

BOROUGH OF KETTERING

Committee	Monitoring & Audit Committee	Item A3	Page 1
Report Originator	Sue Lyons Head of Democratic & Legal Services Monitoring Officer	Forward Plan Ref: N/A	
Wards Affected	ALL	22 nd November 2016	
Title	Delegation of Responsibility for Functions to Officers		

1. PURPOSE OF REPORT

To inform Members of the powers delegated to officers under the Constitution.

2. BACKGROUND

- 2.1 At the last meeting of the committee, members requested than an item on delegated authority be added to the work programme.
- 2.2 Although there has been limited time to put a report together, this report seeks to set out a brief history of the legislative background to officer delegations so that members have the contextual background. At this stage the report does not attempt to do any more than provide such background and also reminds members what specific delegations exist in the Council's Constitution.

3. INFORMATION

- 3.1 Kettering Borough Council, like any other local authority, delivers a wide range of services to the public. In order to deliver those services efficiently and effectively many decisions need to be made on a daily basis. The Local Government legislation sets out the extent to which and the way functions and responsibilities can be delegated.
- 3.2 Section 101 of the Local Government Act 1972 Act deals with delegation of local authority functions (other than those which are the responsibility of an authority's executive under the Local Government Act 2000). This Section provides that (subject to any express statutory provision) a local authority may arrange for the discharge of any of its functions by a committee, sub-committee or one of its officers.
- 3.3 The Local Government Act 2000, as amended by the Localism Act 2011, provides that Executive functions may be discharged by, The Executive, another member of the executive, by a committee of the executive, or by an officer of the authority. This Act also set out in legislation which functions were to be the responsibility of Full Council, those which were to Executive functions and those which were a matter of local choice. This information is contained the **The Local Authorities (Functions and Responsibilities) (England) Regulations 2000**.

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3.4 The Council's Constitution sets out who are the responsible members or officers for the decisions the council makes and the procedures that must be followed to ensure that the decisions are taken in an open, transparent and accountable manner.

3.5 Part 3 of the Constitution sets out the responsibility for functions, this is set out at **Appendix 1**. The Constitution with the scheme of delegation was originally adopted in March 2002 when the Council moved to Executive arrangements. It has since been updated respond to legal and statutory developments and to reflect good practice. Any changes to Constitution must be approved by Full Council after consideration of the proposals by the Executive and any report by the Research and Development Committee. This process has been followed when the Constitution has been updated. The last major update was in 2012 to take into account the changes required by the implementation of the Localism Act 2011.

4. **POLICY IMPLICATIONS**

None as a result of this report.

5. **CONSULTATION AND CUSTOMER IMPACT**

None as a result of this report

6. **FINANCE and HR RESOURCE IMPLICATIONS**

None as a result of this report

7. **LEGAL IMPLICATIONS**

The Council is under a duty to prepare and keep its Constitution up to date under the Local Government Act 2000. The Constitution is due to be reviewed to reflect the changes in the management structure and any further updates needed to ensure the processes still reflect good practice.

8. **RECOMMENDATION**

The Monitoring and Audit Committee note the report and consider whether they wish to receive any further information.

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Background Papers:

None

Previous Reports/Minutes:

Last work programme in 2014/15 year.