

Bolsover District Council

Standards Committee

3rd July 2014

Draft Delegation Scheme

Report of the Assistant Director of Governance and Monitoring Officer

This report is public

Purpose of the Report

- To provide Standards Committee with the draft Delegation Scheme for consideration.
- To allow Standards Committee to recommend approval to the Council.

1 Report Details

- 1.1 Attached is the draft delegation scheme and proper officer schedule for discussion.
- 1.2 The aim of the draft is to simplify the delegation scheme for the Council, changing it from a specific delegation basis to a generic delegation basis. The latter means an area of activity will be delegated rather than specific power under a particular section of an Act. This is very different for the Council and has previously been accepted in principle by the Constitution Working Group and by other members via a Members Involvement Session in November 2013.
- 1.3 There will be a need for further documents showing further delegations which will not be included in the Constitution. For example Environmental Health have produced a table of delegations from the Assistant Director of Planning and Environmental Health to others within the Department such as the Environmental Health Manager. This must be maintained by the Department and be provided to the courts as necessary if it is needed in legal proceedings. The positive to this is it should provide for easier amendment when new legislation is enacted and employees change. However it is vital that in these cases the Departments maintain an up to date record.

2 Conclusions and Reasons for Recommendation

- 2.1 A lot of time has been spent on this by a number of officers from across the Council. However it is essential that it works – this is the most important aspect.
- 2.2 This will stream line decision making for officer decisions by ensuring that the same officer delegations exist in both the Council and the Council's Strategic Alliance partner, North East Derbyshire District Council, to carry out the same type of action.

3 Consultation and Equality Impact

- 3.1 Members have already been involved in the Constitution review process (through the Constitution Working Party) and a Member Involvement Session and have in principle approved the format of the draft scheme.
- 3.2 Officers have been consulted on the content of the scheme.
- 3.3 No equality impact assessment has been carried out as the Constitution contains the internal legal processes of the Council and is largely set out in statute.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council's Delegation Scheme is not fit for purpose and needs review so continuing without amendment is not an option.
- 4.2 The current Scheme is based on the identification of individual powers and contains a very specific list of statutory powers. This format runs the risk of not identifying all the powers required to run the Council and leaving the Council unable to act when required. There is therefore a significant risk to keeping the current scheme. Delegation specific schemes offer more risk in that many more matters are not covered than are covered.
- 4.3 The two Councils have differently formatted Delegation Schemes which makes management difficult. If the two different formats are kept, this would continue the current requirement for officer time being spent on determining whether each Council's Delegation Scheme supports the same course of action. It is not efficient.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 There is no financial implication of this report.
- 5.1.2 In terms of risk, the risk to the Council from the current delegation scheme format is outlined above.

5.2 Legal Implications including Data Protection

- 5.2.1 Councils are obliged to maintain an up to date delegation scheme and to publicise it. In the Council's case, the Annual meeting is required to formally approve the current delegation scheme in addition to the other requirements to keep the scheme on the web site. This was done at the recent Annual Meeting.
- 5.2.2 There are no data protection issues.

5.3 Human Resources Implications

- 5.3.1 None.

6 Recommendations

- 6.1 That Standards Committee recommend that the draft delegation scheme be forwarded to the Council for approval.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes/No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
A	Draft Delegation Scheme
B	Proper Officer Schedule
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
The existing Constitutions of both Councils and legislation including, but not limited to, the Local Government Acts of 1972 and 2000 as amended.	
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