

PART 1 - PUBLIC

Decision Maker: Council

Date: 13th May 2015

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

Title: SCHEME OF DELEGATION TO OFFICERS

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

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 4th June 2015 (with some minor amendments on 21st July 2014) and only a small number of minor updates are proposed.
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2. **RECOMMENDATIONS**

- 2.1 That the Council considers whether to authorise the Director of Corporate Services to grant requests for dispensations from Members of the Council as set out in paragraphs 3.3 and 3.4 below.
- 2.2 That, subject to recommendation 2.1, the Scheme of Delegation to Officers in respect of non-executive functions be approved.
- 2.3 That the Scheme of Delegation to Officers in respect of executive functions be received from the Leader of the Council.

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: £326,980
 5. Source of funding: existing revenue budgets
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Staff

1. Number of staff (current and additional): There are eight posts (7.39 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 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 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 has been reviewed and the following minor updates have been made –

- a number of DECH delegations relating to children's care services were incorrectly located within the scheme and have been moved from the Education Portfolio to the Care Services Portfolio;
- addition of S.106 funding for health (as agreed by the Executive, 16/7/14);
- addition of Scrap Metal Dealers Act 2013 and ASB, Crime and Policing Act 2014 under PP&S Portfolio (as agreed by the Executive, 26/11/14);
- minor change to highway obstruction delegation under the Environment Portfolio (as agreed by the Executive, 26/11/14);
- addition of Definitive Map Modification Orders under the Environment Portfolio (as recommended by General Purposes and Licensing Committee, 26/3/15);
- clarifying Property delegations in the Resources Portfolio as follows –
 - that the approval of property transactions is subject to a rental value of less than £50,000pa;
 - that officers can agree rent reviews in cases of properties where the Council is the tenant;
 - that officers can approve transactions in cases where the purchaser of a property wishes to include another family member as a purchaser but all other terms and conditions remain as originally approved.

3.3 One additional proposed change that Members may want to give particular consideration to concerns the granting of dispensations to individual Members to allow them to take part in Council meetings even when they have a disclosable pecuniary interest. There have been several recent occasions when a meeting of the Urgency Committee has been called to consider applications from Members for dispensations to allow them to take part in Plans Sub-Committee meetings where planning applications relating to their property (either their own applications or applications made by the owners of neighbouring properties) are being considered.

3.4 Until the Localism Act 2011 came into force, Members would have been able to address the Sub-Committee in the same way that a member of the public could, before leaving the room while the matter was debated. Now, under the new arrangements, Members are not allowed to be present during any part of the consideration. The Urgency Sub-Committee has always granted these dispensations and some Members have expressed concern at the need to call an additional meeting each time for what are normally considered very straightforward decisions. One way to avoid these extra meetings would be to allow the Director of Corporate Services, in his role as Monitoring Officer, to grant requests for dispensations, subject to consultation with

Members of the Urgency Committee. In cases where the Director or Members have concerns, a meeting of the Urgency Committee will still need to be called to take the decision.

- 3.5 If Members are not minded to allow this additional delegation, but do not want to maintain the status quo either, then another solution which could be investigated would be to allow each meeting to consider any requests for dispensations, with a standing dispensation item on relevant agendas so the committee/sub-committee could consider written applications at the start of the meeting with the Member explaining why they need a dispensation.
- 3.6 The amended scheme, including all the changes recommended above, is attached at Appendix 1.

Non-Applicable Sections:	Finance/Legal/Policy/Personnel
Background Documents: (Access via Contact Officer)	Scheme of Delegation to Officers considered by Council, 4 th June 2014