

**AMENDMENTS TO THE COUNCIL'S CONSTITUTION:
PART 13 - OFFICER RESPONSIBILITIES AND DELEGATIONS**

Council – 1 October 2013

Report of Chief Officer Legal and Governance

Status: For Decision

Key Decision: No

Portfolio Holder Cllr. Fleming (Strategy and Performance)

Contact Officer(s) Vanessa Etheridge Ext: 7199

Recommendation to Council: That the consequential amendments made to Part 13 of the Council's constitution under delegated powers, arising from the senior management reorganisation, be formally adopted.

Reason for recommendation: to update Members on the consequential constitutional amendments made.

Introduction and Background

- 1 As a direct consequence of the senior management reorganisation and the new governance structure, various amendments have been required to update the Council's Constitution. In accordance with Part 2 para. 6. 1 (a) only a meeting of Full Council can adopt or change the Council's Constitution, therefore delegated powers were granted to enable Officers to make the required changes.
- 2 At the meeting of Full Council on 19 February 2013 it was agreed that:

'authority be delegated to the Monitoring Officer to make the necessary consequential changes to Part 13 of the Constitution entitled "Officer Responsibilities and Delegations" in order to take account of the changes in senior management set out within the report.' (Minute 50. d (e))
- 3 Under the above delegated authority the Monitoring Officer made the necessary amendments to the Council's Constitution and these were in place when the new senior management structure took effect on 1 September 2013.
- 4 As the amendments were made under delegated authority there is no need to ask Council to formally adopt the changes, however due to the substantial amendments required it was felt prudent to bring these to Members' attention.

Key Implications

Financial

None arising directly from the contents of this report.

Legal Implications and Risk Assessment Statement.

Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review.

If Chief Officers act without the appropriate authority any decision or action they take could be challenged and result in adverse costs and publicity against the Council. It is therefore imperative that delegations are given correctly.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	N/A
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Conclusions

Members are recommended to formally adopt the changes made under delegated powers.

Appendices

Appendix A – Part 13 - Officer Responsibilities and Delegations (as amended)

Background Papers:

Sevenoaks District Council's Constitution
Council Agenda & Minutes 19 February 2013
Local Government Act 2000

Mrs Christine Nuttall
Chief Officer for Legal and Governance