

Title: **Amendments to the Scheme of Delegation in the Constitution**

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Purpose

To amend the current Scheme of Delegation to Officers.

Background

The recent review of the Constitution and events have identified two areas of Council activity which require consideration to be given to the Scheme of Delegation to Officers. The first relates to urgent Council decisions and the latter to aspects of the electoral arrangements.

Key Issues

To facilitate decision-making at times of urgency and to simply arrangements for determining Polling Districts and Polling Places.

Urgent Council Decisions.

Within the Constitution provision has been made for situations of urgency which may either relate to decisions that the Cabinet may wish to take being either Key Decisions or to decisions relating to issues that are not within the approved budget or Policy Framework (a Departure Decision).

In both cases the Constitution identifies who may make the decision and the process to be followed in either case.

However the Constitution does not deal with a situation in respect of which a decision has to be made in circumstances of urgency relating to a matter reserved to the Council.

Such matters cannot be delegated to a single Councillor and may not be able to be delayed until a meeting of the Council is called. In such circumstances Council is asked to consider whether the Chief Executive should be authorised to act subject to prior consultation with the Chairman of the Council (or in the event of the unavailability of that person, the Vice Chairman of the Council) that circumstances of urgency exist that warrant the exercise of the delegated authority.

In determining whether a situation of urgency exists it is difficult to set criteria that will relate to all events that may arise. However it may be appropriate to take account of the reasons why the matter is considered to be urgent and the consequences that would result if there was a delay to allow a meeting of Council to be called and/or whether the proposed decision is within the scope of existing Council policy.

Whenever this authority is exercised Councillors will receive notification of the exercise of the power, the circumstances that existed, the reasons for the situation being considered urgent, the consultation process and the decision taken.

Electoral Arrangements

At the meeting of Council held on the 20 March a report was presented informing Councillors of action taken in relation to the redefining of Polling Districts and Polling Places and seeking retrospective approval for the action taken.

This situation occurred due to the shortness of time available between the completion of the review of district ward boundaries and the need to establish revised Polling Districts and Polling Places.

The identification of Polling Districts and Polling Places has no effect on the number of voters registered for the Ward in which the Polling District or Polling Place is located. Consequently these decisions have no electoral effect.

In the light of these factors, and taking account of the possibility of similar circumstances occurring in the future, it is recommended that the Chief Executive, as the Returning Officer for electoral purposes, be authorised to make these decisions; initially informed by the views expressed by the Member Working Group set up following the consideration of the report at the March Council meeting.

Effect on Strategies and Codes: None

Risk Management Implications: To reduce risk to the Council in terms of establishing flexible responsive arrangements for making decisions in times of urgency.

Finance and Performance Implication: Enhances the ability to act when necessary

Legal and Human Rights Implications: None

Next Steps: To amend the text of the Constitution

Recommendations.

To Authorise the Chief Executive:-

- (a) to make urgent decisions in respect of matters within the remit of Council subject to the conditions set out in the above report, and
- (b) to determine Polling Districts and Polling Places as may be required from time to time.
- (c) both issues to have immediate effect.

Background Papers

The Constitution of the Council.