

Constitutional Updates and Council Delegations

REPORT TO FULL COUNCIL



DATE	21/12/2016
PORTFOLIO	Leader
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PURPOSE

1. To note Minor amendments to Part 3 (Executive) of the constitution by the Monitoring Officer relating to the Head of Housing and Development Control which were made on 29 September 2016, and note changes to Part 3 (Executive) made by the Leader regarding Officer delegations on 6th December 2016 (Appendix 1)
2. To correct an anomaly at Part 2 of the Constitution relating to the membership of the Audit and Standards Committee.
3. To note the reason for Call in having been waived in relation to an Urgent Individual Executive Decision .
4. To confirm an urgent delegated decision by the Chief Executive on 6th December to appoint an Interim Section 151 Officer, and to allow the exercise of the Director of Resource’s Council delegations by the section 151 Officer (Appendix 2) .
5. To appoint the Head of Finance as Section 151 Officer from the start of their employment and confirms their exercise of the Director of Resource’s Council delegations as section 151 Officer.
6. To approve the changes to Part 2 of the Council’s constitution and to Part 4.6 Standing Orders for Contracts as they relate to the sealing of documents

RECOMMENDATION

7. (a) That a minor amendment by the Monitoring Officer to the delegations of the Head of Housing and Development Control ,which were made on 29th September 2016, be noted as follows;

Regarding Rent Repayment Orders, which are not in relation to the condition of properties, in order to make it clearer the following wording was added as Paragraph 31 of the Head of Housing and Development Control’s delegations;

“To exercise all the powers relating to the application and enforcement of Rent Repayment Orders under the Housing Act 2004 including the service of any statutory notices in connection therewith”.

(b) That changes to Part 3 (Executive Functions) made by the Leader on 6th December 2016 (Appendix 1) relating to the delegations of the Head of Housing and Development Control, Head of Governance, Law, Property and Regulation, and Section 151 Officer be noted (Appendix 1).

8. That Part 2 of the Constitution be amended in respect of the membership of the Audit and Standards Committee to remove the qualification that council members who sit on this committee must not be parish councillors or parish clerks.
9. That the reason for Call in having been waived in relation to an Urgent Individual Executive Decision made on 29th November 2016 regarding an Organisation Review be noted.
10. That an urgent delegated decision by the Chief Executive on 6th December 2016 to appoint an Interim Section 151 Officer until the start of the employment of a Head of Finance, and to allow the exercise of the Director of Resource's Council delegations by the section 151 Officer, be confirmed (Appendix 1)
11. That the Head of Finance be appointed as Section 151 Officer from the start of their employment, and their exercise of the Director of Resource's Council delegations as section 151 Officer be confirmed.
12. That Full Council approves the changes to Part 2 of the Council's constitution and to Part 4.6 Standing Orders for Contracts as they relate to the sealing of documents, as set out in paragraph 19 of the report.

REASONS FOR RECOMMENDATION

13. To ensure that the requirements of the constitution are upheld, and that maximum transparency is maintained.

SUMMARY OF KEY POINTS

14. Changes to Part 3 (Executive Functions)

Minor Amendment to Head of Housing and Development Control, a

On 29th September 2016 the Monitoring Officer used his delegated powers in the constitution to make some of the following minor amendments;

Regarding Rent Repayment Orders which are not in relation to the condition of properties, to make it clearer the following wording was added as Paragraph 31 of the delegations;

“To exercise all the powers relating to the application and enforcement of Rent Repayment Orders under the Housing Act 2004 including the service of any statutory notices in connection therewith”.

For completeness and information the minor amendment has been reported to this meeting.

Changes to Part 3 (Executive) by the Leader

Changes to Part 3 (Executive Functions) were made by the Leader on 6th December 2016 (Appendix 1) relating to the delegations of the following Officers;
Head of Housing and Development Control
Head of Governance, Law, Property and Regulation
Section 151 Officer (Appendix 1).

