

APPENDIX 1

Draft Member / Officer Code of Practice – Delegation and Communication

1. Introduction

- 1.1 The purpose of this Code of Practice is to strengthen the exchange of relevant information between officers and members and to improve and clarify current practice and procedures around decision making in its widest sense, including the use of officer delegations under the Council's Constitution.
- 1.2 It should be read in conjunction with the Council's existing member / officer relations protocol and builds upon the aim of that protocol to embed good working relationships between members and officers and to develop strong constructive relationships which are recognised as essential to the effective and efficient working of the Council.
- 1.3 This code of practice is an initial draft and will need to be regularly reviewed and developed further in the light of experience and as new processes and procedures are adopted.

2 Delegated Decisions - General

- 2.1 The Constitution makes clear that decisions can be taken at different levels within the Council's corporate structure and by both members and officers. The list of officer delegations can be found at part 3 of the Council's Constitution under "Powers and Responsibilities of Officers". Chief Officers may further delegate to Senior Officers within their service in accordance with the Constitution.
- 2.2 Pending a full review of officer delegations this code of practice sets out guidelines to be followed by officers when exercising delegated decisions and encourages a culture of informing and advising elected members so that members are aware of key current issues.
- 2.3 In practice a number of the decisions which are delegated to officers are operational in nature and are not routinely recorded. If however chief officers are making formal signed delegated decisions in accordance with their delegated powers then there will be an over arching requirement to consult relevant portfolio holders / committee chairmen prior to the formal signing off of the delegated decision.
- 2.4 Officers will not make "key decisions". Key decisions appear on the Council's forward plan and are defined as executive decisions either (a) likely to result in

the Council either incurring expenditure or making savings which are significant, having regard to the authority's budget for the relevant service or function, or (b) alternatively as significant in terms of its effect on communities living or working in an area comprising 2 or more wards. Accordingly any decisions which fall within this definition will always be escalated to Member level.

3 Delegated Decisions – Waiver of competition requirement

- 3.1 Contract Procedure Rules E23 –E26 (inclusive) set out a specific process to be followed solely in connection with a waiver of competition rules for the procurement of goods, works and services. The procedure is to be followed in limited and specific circumstances and currently requires a delegated decision to be signed by the decision taking officer and counter signed by both the Borough Solicitor and the Director of Finance and Business Services.
- 3.2 An interim process has been adopted specifically for these type of delegated decisions and a flow chart setting out the interim process is attached as Annex 1 to this Code of Practice.
- 3.3 This procedure is subject to any further comments or amendments from elected members and the code of practice will be updated accordingly.

4 Briefings and Communications

- 4.1 Chief Officers will be expected to hold regular Portfolio Holder Briefings to suit the requirements of the relevant Portfolio holder and based on the level of business within the service area. Where appropriate Briefings may be cascaded to a wider audience as agreed with the Portfolio holder.
- 4.2 Information for all Members, in this context, can be divided into three very broad areas – national and regional information, local/ward information and council information. Members receive this information from many sources and in many formats. In this scenario, it is all too easy for Members to miss important information or simply not get to something within timescales. To improve the flow of information from officers to Members, it is important to have a way of communicating that is implemented and complied with in a consistent and robust way.
- 4.3 This requirement to inform members is especially important :
 - during formative stages of policy development
 - in relation to significant or sensitive operational matters

- during any form of public consultation
 - during an Overview and Scrutiny Investigation
- 4.4 If a public meeting is convened to consider a local issue those members representing the wards which are affected should always be invited to attend the meeting.
- 4.5 Work is currently underway to scope and develop a dedicated intranet site for Members (working title 'Membernet'). Early ideas on what Information could be included on Membernet include
- National, regional and local policy developments
 - Live consultations consultation results
 - Demographic information at ward (and other) levels
 - Any live local planning applications
 - Any planned council works such as road works, street cleansing etc
 - Council and committee papers
 - Media releases
 - Members bulletin (currently being reviewed and may incorporate Ward specific issues as appropriate)
- 4.6 There are clear advantages to having this information available as a one stop shop for Members. Whilst there are no technological barriers to developing Membernet, this approach does involve 'channel shift' and may take some time to achieve fully. The project will need significant input from Members to develop fully and appropriately.
- 4.7 It is important to note that information and communication should be a two way process and so it is also important that Members advise Officers of relevant issues and cascade information through their own communication channels as appropriate.

5 Finance and Budget Updates

- 5.1 The Finance Team are working through the Corporate Scrutiny Committee and the Budget Task Group as part of the 2013/16 Business Planning Process. A key aim of this year's process is to enable early involvement in the development of the process but more importantly the development of policies and service delivery options. The Team will also be reviewing the development of the new Policy Groups as part of the new Governance structure to establish how the development of policies and options can be a part of the work programmes in the future.

- 5.2 Monthly Performance reporting to Cabinet on an informal basis is now embedded and has been provided from April in the current financial year. The formal quarterly performance reports to Cabinet, including financial performance, are being improved and developed year on year. The Cabinet reports are considered by the Corporate Scrutiny Committee ahead of the Cabinet meeting and comments are presented at the Cabinet meeting.
- 5.3 The Director of Finance and Business Services is reviewing the Finance Protocol as part of the new Governance Structures so that information is targeted to the appropriate member Groups/Committees. The Finance Protocol was developed to provide a structure for the provision of financial information in line with the needs of the Overview and Scrutiny Committee work programmes with recognition of available support resources.
- 5.4 A new governance framework is being developed for the delivery of the Council's Capital Strategy, which includes Finance Portfolio Holder leadership in the Capital Planning process and integration with the new Gateway Process for projects and programmes. This will be aligned with the Council's Business Planning Process.

6 Project Management / Gateway Process

- 6.1 Many projects within the Council are delivered well but there is significant room for improvement. There is a lack of a consistent and robust corporate methodology for managing and reporting projects and programmes and the need for improvements in the overall quality of initial Business Cases. It is also apparent that governance arrangements and monitoring of projects need to be improved.
- 6.2 The Portfolioholder for Performance is sponsoring a project to improve project management within the Council ensuring consistent principles are applied to all levels. A key component will be the introduction of a new Gateway process providing the controlled authorisation of Projects and Programmes, including the objective scrutiny of Business Cases through a new Executive Monitoring Board as referred to above.

7 Cabinet Reports

- 7.1 Cabinet reports often contain a wealth of information. As part of the review of Governance arrangements a new template will be introduced incorporating an "Executive Summary" so that members can read a condensed overview of the information within the report. If Members wish the summary sheets could be used to inform the new Policy Groups and Overview and Scrutiny Committees of the issues at Cabinet.

8 Summary

- 8.1 This initial high level document is intended to act as a guide to aid the flow of relevant information and aid communications between Officers and Members. It is recognised it needs further development but it is designed to begin to embed a culture where the Members feel briefed and aware of key issues in the Council. Cheshire East is a large Council with ambitious plans for the future. Put simply a lot is happening and it is difficult to keep abreast of all issues. Nevertheless we need a culture of “Think Member” so that Elected Members do feel informed, valued and able to contribute and make a difference to the future of Cheshire East.

