



Report of the Assistant Chief Executive (Corporate Governance)

Full Council

Date: 6 April 2011

Subject: Amendment to the Officer Delegation Scheme (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 notifies full Council of amendments to the officer delegation scheme (Executive functions) which have been approved by the Leader of the Council.

Chief Asset Management Officer

2. Further to a direction made by the Acting Director of City Development that the Acting Chief Asset Management Officer should exercise the functions sub-delegated by the Acting Director of City Development, the Leader withdrew the concurrent delegations to that post with effect from 9 March 2011.

Chief Regeneration Officer

3. Further to a recent restructure by the Director of Environment and Neighbourhoods which resulted in the removal of the post of Chief Regeneration Officer, the Leader withdrew the concurrent delegations to that post with effect from 1 April 2011.

Assistant Chief Executive (Corporate Governance)

4. Following staff changes the Leader has withdrawn the executive functions delegated to the post of Assistant Chief Executive (Corporate Governance), with effect from 1 April 2011. These functions have been re-allocated by the Leader, as set out in the attached appendices, to the following:
 - Chief Executive
 - Director of Resources
 - City Solicitor

Consequential Amendments

5. Pursuant to the above changes made by the Leader, consequential amendments to the constitution have been identified and approved under delegated authority. These amendments are also set out in this report for information.

1.0 Purpose Of This Report

- 1.1 This report notifies full Council of amendments to the officer delegation scheme (Executive functions) made by the Leader under the Executive Procedure Rules, rule 1.4(b), and further consequential amendments to the constitution.

2.0 Background Information

- 2.1 The Leader may amend the scheme of delegation relating to executive functions at any time during the year in accordance with rule 1.4 (b) of the Executive Procedure Rules. In order to do this the Leader is required to give written notice to the Assistant Chief Executive (Corporate Governance) and to the person, body or committee concerned setting out the extent of the amendment.
- 2.2 The Executive Procedure Rules further set out that a report will be presented setting out the Leader's changes at the next ordinary meeting of full Council after the amendment.

3.0 Main Issues

Chief Asset Management Officer

- 3.1 The Acting Director of City Development made a direction that the Acting Chief Asset Management Officer should not exercise her concurrent delegations but rather exercise the functions sub-delegated to her by the Acting Director of City Development, in accordance with the terms and conditions placed on those sub-delegations. As a result the Leader withdrew the concurrent delegations to that post in the officer delegation scheme (Executive functions).

Chief Regeneration Officer

- 3.2 Following a restructure in the Environment and Neighbourhoods Directorate the post of Chief Regeneration Officer was withdrawn with effect from 1 April 2011. Consequently the Leader withdrew the concurrent delegations to that post in the officer delegation scheme (Executive functions).

Assistant Chief Executive (Corporate Governance)

- 3.3 With effect from the 1 April 2011 the post of Assistant Chief Executive (Corporate Governance) is vacant and the Leader has withdrawn the delegations to the post in the officer delegation scheme (Executive functions) from that date. The executive functions have been delegated by the Leader across three posts, set out in the amended officer delegations appended to this report.
- 3.4 The executive function of acting as Solicitor to the Council has been delegated to the post of City Solicitor. This post also has the delegated executive functions relating to land charges and to data protection, human rights, freedom of information and the regulation of surveillance activities. The officer delegation scheme (Executive functions) is set out at appendix 1.
- 3.5 Executive functions relating to elections have been delegated to the Chief Executive, as shown in the attached officer delegation scheme (Executive functions) at appendix 2.

- 3.6 The Director of Resources has assumed responsibility for functions relating to democratic services, procurement and licensing and registration. The Director of Resources' amended officer delegation scheme (Executive functions) is set out at appendix 3 to this report.
- 3.7 The Director of Resources' delegation scheme at appendix 3 also reflects a minor amendment made at (g) for clarification purposes only.
- 3.8 The Leader has also made amendments to the general delegations within the officer delegation scheme (Executive functions), as set out in appendix 4 of this report.

Consequential Amendments

- 3.9 Authority to approve consequential amendments to the constitution to implement decisions of the Council or the Executive is delegated under Article 15 of the constitution.
- 3.10 As a result of the amendments made by the Leader, consequential amendments to the following documents in the constitution have been approved under delegated authority, to reflect the changes:

In relation to the Chief Asset Management Officer, the Chief Regeneration Officer and the Assistant Chief Executive (Corporate Governance):

- Part 3 Section 3B(a) Executive Member Portfolios (the revised version of this document is attached, for information, at appendix 5)

In relation to the Chief Asset Management Officer and the Chief Regeneration Officer:

- Article 12;
- Part 3 Section 2B Scrutiny Board (City Development) and Scrutiny Board (Environment and Neighbourhoods) Terms of Reference;
- Part 7 the Council's Management Structure

In relation to the Assistant Chief Executive (Corporate Governance)

- The Executive Procedure Rules
- Protocol – Roles of Members and Officers in Decision Making

- 3.11 A separate report has also been presented to full Council outlining further consequential amendments required to the constitution in light of the vacant post of Assistant Chief Executive (Corporate Governance).

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 Rule 1.4(b) of the Executive Procedure Rules requires a report to be presented to full Council notifying any amendment made by the Leader to the scheme of delegation relating to executive functions. This report fulfils that requirement.

6.0 Conclusions

- 6.1 The Leader has made amendments to the officer delegation scheme (Executive functions) in accordance with the Executive Procedure Rules and consequential amendments to the constitution necessitated by this amendment have been made under delegated authority.

7.0 Recommendations

- 7.1 Council is requested to note the amendments to the scheme of delegation relating to executive functions and the consequential amendments to the constitution set out in this report.

8.0 Background Papers

Chief Asset Management Officer

- 8.1 Letters from the Leader withdrawing the concurrent delegations to the Chief Asset Management Officer, dated 9 March 2011 and addressed to:
- The Assistant Chief Executive (Corporate Governance);
 - The Acting Director of City Development;
 - The Acting Chief Asset Management Officer.
- 8.2 The report to the Head of Governance Services dated 9 March 2011 entitled Consequential Amendments to the constitution
- 8.3 Delegated Decision Notification of the Assistant Chief Executive (Corporate Governance) dated 9 March 2011 setting out the consequential amendments to the constitution.

Chief Regeneration Officer

- 8.4 Letters from the Leader withdrawing the concurrent delegations to the Chief Regeneration Officer, dated 15 March 2011 and addressed to:
- The Assistant Chief Executive (Corporate Governance);
 - The Director of Environment and Neighbourhoods;
 - The Chief Regeneration Officer.
- 8.5 The report of the Principal Corporate Governance Officer dated 16 March 2011 entitled Consequential Amendments to the constitution
- 8.6 Delegated Decision Notification of the Assistant Chief Executive (Corporate Governance) dated 21 March 2011 setting out the consequential amendments to the constitution.

Assistant Chief Executive (Corporate Governance)

- 8.7 Letters from the Leader withdrawing delegations to the post of Assistant Chief Executive (Corporate Governance) and delegating functions to the Chief Executive, the Director of Resources and the City Solicitor, dated 30 March 2011 and addressed to:

- The Head of Governance Services;
- The Chief Executive;
- The Director of Resources;
- The City Solicitor.

8.8 The report of the Principal Corporate Governance Officer dated 30 March 2011 entitled Consequential Amendments to the constitution

8.9 Delegated Decision Notification of the Assistant Chief Executive (Corporate Governance) dated 30 March 2011 setting out the consequential amendments to the constitution.