

Minor Amendments to the Constitution



Report to: Full Council

Date: 12 December 2024

Lead Officer: James Gardner, Head of Paid Service
Julie Galvin, Legal Services Manager and Monitoring Officer

Executive Summary

A The council is commencing a comprehensive review of its constitution and governance framework which will be concluded with finalised proposals by the end of the financial year. This report proposes minor amendments to the constitution to allow the continued discharge of council functions during the planned transition period.

Recommended that:

A The proposed minor amendments as detailed in the report be made to the constitution and the Monitoring Officer arrange for the minor amendments to be made without delay.

Reason for decision

- A** To clarify the wording within the constitution to ensure it accurately reflects the discharging of functions in practice.
- B** To facilitate the discharging of council functions during the planned transition period to a new constitution, taking into account that Full Council has been advised that a full review of the constitution and governance framework is planned for completion by March 2025.

Other Options

A None. These are minor amendments to the constitution to allow the continued discharging of council functions.

Background

1. The Monitoring Officer has commenced with commissioning support to comprehensively review and redesign the constitution, taking into account the restructuring and transformation of the council.

2. To preserve the position of the constitution in the meantime, the Monitoring Officer has identified two areas in which minor amendments required immediately to support its efficacy and to facilitate the ongoing business of the council during transition.

Proposed Amendments

3. The Monitoring Officer proposes two areas for minor amendments to the constitution, those being (i) Officer Employment Procedure Rules and (ii) Scheme of Delegations to Officers.
4. The proposed minor amendments for the Officer Employment Procedure Rules are simply to clarify the existing wording of these rules in practice. Therefore, the proposed minor amendments are for:
 - (a) To replace section 3 and 4 with a single section titled: “Appointments of Statutory Officers” with the paragraph reading: “The appointment of the roles of Head of Paid Service, Section 151 Officer and Monitoring Officer will be subject to Full Council upon the recommendation of the Leader of the Council and/or the Head of Paid Service and/or the Appointments Panel.”
 - (b) Paragraph 5.1 shall be changed to read: “The appointment of Chief Officers shall be made by the Appointments Panel.”
5. The proposed minor amendments for the Scheme of Delegations to Officer are simply to clarify the existing wording of these rules in practice. Therefore, the proposed minor amendments are for:
 - (a) A new paragraph 2.18 shall be inserted into the Scheme of Delegation to Officers to read: “For the avoidance of doubt, in the event that a Chief Executive is absent or not in post for any period, their functions shall be discharged by the appointed Head of Paid Service.”

Implications

Equalities and Diversity

There are no direct equalities impact arising from this decision which is administrative in nature.

Climate Change

None.

Finance

There are no financial implications to this decision.

Author: Jacqui Van Mellaerts, Assistant Director – Finance and Deputy Section 151 Officer

Governance

Changes to the constitution are a matter for Full Council. Subject to approval, these minor amendments will be made without delay.

Author: Julie Galvin, Legal Services Manager and Monitoring Officer