

Appendix 2

KEY CHANGES TO THE SCHEME OF DELEGATIONS TO OFFICERS (FORMERLY POWERS AND RESPONSIBILITIES OF OFFICERS)

Overview

1. Delegations have been given to the highest level – CLB level or other appropriate senior officer.
2. Largely the powers remain the same or have been changed to enable more Member involvement.
3. Duplication and inconsistencies have been deleted
4. Ensures consistencies with the Finance and Contract Procedure Rules.
5. Simpler wording and a shorter document.
6. Ensure it is more up to date and give it some future proofing.

Changes giving more involvement for Members

7. The setting of fees and charges have been removed from officer delegation.
8. Opening and closing libraries and sports centres on a permanent basis has been removed from officer delegation. (4.64 and 4.37)
9. All CLB Members, not just Statutory Chief officers shall be appointed through the Staffing Committee (including approving job descriptions and person specifications for CLB. (1.17)
10. All grants (of any financial level) to voluntary and community organisations above to be decided by Portfolio Holder (up to £50,000) and by Cabinet (over £50,000). (4.5)
11. The Leader and Portfolio Holders may direct CLB members to undertake pieces of work in relation to new policy development. (1.7)
12. Freedom of Information requests shall only be refused with the permission of the Portfolio Holder. (1.22)
13. Financial settlement of Ombudsman cases are currently delegated to the Borough Solicitor up to £50,000. It is proposed that this delegation to the Borough Solicitor be up to £20,000, whilst between £20,000 and £50,000 be in consultation with the Portfolio Holder. (7.6)
14. Assets section has been completely rewritten, since there were significant inconsistencies. The proposal is that essentially all maintenance of property (granting licences, short term leases, easements etc is for officer decision.

Acquisitions and disposals below £200K are officer decision provided they are in compliance with the Corporate Asset Management Plan. Acquisitions and disposals of land and property between £200K and £500K is for Portfolio Holder decision and over £500K is for Cabinet. (4.20 – 4.33)

15. Officers cannot refuse an application from a Town or Parish Council to place plant, structure, trees and equipment in, on or over a highway – Refusal can only be determined by the Portfolio Holder. (4.68)
16. The ability for a Portfolio holder to make minor changes to the implementation of a Cabinet Decision when there is a change of circumstances or something arises which is new. This minimises delay when officers come across something unexpected when implementing a Cabinet decision. (1.14)
17. CLB Members can make application for planning permission, (they can do this currently). The proposal is that they must notify the appropriate Portfolio Holder and cannot build anything prior to obtaining planning permission. (1.25)
18. There are some provisions where it is intended that ward members are to be notified or consulted before a decision is made: e.g. where work to council land or property will affect the external appearance or involve a change of use; the grant of permission for refreshment facilities on public footpaths; authorising the use of footpaths for motor vehicles or as cycle tracks. (4.22)
19. An ability to refer matters up to an appropriate portfolio holder is added for all decisions (it is currently only in some sections).
20. Traffic Regulation Orders: in the current Scheme of Delegation there are conflicting provisions – one provision is in consultation with Portfolio Holder and another is not. This proposal is to continue with consultation. (4.79)
21. Imposing or varying car park charges shall be a Portfolio Holder decision. This was something previously agreed by Council, but not written in the Constitution. (4.38)
22. A decision to remove a school crossing patrol is to be the decision of the Portfolio Holder. (4.92)
23. Concessionary travel schemes: the agreement of terms shall be in consultation with the Portfolio Holder. (4.92)
24. The organisation of school transport shall be in consultation with the Portfolio Holder. (4.92)
25. The delegations to manage Tatton Park are proposed to be restricted to the “day to day” management and changes to admission charges and permanent changes to the opening hours shall only be with Portfolio Holder approval. (4.34)

Other substantive changes

26. The Chief Executive is given the ability to take all powers of directors and either exercise them himself/herself or delegate them elsewhere. (1.11)
27. There is a requirement that all officers, before making decisions are under a duty to satisfy themselves that they have the delegated power to do so and that they have undertaken appropriate consultation. Also appropriate advice must be taken where the matter involves professional or technical considerations that are not within the Officer's sphere of competence. (1.8)
28. Officers do not have the authority to sign a compromise agreement which contains a clause requiring the non-disclosure of information by the employee. (1.17)
29. One of the general limitations on decision making shall be that there are regular briefings between senior management and portfolio holders. (1.7)
30. A database of council land ownerships shall be published. (4.26)
31. Missing legislation (some new) has been incorporated:
 - a. Animal Health Functions (4.46)
 - b. new provisions prohibiting payment for scrap metal by cash (4.43)
 - c. removal of dangerous trees. (4.19)
32. Secondment of staff to and from other organisations. The current scheme allows secondment to other organisations. The proposal is to be able to accept secondments from other organisations e.g. this may be needed as part of partnership working with health bodies. It will be noted that all these decisions must be within budget. (3.14)
33. To produce departmental establishments for all posts Grade 10 and above and monitor them, reporting quarterly to Staffing Committee. (3.8)
34. To ensure Value For Money when undertaking responsibility for Financial Management. (1.15)
35. The management of green spaces shall be "in accordance with service standards and policies approved by the Council or Cabinet" has been added. (1.20)