

Agenda Item No: 5
Report To: Selection & Constitutional Review Committee
Date: 11 February 2016
Report Title: Changes to the Delegations to Officers
Report Author: Monitoring Officer



Summary:	The report recommends additional and amended delegations to officers in order to remove gaps in the delegations and to increase efficiency.
-----------------	---

Key Decision: No

Affected Wards: N/a

Recommendations: **The Committee is asked to recommend to Full Council that the changes to the Constitution set out in paragraphs 3, 4 and 5 to this report be made**

Policy Overview: There is a duty to review the Constitution and keep it up to date

Financial Implications: None

Risk Assessment No

Equalities Impact Assessment No

Other Material Implications: None

Exemption Clauses: None

Background Papers: None

Contacts: paul.courtine@ashford.gov.uk – Tel: (01233) 330 212

Report Title: Changes to the Delegations to Officers

Background

1. Amongst other things, the purpose of the Council's Constitution is to enable decisions to be taken efficiently and effectively and to ensure that those responsible for decision making are clearly identifiable to local people. The Constitution also sets the legal framework within which the Council operates.
2. As part of the Monitoring Officer's role in ensuring the Constitution serves its various purposes, a selective review of the Delegations to Officers (appendix 5 to the Constitution) has been undertaken. The Monitoring Officer's conclusions are that:
 - There is scope for further delegations to officers in some areas
 - Some provisions can be simplified and clarified

Recommended Changes

3. The following additional delegations are recommended:
 - 3.1. Add a new paragraph 15.3 for the Head of Development and Planning "To exercise the functions of the local planning authority in relation to proposals for preservation and enhancement of conservation areas". This function is not currently delegated.
 - 3.2. Add a new paragraph (k) to the list in paragraph 16.9 for the Head of Development, Strategic Sites and Design to exercise all functions of the Local Planning Authority "under the Planning (Hazardous Substances) Act 1990 and regulations made thereunder". These functions are not currently delegated.
 - 3.3. Add new paragraphs 12.8 and 12.9 for the Head of Culture and the Environment, replicating the powers of the Head of Environmental and Customer Service at paragraphs 17.3 and 17.4 in respect of footpath and bridleway orders. This will provide resilience in the event the Head of Environmental and Customer Service is unavailable.
4. The wording in paragraph 14.2 for the Head of Community and Housing can be misinterpreted. It is therefore recommended to add the underlined wording below:

To exercise any of the Council's duties and powers under the relevant statutory provisions in connection with improving the standard of the private sector housing stock in the Borough, including individual dwellings and houses in multiple occupation (HMOs). This includes:

- (a) To undertake the administration and management of mandatory disabled facilities grants.

[...]

5. The delegations for the Head of Environmental and Customer Service (previously Street Scene and Open Spaces Manager) are unduly restrictive and can be simplified as well. It is therefore recommended that existing paragraphs 17.1 and 17.2 be replaced with the following:

To exercise all of the Council's functions in relation to:

- (a) Waste (including litter)
- (b) Dogs (including stray dogs and dog fouling)
- (c) Abandoned shopping and luggage trolleys
- (d) Allotments
- (e) Public conveniences
- (f) Burials, cremations, cemeteries and crematoria
- (g) The maintenance of trees, parks, open spaces, gardens, recreation grounds and play areas
- (h) The procurement of pest control services

Conclusions

6. I recommend that the Delegations to Officers be amended as set out in this report. This will ensure that the Council's arrangements continue to be efficient and understandable.

Contact: Paul Courtine (01233) 330 212

Email: paul.courtine@ashford.gov.uk