

Non-Executive Report of the:  <b>General Purposes Committee</b>  Tuesday, 10 December 2019	
<b>Report of:</b> Asmat Hussain, Corporate Director, Governance and Monitoring Officer	<b>Classification:</b> Open (Unrestricted)
<b>Constitution Review - Directorate Schemes of Delegation Review Update</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	(All Wards);

### **Executive Summary**

Council on 17 July 2019 agreed the revised Constitution. GPC made a few minor updates and the new constitution was published to the public, officers and Members on the 8<sup>th</sup> October 2019.

The work around the Directorate Schemes of Delegation is now being concluded to be included in the Constitution and it was agreed that GPC would receive update reports on this work.

Corporate Directors have delegated authority to sign off their Directorate Schemes but as the schemes play such a significant role in the Council's decision-making arrangements it is important that the Committee retains oversight on this work.

### **Recommendations:**

The General Purposes Committee is recommended to:

1. Note and comment on this update report.

#### **1. REASONS FOR THE DECISIONS**

- 1.1 The Committee retains oversight of the Council's Constitution and as such is the appropriate body to receive update reports on any significant review work on the Constitution.

#### **2. ALTERNATIVE OPTIONS**

- 2.1 The report is for noting.

#### **3. DETAILS OF THE REPORT**

- 3.1 The Council's constitution sets out how the Council's decision-making processes operate. This includes setting out Member-level decision making including for key decisions, committee terms of reference and the budget and policy framework.
- 3.2 Sitting underneath the top-level policy framework and decision-making, there are a large number of regulations under which the Council operates. Many of these require decision-making by officers.
- 3.3 To aid transparency these are set out in Directorate Schemes of Delegation. These show at which officer level (e.g. Corporate Director, Divisional Directors, Head of Service etc) the authority is held for taking decisions in relation to these rules, processes and regulations.
- 3.4 Prior to this current review, the Council's Schemes of Delegation had last been significantly reviewed over ten years ago. The Council's structure and the regulatory framework under which it operates have changed significantly since that time leaving the existing scheme out of date.
- 3.5 It is important to note that where there have been changes it is still possible to take decisions under the existing scheme by referring across from the scheme to the closest matching new post in the structure or making use of corporate schemes of delegation but that is clearly not best practice and is also a barrier to transparent decision making.
- 3.6 Given the length of time since the last review, and the extent of the changes to the regulatory framework, this has been a large-scale exercise with many officers supporting the project from the directorates and from legal services. The project has taken significantly longer than initially hoped but much of the work is now complete or nearing completion. The current situation (as at 10 December 2019) is as follows:
  - Governance Scheme – completed and published in July 2019.
  - Resources Scheme – legal checks have been completed and it has passed back to the directorate for final sign off and publication
  - Children and Culture Scheme – legal checks have been completed and it has passed back to the directorate for final sign off and publication
  - Health, Adults and Community Scheme – legal checks have been completed and it has passed back to the directorate for final sign off and publication
  - Place Scheme – some sections have been passed back to the directorate but legal checks are continuing.
- 3.7 The Scheme for the Place Directorate is where the majority of the remaining work remains. The legal checks on this are proving particularly challenging due to the size and complexity of the directorate and the changes that have taken place to regulations since the last review.
- 3.8 However, the work is being given a high priority and it is proposed that the Committee will be provided with a further update at its next meeting where it is

expected that all the schemes of delegation will have been completed and published.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 Efficient and effective Council decision-making processes ensure that the Council can work to maintain support for all residents of the borough. Transparent decision-making helps ensure that residents are able to engage with the Council appropriately in relation to those decisions.

#### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

- 5.2 Not specific to this report, however failures of directorate delegations carry a risk of problems in relation to all statutory implications.

#### **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 This report is for noting the progress of the Directorate Schemes of Delegation Review Update. There are no direct financial implications arising from this report.

#### **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The report complies with the requirements under legal comments for this report, s.9P Local Government Act 2000 a local authority to prepare and keep up to date a document known as a constitution. This document is to contain a copy of the authority's standing orders, a copy of the authority's code of conduct in accordance with the principles listed under s.28 Localism Act 2011, such information the Secretary of State at the time may see fit and any other such information the authority considers appropriate. This document must be available for public inspection. The publication of the newly amended constitution on the council's website and also the Modern.Gov App satisfies this requirement.

- 7.2 In terms of the new schemes of delegation for each Directorate, the relevant provision in legislation is s.101 Local Government Act 1972 (1972 Act) which

provides that a local authority may arrange for the discharge of any of its functions by a committee, sub-committee or as is relevant to the Directorate schemes of delegation, an officer of the authority. According to s.100G(2) of the 1972 Act, a principle council is to maintain a list specifying the powers which are exercisable by officers of the council pursuant to the arrangements made under this legislation, and stating the title of the officer able to exercise a particular power. For this reason, it is particularly important to revise the Directorate schemes of delegation, as there have been a number of changes to both officer titles and those in each position over the past 10 years.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- Report to Council – Constitution Review 17 July 2019

### **Appendices**

- None.

### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- None.

#### **Officer contact details for documents:**

N/A