

Divisions: ALL

COUNCIL – 21 May 2024

SCHEME OF DELEGATION TO OFFICERS

Report of the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

COUNCIL IS RECOMMENDED to approve the Scheme of Delegation to Officers as it relates to Council functions.

Executive Summary

1. The Council is required annually to agree the Scheme of Delegation to Officers within the Constitution as it relates to Council functions.
2. The Scheme of Delegation is updated to include a previous delegation given to the Director of Law & Governance and Monitoring Officer to put in place appropriate indemnity and insurance to enable councillors to undertake their functions.
3. It also brings into the Scheme of Delegation the existing delegations given to the Director of Law & Governance and Monitoring Officer to make changes to the Constitution in the limited circumstances referred to in Part 1.1 as follows:

“The Monitoring Officer is authorised to make any changes to the Constitution which are required:
 - a) to comply with the law; or
 - b) to give effect to decisions of the Council or (so far as within their powers) the Cabinet, scrutiny committees and ordinary committees; or
 - c) to correct errors and otherwise for accuracy or rectification.”
4. The delegation to the Director of Law & Governance and Monitoring Officer to put in place appropriate indemnity and insurance to enable councillors to undertake their functions was granted by the Cabinet on 24 November 2009 but had been omitted from previous versions of the Scheme of Delegation.

Financial implications

5. None arising directly from this report.

Comments checked by: Prem Salhan

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Legal implications

6. The consideration of this report and subsequent decision on its content fulfils a legal obligation of the Council. A local authority is under a duty to prepare and keep up to date its constitution under s.9P Local Government Act 2000 as amended. As set out in The Local Government Act 2000 (Constitutions) (England) Direction 2000 the Constitution must include a description of those powers of the Council and of the local authority executive which are exercisable by an officer. This is set out in the Officer Scheme of Delegation and Council is requested to agree the Scheme of Delegation as it relates to Council functions.

Comments checked by: Anita Bradley, Director of Law & Governance and Monitoring Officer, anita.bradley@oxfordshire.gov.uk

Equality and inclusion implications

9. None arising directly from this report

Sustainability implications

10. None arising directly from this report

Risk management

11. None arising directly from this report

Anita Bradley

Director of Law & Governance and Monitoring Officer

Annex 1: Revised Scheme of Delegation with amendments from the 2023 document indicated.

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May 2024