
SCHEME OF DELEGATION

**Responsible Cabinet Member – Councillor Stephen Harker,
Resource Management Portfolio**

Responsible Director - Paul Wildsmith, Director of Corporate Services

Purpose of Report

1. This report seeks approval for a revised scheme of delegation to reflect the changes brought about by the Council restructure and a new list of proper officer delegations which sets down in writing a formal list of proper officers.

Information and Analysis

2. An earlier report on this agenda will seek approval for the decisions necessary to enable the Head of Paid Service to implement a new staffing structure for the Council. The proposed changes will result in the functions of the Department of Development and Environment being distributed amongst the other departments and the Chief Executive's Office. In order for the restructure to be implemented the scheme of delegation will need to be amended to give effect to the proposed changes, subject to Cabinet approval.
3. At the same time some changes have been made to generally improve the scheme and to reflect delegations not formally recorded within the scheme of delegation. The changes to the scheme of delegation do not alter the powers currently available to officers. The proposed scheme of delegation is attached at **Appendix 1**.
 - (a) Council is asked to formally approve the scheme to ensure that all powers marked as Council functions are delegated by Council, and any powers delegated by Cabinet are marked as Cabinet. Any future changes to the scheme of delegation will require Cabinet and Council approval. This reflects the requirements of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
 - (b) Additional paragraphs have been added to the pre-amble to remind officers of the general restrictions placed on the exercise of delegated powers.
 - (c) The powers of the statutory officers which are awarded by statute will be formally recorded within the scheme of delegation.
 - (d) The Assistant Chief Executive posts will also hold the general powers available currently to the Chief Executive and Directors to enable them to effectively manage staff and resources within their areas of responsibility.
 - (e) The Director of Adult Services will have the same powers in relation to s31 Health Act which are statutory and are included in his powers as a result of the disaggregation of the former Social Services Department.
 - (f) The Chief Executive will be formally given powers to carry out the functions of the returning officer.

- (g) The Chief Executive be given power to incur expenditure, in consultation with the Leader, in a civil emergency as defined by s1 Civil Contingencies Act 2004.

Article 12

4. Article 12 of the Constitution sets out the roles of key officers within the organisation. To give effect to the restructure changes will be made to Article 12 as set out in **Appendix 2**.

List of Proper Officers

5. A number of statutes require that the authority appoint a proper officer to carry out certain functions on behalf of the authority. Although appointments have been made in past to these positions, there is no formal record of these appointments. A formal list has been drawn up to reflect the current exercise of proper officer functions and the correct officer within the proposed new structure. This list is attached at **Appendix 3**.

Outcome of Consultation

6. There has been a consultation exercise in relation to the proposed staffing changes, and consultation has taken place in relation to the proposed changes with senior officers. The scheme of delegation itself has not been the subject of any public consultation.

Legal Implications

7. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

8. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The scheme of delegation has a range of prosecution powers which could not be carried out by the authority unless there is a clear delegation.

Council Policy Framework

9. The issues contained within this report do not represent change to Council policy or the Council's policy framework. Council approval is required for the scheme of delegation in relation to those functions which rest with the Council to delegate. This report will go forward to Cabinet for approval.

Recommendation

10. It is recommended that :-

- (a) Council approves the revised scheme of delegation, Article 12 and the new List of Proper Officers to reflect the changes brought about by the restructure of the Council.

- (b) Council refers the report to Cabinet for approval of the scheme of delegation so far as it relates to functions which rest with Cabinet.

Reasons

11. The recommendations are supported by to enable officers to carry out functions following the implementation of the restructure.

Catherine Whitehead
Borough Solicitor

Background Papers

No Background papers were used in the preparation of this report.

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