

Committee: FULL COUNCIL

Agenda Item

Date: 26 May 2015

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Title: SCHEME OF DELEGATION

Author: Michael Perry, Assistant Chief Executive – Legal, 01799 510416 Item for decision

Summary

1. The Council's Constitution requires the Council to approve a Scheme of Delegation at the first annual meeting of the Council following an ordinary election of councillors. This report is to propose a Scheme of Delegation for the new Council.

Recommendations

2. That members approve the Draft Scheme of Delegation (annexed) with or without amendments.

Financial Implications

3. None.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	Decisions of committees of officers which are not within the scheme of delegation are subject to legal challenge.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. Local authorities are creatures of statute and can only act within their statutory powers. Some functions are required to be performed by the Council's Executive, others by the Council. The Council has power to delegate performance of its functions in most cases to committees, sub-committees or officers.
7. Under the constitution there will be five committees, namely Licensing and Environmental Health, Performance and Audit, Scrutiny, Planning and the Standards Committees. Of these Performance and Audit and Scrutiny do not require delegated powers, their responsibilities flowing from legislation and from Part 3 of the Constitution (Responsibility for Functions). The Licensing and Environmental Health, Planning and Standards Committees however do require delegated powers. With regard to officer functions, much of what is currently delegated to officers falls within executive functions and will therefore be subject to consideration within a Scheme of Delegation from the executive. The delegated powers contained in the Draft Scheme of Delegation attached to this report relate to council functions only.
8. Although the Council is being asked to approve a scheme of delegation to officers it is open to the committees with delegated powers to amend that scheme insofar as it relates to matters within their remit.

Risk Analysis

9.

Risk	Likelihood	Impact	Mitigating actions
Decisions are challenged on the basis that they are not within Delegated Powers.	3, there is currently increasing scrutiny of the authority of committees and officers to take decisions.	2, in most cases any defect can be rectified by referring the decision up for re-consideration although in some cases the Council may face a threat of judicial review.	That the Scheme of Delegation be kept under review.

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.