

SURREY COUNTY COUNCIL**LEADER DECISION****DATE: 14 MARCH 2017****LEAD OFFICER: ANN CHARLTON, DIRECTOR OF LEGAL, DEMOCRATIC AND CULTURAL SERVICES****SUBJECT: APPROVAL OF AN AMENDMENT TO THE SURREY COUNTY COUNCIL SCHEME OF DELEGATION****SUMMARY OF ISSUE:**

The Leader exercises the executive functions of the Council and is also able to delegate these functions to the Cabinet, to an individual Cabinet Member or to officers.

Currently, decisions to consult the public on modifications to public services is delegated to Cabinet. This report proposes that the Leader now delegate this function to senior officers.

The Council is required by the Local Government Act 2000 and Regulations made under it to indicate how it has arranged for its functions to be carried out. The Scheme of Delegation ('the Scheme') sets out details of who is responsible for which functions in the Authority and the extent to which any functions have been delegated.

The Scheme of Delegation forms part of the Council's Constitution and any changes are reported to Council for information.

RECOMMENDATIONS:

It is recommended that:

1. The Leader authorise the Chief Executive, Deputy Chief Executive, Strategic Directors and Directors to commence public consultation on proposed modifications to public service, in consultation with the relevant Cabinet Portfolio Holder.
2. The revised Section 3, Part 1 of the Scheme of Delegation as set out in Annex 1 to include a delegation on public consultation, is approved by the Leader of the Council.
3. The revised Section 3, Part 1 of the Scheme of Delegation be recommended to the County Council for noting at its meeting in March 2017.

REASON FOR RECOMMENDATIONS:

The revised delegation will enable officers to progress plans to deliver savings contained in the Medium Term Financial Plan (MTFP), whilst ensuring that the ultimate decision on changes to services remains with the Cabinet.

The revised Section 3 of the Scheme sets out the overall Executive functions that

Officers of the Council that are authorised to exercise relating to their areas of responsibility and any changes to this are required to be approved by the Leader of the Council and reported to County Council.

DETAILS:

1. The Director of Finance reported to Council at its February meeting that the financial and economic context facing the council remains challenging, a continuation of austerity, significant reduction in central Government funding at the same time as increasing demographic pressures for core council services, adult and children's social care in particular, must be addressed. The Council has made over £450m of savings and service reductions since 2010. In order to achieve sustainable services in future years, whilst delivering the savings required by the MTFP and addressing an additional £30million pressure in 2017/18, significant service efficiencies and transformations must be delivered at pace.
2. Significant modifications to service provision frequently require prior public consultation to inform the proposal. Before taking a decision on a proposal to modify services the decision maker (at Surrey County Council this is usually Cabinet) will give due regard to those consultation findings. Currently any such proposal requires at least two Cabinet decisions. The first of these decisions is at the point that the service intends to go out to public consultation and is simply a decision to start public consultation on that proposal. The more significant decision, which is whether or not to implement the service change and/or to include modifications to the original proposal, comes after the consultation is finished, when Cabinet is able to take the consultation responses into account in making that decision.
3. By delegating to the Chief Executive, Strategic Directors and Directors, authority to commence public consultation on proposed modifications to public services, planned savings contained in the MTFP can be progressed whilst allowing Cabinet to consider matters of more direct impact on Surrey residents. The proposed amendment to the Scheme incorporates two key safeguards: The first is that senior officers must consult the relevant portfolio holder before taking a decision to commence consultation. The second is that no proposal to modify public services can be implemented without an appropriate Member decision.
4. The Council is required by law to set out and publish a Scheme of Delegation detailing the responsibility for functions. This scheme forms part of the Constitution of Surrey County Council (SCC). The Scheme has been reviewed and a proposed revision to add a delegation to senior officers regarding decisions on public consultation is included. The proposed revised Scheme of Delegation Section 3 – Part 1: The Overall Scheme of Delegation, How the Scheme Works can be found attached at **Annex 1**.

CONSULTATION:

5. Internal consultation has been undertaken to include the Leader and Deputy Leader, Chief Executive, Deputy Chief Executive and the Chief Executive's direct reports.

RISK MANAGEMENT AND IMPLICATIONS:

6. The proposed new delegation to officers will enable service transformation proposals to progress in order to deliver challenging efficiency and savings requirements. The delegation has been designed to allow political input into the initial consultation decision and does not impact upon the role of Cabinet in implementing service changes.
7. It is essential that the revised Scheme of Delegation is accurate to enable effective and efficient decision making and to ensure that the Council clearly sets out who is authorised to take decisions in order to comply with legal requirements. Failure to do so would result in a breach of the requirements set out in the Local Government Act 2000 and could result in delays to decision making resulting in failure to deliver services in a timely manner.

Legal Implications – Monitoring Officer

8. The Leader has the statutory power to exercise and to delegate executive functions. The Scheme of Delegation creates the necessary authority for committees of the Council, the Cabinet, individual Cabinet Members and officers to conduct business and make appropriate decisions on behalf of the Council.

WHAT HAPPENS NEXT:

- Following approval by the Leader the revised Section 3 of the Scheme of Delegation will be reported to the County Council at its meeting on 21 March 2017.
- Once approved by Council the revised Section 3 of the Scheme will be published on the Council's website as part of the Council's Constitution and communicated to the organisation.
- Officers will be able to implement revised decision making arrangements for commencing public consultations.

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Consulted:

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 Heads of Service across the Council

Annexes:

Revised Scheme of Delegation:
 Annex 1 – Part 3 – Section 3 Part 1 – The Overall Scheme of Delegation, How the Scheme Works

Sources/background papers: Constitution of the Council – February 2017

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