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**Report of City Solicitor**

**Report to City Solicitor**

**Date:** 3<sup>rd</sup> July 2015

**Subject:** Approval of Directors 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

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**Summary of main issues**

1. This report sets out the proposed sub-delegation scheme for the City Solicitor.
2. The scheme sets out how the City Solicitor intends to exercise the powers delegated to him/her in accordance with the constitution.
3. All sub-delegations made by the City Solicitor within the scheme are sub-delegated to officers of suitable experience and seniority.

**Recommendations**

1. The City Solicitor is asked to approve the sub-delegation scheme set out as Appendix 1 to this report

## **1 Purpose of this report**

- 1.1** This report sets out the proposed sub-delegation scheme for the City Solicitor. The scheme sets out how the City Solicitor 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.
- 2.3** Whilst Directors may authorise other officers to take delegated decisions, the decision is still the personal responsibility of the Director.

## **3 Main issues**

- 3.1** The City Solicitor 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** The proposed scheme, attached as Appendix 1 to this report, sets out how the City Solicitor intends to sub-delegate those functions, including the details of the officers to whom they are sub-delegated and the terms and conditions which apply to those sub-delegations.
- 3.3** It is considered that the sub-delegations proposed by the City Solicitor are all made to officers of suitable experience and seniority.
- 3.4** The sub-delegation scheme was last amended on 22<sup>nd</sup> May 2015, following the Annual Council Meeting on 21<sup>st</sup> May 2015, and needs updating to reflect the change in name of the Public Private Partnerships Unit and Procurement Unit to the Projects Programmes & Procurement Unit and changes to job titles and roles within the Unit. These changes have been made throughout the scheme.
- 3.5** The sub-delegation scheme also needs updating to reflect that the proper title for the Director of Strategy and Resources is Deputy Chief Executive. These changes have been made throughout the scheme.
- 3.6** The Specific Delegations to the Monitoring Officer under Article 12.2 in Delegations of Functions under Articles needs amending as the City Solicitor must receive the copy PFI certificates so cannot delegate this function.
- 3.7** Executive Function 4 of the General Delegations needs amending as the City Solicitor does not manage any PFI schemes so cannot delegate this function.

**3.8** The terms and conditions of Specific Delegation 3 of the Council Functions on arrangements for appeals regarding school admissions need updating to reflect the division of responsibility between the City Solicitor and the Admitting Authorities, which was clarified in the annual review and set out in Part 3 section 1 of the Constitution.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The decision to approve the sub-delegation scheme does not require public consultation or engagement. However the relevant officers named in the sub-delegation scheme will be made aware of the changes.

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

4.2.1 There are no implications for this report.

### **4.3 Council policies and the Best Council Plan**

4.3.1 Updating the sub-delegation scheme is in accordance with Principle 2 of the Code of Corporate Governance (Part 5(j) of the Constitution), which states that the Council will have clear responsibilities and arrangements for accountability.

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

4.4.1 The City Solicitor has considered the resources available and how to ensure best value for money in determining the sub-delegations to be made under this scheme.

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

4.5.1 The decision to approve this sub-delegation scheme is not eligible for Call-In as it is not a Key decision.

4.5.2 The making or amendment of a sub-delegation scheme will be treated as a Significant Operational Decision and will therefore be recorded on a Delegated Decision Notification, and will be published on the Council's website.

4.5.3 In addition the Head of Governance Services maintains a library of sub-delegation schemes, showing all previous versions of each Director's schemes made in the current Municipal Year.

### **4.6 Risk Management**

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

## **5 Conclusions**

**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.

**5.2** The approval of this sub-delegation scheme will ensure that it is documented and transparent.

**6 Recommendations**

**6.1** The City Solicitor is asked to approve the sub-delegation scheme set out as Appendix 1 to this report.

**7 Background documents<sup>1</sup>**

**7.1** 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.