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**Executive  
Full Council**

**18 November 2008  
27 November 2008**

## **Report of The Head of Civic, Democratic & Legal Services**

### **Amendments to Officer Scheme of Delegation to Provide for an Officer to Act in the Absence of the Chief Executive**

#### 1 Summary

- 1.2 The existing constitutional arrangements at City of York Council do not provide for any other officer to exercise the delegated powers of the Chief Executive when the Chief Executive is absent or otherwise unable to act.. This could potentially lead to difficulties regarding decision making in the event that the Chief Executive were absent for an unforeseen circumstances or an extended period.
- 1.3 This report recommends that the officer scheme of delegation be modified to allow one of the Directors to be identified as the officer who will deputise for the Chief Executive in their absence.

#### 2 Background

- 2.2 The existing officer scheme of delegation sets out the various powers delegated to the Chief Executive, the Directors and a number of other officers. The Scheme is divided into two categories the first of which provides general delegation common to all Directors and the second element identifies delegations for specific Directors and other officers.
- 2.3 The existing scheme results in the possibility that, in the Chief Executive's absence, no officer is delegated with the powers of the Chief Executive such as the power to act in an emergency or in a situation of urgency. In the absence of such delegated authority any such decision would have to be taken to the Executive, Executive Member or a committee of the council which would add additional delay.
- 2.4 In order to ensure that there is always an officer able to act with the full range of powers accorded to the Chief Executive, many authorities provide for another officer to act as deputy to the Chief Executive when they are absent. In such

cases the scheme of delegation provides that, in the absence of the Chief Executive, another designated officer may exercise the delegated authority of the Chief Executive.

### 3 Implementation

- 3.2 Subject to members approval of this approach, the amendments required are minor and can be effected with the addition of a paragraph within the Officer Scheme of Delegation at Part 3D of the Constitution.
- 3.3 The officer scheme of delegation contains powers delegated from both the Executive and from Full Council and, as such these proposed amendments require approval by both the Executive and Full Council. As such, the Executive is asked to endorse this recommendation and forward it on to the next meeting of Full Council.
- 3.4 It is recommended that the actual designation of an officer for this purpose should be a matter for the Chief Executive in consultation with political group leaders.

### 4 Implications

- 4.2 **Legal:-** Local authorities are required to maintain a constitution setting out the key processes and procedures which govern the decision making and regulation of that body. The ability to make and alter provisions with the constitution is dependent upon the nature of the provision. Some matters are dictated by statute and others may be decided at a local level, usually by full council or a committee specifically delegated for this purpose. In this instance the scheme of delegation concerns both executive and council powers and, as such, requires the approval of both limbs of the council.
- 4.3 **HR:-** There are no HR implications arising from this decision if implemented.
- 4.4 **Finance:-** There are no financial implications arising from this decision if implemented.

### 5 Recommendations:-

#### **To Executive**

- 5.2 In so far as they relate to executive functions the Executive approves the amendment of the officer scheme of delegation to enable a member of the board of Directors of the authority, designated by the Chief Executive, to exercise all the powers and functions of the Chief Executive when they are absent from the authority.
- 5.3 The Monitoring Officer is authorised to make the necessary amendments to the scheme of delegation to give effect to this recommendation.
- 5.4 The Executive refers this report to Full Council for consideration.

**To Full Council**

5.5 In so far as they relate to council functions, Full Council approves the amendment of the officer scheme of delegation to enable a member of the board of Directors of the authority, designated by the Chief Executive, to exercise all the powers and functions of the Chief Executive when they are absent from the authority.

5.6 The Monitoring Officer is authorised to make the necessary amendments to the scheme of delegation to give effect to this recommendation.

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**Report Approved**  *tick* **Date** *Insert Date*

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**Specialist Implications Officer(s)**

Legal:- Quentin Baker  
HR:-  
Finance:-

**Wards Affected:** *List wards or tick box to indicate all*

**All**  *tick*

**For further information please contact the author of the report**