

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Scheme of Delegation to Officers

Meeting/Date: Licensing and Protection Committee – 25
January 2024

Executive Portfolio: Executive Councillor for Customer Services – Cllr
Stephen Ferguson

Report by: Community Services Manager – C Deeth

Ward(s) affected: All

Executive Summary:

In February 2016, Council approved a new Constitution. Contained therein is the Responsibility for Functions (Part 3), and specifically those functions of the Licensing & Protection Committee, and the Licensing & Protection Sub-Committee (Table 2, Part 3).

At the time, legal advice had recommended that the Licensing and Protection Committee formally resolve the scheme of delegation between the Licensing and Protection Committee and the Council's Officers. This was actioned following the submission and approval of a report to the then Licensing Committee on 19th July 2016.

Since this approval, there have been a number of structure changes across the organisation including amendments to job titles. The purpose of this report is to therefore recognise and subsequently approve the delegations based on the amended role titles.

Recommendation(s):

The Licensing and Protection Committee is

RECOMMENDED to:

- i) approve the scheme of delegation from Licensing & Protection Committee to Officers**
- ii) authorise the Community Services Manager to make minor editorial changes, which by definition make no change to the powers of delegations.**

- iii) authorise the Community Services Manager, after consultation with the Chair and Vice-Chair to make changes as a result of revocations, amendments, or enactment of relevant statutory provisions**
- iv) authorise the Community Services Manager to appoint such suitably qualified officers as deemed appropriate to exercise those duties delegated to him/her.**

1. PURPOSE OF THE REPORT

- 1.1 The Council Constitution 2016 details the Responsibility for Functions, and specifically the responsibilities of the Licensing & Protection Committee (the Committee). On 19th July 2016, a report was presented to the then Licensing and Protection Committee advising that legal advice had recommended that the Committee formally resolve a scheme of delegation for Officers with regards to the licensing and registration functions, and health and safety at work functions contained with Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.
- 1.2 The report was subsequently approved and implemented.
- 1.3 Following a number of restructures resulting in changes to the names of certain posts, this report is being brought back to the Licensing and Protection Committee to request approval of an amended scheme of delegation.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 There have been amendments to role titles following restructures meaning that previously used job titles no longer exist. It is therefore necessary to seek approval from the Committee for a new scheme of delegation that reflects the amendments.

3. KEY IMPACTS / RISKS

- 3.1 Should a scheme of delegation contain incorrect information relating to decision making responsibilities, it may invalidate the action that is being taken by officers. Should this be recognised and subsequently challenged, any decisions made could be reversed. There is a significant reputational risk to the District Council if this were to happen.

4. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 4.1 If approved, the new scheme of delegation will be implemented immediately, and all associated documentation updated accordingly.

5. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 5.1 Priority 1 – Improving quality of life for local people.
- 5.2 Priority 3 – Delivering good quality, high value-for-money services with good control and compliance with statutory obligations.

6. LEGAL IMPLICATIONS

- 6.1 For the scheme of delegation to be implemented correctly, we must ensure that it is current and contains the correct information. Should this not be the case, there is a risk that decisions made could be invalidated.

7. REASONS FOR THE RECOMMENDED DECISIONS

- 7.1 Should the Committee approve the amended scheme of delegation, this will enable officers operating in the amended structures to be able to utilise legislation available to them and where appropriate, take action to address unauthorised or illegal activity.

8. LIST OF APPENDICES INCLUDED

Appendix 1 – Powers delegated by or on the recommendation of the Licensing and Protection Committee (Environmental health and Community Protection and Enforcement).

9. BACKGROUND PAPERS

Scheme of Delegation to Officers report dated 19th July 2016

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