

# **Changes to the Constitution – Financial & Other Delegations and Re-allocation of functions**

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## **Purpose of the Report**

1. Over recent months, members have agreed to delegate matters to officers or officer/member bodies that would otherwise be for the Executive to determine. In addition, it has been necessary to re-allocate the delegations previously held by the Director (Support Services). These changes now need to be reflected in the Constitution.
2. This Report seeks agreement to the re-allocation of Ian Clarke's delegated functions and to make the changes necessary to reflect additional delegations already agreed by District Executive and/or Full Council.

## **Public Interest**

3. Part 3 of the Council's Constitution sets out who within the Council has the power to do what, sets out any associated limitations and, in particular, sets out which decisions can be taken by committees and which can be taken by officers.
4. The District Executive and Full Council have previously agreed to allocate certain executive and non-executive matters to others, and it is important that these changes are made clear on the face of the Constitution. In addition, due to staffing changes, some delegated functions need to be re-allocated to other officers.
5. This report is seeking Council approval to the necessary constitutional changes to ensure the Council's decision-making processes are transparent and the Constitution is kept up-to-date.

## **Recommendations**

6. That Council agree the following changes be made to the Council's Constitution:
  - a) Section 4 of Part 3 be amended to reflect previously approved delegations to the Investment Assessment Group, the Disposal Assessment Group, and the Strategic Development and Regeneration Programme Boards;
  - b) Section 4 of Part 3 be amended to reflect the previously approved delegation for establishing limited companies and limited liability partnerships;
  - c) Section 6 of Part 3 be amended to delegate to the Lead Specialist – Legal those duties that appropriately sit with the senior legally qualified officer and to delegate elsewhere those aspects that appropriately sit with a another officer.
  - d) Financial Procedure Rule 13.2 be amended to reflect the financial limits of the delegation to the Investment Assessment Group, the Disposal Assessment Group, the Strategic Development Board and the Regeneration Programme Boards.

7. That Council confirms that, until recruitment processes linked to the Transformation programme are complete, officer delegations set out in Part 3 Section 6 referring to named posts below Senior Leadership Team level are delegations to the officer properly exercising that function. Once the full transformed structure is known, the Monitoring Officer will update references to job titles in accordance with her authority to do so under Article 15.02(a).

## **Introduction**

8. The Council's Constitution includes allocations of executive and non-executive functions and provides for delegations. In broad terms, the non-executive functions are strategic functions and responsibility for those functions resides with the Full Council. The vast majority of local authority functions are executive functions, and responsibility resides with the District Executive. Both Full Council and District Executive may then delegate powers onto committees, individual councillors, or officers. The current scheme of agreed delegations is set out in Part 3 of the Constitution (March 2018).

## **Background**

### Previously approved delegations

9. The following delegations have already been approved and now need to be reflected on the face of the Constitution:
  - August 2017 - District Executive and Full Council agreed a number of measures relating to the Commercial Land & Property Strategy, including delegation to the CEO in consultation with the Leader authority to approve acquisitions up to an individual limit of £10 million as part of the Investment Assessment Group ("the IAG") process.
  - April 2018 - District Executive agreed a new Asset Disposal and Community Asset Transfer Policy, including delegation to the Chief Executive in consultation with the Leader authority to approve disposals up to an individual asset value of £250,000 for non-investment properties or up to £10,000,000 for investment properties as part of the Disposal Assessment Group ("the DAG") process.
  - May 2018 – District Executive and Full Council agreed to establish a Strategic Development Board and three Regeneration Programme Boards and to delegate a Gross Spend and Net Cost budget to the Regeneration Programme Boards subject to s151 Officer approval. It also agreed to delegate authority to the s151 Officer to approve funding arrangements for Gross and Net arrangements.
  - June 2018 - District Executive agreed to delegate to the Chief Executive in consultation with the Leader authority to set up limited companies and limited liability partnerships where these are required to give effect to a decision under the IAG approval process.

### Re-allocation of functions

10. Previously, the Solicitor to the Council was also the Director of Support Services, and the functions delegated to that post were a combination of legal and non-legal functions.

11. Following the loss of Ian Clarke, Netta Meadows has taken over his responsibilities in relation to Support Services and Angela Watson is now the most senior legal officer and the Council's Monitoring Officer. It has therefore been necessary to disaggregate Ian's delegated functions and the suggested delegations are now reflected in the extract of Section 6 attached, and in particular items 13, 18 and 40 – 48.

### **Financial Implications**

12. There are no financial implications arising from this proposal.

### **Legal Implications**

13. These are set out and/or referred to in the body of the report.

### **Carbon Emissions and Climate Change Implications**

14. There are no specific environmental implications arising from the subject matter of this report.

### **Equalities and Diversity Impact**

15. There are no specific equality or diversity implications arising from the subject matter of this report.

### **Background Papers**

The Local Government Act 2000  
Council Constitution - Section 4, Section 6 and Financial Procedure Rules

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