

<b>Title of Report:</b>	<b>Amendments to the Constitution - Scheme of Delegation</b>
<b>Report to be considered by:</b>	Council
<b>Date of Meeting:</b>	4 March 2014
<b>Forward Plan Ref:</b>	C2770

**Purpose of Report:** To review and amend sections of the Scheme of Delegation in light of legislative changes.

**Recommended Action:** To agree the proposed amendments to the Scheme of Delegation.

**Reason for decision to be taken:** To ensure that the Council has adjusted the scheme in light of legislative changes

**Other options considered:** None

**Key background documentation:** None

The proposals will help achieve the following Council Strategy principles:	
<input checked="" type="checkbox"/>	<b>CSP7 - Empowering people and communities</b>
<input checked="" type="checkbox"/>	<b>CSP9 - Doing what's important well</b>
The proposals contained in this report will help to achieve the above Council Strategy principles by:	
Ensuring that the Constitution is up to date	

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Gordon Lundie - Tel (01488) 73350
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<b>Date Portfolio Member agreed report:</b>	Councillors Lundie and Beck emailed on the 20.01.14

Contact Officer Details	
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## Implications

<b>Policy:</b>	Will require changes to the Constitution
<b>Financial:</b>	None – will be undertaken within existing resources.
<b>Personnel:</b>	None
<b>Legal/Procurement:</b>	Will require the Constitution to be updated
<b>Property:</b>	None
<b>Risk Management:</b>	None

Is this item relevant to equality?	Please tick relevant boxes		Yes	No
Does the policy affect service users, employees or the wider community and:				
• Is it likely to affect people with particular protected characteristics differently?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Outcome</b> (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)				
Relevant to equality - Complete an EIA available at <a href="http://www.westberks.gov.uk/eia">www.westberks.gov.uk/eia</a>				<input type="checkbox"/>
Not relevant to equality				<input checked="" type="checkbox"/>

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

# Executive Summary and Report

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## 1. Introduction

- 1.1 Following an internal audit of the Management of the Constitution in 2010 it was noted that one of the responsibilities of the Finance and Governance Group is to have ownership of the Council's Constitution. The content of the Local Code of Corporate Governance says that there will be an annual review of the operation of the Constitution.
- 1.2 A timetable has been established for the Finance and Governance Group to review individual sections of the Constitution and a number of Officers have been involved in revising specific parts of the Constitution. This report proposes amendments to Part 3 of the Constitution, the Scheme of Delegation.
- 1.3 In addition there is a constitutional requirement for the Leader of the Council to present to the Council a written record of delegations they have made for inclusion in Part 3 of the Constitution.
- 1.4 The Scheme of Delegation summarises which part of the decision-making process (e.g. the Council, Executive, the Area Planning Committees, Licensing Committee/Sub-Committee, the Standards Committee and the Personnel Committee) is responsible for which function. This Scheme also sets out the extent to which the powers and duties of the Council are delegated to Officers.
- 1.5 All Directors and Heads of Service have been asked to advise of any changes they require to the Scheme of Delegation to ensure that the Council's Constitution is as up to date as possible. The report proposes a small number of changes for the Council to consider. These are set out below.
- 1.6 The following key changes have been made to the document by Officers:
  - (1) *Head of Highways and Transport*
    - (a) Paragraph 3.12.2, fifth bullet point – insert the words ‘including de-minimus arrangements’;
    - (b) Paragraph 3.12.3, last bullet point – insert the words ‘and current guidance’;
    - (c) Amend the text in 3.12.7 pertaining to the Land Drainage Act 1991;
    - (d) Amend the text in 3.12.13 in relation to the Flood and water management Act 2010.
    - (e) Insert text in new paragraph 3.12.10 in relation to the Goods Vehicles (Licensing Operators) Act 1985.
  - (2) *Head of Culture and Environmental Protection*
    - (a) Removal of reference to legislation that was no longer relevant or that had been superseded.
  - (3) *Head of Strategic Support*

- (a) Insertion of a paragraph at 3.9.5 delegating authority to the Head of Service to deal with Assets of Community Value.

(4) *Head of Legal Services*

- (a) Insertion of a paragraph under the heading miscellaneous (3.13.4) which will allow the Monitoring Officer to make minor amendments and corrections to the Constitution;
- (b) Insert a new paragraph 3.13.12 (Localism Act 2011) to align the procedures for dealing with complaints made under the Standards regime with the Scheme of Delegation.

(5) *Head of Human Resources*

- (a) Amend the final bullet point of paragraph 3.3.3 to take into account the requirements of the Education Act 2002.

1.7 The Scheme of Delegation was discussed at the Governance and Audit meeting on the 10 February 2014 and the following additional amendments were proposed:

Item/ Ref	Amendment
Paragraph 3.12.7	Remove 'extra' bullet point
Paragraph 3.12.10	Head of Service should be written with a capital 'H' (twice) and Legal should be written with a capital 'L'
Paragraph 3.13.12	Capital 'L' in the word Localism, Capital 'C' in Councillor and Capital 'D', 'C' and 'T' in District, Town and Council
Paragraph 3.14.5 & 3.14.12	Reference to be made to the Fire 'Service' and not 'Brigade' and 'Authority'.
Paragraph 3.17.6	The paragraph should be headed 'Weight Measurement and Children's Sexual Health'
Paragraph 3.17.9	The word 'children's' to be written with a lower case 'c'

## 2. Proposals

2.1 It is proposed that the revised Scheme of Delegation be approved.

## 3. Equalities Impact Assessment Outcomes

3.1 This item is not relevant to equality.

## 4. Conclusion

4.1 The report is a required update to take cognisance of legislative changes.

## Appendices

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Appendix A – Part 3 of the Constitution (Scheme of Delegation)

## **Consultees**

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**Local Stakeholders:** Not consulted

**Officers Consulted:** All Heads of Service and Corporate Directors, Finance and Governance Group, Governance and Audit Committee

**Trade Union:** Not consulted