

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 5th July 2012
Report of: Borough Solicitor and Monitoring Officer
Subject/Title: Draft Member / Officer Code of Practice – Delegation and Communication

1.0 Report Summary

- 1.1 This report seeks to respond to the resolution of the Audit and Governance Committee of 14th June, which called for a report to be presented to the Constitution Committee on the Council's Contract Procedure Rules and Officer Scheme of Delegation, with a view to increasing the level of Member involvement in decision-making.

2.0 Recommendation

- 2.1 That the Committee consider the contents of this report, and determine how it wishes to proceed in the light of the potential options set out at paragraph 7.6 of this report.

3.0 Policy Implications

- 3.1 Any changes to delegation processes or procedure rules will need to be included in the Council's Constitution.

4.0 Financial Implications

- 4.1 There would appear to be no direct financial implications arising from the proposals contained in this report.

5.0 Legal Implications

- 5.1 Changes to the Council's Constitution would need to be put in place which would need to be approved by Council following recommendations of the Constitution Committee.

6.0 Risk Management

- 6.1 The introduction of the new arrangements referred to in this report would reduce risks to the authority.

7.0 Background and Options

- 7.1 At the meeting of the Audit and Governance Committee on 14th June, the Committee resolved as follows:
- 7.2 “The Council’s Contract Procedure Rules and Officer Scheme of Delegation be submitted to the next meeting of the Constitution Committee for further review with a view to increasing the level of Member involvement in decision-making.”
- 7.3 Appendix 1 to this report contains a draft Code of Practice which seeks to address the issues which were of concern to the Audit and Governance Committee.
- 7.4 In summary, the Code of Practice seeks to strengthen the exchange of information between officers and Members and improves and clarifies current practice and procedures around decision making, including the use of officer delegations.
- 7.5 The Code of Practice is produced in draft form. The Committee will need to form a view upon whether it takes the right approach in seeking to address the issues in question.
- 7.6 There are various options:
 - 7.6.1 That the Code should be agreed, subject to the comments of the Committee, perhaps with authority being delegated to the officers in consultation with the Chairman to agree its final form; thereafter this being recommended for adoption at Council.
 - 7.6.2 That the Code should be agreed in draft form, this to be used on an interim basis over the next 6 months in order to establish whether it is fit for purpose, following which a further report should be presented to the Committee, perhaps following consultation with Members.
 - 7.6.3 That the Committee ask for further work to be undertaken in order to produce an amended draft document which can be reported to the next meeting of the Committee for consideration.

8.0 Officer Scheme of Delegation

- 8.1 Appendix 2 sets out the current Officer Scheme of Delegation as requested by the Audit and Governance Committee. The original intention was that this should be reviewed as part of the Council’s new Governance arrangements.

9.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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