

10 March 2020

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Review of the Scheme of Delegation to Officers		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report provides a review of the Scheme of Delegation to Officers following a request from the Committee at its meeting of 29 November 2019.

2. Recommended Decision

- 2.1 To note the contents of this report.

3. Background

- 3.1 The law provides that local authorities can discharge their functions by way of committees (in the case of Executive functions by delegation by the Leader of the Council to individual Executive councillors; i.e. Cabinet Portfolio Holders) or to officers. Any delegations to Officers must be agreed by Councillors clearly specified and be contained within the Local Authority's Constitution.
- 3.2 Article 12 of the Council's Constitution sets out the various levels of decision making within the Authority and Part 3 contains the Scheme of Delegation to Cabinet Members and the Scheme of Delegation to Officers.
- 3.3 The Scheme of Delegation to Officers (attached at Appendix 1) comprises 2 parts. The first is the delegations agreed by the Leader of the Council (executive functions) and the second part contains delegations from Full Council and its committees (non-executive functions). The Scheme of Delegation to Officers only deals with delegations in relation to Colchester Borough Council. It does not deal with matters delegated to officers of the Council's companies which are the responsibility of the respective companies. Each of the companies will have their own arrangements in place.
- 3.4 The Scheme of Delegation to Officers was last approved by the Leader of the Council and noted by Cabinet at its meeting on 29 January 2020. The delegations from the Planning Committee we last approved on 9 January 2020. Both schemes were updated to reflect changes to the Senior Management Team. The delegations from the Licensing Committee were agreed by Full Council at its meeting on 23 May 2018.
- 3.5 It is worth noting that in addition to the Scheme of Delegation to Officers individual delegations to officers for a particular purpose are often made. These are mostly around authority to award contracts but are to be made in consultation with the relevant Portfolio Holder. If any of the delegated decisions (whether they derive from the Scheme of Delegation or individual delegations) amount to a Key Decision (as defined in the Constitution) the decision must be published (in the same manner as a Portfolio Holder decision) and will be subject to call-in thereby enabling an ability for scrutiny.

- 3.6 The Scheme of delegation to officers provides clear framework of delegated decisions to officers under which they must operate including financial limits. The operation of the Scheme has not caused any constitutional concerns and is kept under review by the Monitoring Officer who would take action if the Constitution was not being adhered to.

4. Strategic Plan References

- 4.1 The manner in which the Council governs its business is an underpinning mechanism in the Council's Strategic Plan aims to set out the direction and future potential for our Borough.

5. Publicity Considerations

- 5.1 The Scheme of Delegation Officers forms part of the Constitution which is published on the Council's website

6. Risk Management

- 6.1 An approved scheme of delegation to officers minimises the risk to the Council that it could be held to be found to be acting ultra vires in regard to actions taken by officers.

7. Financial, Equality, Diversity and Human Rights, Consultation, Health, Wellbeing and Community Safety, Health and Safety and Environmental and Sustainability Implications

- 7.1 None.