age Learning to approve changes to all School Transport Policies.

Delegation for Shareholder and Investments Panel

7. At the Leader decision meeting of 7 May 2019, a new delegation was put in place to the Director of Corporate Finance to chair and be the decision maker on the Shareholder and Investments Panel. To avoid any situation where decisions cannot be taken due to their absence, this delegation is proposed to be expanded to include the Executive Director of Resources as well. The amended delegation is included in Annex 2.
8. Minor clarifications to the delegated matters have also been made to ensure LLPs and properties within the Council's directly-owned investment portfolio are also overseen by the Panel.

Key decision threshold and capital programme

9. All local authorities must operate a system of taking "key decisions". For the Council, a key decision means an executive decision which is likely either –
 - a. to result in the Council incurring expenditure, or making of savings, with a value of £0.5m or over, and which are significant having regard to the budget for the service or function to which the decision relates; or
 - b. to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the county.
10. The financial threshold is subject to discretion by each individual authority taking into account its own circumstances. Most county authorities have adopted either £500,000 or £1,000,000. Key decisions must be publically advertised and time periods before decisions can be taken adhered to.
11. As part of the Council's transformation programme, it is moving towards a more agile decision making process in a number of areas. Decisions are increasing required at pace and given the size of the Council it is reasonable to increase the financial threshold for key decisions to £1,000,000, in line with similar county authorities.
12. In addition, officers are subject to a limitation preventing them taking 'key decisions' in Paragraph 7.1 of Part 3, Section 3, Part 1 of the Council's constitution. The emerging governance model, including for the capital programme as set out below, allows officers to take decisions up to the £1,000,000 threshold. Therefore, the key decision threshold will need to be increased to allow for these changes.
13. Following the approval of the Asset and Place Strategy 2019-2030, the capital programme processes have been reviewed. Cabinet will have annual oversight of the capital programme through the MTFP and additionally for any new capital schemes in excess of £1,000,000 or variations to approved schemes in excess of £500,000. All other decisions concerning the capital programme are proposed for delegation to officers in line with the new delegations set out in Annex 3.

Children, Families, Lifelong Learning and Culture Directorate Scheme of Delegation

14. Following wholesale reorganisation of the Children's Services Directorate, including the integration of Libraries and Cultural Services, into a new

Children, Families, Lifelong Learning and Culture Directorate, the Scheme of Delegation for those areas required updating. The posts receiving delegations under the scheme have been updated to align with the new structure and some consequential amendments (for example splitting a delegation between two roles instead of one) have been made. No new functions are being delegated as a result of these updates. Full details of Children's Services procedures are contained in the Children's Services Procedure Manual.

CONSULTATION:

15. Changes to the Capital Programme Delegations (and consequently the key decision threshold) were discussed with the Cabinet Members at the Asset Strategy Board.
16. All relevant Directors have been consulted.

RISK MANAGEMENT AND IMPLICATIONS:

17. Maintaining an up to date and accurate scheme is important to ensuring delegated decisions are taken lawfully. Failure to maintain an appropriate scheme could result in decisions being successfully challenged and set aside.

FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

18. None.

SECTION 151 OFFICER COMMENTARY

19. The s151 officer is satisfied that the increase to the key decisions threshold is reasonable, in line with similar sized authorities and enables more agile decision making.
20. Changes to the capital processes are in line with the revised governance arrangements recently put in place for capital projects.
21. It is important to emphasise that it remains the responsibility of the Accountable Budget Holders to ensure that expenditure commitments are within the approved revenue budget envelope for their services or within the approved capital budget for capital expenditure.

LEGAL IMPLICATIONS – MONITORING OFFICER

22. The functions dealt with in this report are all executive functions. Under Section 9E of the Local Government Act 2000, the Leader of a local authority operating executive governance arrangements, such as the Council, may determine to whom executive functions are delegated. Functions may be delegated to a number of statutorily defined groups, including members of the executive or officers.
23. Legal implications for the change to the key decision threshold are as set out in the body of the report.

24. If the updates are approved, the Council's constitution will need to be updated to reflect the changes to the scheme of delegation and authority is sought to allow the Director of Law and Governance to make the amendments. A further report to full Council will be required to notify them of the revisions.

EQUALITIES AND DIVERSITY

25. None.

OTHER IMPLICATIONS:

26. None.

WHAT HAPPENS NEXT:

27. The Director of Law and Governance will make the necessary changes to the Constitution and present a report to the next meeting of the Council.

