



LOCAL PENSION COMMITTEE – 28 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 Law and Governance 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.
4. On 6 February 2020 the Employment Committee approved revisions to some non-executive delegations granted to the Director of Corporate Resources and the Director of Children and Family Services made as part of this review.

Background

5. 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.
6. 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.
 7. 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.
 8. 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.
 9. 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

10. Three changes have been made to the delegations regarding pensions and which therefore fall within the remit of this Committee. These are set out in the Appendix attached which also details briefly the reasons for the proposed changes.
11. Two of the changes made relate to the management of complaints and are made to take account of the two-stage process required under

Pension Regulations. Generally, complaints relate to a person's rights or liabilities under the pension scheme and these are at first instance dealt with by the scheme employer (Stage I). If the employee seeks a review of that decision this is then referred to the County Council as the administering authority for the pension fund (Stage II). The current delegation authorises the Director of Law and Governance to manage Stage II of the process.

12. On rare occasions, however, the County Council will be required under the Regulations to also manage Stage I of the complaint process, i.e. where the complaint relates to a person's previous service or employment, the crediting of additional pension under the Regulations, or the amount of benefit or return of contributions a person is/may be entitled to out of the fund. The delegations have been updated to reflect this.
13. As there is the potential for a conflict of interest where the Council deals with both Stage I and Stage II of the process, the delegations have been amended to enable the Director of Corporate Resources to become involved at Stage II or for the Director of Law and Governance to appoint an external person to manage the process.
14. One further minor change has also been made to the delegations to the Director of Corporate Resources which relate to the management of the scheme to ensure the Director can approve all types of individual investment provided these are in line with the strategy approved at member level.

Resource Implications

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

Timetable for Decisions

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

Recommendations

17. It is recommended that the revised delegations set out in the Appendix to this report be approved.

Background Papers

Constitution of Leicestershire County Council

Annual Governance Statement 2017/18

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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