

Council

Joint Officer Scheme of Delegation

15 October 2012

Report of Head of Law and Governance

PURPOSE OF REPORT

To enable Council to consider and adopt a joint scheme of officer delegation with South Northamptonshire Council. This is subject to South Northamptonshire Council resolving in similar terms at its forthcoming meeting on 17th October 2012.

This report is public.

Recommendations

Council is recommended:

- (1) Subject to South Northamptonshire Council resolving in similar terms on 17 October 2012, and with effect from the date and time thereof, to adopt the joint officer scheme of delegation at Appendix 1 to this report.

Details

- 1.1 Since the establishment of the Joint Management Team with South Northamptonshire Council on 1 October 2011, the officers at both Councils have continued to base their actions on the individual schemes of officer delegation that previously existed at both Councils. The only exception to this is in respect of the Chief Executive's powers which were consolidated with the approval of both Councils to coincide with her appointment.
- 1.2 It is clearly undesirable for individual officers with shared responsibilities across the two Councils to be operating under separate schemes of delegation. This leads to obvious inefficiency and the risk of an action being taken on behalf of one of the Councils which is only permissible under the scheme of delegation operated by the other Council. It is a common feature of shared management teams that have been created to have a single common scheme of delegation operating across both Councils.
- 1.3 A shared Democratic and Elections team was created with effect from 1 January 2012 and it was a component of the approved business case for that shared team that consistent rules and procedures would be introduced across both Councils where appropriate and acceptable.

- 1.4 Accordingly work has progressed on the drafting of a common scheme of delegation which will apply to both Councils. This has been developed in consultation with the Joint Arrangements Steering Group and, in particular, a working group comprising relevant officers and Councillors Ian McCord (SNC) and Nicholas Turner (CDC).
- 1.5 The proposed joint scheme of officer delegation can be found at Appendix 1. It will be noted that, although in most respects the delegated powers to be exercised by relevant officers are identical across the two Councils, there remain a number of delegated powers that are specific to one or other of the Councils. In a number of areas a delegated power is defined by reference to a limit such as a financial amount or a number, and in some instances it is considered desirable to retain the differences between the two Councils. A good example of this is the power of the Head of Housing and Regeneration with regard to land transactions where there is a delegated power to enter into such transactions at both Authorities but the maximum value varies between £20,000 at South Northamptonshire Council and £250,000 at Cherwell District Council. Where a particular power is specific to one or other of the Councils this is made clear in the scheme. It is, however, considered preferable to have a single scheme as a point of reference for the officers of both Councils, albeit there remain differences of approach between the two Councils in these specific areas.
- 1.6 A similar report is being presented to the members of South Northamptonshire Council on 17 October 2012. SNC Members will be updated verbally on the outcome of this meeting and any amendments to the scheme as appended that have been adopted will be made clear.
- 1.7 In addition to a joint scheme of officer delegation, officers have been progressing joint financial procedure rules and contract procedure rules. These are at an advanced stage and it is anticipated that there will be a report to the next meeting of Council to enable members to consider adoption of each of these.

Key Issues for Consideration/Reasons for Decision and Options

- 2.1 The following options have been identified. The approach in the recommendation is believed to be the best way forward.

Option One To accept the recommendation.

Option Two To amend the joint officer scheme of delegation to such extent as the Council sees fit. This is not recommended as the scheme appended has been the subject of due consideration by the Joint Arrangement Steering Group and is believed to be an appropriate scheme which reflects good practice across both Councils but retains differences in approach where required and necessary.

Option Three To reject the recommendation and not to adopt a joint

scheme of officer delegation. This is not recommended as the existence of a joint scheme of officer delegation enables officers at both Councils to exercise delegated powers in a consistent way, and mitigates the risk of misapplication of powers and unlawful decision-making.

Consultations

Joint Arrangements Steering Group

Implications

Financial: There are no financial implications arising from this report. However, it is anticipated that joint financial procedure rules and contract procedure rules will be recommended to the December meeting of Council for adoption.

Comments checked by Karen Curtin, Head of Finance and Procurement,
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Legal: The legal implications are dealt with in the report.

Comments checked by Kevin Lane, Head of Law and Governance,
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Risk Management: A common scheme of officer delegation mitigates the risk of unlawful decision taking by an officer acting under delegated powers. Having as consistent an approach as possible to delegated powers reduces the risk of unlawful decision-taking.

Comments checked by Gavin Halligan-Davies, Interim Corporate Performance Manager, gavin.halligan-davies@cherwellandsouthnorthants.gov.uk

Document Information

Appendix No	Title
1	Joint Officer Scheme of Delegation
Background Papers	
None	
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