

Cheshire East Council – New Constitution

Explanatory note to new Part 2 (e)

Responsibility for Functions – Officer Delegations/Scheme of Delegation

This Part is a fundamental rewriting of what was Part 3 – Responsibilities for Functions/Scheme of Delegation to Senior Officers. It would not be helpful to track the changes on to the original constitution as the new Part adopts a very different approach. Much of what was in the original constitution will now appear in the Local Schemes of Delegation which will sit behind the constitution (but will be easily accessed through a hyperlink in the document).

The approach adopted is as follows

1. All the words coloured blue indicate where there will be hyperlinks to allow access to other parts of the document and/or to other documents e.g. Local Schemes of Delegation, the Proper Officer Register etc.
2. Any financial thresholds have been highlighted yellow as these remain subject to an overall review across the new Constitution.
3. There are a few queries where the document needs to avoid acronyms/be clearer on what a certain area of responsibility means.
4. The structure and content of the document is as follows:-

Section	Title	Contents
1	Introduction	Sets out what this Part of the Constitution (the "Scheme of Delegation") covers and relevant definitions. It sets the scene for the cascade approach to delegations with all decisions being taken at the appropriate level.
2	General Principles	Sets out the general principles which apply to all decision making by officers. These include the need to act in compliance with the law, relevant policies and procedures, take advice, consult if appropriate etc. It also makes the document as future proof as possible by making clear that the Scheme of Delegation continues to apply despite management reviews, officer changes, post changes and law changes.
3	General Delegations to all Chief Officers	Sets out the delegations which apply to all officers called "Chief Officers" for the purposes of the Constitution i.e. the six roles set out below (which might be carried out by fewer than six people – for example currently the COO is also the s.151 officer) General delegations cover such areas as finance, staffing, land and assets. The Scheme gives authority for all decisions in those areas of activity relevant to the officer's functions, unless the constitution says otherwise
4	Delegations to the Chief Executive/Head of Paid Service	Sets out the specific delegations which apply to this post including power to act in emergencies.
5	Delegations to the Executive Director (People)	Sets out the specific delegations to this post by reference to the headline areas of responsibility of the post – all other officer delegations will be set out in the Local Scheme of

Section	Title	Contents
		Delegation for the Directorate.
6	Delegations to the Executive Director (Place)	Ditto
7	Delegations to the Chief Operating Officer	Ditto
8	Delegations to the s.151 Officer	Sets out the specific statutory functions of this post, whichever post-holder undertakes it.
9	Monitoring Officer	Ditto. Gives the Monitoring Officer all Proper Officer Functions unless he/she appoints other officers to these roles
10	Proper Officer arrangements	Sets out what this means and a link to the Proper Officer Register . This new approach means the lists of proper officer functions can be accessed through a hyper link and not be part of the core constitution. It will be for the Monitoring Officer/ Head of Paid Service (to be decided) to review and keep this up to date. It will be possible to provide a comparison document which shows the amendments that have been made to the Proper Officer Register.

If the approach to this Part of the document is agreed, the next step will be to prepare and populate the following documents:-

- The Local Schemes of Delegation to cover the onward delegations to the next tier of officers in the directorates for the
 - Executive Director (People)
 - Executive Director (Place)
 - Chief Operating Officer
- The Specific Delegation Register (where one-off delegations will be captured)