

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Annual Council Meeting
2.	Date:	6th June 2014
3.	Title:	Constitution, Scheme of Delegation for Members and Officers and Standing Orders
4.	Directorate:	Resources

5. Summary

The Council's Constitution includes the Scheme of Delegation for Members and Officers and Standing Orders. These are reviewed annually and it is proposed to make certain changes as set out in the report.

Changes to the Scheme as regards executive functions may be made by the Leader, and will be reported to all members. A hard copy of the amended Scheme of Delegation and Standing Orders will be available at the meeting, in the political group rooms and also on the Council's website at the Council and Democracy page, under the Council Constitution.

6. Recommendations

That the Constitution, including the Scheme of Delegation for Members and Officers and Standing Orders, including amendments be approved.

7. Proposals and Details

The Constitution

Minor clerical changes have been made throughout including changes to reflect new job titles.

Scheme of Delegation for Members and Officers

Appendix 9 to the Council's Constitution sets out the Council's Scheme of Delegation for Members and Officers.

The Council is required annually to approve the Scheme of Delegation in respect of non-executive functions such as planning and licensing.

Under the "Strong" Leader and Cabinet Model adopted by the Council, the Leader is responsible for the delegation of executive functions. The Leader may discharge such functions, or may arrange for them to be discharged by the Cabinet, a Cabinet Member, a Committee of the Cabinet, an Area Assembly Co-ordinating Group, an officer or by joint arrangements.

The Scheme of Delegation has been prepared on the basis that there will be no changes to previous arrangements as regards the allocation of executive functions, except for those of a clerical nature and those which reflect organisational changes within the Council. The Leader may make a statement at the meeting as to any further amendments to be made to the Scheme as regards executive functions. Any future changes will be notified to all Members of the Council directly they are made, formally reported to the next meeting of the Council and included in the Council's Scheme of Delegation.

Changes have also been made to the Scheme of Delegation and Standing Orders to reflect:-

- changes to officer delegation within directorates;
- an additional authorisation for court representation;
- the clarification of the powers of the Health and Wellbeing Board and appropriate delegation to the Director of Public Health.
- changes to harmonise the financial limits for the opening and receipt of tenders.
- clarification of the delegation to officers in respect of authorising payments to terminate employment contracts (subject to any requirement for settlement in excess of £100,000 to be sanctioned by Council);
- updating the Members Allowances Scheme in to reflect the withdrawal of allowances for co-opted members of the Standards Committee in 2012; and
- withdrawal of the availability of the Local Government Pension Scheme to newly elected members.

Licensing Board

A review of the decision-making process in respect of applications determined by the Licensing Board has been undertaken. The Board considers applications for private hire and hackney carriages (taxis), charitable collections, marriage and civil partnership premises, small bus permits, scrap metal dealers, motor salvage

operators, sex establishment licenses and hypnotism. This report recommends changes to the way decisions are made in respect of these applications.

In respect of taxi licensing, this power is delegated to the Board. The straightforward applications are determined by officers and the more contentious matters are referred to the Board.

Currently applications are considered by the full Licensing Board, which has 21 Members. Consideration of such applications is a quasi-judicial function which is most appropriately undertaken by a small sub-committee, which can articulate the reasons for its decision clearly and efficiently. Therefore it is recommended that such applications are dealt with by a sub-committee of 5. To assist with the smooth running of the sub-committees it is proposed that a quorum of 3 should be included in the delegation arrangements to ensure that the sub-committees can proceed in the absence of up to 2 members.

The amendment to the current Scheme of Delegation will be:-

‘The Licensing Board may appoint from time to time sub-committees in order to effectively discharge its functions. The sub-committee shall be comprised of 5 Members, with a quorum of 3.’

Meeting Frequency

Council will recall that the frequency of meetings of Cabinet, Cabinet Members, the Overview and Scrutiny Management Board and the Audit Committee was reduced following the last annual meeting. These arrangements are working well with all matters, including those which are urgent, being dealt with promptly and efficiently.

8. Finance

The reduction in meeting frequency will enable staff resources to assist with other duties.

9. Risks and Uncertainties

An annual review of the Council’s constitutional documentation helps to enhance robust and procedurally correct decision making.

10. Policy and Performance Agenda Implications

There is a need for sound corporate governance and open and transparent decision making, which is assisted by clear constitutional documentation and in particular delegation arrangements.

11. Background Papers and Consultation

The Council’s Constitution
Report to the Leader’s Meeting 29th April 2014

Contact Name:

Jacqueline Collins, Director of Legal and Democratic Services

Email: jacqueline.collins@rotherham.gov.uk