

OPEN

Corporate Policy Committee

12 June 2025

Constitution Officer Schemes of Delegation

Report of: Janet Witkowski, Acting Governance Compliance and Monitoring Officer

Report Reference No: CPC/32/25-26

Ward(s) Affected: All

For Decision

Purpose of Report

- 1 To seek a recommendation to Full Council to approve and adopt the new officer schemes of delegation in the Constitution.
- 2 These have been reviewed and revised with significant more detail provided and have been considered and approved by the Council's Constitution Working Group.

Executive Summary

- 3 The Local Government Association (LGA) Corporate Peer Challenge Report (25-28 March 2024) published in July 2025 (the 'LGA report') made a number of recommendations. Feedback included actions required in relation to corporate governance which included officer decision making.

- 4 The LGA reported that:

*'The Council needs to streamline current decision-making arrangements to avoid siloed working across committees, ensure that Committees are working through effective work programmes, and reduce confusion and lost capacity caused by the current system. This should include consideration of governance structures, **schemes of delegation**, and report approval arrangements ahead of committee meetings.'*

- 5 As a result of this the Council drafted a Corporate Peer Challenge Action Plan. Under the 'Good Governance' section (point 8) one action required was as follows:

'Urgently review the Council's decision making framework'

An action required from this was:

'Through Constitution Working Group (CWG) agree an updated Scheme of Delegation to be incorporated into the constitution.'

RECOMMENDATIONS

The Corporate Policy Committee is recommended to:

1. Approve in principal the new draft officer Schemes of Delegation attached to the report at Appendix A to G.
2. Recommend to Full Council approval and adoption of the new officer Schemes of Delegation attached at Appendix A to G to be incorporated into the Constitution at Chapter 2 Part 5 to replace the existing schemes and the revocation of all former officer schemes of delegation, including local or service specific schemes.
3. To delegate authority to the Governance, Compliance and Monitoring Officer to make any further minor amendments required prior to Full Council, if necessary, in consultation with the Chair and Vice Chair of the Corporate Policy Committee.

Background

- 6 The following are key issues and findings from the LGA report in relation to the officer schemes of delegation:

6.1 Para 1 Executive summary

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*'Throughout this review, the Peer Team have heard from senior Political Leaders about the need for improved approaches towards key aspects of governance. This should include ensuring that structures are appropriate but should begin with prioritising 'quick wins' regarding issues of process, report quality, and **levels of decision making**, alongside a wider programme of training and development.'*

- 7 ***'Recommendation Eight: Urgently review the Council's decision-making framework: The Council needs to streamline current decision-making arrangements to avoid siloed working across committees, ensure that Committees are working through effective work programmes, and reduce confusion and lost capacity caused by the current system. This should include consideration of governance structures, **schemes of delegation**, and report approval arrangements ahead of committee meetings.'***
- 8 ***'Recommendation 17: Act on the issues identified through the LGA's Decision Making and Accountability (DMA) tool: The Council have recently undergone a DMA review of senior structures and responsibilities; the Council should consider how best to incorporate these recommendations into their wider improvement work.'***

Following implementation of the new senior structure, the review of the officer Schemes of Delegation became even more imperative, to ensure they were fit for purpose and reflected accurately new roles and any changes in responsibilities.

- 9 ***'3.4 The Peer Challenge Scope: The peer team considered the following five themes which form the core components of all Corporate Peer Challenges, which are key to councils' performance and improvement: –***

Governance and culture: Are there clear and robust governance arrangements?'

- 10 ***'4.3 Organisational Governance and Culture***

Despite instability and capacity challenges in senior roles, the council has continued to deliver services to the benefit of local residents, often through significant contribution and commitment of officers and frontline staff. It is the view of the Peer Team that the opportunity exists to make substantial changes to corporate capacity, systems, and processes to better support these staff who are acting as the 'engine room' of the council.'

Review and revision of the officer Schemes of Delegation introduces a positive framework and system for decision making in terms of functions and responsibilities. It also introduces more capacity for senior management if paths of delegation are clearer and more.

