

# Committee Model Working Group

29 September 2023



**Report of:** Director – Legal and Democratic Services

**Title:** Delegations to Officers

**Ward:** All

**Officer Presenting Report:** Director – Legal and Democratic Services

## **Recommendations:**

That the Committee Model Working Group considers the matters set out in this report.

## **The significant issues in the report are:**

This report provides an overview of the current arrangements for delegations to officers.



## 1. Summary

As part of the preparations for the Committee Model of governance, there are a number of detailed matters that the Working Group needs to consider, which are part of the Work Programme for the Working Group during 2023.

This report provides an overview of the arrangements that the Council has in place for delegations to officers and details of the existing Schemes of Delegation to Officers are set out in the appendices to this report.

The Working Group should consider whether any changes to the delegations to officers will need to be made as part of the implementation of the Committee Model of governance.

## 2. Delegations to Officers

Full Council has approved the structure and functions of committees and the roles and responsibilities of councillors. The functions of committees and the role of councillors is to set the strategic and policy direction for the Council. However, in order to implement those decisions, there needs to be in place delegations to officers to deal with the professional, technical and operational aspects of decisions and policies.

It is also essential for the effective day-to-day operation of the Council that delegations are in place to deal with the full range of operational matters that officers manage on behalf of the Council. Those delegations cover the full range of Council functions such as Council tax, licensing matters, social care and education as well as corporate support services such as legal, finance and procurement.

The Council has in place a range of delegations to officers which are currently found in various parts of the Council's Constitution, covering statutory and proper officer, delegations from the Mayor and Full Council and specific schemes of delegation to officers for each directorate.

It should be noted that the current arrangements for recording officer delegated decisions will be retained under the Committee Model of governance and appropriate procedures will be in place to ensure political oversight of officer delegated decision-making, including the ability for a decision to be referred to the relevant committee for decision, rather than for the decision to be taken by an officer.

The current arrangements for delegations to officers can be summarised as follows and the full detail of the delegations to officers is set out in the Appendices.

### *Statutory and proper officers*

A local authority is required to appoint a number of officers to hold statutory roles, for example, the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer. The detail relating to these statutory appointments is set out in the Articles of the Council's Constitution and in the Summary of Statutory and Proper Officers in Part 3 of the Council's Constitution.

### *Mayor's Scheme of delegation/Delegation of Non-executive functions/Local Choice Functions*

Part 3 of the Council's Constitution includes the Mayor's Scheme of Delegation, the Delegation of Non-executive Functions and Local Choice Functions. These delegations set out the framework for the

discharge of functions and responsibilities by officers. This framework provides for delegations of functions and responsibilities to specific named officers, generally Executive Directors and Directors. Those delegations are essential for the effective day-to-day operation of the Council and can be delegated onwards to the most appropriate level to ensure that the function or responsibility is carried out by the relevant officer with the right level of technical and professional expertise in a specific service area. Each directorate within the Council then prepares its own Scheme of Delegation to Officers based on the framework for delegations to Executive Directors and Directors.

### *Schemes of Delegation to Officers*

Each operational directorate within the Council sets out the detail of the onward delegation of officer delegations as set out in the Mayor’s Scheme of Delegation, the Delegation of Non-executive functions and Local Choice Functions. There are also specific schemes of delegation for HR and Finance matters.

Under the Committee Model of governance, Full Council can delegate functions to committees, sub-committees and to officers. The Working Group should consider whether any changes are necessary to the current arrangements for delegations to officers as part of the implementation of the Committee Model of governance.

### **3. Legal and Constitutional matters**

The Legal and Constitutional matters raised by this report are as follows.

Under the Committee Model of governance, Full Council can delegate functions to a committee, a sub-committee or an officer. The legal basis for this is s.101 of the Local Government Act 1972.

The Council’s Constitution currently delegates functions and responsibilities from the Mayor and Full Council to officers. This includes delegations to the Chief Executive, the Strategic Directors and a few other statutory and proper officers such as the Service Directors for Finance and Legal.

These individuals then delegate many of their functions and responsibilities to other Officers. They do this in the Officer Schemes of Delegations There’s an Officer Scheme of Delegation for each Directorate, and for Finance and HR.

### **4. Matters for the Working Group to consider**

The Working Group should consider whether any changes to the delegations to officers will need to be made as part of the implementation of the Committee Model of governance.

#### **Appendices:**

Appendix A – Article 13

Appendix B – Part 3.2 (C) Delegation of Non-executive functions to officers

Appendix C – Part 3.3 Delegation of Local Choice Functions

Appendix D – Mayor’s Scheme of Delegation

Appendix E – Summary of Statutory and Proper Officers

Appendix F – Directorate Schemes of Delegation, including HR and Finance

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

None