

Report of	Meeting	Date
Council's Monitoring Officer (Introduced by the Executive Leader of the Council)	Council	27 September 2011

REVIEW OF THE COUNCIL'S CONSTITUTION

PURPOSE OF REPORT

- To agree changes to the Council's Constitution following the appointment of a new Chief Executive to the Council.

RECOMMENDATION(S)

- That in the first instance the Director of People and Places be authorised to deputise for the Chief Executive as Head of the Paid Service, where he is unable to act with the Director of Partnerships, Planning and Policy acting as second deputy.
- That the revised Constitution incorporating these deputising powers, along with consequential changes to officer roles, plus changes previously agreed and set out in paragraph 9 below, be approved .

Please note the revised draft Constitution has not been attached to this report because of its size. It can be accessed electronically through the link on the agenda page and is also available as hard copy in the Members Room or on request - contact details at the end of this report.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			/

BACKGROUND

- At the Council meeting on 19 July 2011, Gary Hall was appointed as the new Chief Executive to the Council. This is a statutory post within the Council acting as Head of the Paid Service. In addition to acting as Chief Executive, Gary will continue to undertake the role he formerly held as Director of Transformation which includes the statutory role of Chief Finance Officer (or Section 151 Officer).

6. As a result of merging these two statutory roles within the Council, there is a need to undertake a number of changes to the Constitution to ensure compliance with legislation under the Local Government Act 1972 and the Local Government and Housing Act 1989.

CONSTITUTION CHANGES

7. There are three statutory roles within the Council, Head of the Paid Service, Chief Finance Officer and Monitoring Officer. The Head of the Paid Service can also act as Chief Finance Officer (if a qualified accountant) but the role of Monitoring Officer must be undertaken by a separate post holder.

Legislation permits the Monitoring Officer and Chief Finance Officer to appoint their own deputies but the Council's Constitution requires the Chief Executive to formally appoint a Deputy to act where he is unable to act as Head of the Paid Service. Either of the current Directors could undertake this role and it is recommended that the Director of People and Places deputises for the Chief Executive in the first instance. Should neither the Chief Executive nor Director of People and Places be available then the Director of Partnerships, Planning and Policy, is authorised to act.

8. There are some operational managerial changes as a result of changes to the Council's management team. The post of Head of Governance will take on the role of corporate property officer which will include the management of the Liberata contract.
9. Changes to the Constitution to cover these aspects are included in the following sections of the Constitution:
 - Article 10 – Management Structure
 - Responsibility for Functions (Appendix 2)
 - Financial Regulations and Procedures (Appendix 4); and
 - Proper Officer Appointments (Appendix 10).

PREVIOUS CONSTITUTION CHANGES

10. The following Constitutional changes were agreed by the Council in April this year:
 - A revised Article 7 to reflect the Council's adoption of the Strong Leader model under the provisions of the Local Government and Public Involvement in Health Act 2007.
 - Revised Contract Procedure Rules to allow greater alignment with South Ribble Council's Contract Procedure Rules to assist in joint procurement exercises.
 - The new provision for substitute members on Licensing and Public Safety and Development Control Committees, which has been included in the Council's Procedure Rules section.

These provisions have been included in the revised Constitution, along with the new provision agreed at the Council meeting in July 2011 to permit Members to request that a planning application be considered by Development Control Committee where an objection has been received by the Council. This has been included under the Responsibility for Functions section of the Constitution (applications excluded from delegated powers).

IMPLICATIONS OF REPORT

11. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	/	No significant implications in this area	

CHRIS MOISTER
HEAD OF GOVERNANCE AND MONITORING OFFICER

Report Author	Ext	Date	Doc ID
Carol Russell	5196	12 September 2011	***

Background Papers			
Document	Date	File	Place of Inspection
Council's Constitution	Last revised August 2010	***	www.chorley.gov.uk