

Decision by the Leader



Report reference: LDR-001-2018/19
Date of report: 01-August-2018

**Epping Forest
District Council**

Portfolio: Leader

Author: S Hill (Ext 4249)

Democratic Services: J Leither

Subject: Constitution – Scheme of Delegation from the Executive

Decision:

- (1) That the proposed revisions to Part 3, Appendix 5 (Delegation to Officers from the Executive) of the Constitution, as set out in Appendix 1 to this decision, be agreed; and
- (2) That the Monitoring Officer incorporates the revised schedule of Delegation to Officers from the Executive within the Scheme of Delegation in the Constitution.

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/ do not approve (delete as appropriate) the above decision:	
Comments/further action required:	
Signed: Cllr C Whitbread	Date: 1 st August 2018
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i> None	<i>Dispensation granted by Standards Committee:</i> Yes/No No

**After completion, one copy of this pro forma should be returned to Democratic Services
IMMEDIATELY**

Reason for decision:

It is important that officers are able to exercise legislative powers in accordance with a framework of delegation agreed by the Council and that Portfolio Holders can make decisions in accordance with current executive responsibilities. To enable relevant service directors to delegate powers under the correct current legislation to their officers, the schedule of Delegation to Officers from the Executive (Part 3, Appendix 5) of the Council's Constitution must be up to date.

Options considered and rejected:

Not to update the Constitution. This might mean that officers would be unable to exercise powers under existing legislation.

Background Report:

(a) Delegation to Officers from the Executive

- 1.1 For the proper and effective performance of duties, relevant officers must be empowered by the Council with regard to the taking of action in accordance appropriate legislation. The Council's Constitution (Part 3, Appendix 5) sets out such legislation in the form of a schedule of Delegation to Officers from the Executive.
- 1.2 This schedule of delegation has recently been subject to thorough review in order to ensure that it remains correct and up to date. This update includes the incorporation of some recent Portfolio Holder decisions that have granted authority to officers to act. In addition, some items that are no longer required have been deleted. The items subject to change are highlighted as red in the attached appendix.
- 1.3 In relation to routine delegation changes, the relevant Portfolio Holder has delegated authority to add or amend individual items of legislation. However, for more substantial revisions or overall review, it is appropriate that the Leader of the Council should authorise changes to the schedule of delegation.
- 1.4 The revised schedule of delegation is attached as Appendix 1 to this decision. For ease of reference, changes are highlighted throughout the document.

Resource Implications:

Legal and Governance:

The proper authorisation of officers to exercise legislative powers ensures that they are correctly empowered to undertake relevant duties.

Safer, Cleaner and Greener:

There are no Safer, Cleaner and Greener implications arising from the recommendations of this decision.

Consultation Undertaken:

The review of the schedule of Delegation to Officers from the Executive has recently been subject to consultation with all service directors.

Background Papers: None

Impact Assessments:

Risk Management:

The proper authorisation of officers to exercise legislative powers ensures that they are correctly empowered to undertake relevant duties. The identification of the executive responsibilities of individual portfolio holders supports the Council's decision-making framework.

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an appendix to the report.

Key Decision Reference (Y/N): N/A