

Cabinet Member for Policing and Equalities
Council

9 March 2020
17 March 2020

Name of Cabinet Member: Policing and Equalities - Councillor AS Khan

**Director Approving Submission of the report:
Chief Executive**

**Ward(s) affected:
None**

Title: Proposed Changes to the Constitution Part 2M – Scheme of Functions Delegated to Employees and Appointment of Proper Officers

Is this a key decision? No

Executive Summary:

As a result of the deletion of the post of Deputy Chief Executive (Place) from April 2020 and a move to a new corporate landscape reflecting the One Coventry approach, the Council's constitution needs to be amended to reflect these changes. As a result of these changes to the Council structure, the scheme of delegation to officers and other officer functions, including the designation of proper officers, currently provided for within the City Council's Constitution need to be updated and amended.

This report seeks approval to the required amendments to the Constitution to reflect the new Council structure and to designate the post of Director of Law and Governance as the Monitoring Officer and City Solicitor and the post of the Director of Finance as the Section 151 officer.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to recommend that the City Council, with effect from 1 April 2020,:

- 1) Designates the post of Director of Law and Governance as the City Solicitor and Monitoring Officer (Section 5, Local Government Act 1972) and as the Proper Officer for the purposes of the Registration Services Act 1953
- 2) Designates the post of the Director of Finance as Chief Finance Officer under Section 151 of the Local Government Act 1972
- 3) Approves the transfer of functions set out in paragraphs 6.6.01 to 6.6.109 from the Deputy Chief Executive (Place) to the Deputy Chief Executive

- 4) Approves the appointment of the Director of Law and Governance as Proper Officer for the purposes of functions relating to meetings, reports, agendas and minutes of formal meetings of the Council (paragraph 6.6.70) and deposit of documents (paragraph 6.6.104).
- 5) Authorises the Director of Law and Governance to amend the Constitution accordingly.

Council is recommended, with effect from 1 April 2020, to:

- 1) Designates the post of Director of Law and Governance as the City Solicitor and Monitoring Officer (Section 5, Local Government Act 1972) and as the Proper Officer for the purposes of the Registration Services Act 1953
- 2) Designates the post of the Director of Finance as Chief Finance Officer under Section 151 of the Local Government Act 1972;
- 3) Approves the transfer of functions set out in paragraphs 6.6.01 to 6.6.109 from the Deputy Chief Executive (Place) to the Deputy Chief Executive
- 4) Approves the appointment of the Director of Law and Governance as Proper Officer for the purposes of functions relating to meetings, reports, agendas and minutes of formal meetings of the Council (paragraph 6.6.70) and deposit of documents (paragraph 6.6.104).
- 5) Authorises the Director of Law and Governance to amend the Constitution accordingly.

List of Appendices included:

None

Background papers:

None

Other useful documents:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes – 17 March 2020

Report title:

Proposed Changes to the Constitution Part 2M – Scheme of Functions Delegated to Employees and appointment of Proper Officers

1. Context (or background)

- 1.1 The Council's Constitution sets out how the Council carries out its business and makes decisions. It is a living document and needs to be updated from time to time to ensure that it reflects changes in practices within the Council.
- 1.2 The Constitutional Advisory Panel at its meeting on November 2019 received a preliminary oral report about changes that would be required to Proper Officer functions following the retirement of the Deputy Chief Executive (Place) in 2020.
- 1.3 The deletion of the post of the Deputy Chief Executive (Place) has created an opportunity to review the Corporate Leadership Team structure of the City Council and to realign activity to support a One Coventry approach.

2. Options considered and recommended proposals

- 2.1 The new structure removes the division of the Directorates into Place and People and realigns them into one cohesive structure. The functions currently delegated to the Deputy Chief Executive (Place) will therefore need to be delegated to the sole remaining Deputy Chief Executive (the Deputy Chief Executive (People), in her new role as Deputy Chief Executive. These functions are contained in Part 2M, paragraphs 6.6.1 to 6.6.109 of the Constitution. It is also recommended that the Director of Law and Governance is designated as Proper Officer in connection with functions relating to meetings, reports, agendas and minutes of formal meetings of the Council (paragraph 6.6.70) and deposit of documents (paragraph 6.6.104).
- 2.2 The Deputy Chief Executive will also oversee the delivery of the Council's key priorities through the Corporate Leadership Team with Directors remaining responsible for their Directorate's performance but with a shared ownership for the wider delivery of public services to meet the Council priorities. In addition, there are title changes to two of the Council's statutory appointments which require re-designation. The current post of Monitoring Officer and City Solicitor (Head of Legal Services) is re-titled as the Director of Law and Governance and the current Chief Finance Officer (Section 151 Officer) (the Director of Finance and Corporate Services) is re-titled as the Director of Finance.
- 2.3 To reflect these changes the scheme of delegation to officers and other officer functions currently provided for within the City Council's constitution need to be updated and amended. This includes updating post titles, realigning Director's responsibility for delegated functions and the re-designation of statutory officer posts.
- 2.4 The Authority to make changes to the Scheme of Delegation as set out in Part Two of the Constitution (to ensure that all delegated powers are assigned to relevant employees and to ensure that any new legislation of a technical nature is delegated to the appropriate Council body) is delegated to the City Solicitor. The authority to make any minor amendments to the Constitution is delegated to the City Solicitor in consultation with the Cabinet for Policing and Equalities. The appointment of statutory officers for the purposes of any function is a decision of Council.

3. Results of consultation undertaken

- 3.1 The need to make the proposed amendments were considered by the Constitutional Advisory Panel.

4. Timetable for implementing this decision

- 4.1 If the proposed changes are approved, they will go forward to full Council for approval and be implemented from 1st April 2020.

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

There are no direct financial implications from this report.

5.2 Legal implications

The Council is required by Section 9P of the Local Government Act 2000 to not only prepare but also keep up to date its Constitution. This report assists the Council in keeping its Constitution up to date.

6. Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Not applicable

6.2 How is risk being managed?

Updating the Constitution will help to reduce the risk of challenge to the Council which might arise if the Constitution were to become out of date and not reflect current practices and procedures.

6.3 What is the impact on the organisation?

None

6.4 Equality and Consultation Analysis (ECA)

There are no public sector equality duties which relevant.

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

None

Report author(s):

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Councillor M Mutton	Chair of Constitution Advisory Panel	-	28/2/20	28/2/20
Councillor AS Khan	Cabinet Member for Policing and Equalities	-	28/2/20	28/2/20

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