

## **ANNUAL REPORT ON THE USE OF DELEGATED POWERS**

<u>Report of the:</u>	Head of Legal and Democratic Services
<u>Contact:</u>	Fiona Cotter
<u>Annexes/Appendices</u> (attached):	<b>Annexe 1</b> - Schedule of significant officer decisions taken in consultation with Committee Chairmen
<u>Other available papers</u> (not attached):	Scheme of Delegation

### **REPORT SUMMARY**

**In accordance with the Council's Scheme of Delegation to Officers, this report set out significant decisions taken by Officers in consultation with Committee Chairmen since 12 May 2016.**

### **RECOMMENDATION (S)**

**That the Committee notes that 31 significant decisions taken by Officers in consultation with Chairmen have been recorded or are pending using the delegated authority proforma since 12 May 2016.**

#### **1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy**

1.1 No direct implications.

#### **2 Background**

- 2.1 The Scheme of Delegation was drawn up on the principle that Officers are authorised to do all things that are necessary to run their services and to implement council policies provided their actions are taken within budget and according to standing orders etc.
- 2.2 The Scheme still contains a number of caveats and restrictions to ensure that Members are aware of most actions taken under delegated powers and are consulted properly. One of these is that a report should be presented annually to this Committee setting out significant decisions taken by Officers under delegated powers in the previous year.
- 2.3 Under the previous Scheme of Delegation, a form had been developed to record the taking of urgent decisions or decisions which needed to be made in consultation with a Chairman or where specifically authorised by a Committee.

- 2.4 This form is still used as a means of recording decisions which officers have felt it necessary to consult members upon. The phrase “significant decision” is not defined in the Scheme therefore for the purposes of this report will be defined as those decisions still recorded using the Officer Action proforma. The officer named is usually the officer who has initiated the action on behalf of their Service Head/Director.
- 2.5 What constitutes a “significant” decision is a matter of judgment. This will include matters which would ordinarily have been reported to committee, but which were required to be taken on a timescale which rendered this impractical. It will include matters which officers consider to be potentially controversial where it was considered important that members’ views were considered (usually the relevant committee chairman and/or ward councillors). It will also include matters of significant spend or where specific budgetary provision was not available. Sometimes it is appropriate to waive compliance with a standing order or other provision, and these are also recorded.
- 2.6 The Scheme of Delegation and the form referred to above will be reviewed in 2017/2018.

### 3 Proposals

- 3.1 Since 12 May 2016, thirty one decisions have been recorded or are pending using the delegated authority proforma, also set out in **Annexe 1** to this report. The total of thirty one is ten more than reported last year. All decisions made have been reported in Members’ Update.

### 4 Financial and Manpower Implications

- 4.1 As set out in individual cases and signed off by the Director of Finance and Resources/Head of Financial Services.
- 4.2 **Chief Finance Officer’s comments:** *If the matter involves a significant amount of expenditure, the use of this process should only be exercised when the matter is proven as urgent and cannot wait for formal agreement at the next relevant policy committee.*

### 5 Legal Implications (including implications for matters relating to equality)

- 5.1 Any significant legal implications should have been highlighted during the consultation.
- 5.2 **Monitoring Officer’s comments:** *The Chief Executive and Heads of Service are empowered to take all operational decisions within agreed policies in relation to the services for which they are responsible. In taking any decision Officers must be satisfied that all issues have been properly considered. Officers engage this process if, having considered the implications of any council, policy, initiative or procedure and the potential impact of the decision in any other area they consider that consultation with senior officers and members is appropriate.*

## **6 Sustainability Policy and Community Safety Implications; Partnerships**

6.1 No implications for the purposes of this report.

## **7 Risk Assessment**

7.1 In taking any decision, the officer concerned must be satisfied that certain issues specified in the Scheme of Delegation have been properly considered at the earliest possible stage.

## **8 Conclusion and Recommendations**

8.1 The Committee is asked to note that thirty one significant decisions taken by Officers in consultation with Chairmen have been recorded or are pending using the delegated authority proforma since 12 May 2016. This is ten decisions more than last year, again reflecting the number of significant property related matters and projects currently in the pipeline.

**WARD(S) AFFECTED: (All Wards);**