

Explanatory note – List of Substantive Issues – Record of Sub-Committee Recommendations

APPENDIX D

Part 2 (E) Responsibility for Functions – Officer Delegations/Scheme of Delegation

- I. Substantive changes required by law for approval – None for this part
- II. Substantive changes based on best practice recommended for approval

| Page | Section | Comment and/or area for consideration | Recommendation of the Sub-Committee |
|------|--------------|---|---|
| 2 | Introduction | <p>The current constitution defines the Chief Officers as being:</p> <ul style="list-style-type: none">• Chief Executive• Executive Director People and Deputy Chief Executive• Chief Operating Officer (Section 151 Officer)• Executive Director Place• Strategic Director of Adult Social Care and Health• Director of Legal Services (Monitoring Officer) | <p>This proposal was supported, subject to Chief Executive and Head of Paid services being inserted as appropriate.</p> |

| Page | Section | Comment and/or area for consideration | Recommendation of the Sub-Committee |
|------|---|---|-------------------------------------|
| | | <p>We have redefined the Chief Officers as:</p> <ul style="list-style-type: none"> • Executive Director (People) • Executive Director (Place) • Chief Operating Officer • Section 151 Officer • Monitoring Officer <p>Note that we have listed the COO and the Section 151 Officer separately to accommodate the reality that although they may be performed by the same person, this is not always the case.</p> | |
| 4 | General Principles relating to Officer Delegation | <p>This section has been completely re drafted, taking best practice from the previous Constitution and making the remit of officers exercising delegated powers much clearer to ensure transparency and accountability.</p> <p>A number of provisions make it more future proof –</p> <ul style="list-style-type: none"> • the delegation will apply to the post-holder with the relevant functions so the Constitution will not need updating if changes are made to job titles/roles • the delegation is not linked to named statutes/legal provisions but to areas of service responsibility. | This proposal was supported. |

| Page | Section | Comment and/or area for consideration | Recommendation of the Sub-Committee |
|-------|--------------------------|---|-------------------------------------|
| | | <p>There are changes to the obligations for consultation by officers exercising their delegated powers. In the new Office Scheme of Delegation the relevant wording now states as follows:-</p> <p>"An officer in exercising delegated powers may consult the relevant portfolio holder or chair of committee if he/she considers it appropriate to do so and shall consult other officers for professional advice including legal, financial and technical officers and shall have regard to any views and advice received".</p> <p>This approach is in accordance with the principle agreed by the Constitution Committee i.e. to</p> <ul style="list-style-type: none"> • delegate decision-making to the most appropriate level with the right checks, balances and scrutiny | |
| 8, 16 | Proper Officer functions | <p>In the current Constitution this is somewhat dispersed.</p> <p>The revised Constitution consolidates this at the highest level within the organisation i.e. Chief Executive/Head of Paid Service, with the facility for explicit delegation down the organisation as required.</p> | This proposal was supported. |

III. Substantive changes for consideration by the Sub-Committee – none for this Part