

SCHEME OF DELEGATION AND PROCEDURAL RULES
WDA/21/14

Recommendation

That:

1. the revised Scheme of Delegation be approved and adopted for the 2014/15 Municipal Year; and
2. the amended Authority Procedural Rules, Information Procedural Rules, Financial Procedural Rules and Contract Procedural Rules attached to the report be approved.

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Report of the Chief Executive

1. Purpose of the Report

- 1.1 To seek Members' approval to the revised Scheme of Delegation and its adoption for the 2014/15 Municipal Year, and to approve amendments to various procedural rules.

2. Background

- 2.1 The Constitution comprises a Scheme of Delegation and a comprehensive set of Procedural Rules which define the Authority's governance arrangements.
- 2.2 Rule 3.2(vi) of the Procedural Rules requires the Authority to agree its Scheme of Delegation at its Annual Meeting each year.
- 2.3 The Authority's Constitution is regularly reviewed and updated as necessary. Any proposed changes to the Scheme of Delegation or procedural rules are subject to Members' approval.

3. Constitution

- 3.1 The documents which have been reviewed as part of the annual review of the Authority's Constitution are as follows:
- Scheme of Delegation
 - Procedural Rules
 - Financial Procedural Rules
 - Contract Procedural Rules
 - Access to Information Rules

- 3.2 A review of the Constitution was identified as an action in the Annual Corporate Governance Assessment to ensure they remain fit for purpose and therefore all of the above documents have undergone a detailed review, the outcomes of which are detailed in the following sections.
- 3.3 The documents attached to this report are the proposed drafts. If Members so wish, copies of documents with track-changes can be provided.

4. Scheme of Delegation

- 4.1 The Authority defines three levels of decisions as follows:
- **Key Decisions** are decisions having significant financial or community implications as defined in the Authority's Procedural Rules. Key Decisions cannot be delegated except under urgent action as identified in Procedural Rule 23.
 - **Executive Decisions** and **Administrative Decisions** are decisions which can be delegated to officers subject to the limitations defined in the Scheme of Delegation.
- 4.2 The existing Scheme of Delegation has been reviewed and some amendments have been identified although most of these are for clarification purposes only.
- 4.3 The most notable change is in para 3.1 (b) which currently requires an officer proposing an Executive Decision to consult with a portfolio holder in the first instance. At the Authority's Annual Meeting last year, it was agreed to treat the Authority's services as a single portfolio and that the Chair and Deputy Chair would act as joint portfolio holders. Therefore, the proposed amendment reflects this previous decision and now requires this initial stage of consultation to be with the Chair and Deputy Chair.
- 4.4 For information, there remains a requirement for all Members to be consulted on a proposal for an Executive Decision following the initial consultation referred to above.
- 4.5 Members are asked to adopt the Scheme of Delegation attached at Appendix 1 in accordance with Rule 3.2 (vi) in the Authority's Procedural Rules.

5. Procedural Rules

- 5.1 The Procedural Rules define the Authority's governance arrangements with particular reference to Authority Meetings and Key Decisions.
- 5.2 Subject to Member approval, the rules have been updated and renamed 'Authority Procedural Rules,' so that they can be more clearly distinguished between other procedural rules.
- 5.3 The definitions in section 1 have been revised and added to but there are no other significant changes to draw to Members' attention.
- 5.4 The revised draft of the Authority Procedural Rules is attached at Appendix 2 for Members' consideration.

6. Financial Procedural Rules

- 6.1 The Financial Procedural Rules set out how the Authority manages its finances. The proposed amendments are mainly updates to reflect current arrangements and references to legislation.
- 6.2 The most significant amendment relates to an additional rule which will strengthen controls over contract variations. (Rule 4.2 (i)) which were previously undefined in the rules.
- 6.3 Other revisions include strengthening rules on intellectual property rights, updated references to legislation and a note on payments to Members reflecting that the Authority can pay travel and subsistence but has no powers to pay remuneration to Members.
- 6.4 The revised draft of the Financial Procedural Rules is attached at Appendix 3 for Members' consideration.

7. Contract Procedural Rules

- 7.1 The Contract Procedural Rules are specific instructions in relation to the procurement of contracts. Amongst other things, the rules set the parameters for letting contracts based on their value.
- 7.2 Some consideration was given to amending the threshold at which formal tendering procedures should apply. Whilst the Authority has a lower threshold than many councils (£20k, compared to £50k), it was concluded that the current rules did not have a negative impact on the Authority's

ability to let contracts and therefore no changes to thresholds are proposed.

7.3 The amendments that have been made have therefore been general updates and clarifications, for example, strengthening rules relating to the grouping of contracts and changes to how invitations to tender should be publicised to allow different forms of media.

7.4 The revised draft of the Contract Procedural Rules is attached at Appendix 4 for Members' consideration.

8. Access to Information Rules

8.1 The Access to Information Rules describe how information, specifically in relation to Authority meetings, will be provided and in what format.

8.2 As part of the review, the title of the document has been renamed the Information Procedural Rules in line with other documents in the Constitution. A number of minor amendments are being proposed to update the rules and align them with the Authority Procedural Rules.

8.3 Members attention is drawn to Rule 7.1 which now specifies the format and content of Authority reports Members should expect in relation to proposals for Key Decisions.

8.4 The revised Information Procedural Rules are attached at Appendix 5 for Members' consideration.

9. Risk Implications

9.1 The following risk analysis had been undertaken in relation to this report:

Identified Risk	Likelihood Rating	Consequence Rating	Risk Value	Mitigation
Delegation of decisions not proportionate to levels of responsibility.	1	5	5	Scheme defines scope and limitations for taking delegated decisions.
Members and officers not aware of levels of delegation.	2	4	8	Adoption and review of scheme each year. Constitution included in training

				and induction programmes.
Updated rules not disseminated to staff.	2	3	6	In addition to above training, Constitution held in a controlled document library and all staff notified of changes.

10. HR Implications

10.1 There are no HR implications associated with this report

11. Environmental Implications

11.1 There are no environmental implications associated with this report.

12. Financial Implications

12.1 There are no financial implications associated with this report.

13. Conclusion

13.1 The Authority's Constitution has been reviewed and the amended documents are presented to Members for their approval. Members are further asked to adopt the Authority's Scheme of Delegation for the 2014/15 Municipal Year.

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The background documents to this report are open to inspection in accordance with Section 100D of The Local Government Act 1972 - Nil.