

General Purposes Committee Report

Date:	5 November 2014
Classification:	General Release
Title:	Officer Scheme of Delegations
Report of:	Head of Legal and Democratic Services
Wards Involved:	Not Applicable
Policy Context:	Good Corporate Governance and Management of the City Council
Financial Summary:	There are no financial implications arising from this report
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1. Executive Summary

- 1.1 At its meeting 21st July 2014 the Cabinet agreed a range of measures to establish a new operating model which will place the City Council on a more robust footing in order to address both the funding reductions and the changes that local government will need to make to meet the growth in demand in some service areas. These proposals included the abolition of the previous Strategic Executive Board and the creation of a new Executive Management Team (EMT), represented by Executive Directors.
- 1.2 These management changes resulted in the need to reallocate a number of functions and duties assigned to the affected senior posts. A revised Scheme of Delegations is therefore required to be reflective of the new organisational model. The proposed new Scheme of Delegations, which has been advised by the Chief Executive, is attached as Appendix 1.
- 1.3 The approach to the Scheme accords with the principles agreed by the Council on 21st July 2010, which involves an intrinsically less bureaucratic approach than had been adopted historically. It proceeds on the assumption that ultimate responsibility for the exercise of the City Council's functions,

below Member-level, rests with the Executive Management Team and its individual members, whilst recognising that Executive Directors will, in many cases, authorise senior members of staff to exercise the function on his or her behalf; or in some cases sub-delegate these.

1.4 A group of Deputy Chief Officers and other senior officers comprise the Corporate Leadership Team (CLT). The CLT has a core membership, which is detailed in Appendix 1 of the schedule. The Chief Executive has authority to add or remove officers from CLT.

1.5 A separate report will be submitted to the General Purposes Committee seeking approval for the revised Officer Scheme of Delegations in respect of Non-Executive functions.

2. Recommendation

2.1 That the Scheme of Delegations in respect of non-executive functions attached as Appendix 1, be recommended to the Council for approval

2.2 That it be noted that the Leader of the Council will be asked to approve the Scheme of Delegations in respect of executive functions.

3. Reason for Decision

3.1 Following the review of the Council's organisational model and management structure, and subsequent reallocation of functions to the new Executive Management Team, the City Council's existing Scheme of Delegations requires updating.

4. Background Information

4.1 At its meeting 21st July 2014 the Cabinet agreed a range of measures to establish a new operating model, including:

- Authorisation to the Chief Executive to implement the agreed restructure, in consultation with the relevant Cabinet Members;
- The establishment of a Tri Borough Corporate Services function (subject to Tri Borough partners' agreement of the business cases to be reported to a future Cabinet meeting);
- The disestablishment of the existing Built Environment and Housing, Regeneration and Property Directorates and creation of a new Growth, Housing and Planning Directorate.
- A revamp of the existing City Management Directorate to be revised as a City Management and Communities Directorate, with a wider remit
- An integrated City and Corporate Policy function; and

- Authorisation to the Chief Executive and Head of Legal and Democratic Services to propose consequential changes to the Constitution, including the revised allocation of existing officer delegations which arise from the implementation of the new operating model, subject to the approval of the full Council via the General Purposes Committee.
- 4.2 In addition to the above-mentioned changes the aforementioned creation of a new Executive Management Team requires the reallocation of functions contained in the Scheme of Delegations amongst the following EMT posts:
- Chief Executive (Head of Paid Service)
 - Executive Director, City Management and Communities
 - Executive Director, Growth, Housing and Planning.
 - Executive Director, Corporate and Commercial Services
 - Executive Director, Children’s Services
 - Executive Director, Adult’s Services
 - Director of Strategy and Communications
- 4.3 The Head of Legal and Democratic Services and City Treasurer, whilst not EMT members, also hold specific delegations in their capacity as Chief Solicitor to the Council and the statutory Monitoring Officer, and statutory Section 151 Officer, respectively. These delegations are also included in the Scheme.
- 4.4 The Scheme also includes an updated list of CLT members which has been determined and advised by the Chief Executive.

5. Proposed Scheme of Delegations

- 5.1 The proposed Scheme of Delegations follows the approach agreed by the Cabinet at its meeting on 28th June 2010, in that it involves an intrinsically less bureaucratic approach than the City Council’s Scheme prior to that time. It proceeds on the assumption that ultimate responsibility for the exercise of the City Council’s functions, below Member-level, rests with EMT and its individual members. In some cases there would be legal difficulties with a model under which the Executive Director was not so responsible. This creates a streamlined way of working and reducing bureaucracy whilst maintaining good corporate governance.
- 5.2 The allocation of delegated powers to Executive Directors is consistent with both the strategic role of EMT and the fact that it is the Directorates which are responsible for day-to-day delivery “on the ground”. Delegated powers do not have to be exercised by Executive Directors personally.

- 5.3 The proposed Scheme of Delegations also enables delegated functions to be sub-delegated to a Deputy Chief Officer who may then exercise the function him or herself. Although the Executive Director would retain the power to recall any matter for decision, the Deputy Chief Officer receiving the delegated function would be responsible for the exercise of that function in practical terms. The Deputy Chief Officer can, in turn, authorise any member of staff to exercise the function on his or her behalf and each EMT member is required to maintain an up-to-date list of authorised officers and sub delegations.
- 5.3 The Executive Director, Growth, Planning and Housing recognises that with his range of responsibilities there is the risk of a perceived or possible conflict of interest in relation to some of the activities delegated to the role. To manage the perceived or possible conflicts of interests the Executive Director for Growth, Planning and Housing confirms the proposed following sub-delegations:
1. In respect of the duty to make recommendations to the Planning Applications Committee, to the Operational Director for Development Control.
 2. In respect of the Council's own planning applications which are not determined by a Planning Applications Committee, these will be determined by the Operational Director for Development Control.
 3. In respect of the power to make planning applications, to the Head of Investments.
 4. In respect of advice on the proportion of affordable housing in planning applications, to the Head of Affordable and Private Sector Housing.
- 5.4 No additional delegations arise from the report. A review of delegations will be conducted over the next few months, with the findings reported in March 2015.

6. Legal Implications

- 6.1 The power for local authorities to delegate functions to officers is contained in Section 101 of the Local Government Act 1972. The Proposed Scheme of Delegations will ensure that the City Council can correctly and legally exercise their powers and that decisions can be taken by officers on behalf of the City Council.

**If you have any queries about this report or wish to inspect any of the Background Papers please contact:
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BACKGROUND PAPERS

- Cabinet Report: *Better City, Better Lives* – Further Reform of Local Government Services in Westminster (21st July 2014)