

CHESHIRE EAST COUNCIL

CONSTITUTION COMMITTEE

Date of Meeting: 24th January 2013
Report of: Democratic and Registration Services Manager
Subject/Title: Review of Powers and Responsibilities of Officers

1.0 Report Summary

- 1.1 This report requests Members' consideration of the newly drafted section of the Constitution which sets out the Powers and Responsibilities of Officers. These are the powers delegated by full Council to Officers to make decisions and take action, as distinct from those powers and functions which are the responsibility of the Cabinet, Committees or Portfolio Holders.

2.0 Recommendation

- 2.1 Noting that the final draft document will not be available to this Committee until after the Member Working Group has made its recommendations at a meeting on Friday 18th January 2013, to recommend to Council the approval of the revised draft section of the Constitution on Powers and Responsibilities of Officers, with any appropriate amendments

3.0 Reasons for Recommendations

- 3.1 A review of the Powers and Responsibilities of Officers has been required to ensure the Constitution is up to date and clear and reflects the changes to the Council's Management Structure. In addition the review of this section of the Constitution provides an opportunity to streamline this part of the Constitution and make it more user-friendly.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including – Carbon Reduction - Health

- 6.1 The delegations to officers relates to operational decisions by officers. The draft document makes it clear that all decisions made by officers must comply with policy approved by Members.

7.0 Financial Implications (Authorised by the Borough Treasurer)

- 7.1 The Finance Procedure Rules are not proposed to be amended by the revised Powers and Responsibilities of Officers. Where the document refers to financial issues it reflects those Rules as they are currently approved by Council. The draft document makes it clear that all decisions made by officers must be within approved budgets.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The Council needs to keep its Schemes of Delegations to Committees, to Portfolio Holders and to Officers up to date in order to ensure that it is clear who has the ability to make decisions and to reduce the risk of challenge to the Council that a decision has not been made with the correct authority.
- 8.2 Changes to the Constitution need to be agreed by Council, following a recommendation from the Constitution Committee.
- 8.3 Any changes need to reflect statutory requirements. This has been considered as part of this review.

9.0 Risk Management

- 9.1 As paragraph 8.1 above.
- 9.2 The review has provided an opportunity to reduce the inconsistencies in the Constitution

10.0 Background and Options

- 10.1 At its meeting on 5th July 2012 the Constitution Committee resolved that in respect of the review of the Constitution "...that officers give priority to work on the scheme of delegation". This report is the culmination of that piece of work.
- 10.2 A Member Working Group was set up by the Constitution Committee at its meeting on 17th November 2011 to make recommendations on detailed changes to the Constitution. The Working Group has met and undertaken considerable work on the Scheme of Delegation. It is meeting again prior to the date of this Constitution Committee meeting with the intention that it will recommend a draft Scheme of Delegation to this Committee.
- 10.3 The exercise has involved an extensive re-write of the whole of the section in the Constitution dealing with Officer Delegations. The proposed format is that all delegations from Council are to the Director or most senior officer with responsibility for the function, who will then internally cascade delegations to other designated staff within the organisation as appropriate to the particular operational requirements of the service.

10.4 The existing Officer Delegations were largely cut and pasted from the former Constituent Authorities and as a consequence the document contained duplication and inconsistencies and lacked cohesion in places.

10.5 The Member Working Group meets on 18th January 2013 and any draft document recommended by the Group will follow for consideration by this Committee.

11.0 Access to Information

11.1 The Council's current Constitution is available on the Council's website: www.cheshireeast.gov.uk

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