

# **BROMSGROVE DISTRICT COUNCIL**

**ANNUAL COUNCIL**

**17<sup>th</sup> May 2017**

## **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 detailed below and have previously been agreed by Council:
- Environment – Enforcement and fixed penalty notices for Environmental Services.
  - Environment – delegation to vary the charges for the Business Waste Collection and Recycling Service.
  - Elections – adding a delegation to the (Acting) Returning Officer to alter polling places outside compulsory review periods, as agreed by the Electoral Matters Committee.
  - Council tax – adding a delegation to the Head of Customer Access and Financial Support to carry out statutory consultation on the draft Council Tax Support Scheme in accordance with legislative guidelines.

**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 2017.

**6. BACKGROUND PAPERS**

None

**7. KEY**

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