

Report to Standards Committee

Subject: Changes to the delegation scheme following the adoption of the new constitution

Date: 23 June 2022

Author: Monitoring Officer

Purpose

To seek approval to amend all current delegations previously approved by Standards Committee following the adoption of the new constitution.

Recommendations

THAT:

- 1) The officer delegations at Appendix 1 be approved;
- 2) The Monitoring Officer be authorised to make any other necessary administrative amendments to reflect the change to the constitution.

1 Background

- 1.1 On 3 March 2022 full council agreed the adoption of a newly re-written constitution taking affect from 4 March 2022. The new constitution was a result of several meetings of a cross party working group along with officers who came together to review the effectiveness of the constitution.
- 1.2 As part of the review of the constitution, a review of the schemes of delegation was conducted; which have now been updated to reflect the correct management arrangements and delegations. It should be noted that in relation to delegations from the Standards Committee there is one additional delegation to the Monitoring Officer proposed in the new delegations, which delegates authority to the Monitoring officer for:

Conducting the recruitment process for the Independent person, reserve Independent person and Co-opted Members to the Standards committee.

Whilst Committee would still approve a recruitment process being undertaken and make recommendations to Council as to appointment, as well as being part of the recruitment process through an interview panel, this delegation enables the Monitoring Officer to undertake the practical

elements of the process such as advertisement, arranging interviews and administrating appointments.

2 Proposal

It is proposed that the officer delegations set out in Appendix 1 be approved.

3 Alternative Options

Not to approve the delegations but this will lead to lack of clarity about which Officer has the power to act, and in respect of the new delegation may hinder the administrative process of recruitment and overburden Committee.

4 Financial Implications

None arising from this report.

5 Legal Implications

5.1 Officer delegations in respect of non-executive functions are made under the powers contained in Section 101 of the Local Government Act 1972 (as amended) and with reference to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

5.2 If the officer delegation scheme is not updated it will lead to lack of clarity over who can make decisions. This could in turn lead to risk of legal challenge.

6 Equalities Implications

There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

Appendix 1 – Non-Executive scheme of delegations to officers

9 Background Papers

None.

Statutory Officer approval

Approved by:
Date:
On behalf of the Chief Financial Officer

Approved by:
Date:
On behalf of the Monitoring Officer