- 11 The general scheme of delegation had a large volume of amendments. Many of them were minor in nature therefore the volume made it more difficult to read clearly with numerous tracked changes. Accordingly, a summary of the main changes to the scheme are set out below:

- 11.1 The table has been removed from the introduction and it has been clarified. The scheme is set out in 4 parts:
- General Principles
 - General delegations to all Directors
 - Specific delegations to members of the Corporate Leadership Team('CLT')
 - Arrangements for statutory and proper officer functions
- 11.2 It explains that the scheme covers not only directors but all members of the CLT.
- 11.3 Paragraph 9 has been added to clarify that *'Any references to the Chief Executive shall also be interpreted as reference to the Head of Paid Service.'*
- 11.4 There is an updated CLT structure which now includes the 2 new members of the team, that is, the Director of People and Customer Experience and the Interim Director of Corporate Improvement.
- 11.5 There are points of clarity at paragraph 14 regarding delegation to less senior officers stating:
- 'Where more than one officer is listed as the responsible officer the most senior officer will be responsible in the order of seniority.'*
- 11.6 Paragraph 15 emphasises *'any officer given powers under this scheme can further delegate those powers to other officers through a Local Scheme of Delegation **which sits under this scheme.**'*
- The words in bold have been added.
- 11.7 Paragraph 25 clarifies:
- 'If there is any dispute or lack of clarity as to which Director has power to make decisions on specific areas of service, the Chief Executive **in consultation with the Governance, Compliance and Monitoring Officer** shall have power to determine where the delegation should be exercised.'*
- 11.8 A section and table on Information Governance at paragraph 37 has been introduced.

- 11.9 The information on staffing issues at paragraph 38 is a lot more detailed than the current provision and has been updated. Furthermore, this has been checked and approved by the Director of People and Customer Services as well as the Head of HR.
- 11.10 At paragraph 52.9 the wording in bold has been added to reflect updated statutory guidance:
- ‘To sign settlement agreements for employees/ex-employees, in consultation with the Chair of the Corporate Policy Committee **and in line with the Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England (May 2022)** (excluding any contractual payment such as pay in lieu of notice, untaken accrued annual leave).’*
- 11.11 The section on the Assistant Chief Executive at paragraph 53 results from the creation of this new role.
- 11.12 In terms of the specific Schemes of Delegation for members of CLT, job titles of the CLT team have been amended where relevant, along with their key managerial lines of service delivery. This updates the constitution in line with the new senior officer structure and a number of new positions that have been created.
- All lists of specific functions have been provided via a link which forms part of the constitution.
- 11.13 At paragraph 57-‘*Client Commissioning (Alternative Service Delivery Vehicles/ESAR)*’ this has been updated to remove ANSA and Orbitas Bereavement Services Limited as they have been moved back in house earlier this year.
- 11.14 At paragraph 60 it has been clarified that the Director of Digital is now the Senior Responsible Information Officer (‘SIRO’.) This is a new role.
- The Chief Executive previously held the position of SIRO.
- 11.15 At paragraph 61 of the Scheme of Delegation for the Governance Compliance and Monitoring Officer, there is more detail than previously set out in the constitution (as with all the other individual CLT officer Schemes of Delegation.)

The statutory role of the Monitoring Officer has been also been separated out more specifically from the functions relating to Legal Services.

- 11.16 At paragraph 69 under the Arrangements for Statutory and Proper Officer Functions-'*Returning Officer and Electoral Registration Officer*' it has been added in that the roles are both covered by the Chief Executive.

A substitutes column has also been included with named job titles.

Furthermore, the statutory requirement to maintain the Electoral Register has been inserted.

- 11.17 Under '*Statutory Officers*' there have been some minor amendments to the legislative sections.

The order of the statutory officers has also been changed so that after the Chief Executive at the top of the list the Section 151 officer has been listed and then the Monitoring Officer. This reflects the 'golden triangle' of good governance.

There have also been some changes to the responsible officers and substitutes, in consultation with relevant statutory officers.

- 11.18 Minor changes have been made to the Proper Officer legislative requirements and functions to update.

There have also been some changes to the substitute officers to reflect the new senior officer structure.

- 11.19 The Senior Responsible Officer and RIPA Co-Ordinator have also been included at the end of the proper officer functions of the Governance Compliance and Monitoring Officer.

- 11.20 Finally, the Data Protection Officer has been added to the Miscellaneous Proper Officers.

Consultation and Engagement

- 12 Extensive consultation has taken place in drafting these Schemes of Delegation. Every Executive Director and member of the CLT has approved their own scheme. There has also been consultation with Directors and Heads of Service.
- 13 The Data Protection Officer was consulted regarding the new section at paragraph 37 regarding Information Governance.

- 14 In addition to this, relevant specialist officers in Legal Services have been consulted for advice as appropriate. This has included for example the areas of children's and adult's social care, regulatory and various other functions.
- 15 The Governance Compliance and Monitoring Officer has also had oversight at key stages in the development of these documents.
- 16 The progress of the drafting of the Schemes of Delegation has been reported to Constitution Working Group on the following dates with draft documents:

16 July 2024

6 November 2024

27 February 2025

10 May 2025

Feedback from the group was positive and has been incorporated where possible.
- 17 A number of changes were made as a result of the above consultations.

