

COUNCIL – 20 MAY 2014

OFFICER SCHEME OF DELEGATION

Report by the Chief Legal Officer and Monitoring Officer

Introduction

1. At its Annual Meeting, Council is required to agree the officer scheme of delegation within the Council's Constitution.

Scheme of Delegation

2. The scheme of officer delegation is contained in Part 7.3 of the Council's Constitution. The Scheme of Delegation itself, gives delegated authority to the Chief Executive, directors and other chief officers whose titles and/or areas of responsibility are set out in Part 2, Article 11 of the Constitution. Copies of the amended sections of the Constitution have been placed in the Members' Board Room.

Changes

Part 2, Article 11 – Officers

3. The Articles have changed to reflect amendments to the new post title of the Chief Finance Officer following organisational changes. This occurred when the former postholder, the 'Assistant Chief Executive & Monitoring Officer', was appointed as the Director for Environment & Economy. Lorna Baxter was appointed as 'Chief Finance Officer'. The areas of responsibility across the posts in Article 11 are unchanged. They have also been amended to reflect the change in post title of the County Solicitor which is now 'Chief Legal Officer'.

Part 7.3 – Scheme of Delegation

4. The Scheme of Delegation has been similarly amended to reflect the changes to post titles of the Chief Finance Officer and Chief Legal Officer. In addition, further amendments have been made to clarify the nature of the delegations contained in the Scheme.

Principles of Delegation

5. The Principles (paragraph 2 of Part 7.3) have been amended to clarify that directors have empowered to act as deputies of the Chief Executive in her absence. The amendment makes clear that, in the first instance, the person deputised to act will be the person named on the duty rota operated by the

Council. In the absence of both the Chief Executive and the duty rota director, any other director may deputise in consultation with the Chief Legal Officer and Chief Finance Officer.

Publication and reporting of decisions taken on behalf of the Cabinet, Committee or Sub-Committee

6. The Scheme currently cites the delegated authority that has been given to the Chief Executive. The Scheme has been amended to take account of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012. These Regulations require that any exercise of executive functions on behalf of the Cabinet shall be published on the Council's website as soon as practicable after the action is taken. The Regulations also specify that any exercise of functions on behalf of an appropriate decision making body shall be reported quarterly to that body. Amendments have been made to reflect this.

Operational matters

7. Paragraph 6.6 of the Scheme currently makes it clear that 'directors' are authorised to act on behalf of the Council "in relation to any operational matters within the service areas for which s/he is responsible as set out in Article 11". This paragraph has been amended, for the avoidance of doubt, to be consistent with Article 11 which refers both to 'directors' and to the 'chief fire officer' (together called 'Chief Officers'). This paragraph therefore now refers to Chief Officers rather than to 'directors'.

RECOMMENDATION

8. **Council is RECOMMENDED to note the amendments to Article 11 and to Part 7.3 of the Constitution, as identified in paragraphs 3 to 7 above, and to approve the Officer Scheme of Delegation (Part 7.3) as amended.**

PETER CLARK

Chief Legal Officer and Monitoring Officer

Background papers: Nil

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