

CHESHIRE EAST COUNCIL

CABINET

Date of Meeting: 7th January 2013

Report of: Democratic Services Team Manager

Subject/Title: Authorisation of Officers

Portfolio Holder: Leader of the Council

1.0 Report Summary

- 1.1 In recent months Cabinet provided a number of delegations to the Borough Solicitor and the Strategic Director of People, Places and Organisational Capacity to undertake a variety of activities.
- 1.2 As these posts are currently vacant Cabinet is invited to transfer these authorities to the Interim Chief Executive and his nominees.

2.0 Decision Requested

- 2.1 That the previous authorities delegated by the Cabinet to the Borough Solicitor and the Strategic Director of People, Places and Organisational Capacity be transferred until such time as these posts are filled to the Interim Chief Executive and that he be authorised to further sub delegate those powers to such other officers as he thinks appropriate.

3.0 Reasons for Recommendations

- 3.1 Although in practice the Borough Solicitor and the Strategic Director of People, Places and Organisational Capacity would not have undertaken all the activities personally and much would have been done by their internal staff teams, they would have had overall management over the process and would have confirmed their satisfaction, at key stages and finally, with the process.
- 3.2 This recommendation if approved will enable other suitable officers to be provided with delegated powers and will provide certainty that officers can act and ensure that suitable controls are in place and ensure that the Council acts lawfully.
- 3.3 It should be noted that officers with delegated powers are always able to relinquish those powers and refer them back to the delegator (in this case Cabinet) if they think fit.

4.0 Wards Affected

- 4.1 None

5.0 Local Ward Members

5.1 All

6.0 Policy Implications including – Carbon Reduction - Health

6.1 Not applicable.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

7.1 Not applicable

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 In accordance with the Local Government Act 2000 and Part 3 of the Constitution, Cabinet is able to delegate authorities to officers to take decisions on Executive Functions. The recommendation in this report is compliant with the Act and the Constitution. Other legal considerations are dealt with in the report.

9.0 Risk Management

9.1 The Council needs to ensure that it acts lawfully and does not incur any unlawful expenditure. The decision to transfer the authorities issued by Cabinet to the Interim Chief Executive will provide assurance that the Council is acting with the appropriate consents in place.

10.0 Background and Options

10.1 The posts of Borough Solicitor and the Strategic Director of People, Places and Organisational Capacity are currently vacant.

10.2 Certainty is required to ensure that in the event of a challenge that the Cabinet has issued the relevant authorities for officers to act. The previous authorities issued by the Cabinet to the Borough Solicitor and the Strategic Director of People, Places and Organisational Capacity cannot be transferred without further Cabinet approval and therefore Cabinet is asked to transfer them to the Interim Chief Executive with ability to further sub delegate those powers to such other officers as he thinks appropriate.

11.0 Access to Information

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

Name: Paul Jones

Designation: Democratic Services Team Manager

Tel No: 01270 686458

Email: paul.jones4@cheshire.gov.uk