

**OFFICER REPORT TO COUNCIL****AMENDMENTS TO THE SCHEME OF DELEGATION – THE EXERCISE OF EXECUTIVE FUNCTIONS****KEY ISSUE/DECISION:**

The Leader has agreed changes to the Council's Scheme of Delegation. In accordance with Articles 5.02 and 6.04(d)(ii) of the Council's Constitution, the changes made by the Leader are being reported to Council.

BACKGROUND:

1. The Leader is responsible for maintaining a list in Part 3 of the Constitution setting out who will exercise executive functions. Any changes to this list are required to be reported to the next appropriate meeting of the County Council.

Delegations to Portfolio Holders

2. The list of delegations to individual portfolio holders has been amended to reflect the replacement of the Policy Initiatives Budget with the Community Improvements Fund and the Surrey Growth Strategy. Details of the introduction of the Community Improvements Fund and the help it provides to communities to support local initiatives, were circulated at the meeting of Council on 13 December 2011.
3. The Leader will exercise functions relating to expenditure against the agreed Community Improvement Fund (with further corresponding amendments made to the delegations to officers to enable these decisions to be enacted). Delegated authority on expenditure against the agreed Surrey Growth Strategy budget will be exercised by the Deputy Leader.

Delegations to Officers

4. A number of services, in consultation with Legal & Democratic Services, have recently carried out reviews of their existing delegation arrangements. In many cases these followed reviews of the services

themselves and reflected the need to update the scheme to refer to revised post titles, take into account developments in recent legislation and to tidy up wording. Following the outcome of these reviews, amendments have been made to the relevant sections of the Scheme of Delegation to include:

Community Partnership

- A new delegation to manage the funding arrangements following decisions made by the Leader with regard to the Community Improvements Fund.

Trading Standards

- Delegation around the exercise of Fixed Penalty Notices, Penalty Charge Notices and Penalty Notices for Disorder.
- Delegation to provide for the Community Protection Manager, in consultation with, and having the agreement of, the Director of Customer and Communities and the Portfolio Holder, to make amendments to the Trading Standards Enforcement Policy.
- Clarification of Regulation of Investigatory Powers Act arrangements.

Highways and Transportation

- Amendment to existing Traffic Regulation Order delegation wording to provide clarification between advertised and made orders.

Planning & Development Group

- New functions inserted to enable the prompt application of controls to minerals development for the protection of Surrey's natural environment and residential amenity.
- New functions inserted relating to the legislative requirements under the Flood and Water Management Act 2010 (changes to ordinary watercourse regulation (consenting and enforcement)).
- Amended wording to show that the delegated function on public rights of way orders is to be exercised only after consultation with the Local Committee Chairman, local Member and no objections having been received.

Other amendments

5. The reference under Local Committee functions to wellbeing powers has been amended to reflect the new general power of competence under the Localism Act. Reference to the Youth Development Service Plan has been removed as this is no longer produced.
6. In addition to the changes made by the Leader, the Scheme has also been updated to reflect current officer post titles. The existing numbering of officer delegations has also been amended to take account of new and removed functions.

7. Printed copies of the updated Scheme of Delegation pages will be circulated after the meeting to replace the existing copies in Members' Constitutions.

RECOMMENDATION:

It is recommended that the amendments to the Scheme of Delegation in relation to executive functions agreed by the Leader as detailed above be noted.

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Sources/background papers:

The Council's Constitution
Email correspondence
