
SCHEME OF DELEGATION

1 SUMMARY

- 1.1 Subject to the Chief Executive's report on the workload of the Committee, Members are invited to consider the Council's Scheme of Delegations, how this may be improved to meet the needs of the streamlined committee system and, at the request of Council, to give particular consideration to the delegations surrounding the planning function.

2 INTRODUCTION

- 2.1 Under alternative arrangements all functions of the authority rest with the Council. DTLR guidance states that it is essential that the Constitution contains a record of the allocation of responsibilities and delegation to policy and other committees or to officers in order to support transparency and accountability. The model constitution provides a table by way of example including how responsibility for delegations might be recorded. This table, reproduced at Appendix 1, fulfils the requirements of Article 7 of the Constitution and was used as the basis for the current delegations to Committee.
- 2.2 The Scheme of Delegation to officers was approved in 1998 and was intended to simplify the many individual delegations that existed at that time, having been built up since 1974 with each delegation recorded as an individual Council resolution. The purpose of the scheme was achieved in part but a considerable number of specific and, perhaps confusing delegations remain.

3 MATTERS FOR CONSIDERATION

- 3.1 Members are asked to consider the following principles:

(a) that delegation is best dealt with "by exception". It is clear from Appendix 1 that this is how the model Constitution is intended to operate. Unless a matter is specifically reserved to Council, or is a matter that can only be decided by Council, it will be delegated to a Committee or to an officer.

(b) the premise that to be concise and easily understood, the scheme needs to use broad functional descriptions. Such descriptions must be inclusive of all powers and duties under all legislation, both present and future, and all powers and duties incidental to that legislation. By way of example, Essex County Council propose that the extent of

delegation to the Director of Learning Services should be (subject to certain general principles and exceptions) “the functions of the Council as Local Education Authority, Library Authority and in relation to Arts, Museums, Archives and Records”. If available, examples from other authorities will be presented at the meeting.

(c) that the planning function should form part of a separate report taken at the same time as consideration is given to the Planning Best Value Review but that in general terms the principles of the scheme will apply equally to that service.

4 THE NEXT STEP

- 4.1 Having considered the underlying principles of the Council’s Scheme of Delegations the Committee should direct officers as to the form delegations are to take with a view to considering a draft scheme at its next meeting.

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Background Papers:

None

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The Decision-making Framework

Committee	Membership	Functions	Onward limits on delegations
Policy and resources	[n] members of the authority	The formulation of the policy framework and budget and the implementation of these in respect of council functions and services not otherwise the responsibility of full Council or any other committee, in particular finance and support services	<i>Authorities should list here any functions which are delegated on, for example, to area committees or an officer, and the limits on that delegation</i>
Planning and development control	[n] members of the authority	The formulation of the budget and policy framework and the implementation of these in respect of planning and development control functions	<i>Authorities should list here any functions which are delegated on, for example, to area committees or an officer, and the limits on that delegation</i>
Social well being	[n] members of the authority	The formulation of the budget and policy framework and the implementation of these in respect of housing (public and private sectors), social services, education, training, leisure, recreation and culture, youth services	<i>Authorities should list here any functions which are delegated on, for example, to area committees or an officer, and the limits on that delegation</i>
Economic well being	[n] members of the authority	The formulation of the budget and policy framework and the implementation of these in respect of economic development, regeneration, tourism, highways and transport, councils' land ownership,	<i>Authorities should list here any functions which are delegated on, for example, to area committees or an officer, and the limits on that delegation</i>

The Administrative and Legal Framework

Committee	Membership	Functions	Onward limits on delegations
Environmental well being	[n] members of the authority	The formulation of the budget and policy framework and the implementation of these in respect of community safety, trading standards, environmental health, licensing, health and safety, nature conservation, building control, waste collection and disposal	<i>Authorities should list here any functions which are delegated on, for example, to area committees or an officer, and the limits on that delegation</i>
Standards Committee	[n] members of the authority other than the [leader— in leader and cabinet constitutions] [mayor— <i>In mayoral forms of constitution</i>], and [n] voting co-optee(s)	<p>The promotion and maintenance of high standards of conduct within the council</p> <p>To advise the Council on the adoption or revision of its Code of Conduct</p> <p>To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of case tribunals under section 80 of the Local Government Act 2000</p> <p>Assistance to members and co-opted members of the authority</p> <p>To ensure that all members of the Council have access to training in all aspects of the member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code</p>	

The Decision-making Framework

Committee	Membership	Functions	Onward limits on delegations
		Other functions Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000 [List] other functions delegated to the Committee by the council in accordance with section 64(3) of the Local Government Act 2000, in accordance with any regulations made under that Act	
Employment committee	[n] members of the authority	To consider appeals against dismissal, grading and grievances by employees of the Council To undertake [list any other functions of the committee, eg determining pay awards]	

Reference:
Chapter 8, DETR Guidance.

[The next text page is A/91]