

Annual Meeting of the Council – 19th May, 2022

Report of the Lead for Law and Governance (Monitoring Officer)

Constitution and Scheme of Delegation

Purpose of Report

1. To seek the Council's affirmation of the Constitution and the Scheme of Delegation for the 2022/23 municipal year, subject to the incorporation of any necessary and consequential amendments arising from the decisions taken at this meeting.

Recommendations

2. That the Constitution and Scheme of Delegation be reaffirmed for the 2022/23 municipal year.
3. That the Monitoring Officer be authorised to make any necessary and consequential amendments to the Constitution arising from decisions made by the Council and to reflect any ongoing restructuring activity, changes in legislative requirements, statutory provisions or associated regulations or guidance.
4. That all references in the Constitution to statutory provisions be taken to include any subsequent legislation, Statutory Instruments, Regulations, Orders or Guidance issued under those statutory provisions.

Background

5. The Council's Constitution prescribes that the Scheme of Delegation shall be agreed at the Annual Meeting.
6. The Scheme of Delegation, as set out in Part 3 of the Constitution, was first approved at the meeting of the Council held on 29th April, 2002. The Council has approved a considerable number of amendments to the Constitution since then. Under Article 7, it is the responsibility of the Leader to maintain the list of responsibilities and executive functions allocated to Cabinet Members.

7. The Constitution provides that amendments to the Scheme of Delegation may be approved by the Leader of the Council by way of a Delegated Decision Sheet. The Leader of the Opposition Group is notified of any proposed changes before a decision is made by the Leader.
8. The Constitution requires frequent updating to reflect changes in legislation and Statutory Instruments, Regulations and Guidance issued under various statutory provisions. As the Council's Monitoring Officer, I maintain the Constitution and ensure that it is widely available for consultation by members, staff and the public. The Constitution is available on the [Council's Website](#)
9. The Council has previously delegated authority to the Monitoring Officer to update and amend the Constitution in line with any ongoing restructuring activity and to reflect any other necessary legislative or statutory provisions. It is proposed that this delegation be reaffirmed and allocated to the Monitoring Officer in line with the duties of the statutory post to maintain the Constitution.
10. As the Council's Monitoring Officer, I will keep the Constitution under review and submit a report on the annual review of the Constitution to the Cabinet and the Council in due course.

Finance

11. The financial implications arising from the adoption and maintenance of the Council's Constitution are met from within existing resources.

Law

12. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
13. The duty to designate an officer as the Monitoring Officer is contained in Section 5 of the Local Government and Housing Act 1989. In order to ensure a separation of roles, the person designated as the Monitoring Officer may not also fulfil the duties of the Chief Finance Officer or the Head of Paid Service.

Risk Management

14. This report deals with the Council's Constitution and governance arrangements, which will ensure that the Council considers any ongoing material risks as part of the Council's Risk Management Framework.

Equality Impact

15. The Council's Constitution sets out the arrangements made by the Council for the proper discharge of all its powers, duties and functions, including those relating to equality and diversity and in respect of children and young people.

Human Resources/Organisational Development

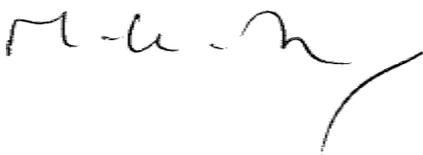
16. There are no direct implications arising from this report.

Commercial/Procurement

17. There are no direct implications for the potential to commercially trade or a positive / negative impact on our customer base. The Constitution includes the Council's Contract Standing Orders and Financial Regulations.

Council Priorities

18. This report deals with the Council's Constitution, which underpins the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)