

Subject:	Amendments to the Scheme of Delegations to Officers		
Date of Meeting:	16 October 2014		
Report of:	Head of Law and Monitoring Officer		
Contact Officer:	Name:	Abraham Ghebre-Ghiorghis	Tel: 291500
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of this report is to seek authority to amend the scheme of delegations to Officers to ensure better co-ordinated, efficient delivery of services resulting in better outcomes.

2. RECOMMENDATIONS

- 2.1 That Members agree the changes to the scheme of delegations to Officers as set out in paragraphs 3.3 to 3.9.2 inclusive below;
- 2.2 That Members authorise the Chief Executive to take any steps necessary or incidental to the implementation of the proposals, including, where necessary, making transitional arrangements.
- 2.3 That the Head of Law and Monitoring Officer be authorised to make any necessary or consequential changes to the constitution to reflect the above.
- 2.4 That, subject to any transitional arrangements that the Chief executive considers appropriate, the proposed arrangements come into force with immediate effect except those relating to sport development, which shall come into force on 1st April 2015 subject to the Chief Executive being satisfied having regard to the outcome of the consultation with staff.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Council's constitution, including the scheme of delegations to Officers, is intended to be a living document updated from time to time to reflect the needs of the organisation, changes in the law as well as to ensure effective and efficient arrangements for the discharge of Council functions. The Chief Executive and the Monitoring Officer are tasked by the articles of the constitution to keep the constitution under review and make recommendations for change or improvement as appropriate.

3.2 Having regard to the above requirements, and having undertaken a review of the current arrangements so far as they relate to Officer delegations, it is proposed that the scheme of delegations to officers be amended as set out in the following paragraphs.

3.3 Determination of applications for registering assets of community value

3.3.1 The Localism Act 2011 requires the Council to register land as an asset of community value if it is satisfied that it contributes to the social wellbeing of the local community. This power is currently delegated to the Executive Director of Finance & Resources. In practice, most of the information and knowledge necessary to determine such applications is held with the Planning Team and the approach adopted by the Act is more closely related to planning rather than property management. It is therefore proposed that the function of dealing with applications under the Act be transferred to the Executive Director of Environment, Development and Housing. In terms of the actual process, it is proposed that the Head of Development Control be authorised to make the initial determination with an appeal being heard by the Head of Planning and Public Protection.

3.4 Delegation of Powers to determine reserved matters on major planning applications

3.4.1 Under existing arrangements, when an outline planning application is granted, all reserved matters are delegated to Officers. This has caused some concern when it comes to major applications which have significant implications. Following the recommendations of the cross-party working group on planning, it is recommended that all reserved matters relating to major applications are reserved to the Planning Committee unless the Planning Committee authorise Officers to determine such matters.

3.5 General delegations to award contracts

3.5.1 Under the Openness of Public Bodies Regulations 2014, officer decisions made under express authorisation from a committee (as opposed to the general authority granted under the scheme of delegations) are required to be recorded and published with the record having to be kept for 6 years and any background documents for 4 years for public inspection. To minimise the number of records that have to be kept, it is proposed that the scheme of delegations to Officers be amended to give all Chief Officers (i.e, members of Executive Leadership Team) delegated powers to award a contract provided the principle of entering into the contract with a named party or, as the case may be, following competitive tendering or some other process identified by the committee is agreed.

3.6 “Proper Officer” designations

3.6.1 The Openness of Local Government Bodies Regulations 2014 provide exemptions from the requirement to record decisions where the matter under consideration is, in the opinion of the “Proper Officer,” exempt. Under the Council’s constitution, the Proper Officer for determining whether reports should be exempt is the Monitoring Officer. Although this works well in the context of committee decisions, is impractical and disproportionate when applied to

recording officer decisions. It is therefore proposed that all Chief Officers (Members of the Executive Leadership Team) be designated Proper Officers for the purposes of determining whether the matter is exempt within the definition of schedule 12A of the Local Government Act 1972.

