



**NORTHAMPTON**  
BOROUGH COUNCIL

# COUNCIL

**27 October 2008**

**Agenda Status: Public**

**Directorate: Chief Executive**

<b>Report Title</b>	<b>Changes to the Constitution</b>
---------------------	------------------------------------

## 1. Summary

Changes to the Council's senior Management Structure, operational from 1<sup>st</sup> October 2008, requires changes to the constitution to reflect the new titles of senior managers. This report seeks authority from Council for powers to be delegated to the Borough Solicitor and Monitoring Officer to make the changes and publish a revised constitution.

## 2. Recommendations

That Council delegates powers to update the Constitution, especially Part 8 ('Delegations to Officers by the Council, its Cabinet and Committees'), to the Borough Solicitor and Monitoring Officer so that he may make adjustments to the Constitution to reflect the new senior management structure in consultation with the Chief Executive and Leader of the Council.

## 3. Report Background

3.1 Section 37 of the Local Government Act 2000 requires Councils to prepare and keep up to date their constitutions. In addition, article 16 of the Council's constitution places a duty on the Chief Executive in conjunction with the Monitoring Officer to monitor and review the constitution.

3.2 The recent senior management restructure, included changes to Officer roles and titles. The new senior management structure no longer has Corporate Managers, who have been replaced by Heads of Service. The scheme of delegations in part 8 of the constitution will need to be adjusted so as to enable the new Heads of Service to exercise delegated powers that now fall within their remit. Whilst the new Heads of Service can still exercise these powers now, the recommended changes will greatly assist in making Officer decision-making clear and transparent.

3.3 If Council approves this report it is anticipated that an amended constitution will be published in the next 2 weeks. Officers and members will receive electronic versions of the amended constitution shortly thereafter.

3.4 For the avoidance of doubt, the Borough Solicitor is not seeking authority from Council to add to, omit or otherwise amend the functions which officers are empowered in the existing Constitution to discharge or to make any changes other than title changes and clarification of new management structures within the constitution.

#### **4. Implications (including financial implications)**

##### **4.1 Resources and Risk**

There are no specific resource implications apart from staff time to make the changes to the constitution and the cost of paper copies of the amended constitution in cases where requests are specifically made for such copies.

##### **4.2 Legal**

4.2.1 If Council passes the resolution, as recommended, the Borough Solicitor will arrange for the Constitution to be updated appropriately.

4.2.2 Officers now discharging or asked to discharge the functions in the existing Constitution will then be clearer about their responsibilities, and service-users and other third parties dealing with the Council will benefit from this clarity.

4.2.3 Until the Constitution is brought up to date, the Council is exposed to the risk of legal challenge that some of the important decisions taken by its officers are invalid by reason of improper delegation under the scheme of delegation in part 8 of the Constitution.

##### **4.3 Other Implications**

None specifically.

#### **5. Background Papers**

FJF Constitution file.

**Report Author and Title:** Francis Fernandes  
Borough Solicitor and Monitoring Officer

**Telephone and Email:** 01604 838334