

Name of meeting: Council

Date: 9 November 2016

Title of report: Transitional Constitutional Changes

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Is it in the Council's Forward Plan ?	N/A
Is it eligible for "call in" by Scrutiny ?	N/A
Date signed off by Director & name Is it signed off by the Director of Resources? Is it signed off by the Assistant Director – Legal, Governance & Monitoring	Yes – 15/09/2016
Cabinet member portfolio	Resources – Graham Turner

Electoral [wards](#) affected: N/A

Ward councillors consulted: N/A

Public or private: Public

1. Purpose of report

1.1 To update members in relation to Senior Management changes and the proposed transitional constitutional changes required until full implementation of the new arrangements which are likely to be by 1st April 2017.

2. Key points

2.1.1 The Chief Executive took a report on 14th July 2016 to Personnel Committee when it was agreed that the nature of Directors and Assistant Director roles would change and that as a consequence that the current number of Directors would reduce from 5 to 3 and the number of Assistant Directors would be revisited. Since then it has been announced that the Director of Resources retired from the Authority from 1st October 2016

2.1.2 Members will be aware that the Chief Executive took a further report to Personnel Committee on 19th September 2016 in which he set out his proposals for further changes to the Senior Management of the Authority. It is anticipated that should the proposals be agreed the changes will be implemented fully by 1st April 2017.

2.1.3 In the interim it will be necessary to ensure that the Councils scheme of delegation remains in operation. The scheme of delegation is set out in Section F of Part 3 of the Constitution. Most of the delegations are executive but in a few cases as set down below there are Non-Executive functions delegated to the Director of Resources such as:-

- appointing members to outside bodies (in consultation with the Group Business Managers) and
- appointing members to charities.

2.1.4 The Director of Resources is the designated Chief Officer responsible for the proper administration of the Council's financial affairs under s.151 of the Local Government Act 1972 and is responsible for the strategic direction and overall management and delivery of the functions and responsibilities as set out in Appendix 1.

2.1.5 Article 12 of the Constitution provides the Chief Executive with the authority to determine the individual responsibilities of Officers. Following the departure of the Director of Resources there will be a transitional period until the re-organisation of the Senior Management team is complete later in the year. The Assistant Director (Financial Management, Risk, IT and Performance) is currently the nominated section 151 deputy in the absence of the Section 151 officer. Until the full implementation of the structure the Chief Executive will appoint the Assistant Director (Financial Management, Risk, IT and Performance) to be the designated section 151 officer for transitional period. The Chief Executive has also determined that the Assistant Director Legal, Governance and Monitoring will be responsible for Governance and Democratic Services for the transitional period.

2.1.6 As a result of this the following constitutional changes will occur to the Non Executive Functions of the Director of Resources as set out in Appendix 1 for the transitional period:-

Constitutional Changes to Note

That the Non- Executive Functions under the headings Strategic Financial Advice and Accounting Risk and Performance in Appendix 1 will be carried out by the Assistant Director (Financial Management, Risk, IT and Performance) who will be the designated s.151 Chief Officer Strategic Finance Officer

That the Non- Executive Functions under the heading Governance and Democratic Services in Appendix 1 will be carried out by the Assistant Director of Legal, Governance and Monitoring

- 2.1.7 The above changes will be on a temporary basis so the named officer can continue the delegations that are currently in place for the Director of Resources until the re-organisation of the Senior Management team has concluded.
- 2.1.8 In so far as the remaining areas and Executive functions, the responsibilities will be carried out by the appointed Assistant Director as set out in the Director of Resources current scheme of delegation in the particular area and/or the Director given interim responsibility by the Chief Executive for other non-statutory functions which fall within the responsibility of the Director of Resources.
- 2.1.9 A further report will be presented to Corporate, Governance and Audit and Council if there are any further interim changes which are required and following the appointment of Strategic Directors under the Chief Executives review of the senior management structure.
- 2.1.10 A thorough review of the delegations in the constitution is planned once the transitional phase has ended and the Strategic Directors and Service Directors have been appointed.

3. Implications for the Council

- 3.1 The council is responsible for ensuring that the appropriate delegations and responsibilities are in place, in particular those designated by statute as in this case, are properly delegated so we can ensure robust, sound and lawful decision making.

4. Consultees and their opinions

- 3.1 The proposed amendments have been discussed with the Chief Executive, Assistant Director of Legal, Governance and Monitoring, and Assistant Director (Financial Management, Risk, IT and Performance).
- 3.2 A report was taken to CGA on 23 September 2016 which had no objections to the changes and its contents noted

5. Next steps

- 5.1 The Monitoring Officer makes the necessary constitutional amendments

6. Officer recommendations and reasons

- 6.1. The designation of the Assistant Director (Financial Management, Risk, IT and Performance) as the section 151 statutory officer ;and
- 6.2 the proposed changes to the responsibility for non executive functions, as set out in within this report for the transitional period , be noted.
- 6.3 The report be referred to Council to note

7. Cabinet portfolio holder recommendation

Not applicable

8. Contact officer and relevant papers

Samantha Lawton – Senior Legal Officer

Julie Muscroft – Assistant Director – Legal, Governance and Monitoring

9. Assistant director responsible

Julie Muscroft – Assistant Director – Legal, Governance and Monitoring