



## OFFICER REPORT TO COUNCIL

### AMENDMENTS TO THE CONSTITUTION – SCHEME OF DELEGATION – PUBLIC CONSULTATION

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

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

Decisions to consult the public on modifications to public services were previously taken by the Cabinet. The Leader has now delegated this function to senior officers.

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

#### **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. Such changes, which by the time of this Council meeting will have already been agreed by the Leader, are set out in paragraphs 4 and 5 of this report.

#### **FUNCTIONS FOR REPORT TO COUNCIL**

##### **Delegation of Executive Functions to Senior Officers**

2. 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.

3. 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.
4. 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 Medium Term Financial Plan can be progressed whilst allowing Cabinet to consider matters of more direct impact on Surrey residents. The 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.
5. The Leader is due to 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 Holders at his decision making meeting on 14 March 2017.
6. 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. The Scheme has been reviewed and a revision to include a delegation to senior officers regarding decisions on public consultation has been added to take account of the Leaders decision. 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**.

|                        |
|------------------------|
| <b>RECOMMENDATION:</b> |
|------------------------|

It is recommended that the amendments to the Scheme of Delegation agreed by the Leader be noted.

---

**Lead/Contact Officer:**

Vicky Hibbert

Cabinet Business Manager

Tel: 020 8541 9229

**Sources/background papers:**

Leader decision – 14 March 2017

The Council's Constitution

This page is intentionally left blank