
Subject:	REVIEW OF THE CONSTITUTION 2018 – SENIOR MANAGEMENT RESTRUCTURE FROM 1 JANUARY 2019
Meeting and Date:	Governance Committee – 13 December 2018 Council – 30 January 2019
Report of:	Director of Governance (Monitoring Officer to 31 December 2018) Solicitor to the Council (Monitoring Officer from 1 January 2019)
Classification:	UNRESTRICTED

Purpose of the report: Article 15 of the Constitution requires the Monitoring Officer to conduct regular reviews of the Constitution. A report in June /July 2018 considered general and administrative amendments. However, following the completion of the Senior Management Restructure which has effect from 1 January 2019 it has been necessary to undertake further changes.

Article 15, paragraph 15.02(a) requires that amendments to the Constitution will only be approved by Council (or its committees) after consideration of the proposal by the Governance Committee.

Article 15, paragraph 15.02 (d) enables proposed changes to the Constitution relating to the amendment of the title of an officer to be approved by the Monitoring Officer.

Part 3, Section 6, Sub section A Paragraph 12 of the Constitution allows for the Scheme of Officer Delegations (Part 3, Section 6) to be amended from time to time by the Council.

Recommendation:

Governance Committee

- (a) That it be recommend to Council that the proposed changes in the Review of the Constitution – Senior Management Restructure from 1 January 2019, specifically relating to Article 12 – Officers, Part 3 Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions, Part 7 Management Structure and Part 10 Proper Officer Appointments be approved and incorporated into the Council's Constitution, issue no. 22.
- (b) That it be recommend to Council that the proposed changes in the Review of the Constitution 2018, specifically relating to Part 3, Section 6, Sub Section C (Scheme of Officer Delegations) that relate to executive functions be approved.

(Note: The Leader of the Council will be asked separately to approve any changes relating to executive functions but the Council is asked to approve the Scheme of Officer Delegations in its totality in the event that there has been an erroneous misclassification of functions.)

Council:

- (a) That the proposed changes in the Review of the Constitution – Senior Management Restructure from 1 January 2019, specifically relating to Article 12 – Officers, Part 3 Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions, Part 7 Management Structure and Part 10 Proper Officer Appointments be approved and incorporated into the Council’s Constitution, issue no. 22.
- (b) That the proposed changes in the Review of the Constitution 2018, specifically relating to Part 3, Section 6, Sub Section C (Scheme of Officer Delegations) that relate to executive functions be approved.

(Note: The Leader of the Council will be asked separately to approve any changes relating to executive functions but the Council is asked to approve the Scheme of Officer Delegations in its totality in the event that there has been an erroneous misclassification of functions.)

1. Introduction and Background

- 1.1 Article 15 of the Council’s Constitution makes provision for the regular review of the Constitution by the Monitoring Officer on an annual and ad-hoc basis. This report forms the fourth report as part of the Review of the Constitution 2018 and deals specifically with changes resultant from the Senior Management restructure, in particular the removal of the Director of Governance post from 1 January 2019, the redistribution of functions and the appointment of the Solicitor to the Council as the Monitoring Officer from that date.
- 1.2 Since the introduction of the first version of the Constitution in 2002, the Council has revised the Constitution twenty one times. The Review of the Constitution 2018 - Senior Management Restructure from 1 January 2019, which has been undertaken by the Director of Governance / Monitoring Officer in conjunction with the Solicitor to the Council and the Democratic Services Manager, will be the twenty-second revision resulting in the proposed draft version 22.
- 1.3 The focus for the Review of the Constitution 2018 - Senior Management Restructure from 1 January 2019 has been as follows:
 - (a) Removal of reference to the Director of Governance and the re-distribution of his functions.
 - (b) Where appropriate re-designating functions from the Director of Governance to the Monitoring Officer
 - (c) Amendments to the scheme of officer delegations to reflect the new Head of Service titles roles and responsibilities and reporting lines; and
 - (d) Other resultant job title changes within the Constitution.

Whilst undertaking this review of the Constitution, the opportunity has been taken to make the following additional changes:

- (e) Inclusion of descriptors for the Senior Information Risk Owner (SIRO) and Data Protection Officer (DPO) in Part 2, Article 12;
- (f) Inclusion of an additional reason for granting a contract extension in Contract Standing Orders in Part 4. This recognises that The Public Contracts Regulations 2015 contain explicit provisions on variations to existing contracts and that number of contracts now have the provision for contract extension.

2. **Approval of Amendments to the Constitution**

2.1 The changes to the Constitution come in three types – changes requiring Executive approval, changes delegated to the Director of Governance/Monitoring Officer to approve and changes requiring Council approval.

2.2 The details of the changes are set out below.

(a) Removal of reference to the Director of Governance and the re-distribution of his functions.