The decision by the Leader is being reported to the next meeting of Full Council as required by the constitution.

15. Audit and Standards Committee

In April 2015 Council approved the merger of the Audit Committee and the Standards Committee.

Previously there had been a requirement that members of the Standards Committee must not be serving parish councillors or clerks. This qualification was not intended to be transferred to the newly formed Audit and Standards Committee because of its reformed size and independent member representation.

It is therefore recommended that this qualification is removed from Audit and Standards Committee membership in Part 2 of the Constitution.

16. Waiver of Call in – Urgent Individual Executive Decision

On the 29th November 2016 the Executive Member for Resources and Performance Management made an urgent Individual Executive Member decision regarding an Organisation Review - the decision was published on the 30th November 2016.

The decision was urgent due to the need for a timely and efficient implementation of the new organisational operating model.

The decision was also taken, due to the above urgency, that the decision was not subject to call in, in accordance with Part 4.5 of the Constitution.

In line with requirements of the constitution this waiver of call in has been reported to the next meeting of Full Council.

17. Urgent Delegated Chief Executive Decision (Council Function)-Appointment of Section 151 Officer (Interim) and Council delegations

The Section 151 Officer is a statutory role that is responsible for the proper administration of the Council's financial affairs.

Due to recent changes to the Council's senior management structure, to ensure that the Council met its statutory requirements the need arose for an Urgent Delegated Chief Executive decision to be made appoint a replacement Section 151 Officer (David Donlan) on an interim basis with effect from 1st December 2016 until the arrival of the new Head of Finance.

In addition there was a need for the exercise of the Director of Resource's delegations (Council Functions) by the newly appointed section 151 Officer to be approved.

The decision was made on 6th December 2016 and is attached as Appendix 2. Full Council is asked to confirm it .

18. Appointment of Section 151 Officer by Council and exercise of Council delegations

To ensure that the Council continues to meet its statutory requirements and operational needs on a permanent basis after the arrival of the new Head of Finance, Full Council is asked to appoint the new Head of Finance (Asad Mushtaq) to the role of Section 151 Officer from the start of his employment. He is expected to take up his post on the 9th January 2016.

Full Council is also asked to approve the exercise of all powers relating to financial affairs (Council Functions) afforded to the Director of Resources to be undertaken by the Section 151 Officer following their appointment.

19. Sealing of Documents- Part 2 and Part 4.6 of the Constitution

It is proposed to change the provisions in the constitution and standing orders on contracts in order to allow Fellows of the Chartered Institute of Legal Executives to be authorised signatories for the purpose of sealing documents.

The changes needed are to Part 2 (Article 14.05) of the Constitution and Part 4.6 (Rule 21(ii)) of Standing Orders for contracts.

In relation to Part 2 Article 14.05, this Article should be amended to read:

“The Common Seal of the Council will be kept in a safe place in the custody of the Head of Governance, Law, Property & Regulation. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Governance, Law, Property & Regulation should be sealed. The affixing of the Common Seal will be attested by any two persons from the group consisting of the Council's Solicitors and Fellows of the Chartered Institute of Legal Executives or by one of that group and either the Director of Resources or the Chief Executive and an entry of every sealing of a document shall be made in a book to be provided for the purpose and shall be signed by the person or persons who have attested the seal.”

In relation to Part 4.6 Rule 21(ii), this needs to be worded consistently with the provision in Article 14.05 and therefore should be amended to read:

“Such contracts may be sealed where the Head of Governance, Law, Property and Regulation considers it appropriate. The seal will be attached by any persons from the group consisting of the Council's Solicitors and Fellows of the Chartered Institute of Legal Executives or by one of that group and the Chief Executive.”

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

20. None.

POLICY IMPLICATIONS

21. None.

DETAILS OF CONSULTATION

22. Member Structures Officer & Working Group.

BACKGROUND PAPERS

23. None.

FURTHER INFORMATION

PLEASE CONTACT: Eric Dickinson

ALSO: