

COUNCIL MEETING

14 MARCH 2019

ADDITIONAL REPORTS TO BE
PRESENTED AS URGENT ITEMS:

- REVISED SCHEME OF
DELEGATION TO OFFICERS
- APPOINTMENT OF INTERIM
MONITORING OFFICER

NOT CONFIDENTIAL – For public release

COUNCIL
14 MARCH 2019

Report of the Chief Executive

REVISED SCHEME OF DELEGATION TO OFFICERS

PURPOSE OF THE REPORT

This report seeks a revision to the Scheme of Delegation to Officers.

RECOMMENDATION

1. That the revised Scheme of Delegation as set out in Appendix 1 is approved.

WARDS AFFECTED

Not applicable

1. REASON FOR URGENCY

- 1.1 The Chairman of the Council has agreed to the inclusion of this item as a matter of urgent business. The reason for urgency is to respond to circumstances beyond the Council's control in order to maintain effective decision making arrangements due to the temporary absence of the Head of Corporate Services.

2. BACKGROUND

- 2.1 The Council agreed at its Annual Meeting on 24th May 2018, the discharge of functions to Committees and delegation of decision making to Officers as set out in Part 3 – Responsibility for functions - of the Council's Constitution. Amendments to the Scheme are proposed as set out in Appendix 1 to deal with the temporary absence of the Council's Head of Corporate Services.
- 2.2 The report does not seek any new delegations and merely extends the extent of previously approved delegation arrangements to officers in addition to the Head of Corporate Services. All proposed changes are identified in Appendix 1 and shown underlined.

3. RISK ASSESSMENT

- 3.1 Legal

The Council is empowered by Section 101 of the Local Government Act 1972, to delegate decision making to Officers. The next formal review of the Scheme will be at the Annual Meeting of the Council in May 2019.

- 3.2 Financial

There are no financial considerations arising from the report.

4. OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equality of opportunity, environmental, health, legal and human rights, financial, personnel and property considerations.

5. CONTACT INFORMATION

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6. BACKGROUND INFORMATION

Annual Council Report 24th May 2018

7. ATTACHMENTS

Appendix 1 – Scheme of Delegation Amendments

OFFICER DELEGATION – COUNCIL(Proposed amendments underlined)

Subject	Act	Functions Delegated	Officer
Petitions	-	Decisions on whether a petition is vexatious, abusive or otherwise inappropriate	Head of Corporate Services / <u>Chief Executive</u>

OFFICER DELEGATION - COMMUNITY & ENVIRONMENT COMMITTEE(Proposed amendments underlined)

Subject	Act	Functions Delegated	Officer
Former Council Owned Properties in the Peak District National Park - Housing Act 1985 – Sections 37 & 157	Housing Act 1985 – Sections 37 & 157	<p>To give consent to proposed transactions based on the following guidelines:</p> <p>To be given automatically to a person who has lived or worked within Derbyshire or the Peak District National Park for a period of three years before the transaction</p> <p>To be given where a person has a local connection with the area and is returning to the area to care for another relative</p> <p>To be given to members of the forces with local connections returning to live in the area</p> <p>To be given to companies where at least one of the directors satisfies the qualifying conditions.</p> <p>To be given to companies whose stated aim is to provide housing for those satisfying the qualifying criteria. Consent to be conditional on compliance with this requirement</p> <p>All other cases to be</p>	Head of Corporate Services / <u>Chief Executive</u>

APPENDIX 1

Subject	Act	Functions Delegated	Officer
		referred to Committee for the exercise of their discretion.	
Land Charges	Local Land Charges Act 1975 S3 (3) 9(4)	Proper officer to maintain register of Local Land Charges and to issue the official certificate of a result of a search.	Head of Corporate Services / <u>Chief Executive / Senior Solicitor</u>
Legal Proceedings	All relevant	To authorise the institution, defence or participation in any legal proceedings in any case where such action is necessary to give effect to decisions of the Committee where such action is necessary to protect the Council's interests.	Head of Corporate Services / <u>Head of Regulatory Services</u>
Rights of Way	Town and Country Planning Act 1990 S259 Highways Act 1980 S118 & S119	To promote and confirm Orders to create, divert or close footpaths following consultation with Ward Members	Head of Corporate Services / <u>Head of Regulatory Services</u>
Street Naming & Numbering	Public Health Act 1925 S17 & 18	To name or rename streets and impose numbering schemes in consultation with Ward Members.	Head of Corporate Services / <u>Head of Regulatory Services</u>