Contact Officer:

David Cogdell, Principal Solicitor. Tel: 020 8541 9033

Consulted:

Finance, Legal, Democratic, Property and CFLC Services

Annexes:

Annex 1 – Updated Legal Services Scheme of Delegation
Annex 2 – Updated Finance Services Scheme of Delegation
Annex 3 – Capital Programme Delegations
Annex 4 – Updated CFLC Scheme of Delegation

Sources/background papers:

- Local Government Act 2000
 - Leader Decision Paper 7 May 2019
 - Cabinet Decision Paper 28 November 2017
-

This page is intentionally left blank

Annex 1 – Legal Services Scheme of Delegation

No	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
LDS1	Legal and Democratic Services	To update the Constitution, and in particular the Scheme of Delegation, following structural reorganisation of the Council where the only change is to the title of the post holder receiving the delegation, provided there is no reduction in the management level to which the delegation is made.	Monitoring Officer Deputy Monitoring Officers
LDS2	Legal and Democratic Services	To be the custodian of the common seal of the Council and to determine the nature and type of documents to be sealed.	Director of Law & Governance
LDS3	Legal and Democratic Services	Where no objection has been received, to determine applications to register land as a Town or Village Green under the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007.	Director of Law & Governance
LDS4	Legal and Democratic Services	After consultation with the Chairman of the Communities, Environment and Highways Select Committee, to determine an application under Section 19 and Paragraphs 6 to 9 of Schedule 2 of the Commons Act 2006, if no significant objection has been received and the authority has no legal interest in the land.	Director of Law & Governance
LDS5	Legal and Democratic Services	To authorise the sealing or signing of any documents necessary to give effect to a statutory obligation on the Council.	Director of Law & Governance Senior Principal Lawyers
LDS6	Legal and Democratic Services	To authorise officers to appear in any legal proceedings on behalf of the Council before a magistrates' court in accordance with Section 223 of the Local Government Act 1972.	Director of Law & Governance Senior Principal Lawyers Principal Lawyers
LDS7	Legal and Democratic Services	To witness the affixing of the common seal of the Council on any documents or deeds necessary to give effect to a	Director of Law & Governance Senior Principal Lawyers Principal Lawyers

Annex 1 – Legal Services Scheme of Delegation

		decision of the Cabinet, a Cabinet Member, the Council (or any part of it) or an officer acting under delegated powers.	
LDS8	Legal and Democratic Services	To act as authorised signatories for the Council and sign any document necessary to give effect to a decision of the Cabinet, a Cabinet Member, the Council (or any part of it) or an officer acting under delegated powers (unless any enactment otherwise requires or authorises).	Director of Law & Governance Senior Principal Lawyers Principal Lawyers Senior Lawyers
LDS9	Legal and Democratic Services	To institute or defend or appear in any legal proceedings on behalf of the Council before any Court, Tribunal or Inquiry and to take any action in connection with such proceedings, including authority to settle proceedings.	Director of Law & Governance Senior Principal Lawyers Principal Lawyers Senior Lawyers
LDS10	Legal and Democratic Services	To sign any document necessary for any legal procedure or proceedings on behalf of the Council (unless any enactment otherwise requires or authorises).	Director of Law & Governance Senior Principal Lawyers Principal Lawyers Senior Lawyers

Annex 2 – Delegation for Shareholders and Investments Panel

No	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
ORB[x]	Finance	<p>In consultation with representative officers from Legal Services and Property Services, to exercise the decision making of the Shareholder and Investment Panel on the following matters:</p> <ul style="list-style-type: none"> • appoint and remove council-nominated directors of companies or representatives of the council in any LLP • authorise resolutions and exercise any reserved powers in the articles of association or members' agreement of a company or LLP in which the council holds an interest, unless a decision of the Strategic Investment Board is required • approve, monitor and endorse amendments to the business plans and annual accounts of any company or LLP in which the council holds an interest • in consultation with the directors of a company or LLP in which the council holds an interest, determine the distribution of any surplus or the issue of any dividends from the company • review the risks associated with trading activities or investments and recommend actions to the Strategic Investment Board as appropriate • approve capital or revenue investments or asset management expenditure up to £1,000,000 for properties managed within the council's investment portfolio and by any company or LLP in which the council holds an interest • approve all asset management activities including rent reviews, new lettings or lease re-gears for properties managed within the council's investment portfolio • approve the provision of additional financing by way of loan, equity or a mixture of the two, up to a value of 	Executive Director of Resources Director of Corporate Finance

