

Report of the Executive Commercial Legal Manager

Report to the Deputy Chief Executive

Date: 26 July 2016

Subject: Approval of Deputy Chief Executive'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 proposed sub-delegation scheme for the Deputy Chief Executive.
2. The scheme sets out how the Deputy Chief Executive intends to exercise the powers delegated to him in accordance with the Constitution.
3. All sub-delegations made by the Deputy Chief Executive within the scheme are sub-delegated to officers of suitable experience and seniority.

Recommendations

4. The Deputy Chief Executive is asked to approve the sub-delegation scheme set out at Appendix 1 to this report

1 Purpose of this report

- 1.1 This report sets out the proposed sub-delegation scheme for the Deputy Chief Executive. The scheme sets out how the Deputy Chief Executive 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 Article 15 of the Constitution allocates the authority to individual bodies and officers to review and revise specific parts of the Constitution. These parts concern documents which are required as part of functions under the officer delegation schemes in part 3 of the Constitution, and as a result are managed by officers to whom sub-delegations have been made in respect of those functions by the Deputy Chief Executive.
- 3.2 It is considered that for clarity it would be prudent to include a section in the sub-delegation scheme of the Deputy Chief Executive which identifies the relevant officers to whom sub-delegated authority has been given to review and revise

parts of the Constitution. This would provide a clear line of authority when preparing the delegated decision notices to publish revised parts of the Constitution.

3.3 The proposed sub-delegation scheme, attached as Appendix 1 to this report, sets out 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 Deputy Chief Executive 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 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 Equality and Diversity or Cohesion and Integration from this report.

4.3 Council policies and 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 Deputy Chief Executive 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 Deputy Chief Executive'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 Deputy Chief Executive is asked to approve the sub-delegation scheme set out as Appendix 1 to this report.

7 Background documents¹

7.1 None

¹ 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.