



AGENDA ITEM

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**DELEGATION OF POWERS TO
DETERMINE URGENT ISSUES
DURING THE SUMMER RECESS**

FALKIRK COUNCIL

**Subject: DELEGATION OF POWERS TO DETERMINE
URGENT ISSUES DURING THE SUMMER RECESS**
Meeting: FALKIRK COUNCIL
Date: 22 JUNE 2016
Author: DIRECTOR OF CORPORATE AND HOUSING 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 Leader of the Council and/or the relevant portfolio holder or, as appropriate, the relevant Committee Convener and/or Depute Convener. Where it is proposed that matters are to be so considered, the Chief Officer will require to submit these items to the Chief Governance Officer 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 A special meeting of the appropriate Council body would be convened if it was necessary to take a decision urgently in respect of any matter falling within one of the exceptions.
- 1.4 In taking decisions under the auspices of this authority, Chief Officers are required to consult as widely as necessary and, in any event, with the Chief Executive and the Chief Governance Officer.

2. RECOMMENDATION

- 2.1 It is recommended that Chief Officers be given delegated powers, in consultation with the Leader of the Council and/or the relevant portfolio holder or, as appropriate, the relevant Committee Convener and/or Depute Convener, to determine urgent items of business during the summer recess (from 22 June 2016 to 16 August 2016) and to report the decisions thereon to the first meeting of the Executive thereafter, provided that any such decision:-
- (a) is required to secure the proper delivery of Council Services and to comply with the Council's statutory duties;
 - (b) does not involve expenditure of Council monies outwith the approved Revenue Budget and Capital Programme;
 - (c) does not involve an increase in the permanent establishment of the particular Service, and
 - (d) involves no dispute as to legality, propriety or the proper interpretation of Council policy as affecting the decision.

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Director of Corporate and Housing Services

Date: 9 June 2016

Ref: AAA220616 – Delegated Powers during summer recess

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LIST OF BACKGROUND PAPERS

None