

Scheme of Delegations

Report of the Head of Legal and Democratic Services (Portfolio: Democracy and Governance)

Recommended:

That the Scheme of Delegations as set out in the Annex to the report in so far as it applies to Council be approved.

SUMMARY:

- The purpose of the report is to approve the Council's Scheme of Delegations as amended and to incorporate it into the Council's Constitution.
- A number of minor amendments are proposed to ensure the Constitution reflects current legislation and practice as well as changes to post holders.

1 Introduction

- 1.1 The Scheme of Delegations is approved each year in accordance with the Constitution by Annual Council.

2 Background

- 2.1 During the course of the year since the last Annual Council changes have occurred to the Scheme of Delegations and new delegations have been made as the need has arisen over time. These changes have been incorporated into the Scheme in the Annex to this report. Proposed amendments are shown in tracked changes.

3 Corporate Objectives and Priorities

- 3.1 As set out in Article 14 of the Constitution the Monitoring Officer has a duty to monitor and review the operation of the Constitution and ensure that the aims and principles of the Constitution are effective.
- 3.2 Maintaining an up to date Constitution encompassing current legislation is essential in order to deliver effective and lawful decisions and in the day to day implementation of the Corporate Plan.

4 Options

- 4.1 Option 1, this is the recommended option. To approve the changes to the Scheme of Delegations.
- 4.2 The amendments shown in Annex 1 of the report are proposed in order to update the Constitution and the Scheme, ensuring it reflects current legislation and practice as well as changes to post holders.

4.3 Option 2. Not to approve the changes to the Scheme of Delegations.

5 Option Appraisal

5.1 Option 1 is the recommended option and results in the Constitution continuing to be up-to-date and ensures it remains effective.

5.2 Option 2 is not recommended. Failure to update the Constitution to reflect current legislation or to ensure clarity in the authority and execution of decision-making could mean that the Council may be subject to legal challenge or that any legal action taken under these regulations may be invalid.

6 Risk Management

6.1 A Risk Management questionnaire has been completed and indicates this report does not require a risk assessment because the changes/issues covered by this report are not significant in terms of risk or have previously been considered.

7 Resource Implications

7.1 None

8 Legal Implications

8.1 Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review.

9 Equality Issues

9.1 An Equality Impact Assessment of the matters in this report is not required as no potential for unlawful discrimination and/or low level or minor negative impact have been identified.

10 Other Issues

10.1 Community Safety - none

10.2 Environmental Health Issues - none

10.3 Sustainability and Addressing a Changing Climate - none

10.4 Property Issues - none

10.5 Wards/Communities Affected - all

11 Conclusion and reasons for recommendation

11.1 In order to ensure the Constitution reflects current legislation and practice as well as changes to post holders and other minor amendments it is recommended that the changes as set out in the Annex to the report are approved.

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	1	File Ref:	N/A
(Portfolio: Democracy and Governance) Councillor I Jeffrey			
Officer:	Karen Dunn	Ext:	8401
Report to:	Annual Council	Date:	18 May 2022