

East Herts Council Report

Council

Date of meeting: 13 May 2026

Report by: Jonathan Geall, Director for Communities and Monitoring Officer

Report title: Minor Amendments to the Constitution

Wards Affected: All

Summary

Paragraph 2.6.5 of the Constitution requires that any minor changes made to the Constitution which are, in the reasonable opinion of the Monitoring Officer, minor changes must be notified to members at the next meeting of the Council, save that any change expressly made to ensure the proper administration of the council must be brought to Council for approval to allow it to continue. All changes referred to in this report have been determined by the Monitoring Officer to be minor in nature, requiring notification, except a change to the Terms of Reference of the Audit and Governance Committee which requires the agreement of Council to continue. The changes are set out in Appendix A.

RECOMMENDATIONS FOR COUNCIL:

- a) that this report be accepted as the notification to Council required by the Constitution of minor changes, these being to the remits of two Executive Members, reference to the Deputy Chief Executive's responsibilities for human resources and amendments consequent to the six month trial of revised responsibilities for legal services and the Monitoring Officer function.
- b) that the change to the Audit and Governance Committee's Terms of Reference to ensure compliance with the recently introduced Global Internal Audit Standards (GIAS) for the UK public sector be agreed.

1.0 Proposal

1.1 As set out above.

2.0 Background

2.1 Changes to the Constitution are dealt with under section 2.6 of the Constitution.

2.2 The Leader of the Council has determined, using authority as described under paragraph 4.4.1 of the Constitution, that responsibility for the Communications function should move from the remit of the Executive Member for Corporate Services to that of the Executive Member for Resident Engagement. Consequent amendments to the table of Executive Members' remits have been made at paragraph 4.26.2 of the Constitution. Acting under authority delegated at paragraph 2.6.3 of the Constitution, the Monitoring Officer has determined that this is a matter within the definition, at paragraph 2.6.3(c), of a minor change to the Constitution and thus notification of the change to all members is needed at the next Council meeting, rather than their approval of the change.

2.3 Under paragraph 2.6.3(a) of the Constitution, if in the reasonable opinion of the Monitoring Officer a change is *'required to be made to remove any inconsistency, ambiguity, typographical or other such error, changes to staffing structures, job descriptions or changes in terminology'* then the Monitoring Officer may make such a change, with the requirement that all members are notified at the next Council meeting without their approval to the changes needing to be sought. In line with this:

- sections 8.4, 9.9, 9.10 and 20.12 have been amended to reflect the removal of the Head of Human Resources and Organisational Development post such that the matters referred to in those paragraphs now resides within the Deputy Chief Executive's role. Of note, these changes ensure the paragraphs listed are now consistent with the Deputy Chief Executive's functions as already listed in section 10.10.
- sections 5.15, 5.22 - 5.26, 5.31 have been amended to reflect that officers of the Democratic Services team now carry out functions listed in those paragraphs as being the responsibility of the Scrutiny Officer. Of note, the council no longer has a specific Scrutiny Officer role; a district unlike a

county or unitary council is not required by statute to have a specific Scrutiny Officer post.

- all references to the Director for Legal, Policy and Governance, a post which has recently been vacated, have been amended to reflect the apportionment of duties during a six month trial that sees the council's Legal Service being managed under a joint arrangement with Broxbourne Borough Council and the Monitoring Officer function being taken up by the Director for Communities.

2.4 Acting under authority delegated at 2.6.3(d), the Chief Finance Officer has *'requested only for the practical purpose, in order to ensure the proper administration of the Council'* that paragraph 8.1.8 be amended to reflect changes to the Audit and Governance Committee's Terms of Reference. In the professional opinion of the Chief Finance Officer, the changes are required to ensure the council remains compliant with the recently introduced Global Internal Audit Standards (GIAS) for the UK public sector. These updates clarify the Committee's responsibilities in relation to internal audit, including oversight of the Internal Audit Charter and Mandate, support for the independence and effectiveness of the Internal Audit Service and to make effective provision for the formal evaluation of audit performance and committee effectiveness. The changes also reflect best practice and recent external guidance and will align the council's approach with evolving requirements across the sector. Although, as allowed under the Constitution, this change has already been made, the Constitution also requires that the change shall only continue if it is agreed by Council. Approval is thus sought under Recommendation (b).

3.0 Reasons

3.1 The Constitution requires the changes referred to under paragraphs 2.2 and 2.3 of this report must be notified to all members at the next Council meeting. This report fulfils this requirement.

3.2 The change to Audit and Governance Committee's Terms of Reference can only continue if Council approves that it should.

4.0 Options

- 4.1 There is no option but to note the minor changes to the Constitution listed in paragraphs 2.2 and 2.3 of this report as these must be notified to all members rather than brought to members for their approval.
- 4.2 With regard to the change to the Audit and Governance Committee's Terms of Reference introduced by the Chief Finance Officer, the option is available not to approve continuance of this, with the Terms of Reference reverting to the earlier version. NOT RECOMMENDED as this would result in the council not being compliant with the recently introduced Global Internal Audit Standards (GIAS) for the UK public sector which could in turn bring into question the council's financial governance and probity arrangements.

5.0 Risks

- 5.1 Not reporting the changes would be contrary to the requirements of the Constitution and could fetter the council's ability to defend a challenge to its governance arrangements. In addition, not determining whether or not to continue with the changes to the Audit and Governance Committee's Terms of Reference would immediately strike down the changes as they can only continue with the agreement of Council. This could have the effect of bringing into question the council's financial governance and probity arrangements.

6.0 Implications/Consultations

- 6.1 As noted below.

Community Safety

None arising directly from this report.

Data Protection

None arising directly from this report.

Equalities

None arising directly from this report.

Environmental Sustainability

None arising directly from this report.

Financial

As noted earlier in this report, either not agreeing to the changes made by the Chief Finance Officer to the Audit and Governance Committee's Terms of Reference or failing to determine the matter of their continuance would mean that they would have to be undone which would result in the council not being compliant with the recently introduced Global Internal Audit Standards (GIAS) for the UK public sector. This could in turn bring into question the council's financial governance and probity arrangements.

Health and Safety

None arising directly from this report.

Human Resources

None arising directly from this report.

Human Rights

None arising directly from this report.

Legal

The amendments to the Constitution made by the Monitoring Officer and notified to Council and the agreement to continue the revision to the Audit and Governance Committee's Terms of Reference add to the clarity and consistency in the council's governance arrangements thus helping to minimise the risk of challenge to the council's decision-making and strengthen the council's ability to defend any challenge made.

Specific Wards

No

7.0 Background papers, appendices and relevant material

7.1 Appendix A – Council's Constitution with all changes referred to this report tracked for reference.

Contact Officer

Jonathan Geall, Director for Communities and Monitoring Officer

jonathan.geall@eastherts.gov.uk

Report Author

Stephanie Tarrant, Assistant Director for Democracy,
Elections and Information Governance
Stephanie.Tarrant@eastherts.gov.uk