

SCHEME OF DELEGATION AND PROCEDURAL RULES
WDA/09/20

Recommendation

1. Members are asked to approve the Remote Meetings Protocol attached at Appendix 1, which reflect the Regulations made under section 78 of the Coronavirus Act 2020 to insert mandatory standing orders for those Authorities who wish to hold meetings remotely, and;
2. That the Scheme of Delegation be adopted for the 2020/21 Municipal Year.

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SCHEME OF DELEGATION AND PROCEDURAL RULES

WDA/

Report of the Chief Executive

1. Purpose of the Report

- 1.1 To request Members approval of a Remote Meetings Protocol to reflect the Regulations made under section 78 of the Coronavirus Act 2020 to insert mandatory standing orders and the associated protocol for those Authorities who wish to hold meetings remotely, either wholly or partially.
- 1.2 To request that Members adopt the Scheme of Delegation for the 2020/21 Municipal Year.

2. Background

- 2.1 The Constitution comprises a set of documents which define the Authority's governance arrangements. This includes:
 - Scheme of Delegation
 - Authority Procedural Rules
 - Financial Procedural Rules
 - Contract Procedural Rules
 - Information Procedural Rules
- 2.2 The Constitution is reviewed at least annually to ensure that governance arrangements remain fit for purpose. Any proposed changes to the Scheme of Delegation or Procedural Rules are subject to Members' approval.
- 2.3 However it is apparent given the current Covid-19 Pandemic, the Authority may wish to review how it currently conducts business whilst continuing to maintain openness and transparency.
- 2.4 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the Regulations") insert what are, in effect,

mandatory standing orders where the Authority wishes to hold meetings remotely, either wholly or partially, between 4 April 2020 and 7 May 2021.

- 2.5 In light of the above, a Remote Meetings Protocol has been drafted (attached at Appendix 1) which complies with the Regulations 2020 and which provides the Authority with the Protocol to be adopted should the Authority choose to hold a meeting remotely.
- 2.6 The Remote Meetings Protocol should be read in conjunction with Article 2 Authority Procedural Rules and Article 4 Information Procedural Rules of the Authority's Constitution
- 2.7 Rule 3.2(vi) of the Procedural Rules requires the Authority to adopt its Scheme of Delegation at its Annual Meeting each year.

3. Authority Procedural and Information Rules

- 3.1 Article 2 of the Constitution, The Authority Procedural Rules outline the law and practice that governs meetings of the Authority, its committees and the Audit and Governance Committee. This includes provisions for voting and provisions for public engagement in public meetings.
- 3.2 Article 4 of the Constitution, Information Procedural Rules are rules concerning access to public information and decision making. This sets out the rules concerning information that has to be published before and after decisions are taken by the Authority.
- 3.3 To hold any of its meetings remotely, the Remote Meetings Protocol must be read in conjunction with Article 2 and 4 above. It provides appropriate guidance for the protocol to be adopted during any remote meeting of the Authority.

4. Scheme of Delegation

- 4.1 The Scheme of Delegation describes the Authority's decision making process and defines three levels of decisions as follows:

- **Key Decisions** are decisions having a significant financial or community impact as defined in the Authority Procedural Rules, or if the Chief Executive is of the view that a decision should be a Key Decision.
- **Key Decisions** cannot be delegated except under urgent action in line with the Authority Procedural Rules.
- **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 no amendments are proposed. Members are therefore asked to adopt the Scheme of Delegation attached at Appendix 2 in accordance with Rule 3.2 (vi) of the Authority Procedural Rules.

5. Risk Implications

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

Identified Risk	Likelihood Rating	Consequence Rating	Risk Value	Mitigation
IT failure. Members cannot access links.	2	5	10	Remote Meetings Protocol provides appropriate guidance
Public cannot access meeting remotely	2	4	8	Remote Meetings Protocol provides appropriate guidance
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.	2	3	6	The revised Constitution will be published on the Authority's website.

6. HR Implications

6.1 There are no HR implications associated with this report.

7. Legal Implications

7.1 Section 78 of the Coronavirus Act 2020, allows the Authority to govern meetings and committees remotely. Failure to amend the Constitution and approve the Remote Meetings Protocol may leave the Authority subject to legal challenge.

8. Environmental Implications

8.1 There are no environmental implications associated with this report.

9. Financial Implications

9.1 There are no financial implications associated with this report.

10. Conclusion

10.1 Members are asked to approve the Remote Meetings Protocol, which should be read in conjunction with Articles 2 and 4 of the Authority's Constitution attached at Appendix 1, which reflect the Regulations made under section 78 of the Coronavirus Act 2020, to insert mandatory standing orders for those Authorities to wish to hold meetings remotely.

10.2 Members are also asked to adopt the Authority's Scheme of Delegation for the 2020/21 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.