

CONSTITUTION COMMITTEE:

15 JANUARY 2015

REPORT OF THE COUNTY CLERK & MONITORING OFFICER

AGENDA ITEM: 7

CONSTITUTION UPDATE – MINOR AMENDMENTS

Reason for this Report

1. To inform the Committee of various minor amendments required to ensure the Constitution remains up to date and fit for purpose.

Background

2. The Constitution Committee's approved Terms of Reference are:

To review the Council's Constitution, and to recommend to Council and/or Executive any changes, except that the Committee will have authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-

- (a) Drafting improvements to enhance clarity and remove minor anomalies.
 - (b) Updating to reflect legislative changes and matters of record.
 - (c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).
3. The Monitoring Officer has delegated authority to make minor amendments to the Constitution, to include:
 - (a) amending typographical and minor drafting errors;
 - (b) updating to reflect legislative changes and matter of record; and
 - (c) drafting improvements to enhance clarity and remove minor anomalies

(delegated by the Constitution Committee on 8th September 2008).

Issues

4. A number of minor Constitution amendments are required to reflect the Council's current senior management structure and responsibilities, current legislation and matters of record, and to improve clarity, remove anomalies and correct typographical errors. Specifically to:
 - i. Remove references to out of date officer post titles in the Officer Delegations (Scheme of Delegations, Section 4), such as the 'Head of Cabinet Office'.
 - ii. Reflect the separate responsibilities of the Monitoring Officer and the City and County Solicitor in the Officer Delegations (Scheme of Delegations, Section 4E), by assigning the 'LD delegations' to either the Monitoring Officer and or the City and County Solicitor, as appropriate.
 - iii. Confirm that the general Constitution interpretation clause in Article 15.2(i) (which provides that references to officer post titles should be understood as referring to any new post title where post titles or responsibilities change due to management restructures) applies to all Officer Delegations. Specifically, to confirm that this includes any delegated power which may be granted to an officer by the Cabinet, Council or a Committee. For example, delegations given by the former Executive to the 'Corporate Director, Social' in respect of routine schools administration matters (such as approving changes to governing instruments), which now need to be exercised by the Director for Education.
 - iv. Update references to legislation on Members' pecuniary interests (in delegations reference LD8 and LD9, in Section 4E of the Scheme of Delegations)
 - v. Correct an anomaly in respect of the designation of 'Proper Officer' for the Council in default of specific designation, which is defined in Article 15.2 as the Chief Executive, but assigned to the City and County Solicitor / Monitoring Officer in delegation reference LD2.
 - vi. Amend the officer delegation in respect of Compulsory Purchase Orders (Scheme of Delegations, Section F delegation to the Director for Communities) to reflect the relevant legislation (Part II of the Housing Act 1985 and the Acquisition of Land Act 1981), that is, reference to 'single houses' to be replaced with 'single dwellings', so as to remove any uncertainty in respect of flats, maisonettes etc.
 - vii. Record the designation of the Director of Education as the Council's Statutory 'Chief Education Officer'.
 - viii. Update the record of the Joint Committees to which the Council has delegated functions (in Section 5 of the Scheme of Delegations).
 - ix. Correct various minor typographical errors.

5. The above amendments may be made by the Monitoring Officer under her delegated authority for minor constitution amendments (set out in paragraph 3 above), and are reported here for Members' information only. For the avoidance of doubt, none of these amendments reflect any substantive changes to the Constitution.

Legal Implications

6. The Local Government Act 2000 and the Local Authority Constitution (Wales) Direction 2002 requires the authority to keep its constitution up to date.

Financial Implications

7. There are no direct financial implications arising from the recommendations of the report.

Recommendations

The Committee is recommended to note the minor Constitution amendments which are to be made under the Monitoring Officer's delegated authority, and invite the Monitoring Officer to report back to the next Committee meeting to confirm the amendments have been duly made.

Marie Rosenthal
County Clerk and Monitoring Officer
Date: 9 January 2015