

**Report of City Solicitor**

**Report to Full Council**

**Date: 22nd February 2017**

**Subject: Constitutional Amendments**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Summary of main issues**

1. The Constitution sets out the way in which the Council discharges its functions, including arrangements for the delegation of functions to both committees and officers.
2. The Head of Paid Service has agreed a new organisational structure which is to take effect in April 2017. As a result amendments to the constitution are necessary to reflect the new arrangements in respect of Corporate Leadership Team.

**Recommendations**

3. General Purposes Committee recommend that with effect from 1<sup>st</sup> April 2017, Council:-
  - 3.1 Appoint the Director of Communities and Environment as Deputy Electoral Registration Officer;
  - 3.2 Appoint the Chief Officer (Financial Services) as the Council's S151 Officer;
  - 3.3 note that the Chief Officer (Financial Services) will designate a deputy and communicate details to Members before taking up the S151 responsibilities on 1<sup>st</sup> April; and
  - 3.4 approve the amendments listed below:-
    - Part 2 - Article 12 (Appendix A)
    - Part 2 – Article 15 (Appendix B)
    - Part 3 – Section 1 – Local Choice Functions (Appendix C)

- Part 3 – Section 2A – Functions of the Full Council (Appendix D)
- Part 3 – Section 2B – Scrutiny Board Terms of Reference (Appendices E1-E6)
- Part 3 – Section 2C – Officer Delegation Scheme (Council (non-executive) Functions):
  - General Delegations (Appendix F)
  - Chief Executive (Appendix G)
  - Director of Resources and Housing (Appendix H)
  - Chief Officer (Financial Services) (Appendix I)
  - City Solicitor (Appendix J)
  - Director of Communities and Environment (Appendix K)
  - Director of City Development (Appendix L)
  - Chief Planning Officer (Appendix M)
  - Director of Children and Families (Appendix N)
  - note the removal of Deputy Chief Executive, Assistant Chief Executive (Citizens and Communities), and Director of Environment and Housing from the Officer Delegation Scheme (Council (non executive) Functions.)

## **1. Purpose of this report**

- 1.1 This report recommends amendments to the Constitution which are necessary to reflect the new organisational structure developed by the Head of Paid Service.

## **2. Background information**

### Organisational Structure

- 2.1 By delegated decision dated 24<sup>th</sup> January 2017 the Head of Paid Service has approved a new organisational staffing structure.
- 2.2 The structure was developed working with Members and officers, to support the Council's ambition of being a compassionate city with a strong economy, and to ensure the Council's continued improvement while making significant savings.
- 2.3 As the Council is placing a greater emphasis on work in localities, services from citizens and communities will merge with some of those from environment and housing. This will enable a greater impact on reducing inequalities across the city and particularly in some of the most deprived neighbourhoods. The merger will create a new Communities and Environment directorate.
- 2.4 Following the retirement of the current post holder at the end of March 2017, the role of deputy chief executive will be deleted. The work of the strategy and resources directorate will however continue. The existing Director of Environment and Housing will be re-designated as Director of Resources and Housing and will, in addition to corporate responsibilities, retain responsibility for work areas including housing and sustainability.
- 2.5 Subject to approval by Full Council it is proposed to appoint the Chief Officer (Financial Services) as S151 officer. The post holder, will report to the Director of Resources and Housing, will be entitled to sufficient resources and to attendance at such meetings of the Council, Executive Board and other formal and informal decision making forums<sup>1</sup>, and will have the degree of independence necessary to fulfil the role.
- 2.6 To improve the Council's partnership work with health colleagues, bring together related commissioning functions, and ensure delivery of the sustainability and transformation plan there will be one directorate for adult social services and public health. The Director of Public Health will retain his statutory responsibilities whilst becoming part of the Director of Adults and Health's leadership team.

### Executive Arrangements

- 2.7 By a delegated decision dated 24<sup>th</sup> January 2017 the Leader has amended the her executive arrangements with effect from 1<sup>st</sup> April 2017. The amendments are reported elsewhere in this agenda.

### Consequential amendments

- 2.8 Council are requested to note that the City Solicitor intends to use her authority as Monitoring Officer to make further amendments to the constitution to ensure that the new arrangements for the delegation of functions are reflected throughout the constitution. In particular amendments will be required to:

- Community Committee Procedure Rules
- Contracts Procedure Rules

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<sup>1</sup> Including Corporate Leadership Team

- Financial Regulations
- Officer Employment Procedure Rules
- Protocol for the Co-ordination of external inspection reports
- Management Structure Diagram

### **3. Main issues**

#### Designation of Deputy Electoral Registration Officer and S151 Officer

- 3.1 Part 3, Section 2A Functions of the Full Council sets out those functions which are reserved to full council, and details the officers appointed by Council in respect of relevant functions.
- 3.2 The Deputy Chief Executive is the Council's current Section 151 Officer. Section 151 of the Local Government Act 1972 requires that every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs. The Chief Officer (Financial Services) is the current Deputy Section 151 Officer and has the relevant qualifications, professional membership and experience to carry out this role.
- 3.3 General Purposes Committee recommend that full Council:-
- 3.3.1 appoint the Director of Communities and Environment as Deputy Electoral Registration Officer in addition to the Head of Elections, Licensing and Registration (whilst noting that the Assistant Chief Executive (Citizens and Communities) will no longer exist to exercise the role);
- 3.3.2 appoint the Chief Officer (Financial Services) as S151 Officer (whilst noting that the Deputy Chief Executive will no longer exist to exercise the role.); and
- 3.3.3 approve the amended Functions of Full Council attached at Appendix D

#### Article 12 - Officers

- 3.4 Article 12 details the council's senior management team and sets out the designations of statutory officers. General Purposes Committee recommend that full Council approve the amendments proposed to Article 12 as shown at Appendix A attached to reflect the new organisational structure and the designation of Chief Officer (Financial Services) as the S151 Officer.
- 3.5 It has not yet been determined which post will act as deputy to the S151 Officer. GPC recommend that Council note that the Chief Officer (Financial Services) will designate a deputy and communicate details to Members before taking up the S151 responsibilities on 1<sup>st</sup> April. The Monitoring Officer will accordingly further amend Article 12 under her delegated authority in Article 15 and publish as a significant operational decision.

