

TRAFFORD COUNCIL

Report to: Annual Meeting of the Council
Date: 22 May 2024
Report for: Decision
Report of: Director of Legal and Governance and Monitoring Officer

Report Title

DELEGATION OF FUNCTIONS

Summary

To confirm arrangements for the delegation of Council (non-Executive) and Executive functions and to obtain Council's agreement to amend the Constitution of the Council to incorporate these arrangements if necessary.

Recommendation(s)

- 1) That Council notes that Executive functions not covered by the Officers' Scheme of Delegation are delegated by the Leader of the Council as follows:
 - (a) functions are delegated to all individual Executive Members in accordance with the Executive Members' Scheme of Delegation, set out at Appendix 1;
 - (b) all other functions are delegated to the Executive.
- 2) That the changes to the Scheme of Delegation to Officers, as set out in Appendix 2, be approved.
- 3) That the Director of Legal and Governance be authorised, if necessary, to amend the Constitution of the Council in accordance with and as a consequence of this report and other decisions made by Council at this Annual Meeting.
- 4) That Council notes that changes may be required to the Officer Scheme of Delegation during the year and that the Director of Legal and Governance be authorised to amend the Constitution following consultation with the Leader and Chief Executive.

Contact person for access to background papers and further information:

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Background Papers:

Constitution of the Council

1. Background

- 1.1 It is the duty of the Council's Monitoring Officer to review the Constitution from time to time and to propose amendments to the Council. Generally amendments are proposed at the Council's Annual Meeting to reflect any changes which are proposed to the schemes of delegation for both Members and Officers, together with any further amendments which may be considered to be necessary for the efficient and effective management of the Council and Council services.

2. Executive Scheme of Delegation

- 2.1 The Leader of the Council determines how, and by whom, executive functions are carried out. The Leader has agreed a scheme of delegation of executive functions to the individual members of the Executive. The Executive Scheme of Delegation is set out in the Responsibility for Functions document at Appendix 1. This document forms Part 3 of the Council's Constitution and changes have been made to reflect the revised portfolios reported to Council under item 5 "Leader of the Council and Executive Arrangements".

3. Officer Scheme of Delegation

- 3.1 Changes to the Officer Scheme of Delegation may be recommended to ensure that the Constitution is in line with changed statutory regulations and current Council policy. The Officer Scheme of Delegation also forms Part 3 of the Council's Constitution. The Director of Legal and Governance has reviewed the scheme and changes are proposed to the Licensing; Strategic Housing and Housing Options; and Strategic Planning functions, as set out at Appendix 2.
- 3.2 There may need to be other changes throughout the year and it is recommended that these be dealt with by the Director of Legal and Governance following consultation with the Leader and Chief Executive.

4. Planning (Development Management)

- 4.1 There are two main changes to the Planning scheme of delegation. The first is to require ten representations contrary to the Officer's recommendation, rather than six, to trigger referral to Planning Committee. The second is to reduce the time that a Ward Member has to 'call in' planning applications to the Planning Committee from 28 days to 21 days from the date of publication on the 'weekly list' (which is sent to all Members).
- 4.2 These changes have been introduced to reflect modern communication methods and to enable the Planning Committee to focus on applications with

the most significant public interest. It will also enable the Planning Service to determine uncontroversial proposals more quickly. This will assist with meeting the more stringent planning performance measures being introduced by government.

- 4.3 The scheme of delegation has not been updated in this respect since Members and residents had to rely on visiting the town hall in order to view a paper planning application file to understand proposals. Now all plans are available immediately on the Council's website and in practice the majority of call ins are made in the first two weeks. The increase in the number of representations required is also in response to the increasing use of social media and WhatsApp to generate representations.
- 4.4 There are other incidental changes proposed to reflect updated legislation and practice.