

REVIEW OF SCHEME OF DELEGATION

Report By: Assistant Chief Executive - Legal and Democratic

Wards Affected

All

Purpose

1. To consider amendments to the Scheme of Delegation following a review by the Assistant Chief Executive – Legal and Democratic.

Financial Implications

2. There are no financial implications.

RECOMMENDATION

THAT the proposed amendments to paragraphs 12.4.2 and 12.4.4. of the Scheme of Delegation be approved;

Reasons

3. The Scheme of Delegation was approved by Council on the 25th July 2008 and some amendments are required in order to be consistent with the Constitution.

Considerations

4. The Assistant Chief Executive – Legal and Democratic has carried out a review of the Scheme. The review has highlighted that the Scheme in parts is not consistent with other parts of the Constitution. The Scheme at paragraph 12.4 Cabinet Member Decisions sets out at 12.4.1 that Cabinet Members be confined to decisions within their area of responsibility. However paragraph 12.4.2 of the Scheme sets out that Cabinet Members Decisions “do not fall within the definition of an Administrative or Management Decisions (see 12.5) and are not Key Decisions”. This in effect prevents Cabinet Members making Key Decisions within their area of responsibility as intended by Paragraph 12.4.1 and Part 6 of the Constitution. The proposed amendment is to delete the word “and” to be replaced by “which” so that paragraph 12.4.2 will read:-

“Cabinet Member Decisions are those that do not fall within the definition of an Administrative or Management Decisions (see 12.5) which are not Key Decisions as defined in the Council’s Constitution”.

All Key Decisions will remain to be notified to all Members of the Council and Scrutiny Call In Procedures can be exercised in respect of such Key Decisions.

5. Urgent Cabinet Member Decisions at paragraph 12.4.11 permits Cabinet Members to take an Executive Decision in exceptional circumstances. These decisions would be Key Decisions and notified to all Members. The Council's Scrutiny arrangements would apply. Paragraph 12.4.12 b) requires that the Assistant Chief Executive – Legal and Democratic to provide an additional report to Cabinet. It is proposed that the Scheme be amended to avoid duplication and to delete the following words from Paragraph 12.4.12 b) - “The report must be sent to the Assistant Chief Executive – Legal and Democratic to present to the next convenient Cabinet meeting”.
6. The Committee should note that there is a review of the Constitution taking place and as a result of that review there may be further amendments to the Scheme of Delegation.

Risk Management

7. The proposed amendments do not affect the Council's checks and balances it has in place in respect of the Scheme of Delegation and the Council's Scrutiny arrangements set out in the Constitution.

BACKGROUND PAPERS

None