

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Full Council

Date: 10 October 2017
5 December 2017

Reporting officer: Perry Holmes - Monitoring Officer

Subject: Proposed amendments to the Constitution

Purpose and summary of report:

To obtain approval of Full Council for the proposed amendments to the Constitution to delegate various responsibilities previously delegated to the post of Assistant Director (Governance & law) which has been deleted.

Recommendations:

1. It is recommended that all proposed amendments to Annexes 1, 2, 3 and 5 as laid out in the report be approved and determined by full Council on 10 October 2017.
2. It is recommended that the proposed amendments to Article 14 be received by council without debate on 10 October 2017 and referred to the next ordinary council meeting on 5 December 2017 for a decision.

1. Introduction

- 1.1 The role of Assistant Director (Governance & Law) was deleted as part of the implementation of the Shared Legal Services with Medway Council on 1st April 2017.
- 1.2 All responsibilities delegated to this post need to be delegated to Directors or the Monitoring Officer.
- 1.3 The suggested amendments relate only to the narrow context of constitutional updates regarding the deletion of the Assistant Director (Governance & Law) post. It has been identified that there is a need for a more comprehensive update to the Constitution which is to follow as soon as practicable.

2. Proposal

- 2.1 It is proposed that all existing delegations to the Assistant Director (Governance & Law) are delegated to either the Monitoring Officer, the Director Communities or the Director (Corporate Services) to ensure that the appropriate officer exercises the delegations.

- 2.2 The relevant pages of the Constitution have been amended with the proposed new wording in track changes for ease of reference and copies are attached hereto.
- 2.3 The relevant pages are set out below:
 - 2.3.1 Appendix 1
 - 2.3.1.1 Annex 1.11, pages 28 and 29
 - 2.3.1.2 Annex 1.12, pages 30, 31, 32 and 35
 - 2.3.1.3 Annex 1.13, pages 36, 39, 45, 47 and 48
 - 2.3.2 Appendix 2
 - 2.3.2.1 Annex 2.5, page 66
 - 2.3.2.2 Annex 2.6, pages 74, 76, 77 and 84
 - 2.3.2.3 Annex 2.7, pages 86, 90, 95 and 98
 - 2.3.3 Appendix 3
 - 2.3.3.1 Annex 3.4, page 33
 - 2.3.4 Appendix 4
 - 2.3.4.1 Annex 5, Management Structure
 - 2.3.5 Appendix 5
 - 2.3.5.1 Article 14, page 39
- 2.4 Responsibility for all matters legal, property and personnel services are to be delegated to Director Communities.
- 2.5 Responsibility for monitoring compliance with the Contract Procedure Rules (Annex 2.7) are to be delegated to the Director Corporate Services along with the Assistant Director (Corporate Services). Any contravention of these rules are to be reported to the Monitoring Officer.
- 2.6 All other existing delegations to the post of Assistant Director (Governance & Law) are to be delegated to the Monitoring Officer or deleted altogether, as appropriate.
- 2.7 The Constitution requires Full Council to approve changes to Annex 1 of the Constitution (Article 4.4).
- 2.8 The Constitution provides that changes to the Articles of the Constitution; the Procedural Rules set out in Annex 2 and the Codes of Practice and Protocols set out in Annex 3 can only be made by the full Council, which may not delegate this function. Such proposals for changes may only be considered by the Council on receipt of a written report by the Standards Committee; and/or the Monitoring Officer. Proposals for changes to the Articles of the Constitution will first be received by the Council without debate and referred to the next ordinary meeting of the Council (Article 15.3 (1) of the Constitution).

- 2.9 Further the Constitution provides that proposals for changes to any of the Procedural Rules set out in Annexes 2; to any of the Codes of Practice and Protocols set out in Annexes 3 may be considered and determined forthwith by the Council (Article 15.3 (2) of the Constitution).
- 2.10 The Proper Officer shall ensure that Annex 5: setting out the current organisational structure of the Council is at all times kept up to date. The Monitoring Officer is the relevant Proper Officer for this purpose and can make minor and necessary amendments to the Constitution (paragraph 1.13B.61 Annex 1).
- 2.11 Where a proposal to change the Constitution does not involve a change in the form of executive arrangements there would not normally be a requirement to consult with local electors and other interested persons in the Borough, unless the changes proposed will have substantial implications for all or a significant proportion of them (Article 15.3 (5)). The proposed changes do not involve the form of executive arrangements nor do they have substantial implications for a significant proportion of them.
- 2.12 On the basis of the above it is recommended that the proposed amendments to Annex 1, 2, 3 and 5 may be determined by full Council at the first council meeting it is presented to, which will be on 10 October 2017.
- 2.13 It is recommended that the proposed amendments to Article 14 be received by Council without debate on 10 October 2017 and referred to the next ordinary council meeting on 5 December 2017 for a decision.

3. BACKGROUND PAPERS

- 3.1 There are no background papers to this report.

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS**APPENDIX 1**

Legal	A Local Authority is under a duty to prepare and keep up to date its constitution under s9P of the Local Government Act 2000 as amended.
Finance and Value for Money	There are no financial implications.
Risk Assessment	It is of critical importance that the council has sufficient government arrangements in place which is provided by a constitution that is kept upto date.
Equality Impact Assessment	Screening for Equality Impacts
	Question
	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
Corporate Plan	Corporate Plan Objective 4 - Sound and Self Sufficient Council
Crime and Disorder	N/A
Digital and website implications	N/A
Safeguarding children and vulnerable adults	N/A