

Audit Committee – 2 September 2013

Officers Exercise of Delegated Powers 2012/13

Summary of Report

This report details decisions made under officers delegated powers within the 2012/13 financial year.

Recommendation

To note the contents of the report.



James Walsh - Chief Finance Officer

9 August 2013

Background

Section 3.5 of the Council's constitution sets out the reporting requirements when officers exercise delegated powers. Chief officers must submit an annual report to the Audit Committee setting out the significant decisions, including key decisions taken under delegated powers by the chief officer (or other post holders within his or her directorate) in the previous year.

Rules governing the procedure for taking key decisions are set out in the Council's constitution under section 4.2. Key decisions taken by officers must follow the same as that for the executive, in that a notice has been published in the forward plan and at least five clear days have elapsed since the publication of the forward plan.

The constitution allows for a general exception if a matter which is likely to be a key decision has not been included in the forward plan then subject to rule 16 (special urgency), the decision may still be taken if:

- a) the decision must be taken by such a date that it is impractical to defer the decision until it has been included in the next forward plan and until the start of the first month which the next plan relates;
- b) the Chief Executive has informed the chair of the relevant scrutiny and performance panel, or if there is no such person, each member of that committee in writing by notice, of the matter to which the decision is to be made;
- c) the Chief Executive has made copies of that notice available to the public at the offices of the Council; and

- d) at least five clear working days have elapsed since the Chief Executive complied with (b) and (c) above.

Special urgency applies if by virtue of the date by which a decision must be taken (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making a decision, obtains the agreement of the chair of the relevant scrutiny and performance panel that the taking of the decision cannot be reasonably deferred. If there is no chair of the relevant scrutiny and performance panel, or if the chair of the relevant scrutiny and performance panel is unable to act, then the agreement of the Mayor, or in his/her absence the deputy Mayor, will suffice.

It is therefore very rare that a key decision will be required to be taken by an officer.

A significant decision for the purpose of these delegations is a decision that has one of the following impacts;

- a) it has a considerable direct and material impact upon the lives of the inhabitants of the Borough or businesses operating within it, or
- b) results in the Council incurring expenditure for which there is no revenue or capital budget.

The recording of those individual decisions is set out in the Council's constitution.

Decisions that are purely operational in nature or necessary to give effect to a decision of the Council, Cabinet, licensing and safety committee, planning committee or such other committee of the Council are not significant decisions for the purpose of these delegations and have therefore not been reported.

Similarly decisions made under officers specific delegated powers as set out in section 3.5 of the Council's constitution would not be reported, unless they became significant, following the definition above.

Summary of Decisions Taken

There were no significant key decisions taken by officers of the Council during 2012/13.

Resource & Legal Considerations

None arising from this report.

Citizen Impact

None arising from this report.

Performance & Risk Management Issues

None arising from this report.

Equality Implications

None arising from this report.

Consultation

Consultation with relevant areas and / or stakeholders was undertaken as required.

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