



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

26 May 2021

Report of the Director of Legal and Democratic Services and Monitoring Officer

Approval of a written record of delegations to be included in the Council's scheme of delegation

1 Purpose

1.1 To consider and approve the written record of delegations to be included in the Scheme of Delegation within the Council's Constitution as required by the Cabinet Procedure Rules.

2 Information and Analysis

2.1 The Cabinet Procedure Rules as set out at Appendix 4 to the Council's Constitution (Section 1.2), provides that:

"1.2 Delegation by the Leader

At the annual meeting of the Council, the Council will approve a written record of delegations to be included in the Council's scheme of delegation at Appendix 1 to this Constitution."

A copy of the delegation from the Leader to the Cabinet for inclusion in Appendix 1 – Responsibility for Functions of the Constitution is appended to the report at Appendix 2. The changes simply reflect the new Cabinet Member portfolios presented to Council under a previous agenda item. The remaining sections of Appendix 1 will remain unchanged at the present time.

3 Alternative Options Considered

Not to approve the record of delegations but this would not be in accordance with the provisions of the Council's Constitution as set in Appendix 4 - Cabinet Procedure Rules.

4 Implications

Appendix 1 sets out the relevant implications considered in the preparation of the report.

5 Consultation

Not applicable.

6 Background Papers

None.

7 Appendices

Appendix 1: Implications.
Appendix 2: Delegations by the Leader.

8 Recommendations

That Council:

- (a) approves the delegation by the Leader as detailed in Appendix 2 to the report for insertion in Appendix 1 to the Constitution; and
- (b) authorises the Director of Legal and Democratic Services to make the necessary changes to the Council's Constitution.

9 Reasons for Recommendations

To comply with the provisions of the Council's Constitution.

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This report has been approved by the following officers:

On behalf of:

Director of Legal Services and
Monitoring Officer
Director of Finance and ICT
Managing Executive Director
Executive Director(s)

HEB

EA

Implications

Financial

1.1 None

Legal

2.1 The Cabinet Procedure Rules contained within Appendix 4 of the Constitution include the following:

“1.2 Delegation by the Leader

At the annual meeting of the Council, the Council will approve a written record of delegations to be included in the Council's scheme of delegation at Appendix 1 to this Constitution. The Council will make available the following information about cabinet functions in relation to the coming year:

- i) the names, addresses and electoral divisions of the people appointed to the Cabinet by the Council;
- ii) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- iii) the terms of reference and constitution of such committees as are appointed and the names of Cabinet Members appointed to them;
- i) the nature and extent of any delegation of decision making functions to committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year.”

2.2 It is a legal requirement that the Council has a Constitution and the Council must comply the provisions contained within it.

Human Resources

3.1 None

Information Technology

4.1 None

Equalities Impact

5.1 None

Corporate objectives and priorities for change

6.1 None

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None