

The background of the slide features a large, faint watermark of the Seal of the State of Alaska. The seal is a shield divided into four quadrants. The top-left quadrant shows a sailing ship on the water. The top-right quadrant shows a moose's head. The bottom-left quadrant shows a plow. The bottom-right quadrant shows a miner with a pickaxe. Above the shield is a crown with four stars. Below the shield is a banner with the motto "ALASKA FOR A'".

## **Agenda Item 15**

**Delegation of Powers to Determine  
Urgent Issues During the Summer  
Recess**

**Falkirk Council**

**Title:** Delegation of Powers to Determine Urgent Issues During the Summer Recess

**Meeting:** Falkirk Council

**Date:** 27 June 2018

**Submitted by:** Director of Corporate & Housing Services

**1. Purpose of Report**

- 1.1. This report invites Council to agree that authority is delegated to its Chief Officers to deal with urgent business, which would normally be determined by Council or committee, during the summer recess.

**2. Recommendations**

**2.1 It is recommended that**

- (1) Chief Officers are given delegated powers, in consultation with the Leader of the Council or the relevant portfolio holder or, as appropriate, the relevant committee convener or depute convener, to determine urgent items of business during the summer recess (from 27 June 2018 to 14 August 2018) and to report the decisions taken to the first meeting of the Executive thereafter, provided that any such decision:-**

  - (i) is required to secure the proper delivery of Council Services and to comply with the Council's statutory duties;**
  - (ii) does not involve expenditure of Council monies outwith the approved Revenue and Capital Programme;**
  - (iii) does not involve an increase in the permanent establishment of the particular Service, and**
  - (iv) involves no dispute as to legality, propriety or the proper interpretation of Council policy as affecting the decision;**
- (2) the Chief Governance Officer is appointed returning officer and proper officer for the purposes of s34 of the 1973 Act until 1 August.**

### **3. Considerations**

- 3.1. In order that urgent business, normally determined by Council or committee, might be dealt with during the summer recess, it is proposed that Chief Officers are given delegated powers to determine such business, in consultation with the Leader of the Council or the relevant portfolio holder or, as appropriate, the relevant Committee Convener or Depute Convener ("recess powers").
- 3.2. This general delegation is subject to the following exceptions:-
- (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 their 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.
- 3.3. 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.
- 3.4. 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 Governance Officer on whether the proposed decision falls within the scope of the recess powers.

### **4. Returning Officer and Proper Officer Appointments**

- 4.1 The Chief Executive discharges a number of statutory roles and proper officer appointments. In the gap between Mrs Pitcaithly leaving and Mr Lawrie arriving, it would be prudent to make arrangements for some of those offices, in particular, the returning officer. It is suggested that as he is currently the deputy returning officer that the Chief Governance Officer be appointed returning officer for that short period as well as proper officer in terms of s34 of the Local Government (Scotland) Act 1973 (receipt of resignations). These appointments will revert to the Chief Executive on 1 August.
- 4.2 Some other roles, notably head of paid service, will remain vacant until Mr Lawrie takes up post. It is not considered that this poses any risk to the Council.

### **5. Consultation**

- 5.1. No consultation has been carried out on the report's proposals.

## **6. Implications**

### **Financial**

- 6.1 There are no financial implications arise from the recommendations.

### **Resources**

- 6.2 There are no resource implications arising from the recommendations.

### **Legal**

- 6.3 There are no legal implications arising from the recommendations.

### **Risk**

- 6.4 If Council does not agree to delegate authority to its Chief Officers there is a risk that the Council will be unable to secure the proper delivery of services and comply with its statutory duties.

### **Equalities**

- 6.5 No equality and poverty impact assessment was required.

### **Sustainability/Environmental Impact**

- 6.6 No sustainability assessment has been completed as part of compiling the report and the main findings.

## **7. Conclusions**

- 7.1 In order to deal with urgent business, which would normally be determined by Council or committee, during the summer recess Council is invited to agree that authority is delegated to its Chief Officers.

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### **Appendices:**

None.

### **List of Background Papers:**

No papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973.