
Report To:	Policy & Resources Committee	Date:	21 May 2019
Report By:	Head of Legal & Property Services	Report No:	LP/067/19
Contact Officer:	Gerard Malone	Contact No:	01475 712710
Subject:	Scheme of Delegation (Officers)		

1.0 PURPOSE

- 1.1 The purpose of this report is to request the Committee to remit it to the Head of Legal & Property Services to make any necessary consequential arrangements to update the Scheme of Delegation (Officers) in the event of the United Kingdom's withdrawal from the European Union.

2.0 SUMMARY

- 2.1 In terms of the Scheme of Delegation (Officers), powers are delegated to officers under a number of Acts and regulations. In the case of the latter this is generally encompassed by a broad delegation to authorise officers in regulations made under a particular Act.
- 2.2 There are a number of regulations currently administered or enforced by the Council which are made under the European Communities Act 1972 and which cover a variety of areas. On the United Kingdom's exit from the European Union the European Communities Act 1972 will be repealed. The majority of EU derived regulations made under the Act will however remain in force being retained by the European Union (Withdrawal) Act 2018. Similarly direct EU legislation operative immediately before exit day is brought into domestic law by the same Act.
- 2.3 In order to avoid circumstances where the authorisation of officers might be challenged the powers delegated to officers will be amended to remove reference to The European Communities Act 1972 and regulations made thereunder. This will be substituted by the European Union (Withdrawal) Act 2018 and regulations retained or brought into domestic legislation by that Act. At the Environment & Regeneration Committee's 2 May meeting, authority was obtained to make these necessary, consequential arrangements for the Head of Environmental & Public Protection's remit relative to areas including food safety, product safety, environmental matters and animal health and this report seeks to ensure these arrangements ensure the continuity of formal delegations for all officers.

3.0 RECOMMENDATION

- 3.1 That it be remitted to the Head of Legal & Property Services to make any necessary consequential arrangements to update the Scheme of Delegation (Officers) as necessary with effect from the date of the UK withdrawal from the EU.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

- 4.1 In terms of the Scheme of Delegation (Officers) powers are delegated to officers under a number of Acts and Statutory Instruments. In the case of the former this is generally done by delegated powers to authorise officers to exercise powers under the Act and regulations made thereunder. This avoids the need to constantly amend the Scheme of Delegation to incorporate new regulations.
- 4.2 Section 2 of the European Union (Withdrawal) Act 2018 saves EU-derived domestic legislation so that it continues to have effect after exit day. Similarly Section 3 of the Act incorporates direct EU legislation into UK domestic legislation. In order to ensure that the powers of officers are consistent both before and after any agreed EU exit date the Scheme of Delegation will be amended to remove reference to the European Union Act 1972 and to add the European Union (Withdrawal) Act 2018.

5.0 IMPLICATIONS

Finance

5.1 Financial Implications:

None

One off Costs

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Legal

- 5.2 In the event of the UK withdrawing from the EU, it will be necessary to ensure that officers can continue to fulfil their responsibilities.

Human Resources

- 5.3 None

Equalities

- 5.4 Has an Equality Impact Assessment been carried out?

YES (see attached appendix)

NO - This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

Repopulation

- 5.5 None.

6.0 CONSULTATIONS

6.1 Not applicable.

7.0 BACKGROUND PAPERS

7.1 Scheme of Delegation (Officers).