

Council – 26 June 2008

AMENDMENTS TO THE COUNCIL'S CONSTITUTION

Report of the Chief Executive and Monitoring Officer

Statutory Powers:- Local Government Acts 1972 and 2000

Financial Implications:- None consequent upon this report

Purpose of report

To amend the Council's Constitution and particularly the Scheme of Delegations to reflect the recent deletion of the Head of Corporate Services post.

RECOMMENDATION

That the Council RESOLVES that with immediate effect:

(1) the powers delegated to the Head of Corporate Services be revoked and replaced by identical powers in the name of the Monitoring Officer; and

(2) for the avoidance of doubt, all decisions and documents issued in the name of the Monitoring Officer between 31 May 2008 and 26 June 2008 be ratified and approved.

Background

2. At its 28 May 2008 meeting, the Personnel Panel agreed to the deletion of the Head of Corporate Services post from the Council's establishment, with effect from 31 May 2008 (minute PP.7/08 refers). This deletion has arisen as a result of the emerging shared service arrangement with Teignbridge District and West Devon Borough Councils.
3. Previously within the remit of the post, the Head of Corporate Services also had responsibility for the role of Monitoring Officer. When bearing this in mind, the Personnel Panel resolved that with effect from 1 June 2008, the Deputy Monitoring Officer would take on the role of Monitoring Officer. Pending the outcome of shared service arrangements, the Monitoring Officer has taken on interim management responsibility for the staff in the Corporate Services unit.
4. In the current Constitution, the Head of Corporate Services has substantial delegated powers, both in person and shared with other officers, most designed principally to ensure proper and lawful decision-making (principally but not exclusively regarding legal processes and proceedings) and record keeping. These duties must continue, in the interests of good administration, regardless of the deletion of the post. It is therefore necessary to amend the Council's Constitution, and in particular the Scheme of Delegations, to provide

for their continuation in the name of the Monitoring Officer. A further review may become necessary as shared services develop and in that case another report will be submitted.

Constitution

5. As stated in Articles 4.2(a) and (h) of the Council's Constitution, any changes to the Constitution are a matter requiring the ultimate approval of full Council.

Risk Assessment

6. Failing to make the proposed changes to the Council's Constitution could mean scope for argument about the status of certain decisions or documents which it is highly desirable to avoid. The purpose of the second part of the recommendation is purely to avoid such argument; the Monitoring Officer is confident that anything she has authorised since the departure of the former Head of Corporate Services has been rightfully and properly issued.

Conclusion

7. The provisions within the Constitution are regularly reviewed to ensure it is fit for purpose and sufficiently robust if subject to challenge. If this report is approved the Monitoring Officer will be able to make the required alterations to the Constitution.

Darryl White
Member Support Services Manager

Council
26 June 2008

Delyth Jenkins Evans
Monitoring Officer

David Incoll
Chief Executive

Background Documents:

Council Constitution

Report to and minute PP.7/08 of the Personnel Panel meeting on 28 May 2008