#### Article 15 – Review and Revision of the Constitution

- 3.6 Article 15 includes details as to which person or body has authority to amend each of the documents within the Council's Constitution. General Purposes Committee recommend the amendments proposed at Appendix B attached to ensure that appropriate officers can take the necessary decisions to keep documents up to date and fit for purpose.

### Responsibility for Local Choice Functions

- 3.7 General Purposes Committee recommend amendments, shown at Appendix C attached, which are necessary to reflect the new organisational arrangements.

### Officer Delegation Scheme

- 3.8 General Purposes Committee recommend that Council approve the Officer Delegation Scheme (Council (non-executive) Functions) which will comprise delegations to the Directors as follows:-
- 3.9 General Delegations (Appendix F) – amendments reflect the titles of Directors within the new organisational structure.
- 3.10 Chief Executive (Appendix G) – there are no amendments from the existing scheme.
- 3.11 Director of Resources and Housing (Appendix H) – includes the existing delegations to the Deputy Chief Executive.
- 3.12 Chief Officer (Financial Services) (Appendix I) – this is a new delegation reflecting the separation of the role from the Director of Strategy and Resources and permits the Chief Officer (Financial Services) to make standing orders in relation to finance.
- 3.13 City Solicitor (Appendix J) – there are no amendments from the existing scheme.
- 3.14 Director of Communities and Environment (Appendix K) – includes the existing delegations to the Assistant Chief Executive (Citizens and Communities) and the Director of Environment and Housing.
- 3.15 Director of City Development (Appendix L) – there are no amendments from the existing scheme.
- 3.16 Chief Planning Officer (Appendix M) – there are no amendments from the existing scheme.
- 3.17 Director of Children and Families (Appendix N) – there are no amendments from the existing scheme.
- 3.18 Council will note that there are no specific delegations to the Director of Adults and Health or the Director of Public Health. The existing delegations to Deputy Chief Executive, Assistant Chief Executive (Citizens and Communities) and Director of Environment and Neighbourhood will be removed from the Officer Delegation Scheme (Council (non-executive) Functions).

### Scrutiny Board Terms of Reference

- 3.19 General Purposes Committee recommend that full Council approve consequential amendments to the Scrutiny Boards terms of reference, as shown at Appendices E1 to E6 attached, (Members may wish to note that these changes do not alter the remit of any of the Scrutiny Boards )

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 The Head of Paid Services has engaged officers and Members in developing these changes, in part by making the changes in response to issues raised about where existing organisational arrangements don't work. As some of the reasons for the changes are to make financial savings, consultation has also been carried out

through the budget setting process. Whilst the changes are significant, the main emphasis of change continues to be on the culture change through the values.

- 4.1.2 Scrutiny Board Chairs have been advised to the proposed amendments to the Scrutiny Board Terms of Reference, together with confirmation that these amendments are intended to preserve the current remit of each Board.

## **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 There are no implications for this report.

## **4.3 Council policies and best council plan**

- 4.3.1 The changes outlined within this report support the Council's ambition of being a compassionate city with a strong economy.

## **4.4 Resources and value for money**

- 4.4.1 The organisational structure which underlies the changes proposed in this report intends to enable the best use of the Council's human resources to deliver council services. The changes to organisational shape, including JNC reductions, deliver a financial saving to the Council which is reported elsewhere in budget papers.

## **4.5 Legal implications, access to information, and call-in**

- 4.5.1 As a council decision this report will not be open to Call In. Amendments to the Constitution will be published as they come into effect on 1<sup>st</sup> April 2017.

## **4.6 Risk management**

- 4.6.1 The proposed amendments will ensure that the Council's constitution remains up to date and fit for purpose and that decision making arrangements are robust.

## **5. Conclusions**

- 5.1 Changes to the organisational structure require amendments to the Constitution as detailed in this report.

## **6. Recommendations**

- 6.1 General Purposes Committee recommend that with effect from 1st April 2017, Council:-

- 6.1.1 Appoint the Director of Communities and Environment as Deputy Electoral Registration Officer;
- 6.1.2 Appoint the Chief Officer (Financial Services) as the Council's S151 Officer;
- 6.1.3 Note that the Chief Officer (Financial Services) will designate a deputy and communicate details to Members before taking up the S151 responsibilities on 1st April; and

#### 6.1.4 Approve the amendments listed below:-

- Part 2 - Article 12 (Appendix A)
- Part 2 – Article 15 (Appendix B)
- Part 3 – Section 1 – Local Choice Functions (Appendix C)
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  - Director of City Development (Appendix L)
  - Chief Planning Officer (Appendix M)
  - Director of Children and Families (Appendix N); and
  - Note the removal of Deputy Chief Executive, Assistant Chief Executive (Citizens and Communities), and Director of Environment and Housing from the Officer Delegation Scheme (Council (non executive) Functions.)

## 7. Background documents<sup>2</sup>

### 7.1 None

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<sup>2</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.