

## PLYMOUTH CITY COUNCIL

**Subject:** Constitutional changes and the Leader's Scheme of Delegation for executive functions.

**Committee:** City Council

**Date:** 27 January 2014

**Cabinet Member:** Councillors Evans and Peter Smith

**CMT Member:** Tracey Lee (Chief Executive)

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**Ref:**

**Key Decision:** No

**Part:** I

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### **Purpose of the report:**

The purpose of the report is:

- To change the Council's scheme of delegation for non-executive functions to reflect the new senior management structure.
- To inform Council of changes to the Leader's scheme of delegation for executive functions.

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### **The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:**

This report reflects the ethos of open government and clarity on decision making as set out in the Brilliant Co-operative Council Corporate plan. It also complies with the Council's constitutional requirements.

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### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:**

The cost of the recommendations will be covered by existing budgets.

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### **Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

There are no direct implications.

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### **Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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**Recommendations and Reasons for recommended action:**

1. It is recommended that the delegation of non-executive functions within the Constitution is amended to reflect the new senior management restructure from a date to be determined by the Chief Executive in consultation with the Leader of the Council and that the Monitoring Officer make any consequential amendments to the Constitution.
2. That Council note the Leader’s scheme of delegation for executive functions has been amended so that decisions about the Council’s Emergency Welfare Fund will be taken by the Cabinet Member for Cooperatives and Community Development.

The reason for the recommendations is to implement the changes introduced by the new senior management structure and to inform Council of the changes to the Leaders scheme of delegation.

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**Alternative options considered and rejected:**

In respect of item 1 to specify a date from which the new delegations take effect however this was rejected as the preferred option creates most flexibility and will allow the changes to take place at the earliest opportunity.

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**Published work / information:**

None

**Background papers:**

None

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**Sign off:**

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Originating SMT Member: David Shepperd													
Has the Cabinet Member(s) agreed the content of the report? Yes													

## **1.0 Introduction**

- 1.1 Council at its meeting on 16 September 2013 decided to adopt a new senior management structure and following that date a number of appointments panels have met. It is now necessary to put in place changes to the Council's Constitution to reflect that new structure.

## **2.0 The Council scheme of delegation for non-executive functions**

- 2.1 The Council constitution delegates a number of non-executive professional functions to senior officers of the Council who are suitably qualified and experienced to carry out those roles. Some of those functions are statutory functions which may only be carried out by people who have the necessary qualifications. An example of this is that the responsible finance officer appointed under the Local Government Act 1972 is required to be a member of the Chartered Institute of Public Finance and Accountancy or any other body of accountants approved by the Secretary of State.
- 2.2 This report seeks agreement for the delegation of those non-executive functions within the Constitution to be amended to reflect the new senior management restructure from a date to be determined by the Chief Executive in consultation with the Leader of the Council and for the Monitoring Officer to make any consequential amendments to the Constitution.

## **3.0 The Leader's scheme of delegation for executive functions**

- 3.1 The Council's Constitution says that the scheme of delegation relating to executive functions may be amended by the Leader at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole.
- 3.2 The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- 3.3 To comply with the above, I have prepared this part of this report which notes that the Leaders scheme of delegation has been amended to clarify that the Cabinet member with responsibility for Finance is responsible for Housing Benefit and Revenues apart from the Emergency and Welfare fund and other discretionary payments as set out in the new Leaders scheme of delegation. The Cabinet member for Cooperatives and Community Development is responsible for the Emergency and Welfare Fund and other discretionary payments as set out in the new Leaders scheme of delegation.