Annex 2 – Delegation for Shareholders and Investments Panel

		£1,000,000, to any company or LLP in which the council holds an interest	
--	--	--	--

Annex 3 – Delegations for Capital Programme

No	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
ORB[x]	Finance	<p>In consultation with representative officers from Property Services, IT&D or Highways Services, dependent upon the project type, to exercise the decision making of the Capital Programme Panel on the following matters:</p> <ul style="list-style-type: none"> • To give managerial control approval for any capital scheme over £1,000,000 in total value already approved by Cabinet in the MTFP, but still subject to final business case approval • To approve budgets between £250,000 and £1,000,000 for new capital schemes not specifically approved by Cabinet but which fall within the approved capital programme budget (e.g. schemes within a programme budget) • In consultation with the Leader and Lead Cabinet Member, to approve budgets of up to £1,000,000 for new schemes from the unallocated capital programme budget • To agree variations in the agreed budgets for capital schemes (no matter how originally approved) of up to 10% of total budget, to a maximum of between £250,000 and £500,000 	<p>Executive Director of Resources</p> <p>Director of Corporate Finance</p> <p>Director of Finance Insights</p>
EAI[x]	Highways and Transportation	<p>To exercise the decision making of the Infrastructure Board on the following matters:</p> <ul style="list-style-type: none"> • To give managerial control approval for any infrastructure capital scheme up to £1,000,000 in total value already approved by Cabinet in the MTFP, but still subject to final business case approval 	<p>Head of Highways & Transport</p> <p>Strategic Finance Business Partner - CTE</p>

Annex 3 – Delegations for Capital Programme

		<ul style="list-style-type: none"> To approve budgets up to £250,000 for new infrastructure capital schemes not specifically approved by Cabinet but which fall within the approved capital programme budget (e.g. schemes within a programme budget) To agree variations in the agreed budgets for infrastructure capital schemes (no matter how originally approved) of up to 10% of total budget, to a maximum of £250,000 	
ORB[x]	IT&D	<p>To exercise the decision making of the IT Board on the following matters:</p> <ul style="list-style-type: none"> To give managerial control approval for any IT capital scheme up to £1,000,000 in total value already approved by Cabinet in the MTFP, but still subject to final business case approval To approve budgets up to £250,000 for new technology capital schemes not specifically approved by Cabinet but which fall within the approved capital programme budget (e.g. schemes within a programme budget) To agree variations in the agreed budgets for technology capital schemes (no matter how originally approved) of up to 10% of total budget, to a maximum of £250,000 	<p>Head of Enterprise & Technology</p> <p>Strategic Finance Business Partner - Improvement & TPP/Resources</p>
ORB[x]	Property	<p>To exercise the decision making of the Property Board on the following matters:</p> <ul style="list-style-type: none"> To give managerial control approval for any property capital scheme up to £1,000,000 in total value already approved by Cabinet in the MTFP, but still subject to final business case approval 	<p>Lead Asset Strategy Manager</p> <p>Strategic Finance Business Partner - Improvement & TPP/Resources</p>

Annex 3 – Delegations for Capital Programme

		<ul style="list-style-type: none"> To approve budgets up to £250,000 for new property capital schemes not specifically approved by Cabinet but which fall within the approved capital programme budget (e.g. schemes within a programme budget) To agree variations in the agreed budgets for property capital schemes (no matter how originally approved) of up to 10% of total budget, to a maximum of £250,000 	
ORB[x]	Property	To authorise the sale of land and/or buildings for a consideration of £500,000 to £1,000,000 in any one case, including setting a reserve figure for auction sales	Executive Director of Resources Director Strategic Land & Assets
ORB[x]	Property	To authorise the sale of land and/or buildings for a consideration of up to £500,000 in any one case, including setting a reserve figure for auction sales	Director Strategic Land & Assets Lead Asset Strategy Manager Investment and Disposal Manager

