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**Meeting: COUNCIL**

**Date: 18 DECEMBER 2018**

**SCHEME OF DELEGATION TO OFFICERS**

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**1 PURPOSE**

- 1.1 To modify the scheme of delegation of Council functions to officers in Part 3, paragraph 4 of the Constitution, so that all Council functions not specifically reserved to Council for decision – making are delegated to the Chief Executive. This is intended to improve the speed and transparency of decision making. The Chief Executive, will have power to sub-delegate these functions to other officers as required. A draft of the Chief Executive's proposed delegations is set out in Background Document BD2, and will be kept up-to-date as changes are made.
- 1.2 The proposed changes take into account changes in the structure of the senior management of the officers, and recognises the role of the Deputy Chief Executive.

**2 RECOMMENDATIONS**

The Council:

- 2.1 Approves the proposed changes to Part 3, paragraphs 4.2, 4.4 and 4.5 of the Constitution as set out in Appendix A to this report.
- 2.2 Notes Background Document BD2 – Chief Executive's draft sub - delegations of Council Functions dated 5th Dec 2018.
- 2.3 Notes that officers will be asking the Leader to revise the delegations of Executive functions to officers at a future date.

**3 BACKGROUND**

- 3.1 The Council's Constitution is a critical document that sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people.

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Annex 3 of the Council's Constitution covers Responsibility for Functions, including at paragraph 4, the Scheme of Delegation to Officers.

- 3.2 Section 101 of the Local Government Act 1972 deals with delegation of local authority functions (other than those which are the responsibility of an authority's Executive under section 13 of the Local Government Act 2000). Section 101(1) provides that (subject to any express statutory provision) a local authority may arrange for the discharge of any of its functions by a committee, sub-committee or one of its officers.
- 3.3 For the purpose of expediency and to maintain swift decision making processes, some decisions are delegated to officers. This is a key part of the Council's day to day running thereby allowing operational decisions to take place on normal everyday matters as the need arises.
- 3.4 The current Scheme of Officer Delegation was designed for an officer structure in which the Chief Executive only had Strategic Directors reporting into him/her, and had no services directly reporting into him/her. As a result the delegation of Council functions is currently made to the Strategic Directors, and the Chief Executive has limited ability to exercise delegated functions.
- 3.5 The current scheme of delegation also assumes a highly regimented officer structure in which Strategic Directors only consider matters in areas of business in which they are still highly involved in day to day operations.
- 3.6 The Senior Management Review in 2016 confirmed an officer structure in which the Chief Executive has two Strategic Directors, one of whom is the nominated Deputy Chief Executive. All three of these senior officers have operational services reporting into them (via an Assistant Director), and are expected to be able to provide appropriate strategic oversight of any business area as required.
- 3.7 Executive functions are currently delegated in a similar way. It is for the Leader to decide how these should be delegated and officers will be asking her to revise these at a future date.
- 3.8 The proposed changes to the Constitution are provided in Appendix A, and comprise of a revision to Part 3 paragraph 4. The current Constitution is available in Background Document BD1. A draft of the Chief Executive's intended sub - delegations is available in Background Document BD2.

## **4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS**

- 4.1 The proposed scheme of delegation reflects the new senior officer structure by delegating all Council functions not reserved to Council itself to the Chief Executive who can then sub - delegate them as appropriate to the Deputy Chief Executive, Strategic Directors and other relevant officers. This better

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reflects the current officer structure following the Senior Management Review 2016.

- 4.2 The proposed scheme provides more flexibility for the Deputy Chief Executive and Strategic Directors to act in delegated matters if the need arises. This reflects the way senior officers now operate across all the Council's services, rather than just those that structurally report into them. This improves the speed of decision making particularly in large complex projects that draw on many different services.
- 4.3 The Chief Executive will update and revise his sub - delegations as required for the benefits of speed and good decision making.

## **5 IMPLICATIONS**

### **5.1 Financial Implications**

- 5.1.2 In all cases, designated officers can only authorise expenditure within the limits of the usual budget delegation framework (contract standing orders and financial regulations) and any temporary financial controls.

### **5.2 Legal Implications**

- 5.2.1 The scheme of delegation authorises the relevant officers to exercise the functions of the council as set out in the scheme.
- 5.2.2 The revised scheme will enable the Chief Executive to sub – delegate Council functions to any officer of the council in the interests of effective corporate management as he thinks fit.

### **5.3 Equalities and Diversity Implications**

- 5.3.1 No implications identified.

### **5.4 Risk Implications**

- 5.4.1 No implications identified.

### **5.5 Staffing Implications**

- 5.5.1 Stevenage Borough Council like other local authorities, delivers a wide range of public services. The proposed changes to the constitution will help ensure good housekeeping and provide transparency over delegated powers.
- 5.5.2 The Council has given a general indemnity to any officer acting in purported discharge of an authority delegated for any action, costs, claim or liability incurred by him or her.

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### **5.6 Other Corporate implications**

5.6.1 No implications identified.

## **6 APPENDICES**

Appendix A – “Part 3 Responsibility for Functions (amendments to para. 4 – Scheme of Delegation to Officers)”.

## **7 BACKGROUND PAPERS**

BD1 – Part 3 of the Council’s Constitution (current version).

BD2 – Chief Executive’s sub-delegations of Council Functions – 5<sup>th</sup> Dec 2018 (Draft).