

 Council 20 May 2020		Agenda Item No. 10(e)
Title	Minor Amendments to the Scheme of Delegation	
For further information about this report please contact	Chris Elliott 01926 456000 chris.elliott@warwickdc.gov.uk	
Wards of the District directly affected		
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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
Contrary to the budgetary framework:	Yes
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes 1122
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		Chris Elliott
Head of Service		
CMT		
Section 151 Officer	18/3/2020	Mike Snow
Monitoring Officer		Andrew Jones
Finance		
Portfolio Holder(s)		Andrew Day
Consultation & Community Engagement		
Tracy Dolphin – Head of People & Communications Steve Partner – Head of Assets		
Final Decision?	No	
Suggested next steps (if not final decision please set out below)		
If approved Council will need to amend the Constitution.		

1. **Summary**

- 1.1 The report brings forward minor amendments to the Officer Scheme of Delegation to reflect the new Heads of Service.

2. **Recommendation**

- 2.1 That Council ratifies the decision of Group Leaders and the Chairman and agrees to amend the Constitution to reflect the revised delegations as set out at Appendix 1 to the report and recommends to Council that it amends the Constitution to reflect these revised delegations.
- 2.2 That the Council ratifies the decision of Group Leaders and the Chairman to amend the list of Chief Officers in Article 12 of the Constitution so that it includes reference to the Head of ICT, Head of Assets and Head of People & Communications and Part 7 the Structure Chart be amended to reflect this.

3. **Reasons for the Recommendation**

- 3.1 Employment Committee in December 2019 agreed to a revised Senior Management Team Structure with three new Heads of Service. As part of those changes, it is appropriate that they have the necessary delegations in place to undertake their roles.
- 3.2 There are no new delegations proposed, the delegations being transferred to the new Heads of Service or revised to provide more effective service delivery or support.
- 3.3 Any amendments are shown with new text in *italics* and removed text ~~struck through~~.
- 3.4 It is proposed to refine the delegation CE(16) so that it is a single clause because the Council's interest is far reaching and negated the need for the other two clauses. In respect of the Financing of such an agreement, if it was necessary, conversations will include the relevant Head of Service, HR and Finance to review necessity and that funds are available. Agreement on where the funding would come from e.g. Salaries or Early Retirement Reserve will be between Chief Executive and Leader and budget monitoring would disclose transparency for both situations. Where funds are not available, a report to Executive would need to be brought forward on how the agreed amount would be paid for.
- 3.5 It is proposed that delegation CE(26) be removed as the Council has not operated this scheme for over three years and is therefore redundant.
- 3.6 It is proposed that delegation CE(12) regarding honorariums is moved so that it can be approved by any individual Chief Officer (Chief Executive, Deputy Chief Executives and Heads of Service), as these are funded from their individual budgets. A letter of appreciation will be sent from the Chief Executive, to the member of staff, to provide formal notification of an honorarium and more importantly, to recognise the work they have undertaken.
- 3.7 It is proposed to revise CE(15), regarding market premiums so that it refers to the current Market Forces Supplement Policy adopted by the Council. Also, it is proposed that this should be available for any Chief Officer to apply rather than be reliant on the Chief Executive.

- 3.8 It is proposed to revise delegation CE(17) so all Heads of Service can use this delegation. Some aspects of this have been removed as are no longer in use by the Council, following previous decisions by members and the broader wording which remains and will enable the work to continue as required.
- 3.9 It is proposed that the second part of delegation CE(18) is removed as this service has not been offered by the Council for over 10 years.
- 3.10 Recommendation 2.2 is proposed so that the Constitution reflect the decisions of Employment Committee in December 2019 which come into effect from 1 April 2020.
- 3.11 These proposals had been due to be considered by the 25 March Council. However, the 25 March Council meeting was cancelled following tight controls on public movement. Therefore, to enable the Council to move forward and following legal advice, the Group Leaders and Chairman agreed to the decisions, subject to them being ratified by Council.

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. This report forms part of this process as part of the changes made to bring forward the Council's new Business Plan.

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		
The revisions will ensure that the appropriate delegations are in place for the new Heads of Service to use when they start their new roles.	None	None

4.2 **Supporting Strategies** this report does not directly contribute to any supporting policies.

4.3 **Changes to Existing Policies** – This report brings forward minor revisions to the scheme of delegation which forms part of the Constitution.

4.4 **Impact Assessments** – These have not been undertaken because there is no direct impact of any changes in respect of protected characteristics.

5. **Budgetary Framework**

5.1 This report does not impact on the Budgetary Framework or the Budget of the Council.

6. **Risks**

6. There are no significant risks associated with the report.

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

7.1 The Executive could decide not to amend the scheme of delegation as proposed. This would cause no overall impact on the delivery of services as those with delegated authority can authorise any officer to undertake the work for them. However, from a transparency perspective and to ensure recognition of the new roles this is advised against.

