

# AMENDMENTS TO THE CONSTITUTION – Scheme of Delegation

Report of Angela Lax, Cabinet Member for Legal & Regulatory Services

Date: 10 December 2019

Officer Title: Agenda Item 15

Officer Title: Christie Tims – Head of Corporate Services and Interim  
Monitoring Officer

**Full Council**

Local Ward  
Members N/A

## 1. Executive Summary

- 1.1 The Lichfield District Council Constitution is constantly reviewed and updated to ensure it remains fit for purpose, reflects changes in legislation, and provides appropriate delegations.
- 1.2 Due to recent staffing changes and findings from a scheme of delegation audit, several changes are necessary to the scheme of delegation to officers.

## 2. Recommendations

- 2.1 To approve the updated scheme of delegation.
- 2.2 To approve the temporary delegations to all Heads of Service.

## 3. Background

### Delegation to Officers

- 3.1 Part 3 Section 4 of the constitution details the scheme of delegation to officers. Following the recent changes made to Head of Service positions several changes are now necessary to the constitution to formally recognise the new arrangements.

These are summarised as:

- Removal of the Head of Legal, Democratic and Property Services from the establishment and distribution of these delegations to the Head of Corporate Services and Assistant Chief Executive as appropriate.
- Removal of the Head of Development Services from the establishment and re-allocation of these duties to the Head of Economic Growth and Development.
- Removal of services from the remit of the Head of Corporate Services and allocation to the Assistant Chief Executive as appropriate.
- The Head of Finance and Procurement be appointed as the Council's Money Laundering Officer.
- The Head of Customer Services, Revenues and Benefits be delegated authority to represent the authority at court for local taxation recovery and appoint other such officers to act in this regard.

- 3.2 Section 4.g of the Constitution also indicated that appointment of staff is delegated to directors. In practice directors **authorise** a post to be filled at recruitment approval stage but the actual appointment process and approval is given by the Head of Corporate Services following appropriate recruitment processes.

## Temporary Delegations

3.3 In addition to the permanent changes to the scheme of delegation rules, temporary arrangements will need to be put in place to ensure resiliency for delegations normally reserved for Directors following the recent departure of the Director of Place and Community and the impending departure of the Director of Transformation and Resources. It is recommended that the delegation is extended to all Heads of service on a temporary basis.

These include:

- To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
- To ensure the provision of professional advice to all parties in the decision-making process.
- To represent the Council on partnership and other bodies.
- To be responsible for the health and safety of all employees of the Council.
- To authorise recruitment within their area, subject to budgetary approval.

Alternative Options	Not to update the Constitution and scheme of delegation in line with recommendations from the audit and changes to leadership. To not do so could lead to inefficiency and confusion.
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Consultation	All changes meet the needs of the organisation and have been consulted with Heads of Service and the legal service.
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Financial Implications	None; there are no implications for the changes themselves.
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Contribution to the Delivery of the Strategic Plan	Proposals will assist with compliance with the legal requirements and efficiency thus the Council's ability to deliver the services required.
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Equality, Diversity and Human Rights Implications	None
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Crime & Safety Issues	None
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GDPR/Privacy Impact Assessment	Yes – all data collected and collated in the preparation and operation of the constitution has been impact assessed with the appropriate controls in place.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
1	Legal challenge as constitution is not up to date	Update Constitution	Green

Background documents Current and revised draft Constitution
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Relevant web links <a href="https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?Cid=190&amp;Mid=304&amp;Ver=4&amp;info=1">https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?Cid=190&amp;Mid=304&amp;Ver=4&amp;info=1</a>
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