

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE

Agenda Item No.

meeting date: TUESDAY 29 MARCH 2011
title: OFFICER DELEGATION SCHEME
submitted by: SOLICITOR
principal author: SOLICITOR

1 PURPOSE

1.1 To revise the scheme of delegation to officers ("the Scheme") to reflect recent changes that have been made to the Council's management structure.

1.2 Relevance to the Council's ambitions and priorities

- Council's Ambitions – The provision of an efficient Officer Delegation Scheme is key to achieving our ambitions.
- Community Objectives – Proper delegation to officers will facilitate the Council's objectives.
- Corporate Priorities – To be a well-managed Council.
- Other considerations – This was considered to be an appropriate time to update the existing scheme in order to include other elements which had not previously been covered in detail.

2 BACKGROUND

2.1 Section 101 of the Local Government Act 1972 provides that a Council can arrange for the discharge of its functions through a committee, sub-committee or officer of the authority.

2.2 The Council's present Scheme, delegating powers to officers, has been in place since September 2008.

3. GROUNDS FOR THE PROPOSED AMENDMENTS

3.1 The Council has recently altered its senior management structure with the removal of the post of Director of Development Services and with subsequent changes being made to the roles of the Chief Executive, the Director of Resources and the Director of Community Services.

3.2 The Council's Scheme therefore no longer matches the roles and responsibilities of the Council's directors and officers. It is therefore necessary to amend it.

3.3 Since 2008 changes have been made to other key corporate documents, such as the Contract Procedure Rules and the Financial Regulations. These changes have not been reflected in the Scheme. Practical changes, partly resulting from the changes made to the above key documents, also mean that in some respects the way that the

Council's officers make decisions does not sit well with the strict requirements of the current Scheme.

- 3.4 Legislative changes made since the Scheme was last reviewed mean that some of the references in the Scheme need updating.
- 3.5 The Council's Solicitor, after liaison with the Council's Corporate Management Team, has reviewed the officer delegation schemes of other (Fourth Option) authorities with a view to improving the Council's current Scheme. In doing so, the Solicitor noted that some elements, included in other schemes, had not been expressly included in the Council's Scheme.
- 3.6 The Council's Directors and Chief Executive shared the view that in updating the Scheme, delegation should principally be to themselves (or to other Heads of Service such as the Head of Legal and Democratic Services, where appropriate), with responsibility for delegated decisions remaining with these key officers.
- 3.7 Elements such as clearer express authority to take legal proceedings and to enter land and premises, and a more inclusive list of the Council's "proper officers", has also been included in the proposed new Scheme.
- 3.8 As the new Scheme has been drafted under some time pressure (in order to ensure that the new Scheme can be put in place as soon as possible, following the departure of the Director of Development Services), it is envisaged that minor changes may need to be made to the Scheme (for example, to add to the list of proper officers or to the legislation in Appendix 1). Any such suggestions would be brought to this Committee's attention in due course, should the currently proposed Scheme be deemed acceptable.
- 3.9 Ordinarily, the Council's Solicitor would prepare a "tracked-changes" version, comparing the old and new schemes. However, as the changes suggested are extensive with large sections of text being moved, amended or deleted, a tracked changes version was considered to be unhelpful. Instead, the current scheme is set out at Appendix 1 and the proposed scheme is set out at Appendix 2.
- 3.10. Changes are also required to be made to the Articles of the Council's Constitution in order to reflect the changes recently made to the Council's Senior Management structure. These Articles, and the changes proposed to them, are set out at Appendix 3 as tracked changes. Only the pages with proposed changes on them have been included. The full version of the Articles is available on the Council's website.
- 3.11 The updating of the Council's Constitutional documents is a continual process and further work is required to ensure that all such documents inter-relate and remain up-to-date.

4. LEGISLATIVE REQUIREMENTS

- 4.1 The legislative background to schemes of officer delegation is set out in Part 1 of the proposed new Scheme (which is appended at Appendix 2 to this Report).
- 4.2 The terms of reference for this Committee include the following: "to maintain supervision of the Council's organisation to ensure its co-ordination and integration at

member and officer level” and “to consider the constitution...”. This Committee approved the current Scheme at its meeting on 23 September 2008.

- 4.3 Article 13.3 of the Council’s Constitution provides that changes to the Constitution will only be approved by the Council after consideration of the proposal by the monitoring officer. The Council’s Head of Legal and Democratic Services, in her role as Monitoring Officer, asked the Council’s Solicitor to propose changes to the Council’s Constitution to reflect the new management structure. The Council’s Head of Legal and Democratic Services has considered the proposed changes set out in Appendix 3, and supports them.

5. RISK ASSESSMENT

- 5.1 The approval of this report may have the following implications:

- Resources – The new scheme mirrors the new reduced management structure.
- Technical, Environment and Legal – The amendments will ensure the Council can deal with legal and technical matters more effectively.
- Political – None.
- Reputation – None.

5 RECOMMENDED THAT COMMITTEE

- 5.1 approve the proposed new Officer Delegation Scheme that is set out at Appendix 2 to this Report; and
- 5.2 refer the suggested changes to the Articles of the Council’s Constitution that are set out at Appendix 3 to this Report to the full Council with a recommendation for their approval.

SOLICITOR

BACKGROUND PAPERS

- 1 Constitutional documents which are set out on the Council’s website at: http://www.ribblevalley.gov.uk/info/200213/conduct_and_the_constitution/1062/constitution_and_code_of_conduct_etc.
- 2 Report to this Committee on the Scheme of Officer Delegation dated 23 September 2008 and appendix to that report.

For further information please ask for Debbie Nuttall on extension 4403.