

Report To: **Licensing Committee**

Date of Meeting: **19th June 2012**

Lead Member / Officer: **Gary Williams, Monitoring Officer**

Report Author: **Lisa Jones, Deputy Monitoring Officer**

Title: **New Constitution and the Delegation of Council Functions**

1. What is the report about?

One of the Business Transformation Board's Workstream's was to review the Council's Constitution, part of this review, was to clarify the appropriate decision maker, where Council decisions are delegated and to update the Scheme of Delegation to Officers.

2. What is the reason for making this report?

The Council is required to have a constitution by law and as part of the preparations for this new Council, it was a timely opportunity to modernise the current version, making it more transparent to Members, Officers and the public at large. Changes to the constitution were approved by Full Council on the 27th March 2012.

3. What are the Recommendations?

- 3.1 That the Licensing Committee approve the relevant Delegation of Functions and the Scheme of Delegation to Officers as set out in the report details below, more particularly highlighted in the appendices attached.

4. Report details

4.1 Description of Functions

The previous Constitution provided at Part 3 a description of the functions of the authority and described those functions which are exercised by Council and those which are exercised by the Cabinet. It also made reference to regulations which have subsequently been updated and describes functions by reference to the regulations. It was sufficiently clear from the wording of the Constitution, to an officer, Member or member of the public which are functions of the Council and which are functions of the Cabinet without making reference to the regulations.

Full Council determined (when the initial modular Constitution was adopted on the 14th May 2002) that certain Council functions shall be discharged by

Committees as set out in Part 3, these Committees may then delegate functions to Officers.

It was proposed to Members at Full Council on the 27th March 2012, that Part 3 of the Constitution should list those functions which are functions of Council, those functions which are “local choice” functions, those functions which are exercised by the Cabinet or Full Council depending on the circumstances and those functions which are the responsibility of Cabinet. The decision making body whether it be Cabinet, the Full Council or a Committee may then delegate functions to Officers.

These are now set out in a tabular format for ease of reference and greater clarity for Officers, Members and the public. Part 3 is attached as Appendix 1.

Part 3 should be read in conjunction with the generic and specific Scheme of Delegation to those Officers listed in Part 9.2 of the Constitution, and of particular reference to Licensing Committee is the Head of Planning, Regeneration and Regulatory Services’ Scheme.

4.2 Scheme of Delegation to Officers - Part 9.2 of the Councils Constitution

At Full Council it was proposed to Members, and they agreed, that the Constitution should be more transparent and that the scheme of delegation should include details of the Heads of Service to whom delegated powers have been granted.

The proposal is that there should be generic delegations to the Chief Executive and the Corporate Directors, with specific delegations being made to Heads of Service (and to Directors where required or appropriate), set out in a list format in order that any officer, Member or member of the public would easily be able to identify which Officer had authority to take which delegated action. It was stressed to Members at Full Council, that the purpose of such a scheme would be merely to make more open and transparent what currently existed; it was not to create a whole new raft of delegated powers. Members agreed that the scheme of delegation should be more transparent.

Set out at Appendix 2, is the Scheme of Delegation to Officers.

This is not a scheme that will mirror their job description, but is a scheme of delegation by Cabinet, Full Council or Committee. Officers whose role involves compliance with a high level of regulation, will inevitably have a far greater level of delegation, in order to achieve a more efficient working Council.

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

The review forms part of the Business Transformation Programme of corporate improvements and contributes to the priority of a high performing Council.

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

There are no implications for other services as a result of this report.

7. What consultations have been carried out?

A Member Workshop has been held, questionnaires have been sent by post to all Members individually, Officers have been consulted extensively and a Working Group of Officers and Members, and two sub-groups were set up and have met regularly; full council have received an overview of the proposals in advance of approval of the new Constitution.

8. Chief Finance Officer Statement

Not required.

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

There is greater risk in not updating the Constitution. The revised Constitution must reflect the law and the document has been quality assured by a number of officers from various disciplines.

10. Power to make the Decision

The Local Government Act 2000 requires the full Council to adopt a Constitution.