2.3 The Council at its meeting held on 31 October 2018 approved:

- (a) The reduction of Chief Officers from the Corporate Management Team to the Chief Executive and two Strategic Directors with effect from 1 January 2019
- (b) The re-distribution of functions between the Chief Officers who form the Council's Corporate Management Team with effect from 1 January 2019.
- (c) Designated Harvey Rudd as the Council's Monitoring Officer with effect from 1 January 2019.

2.4 As a result of these changes from 1 January 2019, the Director of Governance although still an employee of the Council to 31 March 2019, is no longer a Chief Officer and no longer a member of the Corporate Management Team. The Solicitor to the Council becomes the Council's Monitoring Officer from 1 January 2019.

2.5 These changes have also resulted in some re-alignment of functions and responsibilities of the Council's Chief Officers and these have been reflected in Part 2, Article 12, Part 7 Management Structure and Part 10 Proper Officer Appointments. In addition the Scheme of Officer Delegations in Part 3 Section 6, Sub Section C that relate to Executive and Council functions have also been amended to reflect the re-alignment and the change of reporting lines.

(b) Re-designation of functions from the Director of Governance to the Monitoring Officer

2.6 There are numerous references to the Director of Governance in the current Constitution. Many of these interchangeably refer to his role and responsibilities as Monitoring Officer, so where appropriate that change has been made, referring to the statutory role and hopefully future proofing somewhat, as unless there is a change of legislation, the Monitoring Officer role will continue, whoever is fulfilling the role in the future.

(c) Amendments to the Scheme of Officer Delegations to reflect the new Head of Service titles roles and responsibilities and reporting lines

2.7 Changes to job titles are delegated to the Director of Governance/Monitoring Officer to approve. However the Council's approval of the re-distribution of functions between the Chief Officers who form the Council's Corporate Management Team from 1 January 2019, has also required the reformatting of the Scheme of Officer Delegations and the change of officer delegation in a small number of cases. These relate to the Strategic Director Corporate Services, the Solicitor to the Council, or the

Head of Governance taking delegations previously assigned to the Director of Governance. These changes do not grant new delegated powers, but redesignate those already agreed by Council or the Executive.

- 2.8 Although the full Council is only responsible for delegations relating to Council functions, it is asked to approve the scheme of officer delegations in its totality in the event that there has been an erroneous misclassification of functions.

(d) Other resultant job title changes within the Constitution

- 2.9 Changes to job titles are delegated to the Director of Governance/Monitoring Officer to approve.
- 2.10 The main name change that is not addressed elsewhere in the report, relate to the Financial Procedure Rules (Part 4, Rules of Procedure) where the reference to the Head of Finance has been amended to the Head of Finance and Housing.

e) Inclusion of descriptors for the Senior Information Risk Owner and Data Protection Officer

- 2.11 The Senior Information Risk Owner (SIRO) and Data Protection Officer (DPO) have been appointed by the Executive and Council. Reference to their roles has been added to Part 2, Article 12 – Officers of the Constitution.

f) Contract Standing Orders

- 2.12 The Public Contracts Regulations 2015 contain explicit provisions on variations to existing contracts and a number of contracts now have the provision for contract extension. As a result Paragraph 14 – Extension and Other Variations to Existing Contracts has an additional reason added for granting a contract extension at 14.22 and 14.2.3.

3. Identification of Options

- 3.1 Option 1: To approve the changes proposed as part of the Review of the Constitution 2018 - Senior Management Restructure from 1 January 2019 as submitted.
- 3.2 Option 2: To not approve the changes as part of the Review of the Constitution 2018 - Senior Management Restructure from 1 January 2019 as submitted.
- 3.3 Option 3: To approve in part the proposed changes as part of the Review of the Constitution 2018 - Senior Management Restructure from 1 January 2019.

4. Evaluation of Options

- 4.1 Option 1 is the preferred option as it enables the efficient operation of the authority to continue.
- 4.2 Option 2 is not the preferred option as it will significantly impede the day-to-day operation of the authority as the Constitution will no longer reflect the approved Chief Officer structure and will not be able to operate as a definitive reference for officers.
- 4.3 Option 3 is not recommended as it will not be possible for the Governance Committee or the Council to make any significant changes to the proposals at their meeting. Should members be minded to pursue this option they would need to instruct the Monitoring Officer as to their wishes and require him to report to future meetings of the Governance Committee and the Council.

5. Resource Implications

There are no resource implications arising from the Review of the Constitution.

6. **Appendices**

Governance Committee:

Appendix 1 – Draft track change Constitution of the Council (Version 22) (electronic version of the agenda only)

7. **Background Papers**

Draft Constitution of the Council (Version 22)

Local Government Act 2000 and the regulations made under that Act

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