



# Special Advisory Group

18 March 2015

## Standards Committee

27 March 2015

<b>Report title</b>	Changes to the Constitution	
<b>Cabinet member with lead responsibility</b>	n/a	
<b>Key decision</b>	No	
<b>In forward plan</b>	No	
<b>Wards affected</b>	n/a	
<b>Accountable director</b>	Kevin O'Keefe, Governance	
<b>Originating service</b>	Corporate Administration	
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<b>Report to be/has been considered by</b>	Constitution Review Group	12 March 2015
	Special Advisory Group	18 March 2015
	Council	1 April 2015

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### Recommendation(s) for action or decision:

Standards Committee is recommended to agree revisions to the Constitution for approval by Council, specifically:

- (1) To make amendments to job titles and responsibilities to reflect the Council's recent senior management restructuring, particularly:
  - (a) To remove references to the role of Chief Executive, replacing it with 'Head of Paid Service'.
  - (b) To remove references to the role of Strategic Director - Education and Enterprise, replacing it with 'Strategic Director for Place'.
  - (c) To remove references to the role of Strategic Director - Community, replacing it with 'Strategic Director for People'.
  - (d) To remove references to the role of Assistant Director (Finance), replacing it with 'Director of Finance'.

- (e) To remove references to the role of Chief Legal Officer, replacing it with 'Director of Governance'.
  - (f) To amend the section on management structure to reflect revised arrangements.
- (2) To amend the budget and policy framework documents listed in the glossary.
  - (3) To remove the requirement for Standards Committee to consider proposed changes to the Constitution.
  - (4) To remove the requirement for the Monitoring Officer to make paper copies of the Constitution available, other than at the Civic Centre or in response to specific requests.
  - (5) To include a delegation to the Leader of the Council to approve permanent changes to the membership of Scrutiny Panels and other committees part way through a municipal year.
  - (6) To include within the portfolio of the Cabinet Member for Governance and Performance, responsibility for oversight of the Electoral Services functions, working with the Returning Officer/Electoral Registration Officer.
  - (7) To delete from the Cabinet (Resources) Panel's delegations responsibility to agree bids for external funding.
  - (8) To include a delegation to the Head of Paid Service to appoint a Deputy Electoral Registration Officer.
  - (9) To include a delegation to the Strategic Director for People to accept guardianship applications under the Mental Health Act 1983.
  - (10) To amplify the delegation to the Strategic Director for Place in respect of planning enforcement, including additional wording 'including in relation to listed building and conservation areas, advertisement control including discontinuance notices, and serving section 215 notices'.
  - (11) To include within the delegations to the Strategic Director for Place the power to enter into agreements under s111 of the Local Government Act 1972.
  - (12) To include a summary of the indemnity provided to employees in the event of a claim being made against them arising from their work on behalf of the Council.
  - (13) To include a delegation to the Monitoring Officer to amend the Constitution to reflect changes in the Council's senior management structure.

## 1.0 Purpose

1.1 This report seeks support for a number of changes to the Constitution for approval by the Council.

## 2.0 Background

2.1 As part of the iterative approach to maintaining the Constitution, the Constitution Review Group has highlighted a number of changes that need to be made. Some of these are in relation to operational changes within the Council's structures, others reflect changes in regulations and guidance, whilst others simply reflect refinements borne out of experience.

## 3.0 Changes to the Constitution

3.1 The table below briefly summarises the proposed changes and the reasons for them:

Rec.	Proposed change	Rationale
1	Amendments to job titles and details of the Council's senior management structure.	To reflect recent changes to the Council's senior management structure.
2	To amend the budget and policy framework documents listed in the glossary.	To reflect the most up-to-date list of the Council's policy and strategy documents.
3	To remove the requirement for Standards Committee to consider proposed changes to the Constitution.	Changes to the Constitution are currently considered by the Constitution Review Group (employee forum) and then by Councillors at Special Advisory Group, Standards Committee and Council. Removing the requirement of consideration by Standards Committee will help streamline the process.
4	To remove the requirement for the Monitoring Officer to make paper copies of the Constitution available, other than at the Civic Centre or in response to specific requests.	With ease of access to the internet, provision of paper copies is felt to be an unnecessary expense given the lack of demand.
5	To include a delegation to the Leader of the Council to approve permanent changes to the membership of Scrutiny Panels and other committees part way through a municipal year.	This was agreed by Council in 2012/13 and should have been included in a previous iteration of the Constitution.
6	To include within the portfolio of the Cabinet Member for Governance and Performance, responsibility for oversight of the Electoral Services	This identifies a lead Cabinet Member for this service area.

	functions, working with the Returning Officer/Electoral Registration Officer.	
7	To delete from the Cabinet (Resources) Panel's delegations responsibility to agree bids for external funding.	This removes a contradiction with the Financial Procedure Rules, which provide for the authorisation of bids by the Section 151 Officer.
8	To include a delegation to the Head of Paid Service to appoint a Deputy Electoral Registration Officer.	It is now considered good practice to appoint a Deputy Electoral Registration Officer, to support the Electoral Registration Officer and oversee the day-to-day management of the Register of Electors.
9	To include a delegation to the Strategic Director for People to accept guardianship applications under the Mental Health Act 1983.	There is no specific provision for this within the Constitution, despite it being a regular occurrence. Given the potentially sensitive nature of such situations, a specific delegation is thought to be warranted.
10	To amplify the delegation to the Strategic Director for Place in respect of planning enforcement, including additional wording 'including in relation to listed building and conservation areas, advertisement control including discontinuance notices, and serving section 215 notices'.	This clarifies the particular responsibilities of the Strategic Director in respect of planning enforcement activity.
11	To include within the delegations to the Strategic Director for Place the power to enter into agreements under s111 of the Local Government Act 1972.	Under s111 'a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions'. Such provision is not currently articulated in the Constitution and would be useful, for example, where the Council is landowner and where planning permission is required subject to a section 106 planning agreement but the Council cannot enter into the s106 because it would be entering into an agreement with itself so uses a s111 instead to require the developer to comply with the planning obligations.
12	To include a summary of the indemnity provided to employees in the event of a claim being made against them arising from their work on behalf of the Council.	Although there are longstanding policies covering these issues, they are not included within the Constitution so it is proposed to include an appropriate summary within the relevant section.

13	To include a delegation to the Monitoring Officer to amend the Constitution to reflect changes in the Council's senior management structure.	Senior management structures are approved by the Cabinet/Council with director level appointments made by Councillors, so this proposal enables the Monitoring Officer to reflect such decisions in the Constitution.
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#### **4.0 Financial implications**

- 4.1 There are recommendations that refer to financial procedures, but no additional costs or savings arise from the proposed changes.  
[GE/10032015/C]

#### **5.0 Legal implications**

- 5.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare and publish a Constitution which contains its standing orders relating to decision-making, finance and contracts. The Council is also required to keep its Constitution updated.  
[RB/10032015/W]

#### **6.0 Equalities implications**

- 6.1 There are no equalities implications arising from this report, as the changes to be made are not a result of any new policy or operational practice.

#### **7.0 Environmental implications**

- 7.1 There are no environmental implications arising from this report.

#### **8.0 Corporate landlord implications**

- 8.1 There are no corporate landlord implications arising from this report.

#### **9.0 Human resources implications**

- 9.1 There are no human resources implications arising from this report.

#### **10.0 Schedule of background papers**

None.