Appendix 1

General delegations to all Chief Officers as out lined in article 12 of Constitution:

CE (12) G(17)	Grant honoraria to staff in accordance with the National Scheme of Conditions of Service.
CE (15) G (18)	Apply market forces supplement premiums for staff as <i>in line with the Market Forces Supplement Scheme considered necessary.</i>
CE(17) G(19)	<p>(i) in consultation with the Head of People & Communications to approve the grant of loans under Assisted Car Purchase Scheme.</p> <p>(ii) Approve members of staff as essential car users.</p> <p>(iii) Enter into car leasing arrangements in accordance with the Council's scheme.</p> <p>(iv) Approve any changes to the contribution made by the Council in respect of a loan granted under the assisted car purchase scheme following a review of the car lease prices.</p>

The Chief Executive shall have authority to:

CE (16)	<p>Approve severance payment, up to the equivalent of 12months salary for the post, which either:—(i) are is, in their opinion, in the Council's interests.</p> <p><i>(With notification to Group Leaders and relevant Portfolio Holders and Shadow Portfolio Holders of the decision)</i></p>
	(ii) result in savings which recoup all initial costs of severance, subsequent staff regradings and any other consequential cost increases, within a period of 12 months of the severance; and
	(iii) result in a post being deleted from the establishment though not necessarily the same post as the one from which the person was severed.
	(NB the value of the payment must be agreed in line with the requirements of the Chief Executives delegated authority to determine urgent items between meetings CE(4))
CE(23)	The membership of the Panel(s) identified in the recruitment, disciplinary and grievance process for officers (excluding Statutory and Chief Officers) be appointed by the Chief Executive in consultation with the Chairman of the Employment Committee.
CE (26)	Issue Concessionary Travel Tokens in accordance with the Council Scheme.

The **Head of People & Communications** shall have authority to:

CE (10) PC(1)	Exercise the Council's powers relating to people management in accordance with the personnel handbook and the policies agreed by the Employment Committee.
CE(11) PC(2)	Approve advancement of increments to all staff.

CE(18) PC(3)	(i) Approve the payment of removal and relocation expenses in accordance with the scheme adopted by the Council.
	(ii) Approve any changes to the relocation and mortgage subsidy when the schemes are reviewed.
CE(19) PC(4)	Nominate first aiders in accordance with the First Aid at Work Regulations 1981.
CE(22) PC(5)	In liaison with the Monitoring Officer, provide appropriate practical and financial support to proceedings which employees, who have suffered violence in the course of their employment, might wish to bring.
CE(27) PC(6)	implement national wage and salary awards and conditions of service, except where discretion is to be exercised on assimilation of revision of scales.

The **Head of ICT** shall have authority to:

MO(11) ICT (1)	Act under the provisions of either the Public Health Act 1925 or Town Improvement Clauses Act 1847 to (i) deal with the numbering and re-numbering of properties; (ii) approve the naming of streets following consultation with the appropriate Parish or Town Council.
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The **Head of Assets** shall have authority to:

ASTDCE(1)	operate the Secure Tenants of Local Housing (Right to Repair) Regulations 1994 (including service of Notices and acceptance or refusal of claims).
ASTDCE (2)	negotiate and agree enhanced rates to existing contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.
ASTDCE (3)	deal with applications for the assignment of tenancy or sub-letting of shops provided under the Housing Acts.
ASTDCE (4)	Grant wayleaves and easements across Council owned land to other public organisations for both HRA and non HRA properties.
ASTDCE (5)	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.
ASTDCE (6)	in consultation with ward councillors and the relevant Head of Service of the service area owning the land, to initiate proceedings for forfeiture of Leases.
ASTDCE (7)	Agree rent reviews, for non HRA properties, where agreement on the new rent has been reached without recourse to arbitration.

ASTDCE (7 17)	Grant new leases, for non HRA properties, where statutory renewal rights exist.
DCE(8)	Grant terminable licences, for non HRA properties, for access and other purposes.
ASTDCE (9)	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).
ASTDCE (10)	Deal with applications for the assignment of a tenancy or the sub-letting of a shop, provided under the Housing Acts
ASTDCE (11)	Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.
ASTDCE (12)	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.
ASTDCE (13)	Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
ASTDCE (14)	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.
ASTDCE (15)	In consultation with the Head of Finance, decline offers of property not recommended for acquisition.
ASTDCE (16)	to approve a rental holiday for any non HRA property subject to either a maximum of 12 months or £20,000 whichever is the lowest and the holiday being reported in the quarterly budget monitoring report to Executive.

Delegation to multiple but not all Chief Officers as set out in Article 12:

A (11)	Grant new leases on vacant properties, excluding HRA properties.	The Deputy Chief Executive (BH) Head of Assets and Head of Development
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