

## **Report to Council**

**Subject:** Changes to the Constitution following Management Restructure

**Date:** 26 July 2024

**Author:** Deputy Monitoring Officer

### **Purpose**

To seek approval to amend the Constitution to reflect new management arrangements following the senior management restructure.

### **Recommendation:**

- 1) That members approve amendments to the Constitution and any policy or procedure approved by Council as set out in this report to reflect new management arrangements following the restructure.**
- 2) That the Monitoring Officer be authorised to amend any policy or procedures approved by Council to reflect changes brought about by the restructure.**

## **1 Background**

- 1.1 On 24<sup>th</sup> April 2024 the Appointments and Conditions of Service Committee agreed to the implementation of a new senior management structure. In particular the Committee agreed to the introduction of a new post of Deputy Chief Executive and Monitoring Officer a role which is not currently reflected within the Constitution.
- 1.2 The Constitution provides a general delegation to Directors to act on behalf of the Chief Executive but provides no reference to a Deputy Chief Executive (s.19a and 19b). Whilst the Monitoring Officer has authority to amend the Constitution to reflect changes in structures and job titles, this role is effectively a new role in the senior leadership team and as such should be referenced within the constitution to ensure effective delegation of functions.
- 1.3 Various delegations and proper officer functions sit with statutory officers such as the Head of Paid Service, Monitoring Officer or Chief Financial Officer, there are no changes proposed to these delegations.

## **2 Proposal**

- 2.1 It is proposed that Council agree to the amendment of the Constitution to reflect that the Deputy Chief Executive can act in the same way as a Director in the absence of the Chief Executive (save where the role is a statutory function reserved to a statutory officer).

It is also proposed that the Monitoring Officer be authorised to amend any policy or procedure documents to reflect the changes brought by the management restructure, including where appropriate referenced to specific Directors or Assistant Directors.

A separate approval will be sought from the Executive to ensure delegation to the Deputy Chief Executive in respect of executive decisions (part 19a of the Constitution).

### **3 Alternative Options**

Members could determine not to approve the amendments to the Constitution, however the Deputy Chief Executive does carry the responsibility of directorship over service areas and as such needs formal authority within the Constitution to act in that capacity. In addition the Monitoring Officer must maintain the Constitution and ensure it reflects arrangements within the organisation.

### **4 Financial Implications**

There are no financial implications arising out of this report.

### **5 Legal Implications**

Changes to the Constitution can be approved by Council on the first pass and no longer stand adjourned to a later meeting.

Whilst the Chief Executive can delegate responsibilities to the Deputy Chief Executive, the formalisation of this within the Constitution gives clarity on the functions of the role.

### **6 Equalities Implications**

There are no equalities implications arising from this report.

### **7 Carbon Reduction/Environmental Sustainability Implications**

There are no carbon reduction/environmental sustainability implications arising from this report.

### **8 Appendices**

None

### **9 Background papers**

None

## **10 Reasons for Recommendations**

To ensure appropriate delegations are in place in line with the management restructure.

**Statutory Officer approval**

**Approved by the Chief Financial Officer**

**Date:**

**Approved by the Monitoring Officer**

**Date:**