This page is intentionally left blank

Annex 4 – CFLC Scheme of Delegation

CHILDREN, FAMILIES AND LEARNING

No	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[1]	Education, Lifelong Learning and Culture	To ensure the delivery of Cultural Services in accordance with the duties imposed upon the authority by legislation	Assistant Director of Lifelong Learning and Culture
CFL[2]	Education, Lifelong Learning and Culture	To meet the requirements of the Public Libraries and Museums Act 1964, e.g. display of sensitive material, use of mobile libraries	Assistant Director of Lifelong Learning and Culture
CFL[3]	Education, Lifelong Learning and Culture	To supply information required to the Department of Culture, Media & Sport	Assistant Director of Lifelong Learning and Culture
CFL[4]	Education, Lifelong Learning and Culture	To exercise the powers under the Library Bylaws and Regulations, e.g. temporary closure of libraries in extenuating circumstances, exclusion of library users, setting of loan periods and fees and discounts where applicable	Assistant Director of Lifelong Learning and Culture
CFL[5]	Education, Lifelong Learning and Culture	In consultation with the Chairman of the Local Committee or, in relation to Surrey Performing Arts Library, the relevant Portfolio Holder, to approve changes amounting to no more than 15% of a library's total hours of opening (whether managed directly by Surrey County Council or under a community partnership agreement)	Assistant Director of Lifelong Learning and Culture
CFL[6]	Education, Lifelong Learning and Culture	Within their area of responsibility to make grants to local groups within budget	Assistant Director of Lifelong Learning and Culture
CFL[7]	Education, Lifelong Learning and Culture	Performing Arts Library: To deliver the service under the terms of the Service Level Agreement	Assistant Director of Lifelong Learning and Culture
CFL[8]	Education, Lifelong Learning and Culture	To provide the service to the Surrey Museums Consultative Committee in accordance with its terms of reference.	Assistant Director of Lifelong Learning and Culture
CFL[9]	Education, Lifelong Learning and Culture	To safeguard and to make available records under the Public Records Acts 1958 as amended, the Parochial Registers and Records Measure 1978 and the Manorial Documents Rules (Law of Property	Assistant Director of Lifelong Learning and Culture

Annex 4 – CFLC Scheme of Delegation

No	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		Amendment Act 1925), the Local Government Act 1972, Section 224 and the Local Government (Records) Act 1962.	
CFL[10]	Education, Lifelong Learning and Culture	To access sensitive or confidential material in accordance with Department of Health guidelines, Coroners' Rules and the Data Protection Acts of 1984 and 1998 and the Freedom of Information Act (as subsequently amended).	Assistant Director of Lifelong Learning and Culture
CFL[11]	Education, Lifelong Learning and Culture	To permit the use of material in accordance with the Copyright Acts	Assistant Director of Lifelong Learning and Culture
CFL[12]	Education, Lifelong Learning and Culture	To enter into agreements with developers and others to ensure that archaeological work in connection with proposed or consented development is carried out.	Assistant Director of Lifelong Learning and Culture
CFL[13]	Education, Lifelong Learning and Culture	To establish procedures relating to heritage assets to be owned or loaned to SCC.	Assistant Director of Lifelong Learning and Culture
CFL[14]	Education, Lifelong Learning and Culture	To promote Heritage based learning and manage learning events and activities.	Assistant Director of Lifelong Learning and Culture
CFL[15]	Education, Lifelong Learning and Culture	To apply for funding and enter into agreements with external funders to enable heritage activities to be carried out, in consultation with the Director of Finance.	Assistant Director of Lifelong Learning and Culture
CFL[16]	Education, Lifelong Learning and Culture	To enter into agreements with partners to enable and ensure that heritage activities are carried out.	Assistant Director of Lifelong Learning and Culture
CFL[17]	Education, Lifelong Learning and Culture	To manage a Heritage Environment Record for Surrey.	Assistant Director of Lifelong Learning and Culture

Annex 4 – CFLC Scheme of Delegation

No	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[18]	Education, Lifelong Learning and Culture	To meet the requirements of the Learning & Skills Act 2000 to secure learning for adults, ensuring that the needs of adults with learning difficulties are considered.	Assistant Director of Lifelong Learning and Culture
CFL[19]	Education, Lifelong Learning and Culture	To produce an annual Adult Learning Plan and submit this to the Learning & Skills Council (LSC).	Assistant Director of Lifelong Learning and Culture
CFL[20]	Education, Lifelong Learning and Culture	To report to the LSC information required, in particular regarding Individual Learner Records.	Assistant Director of Lifelong Learning and Culture
CFL[21]	Education, Lifelong Learning and Culture	In connection with section 106 Town and Country Planning Act 1990, to approve the nature and value of contributions to be made by developers in relation to libraries provision after consultation with the Head of Property where these include possible property transactions	Assistant Director of Lifelong Learning and Culture

