



Report to Council

Date: 6 July 2011

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Subject: Amendments to the Council's Constitution.

1. Purpose of the Report

To seek approval for amendments to the Council's Constitution following changes to Senior Management responsibilities and the removal of the Personnel and Resources Committee from the committee structure.

2. Background

2.1 Following the departure of the Head of Democratic and Community Services, the post has been deleted from the establishment and the responsibilities shared amongst existing staff. The Council's Solicitor and Monitoring Officer is now responsible for legal matters, with Elections, Committee Administration and Scrutiny falling within the remit of the Head of Strategy and Performance. The powers previously delegated to the Head of Democratic and Community Services now need to be amended in the Constitution to reflect these changes. All the delegations relate to legal matters and it is proposed that these are transferred to the Council Solicitor and Monitoring Officer. However the Petitions Scheme falls within the remit of the Head of Strategy and Performance, therefore he needs to be designated as the Proper Officer for these purposes.

2.2 Responsibility for the Neighbourhoods Section transferred to the Leisure department with effect from January 2011 and the title of the Head of Service has now changed to Head of Leisure and Communities. All references in the Constitution to Head of Leisure Services, therefore need to be amended to Head of Leisure and Communities Services.

2.3 Following the removal of the Personnel and Resources Committee from the committee structure it is appropriate to reconsider and clarify the non-executive functions relating to personnel, financial and election matters.

2.4 Of the existing Committees, it is most appropriate for the Appointments Panel to take responsibility for the appointment of statutory officers and responsibility for terms and conditions of employment. In order to reflect the additional remit, it is proposed that the Council create an Appointments and

Conditions of Service Committee in the place of the current Appointments Panel and approve its remit and delegation as detailed in Appendix 1 to this report. The membership of the Appointments Panel has not been agreed by Council, therefore it is necessary for Council to approve the membership of the Appointments and Conditions of Service Committee.

- 2.5 The existing Appeals Sub-Committee and Retirements Sub-Committee have been merged and appointments to the new Appeals and Retirements Committee were made at Annual Council. It is now necessary to approve its remit and delegations as detailed in Appendix 1 to this report. This is in effect an amalgamation of the previous delegations to the sub-committees.
- 2.6 Historically, the Joint Consultative and Safety Committee has met on an ad-hoc basis and, in practice, extremely infrequently. The Chief Executive and Head of Customer Services and Organisational Development meets with union representatives on a regular basis but it is suggested that it would be valuable to re-invigorate the JCSC as a mechanism for dialogue between members, management and union representatives. . This is especially important at a time when the Chief Executive is putting forward proposals for a management restructure, as the JCSC could provide a valuable forum to challenge and support him, consider feedback and make recommendations prior to decisions being made. It is therefore an appropriate time to review the current delegations, which are limited. It is proposed that Council approves the remit and delegations as detailed in Appendix 1 to this report.
- 2.7 Delegations to all other Committees, except the Audit Committee which will take on responsibility for making payments or provide other benefits in cases of maladministration, remain unaffected.
- 2.8 The proposed changes to the Constitution do not fall within Standing Order 29 which states:

“29. Variation and Revocation of the Constitution

Any motion to add to, vary or revoke the Articles of the Constitution, Procedural Standing Orders, Standing Orders relating to Contracts, Standing Orders for Dealings with Land and Standing Orders Relating to Staff except for the amendment of financial limits and other amendments appropriate to give effect to changes in officers' duties, responsibilities and titles, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.”

Consequently, these changes can be agreed straightaway.

- 2.9 Elsewhere on the agenda, members will be aware that there is a proposal to re-organise the Council's current management arrangements. If approved, this will require some further amendments to the Constitution, for example, changes in the references to job titles. To avoid having to submit a further report to deal with these routine administrative matters, Council's approval is sought to delegate the making of such changes to the Council's Solicitor and

Monitoring Officer.

3. Recommendations

- 3.1 Following the deletion of the post of Head of Democratic and Community Services from the establishment, to agree to amend all references to the said Head of Service to the Council Solicitor and Monitoring Officer.
- 3.2 Following the deletion of the post of Head of Democratic and Community Services from the establishment, to agree to appoint the Head of Strategy and Performance as the Proper Officer for the purposes of the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 and the Council Solicitor and Monitoring Officer as the Proper Officer for the purposes of regulation 45(4) of the Local Authorities (Executive and Alternative Arrangements)(Modification of Enactments and other provisions)(England) Order 2001.
- 3.3 To agree to delete all the references in the Constitution to Head of Leisure Services and replace with Head of Leisure and Communities Services.
- 3.4 To create an Appointments and Conditions of Service Committee in the place of the Appointments Panel and approve its membership comprising four members of the majority Group (including at least 1 Executive member needed for Chief Officer appointments), 2 members of the first opposition group and 1 member of the second opposition group.
- 3.5 Following the removal of the Personnel and Resources Committee from the committee structure to approve the functions and responsibilities of the affected committees and Officer delegations as set out in Appendix 1 to this report.
- 3.6 To note the decisions made in relation to the Cabinet Portfolios and Executive Scheme of Delegation which are reported elsewhere on the agenda.
- 3.7 That the Council Solicitor and Monitoring Officer be authorised to make the appropriate amendments to the Constitution to incorporate the above.
- 3.8 That the Council Solicitor and Monitoring Officer be authorised to make future amendments to the Constitution to give effect to decisions relating to delegations approved by the Executive or Committees or changes in Officers' duties, responsibilities and titles.