



Chief Executive

Full Council

Date: 6 April 2011

Subject: Recommendations from General Purposes Committee – 30 March 2011

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report sets out recommendations of General Purposes Committee to full Council from their meeting on 30 March 2011, relating to amendments to the constitution. The amendments are recommended following staff changes, namely that the posts of Assistant Chief Executive (Corporate Governance) and Chief Officer (Legal Licensing and Registration) will be vacant from 1 April 2011.
2. Amendments are recommended to re-allocate the responsibilities given to the Assistant Chief Executive (Corporate Governance) under the constitution. Specifically, the recommendations are:
 - (a) to withdraw the delegations to the Assistant Chief Executive (Corporate Governance) under the officer delegation scheme (Council functions);
 - (b) to amend the delegation to the Chief Executive, as set out in Appendix 1 to this report;
 - (c) to amend the delegation to the Director of Resources, as set out in Appendix 2 to this report; and
 - (d) to designate the City Solicitor as Monitoring Officer.
3. The Committee also made recommendations about the appointment of Deputy Electoral Registration Officers.
4. A number of consequential amendments are also recommended, as a result of the staffing changes.

1.0 Purpose Of This Report

This report sets out recommendations from General Purposes Committee, for changes to the constitution (including to the officer scheme of delegation (council functions)) which are required as a result of staff changes within the Council.

2.0 Background Information

- 2.1 With effect from 1 April 2011, the posts of Assistant Chief Executive (Corporate Governance) and Chief Officer (Legal Licensing and Registration) will be vacant. An interim appointment is being made internally for up to six months to a post designated as City Solicitor. Consideration needs to be given to how the functions of the Assistant Chief Executive (Corporate Governance) should be discharged from that date.
- 2.2 The Assistant Chief Executive (Corporate Governance) is also the Council's Monitoring Officer. This post therefore needs to be re-designated, as the position of Monitoring Officer is a statutory requirement.
- 2.3 The Chief Executive is the Electoral Registration Officer, and the Returning Officer for local elections. Currently, the Assistant Chief Executive (Corporate Governance), the Chief Officer (Legal Licensing and Registration) and the Electoral Services Manager are designated as Deputy Electoral Registration Officers. The position in relation to deputies needs to be re-considered.

3.0 Main Issues

- 3.1 A number of constitutional amendments are recommended, to reflect and implement the staffing changes.

Officer delegation scheme

- 3.2 The Council currently delegates functions under the officer delegation scheme (Council functions) to the Assistant Chief Executive (Corporate Governance). In addition, licensing functions which are the responsibility of the Licensing Committee, were also delegated to the post by that committee.
- 3.3 General Purposes Committee recommend that full Council withdraw their delegations to the post of Assistant Chief Executive (Corporate Governance) under the officer delegation scheme (Council functions) with immediate effect. They further recommend that Council functions relating to elections and changes to governance arrangements are now delegated to the Chief Executive, as shown in Appendix 1, and that all other Council functions currently delegated to the Assistant Chief Executive are now delegated on the same terms to the Director of Resources as set out in Appendix 2 to this report.
- 3.4 For completeness, Appendix 2 (delegation to the Director of Resources) also shows those delegations made by Licensing Committee to the Director of Resources on 28 March.

Designation of Monitoring Officer

- 3.5 Given the nature of the statutory Monitoring Officer functions, it is recommended that, for the time being at least, the interim City Solicitor is designated as Monitoring Officer. By law, it is for the Monitoring Officer to nominate a deputy for the purposes of their duties under Section 5 Local Government and Housing Act 1989, so this will be confirmed in due course by the interim City Solicitor.

Deputy Electoral Registration Officer

- 3.5 It is recommended that the interim City Solicitor and the Head of Licensing and Registration are appointed as Deputy Electoral Registration Officers, to replace:
- the Assistant Chief Executive (Corporate Governance)
 - Chief Officer (Legal Licensing and Registration)
 - The Electoral Services Manager.

Deputy Returning Officers

- 3.7 Section 35(4) of the Representation of the People Act 1983 provides that the Returning Officer for local elections may in writing appoint one or more persons to discharge all of any of his functions.
- 3.8 Full Council are therefore asked to note the proposed appointment by the Chief Executive, of the City Solicitor and Head of Licensing and Registration as Deputy Returning Officers.

Consequential amendments to the constitution

- 3.9 Throughout the constitution there are references to the Assistant Chief Executive (Corporate Governance), and to the Chief Officer (Legal Licensing and Registration) which now need to be amended. These are identified in Appendix 3 to this report, which sets out how recommendations about how the responsibilities of these posts under the constitution are re-allocated between the Chief Executive, the Director of Resources, and the City Solicitor. It is also recommended that responsibilities relating to scrutiny currently delegated to the Assistant Chief Executive, should be allocated to the statutory Scrutiny Officer (the Head of Scrutiny and Member Development).
- 3.10 As set out in Appendix 3, it is recommended that functions of the Assistant Chief Executive acting in the capacity as Monitoring Officer are now allocated explicitly to the Monitoring Officer, albeit that they will be discharged, for the time being, by the interim City Solicitor.

4.0 Implications For Council Policy And Governance

- 4.1 Under its Code of Corporate Governance, the Council is committed to ensuring that the necessary roles and responsibilities for the governance of the Council are identified and allocated, so that it is clear who is accountable for decisions.

5.0 Legal And Resource Implications

- 5.1 In accordance with the Local Government Act 2000, the Council is required to prepare a constitution and keep it up to date. The proposed amendments set out in

this report will ensure that the constitution accurately reflects the decision making accountability in the Council in relation to Council functions.

6.0 Conclusions

6.1 Amendments to the constitution are necessary to reflect the staffing changes outlined above.

7.0 Recommendations

7.1 General Purposes Committee recommend to full Council

(a) To withdraw the delegations to the Assistant Chief Executive (Corporate Governance) under the officer delegation scheme (Council functions);

(b) To amend the delegation to the Chief Executive, as set out in Appendix 1 to this report;

(c) To amend the delegation to the Director of Resources, as set out in Appendix 2 to this report;

(d) To designate the City Solicitor as Monitoring Officer;

(e) To appoint the City Solicitor and the Head of Licensing and Registration as Deputy Electoral Registration Officers;

(f) To note the proposed appointment by the Chief Executive of the City Solicitor and Head of Licensing and Registration as Deputy Returning Officers; and

(g) To further amend the constitution as set out in appendix 3 to this report.