

## AGENDA ITEM

### FALKIRK COUNCIL

**Subject: DELEGATION OF POWERS TO DETERMINE URGENT  
ISSUES DURING THE SUMMER RECESS**  
**Meeting: FALKIRK COUNCIL**  
**Date: 25 June 2008**  
**Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION  
SERVICES**

#### **1. INTRODUCTION**

- 1.1 In order that urgent items of business, normally determined by Council or Committee, might be dealt with during the summer recess, it is proposed that Chief Officers be given delegated powers to determine such items, in consultation with the Convener and Depute Convener of the appropriate Committee. Where it is proposed that matters are to be so considered, the Chief Officer will require to submit these items to the Acting Director of Law and Administration Services in the first instance. This is, however, a general principle of delegation and is subject to a number of important exceptions.
- 1.2 These exceptions are:-
- (a) No Officer shall be entitled to take decisions involving Council expenditure outwith the approved Revenue Budget and Capital Programme;
  - (b) No Officer shall take decisions involving an increase in the permanent establishment of his/her Service; and
  - (c) No delegated decision shall be taken where there is a dispute as to the legality, propriety or the proper interpretation of Council policy arising from the matter to be decided.
- 1.3 In relation to all of the above exceptions, a special meeting of the appropriate Committee could be convened, if required.
- 1.4 In the circumstances described at paragraph 1.1 above, each Director would be required to consult as widely as necessary and in any event with the Chief Executive and Acting Director of Law and Administration Services.

## **2. RECOMMENDATION**

**2.1** It is recommended that Chief Officials be given delegated powers, in consultation with the Convener and Depute Convener of the appropriate Committee, to determine urgent items of business during the summer recess (from 25 June 2008 to 11 August 2008) and to report the decisions thereon to the first meeting of the Policy and Resources Committee thereafter, provided that:-

- (a)** any such decision is required to secure the proper delivery of Council Services and to comply with the Council's statutory duties;
- (b)** any such decision does not involve expenditure of Council monies outwith the approved Revenue Budget and Capital Programme;
- (c)** any such decision does not involve an increase in the permanent establishment of the particular Service; and
- (d)** any such decision involves no dispute as to legality, propriety or the proper interpretation of Council policy as affecting the decision.

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**Acting Director of Law and Administration Services**

**Date: 25 May 2008**

**Contact Officer: Rose Mary Glackin, Tel: 506078**

### **LIST OF BACKGROUND PAPERS**

**1.** Falkirk Council's Scheme of Delegation to Committees, Sub-Committees and Officers.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 506078 and ask for Rose Mary Glacking.