
SCHEME OF DELEGATION

Responsible Cabinet Member – Councillor John Williams, Leader

Responsible Director - Paul Wildsmith, Director of Corporate Services

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to seek Members approval to the revised scheme of delegation.

Summary

2. Council has approved a restructure of the Council's management structure. The new structures require changes to the Council's Scheme of Delegation and it is proposed that the opportunity is taken to rationalise and simplify the way in which Officer delegations are expressed within the scheme. The revised scheme was approved by Council at its meeting on 25th November 2010 in relation to the functions which by statute are the responsibility of full Council. Under new political arrangements the majority of functions by statute sit with Cabinet and therefore approval to delegation of functions must be approved by Cabinet as well as Council.
3. The new scheme delegates powers to officers in their areas of responsibility subject to a number of limitations such as consultation requirements, legislation requirements, Council policies and procedures, codes and protocols and restrictions by the Council's decision making bodies. There are also charts setting out a number of further exceptions in the areas of contracting, property, finance, employment and legal including planning and licensing. This method of delegating powers provides greater efficiency in the exercise of powers without the need to refer matters unnecessarily to committee, and greater probity with a more robust framework which has tightened up some of the anomalies of the previous scheme. The scheme is also shorter and easier to amend. The new scheme will detail temporary delegated powers which apply for more than six months to provide greater transparency. Although the format of the scheme is different the effect of the scheme is designed to be no different from the existing scheme.
4. Members are asked to approve the revised scheme to come into effect alongside the new structures on 1st January 2011. The proposed scheme is attached at **Appendix 1**.

Recommendation

5. It is recommended that Cabinet approve the new scheme of delegation as set out in Appendix 1.

Reasons

6. The recommendations are supported by the following reasons :-
- (a) To enable officers to carry out the functions of the council, as they do now, under the new structure.
 - (b) To update and refresh the format of the scheme to provide greater transparency and resilience.

Paul Wildsmith
Director of Corporate Services

Background Papers

The Current Scheme of Delegation is available on the Council's website within the Constitution.

C.Whitehead : Extension 2306

S17 Crime and Disorder	There are no specific implications for Crime and Disorder
Health and Well Being	There are no specific implications for Health and Wellbeing.
Carbon Impact	There is no specific change to Carbon Impact
Diversity	There are no specific implications for Diversity
Wards Affected	All wards are affected equally
Groups Affected	All groups are affected equally
Budget and Policy Framework	The scheme requires approval by full Council but does not represent a change to the budget or policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not a an urgent decision
One Darlington: Perfectly Placed	The scheme enables officers to carry out all the functions of the Council currently delegated to them, to enable them to deliver the Council's wider objectives
Efficiency	The scheme is shorter and more accessible, which makes it easier to print (if necessary) and easier for officers to use.

MAIN REPORT

Information and Analysis

7. The Council must have a new scheme of delegation in place to accompany the implementation of the new structure. The scheme that has been developed is designed to provide greater resilience against challenge, be easier to follow, and provide greater transparency in relation to specific projects and financial limitations.
8. The format of the scheme is very different to the existing scheme in its appearance and layout. The effect is designed to be the same. The key limitations on matters like financial levels for expenditure and contracting remain the same. In the preparation of the scheme an assessment was done against reports to Cabinet over the past year. The review highlighted that many reports which come to Cabinet already have delegations but officers bring the reports where there is public interest in the items. The requirement to consider the need to refer a report to a member body is strengthened in the new scheme in the section on member consultation. It is proposed that after a period of 12 months the exercise will be repeated to see if the number and nature of reports presented to members has changed.

Outcome of Consultation

9. The scheme has been subject to consultation with the senior managers across the Council. As the scheme is designed to have no change in effect there has been no wider consultation.