

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 19th November 2014
Report of: Peter Bates, Chief Operating Officer
Subject/Title: Officer Scheme of Delegation

“The Chairman is of the opinion that this matter constitutes urgent business and can be dealt with at the Committee’s meeting in accordance with Committee Procedure Rule 37 and Section 100B(4)(b) of the Local Government Act 1972. The reason for urgency is as follows:”

The current scheme of officer delegations requires review to enable Managers to take decisions regarding Service redesign and as a consequence this is considered urgent.

1.0 Report Summary

- 1.1 To seek agreement for an amendment to the current officer scheme of delegation in relation to staffing matters.

2.0 Recommendation

- 2.1 That the Committee is asked to approve the recommendation detailed at 3.6 and refer it to the next Council Meeting for approval.

3.0 Reasons for Recommendations

- 3.1 The Council has previously approved amendments to the officer scheme of delegation to take account of local structural changes; and to allow greater transparency in the operation of the Council. The changes were intended to bring greater clarity between the respective roles of Elected Member in Policy and Strategy development, and officers in the effective day to day operation and management of the Council.
- 3.2 Following operation of the revised arrangements it has become clear that the current scheme of delegation is restricting local operational decision making in relation to staffing and employment matters.
- 3.3 Operationally the Head of Paid Service, and Chief Officers in consultation with the relevant Portfolio Holders need greater flexibility to make changes to organisation structures, job grading, number of roles to enable the effective delivery of Council priorities. The combination of amendments have in practice had unintended consequences which has resulted in reducing

flexibility to meet changing organisational circumstances in an effective and timely manner.

3.4 As a consequence to ensure alignment between the Constitution, scheme of delegation and policy framework the following changes are suggested.

3.5 The Scheme of delegation 'is currently worded as follows':

Chief Officers are authorised, subject to prior notification of the Head of HR and Organisational Development and prior consultation with all appropriate parties affected by the decision, including any Trade Union, to implement changes to staffing structures except where the restructure:

- *Involves the loss of one or more posts not currently vacant*
- *Involves the regrading of posts or the grading of new posts*
- *Involves the changes to existing National or Local Agreements and policies*
- *Cannot be achieved within delegated powers in respect of budgets*

3.6 The Scheme of delegation to officers be amended by rewording the existing paragraph:

Chief Officers are authorised, subject to prior notification of the Head of HR and Organisational Development and prior consultation with all appropriate parties affected by the decision, including any Trade Union, to implement changes to staffing structures except where the restructure:

- Involves the loss of one or more posts not currently vacant
- Involves the regrading of posts or the grading of new posts
- Involves the changes to existing National or Local Agreements and policies
- Cannot be achieved within delegated powers in respect of budgets

This delegation will be exercised in accordance with paragraph 1.8 of the scheme of delegation to officers approved by Council on the 14th May 2014 which reads as:

"Before taking delegated decisions, all officers are under a duty to satisfy themselves that they have the duly delegated power to do so and that they have undertaken appropriate consultation, including consultation with Portfolio Holders. Appropriate advice must be taken where the matter involves professional or technical considerations that are not within the officer's sphere of competence".

Decisions in respect of matters identified as exceptions above are delegated to the Chief Operating Officer in consultation with the Head of Human Resources and Organisational Development for determination.

4.0 Wards Affected

4.1 None.

5.0 Local Ward Members

5.1 None.

6.0 Policy Implications

6.1 Agreement to this change will result in an amendment to the scheme of delegation.

7.0 Financial Implications

7.1 None.

8.0 Legal Implications

8.1 Ensure full alignment with the Councils Constitution.

9.0 Risk Management

9.1 The amendment will result in Managers being able to respond more quickly to changes in demand for services therefore reducing the risks to vulnerable service users.

10.0 Background and Options

10.1 The Councils Constitution and Officer Scheme of Delegation.

11.0 Access to Information

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

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