

BROMSGROVE DISTRICT COUNCIL

ANNUAL COUNCIL

18th May 2016

DELEGATIONS

Relevant Portfolio Holder	Cllr Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

1. SUMMARY OF PROPOSALS

- 1.1 The Council is required to review its scheme of delegations on an annual basis. This report presents the scheme for noting.

2. RECOMMENDATIONS

It is recommended that

- 2.1 The current version of the Officer scheme of Delegations is noted, as set out at Appendix 1.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising directly from this report.

Legal Implications

- 3.2 Review and revision of the Constitution is governed by Article 15 of the Constitution.
- 3.3 Section 101 of the Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through officers. Local authorities are required by the same Act to maintain a list of these, which is referred to as the Scheme of Delegation. This sets out those powers of the Council which can be carried out by officers of the Council.

Service / Operational Implications

- 3.4 The Council's Constitution currently requires that the Officer Scheme of Delegations be approved by Members at the Annual Meeting of the Council.
- 3.5 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the executive (Cabinet) or other committees to certain specified officers. It sets out

the decisions which are delegated by Council to officers and the decisions which are delegated by the Executive/ Leader to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant committee, namely Planning Committee or Licensing Committee.

3.6 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. Changes have been made by the Monitoring Officer in accordance with the delegation that currently exists to amend the scheme to reflect changes in legislation, job titles and reallocation of functions. They do not extend the delegations.

3.7 The only changes made are:

- to the delegations relating to the processes for dealing with RIPA requirements (the Regulation of Investigatory Powers Act); changes in the law around this function required these to be updated. The changes do not extend any officer powers. The responsibilities for this were set out in two parts of the delegations, so the opportunity has been taken to bring them together in the corporate delegations.

The processes were inspected by the Surveillance Commissioner in March 2016 and found to be compliant;

- updating reference to the Council House and Spadesbourne suite under Resources (property services) following the move to Parkside. Again, the scope of the delegations has not been extended.

Customer / Equalities and Diversity Implications

3.8 There are no specific customer or equalities implications arising from this report.

4. RISK MANAGEMENT

4.1 The main risks associated with the details included in this report are failure to comply with governance requirements which may expose the Council to the risk of challenge by way of judicial review or appeal which may result in awards of damages and costs against the Council and loss of reputation.

5. APPENDICES

Appendix 1 - scheme of delegations to officers revised May 2016.

6. BACKGROUND PAPERS

None

7. KEY

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