

Report to: **Governance Committee**

Date: **3 March 2020**

By: **Assistant Chief Executive**

Title: **Amendments to Constitution**

Purpose: **To consider proposed changes to the Council's Constitution.**

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## **RECOMMENDATIONS**

**The Governance Committee is recommended to recommend the County Council to:**

- 1) approve the proposed changes to the Constitution as set out in paragraphs 1.2 and 1.3 of the report;**
  - 2) agree that Local Choice Functions reserved to the Executive can be undertaken by Lead Members; and**
  - 3) delegate authority to the Assistant Chief Executive to amend the Constitution accordingly**
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### **1. Background**

1.1 The County Council has delegated authority to the Governance Committee to agree the delegation of the Council's non-executive powers to officers and the Leader has the power to delegate any executive function to Members and officers. The Leader is required to report annually on the nature and extent of any delegations. The Constitution sets out at Part 3 Table 6 the Scheme of Delegations to Officers, which is a record of those powers and functions that have been delegated to officers of the County Council.

1.2 As the exercise of the power to delegate these functions, which have been delegated to the Governance Committee and rest with the Leader, may result in amendments being made to the Constitution it is recommended that the Constitution be amended to reflect the position and practice of the Council. It is therefore proposed to amend Article 4.02 of Part 2 of the Constitution as follows:

Functions of the Full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution **except as authorised elsewhere in the Constitution, such as where the Governance Committee or Leader makes to changes to the delegation of functions**

1.3 The Constitution contains a number of references to the delegation of powers to Chief Officers and Directors. However, in the light of current and possible future governance arrangements there could be occasions where the delegation of functions might be to an officer other than a Chief Officer or Director. It is therefore proposed to amend the Constitution as follows:

## Part 3 Paragraph 1.06

### Cabinet Responsibilities and Functions

1.06 The Leader has delegated certain executive powers to the Chief Executive, ~~and~~ Directors **and other officers**. These, together with the powers delegated by the Council to the Chief Executive, ~~and~~ Directors **and other officers** are set out in Table 6. Separate delegations to the Chief Executive, ~~and~~ Directors **and other officers** in relation to contracts are set out in the Procurement Procedure Rules and in relation to financial matters in the Financial Procedure Rules.

### Part 3 Table 6 – Delegations to the Chief Executive

6. To make minor changes to Standing Orders, Delegations to the Chief Executive, ~~and~~ Directors **and other officers**, the Terms of Reference of Committees, Sub-Committees and Panels and existing protocols, after consultation with the Group Leaders

### Part 3 Table 2 – Responsibility for Local Choice Functions

The functions set out in Part 3 Table 2 of the Constitution (Appendix 1) set out those functions where the local authority can decide whether it is considered an executive or non-executive function and where this Council consider they best sit. Currently the functions allocated to the Executive are either delegated to officers or reserved to Cabinet. To reflect the decision making arrangements of this Council it is recommended that this be amended so the where considered appropriate Lead Members can exercise those functions reserved to the Executive.

### **Philip Baker** **Assistant Chief Executive**

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BACKGROUND DOCUMENTS None