

**THE COUNCIL'S CONSTITUTION: SCHEME OF DELEGATION AND
MONITORING OFFICER: INTERIM ARRANGEMENTS****(Report by the Head of Administration)****1. INTRODUCTION**

- 1.1 The purpose of this report is to invite Council and the Cabinet to consider interim arrangements relating to the Council's Scheme of Delegation and the designation of a Monitoring Officer following the impending retirement of the Director of Central Services.

2. BACKGROUND

- 2.1 The Scheme of Delegation comprises part of the Council's Constitution and consists of a schedule of executive and other powers delegated to Officers by the Council, by Cabinet and by various Panels and Committees, often after consultation with an Executive Councillor or a Panel/Committee Chairman. This report is concerned solely with those powers delegated to the Director of Central Services.
- 2.2 Following the retirement of the present incumbent, the Council and Cabinet are invited to consider appropriate interim arrangements in the event that powers delegated to the Director need to be exercised. Similarly, interim arrangements will need to be made to designate a Monitoring Officer, an appointment currently held by the Director.

3. PROPOSALS

- 3.1 Bearing in mind that the issue in any event will be time-limited by any appointment process and having regard to the relationships of Directors and Heads of Service in other instruments of governance, it is felt that the issue of delegation could be dealt with most conveniently as an interim measure by substituting the Chief Executive for the Director of Central Services wherever the latter term appears or is suggested in the Delegation Scheme. The interim measure should also cover specific delegations to the Director which may not yet have been exercised.
- 3.2 Insofar as the Monitoring Officer issue is concerned, the law prohibits the Head of Paid Service (the Chief Executive) from acting in that capacity. In those circumstances, it is suggested that as an interim measure, the Head of Legal & Estates, who currently is the Deputy Monitoring Officer, is designated as Monitoring Officer.

4. CONCLUSIONS

4.1 Interim arrangements are required —

- (i) to facilitate the discharge of responsibilities delegated to the Director of Central Services pending a decision on and appointment of a successor; and
- (ii) to designate an Officer to act as Monitoring Officer on behalf of the Council.

4.2 The most convenient way of addressing the matter of delegation in the interregnum would be via the appointment of the Chief Executive for the purposes of the Scheme of Delegation and the designation of the Head of Legal & Estates as Monitoring Officer.

5. RECOMMENDATIONS

5.1 Accordingly the Council and Cabinet are —

RECOMMENDED

with effect from 27th June 2008 and pending a decision on and the recruitment of a new Director, to authorise the Chief Executive be authorised to undertake the executive and other powers delegated to the Director of Central Services by virtue of the Scheme of Delegation and otherwise.

5.2 Council is also —

RECOMMENDED

to designate the Head of Legal & Estates as interim Monitoring Officer with effect from 27th June 2008.

BACKGROUND INFORMATION:

The Council's Constitution

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