

WIRRAL COUNCIL

CABINET – 4th September 2008

REPORT OF THE DEPUTY CHIEF EXECUTIVE / DIRECTOR OF CORPORATE SERVICES

PROTOCOL ON DELEGATED DECISION MAKING

EXECUTIVE SUMMARY

At its meeting on 16th August 2007, the Cabinet agreed a protocol on delegated decision making. Following the review of the scheme of delegation, approved by the Council on 14th July 2008 it is proposed that the protocol be amended to streamline the delegated decision-making process.

1 Background

1.1 The Cabinet and Council have considered changes to the Council's Constitution at their meetings on 9th July and 14th July 2008 respectively. The changes agreed include amendments to the scheme of delegated decision-making powers for individual portfolio holders for specific areas of the Council's business.

1.2 The amended Scheme of delegation is set out at Appendix 1.

2 Changes to the protocol for delegated decision-making

2.1 The existing protocol is set out at Appendix 2.

2.2 It is recommended that most of the protocol be retained, including the requirement to notify the Leader of the Council and the relevant Cabinet Member of proposed decisions to be taken under delegated powers at least 3 clear working days before a decision is made. The Leader of the Council and the relevant Cabinet Members may refer matters to Cabinet for decision in line with the existing protocol.

2.2 It is proposed that the protocol be amended, so that where a Cabinet member has received a report on a matter that can be decided under that Cabinet member's delegated powers, and the Cabinet member agrees with the recommendation(s) set out within the report, then no meeting will need to be held to discuss that report.

2.3 Once a response has been received from a Cabinet member to approve the recommendations contained within a report, then the Chief Officer will request Committee Services to publish the record of the decision and make this available for call-in.

2.4 If the relevant Cabinet member does not approve the recommendation of the Chief Officer, then a meeting should be established in line with the existing protocol.

3 Financial implications

There are no financial implications.

4 Staffing implications

There will be reduced staffing implications for Legal and Member Services.

5 Equal opportunities implications

There are no equal opportunity implications.

6 Community safety implications

There are no community safety implications.

7 Local Agenda 21 implications

There are no Local Agenda 21 implications.

8 Planning implications

There are no planning implications.

9 Anti-poverty implications

There are no anti-poverty implications.

10 Social inclusion implications

There are no social inclusion implications.

11 Background Papers

The Council's Constitution was used to prepare this report.

RECOMMENDATION

That the protocol for delegated decision making be amended as set out above.

DELEGATION OF FUNCTIONS TO INDIVIDUAL CABINET MEMBERS
All Cabinet Members within their own Portfolio

- (i) Approval of those matters where the recommendation is simply to note the report.
- (ii) Approval of the appointment of consultants up to the value of £50,000.
- (iii) Approval of the Council's formal response to Government consultation documents.
- (iv) Approval of the extension of contracts for a maximum of up to 2 years, where such an extension was an option in the original contract in consultation with the departmental Director and the Director of Finance.
- (v) Acceptance of tenders below £750,000 for capital works, where the tender is the lowest price, the tender complies with all the price, quality, safety, sustainability and any other criteria set out in the tender document; and the tender value is below the figure set out in the relevant budget.
- (vi) Approval of additional or replacement items for the current year's Capital Programme, where the amount of the estimate does not exceed £100,000 and does not increase the overall total of the Departmental Capital Programme.
- (vii) The award of contracts of up to 3 years, where the contract value is less than £750,000, where the tender is the lowest price the tender complies with all the price, quality, safety, sustainability and any other criteria set out in the tender document; and the tender value is below the figure set out in the relevant budget.

Finance and Best Value

- (i) Power to write off debts up to £10,000, in consultation with the Director of Finance.

Corporate Resources

- (i) The disposal of surplus land, buildings and other assets up to the value of £250,000 by sale or lease.
- (ii) The purchase or lease of land, buildings and other assets up to a value of £250,000.
- (iii) The removal of restrictive covenants on land, in consultation with the Director of Corporate Services, where the increase in land value as a result is less than £250,000.
- (iv) To designate attendances at conferences, training events, meetings and seminars as an approved duty.

Children's Services and Lifelong Learning

- (i) Appointments to serve on the Parental Appeals Panel.
- (ii) Approval of applications to the Prudential Borrowing Financial Support Fund up to a maximum of £20,000.

Streetscene and Transport Services

- (1) To approve the recommendation of the Streetscene and Transport Services Overview and Scrutiny Committee in connection with all proposed highway and traffic management matters, as set out below, to which objections have been lodged and where he/she agrees with the recommendation:-
 - (a) All highway and traffic management matters governed by the Road Traffic Regulation Act 1984, whether subject to a Traffic Regulation Order or otherwise, including (but not limited to) the following:-
 - i. waiting and parking restrictions;
 - ii. speed limits;
 - iii. one way traffic orders;
 - iv. weight limits;
 - v. prohibiting or restricting the use of heavy commercial vehicles;
 - vi. signalised and non signalised pedestrian/cycle/horse crossings;
 - vii. provision of off street parking and parking on roads ,footpaths, pavements and verges
 - viii. traffic signs and traffic signals.
 - ix. Bus lanes and taxi ranks
 - x. Siting of street furniture
- (2) To approve the recommendation of the Streetscene and Transport Services Overview and Scrutiny Committee in connection with all proposed highway and traffic management matters, as set out below, to which objections have been lodged and where he/she agrees with the recommendation:-
 - (a) All highway and traffic management matters governed by the Highways Act 1980 including (but not limited to) the following:-
 - i. road humps;
 - ii. traffic calming speed reducing measures;
 - iii. improvement lines for road widening;
 - iv. cycle tracks.
- (3) To approve the winter maintenance arrangements.

Regeneration and Planning Strategy

- (i) Approval of the recommendations of the Wirral Waterfront Partnership Board up to the value of £250,000.
- (ii) Approval of requests for grants from the Wirral Investment Fund up to a value of £50,000.

Community and Customer Engagement

- (i) Approval of the recommendations of Area Forums (other than the one which the Cabinet Member is also a member) for spending of CIF and other similar funds.

Notwithstanding any of the above, Chief Officers may, if they believe it is in the Council's best interests, recommend to their portfolio holder that a report be taken out of delegation and placed on the Cabinet Agenda for approval or debate. Chief

Officers should be mindful when doing so of the need to reduce the number of reports going to Cabinet.

Protocol for delegated decision-making (approved 16th August 2007).

Chief Officers will ensure that matters for decision are placed before Members following the appropriate consultation with other Officers within the Council.

In addition, the Constitution requires that delegated decisions should only be taken by portfolio holders following the expiry of 3 clear working days from the notification of matters by Chief Officers. The portfolio holder will also notify the Leader of the Council of the decisions he or she intends to make following the elapse of the 3 clear working days. During this period, the portfolio holder or the Leader of the Council may request that the matter be referred to the next meeting of the Cabinet rather than taken under delegated powers, by notifying the Head of Legal and Member Services.

When decisions are made under the delegated decision-making powers, a member of staff from Committee Services will be present to minute the decision.

A formal set of minutes will be produced and published on the Council's Intranet and Internet site. All Members of the Council will be informed by email and the minutes will be open for call-in for 5 working days.