

# Kirklees Council

## SERVICE SCHEME OF DELEGATION FOR PUBLIC HEALTH

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## BACKGROUND AND CONTEXT

The Constitution of the Council <http://www.kirklees.gov.uk/beta/your-council/the-constitution.aspx> includes a Scheme of Delegation to Officers <http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-37.pdf> which enables Directors to take certain decisions relating to their areas of responsibility. Directors are able to delegate decision further to Assistant Directors and other officers within their service.

However there is a requirement for each Executive Director together with the Service Director – Legal, Governance and Monitoring to prepare Service Schemes of Delegations which set out how decisions will be made in each of the Services for which they are responsible. These schemes should clearly establish which officers have been given authority to make decisions under the delegated powers of the Executive Director or Service Director (Legal, Governance and Monitoring), the extent of the delegated authority of those officers and any terms, conditions and/or limitations subject to which those delegations must be exercised. All service schemes of delegation have to be lodged with the Council’s Monitoring Officer and made available to the public on request.

This document forms the Service Scheme of Delegation for the services currently known as Personalisation and Commissioning and Wellbeing and Integration.

The officers named within this scheme may only exercise the delegated powers set out in this scheme in accordance with:

- a) All relevant statutory requirements including the principles of public law and the provisions of the Human Rights Act 1998, statutory guidance and statutory codes of practice; and
- b) The provisions of the Constitution (including the provisions of the Access to Information Procedure Rules relating to the taking of key decisions); and
- c) The revenue and capital budgets of the council, subject to any variation thereof permitted by the Council’s Financial Procedure Rules; and
- d) The Council’s Contract and Financial Procedure Rules (decision makers must ensure that they are up-to-date with CPR and FPR requirements); and
- e) Approved policies and plans of the Council.

All decisions taken must be clearly recorded and must clearly identify the officer responsible for taking the decision.

Where a post to which any decision has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

Although the decisions in this scheme have been delegated to officers, there is a requirement to consult local ward Councillors and community lead Councillors if the decision you are making has a direct impact on a local community. Local ward Councillors should be kept aware of any decisions made and implemented under delegated powers that affect members of the community in their ward – however, the advice of your Head of Service should be sought before contact is made with any Councillors.

## PUBLIC HEALTH

Responsibility	Executive Director	Consultant	Head of Service	Public Health Manager	Emergency Planning & Business Continuity Manager	Senior Contracting & Procurement Manager
<b>Financial</b>						
To incur expenditure and to generate and collect income in line with Financial Regulations, Contracts Procedure Rules and within approved revenue and capital estimates.	X	X	X			X
In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Chief Finance Officer at the first opportunity.	X	X	X			
In line with the Council's CPRs and FPRs, including any exemptions to limitations previously agreed with the Service Director (Legal, Governance and Monitoring), approving orders up to the value of £20,000	X	X	X	X	X	X
In line with the Council's CPRs and FPRs, including any exemptions to limitations previously agreed with the Service Director (Legal, Governance and Monitoring), approving orders up to the value of £100,000	X	X	X			X
In line with the Council's CPRs and FPRs, including any exemptions to limitations previously agreed with the Service Director (Legal, Governance and Monitoring), approving orders up to the value of unlimited	X					
In line with the Council's CPRs and FPRs, including any exemptions to limitations previously agreed with the Service Director (Legal, Governance and Monitoring), approving invoice payments for contracted services.	X	X	X			X
<b>Procurement</b>						
To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Contracts Procedure Rules.	X	X	X			X

<b>Responsibility</b>	<b>Executive Director</b>	<b>Consultant</b>	<b>Head of Service</b>	<b>Public Health Manager</b>	<b>Emergency Planning &amp; Business Continuity Manager</b>	<b>Senior Contracting &amp; Procurement Manager</b>
In line with the Council's CPRs, undertaking of all procurement processes using an approved standard form of contract or process, or process pre-agreed with Service Director (Legal, Governance and Monitoring).	X	X	X			X
In line with the Council's CPRs, signing of all contracts on standard terms and conditions or format pre-agreed with Service Director (Legal Governance and Monitoring).	X	X	X			X
In line with the Council's CPRs, authorisation for contract initiation.	X	X	X			X
In line with the Council's CPRs, creation and maintenance of Standing Lists.	X	X	X			X
In line with Council's CPRs, deletion of a supplier from a standing list.	X	X	X			X
In line with the Council's CPRs, terminating contracts.	X	X	X			X
In line with the contractual arrangements and the Council's CPRs and FPRs, negotiating uplifts of fee rates for service providers.	X	X	X			
<b>General</b>						
To carry out functions exercisable on behalf of an NHS body under Section 75 National Health Service Act 2006 in relation to matters within the Director's remit.	X	X	X			
Provision of Statutory Returns To provide such statutory returns as are necessary within the Director's remit.	X	X	X			X
Data Protection, Human Rights, Surveillance activities, and Freedom of Information	X	X	X	X	X	X
To implement and ensure compliance with: <ul style="list-style-type: none"> <li>• the rules on data protection, human rights, use of powers under RIPA (Regulation of Investigatory Powers Act), and freedom of information</li> <li>• the council's policies on these matters</li> <li>• guidance and advice from the SIRO and SRO on these matters.</li> </ul>	X	X	X	X	X	X

<b>Responsibility</b>	<b>Executive Director</b>	<b>Consultant</b>	<b>Head of Service</b>	<b>Public Health Manager</b>	<b>Emergency Planning &amp; Business Continuity Manager</b>	<b>Senior Contracting &amp; Procurement Manager</b>
To issue statements to the press and other news media about any aspect of Public Health and/or Kirklees Council	X	X	X			
To authorise officers possessing such qualifications as may be required by law or in accordance with the council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the council (however described) and to issue any necessary certificates of authority.	X	X	X			
To take any action remitted to him/her under corporate procedures.	X	X	X			
In line with the Council's FPRs and CPRs, signing of agreements for Community Grants, Development Grants and Community Contracts (£0k-£50k).	X	X	X	X		X
<b>Health and Safety</b>						
Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer	X	X	X		X	
<b>Personnel/Employment</b>						
To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure. Subject to there being budgetary provision and in accordance with the Council's Recruitment Policy	X	X	X			
To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision. Subject to there being budgetary provision and in accordance with the Council's Recruitment Policy	X	X	X			

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To determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations. In accordance with the Councils Recruitment Policy	X	X	X			
To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements	X	X	X			
Decisions in relation to restructures except where the decision: (i) involves changes to existing National or Local Agreements and policies; and/or (ii) cannot be achieved within delegated powers in respect of budgets	X	X	X			
<b>Health Protection</b>						
Ensure the delivery of public health protections	X	X	X		X	
Ensure the council plans and responds to emergencies that present a risk to public health	X	X	X		X	