
Amendments to the Scheme of Delegation

Committee considering report:	Council on 7 December 2017
Portfolio Member:	Councillor Keith Chopping
Date Portfolio Member agreed report:	09 November 2017
Report Author:	Shiraz Sheikh
Forward Plan Ref:	C3093

1. Purpose of the Report

- 1.1 To amend the Scheme of Delegation which forms Part 3 of the Constitution.

2. Recommendation

- 2.1 The Council resolves to approve the amendments to Scheme of Delegation, Part 3 of the Constitution and adopts the version contained in Appendix A.

3. Implications

- 3.1 **Financial:** None. The Scheme of Delegation operates in conjunction with other key documents such as the Financial and Contract Rules of Procedure.
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** Section 101 of the Local Government Act 1972 states that a local authority may delegate authority for the discharge of its functions to a committee, sub-committee or officer. Similarly, the Local Government Act 2000 authorises the Leader of the Executive to make arrangements for the discharge of executive functions by a member or committee of the Executive, or by officers. The Scheme of Delegation is therefore a key Constitutional document as it details who is authorised to take operational decisions on behalf of the Council.
- 3.5 **Risk Management:** As a matter of good governance, the Council reviews the Constitution on an annual basis. Regularly reviewing the Constitution ensures that it is amended to reflect legislative and organisational change, which reduces the risk of successful litigation against the Council.
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 Do not change the Scheme.

Executive Summary

5. Introduction / Background

- 5.1 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.
- 5.2 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.
- 5.3 The changes introduced as part of the Senior Management Review implemented on the 1st April 2017 meant that the Scheme of Delegation had to be amended to accurately reflect the revised Council structure.

6. Proposal

- 6.1 It is proposed that the amendments to the Scheme of Delegation as detailed at Appendix C be adopted. The amendments reflect the current organisational structure of the Council.
- 6.2 The previous version of the Scheme had been subject to various amendments over a period of time, which meant that the specific delegations given to different Heads of Service was not consistent in style or format. Whilst some of those differences still exist, it is considered that the proposed revisions help to align the delegations to all Heads of Service in all service areas.
- 6.3 One significant change is that the proposed amendments will 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. It is considered that this should provide greater flexibility and certainty about the powers exercisable by each Head of Service.
- 6.4 The general delegations and reservations remain largely the same as the previous version of the scheme, which should ensure that the general delegation of powers are exercised in an appropriate manner and are subject to appropriate controls.
- 6.5 This report was considered by the Council's Governance and Ethics Committee on the 27th November 2017. The Governance and Ethics Committee proposed a number of further amendments, which are detailed in the Supporting Information. These amendments have all been incorporated into the revised Scheme attached to this Report.

7. Conclusion

- 7.1 It is considered that the proposed amendments to the Scheme of Delegation provide greater certainty and flexibility for the Council to operate in an effective and efficient manner. It is therefore recommended that the Council adopts the amended version of the Scheme of Delegation at Appendix C.

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment.
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C – Scheme of Delegation
- 8.4 Appendix D – Scheme of Delegation – Track Changes

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Council to make:	Amend the Scheme of Delegation
Summary of relevant legislation:	Local Government Act 1972
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Shiraz Sheikh
Date of assessment:	18.10.17

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To ensure that the Scheme of Delegation remains up to date and fit for purpose.
Objectives:	To provide greater certainty to staff and the communities that we serve as to how the Council will operate when exercising its powers.
Outcomes:	Clear and lawful decision making
Benefits:	Clear understanding of who is responsible for exercising the Council's powers and duties.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	None	
Disability	None	

Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Gender	None	
Sexual Orientation	None	
Further Comments relating to the item:		
The changes to the policies will impact all staff equally. The policies seek to clarify obligations which are in fact imposed by legislative requirements.		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name:

Date:

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.