
REPORT TO:	COUNCIL	AGENDA ITEM: 22
DATE OF MEETING:	26TH FEBRUARY 2009	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ANDREA McCASKIE, HEAD OF LEGAL & DEMOCRATIC SERVICES EXT. 5831	DOC: U:\JAYNE\Committee\COMMREP\Scheme of Delegation.doc
SUBJECT:	SCHEME OF DELEGATION TO OFFICERS	REF: AGM/JB
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That Council approve and adopt the revised Scheme of Delegation to Officers (**Appendix 'A'** to this report), to form Part 3(b) of the Council's Constitution.
- 1.2 To delegate to the Monitoring Officer the ability to make minor amendments to the Constitution in consultation with the Chairman of the Council, for example, following restructures.

2.0 Purpose of Report

- 2.1 The purpose of this report is to update and review the draft Scheme of Delegation to Officers.

3.0 Background

- 3.1 On 22nd June 2006, Council approved and adopted the draft Scheme of Delegation to Officers to form Part 3(b) of the Council's Constitution. This followed an extensive review with the Council's Directors and Heads of Service who reached the conclusion that the previous scheme, approved and adopted by the Council on 24th July 1997 for inclusion in Part 3 of the Council's Constitution, was out of date in a number of ways and was not particularly user-friendly as a source of reference, as it simply listed the detailed actions or powers delegated to officers, rather than categorising them functionally under the Council's various service areas.
- 3.2 The current Scheme of Delegation to Officers:
 - (1) delegates powers in functional terms rather than by reference to specific statutory provisions;
 - (2) delegates powers only to the Chief Executive, Directors and, in her capacity as Monitoring Officer, the Head of Legal & Democratic Services – rather than directly to Heads of Service or other officers, in order to:
 - (a) avoid Heads of Service having greater powers than their Directors or having to delegate upwards; and

- (b) allow the Chief Executive and Directors to authorise other officers in their Directorates to exercise specific powers, as appropriate, thereby giving greater flexibility in producing and updating more detailed authorisations without the need for further Committee approval. (This would enable, for example, the Director of Community Services to authorise Environmental Health Officers by reference to more detailed lists of statutory provisions for enforcement purposes, or the Chief Executive to make specific appointments in relation to elections).
- (3) limits or qualifies the exercise of those delegated powers and ensures adequate Member involvement:
- (a) by emphasising that **all** delegated powers are subject to the Council's Constitution (Articles, Committee Responsibilities, Rules of Procedure, Codes, Protocols, etc.) policies, budgets and decisions; and
 - (b) by means of a series of specific, service-based Protocols that:
 - impose conditions on the exercise of those powers, where appropriate; and
 - clearly spell out those occasions when Members **must** be involved in the decision-making process or consulted prior to a decision being made.

3.3 The Scheme adopted in June 2006 no longer reflects the Council's present management structure and, therefore, the opportunity has been taken for Corporate Management Team and Heads of Service to review the Scheme to ensure that it accurately reflects any specific additional delegations that have been approved by Council and its Committees since 2006. The amendments are shown by way of tracked changes in **Appendix 'A'**.

4.0 Financial Implications

4.1 None.

5.0 Corporate Implications

5.1 The revised Scheme of Delegation to Officers will provide a clear and effective source of reference within the Council's Constitution, to identify those powers delegated to officers, and to provide clear guidance on how the exercise of those powers is to be limited or qualified to ensure that Members are appropriately involved in the Council's decision-making processes.

6.0 Community Implications

6.1 None.

7.0 Conclusions

- 7.1 The review of the currently adopted delegation scheme, together with the adoption of the revised Scheme of Delegation to Officers now proposed, will continue to meet the Council's obligation under its Local Code of Corporate Governance towards making sure that Members' and employees' roles and responsibilities are clearly defined.