

CHESHIRE EAST COUNCIL

Constitution Committee

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| Date of Meeting: | 26 th April 2013 |
| Report of: | Interim Monitoring Officer and Head of Legal Services |
| Subject/Title: | Accrual of Powers and Duties: Officer Delegation Scheme |

1.0 Report Summary

- 1.1 To propose that all existing officer delegations remain effective pending the completion of the senior management review.

2.0 Recommendations

That

- (1) in order to ensure that the Council's decision-making arrangements properly reflect the emerging officer structure under the management review, Council be recommended to approve that all existing delegations shall remain effective and shall accrue to the relevant post holders as appropriate; and
- (2) the Scheme of Delegation Member Working Group continue to review the Officer Delegation Scheme, having regard to the new management structure and the move to a commissioning Council.

3.0 Reasons for Recommendation

- 3.1 The Officer Delegation Scheme is contained within Part 3 of the Council's Constitution – Responsibility for Functions. The proposed accrual of delegations will ensure that officers act lawfully.

4.0 Wards Affected

- 4.1 Not applicable.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications

- 6.1 No direct policy implications are identified.

7.0 Financial Implications

- 7.1 None identified.

8.0 Legal Implications

- 8.1 Any changes to the Constitution need to be agreed by the Council following a recommendation from the Constitution Committee. Such changes also need to comply with the relevant statutory requirements.

9.0 Risk Management

- 9.1 The Council has robust systems of internal control to ensure that officers use their delegations in accordance with the requirements of the Constitution. The authority which is sought from Council, upon the recommendation of the Committee, will remove the risk of officers appointed to new posts inadvertently seeking to exercise authority which applied under the existing officer delegation scheme.

10.0 Background and Options

- 10.1 As authorised by Council, a management review is now taking place, the first appointments under the review having already been made. The Council's Constitution, including the officer delegation scheme, currently reflects the pre-review officer structure. Therefore, authority is sought from Council, upon the recommendation of the Constitution Committee, which will ensure that any delegations exercised by officers appointed to new posts under the management review, are exercised with the full authority of Council.
- 10.2 This report therefore seeks authority for any officer, appointed to a new post under the emerging Council officer structure, to have the power to take action under the officer delegation scheme in accordance with the new job responsibilities which fall within their appointed role; such powers to be limited to those which applied under the pre-review officer delegation scheme.
- 10.3 A Scheme of Delegation Member Working Group has already been appointed to review and amend the existing officer scheme of delegation and to make appropriate recommendations to the Constitution Committee on the powers and responsibilities of officers. The Group has been meeting and is in the process of formulating a number of proposed changes to the officer delegation scheme.
- 10.3 It will be necessary for the Working Group to continue to review the Officer Delegation Scheme, in the light of the emerging Council structure before concluding its recommendations.
- 10.4 As appointments are made to the new structure it will be important to ensure that the officers have the appropriate powers and duties to fulfil their responsibilities. It is therefore proposed that pending the completion

of the Management Review, all existing delegations shall remain effective and shall accrue to the relevant post holders as appropriate.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer. There are no specific background documents.

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