

SIGNED OFF BY	Head of Legal and Governance
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TO	Council
DATE	Thursday, 13 February 2020
EXECUTIVE MEMBER	Leader of the Council

KEY DECISION REQUIRED	N
WARDS AFFECTED	(All Wards);

SUBJECT	Report of the Governance Task Group on a Revised Officer Scheme of Delegation
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RECOMMENDATIONS
<p>(i) That the 54 changes to the Officer Scheme of Delegation, set out in Annex 1 be approved.</p> <p>(ii) The ‘Successor Clause’ set out at 10 below, be introduced at Part 3b,14 of the Constitution to mitigate short term changes to roles between reviews of the Scheme of Delegation.</p>
REASONS FOR RECOMMENDATIONS
An updated Officer Scheme of Delegation provides certainty of officer decision making roles and responsibilities.
EXECUTIVE SUMMARY
Part 3b of the Constitution of the Council sets out the Officer Scheme of Delegation. This report enables the administrative updating of the scheme consequential to the Organisational Review of 2018/19 and other recent legislative and regulatory requirements. The report also provides a “Successor Clause” to mitigate short term changes to Officer roles between formal reviews of the Scheme of Delegation.

The above recommendations may be approved by Full Council.

STATUTORY POWERS

1. Express powers of delegation are found in sections 101-102 of the Local Government Act 1972 and, in relation to executive functions, in sections 9E-9EB of the Local Government Act 2000. Local authority schemes of delegation are published pursuant to section 100G of the 1972 Act.
2. A local authority is under a duty to prepare and keep up to date its Constitution under s.9P Local Government Act 2000 as amended.

BACKGROUND

3. Organisational and regulatory change impacts on the Council's constitution, requiring frequent review and adjustment to ensure that it is maintained, and offers certainty to Members, Officers and the Public.
4. Officers undertook a comprehensive review, under the direction of the Monitoring Officer and Democratic Services during 2019. The Monitoring Officer presented the review to the Governance Task Group in December 2019.
5. The Governance Task Group were satisfied with the review and recommended the revisions, tabled in Annex 1, to Council.

KEY INFORMATION

Review and Revision of the Constitution

6. Article 15 of the Constitution sets out that changes to the Constitution will only be approved by the Full Council (by way of recommendation or direct report), subject to the Monitoring Officer agreeing with the proposed changes.
7. The Monitoring Officer led and facilitated the review and agrees with the proposed changes.

Incorporating Changes in the Constitution

8. Provision 13.3.1 of the Constitution states that the Monitoring Officer will maintain an up-to-date version of the Constitution. Consequently, the agreement of the proposed changes to the Officer Scheme of Delegation, will require the Monitoring Officer to up date the Constitution.

Introduction of a 'Successor Clause'

9. All local authority Constitutions were constructed from a modular constitution and guidance pack circulated by the then DETR in 2000, in preparation for the introduction of Executive Arrangements. Over time, Councils, including Reigate and Banstead BC have amended, grown and adjusted their constitutions, in response to legislative change or local circumstances. Such changes may have had unforeseen or undesirable effects due to being made in isolation without consideration for the impact on the whole document. The drafters of the Modular Constitution in 2000 foresaw the need for a 'successor clause' which would be deployed to allow for

changes in the officer management structure, without having to resort to urgent changes to the officer scheme of delegation. The typical clause is set out at 10, below:

10. *“In the event that a post ceases to exist or where responsibilities are transferred to another post holder, temporarily or permanently, then the powers given by this Scheme of Delegation will be exercisable by the Officer in whose area of responsibility the power falls to be exercised; or to the Head of Paid Service.”*

11. Whilst this clause can be found in Constitutions at Waverley, Horsham, Adur, Eastbourne and Lewes, it has been omitted or overlooked for Reigate and Banstead. The insertion of the clause into the Constitution would offer the efficiency and certainty that was expected when the guidance was produced.

LEGAL IMPLICATIONS

12. This report enables the discharge of the statutory duty to maintain the Constitution of the Council. Certainty of decision-making roles is fundamental to good governance.

FINANCIAL IMPLICATIONS

13. Certainty of Financial Decision making will be enhanced by the changes recommended at changes 9 to 28 of Annex 1 to this report.

EQUALITIES IMPLICATIONS

14. Equality Objective 4 2020-2025 sets out that *“equality considerations are clearly presented as part of the Council’s formal decision-making process”* – the updated Officer Scheme of Delegation enables the Head of Corporate Policy to oversee the manifestation of the Equality Objectives throughout the decision-making process.

COMMUNICATION IMPLICATIONS

15. The changes, if adopted will be formatted as necessary into the existing Officer Scheme of Delegation and published on the Council’s website.

RISK MANAGEMENT CONSIDERATIONS

16. Strategic Risk 4, *Organisational Capacity and Culture*, will, in part, be mitigated by an updated Officer Scheme of Delegation.

CONSULTATION

17. Management Team and Heads of Service were consulted during the review; the Governance Task Group, established by Council, was consulted on the proposed changes at its meeting on 17 December 2019, and recommended the changes to Council.

POLICY FRAMEWORK

18. The *Organisation Priority* of the Corporate Plan '*Reigate and Banstead 2020 -2025*' sets out that the Council will operate in an efficient and rigorous way, make the best use of its assets, and consider commercial opportunities. The updated Scheme of Delegation provides efficiency and certainty of decision making roles and responsibilities in the delivery of the Corporate Plan Objectives.

BACKGROUND PAPERS

1. The Constitution of the Council <https://reigate-banstead.moderngov.co.uk/documents/s4728/Constitution.pdf>