



Report of: **Assistant Chief Executive (Governance and HR)**

Meeting of		Date	Ward(s)
Council		15 September 2016	All
Delete as appropriate	Exempt	Non-exempt	

Subject: Constitution Changes and Monitoring Officer Post

1. Synopsis

- 1.1 This report asks the Council to designate the post of Director of Law and Governance as the council's Monitoring Officer post with effect from 1 October 2016, to agree other changes consequent upon the restructure of the Chief Executive's Department agreed by the Chief Executive and to amend the Housing Scrutiny Committee Terms of Reference to enable the existing resident representatives to continue to participate in the meetings.

2. Recommendations

- 2.1 To designate the post of Director of Law and Governance as the Council's Monitoring Officer post in accordance with section 5 of the Local Government and Housing Act 1989 with effect from 1 October 2016.
- 2.2 To amend the Pay Policy Statement to remove reference to the Monitoring Officer Allowance with effect from 1 October 2016.
- 2.3 To agree the changes to the Constitution described in paragraph 3.2 and contained in Appendix 1 with effect from 1 October 2016.
- 2.4 To agree the changes to the Constitution described in paragraph 3.4 and contained in Appendix 1 with immediate effect.

3. Background

- 3.1 Following consultation on a report from the Chief Executive concerning the reorganisation of the Chief Executive's Department and consequent changes to other departments, the posts of Assistant Chief Executive Governance and HR post will be deleted from 1 October 2016. The Post of Head of Democratic Services will also be deleted. A new post of Director of Law and Governance will be established from that 1 October 2016. It is proposed that the new post be designated as the council's Monitoring Officer post. In addition the Assistant Chief Executive, Strategy and Community Partnerships post will be deleted.
- 3.2 These changes will require a number of changes to the Constitution. Appendix 1 contains a copy of extracts from the Constitution on which proposed changes are marked, by crossing through in the case of deletions and by underlining in the case of additions. The changes which are simply the substitution of a reference to the new Director of Law and Governance post rather than the Assistant Chief Executive Governance and HR post are not shown. All references to Assistant Chief Executive posts will be removed.
- 3.3 It is also proposed that the special allowance of £5,000 currently paid to the holder of the Monitoring Officer post be discontinued as it is considered the post can be recruited to without this additional payment. The council is asked to agree a change to the Pay Policy Statement to give effect to this.
- 3.4 It is proposed that the Housing Scrutiny Committee Terms of Reference be amended to allow the current resident representatives to continue to participate in meetings until a new arrangement for appointing resident representatives is agreed.

4 Conclusion and recommendations

- 4.1 A number of changes to are proposed to the Constitution in this report for approval by the council, primarily to reflect a restructure which has been agreed by the Chief Executive.

5 Implications

Financial Implications

There are no financial implications arising directly from this report other than a saving of £5k per annum following the discontinuing of the Monitoring Officer allowance.

Legal Implications

The council is required by the Local Government and Housing Act 1989 to designate one of its posts as its Monitoring Officer. Under the Act the Monitoring Officer has a number of specific responsibilities including:

- To report on matters s/he believes are, or are likely to be, illegal or amount to maladministration.
- To be responsible for matters relating to the conduct of Councillors

The Localism Act 2011 requires local authorities to publish an annual “pay policy statement”, approved by full Council, having regard to guidance to be published by the Secretary of State. Authorities are then be constrained by their policy statement when making determinations on senior officer pay. The statement may be amended at any time by a further resolution of the full council.

Resident Impact Assessment

There are no equalities or other resident implications arising directly from this report.

Environmental Implications

There are no environmental implications arising directly from this report.

Background papers:

None.

Attachments:

Appendix – Extracts from the Constitution

Final Report Clearance

Signed by



15 September
2016

Assistant Chief Executive (Governance and HR)

Date

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