



## OFFICER REPORT TO COUNCIL

### AMENDMENTS TO THE SCHEME OF DELEGATION

#### **KEY ISSUE/DECISION:**

The Leader of the Council has agreed a number of changes to the Council's Scheme of Delegation to enable arrangements relating to the Repair and Renew Grant Scheme, to enhance business continuity arrangements and to delegate a particular responsibility to a Portfolio Holder.

In addition, the Cabinet has approved the inclusion of the terms of reference of the newly-created Shareholder Board and Coast to Capital Strategic Joint Committee in the Constitution.

Council is also asked to agree a change to the Scheme of Delegation to enable the Chief Executive and Strategic Director for Business Services to agree arrangements to deliver services with other authorities.

In accordance with Articles 4.10, 5.02 and 6.05(d)(ii) of the Council's Constitution, the changes 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.

#### **Repair and Renew Grant Scheme - Delegation to officers**

2. The recent launch of the Repair and Renew Grant Scheme has necessitated an addition to the Scheme of Delegation to delegate responsibility for determining applications for grants by individuals and businesses. The grants are to carry out repair and renewal related to the recent flooding. Responsibility for determining the grant applications has been delegated to the Community Partnerships Manager, Community Partnership Team Leaders and the Senior Policy and Performance Manager, Customers and Communities Directorate Support. Any determinations will be made according to guidance provided by Defra.

### **Schools delegations – Assistant Court Presentation Officer**

3. The Leader of the Council has agreed to a request from the Schools and Learning service for the addition of the Assistant Court Presentation Officer role to delegations relating to the signing of relevant notices and summonses. The delegations include school attendance orders, education supervision orders and penalty notices as well as an existing penalty notice in relation to prosecutions. The intention of the addition is to ensure that sufficient numbers of staff are available to sign the notices at any given time.

### **Property Services – changes to postholder delegations**

4. In addition, the Leader of the Council has agreed changes to the existing delegations for Property Services. The changes do not alter the delegated powers but rather the postholders who can exercise the authority. In some cases, the delegation is to a lower grade to reflect changes to the staffing structure within the service and to ensure, for business continuity purposes, that sufficient numbers of staff are authorised to take action.

### **Delegation to Portfolio Holder**

5. Under part IV of the Countryside and Rights of Way Act 2000 (CRoW Act), all local authorities with an area in an AONB have a duty to produce a Management Plan and to review that plan every five years. The County Council, along with the other local authorities covered by the High Weald AONB, delegated that task to a Joint Advisory Committee (JAC).
6. The County Council first adopted the Management Plan in 2004 and it has since been reviewed on two occasions by the JAC. The most recent revision of the document sets out the plan for the management of the area from 2014-2019 and the Leader of the Council has agreed that the authority for agreeing the plan should rest with the Portfolio Holder.

### **Shareholder Board**

7. A Shareholder Board has been established to exercise the Council's role as shareholder in any company limited by shares wholly or partly owned by the Council for the purposes of service provision and/or trading activities. The Board will act with the delegated authority of the Cabinet to ensure the performance of any such company is satisfactory.

8. Among other duties, the Shareholder Board has the power to appoint and remove Company Directors, to approve and monitor Company Business Plans and to periodically evaluate the financial performance of a Company. Details about the operation of the Board, including its scope and purpose, are attached at Annex A.
9. At its meeting in February 2014, the Shareholder Board agreed that its terms of reference should be published in the County Council's Constitution. Accordingly, the terms of reference will be added to the Scheme of Delegation. Along with the membership listed in the terms of reference, the Section 151 Officer, Monitoring Officer and Strategic Director for Business Services act as advisors to the Board to provide open and strong technical advice.

### **Coast to Capital Strategic Joint Committee**

10. The Cabinet has approved the establishment of the Coast to Capital Strategic Joint Committee. The main purpose of the Joint Committee is to approve the Strategic Economic Plan (SEP). It will also discuss the Growth Deal for the Coast to Capital Local Enterprise Partnership (LEP) area in its role of providing strategic advice to the LEP Board. The detailed terms for the operation of the Strategic Joint Committee, including its purpose, functions and accountability, are attached at Annex B.
11. The Coast to Capital area comprises two county councils, two unitary authorities, 12 district and borough authorities and the South Downs National Park Authority and the new Joint Committee will include representatives from each of those authorities.
12. In giving formal approval to the establishment of the new body, the Cabinet requested that the County Council's Constitution be amended to include the terms of reference of the Joint Committee.

### **Arrangements for the discharge of functions**

13. The Scheme of Delegation currently authorises officers to purchase goods and services on behalf of the Council, but there is not an equivalent flexibility when it comes to sharing services with other local authorities. The Local Government Act 1972 and the Local Government Act 2000 empower the Council to deliver functions on behalf of other local authorities and to agree arrangements to do so. In order to facilitate opportunities for collaborative working with other local authorities, Council is therefore asked to agree a new delegation authorising the Chief Executive and the Strategic Director for Business Services, in consultation with the Leader and the appropriate portfolio holder, to agree such arrangements.
14. Printed copies of the updated Scheme of Delegation pages will be circulated to replace the existing copies in Members' Constitutions.

<b>RECOMMENDATION:</b>
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It is recommended:

- a) that Council agree the following delegation to the Chief Executive and to the Strategic Director for Business Services

Arrangements for the discharge of functions

In consultation with the Leader and with any Cabinet Member responsible for the function for which the Council is proposing to take responsibility, to agree arrangements with another local authority to discharge functions on behalf of that other authority.

- b) that the amendments agreed by the Leader to the Scheme of Delegation be noted; and
- c) that the County Council agrees to the relevant changes to its Constitution to enable the Shareholder Board and the Coast to Capital Strategic Joint Committee to be established and become operational, as set out in Annex A and B, and notes that the terms of reference of the Shareholder Board and the Coast to Capital Strategic Joint Committee will be included in the County Council's Constitution.

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**Sources/background papers:**

The Council's Constitution

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