

<b>Emergency Committee</b>	
<b>Meeting Date</b>	12 January 2022
<b>Report Title</b>	<b>Constitution amendments: Consequential updates to officer delegations</b>
<b>Cabinet Member</b>	Cllr Mike Baldock – Deputy Leader
<b>SMT Lead</b>	David Clifford – Head of Policy, Governance and Customer Services (Monitoring Officer)
<b>Head of Service</b>	
<b>Lead Officer</b>	
<b>Key Decision</b>	No
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	Emergency committee is asked to: <ol style="list-style-type: none"> <li>1. <b>Agree</b> the updates and other changes to the officer scheme of delegation set out in Appendix I.</li> <li>2. <b>Give delegated authority</b> to the monitoring officer to make further minor amends to the officer scheme of delegation in consequence of the management restructure, for example to update job titles.</li> <li>3. <b>Agree</b> the further new and amended delegations set out in the table in paragraph 3.3.</li> </ol>

## 1 Purpose of Report and Executive Summary

- 1.1 This report proposes consequential updates to officer delegations following the recent restructure of the management team, as well as a number of other amendments and additions to officer delegations which do not flow from the restructure. The reasons for these latter delegations are provided in the report.

## 2 Background

- 2.1 One of the first tasks of the new chief executive following her arrival in Swale in January 2020 was to reorganise the management team to bring its structure more into line with a typical district council and to ensure that council resources were configured in a way that would best ensure the achievability of members' priorities. In addition to some changes to the split of responsibilities between existing heads of service, the restructure has seen the creation of two new director posts and some additional resource at the head of service level.
- 2.2 The constitution is clear that delegations to individual officers are 'inherited' by successor posts following structural changes, thus ensuring that functions can continue to be discharged on a day-to-day basis. The entire scheme of officer delegations is currently being reviewed as part of the wider changes to the

constitution which are necessary as a result of the decision taken by full council in October to move to a committee system of governance from May.

Notwithstanding the fact that this exercise is likely to result in further changes in the near future, in view of the scale of recent changes to the officer structure, it makes sense to update the delegations at this juncture to ensure that the constitution accurately reflects the current management structure.

- 2.3 In addition to these routine changes which are simply the consequence of the management restructure, there are a number of new or amended delegations which have been requested by officers, which are also set out in the following section.

### 3 Proposals

- 3.1 Appendix I sets out a schedule of proposed changes to the officer delegation list, and includes a column indicating the reason for the proposed amendment. In most cases, these are no more than consequential updates following the transfer of responsibility from one post to another, but as ever with such updates, there are some proposals which are simply making use of the opportunity to improve the wording of the constitution to make it clearer or more concise.
- 3.2 The emergency committee is now **recommended** to agree the updates and other changes set out in Appendix I, and to give delegated authority to the monitoring officer to make further minor amends to the officer scheme of delegation in consequence of the management restructure, for example to update job titles.
- 3.3 A number of further requests for new or amended delegations have been received from senior officers, which cannot be said to fall under the category of straightforward consequential updates. These are set out in the table below, together with a brief rationale.

Delegee / Type	Wording	Rationale
Director of Regeneration and Neighbourhoods; Head of Housing and Community Services; Head of Regeneration and Economic Development; Head of Environment and Leisure. Amended delegation.	To provide management and administration of grant schemes and payments, including the signing and sealing of grant agreements, in accordance with the council's policy framework and/or the requirements of the funding body.	The Head of Housing and Community Services already has a delegation 'to provide management and administration of local grant schemes and payments in accordance with the agreed policy framework'. The same delegation needs to be provided to the Director and the other HoS in the directorate, and recent experience with government grant schemes during covid has demonstrated the need for the wording to be expanded to cover signing and sealing of agreements.

Head of Environment and Leisure. New delegation.	To grant reductions in burial fees and charges, on a case-by-case basis, where the Council has admitted fault in a service or burial.	There are sadly occasions in which burials are disrupted or have to be postponed through a fault of the Council's. Custom and practice is for the HoS to grant a reduction in the fee, but this should ideally be reflected in a formal delegation.
Head of Housing and Community Services. New delegation.	To implement and enforce the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.	New delegation to enable the HoS to discharge the council's functions under recent legislation.
Head of Housing and Community Services. New delegation.	To implement and enforce the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 in relation to private sector rented properties.	New delegation to enable the HoS to discharge the council's functions under recent legislation.
Head of Housing and Community Services. New delegation.	To implement and enforce relevant housing provisions of the Housing and Planning Act 2016 or regulations made under the Act.	New delegation to enable the HoS to discharge the council's functions under recent legislation.

3.4 The emergency committee is now **recommended** to agree the new and amended delegations set out in the table above.

## 4 Alternative Options

4.1 Members could decide not to update the scheme of officer delegations, with regard either to the consequential updates following the management restructure (Appendix I) or to the new or amended delegations requested by officers (§§ 3.3ff. above). The officers' view, including that of the monitoring officer, is that such a decision would not be conducive to the efficient or effective discharge of the council's functions.

## 5 Consultation Undertaken or Proposed

5.1 All affected officers have been consulted in the preparation of this report. The report is due to be considered by the general purposes committee immediately prior to the emergency committee meeting, and a verbal update on the outcome of that discussion will be given at the meeting.

## 6 Implications

Issue	Implications
Corporate Plan	Not applicable. This report is about how decisions are made rather than what decisions are made.
Financial, Resource and Property	No implications identified at this stage.
Legal, Statutory and Procurement	Section 101 of the Local Government Act 1972 sets out how councils can arrange for their functions to be discharged by committees or officers. The recommendations in this report ensure that Swale's scheme of officer delegations created under the 1972 Act remains up to date, enabling council functions to be discharged efficiently and effectively.
Crime and Disorder	The scheme of officer delegations includes delegations relating to the council's crime and disorder functions. The recommendations in the report ensure that these are kept up to date.
Environment and Climate/Ecological Emergency	The scheme of officer delegations includes delegations relating to the council's environmental functions. The recommendations in the report ensure that these are kept up to date.
Health and Wellbeing	The scheme of officer delegations includes delegations relating to the council's health and wellbeing functions. The recommendations in the report ensure that these are kept up to date.
Safeguarding of Children, Young People and Vulnerable Adults	The scheme of officer delegations includes delegations relating to the council's safeguarding functions. The recommendations in the report ensure that these are kept up to date.
Risk Management and Health and Safety	The scheme of officer delegations includes delegations relating to the council's health and safety functions. The recommendations in the report ensure that these are kept up to date.
Equality and Diversity	No implications identified at this stage.
Privacy and Data Protection	No implications identified at this stage.

## 7 Appendices

7.1 The following appendices are to be published with this report and form part of the report:

- Appendix I – Schedule of consequential updates.

## **8 Background Papers**

8.1 There are no background papers.