3.7 Sports Development

3.7.1 The transfer of public health to local authorities has opened up the possibility of delivering related services together in a more co-ordinated way that maximises their effectiveness and delivers better outcomes. For example, Environmental Health and Licensing and Community Safety are such functions which now form part of the Public Health Directorate. One service area that could benefit from such arrangement is sports development. With physical activity increasingly being a key part of improving public health, there are synergies between what is involved in sports development and public health. It is therefore proposed that this function transfers to the Public Health Directorate. In terms of timing, there is consultation with affected staff taking place at the moment. It is therefore proposed that this function is transferred to Public Health with effect from 1st April 2015 subject to the outcome of the consultation.

3.8 Hostels and Housing-Related Support

3.8.1 There has been an increasing concern regarding the corporate risk arising from a growth in the number of vulnerable adults in the city presenting with complex physical and mental health needs along with substance misuse and anti-social behaviour. When hostel accommodation provided by the Council was established, it was not set up to deal with the levels of vulnerability and complexity that have become increasingly common among individuals accommodated in Council run hostels. In order to minimise the risk, interim arrangements were put in place to bolster the management oversight from social care professionals and improve health support to our hostel teams who in recent months have had to deal with the deaths of vulnerable adults in our hostels. As the nature of support, oversight and co-ordination needed to run such establishments has changed because of the needs of the client group, it is proposed that the management of hostels for vulnerable adults be moved from the Executive Director of Environment, Development & Housing to the Executive Director of Adult Social Care.

3.8.2 In addition, the Council has continued to run a 'Supporting People' programme from a Housing Services commissioning team. This programme has focused on housing related support to adults. It has become increasingly apparent that the health and social care needs of those seeking housing support has escalated beyond that for which the programme was originally designed. There is no ring fence attached to the funding for Supporting People programmes. This has been the case since 2010 when it became part of the normal discretionary council spend. The current 4 year programme comes to an end in the spring of 2015. Given current government policy to integrate health, mental health and social care within local authority areas, there is an opportunity to align and integrate supporting people services to meet the objectives of the 'Better Care' fund.

3.8.3 There is also duplication in how we are commissioning, contracting with and contract managing organisations who might have multiple contracts and reporting arrangements. To enable a more integrated, outcome-focussed approach, it is proposed that the housing related support function is shared between the Executive Director of Adult Social Care (who will act as the overall Lead Director responsible for co-ordinated commissioning and management of associated funds) and the Executive Director for Environment, Development & Housing who will have concurrent delegated powers so as to be able to discharge parts of the housing related support function which are better delivered as part of Housing. It is proposed that the Executive Director of Children's Services be given delegated function to deal with housing related support to children. These Officers, together with the Director of Public Health, will exercise their housing related support functions in accordance with any instructions of the Chief Executive given from time to time.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The Council has the option of leaving the constitution unamended. However, this carries the risk that some of the provisions are out of date. The arrangements regarding hostels and housing related support also leave the Council exposed to potential risk arising from the vulnerability of the client group as well as failing to maximise the potential benefit from a joined up commissioning approach between what has so far been dealt with in separate directorates.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 Officers in the services affected are being consulted as well as relevant Lead Members. Their views have been taken into account in preparing the report.

6. CONCLUSION

6.1 The proposals in this report will contribute to an improvement in the arrangements for the discharge of Council functions by locating services where they are better placed to deliver improved outcomes, by minimising legal risks and generally increase efficiency.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 If the transfer of services outlined above are approved the transfer of the relevant budgets will follow this decision and be reflected in the councils budget monitoring framework in line with financial regulations

Finance Officer Consulted: James Hengeveld

Date: 2/10/2014

Legal Implications:

7.2 Under the Council's constitution, any amendment to the scheme of delegations to Officers needs to be approved by the Policy & Resources Committee. All the proposals in the report are consistent with the Council's legal powers and will enhance compliance with relevant legislation

Lawyer Consulted: Abraham Ghebre-Ghiorghis *Date:* 18.09.2014

Equalities Implications:

7.3 There are no adverse equalities implications arising from this report

Sustainability Implications:

7.4 This report deals with internal officer arrangements and does not have any sustainability implications.

SUPPORTING DOCUMENTATION

Appendices:

1. Amended delegations to the Executive Director of Adult Social Services

Documents in Members' Rooms

1. None

Background Documents

1. None.