

PART 1 - PUBLIC

Decision Maker: Council/Leader

Date: 16th May 2012

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

Title: **SCHEME OF DELEGATION TO OFFICERS AND MINOR CHANGES TO 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 by the Leader. The Scheme is an appendix to the Council's constitution. In 2010, the Scheme was amended to meet the requirements of the Local Government and Public Involvement in Health Act 2007, principally by clarifying whether powers are delegated by the Council, by the Leader in the case of executive powers, or both. The Scheme was last updated by Council on 26th March 2012 to take account of the new Education and Care Services Department, and only a small number of minor corrections are proposed. It is also proposed that Council approves any other minor changes to the Constitution arising from changes to the titles of particular officers, departments, portfolios or committees.

2. **RECOMMENDATIONS**

- 2.1 That the Scheme of Delegation to Officers in respect of executive functions be received from the Leader of the Council.
- 2.2 That the Scheme of Delegation to Officers in respect of non-executive functions be approved.
- 2.3 That any other minor changes of designation required in the Constitution resulting from changes to officer, department, portfolio or committee titles be approved as necessary.

Corporate Policy

1. Policy Status: Existing policy. The Council and the Leader approve a Scheme of Delegation to Officers each year at the annual meeting.
 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 (2011/12)
 5. Source of funding: existing revenue budgets
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Staff

1. Number of staff (current and additional): There are eight posts (7.22 FTE) in the Democratic Services Team. No additional staff are required to update the Scheme of Delegations.
 2. If from existing staff resources, number of staff hours: Updating the Scheme of Delegations has involved 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 most 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, and forms part of the Council's Constitution (Appendix 10). 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 or 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 The Scheme was amended at the full Council meeting on 26th March 2012 to take account of the formation of the Education and Care Services Department. Since then, the scheme has been reviewed and a small number of further changes are proposed either where services have moved departments or where other minor corrections are needed. The amended scheme is attached at [Appendix 1](#). Council is also recommended to give authority for any other minor changes to the Constitution to be made where titles of particular officers, departments, portfolios or committees need to be updated.

Non-Applicable Sections:	Finance/Legal/Policy/Personnel
Background Documents: (Access via Contact Officer)	Scheme of Delegation to Officers considered by Council, 18 th May 2011 and 26 th March 2012