

**Committee:** Cabinet

**Agenda Item**

**Date:** 26 October 2016

**10**

**Title:** Updating the Council's Scheme of Delegation

**Portfolio Holder:** Leader and others

**Key decision:** No

## Summary

1. Michael Perry retired as Assistant Chief Executive – Legal at the beginning of August 2016. Roles and responsibilities have changed since his departure. The purpose of this report is formally to update the Council's Scheme of Delegation to reflect the current position.

## Recommendations

2. That the Executive approves the amendments to its Scheme of Delegation annexed to this report.

## Financial Implications

3. None

## Background Papers

4. There are no background papers to this report.

## Impact

- 5.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## Situation

6. The Assistant Chief Executive retired at the beginning of August this year. The role involved responsibility for a range of services, including giving legal advice, acting as the Council's Monitoring Officer and responsibility for licensing and enforcement.
7. The legal aspects of the post are currently being covered by an Interim Head of Legal Services, with a view to recruiting someone to the post on a permanent basis. Responsibility for other aspects of the post has been assigned elsewhere within the Council. In particular, responsibility for licensing and enforcement (other than planning enforcement) now rests with the Assistant Director, Housing and Environment.
8. The Council's scheme of delegation is published in the Constitution. Some delegations are made by the Cabinet. This report asks the Cabinet to approve updating the published scheme of delegation in respect of these delegations. An updating report on other delegations will be put before the Council when it next meets.

## Risk Analysis

9.

Risk	Likelihood	Impact	Mitigating actions
That there is not transparency about responsibility for the exercise of delegated powers.	3. The Scheme of Delegation needs to be kept up to date.	2. There is some risk of legal challenge if there is not full clarity about responsibility for exercising delegated powers.	Publishing an updated version of the Scheme of Delegation,

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix:

<ul style="list-style-type: none"> <li>▪ Power (Executive delegations)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Responsibility</li> </ul>
1. To authorise the institution, defence, participation in, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals.	Head of Legal Services
2. To give necessary legal authorisation to officers of the Council to appear before any courts or tribunals	Head of Legal Services
3. To issue any statutory notices and certificates.	Head of Legal Services
4. To deal with the non-contentious applications under the Scrap metal dealers Act 2013	Assistant Director, Housing and Environment
5. The following functions under the Anti- Social Behaviour, Crime and Policing Act 2014:- <ul style="list-style-type: none"> <li>▪ Power to issue community protection notices under s.43 (2).</li> <li>▪ Power to authorise remedial work under s.47 or pursuant to a remedial order made under s.49(3)</li> <li>▪ Power to issue fixed penalty notices under ss.52 and 68</li> </ul>	Assistant Director, Housing and Environment