

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting:	1 st May 2014
Report of:	Head of Legal Services and Monitoring Officer
Subject/Title:	Council Constitution – Revisions to Scheme of Delegation to Officers

1.0 Report Summary

- 1.1 This report requests Members' consideration of a newly-drafted section of the Constitution which sets out a revised Scheme of Delegation to Officers. The revisions are required because of the revised Council Chief Officer Management Structure following the review of management roles and responsibilities and the Council's decision to become a Strategic Commissioning Council and the creation of Alternative Service Delivery Vehicles for the provision of Council Services. The Officer Scheme of Delegation contains the powers delegated by the full Council to Officers so that they can take decisions and action them accordingly. In the main the Scheme of Delegation enables Officers to deal with the Council's day to day business in consultation with the relevant Portfolio Holder.

2.0 Recommendations

- 2.1 To recommend that Council
1. approve the Scheme of Delegation to Officers;
 2. authorise the Head of Legal Services and Monitoring Officer to update the Council's Constitution accordingly by inclusion of the revised Scheme of Delegation;
 3. authorise the Head of Legal Services and Monitoring Officer to undertake consequential drafting amendments to the remaining parts of the Council's Constitution to ensure consistency with the revised Scheme of Delegation; and
 4. authorise a rolling programme approach to keep the Scheme of Delegation up to date.

3.0 Reasons for Recommendations

- 3.1 Following the revisions to the Council's Chief Officer Management Structure a revised Scheme of Delegation is required.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The Scheme of Delegation relates to day to day decision making including operational matters undertaken by Council Officers. The Scheme of Delegation is explicit law decisions taken and need to be in accordance with Council Policy and as applicable, Officers will liaise with Cabinet Portfolio Members and record decisions taken.

7.0 Financial Implications

- 7.1 It is a requirement of the Scheme of Delegation that Officers taking delegated decisions are required to comply with finance and contract procedure rules contained in the Constitution and in accordance with existing budgetary provisions.

8.0 Legal Implications

- 8.1 The Local Government Act 2000 and guidance issued thereunder requires the Council to keep its constitution up to date and regularly review it. The Scheme of Delegation is designed to provide clarity with regard to Officer level decision making whilst reducing the risk of any challenge that a particular decision taken at Officer level has not been made with the correct authority.
- 8.2 In accordance with the Council's current Constitution any changes to the Constitution are required to be agreed by full Council following recommendation from the Constitution Committee.

9.0 Risk Management

- 9.1 Legal and financial implications are recorded above.
- 9.2 Reviewing the Scheme of Delegation to reflect the new Chief Officer Management Structure provides the necessary clarity to the Officers concerned with regard to the authority they have to take decisions.

10. Background and Options

- 10.1 This report is brought to the Committee as the Scheme of Delegation needs revision arising from the changes that have now been made to the Council's Chief Officer Management Structure.

- 10.2 The starting point has been the current Council Constitution as most recently revised when it was considered by this Committee at its 9 October 2013 meeting.
- 10.3 Now that the Council's new Chief Officer Management Structure and Departmental Structure is bedding down and the Council moves at pace to set up alternative Service Delivery Vehicles, it is imperative that the Scheme of Delegation is updated. The timescale for consultation with Chief Officers and Directorates and Departments has been tight. As necessary a supplementary written/oral report covering any further required changes will be tabled at the meeting. Appendix 1 contains the proposed Scheme of Delegation. In order to make this document easier to read, we have removed tracked changes. If Members would like to see the tracked documents, they are available upon request.
- 10.4 I wish to reassure members that as I hope can be seen from the revised draft the need for Officers to be aware of the requirement to consult with members such as Portfolio holders remains. The main revisions reflect the Chief Officer Management changes in particular; the span of functions the Executive Director of Strategic Commissioning now has responsibility for. In particular, the statutory Officer posts of the Director of Children and the Director of Adult Social Services are within these responsibilities as is the Chief Education Officer. Although these statutory posts report to the Executive Director in accordance with applicable guidance the posts do have direct access as required to the Chief Executive.
- 10.5 The changes that are agreed by this Committee will then go to full Council for its approval, in accordance with the Constitution, will require further work to be done to the Constitution to ensure consistency. I will update the Committee as to the timescale I envisage this will require.
- 10.6 Members will note that as is usual when there is a Constitutional change I am also seeking delegated authority to make any minor drafting amendments elsewhere in the Constitution that arise as a result of the revised Scheme of Delegation coming into operation.
- 10.7 A rolling programme will be required in order to keep the Scheme of Delegation up to date and ensure that Directors establish, operate and keep under review Local Schemes of Delegation within their departments. The Scheme of Delegation will also require appropriate revision as further Alternative Service Delivery Vehicles are developed.
- 10.8 Assuming full Council approval of the revisions as finally approved by this Committee, I will ensure that the updated arrangements are incorporated into the Council's Constitution and cascaded as a matter of urgency.

11.0 Access to Information

- 11.1 The Council's current Constitution is available for viewing on the Council's website: www.cheshireeast.gov.uk

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