

The Vale of Glamorgan Council

Cabinet Meeting: 3 July, 2017

Report of the Cabinet Member for Regulatory and Legal Services

Review of Officer Delegations

Purpose of the Report

1. To align the consultation with Cabinet Members by officers when using their delegated powers to reflect the current Cabinet portfolios.

Recommendations

1. That ad hoc delegations granted specifically by Cabinet to Officers to consult a Cabinet portfolio holder be construed as consulting the current Cabinet portfolio holder in line with paragraph 5 of this report.
2. That the Monitoring Officer, in consultation with the Cabinet Member for Regulatory and Legal Services, be granted delegated authority to determine the Cabinet portfolio holder to be consulted by an Officer regarding previously granted Officer delegations by Cabinet, when there is doubt about the applicability of recommendation 2 above.

Reasons for the Recommendations

1. To align existing Officer delegations with the current Cabinet portfolios.
2. To provide authority for the Monitoring Officer to determine relevant Cabinet portfolio holders to be consulted.

Background

2. At the Council's Annual General Meeting on 24th May 2017 the Leader advised Council of revisions to the Cabinet portfolios. As a result, there is a need for ad hoc delegations granted by Cabinet to Officers to consult with specific Cabinet portfolio holders to be aligned with the current arrangements.
3. A report is being presented to Council on 28th June 2017 to revise the Scheme of Officer Delegations as contained in the Council's constitution, to revise delegated authorities previously granted by Council and provide delegated authority to the Monitoring Officer to determine the relevant Cabinet portfolio holders to be consulted when there is doubt regarding a Council granted delegation.

4. This report addresses ad hoc delegations (not contained in the Scheme of Officer Delegations) granted by Cabinet.

Relevant Issues and Options

5. The Scheme of Officer Delegations (Section 25 of the Constitution), in the case of certain delegations requires the officer to consult a Cabinet Member. In the vast majority of such cases, the wording used is "... the relevant Cabinet Member". As such, the recent changes to Cabinet portfolios have no impact on the carrying out of most delegations. However, there were a very limited number of references to specific Cabinet portfolios, the terminology of which has changed. These are being addressed in a report to Full Council on 28th June 2017 and the Constitution will then be amended accordingly.
6. In addition to the above and the report to Full Council on 28th June 2017, a number of ad hoc delegations have previously been granted by Cabinet to Officers to consult with Member(s) in their capacity as Cabinet portfolio holders. Given the changes to the Cabinet portfolios as notified by the Leader at the Annual General Meeting on 24 May 2017, consultation in such circumstances is to be construed as aligning with the current Cabinet portfolios with the nature of the business/function informing which is the relevant Cabinet portfolio. If there is any doubt, it is suggested that the Monitoring Officer is given delegated authority to determine the relevant Cabinet portfolio.

Resource Implications (Financial and Employment)

7. None as a direct result of this report.

Sustainability and Climate Change Implications

8. None as a direct result of this report.

Legal Implications (to Include Human Rights Implications)

9. To ensure that there is clarity regarding Officer delegations so that related decisions can be made promptly and avoiding the risk of challenge.

Crime and Disorder Implications

10. None as a direct result of this report.

Equal Opportunities Implications (to include Welsh Language issues)

11. None as a direct result of this report.

Corporate/Service Objectives

12. The Council's decision making process is part of the framework supporting the Council's commitment to provide political leadership and active relationship and engagement.

Policy Framework and Budget

13. This is a matter for Executive decision by Cabinet.

Consultation (including Ward Member Consultation)

14. The proposed changes are an internal matter and therefore no external consultation is necessary.

Relevant Scrutiny Committee

15. Corporate Performance and Resources

Background Papers

Council Constitution

Contact Officer

Jeff Wyatt, Operational Manager, Democratic Services

Officers Consulted

Managing Director
Section 151 Officer
Operational Manager (Democratic Services)

Responsible Officer:

Debbie Marles, Monitoring Officer