

Report of the Director of Resources

Report to full Council

Date: 18th January 2012

Subject: Amendments to the officer delegation scheme (executive functions)

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): n/a	<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: n/a Appendix number: n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The purpose of this report is to set out the changes to the officer delegation scheme (executive functions) approved by the Leader on 8th December 2011.
2. This report also sets out the consequential amendments to the Constitution approved by the City Solicitor on 8th December 2011.
3. As the post of Chief Economic Development Officer has become vacant with effect from Friday 25th November 2011, the delegation scheme (executive functions) for this post has been withdrawn by the Leader, pending further discussions with the Director of City Development regarding when the vacancy will be filled, and whether the duties of the role might be reviewed.

Recommendations

4. The Council is asked to note the changes to the officer delegation scheme (executive functions) and the consequential amendments to the Constitution, set out in this report.

1 Purpose of this report

- 1.1 The purpose of this report is to set out the changes to the officer delegation scheme (executive functions) approved by the Leader on 8th December 2011.
- 1.2 This report also sets out the consequential amendments to the Constitution approved by the City Solicitor on 8th December 2011.

2 Background information

- 2.1 As set out in the Executive Procedure Rules, the Leader of Council may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Director of Resources and to the person, body or committee concerned. The notice must set out the extent of the amendments to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Director of Resources will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- 2.2 The Leader signed a delegated decision notice on 8th December 2011 setting out the extent of the changes agreed. This decision was published on the Council's website and was communicated directly to the Director of Resources and the Director of City Development.

3 Main issues

- 3.1 As the post of Chief Economic Development Officer has become vacant with effect from Friday 25th November 2011, the delegation scheme (executive functions) for this post has been withdrawn by the Leader, pending further discussions with the Director of City Development regarding when the vacancy will be filled, and whether the duties of the role might be reviewed.
- 3.2 As the functions delegated to the Chief Economic Development Officer were concurrently shared with the Director of City Development, there was no need to amend any other delegation scheme as a result of this change.

Consequential Amendments

- 3.3 By virtue of Article 15.2 of the Constitution, the City Solicitor has delegated authority to approve consequential amendments to the Constitution, as a result of legislative change or to implement decisions of the Council or the Executive, or for the purposes of clarification only. Consequential amendments were needed in relation to:
 - Article 12 of the Constitution - to remove the Chief Economic Development Officer from the list of officers appearing in the delegation scheme;
 - Chief Economic Development Officer - Officer Delegation Scheme (Council (non-executive) functions) - to remove this delegation scheme from the Constitution in light of the post becoming vacant; and

- Management Structure in Part 7 - to remove the reference to the post of Chief Economic Development Officer in light of the relevant concurrent delegations being removed from the Constitution.

3.4 The Head of Governance Services approved these amendments on 8th December 2011 under sub-delegated authority from the City Solicitor.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The consequential changes to the Constitution are made to keep the Constitution up to date and for clarification, and so no detailed consultation has been undertaken on these amendments.

4.1.2 The removal of the delegation schemes for the Chief Economic Development Officer has been discussed with the Director of City Development before being approved by the Leader.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no issues in relation to 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, approving the amendments to the attached documents will contribute towards this principle.

4.4 Resources and value for money

4.4.1 There are no resource implications arising from this report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 In accordance with the Executive Procedure Rule 1.4(b) the Leader has the authority to make changes to the delegation scheme in relation to executive functions within the Constitution at any time.

4.5.2 Furthermore, the City Solicitor has authority under Article 15.2 to make consequential amendments to the Constitution for the purposes of clarification.

4.5.3 There are no issues in relation to access to information as no parts of this report have been identified as confidential or exempt. The decision taken by the Leader was not a Key or Major decision and was therefore not open to call in.

4.6 Risk Management

- 4.6.1 These amendments to the Constitution prevent it from becoming out of date and ensure that it reflects the current decision making arrangements within the Council.

5 Conclusions

- 5.1 As a result of the post of Chief Economic Development Officer becoming vacant on 25th November 2011, the officer delegation scheme has been amended to remove delegated authority from this post. Consequential amendments to the Constitution have been made by the City Solicitor to reflect this change.

6 Recommendations

- 6.1 The Council is asked to note the changes to the officer delegation scheme (executive functions) and the consequential amendments to the Constitution, set out in this report.

7 Background documents

- 7.1 Delegated decision by the Leader of the Council, Amendment to the Constitution: Removal of the concurrent delegation scheme (executive functions) to the Chief Economic Development Officer (Reference CO1112058), 8th December 2011
- 7.2 Delegated decision by the City Solicitor, Amendments to the Constitution: Removal of the concurrent delegation scheme (council functions) to the Chief Economic Development Officer and consequential amendments (Reference CO1112058), 8th December 2011