

	<b>Executive</b> <b>1 November 2017</b>	<b>Agenda Item No. 3</b>
<b>Title</b>	Revisions to the Constitution.	
<b>For further information about this report please contact</b>	Graham Leach Democratic Services Manager & Deputy Monitoring Officer <a href="mailto:Graham.leach@warwickdc.gov.uk">Graham.leach@warwickdc.gov.uk</a> or 01926 456114	
<b>Wards of the District directly affected</b>		
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		
<b>Background Papers</b>		

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality Impact Assessment Undertaken</b>	No
The report is an administrative report and does not introduce new arrangements.	

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	11/10/2017 11/10/2017	Chris Elliott Bill Hunt
Head of Service	11/10/2017	Lisa Barker & Tracy Darke
CMT		
Section 151 Officer	11/10/2017	Mike Snow
Monitoring Officer	11/10/2017	Andrew Jones
Finance	11/10/2017	Jenny Clayton
Portfolio Holder(s)	11/10/2017	Andrew Mobbs & Peter Phillips
<b>Consultation &amp; Community Engagement</b>		
Insert details of any consultation undertaken or proposed to be undertaken with regard to this report.		
<b>Final Decision?</b>	No	
<b>Suggested next steps (if not final decision please set out below)</b>		
The recommendations in the report require a decision by Council, if Executive support them.		

## 1. **Summary**

- 1.1 The report brings forwards proposals to amend the Officer Scheme of Delegation, following revisions to the staffing structure and also seeks to provide clarity regarding appointment to Sub-Committees.

## 2. **Recommendation**

- 2.1 That the Executive recommends to Council that the scheme of delegation is amended as set out at Appendix 1 to the report to reflect the changes as a result of the restructure of Housing & Property Services.
- 2.2 That Council procedure rules are amended, to include a reference confirming the requirements that to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee, with exception to this the appointment of Co-opted members who in all cases (less Scrutiny Sub-Committees), would have no voting rights.

## 3. **Reasons for the Recommendation**

- 3.1 Following the restructure of Housing & Property Services so that the Asset Team formed part of the Chief Executive's Office, the Deputy Chief Executive (BH) has reviewed the Scheme of Delegation to officers and has brought forward the amendments to reflect the revised structure. These amendments would see some delegations move from the Head of Housing to the Chief Executive.
- 3.2 It is proposed to amend the wording of former delegation HS(98) to proposed delegation DCE(4). This enables the deletion of delegation HS(16) which was a near duplicate. In addition a minor change to the wording of HS(101) now DCE(6) is proposed to bring the wording in line with other similar delegations where consultation is required.
- 3.3 There are proposals to revise the wordings to current wording of HS(2), (9), (86) (94), (95) and (96). This is because the wording within each of these delegations is out of keeping the rest of the officer scheme of delegation in that it names the Head of Service rather taking the lead from the heading.
- 3.4 It is proposed to amend delegation HS(11) so that it refers to the revised resettlement policy that has been approved by the Executive. HS(15) is proposed to be revised to remove reference to consulting with a solicitor for the Council so that it reflects current working practice. The proposal to amend HS(35) is included to remove any ambiguity from within the delegation.
- 3.5 DCE(10) is proposed as a new delegation to allow for consideration because the Council does have a small number of shop premises which fall into this category.
- 3.6 It is proposed to move DS(19) and DS(21) to DS(24) from Development Services to the Deputy Chief Executive to reflect this work moving into the new Assets team.
- 3.7 It is proposed to move DS(20) to a general delegation available to the Chief Executive, two Deputy Chief Executives and all Heads of Service thus allowing them individually take action for any incursion or trespass on Council land.

- 3.8 Following recent questions from Members, the Monitoring Officer considers it is appropriate to provide clarity within the Constitution regarding membership of Sub-Committees to remove any ambiguity.
- 3.9 At present, the Council only operates Sub-Committees to the; Employment Committee, Standards Committee, Licensing & Regulatory Committee and Overview & Scrutiny Committee. These are all classed as the parent Committee to the Sub-Committee.
- 3.10 To be appointed to a Sub-Committee, the Councillor must be a Member of the parent committee. Therefore, equally to be a substitute on a Sub-Committee the Councillor must be a Member (not a substitute nominated by Council) of the parent Committee.
- 3.11 In all cases the appointment to a Sub-Committee has to be made by the parent Committee. This is unless a delegation arrangement has been put in place as is the case for additional Licensing & Regulatory Committees and Standards Committee Hearing Panels.
- 3.12 There are exemptions to this process were co-optees can be appointed to Sub-Committees by their respective parent committee, but unless these are Sub-Committees of a Scrutiny committee the individual(s) appointed are non-voting.

