
RESPONSIBILITY FOR FUNCTIONS – OFFICER DELEGATIONS – DIRECTOR OF COMMUNITY SERVICES

To: **Constitutional Review Working Party – 26 January 2011**

By: **Head of Legal & Democratic Services and Monitoring Officer**

Classification: **Unrestricted**

Ward: **N/A**

Summary: **To consider proposed amendments to the Scheme of Officer Delegations within the Council’s Constitution, in so far as it relates to the Director of Community Services.**

For Decision

1.0 Introduction and Background

1.1 It has come to light that:

1.1.1 whereas the responsibilities of the Clinical Director (Health Protection Agency) are set out at Clause 13.1 of the Scheme of Officers Delegations - Part 3, Section 4 of the Council's Constitution, authority is not explicitly granted to the Director of Community Services to appoint a Clinical Director.

1.1.2 implementation and enforcement of the provisions of the Sunbeds (Regulations) Act 2010 require to be included in the delegated functions of the Director of Community Services.

2.0 The Current Situation

2.1 To address the situation, it is recommended that the Constitution be amended as follows:

2.1.1 Insertion of a new clause. 10.34 to read:

“To appoint a Clincial Officer to carry out the functions conferred or imposed under Section 47, National Assistance Act 1948 and Section 1, National Assistance (Amendment) Act 1951”.

2.1.2 Insertion of a new clause, 10.35 to read:

“To implement and enforce the provisions of the Sunbeds (Regulations) Act 2010”.

2.2 Those amendments are as shown as track changes on an extract of delegations relating to the Director of Community Services (Clause 10) which is attached to this report (*Annex 1*).

2.3 For reference purposes, Clause 13, which sets out the delegated powers of the Clinical Director (Health Protection Agency) is also shown at Annex 1.

3.0 Corporate Implications

3.1 Financial

There are no direct financial implications arising from this report.

3.2 **Legal**

Council must approve any alteration to the Council's Officer's Delegations within the Constitution.

3.3 **Corporate**

None

34 **Equity and Equalities**

There are no specific equity and equality consideration that need to be taken into account in relation to this report.

4.0 **Recommendation**

4.1 That the Working Party recommends to the Standards Committee that the changes to the Delegations of the Director of Community Services, as set out at Annex 1, be approved.

5.0 **Decision Making Process**

5.1 The recommendation of the Working Party will be considered by the Standards Committee who, in turn, will make a final recommendation to the Council

Meeting of Standards Committee	Date: 8 February 2011
Meeting of Council	Date: 24 February 2011

Contact Officer:	Harvey Patterson, Head of Legal & Democratic Services and Monitoring Officer
Reporting to:	Sue McGonigal, Interim Deputy Chief Executive

Annex List

Annex 1	Suggested amendments to the Delegations of Director of Community Services (Part 3, Section 4, Clause 10 of the Council's Constitution)
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Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation Undertaken

Finance	N/A
Legal	N/A