



WEST NORTHAMPTONSHIRE SHADOW EXECUTIVE

12th February 2021

Report Title	Operational and Non-Statutory Policies
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List of Appendices

None

1. Purpose

- 1.1 The purpose of this report is to seek authority from the Shadow Executive to delegate responsibility to the Chief Executive to be exercised through the relevant member of the Executive Leadership Team to approve necessary operational and non-statutory policies and procedures prior to vesting day on 1 April 2021 in consultation in each case with the relevant Portfolio Holder.

2. Recommendations

- 2.1 It is recommended that the Shadow Executive delegates to the Chief Executive (in consultation with the relevant Portfolio Holder) the authority to approve operational and non-statutory policies and procedures for the new council

3. Reasons

- 3.1 To ensure that the Council has the necessary policies and procedures in place to be operational for the 1st April 2021

4. Background

- 4.1 The Shadow Council was required by the Structural Changes Order to create a Leader and Cabinet Executive within the meaning of Part 1A of the Local Government Act 2000 (The Shadow Executive Committee).

4.2 The Shadow Authority must take all practicable steps as are necessary or expedient -

- To prepare for the assumption as West Northamptonshire Council , of local government functions and full local authority powers on 1st April 2021
- To prepare any budgets or plans required by West Northamptonshire Council when these functions are assumed
- To liaise with the county council and the other shadow authority for the for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2021

5. Issues and Choices

5.1 The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 make provision as part of transition for the continuity of services by an automatic transfer or all matters listed in the regulations. These include agreements, declarations, byelaws, orders approvals, certificates and a wide range of other matters.

5.2 The Regulations do not however provide for the continuity of non-statutory and operational policies as these are not matters which are prescribed in legislation. All services in addition to the overarching policies which are set out in statute and require formal consultation and approval by members, have a number of supporting operational policies through which they operate and carry out business. In the absence of a scheme of delegation (the Shadow Authority was unable to delegate when the 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.

5.3 The regulations provide for specific extensions for the harmonisation of statutory policies like licensing and housing, however in other areas there are no statutory policies but staff teams are working to existing policies and continuity is required. These policies may simply be adopted and the Council can continue to operate with different policies in different areas to enable staff to continue to operate as they do now, in others it is necessary to harmonise policies to have a single approach. This process has been ongoing and as new Assistant Directors take up their roles they will be picking up the detail of these service arrangements. These policies are necessary to provide continuity of service delivery.

5.4 Shadow Executive agreement is sought for officers of the Executive Leadership Team to approve policies and procedures in consultation with the relevant Portfolio Holder so that this process can be completed before 1st April 2021.

6. Next Steps

6.1 Subject to the Shadow Executive agreeing the recommendations in this paper, it is proposed that policies and procedures (where appropriate) are approved by individual members of the Executive Leadership Team in consultation with the relevant Portfolio Holder.

- 6.2 There is a relatively short period of time until vesting day and the Executive Leadership Team meet on a regular basis and have oversight of the arrangements being put in place to ensure they are consistent and can work effectively with other service areas. In the absence of all members of the management team it is proposed that the delegation is to the Chief Executive who will exercise the delegation through the staff that are in post and in consultation with staff who are playing a role in preparation although they haven't taken up their new roles.
- 6.3 The Shadow Executive is being updated on the progress of transition and this can include the implementation of these policy and operational arrangements in late March.

7. Implications (including financial implications)

Financial

- 7.1 There are no financial implications arising from this decision. Any financial implications arising from the approval of Policies and Procedures shall be taken into account prior to approval.

Legal

- 7.2. Under 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.

Equality and Health

- 7.3 Policies and Procedures shall consider equalities implications and Equality Impact Assessments shall be undertaken where relevant.

8.0 Risk

- 8.1 There are significant risks to service delivery if there are no policies and operational arrangements in place. These provide important instructions as to how services will be operated and give operational staff to operate within a framework without the need to refer back to managers. They also provide a clear basis for consistency so that individuals receive a consistent service and there is a clear rationale for decision making. 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.
- 8.2 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.

9.0 Consultation

- 9.1 There is no requirement to consult in relation to non-statutory and operational policies. However where policies are being changed in order to harmonise them across the service area, consideration will be given to the relevant consultees as appropriate as time allows.

10. Consideration by Overview and Scrutiny

10.1 This report has not been considered by Overview and Scrutiny.

11. Climate Impact

11.1 There are no specific climate implications from this report although the development of policies will enable climate consideration to be taken into consideration in a consistent and planned way.

12. Community Impact

12.1 There will be a risk of significant impact if existing policies cannot be adopted, harmonised or adjusted to ensure continuity of operational delivery.

Background Papers

None