

**Report of the Director of Public Health**

**Report to the Director of Public Health**

**Date: 2 April 2014**

**Subject: Director of Public Health's Sub-Delegation Scheme**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. This report sets out the current Sub-Delegation Scheme for the Director of Public Health. The scheme sets out how the Director of Public Health intends to exercise the powers delegated to him/her in accordance with the constitution. All Sub-Delegations made by the Director of Public Health within the scheme are sub-delegated to officers of suitable experience and seniority.
2. In a decision dated 19th February 2014, the Monitoring Officer made amendments to the Constitution for the purposes of keeping it up to date and for clarification. Additional wording was therefore included in the Scheme relating to the Community Right to Challenge and these additions took effect from 25th February 2014. Item 8 on page 17 of the Scheme provides further details on this.

**Recommendation**

3. The Director of Public Health is asked to approve the Sub-Delegation Scheme set out as Appendix 1 to this report which has incorporated additional information requested by the Monitoring Officer (relating to Community Right to Challenge).

## **1 Purpose of this report**

- 1.1 This report sets out the proposed Sub-Delegation Scheme for the Director of Public Health. The Scheme sets out how the Director of Public Health intends to exercise the powers delegated to him/her in accordance with the Constitution.
- 1.2 The Scheme details the Sub-Delegation of those powers by setting out the officers to whom they are delegated and any terms or conditions applied to those sub delegations. All Sub-Delegations set out within the Scheme are made to officers of suitable experience and seniority.

## **2 Background information**

- 2.1 The Constitution of Leeds City Council sets out the Officer Delegation Scheme in respect of council functions and executive functions. The Officer Delegation Scheme includes the power for officers to delegate further any function which has been delegated to them under the scheme, to another officer or officers of suitable experience and seniority.
- 2.2 Each Director listed in Article 12 of the Constitution must prepare a Sub-Delegation Scheme which sets out which officers will be given authority to make decisions under the Director's delegated powers and subject to which terms and conditions. Sub-Delegation Schemes must be lodged with the Head of Governance Services.
- 2.3 Whilst Directors may authorise other officers to take delegated decisions, the decision is still the personal responsibility of the Director. With effect from 27th May 2010, the making or amendment of a Sub-Delegation Scheme is a Significant Operational Decision and must therefore be recorded on a Delegated Decision Notification, and will be published on the Council's website.

## **3 Main issues**

- 3.1 The Director of Public Health has functions delegated to him/her under the Officer Delegation Scheme (Council (non-executive) functions) and under the Officer Delegation Scheme (Executive Functions).
- 3.2 In a decision dated 19<sup>th</sup> February 2014, the Monitoring Officer made amendments to the Constitution for the purposes of keeping it up to date and for clarification. It was therefore requested that additional wording should be included in the Scheme relating to the Community Right to Challenge. These additions took effect from 25th February 2014 and Item 8 on page 17 of the Scheme provides further details on this.
- 3.3 The proposed Scheme, attached as Appendix 1 to this report, sets out how the Director of Public Health intends to sub-delegate functions, including the details of the officers to whom they are sub-delegated and the terms and conditions which apply to those sub-delegations.
- 3.4 It is considered that the sub-delegations proposed by the Director of Public Health are all made to officers of suitable experience and seniority.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The decision to approve the Sub-Delegation Scheme did not require public consultation or engagement. However, the relevant officers named in the Sub Delegation Scheme have been made aware of the changes and the Scheme will be published on the Council's website.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 There are no implications for equality and diversity or cohesion and integration arising from this report.

### **4.3 Council policies and City Priorities**

4.3.1 Principle 2 of the Code of Corporate Governance (Part 5(k) of the Constitution) states that the Council will have clear responsibilities and arrangements for accountability. In order to achieve this, the Council needs up to date and accurate schemes of delegated executive and council responsibilities to Directors and other appropriate officers.

4.3.2 Therefore, updating the attached Sub-Delegation Scheme will contribute towards this principle.

### **4.4 Resources and value for money**

4.4.1 There are no resource or value for money implications arising from this report.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 In accordance with Part 3 of the Council's Constitution, each Director named in Article 12 has the authority to sub-delegate any of their functions to officers of suitable experience and seniority. However, the officer to whom the delegation has been made in the Constitution remains responsible for any decision taken pursuant to such arrangements.

4.5.2 The approval of this Sub-Delegation Scheme will ensure that it is documented and made available for public inspection during normal office hours and that the public has the right to copy or to be provided with a copy of any part of that record.

4.5.3 The decision to approve this Sub-Delegation Scheme is not eligible for Call-In as it is not a Key decision.

### **4.6 Risk Management**

4.6.1 Ensuring that the Director of Public Health's scheme is kept up to date reduces the risk of decisions being taken without the correct authority.

## **5 Recommendations**

- 5.1 The Director of Public Health is asked to approve the Sub-Delegation Scheme set out as Appendix 1 to this report which has incorporated additional information requested by the Monitoring Officer (relating to Community Right to Challenge).

## **6 Background documents<sup>1</sup>**

- 6.1 None.

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.