

The Vale of Glamorgan Council

Council Meeting: 28th February, 2018

Report of the Monitoring Officer

Review of the Council's Constitution - Officer Delegations

Purpose of the Report

1. To seek Council approval for additions/amendments to the Officer Delegations in the Council's Constitution.

Recommendation

That the changes to Officer Delegations as set out in paragraphs (4) to (9) of the report be approved and the Constitution be amended accordingly.

Reason for the Recommendation

To update the Officer Delegation Scheme to reflect current structures and relevant provisions within the current Constitution.

Background

2. The Constitution remains under review on an ongoing basis. Under Section 2.4 of the Constitution, the Monitoring Officer has a duty to monitor and review the operation of the Constitution to ensure that the aims and principles contained therein are given full effect.
3. Section 2.6.2 of the Constitution provides for any changes considered by the Monitoring Officer to be "required to be made to remove any inconsistency, ambiguity or typographical correction to be made in a report to the next Full Council meeting for information".

Relevant Issues and Options

4. Section 25 of the Constitution - Officer Delegations - requires a number of minor amendments as follows:
5. Cabinet on 18th December 2017 agreed that delegated authority be granted to all Directors, in consultation with the relevant Cabinet Member to authorise submission and acceptance of future external funding grant applications and allocations for revenue funding over £75k and to enter into the associated grant terms and conditions. This will allow grant funding applications to be submitted and accepted on

a timely basis and will enable the progression of bids with oversight from the relevant Director in consultation with the relevant Cabinet Member. Directors will now have greater oversight of the development of bids, as well as approving their submission. Capital schemes partially or entirely grant funded will continue to be reported to Cabinet for inclusion within the Capital Programme.

6. The Local Government Act 1972 (Sections 83 and 270) contains provisions relating to the requirement for newly-elected Members' Declaration of Acceptance of Office. As far as the Vale of Glamorgan Council is concerned, the form signed by Members (in the presence of the "Proper Officer") also includes the Member signing up to the Council's Members' Code of Conduct. In order to ensure availability of the "Proper Officer", it is proposed that the definition of "Proper Officer" for this particular purpose be extended to the Managing Director, or in his absence, the Monitoring Officer or Deputy Monitoring Officer. The provision would be incorporated in the Officer Delegations section of the Constitution.
7. The Delegated Powers of the Managing Director, Section 151 Officer and Deputy Section 151 Officer (which begin on page 266) to be amended as follows (the amendments are shown emboldened for ease of reference):
 - "25 To negotiate and enter into agreements with external agencies in relation to the establishment of consortium and other finance-raising or cost-saving initiatives (e.g. Welsh Purchasing Consortium, **National Procurement Service**), including membership of associated management boards and the approval of funding contributions, subject to any expenditure being contained within the Council's approved estimates."
 - "29 In consultation with the Cabinet Member for Corporate **Performance and Resources** to vire or implement changes to the Asset Renewal Building Programme and Housing Capital Programme when appropriate."
 - "34 To **act as the Senior Information Risk Officer on behalf of the Authority to provide senior accountability and assurance that information risks are addressed.**" (In accordance with paragraph 16.16.1 (a) of the Financial Procedure Rules also contained in the Constitution).
8. In order to reflect current terminology within the Social Services Directorate structure, reference on pages 254 and 311 to "Business Support Manager" be amended to read "Operational Manager (Commissioning and Information)".
9. Also, within the Social Services Directorate, it is proposed that amendments be made to the wording of certain delegations, in order to reduce the number of people required for approving and deciding upon the operational delivery of Social Services. This, in turn, will result in speedier decision making, while still ensuring professional scrutiny close to where the decisions are needed. Other amendments recognise new legislative changes and the changing nature of grant funding available to the council. Again, the amendments are shown emboldened for ease of reference:
 - "3. To decide on the reception of persons into the guardianship of the Council under Sections 7 and 37 of the Mental Health Act 1983 **after consultation with the Head of Legal Services.**"

- “7. ~~Under the All Wales Strategy for Mental Handicap and Mental Health and Hospital Resettlements Programmes to~~ To approve additional posts where such posts are fully funded (for the duration of the appointment) by the Welsh Government or Cardiff and Vale University Health Board after consultation with the relevant Cabinet Member.”
- “8. In respect of people with a physical disability and after consultation with the Section 151 Officer:
 - (a) to approve requests for assistance under the ~~Community Care Act in~~ Social Services and Wellbeing Act (Wales) in accordance with ~~criteria and priorities approved by the Council~~ (Welsh Government Guidance;
 -
 - (c) to approve fee levels for standard residential and nursing contracts for services under the Social Services and Wellbeing Act (Wales) in consultation with the relevant Cabinet Member.”
- “9. To approve fee payments above the standard contracted level, in cases of emergency, ~~for services under the National Health Service and Community Care Act 1990, after consultation with the relevant Cabinet Member.”~~
- “10. To approve a package of community care in excess of the gross cost of a residential placement for the registration category of the person concerned when the cost can be met by the budget holder, ~~after consultation with the relevant Cabinet Member.”~~
- “11. ~~In respect of the NHS and Community Care Act 1990, where an appeal against an assessed charge for Domiciliary Care Services on the grounds of hardship is upheld, authorisation to vary the assessed charge.”~~

10. The revised Code of Corporate Governance, as previously agreed by Cabinet, will also be incorporated in the updated Constitution.

Resource Implications (Financial and Employment)

11. None as a direct result of this report.

Sustainability and Climate Change Implications

12. None as a direct result of this report.

Legal Implications (to Include Human Rights Implications)

13. The Council is required to comply with the Local Government Act 2000 and subordinate legislation in the drawing up and subsequent operation of the Constitution.

Crime and Disorder Implications

14. There are no crime and disorder implications arising.

Equal Opportunities Implications (to include Welsh Language issues)

15. None as a direct result of this report.

Corporate/Service Objectives

16. The Constitution is part of the framework supporting the Council's commitment to provide political leadership and active relationship and engagement.

Policy Framework and Budget

17. The adoption and subsequent changing of the Constitution is a matter for Full Council.

Consultation (including Ward Member Consultation)

18. The monitoring and amendment of the Constitution is an internal matter and therefore no external consultation is necessary.

Relevant Scrutiny Committee

19. Corporate Performance and Resources.

Background Papers

Council Constitution

Contact Officer

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Officers Consulted

All Directors
All Heads of Service
All Operational Managers

Responsible Officer:

Debbie Marles, Monitoring Officer