



Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: Monday 8th February 2010

Subject: Amendment to Officer Delegation Scheme (Council (non-executive) Functions.)

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report advises the Committee of a number of amendments made to the Officer Delegation Scheme (Executive Functions) made by the Leader of the Council with effect from 24th February 2010.
2. The report also advises the Committee of a number of minor consequential amendments made to the Constitution by the Assistant Chief Executive (Corporate Governance) under her delegated powers.
3. Finally, the report requests the Committee to recommend an amendment to the Officer Delegation Scheme (Council (non-executive) Functions) to create a delegation of Council function to the Chief Economic Development Officer with regard to the licensing of market and street trading. This function has already been delegated to the Director of City Development and the delegation will be concurrent.

1.0 Purpose Of This Report

- 1.1 This report advises of a number of amendments made by the Leader of the Council to the Officer Delegation Scheme (Executive Functions) together with minor consequential amendments made by the Assistant Chief Executive (Corporate Governance).
- 1.2 The report requests that the Committee recommend to Full Council a further amendment to the Officer Delegation Scheme (Council (non-executive) Functions) to create a concurrent delegation to the Chief Economic Development Officer in relation to the licensing of markets and street trading.

2.0 Background Information

- 2.1 Under Executive Procedure Rule 1.4, the Leader may amend the scheme of delegation relating to executive functions, at any time, by giving notice to the Assistant Chief Executive (Corporate Governance) and to the person, body or committee concerned.
- 2.2 The Assistant Chief Executive (Corporate Governance) must then present a report to the next ordinary meeting of full Council, setting out the changes made by the Leader.

3.0 Main Issues

3.1 Amendments Made By the Leader

- 3.1.1 On 28th January 2010, the Leader amended the Officer Delegation Scheme (Executive Functions) with effect from 24th February 2010. The date on which the amendments are to take effect was chosen to reflect the date of the next meeting of Full Council in order that the amendment proposed in this report could take effect on the same date.
- 3.1.2 The amendments created two new concurrent delegations to the Chief Asset Management Officer and the Chief Economic Development Officer. These are set out at Appendix 1a and 1b to this report. Both are concurrent with delegations to the Director of City Development.
- 3.1.3 Consequential upon the creation of these concurrent delegations the Assistant Chief Executive (Corporate Governance) made a number of minor amendments to the following parts of the Constitution :-
 - Article 12 of the constitution, (which sets out the functions and areas of responsibility for Directors and Chief Officers with concurrent delegations);
 - Part 3 Section 2B - Scrutiny Board Terms of Reference (to reflect the revised delegations only);
 - Part 3 Section 3B(a) – Executive Member portfolios (to reflect the revised delegations only); and
 - Part 7 - management structure.

3.1.4 In addition the Leader made minor amendments to the concurrent delegations in place to the Chief Libraries Arts and Heritage Officer and the Chief Planning Officer. The amended delegations are set out at Appendices 1c and 1d to this report.

3.2 Amendments Required By Full Council

3.2.1 The Leader's delegation to the Chief Economic Development Officer (set out at Appendix 1b) followed from the appointment of that officer by the Employment Committee on 27th January 2010.

3.2.2 In addition to those executive functions it is necessary to make a delegation to the Chief Economic Development Officer in relation to a Council Function. This proposed further delegation within the Officer Delegation Scheme (Council (non-executive) Functions) is also a function which has already been delegated to the Director of City Development and will be a concurrent delegation. The proposed amendment is set out at Appendix 2 to this report and relates to the licensing of market and street trading.

3.2.3 As it relates to a Council Function this delegation has to be made by full Council and should therefore be recommended by the General Purposes Committee. This Committee is therefore invited to resolve to recommend the proposed amendment as set out at Appendix 2 to this report.

4.0 **Implications For Council Policy And Governance**

4.1 Under its Code of Corporate Governance, the Council is committed to ensuring that the necessary roles and responsibilities for the governance of the Council are identified and allocated, so that it is clear who is accountable for decisions.

5.0 **Legal And Resource Implications**

5.1 In accordance with the Local Government Act 2000 the Council is required to prepare a constitution and keep it up to date. The proposed amendment set out in this report will ensure that the Constitution accurately reflects the decision making accountability in the Council.

6.0 **Conclusions**

6.1 A number of amendments have been made to the Officer Delegation Scheme (Executive Functions) by the Leader of the Council with effect from 24th February 2010.

6.2 Further minor consequential amendments have been made to the Constitution by the Assistant Chief Executive (Corporate Governance) under her delegated powers, in order to reflect those amendments to the Officer Delegation Scheme.

6.3 General Purposes Committee is requested to recommend an amendment to the Officer Delegation Scheme (Council (non-executive) Functions) to create a delegation of Council function to the Chief Economic Development Officer with regard to the licensing of market and street trading. This function has already been delegated to the Director of City Development and the delegation will be concurrent.

