
Amendments to the Scheme of Delegation – Supporting Information

1. Introduction/Background

- 1.1 During 2010/11 following an audit of the Constitution and its processes the Finance and Governance Group of Officers which includes the Monitoring Officer, S151 Officer, Chief Internal Auditor and Head of Strategic Support began a systematic review of each part of the Constitution.
- 1.2 This systematic review of the Constitution ensures that the Council's administrative arrangements remain effective and efficient bearing in mind changes imposed by government and other bodies as well as improving transparency and openness. This process has been recognised as good best practice.
- 1.3 The Scheme of Delegation also needed to be amended to accurately reflect the revised Council structure which was implemented with effect from the 1st April 2017.

2. Supporting Information

- 2.1 The proposed amendments to the Scheme are contained at Appendix C. The amendments reflect the new organisational structure together with provision for greater flexibility to respond to legislative changes.
- 2.2 Prior to reviewing the Council's Scheme of Delegation, regard was had to the adopted Schemes of Delegation in force in other local authorities. Some of these had schemes which sought to list every individual statutory provision under which an officer would be given delegated powers. Others had Schemes which were very brief and simply gave a general delegation to a particular officer to undertake the duties, powers and functions of that authority relating to an area of work such as housing or planning.
- 2.3 The difficulty with being overly prescriptive about the powers being delegated is that there is a significant risk that provisions which are necessary for the day to day operation of a Service may be overlooked. This could impact on the ability to function on a day to day basis and could lead to more frequent revisions to the Scheme being necessary. This would also require regular updates to take account of any and all legislative changes.
- 2.4 The current version of the Scheme has been subject to various amendments over a period of time and the specific delegations given to different Heads of Service is no longer consistent in style or format. Some Services have very general delegations whilst others are very specific although most list specific powers delegated to the Head of Service.
- 2.5 The proposed amendments therefore grant a general delegation to each customer facing service area to undertake all the day to day functions necessary for that

service area to fulfil its statutory duties and obligations. Some of the more specific details and narratives have also been retained.

- 2.6 The Scheme contains delegation (subordinate) to each Head of Service and for the Chief Executive and Directors to act in the absence of their Heads of Services. Heads of Service have the ability to delegate any powers given to them to any other officer.
- 2.7 A number of third tier officers raised concerns following the consultation about their desire to have specific powers delegated to them, as per the existing version of the Scheme. Given that both the existing and proposed versions of the Scheme explicitly permit Heads of Service to authorise other officers to perform powers delegated to them on their behalf, it is considered that it is unnecessary to specifically delegate powers to some third tier officers. It is considered that the Scheme should be consistent across all Services.
- 2.8 The statutory appointments of the director of children services and adult social care as required under the Children Act 2004 and Local Authority Social Services Act 1970 has been clarified under the delegation to the Corporate Director (Communities).
- 2.9 The role of Head of Finance & Property and attendant responsibility under Section 151 of the Local Government Act 1972 to act in accordance with all relevant legislation pertaining to proper administration of the financial affairs of the Council is expressly stated with flexibility to act in accordance with duties and powers contained in legislation.
- 2.10 It is proposed that the power to institute or otherwise engage in legal proceedings is reserved to the Head of Legal, along with the power to authorise officers to appear in any legal proceedings. This will not prevent service areas from continuing to perform their current roles, but it will necessitate appropriate authorisations. This should ensure that the Monitoring Officer retains oversight of any legal action taken on behalf of or against the Council.
- 2.11 The amendments to the Scheme of Delegation will be subject to Council approval.

3. Options for Consideration

- 3.1 The options for consideration are as follows:
 - (1) We continue to operate under the existing scheme
 - (2) We implement the revised Scheme of Delegation

4. Proposals

- 4.1 It is proposed that the proposed amendments to the Scheme of Delegation as detailed in Appendix C be adopted by Council.

5. Conclusion

- 5.1 It is hoped that the proposed revisions to the Scheme of Delegation will accurately reflect the current organisational structure of the Council and provide greater flexibility for each Service area to undertake its day to day functions.

6. Consultation and Engagement

- 6.1 All Heads of Service, Moira Fraser, Ian Priestly, Melanie Ellis, Sean Murphy
-

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

MEC – Become an even more effective Council

The proposals contained in this report will help to achieve the following Council Strategy priority:

MEC1 – Become an even more effective Council

Officer details:

Name: Shiraz Sheikh

Job Title: Interim Legal Services Manager, Governance & Environment

Tel No: 2456

E-mail Address: shiraz.sheikh@westberks.gov.uk