#### 4. Policy Framework

##### 4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
<b>Impacts of Proposal</b>		
None	None	None

<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
None	The proposal brings forward to revisions to the Constitution to ensure that is correct and enables officers to deliver appropriate work.	None

**4.2 Supporting Strategies** – The proposals within this report do not impact or support the Fit for the Future supporting strategies but is brought forward in view of ensuring good governance.

**4.3 Changes to Existing Policies** – The report does not bring forward any changes to existing polices but seeks to amend the Constitution.

**4.3 Impact Assessments** – There are no significant changes proposed within the report that result in the need to undertake an impact assessment.

## **5. Budgetary Framework**

5.1 The report does not impact on the either Budgetary Framework or budget.

## **6. Risks**

6.1 There are only minimal risks associated with the recommendations because they are only brought forward to provide clarity within the Constitution. However, even if they were not approved it would not impact on the operation of the Council.

## **7. Alternative Option(s) considered**

7.1 With regard to both recommendations it was considered to leave the Constitution as at present. However, it was felt that for the sake of clarity and transparency the Constitution should be amended.

## Section 4 Scheme of Delegation

That the following delegation be deleted as it is a duplicate:

- HS (16) to grant way leaves for telephone equipment, wireless relay, cable etc, for HRA properties/land.

Within delegations HS(2), (9), (86) (94), (95) and (96) remove the wording Head of Housing & Property Services is authorised to because this is covered by the heading for these delegations

That the following delegations be amended (amendments in strikethrough or bold):

- HS (11) ~~approve payments authorised within the Tenants Incentive Grants Scheme to tenants transferred to smaller properties.~~ Approve payments under the Resettlement Service to **qualifying new** tenants accepting the tenancy of a ~~low demand designated older persons property.~~
- HS (15) ~~Following consultation with a solicitor acting for the Council,~~ to instruct Bailiff's to enforce Warrants for Eviction.
- HS (29) deal with applications for the assignment of **a residential** tenancy ~~or sub-letting of shops~~ provided under the Housing Acts
- HS (35) Re-purchase former Council owned dwellings within agreed criteria and with the assistance of an independent valuation subject to resources being made available and ~~at the Head of Housing & Property Services reporting back to Executive on each~~ **purchase** decision made.

That the following delegations be amended (amendments in bold) and delegated to the Deputy Chief Executive (BH):

- ~~HS(21)~~ operate the Secure Tenants of Local Housing (Right to Repair) Regulations 1994 (including service of Notices and acceptance or refusal of claims).  
DCE(1)
- ~~HS(24)~~ authorise the negotiation and agreement of enhanced rates to existing contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.  
DCE(2)
- ~~HS(29)~~ deal with applications for the assignment of tenancy or sub-letting of shops provided under the Housing Acts.  
DCE(3)
- ~~HS(98)~~ Grant wayleaves and easements across Council owned land to other public organisations **for both HRA and non HRA properties.**  
DCE(4)
- ~~HS(99)~~ Grant new leases on vacant properties, excluding HRA properties.  
DCE(5)
- ~~HS(100)~~ Following consultation with ward councillors and the relevant Head of Service of the service area owning the land, dispose of other interests in land including its sale where the consideration does not exceed £20,000 and also to accept the Surrender of leases where the value does not exceed £20,000.  
DCE(5)
- ~~HS(101)~~ ~~Following~~ **win** consultation with ward councillors and the relevant Head of Service of the service area owning the land, to initiate proceedings for forfeiture of Leases.  
DCE(6)
- ~~HS(102)~~ Agree rent reviews, for non HRA properties, where agreement on the new rent has been reached without recourse to arbitration.  
DCE(7)
- ~~HS(103)~~ Grant new leases, for non HRA properties, where statutory renewal rights exist.  
DCE(7)

- ~~HS(104)~~ Grant terminable licences, for non HRA properties, for access and other purposes.  
DCE(8)
- ~~HS(105)~~ Manage and control properties acquired by the Council in advance of requirements (other than those held under Part V of the Housing Act 1957 where consultation with the Head of Housing Services is required).  
DCE(9)
- ~~DCE(10)~~ Deal with applications for the assignment of a tenancy or the sub-letting of a shop, provided under the Housing Acts
- ~~DS(19)~~ Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.  
DCE(11)
- ~~DS(21)~~ Following consultation with a solicitor acting for the Council, enter into miscellaneous agreements of a minor nature affecting any land and/or property not provided for elsewhere.  
DCE(12)
- ~~DS(22)~~ Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.  
DCE(13)
- ~~DS(23)~~ Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.  
DCE(14)
- ~~DS(24)~~ In consultation with the Head of Finance, decline offers of property not recommended for acquisition.  
DCE(15)

**General Delegations to all Chief Officers as outlined in Article 12 of the Constitution**

- ~~DS(20)~~ Following consultation with a solicitor acting for the Council, take appropriate action in the County Court in cases of unlawful trespass on Council property.  
GE(16)