



Report to Council

Date: 21 December 2011

Author: H BARRINGTON – COUNCIL SOLICITOR AND MONITORING OFFICER

Subject: CHANGES TO THE CONSTITUTION FOLLOWING THE MANAGEMENT RESTRUCTURE

1. Purpose of the Report

To seek approval to amend the Constitution following the Management Restructure.

2. Background

2.1 On 31 August 2011, the Appointments and Conditions of Service Committee agreed to delete the six posts of Head of Service from the establishment and replace them with four new posts of Corporate Director. The new structure will become effective on 1 January 2012.

2.2 The current Constitution refers to posts existing in the outgoing structure and therefore will need to be amended to take account of the new structural arrangements.

2.3 Individual Committees and the Executive are being asked separately to agree to amend existing officer delegations previously approved by them. The Constitution will be amended to take account of these decisions.

3. Proposal

3.1 The new Senior Management Structure will consist of the Chief Executive, 4 Corporate Directors and the Council Solicitor and Monitoring Officer. It is proposed that the Council Solicitor and Monitoring Officer make all necessary changes to the Constitution to reflect these new arrangements.

3.2 It is proposed that all references to Heads of Service in the Constitution should be replaced with the Corporate Director with responsibility for the relevant power or function (or the Council Solicitor and Monitoring Officer in relation to Legal Services).

- 3.3 The current Constitution includes provisions to enable the Chief Executive to deal with all matters delegated to Heads of Service and the Deputy Chief Executive to exercise all functions of the Chief Executive in his absence. In order to reflect the new management arrangements it is proposed that the general delegations are amended to enable the Chief Executive or another Corporate Director to deal with all matters delegated to Corporate Directors and the Corporate Directors to exercise all functions of the Chief Executive in his absence.
- 3.4 The Financial Regulations include specific references to the Head of Corporate Services. These are not general delegations, but are functions exercised by the current Head of Corporate Services in his capacity as Chief Financial Officer. It is therefore proposed that all references in the Financial Regulations to Head of Corporate Services are removed and replaced with Chief Financial Officer.
- 3.5 Any references to statutory officers (Head of Paid Service, Chief Financial Officer and Monitoring Officer) are unaffected and will remain.
- 3.6 It is also proposed that any reference to Head of Service in any Policy or procedure approved by Council be substituted for Corporate Director (or the Council Solicitor and Monitoring Officer in relation to Legal Services).
- 3.7 The proposed changes 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 dealing 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, they can be agreed straightaway.

4. **Recommendation**

It is therefore **recommended** that:

- a) the current references in the Constitution to Heads of Service be replaced with Corporate Director with responsibility for the relevant power or function (or the Council Solicitor and Monitoring Officer in relation to Legal Services);

b) any reference to Head of Service in any Policy or procedure approved by Council is substituted for Corporate Director with responsibility for the relevant power or function (or the Council Solicitor and Monitoring Officer in relation to Legal Services);

c) the general delegations are amended to enable the Chief Executive or another Corporate Director to deal with all matters delegated to another Corporate Director in his/her absence and the Corporate Directors to exercise all functions of the Chief Executive in his absence;

d) all references in the Financial Regulations to Head of Corporate Services are removed and replaced with Chief Financial Officer; and

e) the Council Solicitor and Monitoring Officer be authorised to make any other amendments to the Constitution to reflect the new management arrangements.