



Chief Executive

General Purposes Committee

Date: 23rd March 2011

Subject: Amendments to The Constitution

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 requests the Committee to recommend amendments to the constitution to full Council. The amendments are proposed 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. It is proposed that the Chief Executive is to assume responsibility for those functions relating to elections and changes to governance arrangements, which are currently delegated to the Assistant Chief Executive (Corporate Governance). The Director of Resources is to assume responsibility for the functions of Democratic Services, Procurement, and Licensing and Registration and an interim appointment is being made internally for up to six months to a post designated as City Solicitor.
3. Amendments are therefore proposed to re-allocate the responsibilities given to the Assistant Chief Executive (Corporate Governance) under the constitution, and designate the new post of City Solicitor as Monitoring Officer.
4. The report also outlines proposals about the appointment of Deputy Electoral Registration Officers.
5. A number of consequential amendments are also proposed, as a result of the staffing changes.

1.0 Purpose Of This Report

This report seeks approval for changes to the constitution (including to the officer scheme of delegation (council functions)) which are urgently 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.
- 2.2 The Chief Executive is to assume responsibility for elections and changes to governance arrangements which are currently delegated. The Director of Resources is to assume responsibility for the functions of Democratic Services, Procurement and Licensing and Registration, and an interim appointment is being made internally for up to six months to a post designated as City Solicitor.
- 2.4 The Assistant Chief Executive (Corporate Governance) is also the Council's Monitoring Officer. This post will therefore need to be re-designated, as the position of Monitoring Officer is a statutory requirement.
- 2.5 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 now proposed, 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, have also been delegated to the post by that committee.
- 3.3 General Purposes Committee are asked to recommend that full Council withdraw their delegations to the post of Assistant Chief Executive (Corporate Governance) under the officer delegation scheme (Council functions). It is proposed that Council functions relating to elections and changes to governance arrangements are now delegated to the Chief Executive, as shown in Appendix 1. It is also proposed 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 which are the responsibility of Licensing Committee and which may be delegated to the Director of Resources by that Committee. These delegations are shown in italics, as they are subject to the approval of Licensing Committee, which meets on 28 March to consider the matter. Officers will be able to verbally confirm the outcome of that meeting to this Committee.

Designation of Monitoring Officer

- 3.5 Given the nature of the statutory Monitoring Officer functions, it is proposed that, for the time being at least, the interim City Solicitor is designated as Monitoring Officer. The Committee are therefore asked to recommend that full Council designate the post accordingly. 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 proposed 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 The Committee 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 it is proposed that 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 proposed 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 proposed that functions of the Assistant Chief Executive acting in the capacity as Monitoring Officer are 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.

- 5.2 Further amendments are required in relation to the executive functions currently discharged by the Assistant Chief Executive (Corporate Governance). Amendments to the officer delegation scheme (Executive functions) are approved by the Leader, and are reported to full Council in accordance with the Executive Procedure Rules.

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 are requested to 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;

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

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

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

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

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