

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 22nd September 2011
Report of: Borough Solicitor
Subject/Title: Proposed Interim Amendments to the Officer Delegation Scheme

1.0 Report Summary

- 1.1 The purpose of this report is to propose interim amendments to the Council's Officer Delegation Scheme and to seek the approval of the Committee and a recommendation from it to the Council that the interim amendments be made.

2.0 Recommendations

- 2.1 That

- (1) the interim amendments to the Officer Delegation Scheme (as set out in the Appendices to this report) be recommended to the Council for approval and the Constitution be amended accordingly; and
- (2) a further report on the Officer Delegation Scheme be submitted to a future meeting of this Committee when the senior management review has been completed.

3.0 Reasons for Recommendations

- 3.1 The Officer Delegation Scheme is contained within Part 3 of the Council's Constitution – Responsibility for Functions. The amendments are proposed to bring clarity to and avoid duplication between the role and responsibilities of Chief Officers and the Cabinet and review the management and control of assets.

4.0 Wards Affected

- 4.1 Not applicable.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications

- 6.1 None identified.

7.0 Financial Implications

7.1 None identified.

8.0 Legal Implications

8.1 Any changes to the Constitution need to be agreed by the Council following a recommendation from the Constitution Committee. Any changes which are proposed also need to comply with the relevant statutory requirements.

9.0 Risk Management

9.1 The Council has robust systems of internal control to ensure that officers use their delegations in accordance with the requirements of the Constitution.

10.0 Background and Options

10.1 Since vesting day, the Council has approved a number of amendments to the Constitution. As new legislation comes into force, and as the Council finds better ways of doing things, building upon experience and best practice, the Constitution will continue to need to be amended.

10.2 The officer delegation scheme has been revised to reflect the most recent changes to the senior management structure.

10.3 Advice is regularly sought from the Borough Solicitor on what further approvals if any are required when implementing elected member decisions. This is particularly relevant when dealing with processes that require statutory procedures to be followed or consultation exercises to be undertaken. The Officer Delegation Scheme has therefore been revised at paragraph 5.2 to empower officers to deal with statutory procedures or undertake consultation exercises and that in doing so they must consult appropriate members.

10.4 A separate exercise has been undertaken by the Assets Team in consultation with relevant Portfolio holders to clarify responsibility for the control and management of the Council's Assets so that day-to-day operational decisions are delegated in future to the Strategic Director (Places and Organisational Capacity)

10.5 Only interim changes shown in red are being proposed to reflect that the Officer Delegation Scheme will need to be consistent with the provisions in the Finance and Contract Procedure Rules and any changes arising from the management review of the third, fourth and fifth tiers being undertaken by the Chief Executive. Accordingly a further report on the Officer Delegation Scheme will be needed to align the Scheme to any revisions to

the Finance and Contract Procedure Rules and the outcome of the next phase of the senior management structure review.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer. There are no specific background documents.

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