



AGENDA ITEM: 11
SUMMARY

Report for:	Council
Date of meeting:	20 November 2013
PART:	1
If Part II, reason:	

Title of report:	Constitution Update
Contact:	Steven Baker Assistant Director (Chief Executive's Unit) Author/Responsible Officer
Purpose of report:	To report on the need to update Part 3 of the Constitution 'Responsibility For Functions' as a result of changes to the Council's senior management structure and to seek formal adoption of the constitutional amendments.
Recommendations	<ol style="list-style-type: none"> 1. That Council notes and formally adopts the amendments made to Part 3 of the Constitution 'Responsibility For Functions' following the changes to the Council's senior management structure. 2. That authority be delegated to the Assistant Director (Chief Executive's Unit) to make any consequential amendments to the Constitution.
Corporate objectives:	The Council's Constitution is a key document for achieving good governance and it is therefore important that it is kept up to date to ensure that it is 'fit for purpose'.
Implications:	<u>Financial</u> None arising from this report.
Risk Implications	The risk to the Council if Part 3 'Responsibility For Functions' is not kept up to date is that the delegation of powers to officers will become ineffective and officers will be unable to

	discharge many of their responsibilities.
Equalities Implications	There are no equalities implications arising from this report.
Health And Safety Implications	None arising from this report.
Consultees:	Corporate Management Team
Background papers:	Part 3 of the Constitution 'Responsibility For Functions' as amended will be published on the Council's website.

BACKGROUND

- Under legislation, responsibility for carrying out the functions of the Council rests with the Cabinet (as the Council's "executive") except for those functions which are stated in Regulations as still being the responsibility of the Council; budget setting, development control and licensing being two prime examples. Functions which are the responsibility of the Cabinet can be delegated to individual Cabinet Members (Portfolio Holders) or to individual Council officers. Council functions can be delegated to committees or sub-committees or to individual Council officers. In practice, the Cabinet, the Council and its Committees have delegated a large number of functions to individual officers in order to facilitate the efficient day to day operational running of Council services.
- By law, the Council is required to set out in its Constitution certain information concerning the allocation (or delegation) of responsibility for functions. It must specify those Cabinet functions which are exercisable by Cabinet Portfolio Holders stating the name of the Cabinet Member. It must also specify those functions which have been delegated, either by the Cabinet or the Council, or by a Committee, to individual officers stating the title of the officer. In other words, the Constitution must make clear who within the Council is responsible for carrying out its functions. Any action or decision taken by a Member or an officer without the proper delegated authority can be subject to challenge. Part 3 of the Constitution entitled 'Responsibility For Functions' (also sometimes referred to as 'the Council's delegation scheme') is designed to satisfy the legal requirement described above. The Council's Monitoring Officer is under a duty to ensure that the Constitution is kept up to date.
- Along with the appointment of the new Chief Executive, the Cabinet agreed some changes to the Council's senior management structure. The post of Corporate Director (Performance, Improvement & Transformation) was deleted from the structure and the services that fell under that Directorate were transferred to the Chief Executive and the Corporate Director (Finance & Operations). The other main changes were that the Assistant Director (Chief Executive's Unit) became responsible for Communications, Human Resources and Partnerships, the Assistant Director (Performance & Projects) also became responsible for ICT, and the Assistant Director (Neighbourhood Delivery) was given responsibility for Regulatory Services. For Members' convenience, a copy of the previous senior management structure chart and a

copy of the new structure, which formally came into effect on 1 November, are appended to this report.

4. It is important to note that the amendments do not delegate any new powers to officers as they are simply intended to ensure that the Council's 'delegation scheme' is up to date and reflects the current senior management structure. The amendments also include the recent delegation from Cabinet to the Assistant Director (Chief Executive's Unit) of the various new powers to regulate scrap metal dealers. These new powers, introduced by the Scrap Metal Dealers Act 2013, were reported to Cabinet on 17 September.
5. There are a number of consequential amendments which will be required to other parts of the Constitution. Such changes, while necessary, do not change the substance of the Constitution and it is, therefore, recommended that authority be given to the Assistant Director (Chief Executive's Unit) to make any other such amendments.