

Somerset County Council
Constitution and Governance Committee
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LGR – Officer Scheme of Delegation

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1. Summary

- 1.1.** The Officer Scheme of Delegation is a key document in the new Somerset Council Constitution which provides information on the arrangements for the delegation of authority to officers to carry out the Council's various functions on a day-to-day basis.
- 1.2.** The Constitution sets out which decisions must be taken by the Full Council, a Committee of the Council or by the Executive. The key principle is that Members determine the direction of the Council and decide strategies and policies, set the Annual Budget and Fees and Charges. All other functions of the Council are delegated to officers so that they can take day-to-day and service delivery decisions.
- 1.3.** It is important to note that the draft Officer Scheme of Delegation is an evolving document with officers continuing to comment on the content, particularly bearing in mind the very recent appointment of the Executive Directors. As the first Officer Scheme of Delegation for the new Council, it will be important for there to be a full review of its content after year one.

2. Issues for consideration / Recommendations

- 2.1.** The proposals detailed in this report, offer an officer decision-making structure that will ensure that officers are able to run the Council on a day to day basis and within the parameters set by the new Council.

The Constitution and Governance Committee is asked to –

- (1) Recommend the draft Officer Scheme of Delegation at **Appendices 1 and 2** to this report to Council for approval.
- (2) Note that there will be a review of the Scheme after the first year of the new Council.
- (3) Due to the evolving nature, delegate authority to the Monitoring Officer to make changes to the draft Scheme prior to its consideration by Full Council.

3. Background

- 3.1.** A brand-new Officer Scheme of Delegation has been drafted following a review of Peer Councils. The Buckinghamshire Scheme has been used as a starting point and amended to suit local circumstances and to provide some continuity. For example, the “Key Decision” threshold is the same as the current Somerset County Council threshold of £500K and the Scheme has been drafted so that officers are granted specific delegations ensuring absolute clarity as to what they are authorised to do.
- 3.2.** A review has been conducted of the current Schemes across the County and four Districts. County Council delegations have been included and updated and the District Council Schemes of Delegation have been reviewed and appropriate delegations included. Work carried out on the planning and licensing elements of the Constitution for the new Council have also been reflected in the document. Overall, there have been no significant departures from the current County and District arrangements.
- 3.3.** The Scheme ensures that there is appropriate Member consultation before certain decisions are taken. Consultation with Lead Members is required where a “Key Decision” is being taken, there is significant opposition from the public or significant media interest.
- 3.4.** There is also the ability for Lead Members and Chairs of Committees, following consultation with the Chief Executive and in relation to decisions that fall within their remit, to refer a matter that has been delegated to an officer to an appropriate Council body. The same applies to officers who, despite having delegated authority, may decide it more appropriate for the decision to be taken by the Executive or relevant Committee.
- 3.5.** The Scheme includes safeguards to ensure that when officers are not available, decisions can be taken by other officers. The Chief Executive, for example, can exercise any officer delegation and the Executive Directors can exercise the Chief Executive delegations if the Chief Executive is absent or unavailable.
- 3.6.** It is important to emphasise that officers can only take decisions that fall within the framework set by Members i.e. within the budgetary framework, the approved budget and the strategies and policies set by the Council.
- 3.7.** As well as setting out the powers and duties of officers, the Scheme sets out the Statutory and Proper Officer positions that the Council is required to have by law. This includes the appointment of officers with statutory responsibilities including the Head of Paid Service, S151 Officer, Monitoring Officer and Directors of Children Services, Adult Services and Public Health. It also includes the Proper Officers to be appointed to carry out certain statutory functions. This document is attached at **Appendix 2** to this report.
- 3.8.** As this is a brand-new Scheme, it is proposed that there is a review of the Scheme after the first year of the new Council to ensure that Members are

happy with the balance of delegated powers.

4. Consultations undertaken

- 4.1.** The Chief Executive and officers from all local Government reorganisation workstreams have been consulted on the content of the proposed Scheme together with the Executive Directors responsible for Public Health, Adults and Children's Services.

5. Implications

- 5.1.** Details of the functions that are delegated to officers will need to be in place at vesting day.
- 5.2.** Without a scheme of delegation, officers will not be able conduct the day to day running of the organisation and any decisions taken, will be unlawful and open to legal challenge.

6. Background papers

- 6.1.** None

Appendices:

Appendix 1: Proposed Officer Scheme of Delegation

Appendix 2: Statutory and Proper Officers