

The Vale of Glamorgan Council

Council: 12th December, 2018

Report of the Monitoring Officer / Head of Legal and Democratic Services

Review of the Council's Constitution/Officer Delegations

Purpose of the Report

1. To seek Council approval for additional officer delegations in the Council's Constitution.

Recommendation

THAT the change to the relevant officer delegations as set out below 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 2.62 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 amendments to the Officer Delegations as follows:
 - (i) An additional delegation be granted to all Directors
"To amend existing Operational Managers' reporting arrangements to a different Head of Service within the same Directorate".

This is to enable amendments to reporting arrangements for Chief Officers within existing structures.

(ii) Head of Neighbourhood Services and Transport, Operational Manager - Engineering **and, only where indicated, Engineering Manager - Environment**

"1. To authorise Officers with the appropriate skills and competencies to carry out duties relating to the enforcement and administration of all legislation currently in force or in the future to be enacted relating to the functions of Flood Risk Management, Land Drainage, and Coast Protection."

"2. To authorise Officers with the appropriate skills and competencies to carry out duties relating to the enforcement and administration of the following:

(a) Sections 59, 62 and 63 of the Building Act 1984;

(b) Section 35 of the Local Government (Miscellaneous Provisions) Act 1976;

(c) Sections 45 and 50 of the Public Health Act 1936;"

"3. To grant, issue, renew, refuse, revoke or suspend, **including granting, issuing, renewing, refusing, revoking or suspending by the Engineering Manager – Environment**, approval, consents, certificates, licences or permits, after any requisite consultations and where no objections have been received under the following legislation and any amendments to and any subsequent legislation replacing, amending or extending the same, together with any future acts, Orders or Regulations made thereunder which relate to the functions specified:

(a) Flood Risk Regulations 2009

(b) Flood and Water Management Act 2010

(c) Land Drainage Act 1991."

"4. To determine, **including determination by the Engineering Manager – Environment**, applications made under Schedule 3 section 11 of the Flood and Water Management Act 2010."

This is to enable the relevant officers to carry out duties in relation to the related legislation.

Resource Implications (Financial and Employment)

5. None as a direct result of this report.

Sustainability and Climate Change Implications

6. None as a direct result of this report.

Legal Implications (to Include Human Rights Implications)

7. 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

8. There are no crime and disorder implications arising.

Equal Opportunities Implications (to include Welsh Language issues)

9. None as a direct result of this report.

Corporate/Service Objectives

10. 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

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

Consultation (including Ward Member Consultation)

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

Relevant Scrutiny Committee

13. Corporate Performance and Resources.

Background Papers

Council Constitution

Contact Officer

Jeff Rees, Tel: (01446) 709413; email: democratic@valeofglamorgan.gov.uk

Officers Consulted

Director of Social Services
Director of Environment and Housing
Monitoring Officer / Head of Legal and Democratic Services

Responsible Officer:

Debbie Marles,
Monitoring Officer / Head of Legal and Democratic Services