

**CONSTITUTION INCLUDING SCHEME OF DELEGATION AND PROCEDURAL  
RULES**  
**WDA/35/08**

**Recommendation**

That:

1. The amendments to the Authority's Procedural Rules be approved as detailed in the report and its appendices; and
2. The amended Scheme of Delegation be adopted for the 2008/09 Municipal Year.

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**Report of the Director**

**1. Purpose of the Report**

- 1.1 To seek Members' approval to proposed revisions to the Authority's Procedural Rules and adoption of the Scheme of Delegation for the 2008/09 Municipal Year.

**2. Background**

- 2.1 The Authority's constitution is made up of the following documents:
- Scheme of Delegation (Appendix 1)
  - Procedural Rules (Appendix 2)
  - Financial Procedural Rules (Appendix 3)
  - Contract Procedural Rules (Appendix 4)
  - Access to Information Procedural Rules (Appendix 5)
- 2.2 All of these documents are reviewed on at least an annual basis and incorporate issues arising from the annual review of the Code of Corporate Governance.
- 2.3 The Scheme of Delegation is required to be adopted annually in accordance with current Procedural Rules and Members agreed previously that all Procedural Rules should be submitted to the Annual Meeting each year.

**3. Review of Scheme of Delegation**

- 3.1 As a result of the review of the existing Scheme of Delegation, a point of clarification has been identified.

- 3.2 The existing document makes reference to the scheme applying to 'specific officers' in paragraph 1 but does not state who those officers are.
- 3.3 The Scheme of Delegation has therefore been amended to explicitly name the officers to whom the Scheme of Delegation applies. No other amendments have been identified.
- 3.4 Members are therefore asked to adopt the amended scheme in accordance with Procedural Rule 3.2 (vi).

#### **4. Review of Procedural Rules**

- 4.1 The current Procedural Rules underwent a comprehensive review during 2007 and were approved by Members at the Authority's AGM on 22<sup>nd</sup> June 2007.
- 4.2 The Authority approved a further amendment to Procedural Rules at its meeting on 22<sup>nd</sup> February 2008 to incorporate the process for the consideration of petitions (Rule 27).
- 4.3 As part of the 2008 annual review, further amendments are now proposed and a revised copy of the Procedural Rules is attached at Appendix 2 where the amendments have been annotated.
- 4.4 Procedural Rule 7 relates to the quorum of Authority meetings. Whilst the meaning of the rule hasn't been altered, it has been rewritten to provide greater clarity.
- 4.5 In respect of questions submitted to the Authority, the current version allows for members of the public to ask a supplementary question under Procedural Rule 10 but does not offer a similar opportunity for Members under Procedural Rule 9. The Procedural Rules have therefore been amended to allow Members to ask a supplementary question.

#### **5. Review of Financial Procedural Rules**

- 5.1 The Financial Procedural Rules have been reviewed and amendments are proposed to strengthen the existing rules. The amended document is attached at Appendix 3 where the proposed changes have been annotated. In brief, the following highlights the proposed changes.
- 5.2 The existing Financial Procedural Rules set out the roles of the proper officers, specifically the Director, Monitoring Officer and Treasurer.

- 5.3 Rule 3 of Section A states that the Monitoring Officer, 'shall be the Clerk to the Authority and is responsible for reporting any actual or potential breaches of the law or maladministration to the Authority.'
- 5.4 In practice, this role is undertaken by the Solicitor to the Authority and the Financial Procedural Rules have been amended accordingly.
- 5.5 Rule 4.1 of Section A makes reference to the Treasurer appointed under Section 151 of the Local Government Act 1972 and has been updated to read, 'under Section 73 of the Local Government Act 1985.'
- 5.6 Rule 6.4 of Section A makes reference to virement of up to £10,000 and refers to the financing of capital by way of the revenue account which is no longer the case. This rule has therefore been updated and includes for virement of up to £50,000 by an Administrative Decision which is consistent with the Scheme of Delegation.
- 5.7 Rule 6.2 (ix) of Section C refers to with the disposal or part exchange of assets. This rule has been incorporated into Rule 8 as referred to in para 5.9 below.
- 5.8 Rule 7.1 (iii) of Section C has been updated to reflect changes in technology.
- 5.9 Rule 8 has been rewritten to reflect the Annual Capital Strategy approved by Members during 2007 and to deal with the disposal of assets.

## **6. Other Procedural Rules**

- 6.1 There are no amendments proposed to the remaining procedural rules which are:
- Access to Information Rules
  - Contract Procedural Rules
- 6.2 Copies of these existing documents are attached for information.

## **7. Risk Implications**

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

<b>Identified Risk</b>	<b>Likelihood Rating</b>	<b>Consequence Rating</b>	<b>Risk Value</b>	<b>Mitigation</b>
Delegation of	1	4	4	Scheme of

decisions not proportionate to levels of responsibility.				Delegation defines parameters for decision making.
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## **8. Financial Implications**

8.1 There are no financial implications associated with this report.

## **9. Conclusion**

9.1 It is proposed that the amended Procedural Rules and Scheme of Delegation be approved and adopted for the 2008/09 Municipal Year.

9.2 It is further proposed that the amendments to the Financial Procedural Rules identified in paragraphs 5.12 and 5.13 above, be incorporated subject to Members' approval to the designation of Head of Paid Service to the Director considered elsewhere on this agenda.

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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.