

Title of Report:	Amendments to the Constitution - Scheme of Delegation
Report to be considered by:	Council
Date of Meeting:	19 September 2013
Forward Plan Ref:	C2709

Purpose of Report:	To review and amend sections of the Scheme of Delegation in light of recent legislative changes.
Recommended Action:	To discuss the amendments and any additional changes required prior to the report being discussed at Full Council.
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 also help achieve the following Council Strategy principles:	
<input checked="" type="checkbox"/>	CSP7 - Empowering people and communities
<input checked="" type="checkbox"/>	CSP9 - Doing what's important well
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	
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Date Portfolio Member agreed report:	

Contact Officer Details	
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Implications

Policy:	Will require changes to the Constitution
Financial:	None – will be undertaken within existing resources.
Personnel:	None
Legal/Procurement:	Will require the Constitution to be updated
Property:	None
Risk Management:	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"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia			<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 Report and Summary

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 now 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 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.
- 1.4 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.
- 1.5 The following key changes have been made to the document by Officers:
- (1) *Head of Care Commissioning, Housing and Safeguarding*
 - (a) Typographical errors corrected in paragraphs 3.8.2 and 3.8.5;
 - (b) Paragraph 3.8.6 amended to delegated authority to the Head of Service to exercise the duties set out in the Housing Act 1996;
 - (c) To insert the duties arising from the Council having to act as a shareholder following the introduction of the Energy Act 2011.
 - (2) *Head of Culture and Environmental Protection*
 - (a) To make a number of small adjustments to the legislative acts listed in paragraph 3.15.3;
 - (b) Clarification of paragraph 3.15.5
 - (3) *Delegation to Specific Directors*
 - (a) Paragraph 3.3.6 added to delegate authority to the Corporate Director (Environment) to enable him to deal with operational matters relating to the Integrated Waste Management Contract in order to achieve improvements to quality and efficiency.

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

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

Consultees

Local Stakeholders: Not consulted

Officers Consulted: All Heads of Service and Corporate Directors

Trade Union: Not consulted