

OFFICER REPORT TO COUNCIL



AMENDMENTS TO THE SCHEME OF DELEGATION

KEY ISSUE/DECISION:

To agree amendments to the Scheme of Delegation consequential on recent legislative changes.

BACKGROUND

1. Section 101 of the Local Government Act 1972 enables the Council to arrange for the discharge of its functions through a Committee, Sub Committee or an officer of the Council. These arrangements are documented in a Scheme of Delegation, which forms Part 3 of the Council's Constitution (If Members wish to consult their hard copy of the Constitution these are the mauve pages). Section 2 of the Scheme of Delegation deals with delegations to Committees and Sub Committees of the Council, whilst Section 3 deals with delegation to officers.
2. There have been some statutory changes to the Council's functions, which are not adequately reflected in the Scheme. In order to clarify current responsibilities, this report recommends changes in wording to an approval delegated to the Planning and Regulatory Committee, adds the Public Health function to the Scheme and makes another minor change in the Proper Officer role of the Head of Cultural Services.

PUBLIC HEALTH:

3. Responsibility for public health functions transferred to the County Council in April 2013 under the Health and Social Care Act 2012. As part of the transition arrangements, specialist staff moved from the NHS to the County Council to establish the Public Health Team, under the leadership of the statutory Director of Public Health role. At the same time, the County Council established a Health and Wellbeing Board, which was formalised by the Council within the Constitution in March 2013.
4. In May 2013, the Leader announced his new Cabinet, which included responsibility for Public Health within the portfolio of the Cabinet Member for Public Health and Health and Wellbeing Board.
5. As Public Health is now a function of the Council, any decisions relating to public health are handled in line with the Council's Constitution, including the

Scheme of Delegation and Procurement Standing Orders. However, Public Health is not currently included in the Scheme of Delegation to Officers and therefore the administrative and management responsibilities of the Director of Public Health are not documented.

6. To ensure clarity of roles, the County Council is asked to agree to add the Director of Public Health to the general delegations to officers (Section 3, Part 3 of the Scheme of Delegation.)

CIVIL PARTNERSHIPS

7. The Council is the county authority with legal power to approve the buildings (for example hotels or historic buildings) in which civil marriages and civil partnerships may be solemnised. The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 also allow civil partnership ceremonies to be conducted in places of worship in England and Wales. Approval of premises for civil marriages has been delegated by Council to the Planning and Regulatory Committee, but the delegation does not mention civil partnerships, neither does the delegation to the Head of Cultural Services reflect the most up to date legislation.
8. To ensure clarity of roles and responsibilities in this area this report asks council to agree to update the Scheme of Delegation to better reflect the responsibilities of both Planning and Regulatory and the Head of Cultural Services.

DETAIL OF THE PROPOSED AMENDMENTS

9. The paragraphs of the Scheme of Delegation including the proposed amendment are set out below. In each case the amendment adds additional words and these are underlined:

9.1. Section 2 of the Scheme of Delegation

Paragraph 6 of Section 2 deals with those Council functions delegated to Committees. Paragraph 6.3 (e) as amended, would read:

(e) Births, Deaths and Marriages

Power to approve premises for the solemnisation of civil marriages and the formation of civil partnerships and to approve the licensing of religious buildings for civil partnerships.

9.2. Section 3 of the Scheme of Delegation

- i. Part 2 of this section deal with general delegation to officers and sets out the Council's Management Structure. The Director of Public Health is directly accountable to the Chief Executive, but reports to the Assistant Chief Executive for administrative management arrangements. The amended table of responsibilities would read:

TITLE OF POSTHOLDER	SUMMARY OF AREA OF RESPONSIBILITY
Chief Executive	Head of paid service and responsible for the overall management of the workforce and the authority.
Assistant Chief Executive	Jointly responsible with the Chief Executive and the Strategic Directors for the overall performance of the paid service. Overall responsibility for Communications, Policy and Performance, <u>Public Health</u> and Legal and Democratic Services.
Head of Communications	Responsible for the communications strategy for the Council, and for the management of Communications.
Head of Legal and Democratic Services	The Council's Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and Chief Legal Adviser, responsible for the management of Legal and Democratic Services.
Head of Policy and Performance	Responsible for leading the Policy and Performance Service, developing the Council's policy framework, the Council's corporate centre of expertise on performance, quality and project management and provider of the Council's internal audit function.
<u>Director of Public Health</u>	<u>Responsible for leading the Public Health Service, including the public health mandatory and non mandatory functions that include delivering the health improvement, health protection and healthcare quality functions of the council.</u>

- ii. Part 4 of this section deals with Proper Officer functions, by identifying those Council officers who can exercise specific functions identified in legislation. As amended this would now include:

Marriages and Civil Partnerships (Approved Premises) Regulations 2005

Head of Cultural Services	To be the Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994) <u>the Civil Partnership Act 2004, the and the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 and to</u>
---------------------------	---

	set fees and offer discounts where applicable.
--	--

RECOMMENDATION:

That the Council agrees to amend the Scheme of Delegation as set out in detail above.

REASONS FOR RECOMMENDATIONS:

To ensure the Scheme of Delegation adequately reflects the Council's current powers and responsibilities.

LEAD/CONTACT OFFICER: Ann Charlton, Head of Legal & Democratic Services

TELEPHONE NUMBER: 020 8541 9001