

TRAFFORD COUNCIL

Report to: Annual Meeting of the Council
Date: 25 May 2022
Report for: Decision
Report of: Monitoring Officer / Director of Legal and Governance

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 and those others identified in the report deemed to be 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 Scheme of Delegation to Officers as set out in Appendix 2, be approved.
- 3) That the proposed additions to the Financial Procedure Rules, as set out in Section 4 of the report, be approved.
- 4) To adopt the revised Planning and Development Management Committee Code of Practice as set out in Appendix 3.
- 5) 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.
- 6) 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 and the Director of Legal and Governance has reviewed the scheme and proposes the changes 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. Financial Procedure Rules

- 4.1 The Director of Finance and Systems has reviewed the current Financial Procedure Rules (FPRs) that the Council operates under. In respect of the Council's Company arrangements, FPR 9 relates to external arrangements and the changes below are recommended to the Procedure rules for Partnership arrangements:

- 9.1 before entering into a partnership it must be ensured that the partnership has appropriate governance arrangements in place **and it must be clear how the arrangement contributes to the delivery of Council objectives;**
- 9.2 **In respect of the arrangements whereby the Council is a partner in a company then the financial performance of the entity should be reported back to the Council at least every six months;**
- 9.3 partners must be aware of their responsibilities under the Council's Financial and Contract Procedure Rules;
- 9.4 risk management processes must be in place to identify and assess all known risks;
- 9.5 project appraisal processes must be in place to assess the viability of the project in terms of resources, staffing and expertise;
- 9.6 the roles and responsibilities of each of the partners involved in the project must be formally agreed and accepted before the project commences;
- 9.7 there must be regular communication with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution

5 Planning and Development Management Committee Code of Practice

- 5.1 The code of practice is tailored specifically for those Councillors/Officers who sit upon/support the Planning and Development Management Committee given the unique role that members of the Committee have and the impact their decisions/actions can have upon residents of Trafford and private interests. The Council agreed the code at its meeting on 24 May 2017.
- 5.2 The Code of Practice (appendix 3) has been reviewed jointly by the Head of Planning and Development and the Director of Legal and Governance and the revisions discussed with the Chair of the Committee.
- 5.3 The revisions now proposed provide greater clarity for Members and will reduce the risk of a decision being judicially reviewed, a complaint of maladministration being made to the Local Government Ombudsman, a complaint against a Member personally.