

	Executive 9 January 2019	Agenda Item No. 5
Title	Changes to the Scheme of Delegation and Council Procedure Rules	
For further information about this report please contact	Marianne Rolfe, Head of Health and Community Protection. Email: marianne.rolfe@warwickdc.gov.uk Tel: 01926 456700 Graham Leach, Democratic Services Manager & Deputy Monitoring Officer Email: graham.leach@warwickdc.gov.uk Tel: 01926 456114 Lorna Hudson, Regulatory Manager. Email: lorna.hudson@warwickdc.gov.uk Tel: 01926 456700	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers		

Contrary to the policy framework:	Yes/No
Contrary to the budgetary framework:	Yes/No
Key Decision?	Yes/No
Included within the Forward Plan? (If yes include reference number)	Yes/No-Ref: 980
Equality Impact Assessment Undertaken	Yes/No
There are no significant changes proposed within the report that result in the need to undertake an impact assessment	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	4/12/18	Andrew Jones, Bill Hunt, Chris Elliot
Head of Service	4/12/18	Marianne Rolfe
CMT	11/12/18	Andrew Jones, Bill Hunt, Chris Elliot
Section 151 Officer	11/12/18	Mike Snow
Monitoring Officer	11/12/18	Andrew Jones
Finance		
Portfolio Holder(s)	11/12/18	Andrew Thompson Andrew Mobbs Peter Phillips
Consultation & Community Engagement		

Warwickshire County Council Legal Services	
Final Decision?	No
Suggested next steps (if not final decision please set out below)	
The report includes recommendations to Council on 23 January 2019	

1. Summary

- 1.1 The report brings forwards proposals to amend the Officer Scheme of Delegation following legislative changes and to provide clarify of delegation and a minor change to Council Procedure Rules for clarification.

2. Recommendations

- 2.1 That the Executive recommends to Council that the Head of Health & Community Protection scheme of delegation is amended as set out at Appendix 1 to the report.
- 2.2 That the Executive removes delegation HS(5) to the Head of Housing to let residential properties to persons who are not eligible for accommodation in accordance with the Council's policy in exceptional circumstances, be removed, and asks Council to update the scheme of delegation to reflect this.
- 2.3 That the Executive recommends to Council that the scheme of delegation is amended to revise the following wording:

All members of staff have authority to act on behalf of the Council in accordance with duties set out in their job description and will carry identification as evidence of their authority to enter premises lawfully at all reasonable hours for the purposes of carrying out such duties in line with appropriate legislation.

- 2.4 That the Executive approves that the Monitoring Officer updates the scheme of delegation so that it identifies the matters which are Executive or Council functions and submit the updated scheme (including those as a result of recommendation 2.1 and 2.2 if they are approved), to Council on 23 January 2019.
- 2.5 That Council procedure Rule 33, recording of meetings be amended to include the following statement:

The Council will ensure that all parties present at its meetings which it is recording are notified that they are being recorded and that .in line with the Openness of Local Government Regulation 2014 members of the public are entitled to record the meeting as well.

The filming, videoing, photographing or recording of any meetings of the Council, Executive, Committees or Sub-Committees of the Council, which are open to the public and press, is allowed, providing it does not disturb the conduct of the meeting.

Anyone visually recording a meeting will be expected to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

The Chairman of the meeting will have the power to rescind this permission for individuals(s) if, in their opinion, it is disruptive or distracting to the good order and conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

3. Reasons for the Recommendations

Recommendation 2.1

- 3.1 Following a full review of the legislation used by Health & Community Protection and in light of changes to legislation the proposed changes as outlined in Appendix 1 to the report update the scheme of delegation to reflect the current legislative landscape for the Service Area.
- 3.2 To ensure transparency and clarity of the delegation of powers, duties and requirements under the relevant legislation within the Officer Scheme of delegated to the Head of Health and Community Protection.
- 3.3 To remove all outdated or superseded powers, duties or requirements delegated to the Head of Health and Community Protection under the Officer Scheme of Delegation.

Recommendation 2.2

- 3.4 The proposed removal of this delegation is requested because this delegation is contained within the Housing Allocations Policy and the Head of Housing has delegated authority to take decisions in line with the Housing Allocations Policy.

Recommendation 2.3

- 3.5 The proposed change to the general wording within the scheme of delegation is proposed so that it reflects the current operation of identification badges within the Council and has been in operation for over 10 years. This is with the exception of the revision to remove the need for a signature on the ID badge which after review, ahead of the introduction of new ID Badges is no longer considered necessary.

Recommendation 2.4

- 3.6 The Executive will be aware that the decisions made at Warwick District Council are, by law, either Council decisions or Executive decisions. These include the delegations made to officers and therefore for the sake of clarity is proposed that all officer delegations should be identifiable as Council or Executive decisions (in line with the rest of the Constitution)

Recommendation 2.5

- 3.7 The Executive will be aware that the Government regulation in 2014 (Openness of Local Government Regulation 2014) with regard to the public recording Council, Executive, Committee or Sub-Committee meetings. The Plain English Guide can be accessed [on line](#). It is considered appropriate that reference is made to this within Council Procedure Rules for ease of reference.

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.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<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
Impacts of Proposal		
None	None	None
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<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
Impacts of Proposal		
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 policies 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**

The report does not impact on either the 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.

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

7.1 There are no alternative options to consider because of the additional legislation and changes to legislation since the last revision of the Officer Scheme of Delegation it is not appropriate to leave the Scheme as currently defined.