

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

*PART 1 – PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted <i>[if applicable]</i>	N/A
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DIRECTORATE: Finance, Policy and Governance

1. DECISION TAKEN

- 1.1. To make minor changes to the Constitution in respect of the role of Deputy Chief Executive.

2. DECISION TAKER

- 2.1. Jeanette Thompson (Senior Lawyer acting under delegated authority as Monitoring Officer).

3. DATE DECISION TAKEN: 31.10.17

4. REASON FOR DECISION

- 4.1. To ensure good governance and proper administration arrangements are in place.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1. None considered appropriate.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1. The Chief Executive and Leader were consulted on the wording of the delegated decision.
- 6.2. Full Council, employees and the public have been made aware of the proposals for Senior Management arrangements in respect of new post of Deputy Chief Executive, through the Senior Management Arrangements report to Full Council on 19 July 2017. The postholder will take up this role on 1 November 2017.

7. RELEVANT CONSIDERATIONS

- 7.1. The Head of Paid Service (the Chief Executive), submitted a report to Full Council on 19 July, setting out the proposals for Senior Management and a new post of Deputy Chief Executive.
- 7.2. An appointment has been made to the post, with effect from 1 November 2017. Whilst delegations within the Constitution have been earmarked for a review following reorganisation (most recently 11 April 2017), there is no provision within the delegations for the role of Deputy Chief Executive.
- 7.3. The amendments undertaken are minor ones to sections 14.6.4 (a) and 14.6.5 (a) of the Constitution, as detailed as tracked changes in Appendix A attached. These

amendments recognise the Deputy Chief Executive post within the scheme of delegation. They provide a Constitutional framework for any subsequent delegations from the Chief Executive.

- 7.4 Note that the Constitution shall be further reviewed and amendments proposed to Full Council following the Senior Management reorganisation outlined on 19 July.

8. LEGAL IMPLICATIONS

8.1 Section 37 Local Government Act 2000 requires the Council to have in place a Constitution and to keep that Constitution under review. The Local Government Act 2000 section 9P sets out the requirements of a local authority's Constitution, including the requirements to prepare it and keep it up to date.

8.2 The Monitoring Officer has delegated authority to make minor changes to the Constitution, under 2.6.2 of the Constitution. This is on the basis that, in the reasonable opinion of the Monitoring Officer or the Chief Finance Officer, a change is (amongst other things) (d) requested only for practical purposes, in order to ensure the proper administration of the Council.

8.3 Any changes made under paragraph 2.6.2(d) shall come into force with immediate effect, but shall be referred to Full Council as soon as is reasonably possible and continue to have effect only if Full Council agrees (as per 2.6.3). Members will be notified of the delegation decision, as per normal practice, to meet the requirements of 2.6.4.

8.3 Amendments to the Constitution can be made by the Deputy Monitoring Officer, acting as Monitoring Officer in the event of absence of the Monitoring Officer by virtue of section 5 (7) Local Government & Housing Act 1989 (and under the delegations to the Senior Lawyer).

9. FINANCIAL IMPLICATIONS

9.1 There are no direct financial implications arising from this delegated decision.

10. RISK IMPLICATIONS

10.1 Ensuring the Council has appropriate governance arrangements in place is an important risk mitigation measure. The Council's Constitution is a fundamental part of those governance arrangements. The amendments will contribute to the Council's effective internal control.

11. EQUALITIES IMPLICATIONS

11.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. However, there are no equalities implications to this decision.

12. SOCIAL VALUE IMPLICATIONS

12.1 There is no Social Value Act and "go local" policy implications to this decision.

13. HUMAN RESOURCE IMPLICATIONS

13.1 There are no direct human resources implications to this decision, although the background and basis for the Deputy Chief Executive post and its human resource

implications are set out in the Senior Management Arrangements report of 19 July 2017.

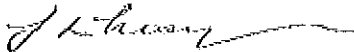
14. BACKGROUND PAPERS

- 14.1 Senior Management Arrangements report, Appendices 1-2 Full Council 19 July 2017, and minutes: <http://web.north-herts.gov.uk/aksnherts/users/public/admin/kab12.pl?cmte=COU&meet=107&arc=71>
- 14.2 Constitution page: <https://www.north-herts.gov.uk/home/council-and-democracy/council-constitution>

15. NOTIFICATION DATE

- 15.1 3.11.17.

Signature of Decision Taker



This is a Non-Executive decision. Call-in does not apply to NON-EXECUTIVE DECISIONS

- (i) any matter exclusively reserved to Council, Cabinet or a committee;
 - (ii) any matter which by law may not be delegated to an officer.
- (b) All decisions made under delegated powers must have regard to the legal, financial, risk, equalities, social value and human resource implications of the decision.
- (c) Officers shall exercise delegated powers in accordance with the policies of the Council and the requirements of this Constitution.

14.6.4 General Authorisations

- (a) Chief Executive, the Deputy Chief Executive, the Strategic Directors, Heads of Service and Corporate Managers

The Chief Executive, the Deputy Chief Executive, Strategic Directors, Heads of Service and Corporate Managers are delegated the following functions, powers and duties for their respective service areas:

- (i) The operational management of staff;
- (ii) Entering into contracts to carry out works and/or for the supply of goods and services within approved budgets (subject also to approval of the Strategic Director of Finance, Policy and Governance for IT software or hardware contracts);
- (iii) Serving any requisition for information, notice or authorising any works in default and recovery of any related expenditure;
- (iv) Recommending legal proceedings to the Chief Legal Officer;
- (v) To submit tenders and, where successful, to enter into contracts for the supply of goods and services to other local authorities and public bodies;
- (vi) To have responsibility for the operational management of the health and safety policy;
- (vii) To consider and co-ordinate any investigation by the Local Government Ombudsman;
- (viii) To set fees and charges in accordance with the Council's Financial Regulations and relevant policies, in consultation with the Executive Member;
- (ix) National Lottery and external funding applications.

14.6.5 Delegation of Authority - Chief Executive

- (a) The Chief Executive shall exercise the following functions (and may delegate such functions, powers and duties to the Deputy Chief Executive):
- (i) To carry out the duties of the Head of Paid Service (section 4 of the Local Government & Housing Act 1989) which includes all necessary powers for:
 - A. Co-ordinating the discharge of all functions;
 - B. Exercising overall managerial responsibility for staff.
 - (ii) To make any minor changes to terms and conditions for staff.
 - (iii) To dismiss any member of staff including Strategic Directors, Heads of Service and Corporate Managers (unless otherwise reserved to Committee or Full Council and excluding Statutory Officers) either by way of redundancy or any other appropriate use of the Council's staff related policies.
 - (iv) In cases of emergency or urgency (where possible in consultation with the Leader of the Council) to carry out any council or executive function, power or duty.
 - (v) To represent the authority on partnerships and external bodies as required by statute or by the Council.
 - (vi) To lead the Senior Management Team.
 - (vii) To ensure a system for record keeping of all Key Decisions.
 - (viii) To decide, in consultation with the Monitoring Officer, upon Members' "need to know" and provide for access to information and to decline access where information would be considered exempt (as defined under section 15.10.4).
 - (ix) To be responsible for performance review issues.
 - (x) To carry out the duties of the Electoral Registration Officer.
 - (xi) To carry out the duties of the Returning Officer.
 - (xii) To carry out the duties of the Emergency Planning Officer with all necessary power to act and incur expenditure.
 - (xiii) To authorise employees of the Council to enter onto land where necessary to enable them to carry out the functions of the Council.
 - (xiv) The granting of approval for staff to be allowed to undertake outside work.
 - (xv) Attestation of the Council's Common Seal.