

The background of the slide features a large, faint, light blue watermark of the Seal of the State of Alaska. The seal includes a crown at the top with four stars, a shield with a ship on the left and a moose on the right, and a banner at the bottom with the motto "A NE FOR A".

Agenda Item 10

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: 26 June 2019

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:-

Chief Officers are given delegated powers, in consultation with the Leader of the Council and Leaders of the main opposition groups, 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 26 June 2019 to 27 August 2019) 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;**

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 and the Leaders of the main opposition groups 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. Consultation

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

5. Implications

Financial

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

Resources

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

Legal

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

Risk

- 5.4 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

- 5.5 No equality and poverty impact assessment was required.

Sustainability/Environmental Impact

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

6. Conclusions

- 6.1 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.

Director of Corporate & Housing Services

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Date: 6 June 2019

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.