

REDDITCH BOROUGH COUNCIL

ANNUAL COUNCIL

22nd June 2020

COUNCIL'S CONSTITUTION

Relevant Portfolio Holder	To be confirmed
Portfolio Holder Consulted	Not applicable
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

1. SUMMARY OF PROPOSALS

- 1.1 The Council is required to review its scheme of delegations at the Annual Meeting. This report presents the scheme for noting.
- 1.2 In addition, the report details a proposal made by the Executive Committee on 24th February 2020 to make a permanent amendment to the scheme in respect of equalities, engagement and performance.
- 1.3 A further, permanent amendment is requested to the scheme of delegations in respect of Council contracts.
- 1.4 A temporary amendment is also requested to the scheme of delegations in respect of licensing delegations. It is intended that this temporary delegation would apply for a period of three months, commencing Sunday, 28th June 2020.

2. RECOMMENDATIONS

Members are asked to RESOLVE

- 1) that the Officer Scheme of Delegations as set out at Appendix 1 be agreed;**
- 2) that the proposed change to the Officer Scheme of Delegations for the Business Transformation and Organisational Development Department, in respect of delegating authority to Officers to determine all the Council's policies and strategies relating to Equalities, Engagement and Performance, be approved;**
- 3) to extend the delegation in the Council's Scheme of Delegations to the Head of Legal, Democratic and Property Services or Principal Solicitor to sign or seal any document, Order or Notice on behalf of the Council and to serve or receive any documents on behalf of the Council to include contracts falling under the Contract Procedure Rules; and**

- 4) that, for a period of three months commencing 28th June 2020, the delegation to the Head of Regulatory Services (Worcestershire Regulatory Services) shall be to determine all matters in relation to Hackney Carriage and Private Hire Operators, Vehicles and Drivers; and
- 5) that the updated Redditch Borough Council constitution, at Appendix 3 to this report, be approved.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising directly from this report.

Legal Implications

- 3.2 Review and revision of the Constitution is governed by Article 15 of the Constitution.
- 3.3 Section 101 of the Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through officers. Local Authorities are required by the same Act to maintain a list of these, which is referred to as the Scheme of Delegation. This sets out those powers of the Council which can be carried out by officers of the Council.

Service / Operational Implications

- 3.4 The Council's Constitution currently requires that the Officer Scheme of Delegations be approved by Members at the Annual Meeting of the Council.
- 3.5 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the Executive Committee (Executive) or other Committees to certain specified officers. It sets out the decisions which are delegated by Council to officers and the decisions which are delegated by the Executive to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant committee, namely Planning Committee or Licensing Committee.
- 3.6 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. Changes have been made by the Monitoring Officer in accordance with the delegation that currently exists to amend the scheme to reflect changes in legislation, job titles and reallocation of functions. Those amendments do not extend the delegations.
- 3.7 The delegations for Community, Housing and Environmental Services have also been updated to incorporate two additional delegations that were agreed by Members during the 2019/20 municipal year. Again, these amendments do not extend the delegations.

- 3.8 At a meeting of the Executive Committee held on 24th February 2020, Members considered a report in respect of the constitution which proposed alterations to the Officer Scheme of Delegations. An extract from the minutes of that meeting have been attached at Appendix 2 to this report.
- 3.9 At that meeting of the Executive Committee, Members recommended that Officers should receive delegated authority to determine all of the Council's policies and strategies relating to equalities, engagement and performance. This report therefore also invites Members to consider whether to amend the Officer Scheme of Delegations to include this new delegation. The wording, as it would appear if Members approve recommendation 2, has been highlighted in bold text at Appendix 1 under the list of delegations for Service Transformation, Organisational Development and Digital Strategy.
- 3.10 On 27th March 2020 relevant Members approved an Urgent Decision which granted the Head of Legal, Democratic and Property Services or Principal Solicitor delegated authority to sign or seal any document, Order or Notice on behalf of the Council and to serve or receive any documents on behalf of the Council to include contracts falling under the Contracts' Procedure Rule for a period of three months. This decision was taken during the Covid-19 pandemic to ensure that Council business could continue effectively during the lockdown.
- 3.11 Officers are proposing that, in order to enhance the effective operation of Council business going forward, this delegation should be permanently included in the Scheme of delegations. The wording, as it would appear if approved by Members, has been highlighted in bold text at Appendix 1 under the list of delegations for Legal, Democratic and Property Services.
- 3.12 In the same Urgent Decision Notice relevant Members agreed that for a period of three months, commencing 27th March 2020, the Head of Regulatory Services (Worcestershire Regulatory Services) would have delegated authority to determine all matters in relation to Hackney Carriage and Private Hire Operators, Vehicles and Drivers and to develop procedural processes to facilitate these determinations.
- 3.13 Officers are requesting that this delegation should continue to apply for a further three months, commencing 28th June 2020, to ensure that efficient Council business continues during the current lockdown.
- 3.14 The Constitutional Review Working Party will consider any further proposed changes to the Scheme of Delegations and Committee Procedural Rules at meetings during the year.

Customer / Equalities and Diversity Implications

- 3.15 There are no specific customer or equalities implications arising from this report.
- 4.**

RISK MANAGEMENT

- 4.1 The main risks associated with the details included in this report are failure to comply with governance requirements which may expose the Council to the risk of challenge by way of judicial review or appeal which may result in awards of damages and costs against the Council and loss of reputation.
- 4.2 Should recommendation 4 above not be approved, Members and Officers would need to physically attend meetings at the Town Hall and to collectively inspect vehicles. This would place Members, Officers and potentially members of the public, specifically taxi drivers, at risk of breaking social distancing rules as well as of potentially spreading Covid-19.

5. APPENDICES

Appendix 1 - Scheme of delegations to officers revised June 2020.

Appendix 2 – Extract from the minutes of the meeting of the Executive Committee held on Monday 24th February 2020.

Appendix 3 – Updated Council constitution, not including the Scheme of Delegation (due to the size of this document pack, only electronic copies of the constitution will be provided in a supplementary pack).

6. BACKGROUND PAPERS

None

7. KEY

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