OFFICER DELEGATION – GOVERNANCE AND RESOURCES COMMITTEE

(Proposed amendments underlined)

Subject	Act	Functions Delegated	Officer
Assets of Community Value	Localism Act 2011	To determine requests to review the listing of a Community Asset and compensation decisions	Head of Corporate Services / <u>Head of Resources</u>
Complaints	-	To determine restrictions to be applied to complaints in accordance with the Persistent and Unreasonable Complaints Policy.	Head of Corporate Services / <u>Chief Executive</u>
Councillors	Sch 12(4,3)	To receive written notice of	Head of Corporate

APPENDIX 1

Subject	Act	Functions Delegated	Officer
		a Member's address	Services / <u>Chief Executive</u>
Councillors	Sch 12(42b)	To sign a summons to attend meetings of the Council	Head of Corporate Services / <u>Chief Executive</u>
Data Protection	Data Protection Act	To deal with complaints and appeals arising from matters relating to information requests	Head of Corporate Services / <u>Chief Executive</u>
Freedom of Information	Freedom of Information Act 2000	To deal with complaints and appeals arising from matters relating to information requests	Head of Corporate Services / <u>Chief Executive</u>
Members' Interests	Local Gov Act 1972 S.96	Proper Officer for receipt of notifications of interest in contracts etc.	Head of Corporate Services / <u>Chief Executive</u>

COUNCIL
14 MARCH 2019

Report of the Chief Executive

APPOINTMENT OF INTERIM MONITORING OFFICER

PURPOSE OF REPORT

To confirm the interim appointment of Kay Riley, Assistant Director of Legal Services at Derbyshire County Council as the Interim Monitoring Officer for the District Council.

RECOMMENDATION

1. That Kay Riley is appointed the Council's Interim Monitoring Officer.
2. That the role of Monitoring Officer reverts to Sandra Lamb, the Council's Head of Corporate Services upon Sandra Lamb's return from temporary leave.

WARDS AFFECTED

Not applicable

1. REASON FOR URGENCY

- 1.1 The Chairman of the Council has agreed to the inclusion of this item as a matter of urgent business. The reason for urgency is to respond to circumstances beyond the Council's control which require the designation of a Monitoring Officer due to the temporary absence of the Head of Corporate Services.

2. BACKGROUND

- 2.1 Under Section 5 of the Local Government Housing Act 1989 the Council is required to designate one of its officers as the Monitoring Officer for the Council. The Monitoring Officer may not be either the Council's Chief Finance Officer or the Chief Executive.
- 2.2 The Monitoring Officer's functions include:
 - Oversight and reporting of the operation of the Council's Constitutional arrangements and the decision making processes
 - Reporting on unlawfulness and maladministration
 - Investigating allegations of breaches of the Code of Conduct and seeking rulings from the Council's Independent Person and arranging meetings of the Member Conduct Panel
 - Maintenance of the Register of Interests
- 2.3 Sandra Lamb is currently the Monitoring Officer for Derbyshire Dales District and is temporarily unable to fulfil the responsibilities of the role. Katie Hamill, Senior Solicitor for the Council, is designated as the Deputy Monitoring Officer to assist in Sandra Lamb's absence and undertake such duties where there is a conflict of interest, however, Katie Hamill is due to leave employment of the Council on 18th April 2019 for a new role.

- 2.4 Given the current position, the Council is required to make alternative arrangements. Kay Riley is familiar with the Council's arrangements and the role of Monitoring Officer. It is therefore proposed to appoint Kay Riley on a temporary basis until Ms Lamb's return.
- 2.5 It is proposed that Kay Riley shall nominate a deputy monitoring officer upon Katie Hamill's departure from the Authority.

3. RISK ASSESSMENT

3.1 Legal

The Council is under a statutory obligation to appoint a Monitoring Officer under the Local Government and Housing Act 1989 and under s.113 of the Local Government Act 1972, a local authority may put their officers at the disposal of another local authority for the purposes of exercising their functions.

3.2 Financial

There are no financial risks arising from this report.

4. OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5. CONTACT INFORMATION

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6. BACKGROUND PAPERS

6.1 None