

EAST HERTFORDSHIRE DISTRICT COUNCIL

COUNCIL - 12 MAY 2004

REPORT BY THE MONITORING OFFICER

15 AMENDMENTS TO THE CONSTITUTION

RECOMMENDATION – that the Constitution as amended, be approved.

1.0 Purpose of Report

1.1 The report considers amendments to the Constitution relating to the new management structure. The Council is required to monitor and evaluate the operation of the Constitution. The Monitoring Officer monitors and reviews the Constitution. Recommended changes are included in the report.

2.0 Contribution to the Council's Corporate Objectives

2.1 The proposals contribute to the Council's corporate priority to improve the health and sustainability of the organisation by advancing the target of ensuring the highest standards of corporate governance.

3.0 Background

3.1 The revisions to the decision making process were considered by the Executive on 4 March 2003 (Minute 827) and were approved by Council on 2 April 2003. Delegation to officers was the subject of a separate report to Council on 1 October 2003. Following the revisions to the Management Structure, the Constitution has been amended to take account of the new roles of the Executive Directors. Consequential amendments have been made to the document.

3.2 The proposed delegation incorporates some amendments to take account of the changes in the management structure. The main changes are in Part 3, Responsibility for Functions. They are

contained in the sections entitled:

“Officer Delegation.”

A. Executive Directors, Assistant Directors and all Heads of Service”

through to

“E. Assistant Director (Human Resources)”.

Consequential amendments occur throughout the document.

3.3 The system of delegation does not result in officers taking key decisions which could be called-in. Officer protocols were agreed by Council at its meeting on 7 April 2004. These are included in the document.

3.4 The government guidance on constitutions says that delegations should be clearly set out within the context of a systematic scheme of delegations and with limits to those delegations in terms of functions and budgets. These principles have been incorporated in the new scheme of delegation.

4.0 Rules of Procedure

4.1 Section 4 on Rules of Procedure has been amended so that Members are no longer required to stand.

4.2 Questions by the public will now be subject to the same time limits as Members’ questions.

4.3 The remainder of the document is not changed. A complete document will be issued to all Members and it will be available on the Council’s website.

5.0 Consultation

5.1 Consultation has taken place amongst Members, Executive Directors and Assistant Directors.

6.0 Legal Implications

6.1 The legal implications have been taken into account in amending the Constitution.

7.0 Financial Implications

7.1 There are no financial implications.

8.0 Human Resources Implications

8.1 There are no implications.

9.0 Risk Management Implications

9.1 None.

10.0 Conclusions

10.1 Members are asked to consider the proposed revisions to the delegations and the media protocol.

Background Papers

The Constitution, relevant Regulations and Guidance

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