

## **Report of the City Solicitor to the meeting of Council to be held on 18 October 2016.**

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### **Subject:**

**Proposed amendments to the Council's Constitution.**

**Designation of the post of Strategic Director Corporate Services as the Council's Section 151 Officer/Chief Financial Officer.**

### **Summary statement:**

**At the meeting of the Executive on 20 September 2016, Executive approved a new senior management structure for the Council.**

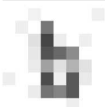
**This Report recommends amendments to the Council's Constitution to reflect the altered responsibilities and delegated powers. This Report also recommends that the Council designates the post of Strategic Director Corporate Services as the Council's Section 151 Officer/Chief Financial Officer.**

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City Solicitor

**Corporate**

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## **1. SUMMARY**

- 1.1 At the meeting of the Executive on 20 September 2016, Executive approved a new senior management structure for the Council.
- 1.2 This Report recommends amendments to the Council's Constitution to reflect the altered responsibilities and delegated powers. This Report also recommends that the Council designates the post of Strategic Director Corporate Services as the Council's Section 151 Officer/Chief Financial Officer such designation to take effect when an appointment to that post is made.

## **2. BACKGROUND**

- 2.1 On 20 September 2016 the Executive approved a new senior management structure for the Council. The new structure is attached at Appendix 1.
- 2.2 The implementation of the new structure will involve the deletion of the following posts:
- Strategic Director Regeneration
  - Strategic Director Environment and Sport
  - Director of Finance
  - Assistant Director Communications.
  - Assistant Director Commissioning and Procurement
  - Assistant Director Policy, Programmes and Change
- 2.3 The new structure creates the following posts:
- Strategic Director Place
  - Strategic Director Corporate Services
  - Assistant Director Office of the Chief Executive
  - Assistant Director Finance and Procurement

## **3 PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION**

- 3.1 It is recommended that, as appointments are made to the four new posts as set out in paragraph 2.3 above, the Constitution is amended as follows:
- 3.1.1 Replace all references to the Director of Finance with the Strategic Director Corporate Services.
- 3.1.2 Replace all references to both the Strategic Director Regeneration and the Strategic Director Environment and Sport with the Strategic Director Place with the exception of Regulation 22 and Regulation 28 of the Council's Financial Regulations.



- 3.1.3 Replace the reference to Strategic Director Regeneration and Culture at Regulation 22 with the Strategic Director Corporate Services as follows (amendments shown in red):

## **22 Asset Register**

22.1 ~~The Strategic Director Regeneration and Culture~~ **Strategic Director Corporate Services** will keep the asset register of the Council and will issue procedures for its maintenance and valuation.

22.2 *Appropriate Officers must ensure that all assets which are used by or are the responsibility of their services are recorded in accordance with rules laid down by the ~~Director of Finance and Strategic Director Regeneration and Culture~~ **Strategic Director Corporate Services**. Appropriate Officers must supply such information to the ~~Director of Finance and Strategic Director Regeneration and Culture~~ **Strategic Director Corporate Services** as may be required by her/him from time to time.*

- 3.1.4 Replace the reference to Strategic Director Regeneration and Culture at Regulation 28.1 with the Strategic Director Corporate Services and replace the reference to Director of Finance in Regulation 28.2 with the Strategic Director Corporate Services as follows (amendments shown in red):

## **28 Land and Buildings**

28.1 *Appropriate Officers must consult with the ~~Strategic Director Regeneration and Culture~~ **Strategic Director Corporate Services** before acquiring or disposing of land or buildings by whatever means (purchase, sale, lease, tenancy or licence). The ~~Strategic Director Regeneration and Culture~~ **Strategic Director Corporate Services** shall ensure compliance with all relevant current legislation, policies and protocols*

28.2 ~~The Director of Finance~~ **The Strategic Director Corporate Services** shall be consulted on the annual asset disposal plan and will approve all asset disposals before contract exchange

- 3.1.5 Replace all references to the Assistant Director Commissioning and Procurement with the Assistant Director Finance and Procurement.
- 3.1.6 Replace all references to the Assistant Director Policy, Programmes and Change with the Assistant Director Office of the Chief Executive.
- 3.1.7 In TABLE 1 of Contracts Standing Orders replace the words “Commissioning and Procurement” with “Procurement.”

## **4 SECTION 151/CHIEF FINANCIAL OFFICER DESIGNATION**

- 4.1 Under Section 151 Local Government Act 1972 the Council is required to make



arrangements for the proper administration of its financial affairs and is required to secure that one of its officers has responsibility for the administration of those affairs.

- 4.2 The Council had designated the post of Director of Finance as the Section 151 Officer/Chief Financial Officer.
- 4.3 The new post of Strategic Director Corporate Services incorporates the responsibilities and functions of the Section 151 Officer/Chief Financial Officer. It is recommended that Council designates the post of Strategic Director Corporate Services as the Council's Section 151 Officer/Chief Financial Officer to take effect when an appointment to that post is made. In the interim the post of Director of Finance remains the designated Section 151 Officer/Chief Financial Officer.

## **5. FINANCIAL & RESOURCE APPRAISAL**

The resources required to amend the Constitution can be met from existing provision.

## **6. RISK MANAGEMENT AND GOVERNANCE ISSUES**

The proposed changes to the Constitution and designation of the post of Strategic Director Corporate Services ensures that the altered responsibilities and delegated powers resulting from the new senior management structure approved on 20 September 2016 by Executive are correctly reflected in the Constitution.

## **7. LEGAL APPRAISAL**

- 7.1 Article 17 of the Constitution requires the Monitoring Officer to take steps to make herself aware of the strengths and weaknesses of the Constitution and make recommendations for improvement.
- 7.2 Given the nature of the changes it would not be appropriate for the Monitoring Officer to make such changes in exercise of her powers under Article 14.5 of the Constitution and therefore such changes can only be made following approval by the full Council.
- 7.3 Under Section 151 Local Government Act 1972 the Council is required to make arrangements for the proper administration of its financial affairs and is required to secure that one of its officers has responsibility for the administration of those affairs.

## **8. OTHER IMPLICATIONS**

None.

## **9. NOT FOR PUBLICATION DOCUMENTS**

The Not for Publication report "W" considered by the Executive on 20 September 2016 on the grounds that the report contains exempt information within paragraphs 1 (Information relating to an Individual) 2 (Information identifying an Individual) and 4



(Labour Relations, Consultations or Negotiations) of Schedule 12 A of the Local Government Act 1972 (as amended) and the public interest in applying this exemption outweighs the public interest in disclosing the information.

## **10. RECOMMENDATIONS**

- 10.1 That Council adopts the proposed amendments to the Constitution as set out in paragraph 3.1 above.
- 10.2 That the City Solicitor ensures that any agreed amendments are implemented when appointments are made to the new posts as detailed in paragraph 2.3 above.
- 10.3 That the City Solicitor be granted delegated authority to make consequential amendments to the Constitution as a result of any recommendations approved by full Council.
- 10.4 That Council designates the post of Strategic Director Corporate Services as the Council's Section 151 Officer/Chief Financial Officer such designation to take effect when an appointment to the post of Strategic Director Corporate Services is made.

## **11. APPENDICES**

Appendix 1 - New Senior Management Structure

## **12. BACKGROUND DOCUMENTS**

None

