



Council

25 January 2021

**Subject: Revised Scheme of Officer Delegation following completion of Senior Management Re-Structure**

Report by:	Director of Corporate Services and Monitoring Officer
Contact Officer:	Alan Robinson Director of Corporate Services and Monitoring Officer alan.robinson@west-lindsey.gov.uk
Purpose / Summary:	<p>This report presents a revised Scheme of Officer Delegation following completion of the Senior Management Restructure in August 2020.</p> <p>The Scheme of Officer Delegation also includes a number of new and amended delegations, proposed as part of the Annual Review, for approval, in the absence of holding Annual Council. These new/ amended delegations are on <b>RECOMMENDATION</b> from the Governance Audit Committee, at its meeting on 16 June 2020.</p>

**RECOMMENDATION(S):**

**Members are asked to:**

- (a) **acknowledge the re-alignment of previously approved duties and responsibilities as detailed in Section 2 of the report, undertaken through delegated powers. (expressed as black / yellow text in Appendix 1); and**
- (b) **Members are asked to ACCEPT THE RECOMMENDATION FROM THE GOVERNANCE AND AUDIT COMMITTEE and approve the amendments detailed in Appendix 2, suggested throughout the 19/20 Annual Review Process, together with those detailed in Section 4 for**

inclusion in the revised Scheme of Officer Delegation. (expressed in red text throughout Appendix 1

## IMPLICATIONS

### Legal:

(N.B.) Where there are legal implications the report **MUST** be seen by the MO

### Financial : FIN/128/21/TJB

None from this report

### Staffing :

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

### Equality and Diversity including Human Rights :

*NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).*

### Data Protection Implications :

### Climate Related Risks and Opportunities :

### Section 17 Crime and Disorder Considerations :

### Health Implications:

### Title and Location of any Background Papers used in the preparation of this report:

*Wherever possible please provide a hyperlink to the background paper/s*

If a document is confidential and not for public viewing it should not be listed.

**Risk Assessment :**

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## **Executive Summary**

This report presents a revised Scheme of Officer Delegation following the completion of the Senior Management Re-structure.

The majority of the revised Scheme, presented at Appendix 1, is, in its entirety, that Scheme already approved by Council, most recently by Annual Council in May 2019. The information is simply re-presented, ensuring all approved delegations are now re-aligned to sit under the New Senior Management posts, supporting the Chief Executive; and to ensure any previous phrasing such as Executive Directors, Chief Officers, Strategic Leads has been replaced with wording appropriate to the current structure.

This work has been undertaken through delegated authority granted by the Governance and Audit Committee, to the Chief Executive, in consultation with the Chairman of the Governance and Audit Committee.

**Council are asked to acknowledge this re-alignment of already approved delegations.** (Yellow Highlighted text and standard black text in Appendix 1)

In light of the Scheme having to be fundamentally re-aligned to match the revisions to the Structure and responsibilities, it is considered opportune and appropriate, in the absence of Annual Council, to also bring forward any elements of Annual Review Report, which affect the Officer Scheme of Delegation.

These amendments are made on the **RECOMMENDATION** of the Governance and Audit Committee at their meetings on 16 June and 13 October 2020

Sections 3 and 4 of the report, together with Appendix 2 provide further detail of any proposed amendments or new delegations including rationale for each.

**Council are asked to approve these amendments for inclusion in the revised Scheme of Officer Delegation. These are shown in red in the revised Scheme presented at Appendix 1**

## **1. Background and Introduction**

- 1.1 Members will be aware that the Scheme of Officer Delegation, sits with the Constitution and sets out all those actions Senior Officers can undertake under delegated authority.
- 1.2 The scheme is reviewed annually, as part of the wider Annual Review of The Constitution, and was last presented to Full Council in May 2019.
- 1.3 Since that time Members will also be aware that a need for a re-structure arose following a decision made by the Chief Officer Employment Committee, to return to the single Chief Executive model, with both Executive Directors leaving the authority.
- 1.4 The Governance and Audit Committee at its meeting on 16 June considered the Annual Review of the Constitution.
- 1.5 However, this year as there was an ongoing review of the senior management structure. The Governance and Audit Committee made the following resolution in respect of the Scheme of Officer Delegation: -
  - (b) that delegated authority be granted to the Head of Paid Service, in consultation with the Chairman of the Governance and Audit Committee, to confirm the final version of the Officer scheme of delegation, in light of the on-going re-structure, and the final version be included within the report, for approval at Annual Council
- 1.6 With the restructure completed in August 2020, the Head of Paid Service, in consultation with all Management Team Members and the Chairman of the Governance and Audit Committee have undertaken work to ensure all previously approved delegations are now re-aligned to sit under the New Senior Management posts, supporting the Chief Executive.

