

**CABINET – 24 MARCH 2020****REVIEW OF DELEGATED POWERS TO HEADS OF DEPARTMENTS****REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE****PART A****Purpose of the report**

1. The purpose of this report is to seek the Cabinet's approval of changes made to a number of delegations granted to Heads of Departments following a review of all Chief Officer delegations. The report also seeks approval of a revised 'Proper Officer' schedule.

Recommendation

2. The Cabinet is recommended to approve the revised delegated powers which relate to executive functions as set out in Appendix A and the updated Proper Officer schedule set out in Appendices B, both of which are attached to this report.

Reason for Recommendation

3. To provide for the removal, update or consolidation of delegated powers and the Council's proper officer provisions to ensure these remain up to date and fit for purpose.

Timetable for Decisions (including Scrutiny)

4. Subject to the approval of the Cabinet the revised delegations and proper officer provisions will become effective immediately.
5. Delegations which have been updated and relate to non-executive functions have already been submitted to and approved by the Employment Committee, the Local Pension Committee and Development Control and Regulatory Board. This report to the Cabinet will conclude the review.

Policy Framework and Previous Decisions

6. 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.
7. 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.

Resources Implications

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

Circulation under the Local Issues Alert Procedure

None.

Officer to contact

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PART B

Background

9. 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.
10. 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.
11. 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.
12. 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.
13. Officers of the Chief Executive's Department have therefore been reviewing the list of specific delegations across the County Council on a phased basis.
14. Whilst conducting this review, it was considered appropriate for the Council's Proper Officer Provisions to also be reviewed and updated to ensure these also reflect current legislation now in force.

Proposed Changes to Chief Officer Delegations

15. Most of the changes proposed involve the removal, updating or consolidation of a delegation. The proposal for new/replacement delegations have also been included where necessary to reflect current good practice. The changes and the reasons for these are detailed in Appendix A.

Proper Officer Provisions

16. These provisions remain largely unchanged, but some minor additions have been made to take account of new or amended legislation. The revised list of 'proper officer' provisions is set out in Appendix B to this report.

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None.

Equal Opportunities Implications

None.

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>

Appendices

Appendix A - Revised list of delegated powers to Chief Officers

Appendix B - Revised Proper Officer Schedule