

Report To: Cabinet

Date of Meeting: 26 April 2016

Lead Member / Officer: Barbara Smith, Lead Member for Modernisation and Housing. Gary Williams, Monitoring Officer/Head of Legal, HR and Democratic Services.

Report Author: Lisa Jones, Deputy Monitoring Officer/Solicitor

Title: Officer Scheme of Delegation

1. What is the report about?

1.1 To provide Cabinet with the updated Officer Scheme of Delegation.

2. What is the reason for making this report?

2.1 To ensure Officers' executive powers are properly delegated to them in order to lawfully carry out the Council's statutory duties or any discretionary or incidental powers.

3. What are the Recommendations?

3.1 That the Cabinet note the contents of the report and approve the Officer Scheme of Delegation in respect of any executive functions that are contained within it.

4. Report details.

4.1 This report seeks members' approval on the amendments to the Officer Scheme of Delegation. The proposed scheme is attached as Appendix 1 to the report. The scheme has been updated to reflect changes in legislation, the senior management structure of the Council and the transfer of responsibilities that have taken place as a result.

4.2 Officers receive the majority of their powers from either the Full Council, Statutory Committees or the Cabinet. A small number of their powers may be implied by law, but it is neater to have all powers contained in one scheme. This report confirms the executive functions only and the scheme will also be included in a future report on the new Constitution to the Full Council, to approve the non-executive functions.

4.3 Members will note that this amended scheme provides flexibility in that even if a particular piece of legislation is not listed within the scheme, if that function is necessary or incidental to that Officer and that Service, Cabinet is expressly authorising them to act accordingly.

4.4 There is also an express obligation, where appropriate, for a Head of Service to maintain a 'departmental delegated scheme' so that officers acting on their behalf do so with authority.

5. How does the decision contribute to the Corporate Priorities?

- 5.1 A fit for purpose Scheme of Delegation will contribute to the priority of becoming a high performing Council providing assurances on governance and decision making and allowing the public to see who is the responsible decision maker on issues affecting them.

6. What will it cost and how will it affect other services?

- 6.1 There are no direct costs associated with this report.

7. What consultations have been carried out?

- 7.1 The Councils Constitution Working Group, Corporate Governance Committee and SLT have been involved in the debate on the key proposals in the new constitution and scheme of delegation for officers and members. The new model constitution as a whole is nearing completion, it will be taken to the wider Council in January in the form of a workshop, in advance of the document being considered for adoption by the Full Council in February 2016.

8. Chief Finance Officer Statement

- 8.1 A clearly defined scheme of delegation defines accountability and is a key component of the council's governance framework.

9. What risks are there and is there anything we can do to reduce them?

- 9.1 There is a risk that a Constitution (and Scheme of Delegation that sits within in) that is not amended to keep up to date with corporate and legislative changes ceases to be fit for purpose.

10. Power to make the Decision

- 10.1 The Local Government Act 2000 requires all councils to have a constitution and the Local Government Act 1972 requires a scheme of delegation.