

COUNTY COUNCIL

Meeting date: 23 June 2022

From: Leader of the Council

CHANGES TO OFFICER DELEGATIONS IN THE CONSTITUTION

1.0 EXECUTIVE SUMMARY

- 1.1 *This report recommends a number of changes to the Constitution arising from the decision of the Chief Officer Committee to adopt a Distributed Leadership Model for the replacement of the role of Executive Director Corporate Customer and Community Services.*
- 1.2 *The report also seeks to update Council on the reallocations put in place by the Chief Executive and minor amendments to the Constitution made by the Monitoring Officer to reflect current roles and seeks approval to the arrangements that have been put in place.*

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

- 2.1 *There are no direct Strategic Planning or Equality implications arising from this report.*

3.0 RECOMMENDATIONS

- 3.1 That Council notes the amendments to the Constitution made by the Monitoring Officer under her delegated powers to update the constitution to reflect current roles [Appendix 1]
- 3.2 That Council notes the detail of the reallocation of the functions as set out in the distributed leadership model [Appendix 4]
- 3.3 That Council notes and approves the continuation of the reallocation of all of the functions arising from the decision to adopt a Distributed Leadership Model for the replacement of the role of Executive Director Corporate Customer and Community Services up to 1 April 2023 [Appendix 2]
- 3.4 That Council approves the consequential amendments to the Constitution arising from the decision to adopt a Distributed Leadership Model for the replacement of the role of Executive Director Corporate Customer and Community Services up to 1 April 2023 [Appendix 3].

4. BACKGROUND

- 4.1 At a meeting on 25 May 2022, the Chief Officer Committee approved the adoption of an internal distributed leadership model to fill the vacancy created by the resignation of the Executive Director Corporate Customer and Community Services from 11 July 2022.
- 4.2 This approach requires the four designated Assistant Directors within the CC&CS Directorate to take a greater role in strategic and corporate management of that directorate until the County Council is dissolved on 31 March 2023. A model has been developed which sets out the new responsibility prescribed statutory roles which were previously the responsibility of the Executive Director CC&CS. The power to make the necessary changes to the terms and conditions of employment for these amended temporary roles are delegated to the Chief Executive.
 - 4.2.1 The Assistant Director Organisational Change will become the Council's Senior Information Risk Owner (SIRO);
 - 4.2.2 The Assistant Director Customer and Community Services will become the Council's Scrutiny Officer;
- 4.3 All employed Assistant Directors within CCC&S Directorate, namely the: Assistant Director Customer and Community Services, the Assistant Director Organisational Change, the Assistant Director Strategic Commissioning and the Assistant Director Workforce and Organisational Development will be given the full range of powers currently delegated to the Executive Director CCC&S in the Constitution to enable them on a monthly rotating basis to have the powers necessary to discharge the Council's functions and decisions to ensure efficient management of the services, contracts and staff for the CCC&S Directorate. This will be the case across all functional areas currently delegated to the Executive Director CCC&S.
- 4.4 Whilst in practice, the functions will be split, based on area of specialism [see Appendix 4] by delegating all functions to all Assistant Directors within the Directorate, save for those statutory responsibilities at 4.2 above which must be delegate to a named individual, it will be possible for them to rotate the shared leadership responsibility on a monthly basis and ensure that there is always available leadership and any periods of absence due to holiday, sickness or vacancy in one Assistant Director post can be easily accommodated and business continuity is preserved for the Directorate without further recourse to Council.
- 4.5 It is critical to the continued effective functioning of the Council that all Key Decisions can continue to be made whilst the Assistant Directors are undertaking these additional responsibilities of the Executive Director role.
 - 4.5.1 Key Decisions are those decisions which are significant in terms of expenditure or savings if it relates to a matter which exceeds £500,000 in value, except those decisions taken by:
 - (i) the Chief Executive or Assistant Director - Finance under delegated authority in connection with treasury management;

(ii) the Corporate Director - Children and Families Services or the Corporate Director - Health Care and Community Services under delegated authority in relation to care plans for individual children and young people or adults;

OR

Are decisions which are significant in terms of its effect on communities living or working in an area comprising two or more electoral divisions if it would change, or proposes changes to, the way in which services are used or provided. Significant in this context means important or far reaching.

4.6 In order to enable Key Decisions to be taken in the functional areas covered by the CCC&S Directorate it is therefore necessary to change the Constitution to enable the Assistant Directors undertaking the additional responsibilities to also take Key Decisions. If this change was not made then responsibility for those decisions would fall to the Chief Executive.

5.0 OPTION 1:

5.1 Council can approve the recommendations in this report which will ensure that all necessary functions are appropriately allocated, and the business of the Council can continue to be delivered efficiently and lawfully.

6.0 OPTION 2:

6.1 Council could decide not to approve the recommendations in this report which would require officers to report back to Council after 6 months. This option may create uncertainty in leadership of the Directorate.

7.0 FINANCE

7.1 The 2022/23 budget for Corporate, Customer & Community Services (CC&CS) includes £0.184m (including on costs) for an Executive Director post. There is 9 months remaining of the current budget for the Executive Director post which equates to £0.138m which would be available to fund this option. The cost of implementing this distributed leadership model for the directorate for the remainder of this financial year is £0.037m, which is within the available budget.

8.0 LEGAL

8.1 Under paragraph 9.5 (d) of Part 3A of the Constitution, the Chief Executive has delegated authority to allocate or re-allocate responsibility for functions in the Scheme of Delegation to Officers provided that any changes applicable for a period of more than six months must be reported to Council as a change to the Scheme of Delegation.

8.2 Under paragraph 15.8 (b) of Part 3A of the Constitution, the Chief Legal Officer (Monitoring Officer) has delegated authority to make minor amendments to the Constitution, including to update the Constitution in

accordance with changes to legislation, provided that the amendment does not materially change any principles previously approved by the Council.

- 8.3 All other changes to the Constitution must be approved by Council under 4.2 (a) of Part 1 of the Constitution.

9.0 RECOMMENDATIONS

- 9.1 That Council notes the amendments to the Constitution by the Monitoring Officer under her delegated powers [Appendix 1]
- 9.2 That Council notes the detail of the reallocation of the functions as set out in the distributed leadership model [Appendix 4]
- 9.3 That Council notes and approves the continuation of the reallocation of all of the functions arising from the removal of the post of Executive Director Corporate, Customer and Community Services up to 1 April 2023 [Appendix 2]
- 9.4 That Council approves the consequential amendments to the Constitution arising from the removal of the post of Executive Director Corporate, Customer and Community Services [Appendix 3].

Catherine A Parkinson
Interim Chief Legal Officer/Monitoring Officer

APPENDICES

- Appendix 1 Decision of the Monitoring Officer, amendments to the Constitution
- Appendix 2 Memorandum from the Chief Executive confirming reallocation of functions
- Appendix 3 Amended Constitution with proposed changes highlighted
- Appendix 4 Detail of the Distributed Leadership Model

IMPLICATIONS

Staffing: There are no staffing implications that are the responsibility of Council.

Financial:

Property:

Electoral Division(s): All

Executive Decision

Yes	No
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Key Decision

Yes	No
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If a Key Decision, is the proposal published in the current Forward Plan?

Y or N

Is the decision exempt from call-in on grounds of urgency?

No

If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?

N/A

Has this matter been considered by Overview and Scrutiny?
If so, give details below.

No

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS

None

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered

BACKGROUND PAPERS

None

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