

<b>Report on</b>	Scheme of Delegation for Senior Officers – Review and Amendments
<b>Date of Meeting</b>	8 <sup>th</sup> March 2024
<b>Reporting Officer</b>	Claire McNally, Assistant Director Corporate Services & Finance
<b>Contact Officer</b>	Claire McNally, Assistant Director Corporate Services & Finance

<b>Is this report restricted for confidential business?</b>	Yes	<input type="checkbox"/>
If 'Yes', confirm below the exempt information category relied upon	No	<input checked="" type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update and seek members' approval on amendments to the council's Scheme of Delegation for Senior Officers.
<b>2.0</b>	<b>Background</b>
2.1	The Council agreed a new organisational structure in July 2021 which resulted in a series of changes to the then council structure.
2.2	An updated Scheme of Delegation ("Scheme") was brought to Policy and Resources Committee for consideration, arising from the restructuring and this amended Scheme was approved in December 2021.
2.3	As is good practice, the Council's Scheme is reviewed regularly and a number of further amendments were proposed and agreed in relation to Planning matters only in April 2023.
2.4	At that time, members were advised that a wider review of the Scheme of Delegation was ongoing and a further report on the remaining aspects of the Scheme was to follow in due course.
2.5	Since then, there have been further changes in Planning with the retirement of the Service Director; and the Council is also in receipt of an Audit from Food Standards Agency with commentary and recommendation around the Council's Scheme. This report and the proposed changes within the Scheme as revised in the Appendix, seek to address these and some other issues.
<b>3.0</b>	<b>Main Report</b>
3.1	As noted above, this report deals with the overall review of the Scheme and the Scheme will be continued to be kept under review.
3.2	In summary, the main proposed amendments to the Scheme, as well as including some changes to layout and picking up on minor errors, include:-

#### *Delegated Functions (General)*

- Para 3.1.8 (new) – All Senior Officers can approve the use of marketing and promotional material
- 3.1.9 (amended) – Senior Officers can instruct the Council’s legal representative in relation to legal instructions etc. Upon reflection of some of the changes to the Scheme in December 2021, it was felt that on this particular paragraph, it was more practical and proper that this aspect should be amended to broadly reflect how things operated before the restructuring in 2021 (rather than Senior Officers instructing the Strategic Director of Corporate Services and Finance, a legal representative is instructed directly);
- Para 3.2.2 (deleted) – it was felt that the writing off of bad debts etc., should be a Council decision until such times as there is a review of the legislation and the Council’s Financial Regulations under our Constitution;
- Para 3.4.4 (moved) – this paragraph around approving requests re controversial events has moved to the Chief Executive, rather than a decision any Senior Officer can take;
- Para 3.4.5 (deleted) – the granting of temporary licences has been deleted, as a licence is considered a disposal, and decisions around disposing of land cannot be delegated;

#### *Delegated Functions (by Officer)*

- Chief Executive – provision included here to allow Chief Executive to step in to another Senior Officer’s shoes to take decision in their absence; to make minor amendments to the Scheme; and to settle claims or legal proceedings in the Council’s best interests;
- Strategic Director of Communities and Place – clarifying and itemising all those matters that the SDCP can take decisions on, with decisions around refusal of authorisations, approvals, consents, licences, permits etc. being reserved for the Committee; specifying other delegated powers as a learning based on good practice; moving Article 18 of the 1985 Order to this Directorate from another;
- Strategic Director of Environment - clarifying and itemising all those matters that the SDCP can take decisions on, to include land and property specific matters; off-street parking specific authority; delegated authority included for the SDE to withdraw and/or suspend authorisations, approvals and consents; refusing licence where supporting documents haven’t been provided within 8 weeks;
- Planning – the task is to reassign those responsibilities delegated to the Service Director to the Head of Strategic Planning and the Head of local Planning. The Head of Strategic Planning is responsible for progressing the Local Development Plan and processing Major Proposals. As of 1<sup>st</sup> April that role will also take responsibility for the enforcement function. The Head of Local Planning takes on the responsibility of managing the two area teams which deal with planning applications (i.e., those applications that are not major or regionally significant), consents and other determinations.

#### *Appendices*

- Appendix A (Senior Officers) – the Head of Strategic Planning and the Head of Local Planning have both been included for now within the definition of

	<p>Senior Officer under the Scheme and this will be kept under review. Note also that the job titles of these roles are due to change as of 1 April and when they are agreed, those will replace the current respective job titles;</p> <ul style="list-style-type: none"> <li>• Appendix B1 and B2 (Legislation) – these have been reviewed and tidied up to ensure they accurately relate to and reflect the Directorate to which the regulatory functions belong;</li> <li>• Appendix C (Planning Matters) – As noted above, the planning functions under the responsibility of each of the Heads are to be delegated to the respective Head. Note in relation this Appendix C of the Scheme of Delegation, the Service Director of Planning is engaging with members via Planning Committee in relation to the proposed changes to the planning functions. The proposed changes in relation to local development applications (Part B) will also be forwarded to DfI Planning for approval as required under legislation. DfI will need to approve the revised Scheme in so far as it relates to changes to local development applications, which is their only remit under the regulations.</li> </ul>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: not applicable
	Human: not applicable
	<p>Risk Management:  Agreement to the amendments will ensure the appropriate delegated authority is in place with clarity surrounding same. This will improve the governance arrangements and decision making ability with increased clarity on delegated functions to the Senior Officers throughout the Council and ensure a seamless delivery of council services.</p>
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members recommend to Council that the amended Scheme of Delegation for Senior Officers included as an Appendix to this report is approved and takes effect on 1 <sup>st</sup> April 2024.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	Scheme of Delegation for Senior Officers