7.0 **Recommendations**

- 7.1 General Purposes Committee is requested to:-
 - 7.1.1 Note the amendments made to the Constitution by the Leader of the Council and the Assistant Chief Executive (Corporate Governance); and
 - 7.1.2 Recommend to Full Council the amendment to the Officer Delegation Scheme (Council (non-executive) Functions) set out at Appendix 2 to this report.

The Chief Asset Management Officer

With the exception of those matters where

- (i) an appropriate Executive Member¹ or the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration²; or
- (ii) the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to him/her for consideration,

the Chief Asset management Officer³ is authorised to discharge the following functions⁴:

1. Local choice functions which have been assigned to the Executive (see Section 1 of Part 3 of the Constitution):
 - (a) obtaining of information as to interests in land; and
2. Any function of the Executive⁵ in relation to:
 - (a) the management of land (including valuation, acquisition, appropriation, disposal and other dealings with land or any interest in land);
 - (b) design services;
 - (c) asset management.

¹ An “appropriate Executive Member” is the Leader or other appropriate portfolio-holding Member of the Executive Board.

² The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

³ The fact that a function has been delegated to the Chief Asset Management Officer does not require the Chief Asset Management Officer to give the matter his/her personal attention and the Chief Asset Management Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Asset Management Officer remains responsible for any decision taken pursuant to such arrangements.

⁴ “Function” for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Asset Management Officer as “proper officer” for the purpose of any function delegated to him/her under these arrangements.

⁵ The Chief Asset Management Officer will be mindful of the potential for conflicts of interest arising and will make appropriate arrangements in this respect

The Chief Economic Development Officer

With the exception of those matters where

- (i) an appropriate Executive Member¹ or the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration²; or
- (ii) the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to him/her for consideration,

the Chief Economic Development Officer³ is authorised to discharge the following functions⁴:

Any function of the Executive⁵ in relation to:

- (a) the operation of retail and wholesale markets and car boot sales;
- (b) the promotion of economic development and economic led regeneration;
- (c) the management of the city centre (including the promotion of the city centre and management of public spaces);
- (d) tourism and promotions.

¹ An “appropriate Executive Member” is the Leader or other appropriate portfolio-holding Member of the Executive Board.

² The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

³ The fact that a function has been delegated to the Chief Economic Development Officer does not require the Chief Economic Development Officer to give the matter his/her personal attention and the Chief Economic Development Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Economic Development Officer remains responsible for any decision taken pursuant to such arrangements.

⁴ “Function” for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Economic Development Officer as “proper officer” for the purpose of any function delegated to him/her under these arrangements.

⁵ The Chief Economic Development Officer will be mindful of the potential for conflicts of interest arising and will make appropriate arrangements in this respect

Chief Libraries Arts And Heritage Officer

With the exception of those matters where

- (i) an appropriate Executive Member¹ or the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration²; or
- (ii) the Director of City Development has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration,

the Chief Libraries, Arts and Heritage Officer³ is authorised to discharge any function⁴ of the Executive in relation to cultural services (including the arts, libraries, record repositories, museums and art galleries, public entertainments, halls and venues).

¹ An “appropriate Executive Member” is the Leader or other appropriate portfolio-holding Member of the Executive Board.

² The Chief Officer may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

³ The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

⁴ “Function” for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as “proper officer” for the purpose of any function delegated to him/her under these arrangements.

Chief Planning Officer

With the exception of those matters where an appropriate Executive Member¹ has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration² the Chief Planning Officer³ is authorised to discharge any function⁴ of the Executive in relation to:

- (a) the authority's role as local planning authority⁵;

With the exception of those matters where

- (iii) an appropriate Executive Member⁶ or the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration⁷; or
- (iv) the Director of City Development has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration,

the Chief Planning Officer⁸ is authorised to discharge any function⁹ of the Executive in relation to:

- (b) building control (whether under the Building Act 1984 or otherwise);
- (c) safety at sports grounds; and
- (d) street naming and numbering.

¹ An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board.

² The Chief Officer may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board

³ The fact that a function has been delegated to the Chief Planning Officer does not require the Chief Planning Officer to give the matter his/her personal attention and the Chief Planning Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

⁴ "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

⁵ Save where any such functions are exercisable by a Plans Panel, the discharge of all **Council functions** relating to town and country planning and development control has been delegated to the Chief Planning Officer. No such **Council functions** will be exercisable by the Director of City Development

⁶ See footnote 1 above

⁷ See footnote 2 above

⁸ See footnote 3 above

⁹ See footnote 4 above

Chief Economic Development Officer

With the exception of those matters where the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to him/her or the relevant committee for consideration, the Chief Economic Development Officer¹ is authorised to discharge the following Council (non-executive) functions:

(a)	To license market and street trading	Part III of , and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
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¹ The fact that a function has been delegated to the Chief Economic Development Officer does not require the Chief Economic Development Officer to give the matter his/her personal attention and the Chief Economic Development Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Economic Development Officer remains responsible for any decision taken pursuant to such arrangements.