

Decision Maker: Council

Date: 26th March 2012

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **CHANGES TO THE SCHEME OF DELEGATION TO OFFICERS AND THE CONSTITUTION**

Contact Officer: Graham Walton, Democratic Services Manager
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Chief Officer: Mark Bowen, Director of Resources

Ward: N/A

1. Reason for report

- 1.1 At the annual Council meeting each year a Scheme of Delegation to Officers is approved by Council and the Leader. The Scheme now needs to be updated to reflect the introduction of the new Education and Care Services Department on 1st April 2012 – this involves changing the designations in the Scheme from those relating to the old Children and Young People and Adult and Community Services Departments. No new delegation is proposed, although it is proposed that it is clarified in the Scheme that the Chief Executive can exercise the powers of any vacant chief officer post, and two minor corrections have been made (see paragraph 3.3). It is also necessary to make a small change to the Constitution to reflect the new departmental arrangements.
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2. **RECOMMENDATION(S)**

- 2.1 That the Scheme of Delegation to Officers in respect of executive functions, as updated to reflect the new Education and Care Services Department, be received from the Leader of the Council, to take effect on 1st April 2012, as set out in Appendix 1.
- 2.2 That the Scheme of Delegation to Officers in respect of non-executive functions, as updated to reflect the new Education and Care Services Department, be approved to take effect on 1st April 2012, as set out in Appendix 1.
- 2.3 That Council amends the Constitution (Article 12 – Officers) to reflect the new post of Director of Education and Care Services, as set out in paragraph 3.5.

Corporate Policy

1. Policy Status: Existing policy. The Council and the Leader approve a Scheme of Delegation to Officers each year.
 2. BBB Priority: Excellent Council.
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Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £344,054
 5. Source of funding: 2011/12 Revenue Budget
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Staff

1. Number of staff (current and additional): There are nine posts (8.22 fte) in the Democratic Services Team
 2. If from existing staff resources, number of staff hours: Updating the Scheme of Delegation to Officers involves a number of senior officers, but the time involved is minimal.
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Legal

1. Legal Requirement: Statutory requirement. Local Government Act 1972 and successive legislation, including the Local Government and Public Involvement in Health Act 2007.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The delegation of powers to officers is essential to the efficient operation of all council services.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Scheme of Delegation to Officers sets out formal delegation of various powers to the Council's chief officers and their staff. The Scheme is normally updated for approval at the Council's annual meeting in May each year, although under the Local Government and Public Involvement in Health Act 2007 any executive powers delegated to officers have to be delegated not by the Council, but by the Leader of the Council, and it is open to the Leader to table changes to the executive scheme. The executive/non-executive origin of each delegation in the scheme is reflected in a column which indicates whether each individual delegation derives from the Leader or from Council, or both.
- 3.2 Following the departure of the former Director of Adult and Community Services in September 2011, the Scheme of Delegation was modified by Council on 24th October 2011 to reflect the interim arrangements then in place. On 1st April 2012, the new Education and Care Services Department replaces the Adult and Community Services Department and the Children and Young People Services Department. The Scheme of Delegation has therefore been updated to reflect the new departmental structure and officer responsibilities. No new delegations are proposed as a result of this report.
- 3.3 As the new director's post has not been filled, it is proposed that it is clarified in the Scheme that the Chief Executive may exercise or delegate the functions of any other chief officer post that is vacant (see Part II (A) General Authorities – 2. (iii)). The opportunity has also been taken to correct two references to the Director of Finance and Director of Resources which should be to the Finance Director (see Part II, (A) General Authorities, 1. (vi) and vii.)
- 3.4 The updated Scheme is attached at Appendix 1.
- 3.5 Article 12 of the Council's Constitution sets out the role of chief officers. In view of the introduction of the Education and Care Services Department, it is necessary to make some small changes to the text just to ensure that it reflects the new arrangements. A table at section 12.01 (b) (page 37) sets out the functions and areas of responsibility of each chief officer post. The lines on the Directors of Adult and Community Services and Children and Young People Services should be deleted, to be replaced by a new line for the Director of Education and Care Services post. The updated text is set out below -

12.01 Management Structure

(b) Chief Officers

| Post | Functions and areas of responsibility |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Director of Education and Care Services | To work with the Chief Executive and colleague Chief Officers on the strategic management and co-ordination of Council-wide initiatives and projects; to develop cross service policies; and to take overall responsibility for the direction and performance of the services for which he/she is responsible. To perform the statutory responsibilities of the Director of Children's Services and Director of Social Services. |

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| Non-Applicable Sections: | Policy/Finance/Legal/Personnel |
| Background Documents: (Access via Contact Officer) | Scheme of Delegation to Officers – Reports to Council on 18 th May 2011 and 24 th October 2011. |