Reasons for Recommendations

- 18 *'3.1 Financially sustainable council, enabled by council-wide service transformation and improvement.'*

A significantly more detailed officer Scheme of Delegation will improve the timeliness and accuracy of decision making. It will provide clarity for officers, Elected Members and members of the public and avoid confusion.

- 19 *'3.2 Effective and responsive governance, compliance and evidence-based decision making.'*

- 20 *'3.5 Contact with the council and access to services is consistent and easy.'*

The new officer Schemes of Delegation promote transparent decision making. The scheme will be published as part of the constitution so service users can see which officers make which decisions.

Other Options Considered

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Option	Impact	Risk
Do nothing	This would be in conflict with the LGA Peer Challenge report recommendations and the Council's resulting Action Plan.	That no improvements would be made to the Council's decision-making governance Arrangements.

Implications and Comments

Monitoring Officer/Legal/Governance

- 22 A more detailed and updated officer scheme of delegation reduces the margin of error in terms of the right officer making the right decision. This would also reduce the risk of legal challenges.
- 23 A clear officer scheme of delegation is also one of many tools to demonstrate good governance.
- 24 The Local Government Act 2000 requires local authorities to prepare, keep up to date and publicise their constitution.
- 25 It is therefore important that the officer scheme of delegation is reviewed at least annually and whenever there are any changes as set out in the paragraph below. All members of CLT and their respective Directors and Heads of Service are responsible for maintaining their up to date service specific schemes.
- 26 The Governance Compliance and Monitoring Officer has authority to make amendments to the Constitution which are required to reflect decisions of the Council. Also, the Monitoring Officer in consultation with the Chair and Vice-Chair of the Corporate Policy Committee, has authority to make such changes to the Council's Constitution as he/she deems to be necessary and which are in the Council's interests and not major in nature, including, but not limited to, changes amounting to routine revisions, providing appropriate clarity, correcting typographical and other drafting errors(including inconsistencies), reflecting new legislation, officer structures and job titles.
- 27 All other changes to the constitution require the approval of full Council with prior recommendations for approval from Constitution Working Group and then Corporate Policy Committee.

Section 151 Officer/Finance

- 28 There are no direct financial implications arising from the report.

Human Resources

- 29 Officers will be empowered to make decisions more confidently as they will have the documents setting out their clear authority to make decisions. The general delegation now includes an updated set of HR delegations.

Risk Management

- 30 Not making a decision in a timely manner will impact in the Council's ability to respond positively to the LGA Peer Challenge recommendations. This would also cause reputational damage.
- 31 A significantly more detailed and updated SOD would in turn create efficiencies in terms of the speed and accuracy of decision making.
- 32 The operational risk register for Legal contains a risk '*Lack of understanding of governance and compliance including the Constitution.*' Adoption of the Schemes of Delegation is an action which should reduce the net scoring of this on the operational level risk.

Impact on other Committees

- 33 Amendments to the Constitution will have an impact on all service committees and the Finance Sub Committee.
- 34 An updated and detailed officer scheme of delegation should create more clarity in terms of whether decisions are made by committees or officers and is evidence of stronger governance.

Policy

- 35 Commitment 3: An effective and enabling council.

Equality, Diversity and Inclusion

- 36 None.

Other Implications

- 37 None.

Consultation

Name of Consultee	Post held	Date sent	Date returned
<i>Statutory Officer (or deputy) :</i>			
Sal Khan	Deputy S151 Officer	02/06/25	02/06/25
Janet Witkowski	Acting Monitoring Officer	02/06/25	02/06/25

Access to Information	
Contact Officer:	Janet Witkowski Acting Governance, Compliance and Monitoring Officer, Janet.witkowski@cheshireeast.gov.uk
Appendices:	<p>Appendix A - Amended General Officer Scheme of Delegation</p> <p>Appendix B Assistant Chief Executive</p> <p>Appendix C - Executive Director Adults Health and Integration</p> <p>Appendix D - Executive Director Children's Services</p> <p>Appendix E - Executive Director Place</p> <p>Appendix F - Executive Director of Resources/s151 Officer</p> <p>Appendix G - Governance Compliance and Monitoring Officer</p>
Background Papers:	<p>LGA Corporate Peer Challenge Report</p> <p>https://www.cheshireeast.gov.uk/pdf/council-and-democracy/your-council/cheshire-east-corporate-peer-challenge-final-issued-report.pdf</p>

	<p>Cheshire Council Corporate Peer Challenge Action Plan (August 2024)</p> <p>https://www.cheshireeast.gov.uk/pdf/council-and-democracy/your-council/corporate-peer-challenge-action-plan-august-2024/cpc-action-plan-aug-2024.pdf</p>
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