

Constitution Review Working Party

held at Ryedale House, Malton
on Wednesday 19 November 2008

Present

Councillors Wainwright (in the Chair), Clark, Knaggs and Raper

In attendance

Mrs L Carter, P Cresswell, Miss J Waggott and A Winship

Minutes

CRWP.12 Apology for Absence

An apology for absence was received from Councillor Keal.

CRWP.13 Minutes

The minutes of the last meeting of the Working Party held on 22 September 2008 (previously circulated) were presented.

Resolved

That the minutes of the last meeting of the Working Party held on 10 March 2008 be approved as a correct record.

CRWP.14 Urgent Business

There were no items that the Chairman considered should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

CRWP.15 Declarations of Interest

No declarations of interest were received.

CRWP.16 Review of the Council's Constitution - Arrangements for the Discharge of the Council's Functions

The Chief Executive submitted a report (previously circulated), the purpose of which was to consider proposals for changing arrangements for the discharge of the Council's functions to deliver more efficient and effective decision making, including:

- (i) A revised Scheme of Committee delegation
- (ii) A new scheme of Officer delegation with Officer Scheme of Delegation Protocols.

The focus of the report was to propose change to the following parts of the Council's Constitution:-

- (i) Article 4 - The Full Council, which outlines the role of Council
- (ii) Part 3 - The Scheme of Delegation to Committees and Sub-committees
- (iii) Part 3 - The Scheme of Delegation to Officers, a draft Scheme of Officer Delegation was circulated at the meeting.

It was not the purpose of the report to propose changes to the Committee structures.

The report detailed the following issues for the Working Party's consideration:

- General Principles
- Method of Delegation
- Recommended method of delegation

The following method of delegation for a Scheme of Committee and Officer Delegation was submitted for the Working Party's consideration:

- (i) A comprehensive delegation to the Chief Executive, Corporate Directors and Heads of Service
- (ii) An Officer Scheme of Delegation Protocols, which set out the circumstances when decisions should be made by Committee or Council
- (iii) A provision enabling the Chief Executive, Corporate Directors or Heads of Service to take decisions in relation to the discharge of any of the Council's functions in cases of emergency. This was particularly important in circumstances where there was an emergency and urgent action was required i.e. flooding or a disaster.
- (iv) A provision enabling the Chief Executive, Corporate Directors or Heads of Service to authorise an Officer(s) to exercise, on her/his behalf, functions delegated to her/him. Any decision taken under this authority would remain the responsibility of the relevant Officer and must be taken in the name of that Officer who shall remain accountable and responsible for such decisions.
- (v) Where a provision enabling the Chief Executive, Corporate Directors or Heads of Service is to be absent for any period, the Chief Executive or Executive Director must nominate in writing another Officer to act in her/his place during their absence.

An example of a Scheme of Officer Delegation was circulated at the meeting.

Councillor Clark observed that an extended scheme of Officer delegation should not preclude the opportunity of Officers referring a matter to Committee if considered appropriate.

Following consideration of the report, it was

Resolved

That the Policy & Resources Committee be recommended to endorse:

- (a) the following general principles:
- (i) the principal role of the Council is to make key decisions as set out in the Constitution relating to the budget, setting the Council tax and agreeing the policy framework
 - (ii) the principal role of the policy committees is twofold:
 - to make recommendations to Council on those matters in respect of which Council has reserved the decision-making role. This includes adopting a budget and adopting any part of the policy framework
 - Making decisions within its delegated powers, as described in the Terms of Reference. Decisions made by the Policy Committees within their Terms of Reference do not need confirming by Council
 - (iii) Ideally the Council's functions should be delegated to the most appropriate level compatible with efficiency, effectiveness, professional responsibility and risk
 - (iv) The Delegation Scheme to Officers and Committees needs to be complete with no omissions in relation to the Council's powers. A failure to achieve this would cause unnecessary delay
 - (v) The delegation scheme to officers and committees should be able to accommodate changes in legislation without the need for constant change

- (vi) The Delegation Scheme to Officers should include provision for the discharge of the Council's functions by the Chief Executive, Corporate Director or other Senior Officer in emergencies.
- (b) The approval in principle of the suggested method of delegation to officers and committees outlined in the report and this be used as a basis for further work by officers.