Annex 4 – CFLC Scheme of Delegation

CHILDREN, FAMILIES AND LEARNING

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[22]	Education, Lifelong Learning and Culture	To ensure that service delivery in respect of schools and learning complies with the duties imposed on the Authority by legislation.	Assistant Director for Education
CFL[23]	Education, Lifelong Learning and Culture	To make, in consultation with the Cabinet Member, local education authority appointments to governing bodies of schools, further and higher education establishments and independent schools.	Assistant Director for Education
CFL[24]	Education, Lifelong Learning and Culture	To approve applications for free Home to School mainstream transport following initial refusal by the Service Manager for Admissions and Transport, where there are exceptional circumstances or where new evidence is produced.	Assistant Director for Education
CFL[25]	Education, Lifelong Learning and Culture	To authorise school loans of less than £500,000 and to licence school deficits of up to 5% of a school's budget and less than £500,000. Note: deficits of more than 5% are referred to Cabinet/Cabinet Member for approval	Director of Education, Lifelong Learning and Culture
CFL[26]	Education, Lifelong Learning and Culture	In consultation with the Director of Finance, to serve a notice of concern under paragraph 2.16 of the Surrey Scheme for Financing Schools where a school has not complied with the provisions of the Scheme.	Director of Education, Lifelong Learning and Culture

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[27]	Education, Lifelong Learning and Culture	To serve a warning notice on a school under s15 of the School Standards and Framework Act 1998 that the Council may exercise its powers of intervention under the Act.	Director of Education, Lifelong Learning and Culture
CFL[28]	Education, Lifelong Learning and Culture	To fix the admission numbers for community and voluntary controlled schools.	Assistant Director for Education
CFL[29]	Education, Lifelong Learning and Culture	To ensure that school premises conform to the standards prescribed.	Assistant Director for Education
CFL[30]	Education, Lifelong Learning and Culture	To review and report to the Secretary of State annually on the supply of places.	Assistant Director for Education
CFL[31]	Education, Lifelong Learning and Culture	To ensure compliance with class size of 30 legislation.	Assistant Director for Education
CFL[32]	Education, Lifelong Learning and Culture	To publish information as to schools' admission arrangements.	Assistant Director for Education
CFL[33]	Education, Lifelong Learning and Culture	To enable parents to express a preference as to the school their child is to attend in accordance with any scheme for coordinating the arrangements for admissions with those of other admission authorities.	Assistant Director for Education

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[34]	Education, Lifelong Learning and Culture	To comply with any preference expressed in accordance with the Authority's arrangements, and any scheme for coordinating these arrangements with those of other admission authorities unless compliance with the preference would prejudice the provision of efficient education use of resource.	Assistant Director for Education
CFL[35]	Education, Lifelong Learning and Culture	To consult, at least once in every year, as to the proposed admission arrangements for schools.	Assistant Director for Education
CFL[36]	Education, Lifelong Learning and Culture	To make arrangements for the provision of such free transport as the Authority considers necessary to facilitate the attendance of pupils at schools.	Assistant Director for Education
CFL[37]	Education, Lifelong Learning and Culture	To require a maintained school to accept a pupil named in a school Attendance Order.	Assistant Director for Education
CFL[38]	Education, Lifelong Learning and Culture	To direct a maintained school to admit a child who would otherwise be without a place.	Assistant Director for Education
CFL[39]	Education, Lifelong Learning and Culture	To ensure that appropriate provision is made for pupils who have special educational needs.	Assistant Director for SEND Commissioning
CFL[40]	Education, Lifelong Learning and Culture	To ensure sufficient childcare places for working parents.	Assistant Director for Commissioning
CFL[41]	Education, Lifelong Learning and Culture	Duty to keep day care arrangements under review in conjunction with the local authority.	Assistant Director for Education

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[42]	Education, Lifelong Learning and Culture	To identify those children with special education needs which call for the authority to determine the special education provision which should be made for them and to review statements of special educational need or Educational Health and Care Plans on an annual basis.	Assistant Director for Vulnerable Learners
CFL[43]	Education, Lifelong Learning and Culture	To ensure that, subject to qualifications, children with special needs are educated in the most appropriate mainstream or specialist setting.	Assistant Director for Vulnerable Learners
CFL[44]	Education, Lifelong Learning and Culture	To discharge duties regarding the creation of early education places for 3 and 4 year olds under the relevant statutory plans.	Assistant Director for Commissioning
CFL[45]	Education, Lifelong Learning and Culture	To support and service the work of the Early Years and Childcare Partnership.	Assistant Director for Education
CFL[46]	Education, Lifelong Learning and Culture	To ensure that there is effective partnership working to support the provision of early education and childcare.	Assistant Director for Education
CFL[47]	Education, Lifelong Learning and Culture	To ensure that there is the development of an integrated approach to early education and childcare.	Assistant Director for Education
CFL[48]	Education, Lifelong Learning and Culture	To keep special education arrangements under review.	Assistant Director for SEND Commissioning

