

# **COUNCIL**

## **Changes to Scheme of Delegation**

**21 February 2011**

### **Report of Head of Legal and Democratic Services**

#### **PURPOSE OF REPORT**

The purpose of this report is to recommend changes to the Council's Scheme of Delegation

This report is public
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#### **Recommendations**

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Council is recommended to agree:

- (1) That the delegated powers of the Head of Building Control and Engineering Services be amended to reflect changes in legislation and to agree combined delegated powers for the new shared team with South Northamptonshire
- (2) That those powers held previously by the Head of Building Control and Engineering Services not related to Building Control be reallocated to the Head of Planning Policy and Economic Development and the Head of Housing Services as set out in the report
- (3) That the power to act in emergencies be extended from Strategic Directors in the absence of the Chief Executive to all Heads of Service in the light of the reduced number of staff in the category and consequent risk that an authorised person is unavailable in an emergency

#### **Executive Summary**

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##### **Introduction**

- 1.1 The Head of Building Control and Engineering Services retires on 31 March 2011. This Council has agreed to a shared building control service with South Northamptonshire Council. Officers have therefore agreed a common scheme of delegation for the shared team to work to providing a consistency of approach. This is an interim piece of

work as the entire Scheme of Delegation of both Councils will need to be amended to reflect the changes which will come about as a result of the shared senior management team. However the new shared building control team will be in place from April 1<sup>st</sup> 2011. A common scheme of delegation for the team to work to from that date will be helpful. Until there is a new shared Head of Service the delegated powers will be exercised by the Strategic Director of Planning and Economy for Cherwell with formal delegation to the new joint Building Control Manager. The shared scheme of delegation is attached as an appendix.

- 1.2 There are three other specific powers currently with the Head of Building Control and Engineering Services which need to be reallocated.
- 1.3 Formal and informal consultation on traffic schemes will now fall under the Head of Planning Policy and Economic Development.
- 1.4 All land drainage matters falling under the Land Drainage Act and Flood and Water Management Act will now fall under the Head of Planning Policy and Economic Development
- 1.5 Domestic drainage ( falling under the Building Act and Local Government ( Miscellaneous Provisions) Act ) will now fall under the Head of Housing Services.
- 1.6 In addition it is timely to review the power to act in an emergency given Cherwell now only has two strategic directors who can act in the absence of the Chief Executive. To maximise the chance of an appropriate person being available in an emergency I suggest that all Heads of Service be authorised to act under the emergency provisions if neither the Chief Executive nor the Strategic Directors are available.

### **Conclusion**

- 1.7 The Council should have a current Scheme of Delegation reflecting how powers are to be exercised going forward in order to minimise any challenge. This will be an ongoing piece of work as the new senior management structure is developed.

### **Key Issues for Consideration/Reasons for Decision and Options**

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

#### **Option One**

Agree proposed changes

**Option Two**                      Delay changes until the new senior management structure is in place

### **Implications**

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**Financial:**                      There are no financial implications  
Comments checked by Karen Curtin, Head of Finance, 01295 221551

**Legal:**                              The Council should have an up to date Scheme of Delegation to minimise the risk of legal challenge  
Comments checked by Liz Howlett, Head of Legal and Democratic Services and Council Monitoring Officer, 01295 221686.

**Risk Management:**              It is important to have sufficient authorised senior management who can act if there is an emergency  
Comments checked by Rosemary Watts, Risk Management and Insurance Officer , 01295 221566

### **Wards Affected**

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All

### **Document Information**

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<b>Appendix No</b>	<b>Title</b>
One	Joint Delegated powers for shared building control service
<b>Background Papers</b>	
None	
<b>Report Author</b>	Liz Howlett Head of Legal and Democratic Services
<b>Contact Information</b>	01295 221686 Liz.howlett@Cherwell-dc.gov.uk