## **2 Revised Scheme of Officer Delegation - Delegations Re-aligned**

- 2.1 The Revised Scheme of Officer Delegation is presented at Appendix 1.
- 2.2 As previously stated, the majority of the revised Scheme, is in its entirety that Scheme already approved by Council, most recently by Annual Council in May 2019.
- 2.3 The information is simply re-presented, ensuring all approved delegations are now re-aligned to sit under the new Senior Management posts, supporting the Chief Executive. Work has also been undertaken to ensure any previous phrasing such as Executive Directors, Chief Officers, Strategic Leads has been replaced with wording appropriate to the current structure.

- 2.4 Where an Officer holds both a Statutory role and a Senior Officer Role, their delegations have been split appropriately between the two positions held.
- 2.5 All delegations shown in black text in Appendix 1 are delegations which have already been previously approved by Full Council and already form part of the Published Scheme (Pages 24 – 60 Section IV of the published Constitution relates)
- 2.6 Any text highlighted yellow within Appendix 1 indicates where phrasing has been changed, for example Chief Officers, to Members of Management Team. All such amendments have been made under delegated authority, in consultation with the Chairman of the Governance and Audit Committee
- 2.7 Members are asked to acknowledge them having been re-aligned.

### **3 Revised Scheme of Officer Delegation - New / Amended delegations suggested through the 2019/2020 Annual Review Process.**

- 3.1 As mentioned at Section 1.2 of the report, it is custom and practice to review the entire Constitution annually, which includes the Scheme of Officer Delegation and present any proposed revisions or amendments to Full Council, following consideration by the Governance and Audit Committee, to Annual Council each year.
- 3.2 Due to these unprecedented times, this year's Annual Council was firstly postponed, and then cancelled, until May 2021, in light of ongoing national restrictions not allowing Full Council to meet 'in person'.
- 3.3 The Annual Review process had however been undertaken, and prior to the decision being taken to formally cancel annual Council, the resulting amendments did receive consideration by the Governance and Audit Committee at its meeting in June 2020, The report can be viewed here <https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=155&MId=2443&Ver=4>
- 3.4 In light of the Officer Scheme of Delegation having to be fundamentally re-aligned to match the revisions to the structure and responsibilities (as detailed in Section 2), it is considered opportune and appropriate to also bring forward any elements of the Annual Review Report, which affect the Officer Scheme of Delegation.
- 3.5 These are shown in Appendix 2, including rationale, and are directly extracted from the Full Annual Review Report presented to the Governance and Audit Committee of 16 June 2020.
- 3.6 They have also been shown in the fully re-aligned scheme (Appendix 1) but are expressed in red text to highlight that these are new or amended delegations needing approval.

- 3.7 Where text is displayed as “red and struck through” this indicates the Governance and Audit Committee had recommended removal of the delegation.
- 3.8 The Scheme of Officer Delegations is a much-used piece of the Constitution.
- 3.9 Whilst the Council could continue to operate on a mass sub-delegation basis, as it has been, for good governance and transparency purposes it is recommended that the Scheme be updated and re-published now, as opposed to waiting for Annual Council.
- 3.10 It could also reasonably be presumed that if amendments and revisions were requested by Officers through the review process, they are required to enable Officers to fulfil their function.

#### **4 Amendment to Council Tax Discretionary Hardship (Section 13 a) Policy resulting in amendment required to Scheme of Officer Delegation**

- 4.1 One final amendment being put forward at this time, arises from a recent change to the Council Tax Discretionary Hardship (Section 13a) approved by the Corporate Policy and Resources Committee at their meeting on 17 September 2020.

<https://democracy.westlindsey.gov.uk/documents/s20944/Council%20Tax%20Discretionary%20Hardship%20Policy%20Section%2013A.pdf>

- 4.2 One such revision agreed was an amendment to the appeals process for the Policy and as such, this revision necessitates an amendment to the Constitution namely the Scheme of Officer Delegation section.
- 4.3 This matter was considered by the Governance and Audit Committee at its meeting on 13 October 2020 where it was resolved to recommend the following additional delegation be granted to the Chief Executive.

**“to determine any appeal made against a decision to not award Section 13A Council Tax Discretionary Relief. Limits on delegation: - following consultation with the Leader of the Council.”**

- 4.4 Again this amendment is expressed in red text, in the revised Scheme of Officer Delegation, shown at Appendix 1.

#### **5 Recommendations**

- 5.1 **Members are therefore asked to acknowledge the re-alignment of previously approved duties and responsibilities as detailed in Section 2 of the report, undertaken through delegated powers. (expressed as black / yellow text in Appendix 1); and**

- 5.2 **Members are asked to accept the recommendation from the Governance and Audit Committee and approve the amendments detailed in Appendix 2, suggested throughout the 19/20 Annual Review Process, together with those detailed in Section 4 for inclusion in the revised Scheme of Officer Delegation. (expressed in red text throughout Appendix 1**