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[49]	Education, Lifelong Learning and Culture	In connection with section 106 Town and Country Planning Act 1990, to approve the nature and value of contributions to be made by developers in relation to educational provision after consultation with the Head of Property where these include possible property transactions	Assistant Director for Education
CFL[50]	Education, Lifelong Learning and Culture	To manage youth centres and neighbourhood based youth work To suspend or permanently exclude young people from centres or work in exceptional circumstances	Assistant Director for Early Help and Hubs
CFL[51]	Education, Lifelong Learning and Culture	To assist if requested the local authority's investigations of young people who have suffered or may have suffered 'significant harm'	Assistant Director for Services for Commissioning and Prevention
CFL[52]	Education, Lifelong Learning and Culture	To deliver the service under the terms of Service Level Agreements with the voluntary sector and with Surrey Connexions.	Assistant Director for Services for Commissioning and Prevention
CFL[53]	Education, Lifelong Learning and Culture	To implement and manage the local Duke of Edinburgh Scheme	Assistant Director for Lifelong Learning and Culture
CFL[54]	Education, Lifelong Learning and Culture	To secure the admission of a pupil excluded from school to a place at another maintained school	Assistant Director for Education
CFL[55]	Education, Lifelong Learning and Culture	To secure provision of education 'otherwise than at school' where necessary to meet a pupil's need	Assistant Director for Vulnerable Learners
CFL[56]	Education, Lifelong Learning and Culture	To ensure that the parent complies with his duty under Section 7 of the 1996 Education Act	Assistant Director for Vulnerable Learners

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		to cause his child of compulsory school age to receive efficient full-time education suitable to his age, abilities and aptitudes whether by regular attendance at school or otherwise and to authorise the prosecution of parents who fail to comply with this duty under Section 444 of the Education Act 1996.	
CFL[57]	Education, Lifelong Learning and Culture	Under Section 447 of the Education Act 1996, to consider whether an Education Supervision Order would be in the better interests of a child than prosecution of parents under Section 444 of the Education Act 1996 and to issue an application for an education supervision order under Section 36 of the Children Act 1989 where appropriate.	Assistant Director for Vulnerable Learners
CFL[58]	Education, Lifelong Learning and Culture	Under Section 437 of the Education Act 1996 to serve a school attendance order on the parent of a child of compulsory school age who does not appear to be receiving suitable education and to authorise the prosecution of parents who fail to comply with such an order under Section 443 of the Education Act 1996.	Assistant Director for Vulnerable Learners
CFL[59]	Education, Lifelong Learning and Culture	Under Section 444A and 444B of the Education Act 1996 and Section 105 of the Education and Inspections Act 2006 to issue penalty notices.	Assistant Director for Vulnerable Learners
CFL[60]	Education, Lifelong Learning and Culture	Under s223 of the Local Government Act 1972, these officers are authorised to prosecute, defend or appear in legal proceedings on behalf of the authority in relation to sections 443, 444, 446 and 559 of the Education Act 1996, section 36 of the Children Act 1989, section 20 of the Anti Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006.	Assistant Director for Vulnerable Learners
CFL[61]	Commissioning and Prevention	To approve Youth Small Grants of £5,000 and under, in consultation with the relevant Local	Head of Market Strategy

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		Committee and/or the Local Youth Task Group Chairman and the Divisional Member.	
CFL[62]	Commercial Services	Acquisitions and disposal of services, supplies and equipment Submit tenders and quotations for external contracts and internal arrangements Employ staff to meet requirements of contracts in accordance with specifications and trade levels.	Head of Commercial Services Regional Manager Operations Manager Finance Manager
CFL[63]	Commercial Services	Acquisitions and disposal of equipment.	Premises Manager
CFL[64]	Education, Lifelong Learning and Culture	The annual consideration of charges for maintained schools for the cost of conversion to academies.	Executive Director for Children, Families and Learning
CFL[65]	Education, Lifelong Learning and Culture	To offer advice, guidance and support to childcare providers on meeting national standards.	Assistant Director for Education
CFL[66]	Education, Lifelong Learning and Culture	To manage outdoor education centres. To suspend or permanently exclude young people from centres in exceptional circumstances	Assistant Director for Lifelong Learning and Culture

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
-----	--------------	---------------------	---------------------

