

<b>Body:</b>	<b>Full Council</b>
<b>Date:</b>	<b>17 September 2014</b>
<b>Subject:</b>	<b>Updating amendments to the Scheme of Delegations to Officers in the Council's Constitution</b>
<b>Report Of:</b>	<b>Lawyer to the Council</b>
<b>Ward(s)</b>	All
<b>Purpose</b>	To seek Council's approval to update the Officers Scheme of Delegations in the terms outlined in this Report.
<b>Recommendation:</b>	That Council 1) approves the amendments to the Scheme of Delegation flagged up in this Report and authorise the Lawyer to the Council to incorporate and publish them in the Council's Constitution. That Council further 2) notes that the Chief Finance Officer has assumed the responsibilities normally designated to the holder of the role of Deputy Chief Executive on an interim basis in the absence of a postholder in accordance with provisions in the Scheme of Delegations and 3) at this juncture formally delegates the responsibilities of the Deputy Chief Executive to the Chief Finance Officer henceforth until it otherwise directs
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## **1.0 Introduction**

- 1.1 The Scheme of Delegations to Officers ('the Scheme') forms part of the Council's Constitution. It is approved by annual Council and is the primary mechanism by which the authority delegates its powers to act to the Council's Chief Officers, who are thereby authorised to act on the authority's behalf and/or to sub-delegate their powers to others.
- 1.2 Part II of the Local Government Act 2000 and the regulations made under it prescribe how authorities may exercise their powers. Depending on whether the relevant function is executive or non-executive, it may be exercised by either Cabinet or full Council or delegated to either to a Committee of members or to an individual designated officer. All powers must in any event be exercised only in accordance with the law and the authority's own policies, and in such a way as to comply with any consultation requirements or other restrictions placed on the delegation.
- 1.3 The Scheme is integral to the effective day to day running of the authority. It

is published to satisfy the requirements in the Local Government Act 1972 which aim to ensure clarity and transparency. It is updated regularly, as is the list of Sub Delegations which sits underneath it. As well as being subject to yearly review by the Lawyer to the Council prior to its submission to Annual Council for approval, it has recently been considered by the Audit and Governance Committee which made suggestions regarding how it might be presented which will be considered at the next annual review.

## **2.0 Proposed amendments to the Scheme**

- 2.1 In a measure designed to enhance transparency, executive decisions by officers must now be recorded and published. In addition, the new Openness in Local Government Regulations, which came into force in August 2014, now require all delegated decisions made by officers - whether executive or non-executive - to be recorded and published.
- 2.2 The requirement referred to in para 2.1 must be met where a decision has been delegated to an officer whether by a specific delegation or under a general authorisation and the effect of the decision is to grant a permission or licence, affect the rights of an individual or award a contract or incur expenditure which materially affects the authority's financial position. While these requirements do not effect confidential or exempt information, the legislation creates a new offence where a person with custody of a document which is required to be produced without reasonable excuse intentionally obstructs or refuses access to it.
- 2.3 The Scheme makes specific reference to the requirement to record officer decisions. The need to update these provisions to incorporate the new additional requirements affords an opportunity to incorporate a number of other minor amendments to better reflect the Council's powers.
- 2.4 The appended Scheme reflects the proposed changes. Council's authority to amend the Scheme accordingly is sought.

## **3.0 Delegation of Deputy Chief Officer responsibilities**

- 3.1 Following the current vacancy of the role of Deputy Chief Executive following the departure of Julian Osgathorpe, Alan Osborne, Chief Finance Officer, has assumed the responsibilities of the Deputy Chief Executive role. He has done so at the direction of the Chief Executive as is permitted by para 2 of the Scheme of Delegations. It is proposed that this arrangement continue on an interim basis pending consideration of the overall new Strategy and Commissioning structure within future model phase 2.
- 3.2 Full Council is asked to note paragraph 3.3 above and to formally delegate to the Chief Finance Officer all the responsibilities of the Deputy Chief Executive role outlined in the Scheme and otherwise delegated to that postholder. This delegation will continue in the absence of any contrary delegation by Council unless the role of Deputy Chief executive is filled. This course of action does not require the Scheme to be further amended at the current time, nor does it prevent the performance of discrete responsibilities associated with the role by other Chief Officers as permitted by the Scheme.

3.3 For the avoidance of doubt, the responsibilities delegated to the Chief Finance Officer include but are not limited to the appointment of the holder of the Deputy Chief Executive role as one of two Deputy Electoral Registration Officers pursuant to section 52 of the Representation of the People Act 1983 as well as the election expenses and document holding responsibilities designated under SS 82 and 89 of that same Act respectively.

#### **4.0 Consultation**

4.1 None

#### **5.0 Resource Implications**

5.1 None

#### **6.0 Other Implications: Environmental, Human Rights, Community Safety, Youth, Anti-poverty.**

6.1 None

#### **7.0 Summary of Options**

7.1 Council is asked to approve the recommendations.

#### **8.0 Conclusion**

8.1 Council is recommended to approve the recommendations outlined above and to give the Lawyer to the Council delegated authority to amend the scheme of delegations to officers so that the updated version may be published as soon as possible.

**Victoria Simpson, Lawyer to the Council and Monitoring Officer**

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#### **Background Papers:**

The Background Papers used in compiling this report were as follows:

The Localism Act 2011

The Local Government Act 2000 and regulations made thereunder.

To inspect or obtain copies of background papers please refer to the contact officer listed above.

#### **Appendices:**

Amended Scheme of Delegations to Officers