

Report



Democratic Services Committee

Part 1

Date: 17 February 2017

Item No: 7

Subject Review of the Constitution: Scheme of Delegation

Purpose To consider the outcome of a review of the Scheme of Delegation

Author Head of Democratic Services

Ward All wards

Summary At its previous meetings, the Committee has been informed that the Corporate Assessment contains a proposed action that states: "Reviewing and updating the Council's constitution ensuring that roles, responsibilities and accountabilities are clear, and that all members understand and apply their respective roles in relation to each other without compromising independence"

With this in mind the Committee agreed to review various aspects of the Constitution, one of which would be the Scheme of Delegation.

The Scheme of Delegation aims at making it clear where the distinction lies between the decision making responsibilities of elected members and Chief Officers within the Council

In July 2016 the Committee received an updated report on progress and viewed the Scheme of Delegation to elected members.

The Scheme that relates to officers has been amended and updated.

In general there are few 'new' delegations other than those arising from new legislation or Central Government requirements. There have been a number of changes in the Chief Officer Structure since the original scheme was drafted.

The Scheme of Delegation to officers has been amended incrementally in the past to take account of changes to the officer team and to any new responsibilities that have fallen to the Council owing to changes in legislation, policies or other factors

This report seeks to provide the Council with a scheme that reflects the existing structure. Inevitably incremental changes will need to be made over time as the Council has to react to new legislation, policies

Proposal: To recommend to Council that the amended scheme is adopted and included in the Constitution

Action by Head of Democratic Services

Timetable: In line with the Councils work programme.

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of Finance
- Head of People & Business Change

Background

At its previous meetings, the Committee has been informed that the Corporate Assessment contains a proposed action that states: “Reviewing and updating the Council’s constitution ensuring that roles, responsibilities and accountabilities are clear, and that all members understand and apply their respective roles in relation to each other without compromising independence”

With this in mind the Committee agreed to review various aspects of the Constitution, one of which would be the Scheme of Delegation.

The Scheme of Delegation aims at making it clear where the distinction lies between the decision making responsibilities of elected members and Chief Officers within the Council

In the simplest terms, Councillors make decisions in relation to new policies and any changes to policies whilst officers would take decisions on operational matters within the policies set by the Council.

Scheme of Delegation to Cabinet Members

The Scheme of Delegation that relates to Elected members was presented to the Democratic Services Committee in July 2016

Scheme of Delegation to Chief Officers

The Scheme of Delegation to officers has been amended incrementally in the past to take account of changes to the officer team and to any new responsibilities that have fallen to the Council owing to changes in legislation, policies or other factors

The review of the Constitution overseen by the Democratic Service Committee includes a more holistic review of the scheme.

This work is underway and discussions have been held with all Chief Officers as to how the scheme should now look.

Financial Summary

There is no cost to receiving this update

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
The SOD is not updated – leading to uncertainty over where responsibilities lie.	M	M	A review of the scheme is underway	Head of Democratic Services
Staff time used on updating these documents means there is an opportunity cost	M	M	The proposed documents are being prepared without any additional staff costs to the Council	Head of Democratic Services

Links to Council Policies and Priorities

The proposed review will help the Council meet the Council's wish to provide the best possible affordable services to members and the public

Options Available

- To note progress

Preferred Option and Why

The Committee is asked to note progress at this stage and to agree that the Scheme is amended in line with any changes arising from the proposed structural review

Comments of Chief Financial Officer

There is no cost to adopting this update

Comments of Monitoring Officer

In accordance with the Local Government Act 2000, the Council is required to adopt and maintain a written constitution which must include a Scheme of Delegation for officers and members, to ensure transparency and accountability for decision-making. At officer level, most operational decisions and statutory functions are delegated to and discharged by the relevant Heads of Service in accordance with Section 101 of the Local Government Act 1972 (in relation to non-executive functions) and the Local Government Act 2000 (in relation to executive decisions). Only strategic policy decisions are reserved to the cabinet and cabinet members. This revised scheme does not change anything of substance but updates the previous scheme by referring to new legislation and ensuring that the correct functions sit with the relevant Heads of Service following various service restructures.

Staffing Implications: Comments of Head of People and Business Change

There are no staffing issues other than the use of staff time to prepare and update the Constitution.

Comments of Cabinet Member

This is a Council function

Local issues

There are no local issues as this is a matter relating to the democratic process and is for the Council as a whole to consider.

Scrutiny Committees

This is a matter or consideration of the Democratic Services Committee

Equalities Impact Assessment

Not required as this relates only to a procedural matter.

Children and Families (Wales) Measure

This report does not relate to any issues relating specifically to children and young people

Consultation

Statutory Officers and Officers involved in the decision making process have been consulted

Background Papers

The Council's Constitution

Dated: January 2017