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[67]	Children's Services	Decisions on outcome of referrals and assessments	Team Manager
CFL[68]	Children's Services	Responsibility to commence Child and Family Assessment and make recommendations	Social Worker
CFL[69]	Children's Services	Authorisation to commence Public Law Outline	Assistant Director
CFL[70]	Children's Services	Agreeing to accommodate a child (S20)	Assistant Director
CFL[71]	Children's Services	Agreement to discharge a child who is accommodated under Section 20, 1989 Children Act	Assistant Director
CFL[72]	Children's Services	Decision to apply for an EPO (Emergency Protection Order)	Assistant Director
CFL[73]	Children's Services	Decision to instigate care proceedings in any court. Decision to apply for any of the following under the Children Act 1989: Children Assessment Order, Child Safety Order, Section 8 Order.	Assistant Director (in exceptional circumstances, where delay would place the child at risk – delegated to service manager).
CFL[74]	Children's Services	Signing and quality assurance of applications to court	Service Manager
CFL[75]	Children's Services	Endorse applications to court	Assistant Director
CFL[76]	Children's Services	Signing of Initial and Final Care Plans to Court	Assistant Director

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[77]	Children’s Services	Decision to apply for discharge of care order	Assistant Director
CFL[78]	Children’s Services	Agreement to place with Independent Fostering Arrangements	Assistant Director, Children’s Resources
CFL[79]	Children’s Services	Authority to change a child’s placement: requiring ‘same day’ decision	Assistant Director
CFL[80]	Children’s Services	Authority to postpone a CLA Review beyond statutory time limits	Service Manager, IRO Service
CFL[81]	Children’s Services	Missing Children from Care: Surrey Residential units notify police, senior managers All children in care	Registered Manager to inform Service Manager, Residential and Assistant Director, Children’s Resources and Quadrant Assistant Director Escalate as protocol
CFL[82]	Children’s Services	Financial of up to £100 in the Assessment, Family Safeguarding, Looked After and Care Leaver’s Teams and Targeted Youth Support	Team Manager
CFL[83]	Children’s Services	Financial of up to £500 in the Assessment, Family Safeguarding, Looked After and Care Leaver’s Teams and Targeted Youth Support	Service Manager
Serious Incident/ Need to Know Notification			
CFL[84]	Children’s Services	Notify the Assistant Director	Service Manager

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[85]	Children's Services	Notify parent in relation to a serious incident/ death of a child in conjunction with social worker	Assistant Director
CFL[86]	Children's Services	Notify Director/ Director of Quality Performance	Assistant Director
CFL[87]	Children's Services	Inform Lead Cabinet Member	Director
CFL[88]	Children's Services	Notify incidents to National Child Safeguarding Practice Review/ Ofsted	Director of Quality and Performance
CFL[89]	Children's Services	Notification of incidents to Ofsted in line with Children's Homes regulations	Registered Team Manager
Children Looked After			
CFL[90]	Children's Services	Agreement to at a distance placement	Executive Director
CFL[91]	Children's Services	Out of area placement	Director
CFL[92]	Children's Services	Consent to: Immunisation / vaccination (e.g. meningitis)	Team Manager if not able to be obtained from parent
CFL[93]	Children's Services	Consent to routine medical treatment	Team Manager if not able to be obtained from parent
CFL[94]	Children's Services	Consent to emergency treatment including anaesthetic and consent to surgery	Assistant Director if not able to be obtained from parent
CFL[95]	Children's Services	Consent to contraceptive treatment	Assistant Director if not able to be obtained from parent or child not deemed to be Fraser competent.

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[96]	Children’s Services	Consent to marriage of CLA	Director if consent cannot be obtained from parent.
CFL[97]	Children’s Services	Consent to termination of pregnancy and HIV testing of CLA	Assistant Director if not able to be obtained from parent. In consultation with young person (Fraser competent).
CFL[98]	Children’s Services	Decision for CLA to stay overnight with a friend (see delegated authority policy for carers).	Carer in discussion with Social Worker if necessary
CFL[99]	Children’s Services	Signing a passport application of CLA	Assistant Director (applicant signatory), Social Worker (counter-signatory). In consultation with young person (Fraser competent).
CFL[100]	Children’s Services	Authorising a trip abroad for CLA	All with Parental Responsibility to be consulted - Service Manager for more than 28 days (seek Foreign Office Advice where appropriate)
CFL[101]	Children’s Services	Authorising request for DBS checks on children’s carers	Team Manager
CFL[102]	Children’s Services	Decision to take further action regarding CRB check results	Assistant Director
CFL[103]	Children’s Services	Case allocation / closure	Service Manager/ Team Manager
CFL[104]	Children’s Services	Placement with parents	Assistant Director

