

Council

Joint Shared Chief Executive Delegated Powers

18 May 2011

Report of Interim Head of Legal and Democratic Services

PURPOSE OF REPORT

To consider the draft joint shared Chief Executive delegated powers and the separate Returning Officer powers and agree these should be adopted as part of the constitution. To agree delegated powers to the Monitoring Officer to make any consequential minor changes to the existing Scheme of Delegation following this change pending a complete review of the Schemes of Delegation of Cherwell and South Northamptonshire once the new joint shared senior management structure is agreed.

This report is public

Recommendations

Council is recommended to:

- (1) Approve the joint shared Chief Executive delegated powers and the separate Returning Officer powers as attached at appendix one, and to confirm specifically that the Returning Officer powers should be set out in a separate table unattached to any specific position within either organisation
- (2) Adopt these powers with immediate effect and delegate to the Monitoring Officer any interim amendments needed to the existing Scheme of Delegation pending a full review of the two schemes following the appointment of the shared senior management team between South Northamptonshire Council and Cherwell District Council.

Executive Summary

Introduction

- 1.1 The shared Chief Executive for South Northamptonshire Council and Cherwell District Council was appointed at the respective Council meetings of the two authorities in February.
- 1.2 Both Councils have existing Schemes of Delegation in place

- 1.3 Experience elsewhere suggests harmonising delegated powers is both useful for those in shared posts, and critical to avoid confusion and mistakes about which Scheme of Delegation is being used. The Joint Arrangements Steering Group has considered the draft powers and recommends the attached draft to Council

Proposals

- 1.4 The draft incorporates powers currently vested in the Chief Executive post at both authorities.
- 1.5 One suggested change is to remove the Returning Officer powers from the Chief Executive delegations (which is where they were at Cherwell) and to place them in a separate list so that those powers can move as necessary to whichever post is appointed to carry out the Returning Officer functions. This makes explicit the Returning Officer powers but does not fix which post will carry them out, which increases flexibility.
- 1.6. The second change is to extract the specific Chief Executive powers from the much longer list of specific powers (vested in the Chief Executive and Directors) and general powers (vested in the Chief, Executive, Directors and Heads of Service) which are currently listed in South Northamptonshire's Scheme of Delegation. It is proposed that these other powers are vested in the Directors and the Directors/Heads of Service on an interim basis pending completion of the complete review referred to above.
- 1.7 The introduction setting out the statutory responsibility of the Chief Executive as Head of Paid Service has also been added to make clear the responsibilities of the role for the public in line with the transparency agenda.

Conclusion

- 1.8 The new shared joint Chief Executive started with us on 16 May. It is suggested that the harmonised powers should be in place ready to be used as soon as possible
- 1.9 This is the first stage of a process of harmonisation which will be required if the shared senior management team is to operate as effectively and efficiently as possible.
- 1.10 The contents of Appendix 1 were approved by South Northamptonshire Council at its full Council meeting on 20 April to come into effect from the commencement in post of the Shared Chief Executive.

Key Issues for Consideration/Reasons for Decision and Options

- 2.1 It is much easier for shared posts to have a single harmonised list of the powers they may exercise. Experience elsewhere suggests not doing this carries a much higher risk of confusion, and therefore challenge, where powers have not been exercised appropriately (because the shared postholder has exercised a power correctly for one authority, but is acting for the other authority at the time).

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** To adopt the harmonised joint delegated powers as attached and approved by the Joint Arrangements Steering Group
- Option Two** To adopt the harmonised joint delegated powers as further amended by Council
- Option Three** To postpone harmonisation until the complete review of the two Schemes of Delegation is carried out when the new shared senior management team structure is agreed

Consultations

Interim Chief Executive The proposed scheme of delegation (attached to this report) is supported

Implications

Financial: There are no financial implications
 Comments checked by Karen Curtin, Head of Finance
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Legal and Risk Management: There is a legal risk of challenge if powers are not harmonised and the shared Chief Executive exercises a power of delegation in one Council that is only applicable to the other.
 Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686
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Wards Affected

All

Document Information

Appendix No	Title
Appendix 1	Draft shared Joint Chief Executive Delegated Powers and delegated powers of Returning Officer
Background Papers	
Respective constitutions of South Northamptonshire and Cherwell	
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