

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Council

**Date of Committee** 13 December 2005

**Report Title** Constitution Changes to Delegations

**Summary** This report identifies the changes necessary to the Council scheme of delegation to officers consequent upon the adoption of the new Council structure.

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**Would the recommended decision be contrary to the Budget and Policy Framework?** No

**Background papers** None

**CONSULTATION ALREADY UNDERTAKEN:-** Details to be specified

- Other Committees
- Local Member(s)
- Other Elected Members
- Cabinet Member
- Chief Executive
- Legal  Jane Pollard
- Finance
- Other Chief Officers
- District Councils
- Health Authority

Police

Other Bodies/Individuals

**FINAL DECISION** **Yes**

**SUGGESTED NEXT STEPS:**

Details to be specified

Further consideration by  
this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation

**Council - 13 December 2005.**

**Constitution Changes to Delegations**

**Report of the County Solicitor and Assistant Chief Executive**

**Recommendations**

- 1) That the Council agrees that the scheme of delegation be amended as set out in the report.
- 2) That the Strategic Director of Performance and Development be authorised to amend the Constitution to reflect the changes.

1. At its meeting on 1 November 2005 the Council agreed a new structure of six Directorates with each Directorate headed by a Strategic Director. Five Directors took up their posts on 5 December 2005 and it is intended to interview for the post of Strategic Director for Adult Health and Community Services in the week before Christmas. A practical consequence of the new structure is the need to amend the Scheme of Delegation to Officers to reflect the structure.
2. The present scheme provides general and specific delegations to all Chief Officers. On a number of occasions reference is made to consulting with, seeking the approval of, or acting on the recommendation of, a post which no longer exists. The following alterations should therefore be made when these references occur in the scheme or elsewhere in the Constitution:
  - For County Solicitor and Assistant Chief Executive read Strategic Director of Performance and Development
  - For County Treasurer read Strategic Director of Resources
  - For Director of Planning, Transport and Economic Strategy read Strategic Director of Environment and Economy
  - For County Fire and Rescue Officer read Strategic Director of Community Protection.
4. The powers currently exercised by the County Solicitor and Assistant Chief Executive should now be delegated to the Strategic Director of Performance and Development.
5. The powers currently exercised by the County Fire and Rescue Officer should now be delegated to the Strategic Director of Community Protection.

6. The powers currently exercised by the Director of Planning, Transport and Economic Strategy should now be delegated to the Strategic Director of Environment and Economy.
7. The powers currently exercised by the County Treasurer and the powers currently exercised by the Director of Property Services should now be delegated to the Strategic Director of Resources.
8. The powers currently exercised by the Director of Social Care and Health should be split between two Directors. Those powers which relate to Adult Social Care services set out in Appendix 1 should be delegated to the Chief Executive until the Strategic Director of Adult Health and Community Services takes office. The powers relating to children and young people should be delegated to the Strategic Director of Children, Young People and Families Services.
9. The powers currently exercised by the County Education Officer should be delegated to the Strategic Director of Children, Young People and Families Services.
10. For the avoidance of doubt actions taken by any of the Strategic Directors from 5<sup>th</sup> December 2005 shall not be invalidated by virtue of the fact that the action is authorised under his/her previous titles. Any communications shall be read as set out below

<b>Previous title</b>	<b>To be read as from 5<sup>th</sup> December 2005</b>
County Solicitor and Assistant Chief Executive	Strategic Director of Performance and Development
County Treasurer	Strategic Director of Resources
County Education Officer	Strategic Director of Children, Young People and Families Services
Director of Social Care and Health (in relation to children and young people)	Strategic Director of Children, Young People and Families Services
Director of Social Care and Health (in relation to adult social care)	Chief Executive
County Fire and Rescue Officer	Strategic Director of Community Protection
Director of Planning Transport & Economic Strategy	Strategic Director of Environment and Economy

11. The Council is asked to agree the amendments set out above.

DAVID CARTER  
 County Solicitor and Assistant  
 Chief Executive  
 Shire Hall  
 Warwick  
 November 2005

## Appendix 1

### Chief Executive – Adult Social Care Services

Chief Executive or his/her nominee		
Powers and Duties	Statutory Reference	Type of Function
1. To make grants up to £250 to voluntary organisations, voluntary associations and committee providing clubs for old and disabled people.	Section 65 Health Services and Public Health Act 1968	Executive
2. To make one-off grants not exceeding £250 to voluntary organisations.	Section 65 Health Services and Public Health Act 1968	Executive
3. To make payments up to £250 to disabled persons	Section 2 Chronically Sick and Disabled Persons Act 1970	Executive
4. To approve the use of social services premises by other organisations when not required for social services purposes at charges that will cover any additional costs to the Council.	Section 123 of the Act of 1972; Section 65 Health Services and Public Health Act 1968	Executive
5. To act on behalf of the County Council in relation to its powers and duties in respect of guardianship.	Mental Health Act 1983	Executive
6. In consultation with the County Solicitor, to vary the access policy relating to client case files within the overall policies of the Council	Data Protection Act 1998 and regulations and orders made thereunder	Executive
7. On or after 1 October 2002 to waive any charges for home care or other non-residential social services payable in whole or in part by (i) any charge payer whose overall income does not exceed the appropriate basic level plus 25% (ii) any charge payer in receipt of more than 10 hours weekly home care following an assessment of income and disability costs.	Section 17 Health and Social Services and Social Security Adjudications Act 1983	Executive

<b>Chief Executive or his/her nominee</b>		
<b>Powers and Duties</b>	<b>Statutory Reference</b>	<b>Type of Function</b>
8. To act as the authorised officer for the purposes of the Learning Disability Partnership established under section 31 Health Act 1999	Section 31 Health Act 1999. Section 2 Local Government Act 2000	Executive
9. To waive any charges payable in whole or in part from 1 April 2003 by any charge payer in receipt of home care and day care following an assessment of their income, capital and disability related expenditure	Section 17 Health and Social Services and Social Security Adjudications Act 1983	Executive