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[105]	Children's Services	Decision to apply for leave of the court for a child in care to live outside of England and Wales.	Assistant Director
CFL[106]	Children's Services	Decision to withhold the whereabouts of a child from a person, usually a parent for up to 7 days pending application to court.	Assistant Director
CFL[107]	Children's Services	Authority to place CLA with regulation 38 carers (family and friends)	Assistant Director
CFL[108]	Children's Services	Authority to place siblings separately short term	Service Manager
CFL[109]	Children's Services	Agreement to suspend contact (child on Care Order Section 34 (6) Children Act 1989) and application for order relating to contact under section 34	Service Manager with legal advice
CFL[110]	Children's Services	Decision to apply for a Recovery Order for a child who is in care, the subject of an EPO, or in police protection	Assistant Director
CFL[111]	Children's Services	Decision to inform a third party of the identity and concerns about a person who is considered a risk to children	Service Manager with legal advice
CFL[112]	Children's Services	Consent to tattoos and piercings where the young person is Fraser competent and has been appraised of the risks (note: young people over the age of 16 are able to get their ears pierced without parental consent)	Service Manager
CFL[113]	Children's Services	Application to the Probate Registry for Letters of Administration in respect of the estate of a	Director Corporate Parenting

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		deceased parent of a CLA (subject to a Care Order)	
Secure Accommodation			
CFL[114]	Children’s Services	Makes application to Assistant Director for Secure Accommodation who takes responsibility for each placement and must record her/his reasons for the decision and attach these to the report.	Assistant Director
CFL[115]	Children’s Services	Authority to endorse secure application	Director
CFL[116]	Children’s Services	Authority to progress secure application for under 13 year old to Secretary of State	Director
CFL[117]	Children’s Services	To agree children to be placed in secure for up to 72 hours pending a court decision	Assistant Director
Child arrangement order/ special guardianship order			
CFL[118]	Children’s Services	Departmental agreements to fund an application to apply for Child Arrangement Order	Assistant Director
CFL[119]	Children’s Services	Departmental agreement to fund an application for a Special Guardianship Order	Assistant Director
CFL[120]	Children’s Services	Departmental approval for Reg 24 Friends and Family Care Placement	Assistant Director Children’s Resources in consultation with Service Manager
CFL[121]	Children’s Services	Authorisation of payments for Child Arrangement Order and Special Guardianship	Assistant Director

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		Order allowances in excess of the agreed scheme in exceptional circumstances	
Foster Care & Adoption			
CFL[122]	Children's Services	Adoption Agency Decision Maker	Assistant Director, Children's Resources
CFL[123]	Children's Services	Fostering Agency Decision Maker	Assistant Director or Nominated Agency Decision Maker
CFL[124]	Children's Services	Approval or rejection of foster carers with any relevant conditions after recommendations from fostering panels	Delegated to Agency Decision Maker
CFL[125]	Children's Services	Decisions relating to foster care allowances and financial assistance for foster carers	Director Corporate Parenting with Cabinet approval
CFL[126]	Children's Services	Appointment of members of adoption panels and fostering panels	Assistant Director, Children's Resources
CFL[127]	Children's Services	Decision to make a prohibition notice or requirements in respect of private foster carers	Director Corporate Parenting in consultation with Assistant Director, Children's Resources
CFL[128]	Children's Services	Approval of prospective adoptive parents and approval that children should be placed for adoption and approvals of placement of a child with an adoptive family following recommendations from adoption panel	Agency decision maker
CFL[129]	Children's Services	Decisions relating to adoption allowances and to pay legal costs for adopters in adoption cases	Assistant Director, Children's Resources

Annex 4 – CFLC Scheme of Delegation

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL[130]	Children's Services	Authorisation of applications under Adoption and Children Act 2002	Assistant Director
Data Protection			
CFL[131]	Children's Services	Authorisation of restricted access in relation to a Data Protection access to file request	Assistant Director
CFL[132]	Children's Services	Authorisation to waive public interest immunity in relation to the disclosure of information in a criminal prosecution	Assistant Director
Child Employment			
CFL[133]	Children's Services	To monitor the employment of children of compulsory school age and register for entertainment licences. To investigate cases of illegal employment and take necessary action within the relevant sections of the Children and Young Persons Acts 1033 and 1963, The Children (Performances and Activities) (England) Regulations 2014, Section 559(1) and (2) of the Education Act 1996 and in accordance with current local byelaws.	Child Employment Team Manager