

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 – until 31 May 2018
Legal and Community 1 June 2018
Resources 1 June 2018

1. DECISION TAKEN

- 1.1. To make changes to the Constitution with the agreement of the Leader, pursuant to Full Council decision 10 April 2018 in respect of such amendments as are necessary to give effect to the Senior Management Restructure.

2. DECISION TAKERS

- 2.1. Jeanette Thompson (Acting Corporate Legal Manager and Monitoring Officer), with the agreement of the Leader.
- 2.2. Ian Coupler (Head of Finance, Performance and Asset Management, Chief Finance Officer - for Financial Regulations minor changes), with the agreement of the Leader.

3. **DATE DECISION TAKEN:** 31.5.18 to take effect 1 June 2018.

4. REASON FOR DECISION

- 4.1. To ensure good governance and proper administration arrangements are in place. To ensure that the correct delegations are in place for the approved Senior Management arrangements.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1. None considered appropriate.

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

- 6.1. The Leader and the Chief Executive were consulted about the amendments, as were senior Officers and PLB.
- 6.2. Full Council, employees and the public have been made aware of the proposals in respect of the Senior Management Arrangements report to Full Council on 19 July 2017. Thereafter in emails to Councillors and employees during 2018.
- 6.3. The Constitutional changes shall also be reported back to Full Council in July 2018 as per the decision of 10 April 2018.

7. BACKGROUND & RELEVANT CONSIDERATIONS

- 7.1. An annual report in relation to the Constitution was presented to Full Council on 10 April 2018. It was highlighted in the report (at section 7.2) that further amendments

to the Constitution would be required following the Senior Management Restructure, as the proposals were due to be finalised by the Chief Executive following consultation. The outcome, post consultation, was confirmed to Councillors and employees on 20 April 2018.

- 7.2. Substantial amendments have therefore been made to sections 12 and 14 to realign the delegations to officers to reflect the new Directorates and new arrangements. Consequential amendments have also been made to the Constitution to marry up the terms and references to the correct Service Directors, Proper Officer and relevant Executive Members for the Directorates concerned. Due to the size of the Constitution, the amended pages shall not be circulated to Councillors with the decision notice. A tracked change version of the Constitution shall, however, be available in the Members room on first floor DCO, and copies of this will be available on the delegated decision page, as soon as possible:

<https://www.north-herts.gov.uk/home/council-and-democracy/decisions/delegated-decisions-2018>

A final version (with tracked changes accepted) will be available on the Constitution page:

<https://www.north-herts.gov.uk/search/node/constitution>

- 7.3 Given the timescales for the changes, it is possible that there will be some minor issues that arise in relation to the delegations and/ or Constitution. These can hopefully be dealt with either under the next Constitutional review or if necessary under section 2.6 of the Constitution (minor amendments procedure).

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 as per the Full Council decision of 10 April 2018 to make such amendments with the agreement of the Leader. The Chief Finance Officer has responsibility for the Financial Regulations. The changes shall come into force on 1 June 2018 – the date of the new arrangements and shall be referred to Full Council in July 2018. Members will be notified of the delegation decision, as per normal practice via MIS.

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 reorganisation 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 Full Council report 10 April 2018 <https://democracy.north-herts.gov.uk/mgAi.aspx?ID=1473>

14.3 Constitution page: <https://www.north-herts.gov.uk/home/council-and-democracy/council-constitution>

15. NOTIFICATION DATE

15.1 1 June 2018.

Signature of Decision Takers

Signature of the Leader – Cllr Lynda Needham



Jeanette Thompson



Ian Couper

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

