

Amendment to the Council's Constitution

Report of the Corporate Portfolio Holder

Recommended:

That Council notes the changes to the Council's Constitution set out in this report.

SUMMARY:

- The Council's Monitoring Officer holds delegated power to make certain amendments to the Council's Constitution subject to reporting those changes to Council.
- Recent organisational changes have necessitated changes to the Constitution and by way of this report the Monitoring Officer notifies Council of those changes.

1 Introduction

- 1.1 Power is delegated to the Monitoring Officer to make changes to the Constitution in certain circumstances subject to reporting those changes back to Council. Two recent sets of changes have been made under this delegation and this report constitutes the Monitoring Officer's report to Council of those changes.

2 Background

- 2.1 In accordance with Article 14 of the Constitution the Monitoring Officer has delegated authority to make changes to the Constitution as follows:-

The following changes to the Constitution may be effected by the Monitoring Officer, subject to reporting the change to full Council (after reporting the change to the next appropriate meeting of a Committee where the changes relate to that Committee's powers and duties):

- (a) *Changes to the delegated functions to Chief Officers (as defined in the Officer Employment Procedure Rules in Part 4);*
- (b) *Changes required giving effect to any change in the law or directives issued under legal powers by Government;*
- (c) *(i) Typographical or similar changes; or*
(ii) In consultation with the Corporate Portfolio Holder, minor changes, as may be identified from time to time, such as changes to the names of Committees, Portfolios, or job titles etc.

- 2.2 The two sets of changes recently made are:-
- (a) changes to the wording of the Delegations to the Head of Revenues; and
 - (b) related changes to the Estates and Economic Development Service and the Planning Policy Service.
- 2.3 Changes to the Delegations to the Head of Revenues
- 2.4 From 2014 to 1 July 2019 the Council operated with two Acting Heads of Revenues. It has been necessary to amend the Constitution to reflect the fact that these arrangements have now come to an end and that as of 1 July 2019 there is one Head of Revenues.
- 2.5 The changes are set out at Annex 1 to this report, shown in track-changed format for ease of reference.
- 2.6 Heads of Service hold delegated authority (stemming from the power set out at section 223 of the Local Government Act 1972) to authorise officers to appear in the Courts. As a result of changes in the Revenues Team, the Head of Revenues has made some changes to those Officers authorised to appear in the Courts under his existing delegation. These changes are recorded at point 16 of the attached Annex 1.
- 2.7 Planning Policy and Estates and Economic Development Services
- 2.8 As a result of an internal restructure within budget effective from 1 July 2019 the Economic Development function which previously sat within the Estates and Economic Development Service joined the Planning Policy Service.
- 2.9 As a result of the same restructure, the Planning Policy Service no longer sits within the Chief Executive's Service but as a stand-alone Service.
- 2.10 Accordingly, changes to the Constitution were required as follows:
- (a) To transfer the three Economic Development delegations from the Head of Estates and Economic Development to the Head of Planning Policy.
 - (b) To rename the Planning Policy Service to include the Economic Development element so that the former Planning Policy Service became the Planning Policy and Economic Development Service. The former post of Head of the Planning Policy Service consequently became the Head of Planning Policy and Economic Development Service.
 - (c) To rename the Estates and Economic Development Service, removing reference to Economic Development and recognition of the Council's significant land and property operations to make reference to the Service's Asset Management function in the Service's title. The former Estates and Economic Development Service became the Property and Asset Management Service. The former post of Head of Estates and Economic Development Service consequently became the Head of Property and Asset Management Service.

- (d) To change the names of the (now) Planning Policy and Economic Development Service and the Property and Asset Management Service and their respective Heads of Service wherever they appear in the Constitution.

- 2.11 A copy of the changes in track-changed format is attached at Annex 2 save for those described at 2.10 (d) above. Those at 2.10 (d) are straight replacements for the former wording wherever those words appear in the Constitution.

3 Option Appraisal

The changes have been made under the Monitoring Officer's delegated power which requires a report to Council of the exercise of those powers. It is recommended that this report of the changes made is noted.

4 Risk Management

- 4.1 A Risk Management questionnaire has been completed and indicates this report does not require a risk assessment because the changes/issues covered by this report are not significant in terms of risk or have previously been considered.

5 Resource Implications

There are no resource implications resulting from these changes.

6 Legal Implications

There are no legal implications resulting from the changes. The Monitoring Officer is required to report changes made under her delegation to Council which she does via this report.

7 Equality Issues

No Equality issues are identified.

8 Other Issues

9 Conclusion and reasons for recommendation

It is recommended that Council notes the changes to the Constitution.

Background Papers (Local Government Act 1972 Section 100D)

The Scheme of Delegation to Officers

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	2	File Ref:	N/A
----------------	---	-----------	-----

(Portfolio: Corporate) Councillor Preston

Officer:	Karen Dunn	Ext:	8401
----------	------------	------	------

Report to:	Council	Date:	4 September 2019
------------	---------	-------	------------------