

Cumberland Shadow Executive

16 February 2023

Delegated authority to approve operational policies and procedures

Report from:	Cllr Mark Fryer, Leader of the Council
Report Author:	Nik Hardy, Assistant Chief Executive Designate
Wards:	All
Key Decision:	No

1.0 Purpose/Summary of report

- 1.1. The purpose of this report is to seek delegated authority from the Cumberland Shadow Executive to the Chief Executive to approve necessary operational policies and procedures prior to Vesting Day on 1 April 2023 in consultation with the relevant Portfolio Holder.

2.0 Recommendation

2.1 It is recommended that the Shadow Executive:-

- (1) Delegates authority to the Chief Executive (in consultation with the relevant Director and Portfolio Holder) to approve operational policies and procedures for the new council prior to Vesting Day on 1 April 2023.

3.0 Background and Proposals

- 3.1 The Shadow Authority must take all practicable steps as are necessary or expedient -
- To prepare for the assumption, as Cumberland Council, of local government functions and full local authority powers on 1 April 2023
 - To prepare any budgets or plans required by Cumberland Council when these functions are assumed
 - To liaise with the county council, district councils and the other shadow authority for the purpose of ensuring continuity of the delivery of public services on and after 1 April 2023.
- 3.2 As part of the Local Government Reorganisation Programme there has been a need to consider alignment of a large number of plans,

strategies, policies, schemes, procedures, and protocols of the existing councils to ensure safe and legal public service delivery from 1 April 2023.

- 3.3 Work has been ongoing across the LGR programme to identify policies, strategies, plans etc. in existence across all sovereign authorities and consideration has been given to which policies and procedures are necessary to provide continuity of service delivery and what will need to be harmonised pre Vesting Day. As new Directors take up their roles they will be picking up the detail of these service arrangements.
- 3.4 The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (and subsequent amendments) make provision as part of transition for the continuity of services by an automatic transfer of all matters listed in the regulations. These include statutory plans, reviews, schemes, statements and strategies, and a wide range of other matters.
- 3.5 The regulations provide for specific extensions for the harmonisation of statutory policies and plans in areas such as licensing, planning, and housing. In many functional areas there are few or no statutory policies, but staff teams are working to existing operational policy and procedure and continuity is required. These policies may simply be retained and the Council can continue to operate with different policies and procedures in different areas to enable staff to continue to operate as they do now. In some areas it is necessary to harmonise operational policy and procedure to have a single approach ready for 1 April 2023. This may involve making only minor changes to align existing council policies as single policies of the new council.
- 3.6 In the absence of a scheme of delegation (the Shadow Authority was unable to delegate when the Shadow Constitution was agreed as there was no officer structure) these are matters which the Executive has the power to determine, but would normally be delegated to operational managers.
- 3.7 To ensure that the Council has the necessary operational policies and procedures in place for 1 April 2023 approval is sought for the Chief Executive (in consultation with the relevant Director and Portfolio Holder) to approve operational policies and procedures for the new Cumberland Council.
- 3.8 As most members of the Senior Leadership Team do not formally take up their new roles until 1 April 2023 it is proposed that the delegation is to the Chief Executive who will exercise the delegation through the appointed Directors in consultation with the relevant Portfolio Holders.

4.0 Consultation

- 4.1 There was no requirement to consult with the public as part of the proposals in this report. Consultation exercises will be undertaken in relation to specific plans and policies, as necessary.

5.0 Alternative Options

- 5.1 Given the committee time available prior to Vesting Day seeking Executive committee approval for all operational policies and procedures would be unworkable. These proposed delegations are in line with those set out in the Scheme of Delegation in the new Cumberland Council Constitution.

6.0 Implications

Financial, Resources and Procurement

- 6.1 There are no financial implications arising from this decision. Any financial implications arising from the approval of policies and procedures will be considered prior to approval.

Human Resources

- 6.2 There are no direct implications associated with this report.

Legal

- 6.3 Under the Structural Changes Order all matters which are not reserved specifically by legislation to full council are Executive. These delegations are therefore consistent with the transitional legal framework.

Health and Sustainability Impact Assessment

- 6.4 Have you completed a Health and Sustainability Impact Assessment? No
- 6.5 If you have not completed an Impact Assessment, please explain your reasons: There are no direct implications associated with this report. Impact assessments would be undertaken where relevant for individual policies and procedures.

Equality and Diversity

- 6.6 Have you completed an Equality Impact Analysis? No
- 6.7 If you have not completed an Impact Analysis, please explain your reasons: There are no direct implications associated with this report. Impact assessments would be undertaken where relevant for individual policies and procedures.

7.0 Contribution to Cumberland Council Plan priorities

7.1 The recommendation supports the Council in ensuring continuity of the delivery of public services on and after 1 April 2023.

Risk Management	Consequence	Controls required
There is a need to have a clear set of operational policies and procedures in place for 1 April 2023 as these provide important instructions as to how services will be operated and give operational staff the ability to operate within a framework without the need to refer to managers.	In the absence of this there is a risk that operational decisions will be slowed down or that decisions will be made which are inconsistent and create a risk of challenge.	Ensuring clarity on operational policies and procedures in place for the new council
There are no significant risks arising from the proposed implementation of the recommendations in this report as it is giving effect to arrangements which are already operating within service areas.		

Contact Officers

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Appendices Attached to this Report

None

Background Documents Available

None