



PORTFOLIO: ALL

CABINET: 3 APRIL 2002

COUNCIL: 22 APRIL 2002

SCHEME OF DELEGATION OF POWERS

1. INTRODUCTION

- 1.1 To conduct the Council's business as efficiently and promptly as possible, the Council operates an extensive scheme of delegations of powers to officers. This gives the officers authority to act within the policies and objectives defined by the Council. The scheme of delegations of powers to officers was reviewed in October 2002 to bring into effect the establishment of the Leader and Cabinet style of decision making under the Local Government Act 2000. Since that time, the guidance issued by the Department of Transport, Local Government and the Regions has evolved, particularly in the area of the functions which should or should not be carried out by the Executive. The scheme of delegations has therefore been reviewed in the light of the evolving situation, both with that legislation, and other changes that have taken place in the intervening period.
- 1.2 It is important to stress that major changes have not been made to the scheme of delegations. Instead, many of the suggested amendments are of a technical nature, reflecting the changes that have been brought about under the new legislation governing executive decision making arrangements.

2. CHANGES TO THE DELEGATIONS

- 2.1 One of the changes proposed relates to the designation of "Proper Officers" for various functions. Under the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001, the Executive may not be responsible for appointing "Proper Officers". The same Regulations remove responsibility for the employment of staff and for their conditions of service from the Executive. Changes simply of a technical nature have been made to the scheme of delegations to reflect the change of source for these delegations from the Executive to the Council.
- 2.2 In addition, delegations that have been agreed on an ad hoc basis in the intervening period have been consolidated into the overall scheme of delegation.
- 2.3 The other key changes to the delegations are listed below both for Cabinet and the Council. To avoid unnecessary printing and use of paper, only those delegations that are given through the Cabinet are attached to the report to Cabinet. All other delegations are attached to the report to the Council.

2.4 Cabinet

- 2.4.1 The proposed scheme of delegations via the Cabinet are attached as Appendix 1 to the report to the Cabinet.
- 2.4.2 There is a further proposed new delegation under the Finance and Support Portfolio for the issue and administration of formal cautions in connection with any of the functions carried out by the audit team. (see delegation number 356)

2.5 Council

- 2.5.1 The proposed scheme of delegations via the Council, the Planning Development Control Committee and General Purposes and Licensing Committee are attached to the report to Council as Appendix 1.
- 2.5.2 The delegations have been amended to reflect the deletion of the post of Assistant Chief Executive and the consequent change in role of the Head of Personnel.
- 2.5.3 The establishment of the Resources Directorate, and the transfer of Information and Communications Technology to that Directorate have also been reflected in the revisions to the delegations.
- 2.5.4 A number of the delegations relating to the employment of staff and their conditions of service have been rationalised to ensure that they are consistent between themselves, as well as reflecting changes to the legislative framework.

3. DELEGATION TO GENERAL PURPOSES AND LICENSING COMMITTEE

- 3.1 Under the Local Government (Functions and Responsibilities) Regulations 2000 the duty to approve the Council's statement of accounts under the Accounts and Audit Regulations 1996 cannot be a function of the Executive. It is therefore a function of full Council unless Council decides to delegate it to a Committee or officer.
- 3.2 Under the old Committee system, Policy and Resources Committee had power to approve the statement of accounts. At present, General Purposes and Licensing Committee has power to **advise** the Council on approval of the statement of accounts. As the Committee does not have power to approve the accounts itself, and as the timescale between final preparation of the accounts and the statutory deadline for their approval is generally very tight, a special Council meeting would need to be called in 2002 solely for this purpose. This happened in 2001 (although fortuitously there was other business relating to the new democratic structures that could be dealt with at the same meeting), and would need to be repeated each year for the foreseeable future so long as power to approve the accounts lies with full Council.
- 3.3 Any debate on the accounts is already conducted at General Purposes and Licensing Committee. All members of the Council are entitled to attend and have their say. The Council is not in a position to question issues relating to the accounts at the Council meeting.

- 3.4 For these reasons, it is considered appropriate for the power to approve the statement of accounts to be granted to the General Purposes and Licensing Committee.
- 3.5 Amendments to the Functions and Responsibilities Regulations also specify that the power to make closing orders with respect to take away food shops is not to be a function of the Executive. This function is clearly appropriate to the General Purposes and Licensing Committee. There is also a new delegation to Officers to allow this function to be carried out.

4. CRIME AND DISORDER AND ENVIRONMENTAL IMPLICATIONS

- 4.1 None arising directly from this report.

5. FINANCIAL IMPLICATIONS

- 5.1 A clear and effective scheme of delegation of powers to officers optimises the way in which the Council conducts its business, and thus contains costs.

6. RECOMMENDED:

6.1 COUNCIL

- # (a) That the scheme of delegation of powers to officers be amended as set out at Appendix 1 to this report, and adopted with immediate effect; and
- (b) That the Terms of Reference of General Purposes and Licensing Committee (No 6) be amended as follows:
1. To be responsible for all matters relating to the licensing and registration functions determined by the Council under Part B, and the functions relating to public rights of way ***and closing orders with respect to take-away food shops*** determined by the Council under Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.....
 6. To ~~advise the Council on the approval of~~ ***approve*** the Authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be) under The Accounts and Audit Regulations 1996.
- (words to be deleted shown struck through, words to be added shown in bold italics); and

6.2 CABINET

That the scheme of delegation of powers to officers be amended as set out at Appendix 1 to this report, and adopted with immediate effect

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Background Papers:

Published documents

APPENDIX 1

**SCHEME OF DELEGATION OF POWERS TO
OFFICERS**

**PLEASE SEE HARD COPY FROM JANE BATEMAN,
COMMITTEE ADMINISTRATOR
ON 5461**