



EMPLOYMENT COMMITTEE – 6 FEBRUARY 2020

REVIEW OF DELEGATED POWERS TO HEADS OF DEPARTMENTS

REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE

Purpose of the Report

1. The purpose of this report is to seek the Committee's approval of changes made to delegations previously granted to the Director of Corporate Resources and the Director of Children and Family Services following a review of all Chief Officer delegations.

Policy Framework and Previous Decisions

2. The County Council's Constitution operates a general scheme of delegation to Heads of Departments in relation to both executive and non-executive functions, supplemented by a series of specific decisions which:
 - (i) define which officer is to be authorised to act as the "Proper Officer" for specified purposes; and
 - (ii) give additional delegated powers to Heads of Departments in relation to particular issues or areas of activity.
3. The Accounts & Audit (England) Regulations 2015 require the Council to prepare and publish an Annual Governance Statement (AGS) in which areas for development or review are identified to ensure the Council's governance arrangements are robust.

Background

4. The Local Government Act 1972 and the Local Government Act 2000 enable a local authority to delegate the exercise of any executive and non-executive function to an officer. Locally, such delegations are governed by the following:
 - (a) **The General Scheme of Delegation to the Chief Executive and Heads of Departments** – This is set out in Section D, Part 3 of the Council's Constitution and has recently been updated as part of the Constitution annual review approved by full Council in September

2019.

- (b) **Specific Delegations to Chief Officers** –The County Council is legally obliged to maintain a list of powers delegated to officers (other than those which are considered ‘one off’ delegations and which expire within a period of time or at the conclusion of a particular task/project).
- (c) **Proper Officer Provisions** – Under various legislation the County Council is required to designate ‘the proper officer’ to be responsible for carrying out duties specified in that legislation.
5. The Chief Executive has delegated authority under the general scheme to make consequential amendments to any of the specific delegations to a Chief Officer as is necessary to reflect changes in legislation and to ensure the delegation remains fit for purpose. However, intermittently it is considered good practice for the Council to conduct a more fundamental review of these delegations. The last such review was carried out and completed in 2011.
 6. The Council’s Annual Governance Statement (AGS) is a key corporate document that is intended to provide an accurate representation of the corporate governance arrangements the County Council has put in place during the year. It also highlights those areas where significant gaps or improvements are required.
 7. As part of the AGS certification process in 2017/18, one action identified was to review the specific delegations to Chief Officers as referred to in paragraph (b) above.
 8. Officers of the Chief Executive's Department have therefore been reviewing the list of specific delegations across the County Council on a phased basis. As the delegations cover both executive and non-executive functions changes have been and will be recommended to the Cabinet and other relevant Boards and Committees for approval as appropriate.

Proposed Changes

9. Two changes have been made which fall within the remit of this Committee. One relates to a delegation to agree leasing terms and administrative arrangements for the Council’s car leasing scheme which had originally been given to the Director of Corporate Resources *with* the Chief Executive. It is considered appropriate for this delegation to rest solely with the Director of Corporate Resources and this delegation has been amended accordingly to read as follows:

“Power [to the Director of Corporate Resources] to agree leasing terms and administrative arrangements for a car leasing scheme.”

10. The second proposed amendment is to a delegation to the Director of Children and Family Services regarding arrangements for the premature retirement of teachers. This delegation has been amended to take account of new Regulations now in force and where this matter is being considered by a maintained school, to ensure written agreement is obtained before they proceed.

The proposed new delegation reads as below:

“Power [to the Director of Children and Family Services]:

- (a) in consultation with the Director of Corporate Resources, to offer premature retirement with compensation to teachers [in accordance with regulations in force for the time being];*
- (b) to agree exceptional cases of early retirement of teachers [over the age of 55] in the interests of the efficiency of the service, after consultation with the Leader and Deputy Leader or their nominees.”*

Resource Implications

11. There are no resource implications arising from this report.

Timetable for Decisions

12. Subject to the approval of the Committee the revised delegations will become effective immediately.

Recommendations

13. It is recommended that the revised delegations set out in paragraphs 9 and 11 of this report be approved.

Background Papers

Constitution of Leicestershire County Council

<http://politics.leics.gov.uk/ieListMeetings.aspx?CId=1187&info=1&MD=Constitution>

Annual Governance Statement 2017/18

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/7/31/LCC-Final-Statement-Of-Accounts-2018-2019-310719.pdf>

25 September 2019 - Report of the Constitution Committee to the full County Council – Review and Revision of the Constitution -

<http://politics.leics.gov.uk/documents/s148317/CONSTITUTION%20COMMITTEE%20-%20A.%20Review%20of%20the%20Constitution.pdf>

Circulation under the Local Issues Alert Procedure

None.

Equality and Human Rights Implications/Other Impact Assessments

None.

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