

**SCHEME OF DELEGATIONS TO OFFICERS – TEMPORARY SUBSTITUTIONS**  
**Director of Corporate Services – Legal**

**1 PURPOSE OF REPORT**

- 1.1 This report seeks the approval of the Committee to an amendment to the Council's Constitution to ensure that there is no hiatus in the exercise of delegated powers by officers in the event of there being a vacancy in a post or other absence of a postholder (e.g. through indisposition) to whom powers are delegated by the Council's Constitution.

**2 RECOMMENDATION**

- 2.1 **That Council be recommended to approve that Section 6 of Part 2 of the Council's Constitution be amended to provide that in the event of there being a vacancy in a post to which powers are delegated, as set out in Table 1 of Part 2 of the Constitution, or in the event of such a postholder being temporarily absent, the Chief Executive (or in his absence the Deputy Chief Executive) be authorised to designate another officer to exercise the relevant delegated powers.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 To ensure that Council functions delegated to an officer post may continue to be properly discharged notwithstanding a vacancy in the post arising or in the event of the temporary absence of the postholder.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Not to amend the Constitution as proposed but the consequence would be that powers delegated to an officer could not be exercised in the event of a vacancy in the post arising or the temporary absence of the postholder.

**5 SUPPORTING INFORMATION**

- 5.1 Part 2, Section 6 of the Council's Constitution sets out provisions relating to powers delegated to officers. Table 1 annexed to that part of the Constitution sets out the detailed delegations to Directors and to some Chief Officers. The delegations in Table 1 cover both Executive and non-Executive functions.
- 5.2 As a result of notice of resignation recently being received from a Chief Officer to whom powers are delegated by Table 1 a lacuna in the Constitution has become apparent, namely that there is no provision to provide for the exercise of delegated powers in the event of a vacancy in a relevant post arising (or indeed in the temporary absence of the postholder). In order to cover such situations it is proposed that the Chief Executive (or in his absence the Deputy Chief Executive) should be able to nominate another officer to exercise the powers delegated to the relevant post by the Constitution.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

6.1 The Borough Solicitor is the author of this report.

### Borough Treasurer

6.2 There are no financial implications directly arising.

### Equalities Impact Assessment

6.3 Not required.

### Strategic Risk Management Issues

6.4 None.

### Other Officers

6.5 None.

## **7 CONSULTATION**

### Principal Groups Consulted

7.1 None.

### Method of Consultation

7.2 Not applicable.

### Representations Received

Not applicable.

### Background Papers

None.

### Contact for Further Information

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### Doc. Ref

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