

## **Constitution Committee**

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**Date of Meeting:** 15 July 2019

**Report Title:** Amendments to the Constitution – Changes to the Senior Management Structure

**Portfolio Holder:** Councillor Jill Rhodes – Public Health and Corporate

**Senior Officer:** Catherine Parkinson – Interim Director of Governance and Compliance

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### **1. Report Summary**

- 1.1. To report amendments to the constitution by the Monitoring Officer under delegated powers to reflect recent changes to the senior management structure. The report is for the Committee's information.

### **2. Recommendations**

- 2.1. The Committee is recommended to note the amendments to the constitution by the Monitoring Officer under her delegated powers to reflect the recent changes to the Council's senior management structure.

### **3. Reasons for Recommendations**

- 3.1. The amendments to the constitution are required to reflect the recent changes to the senior management structure. The Monitoring Officer is required to report any such changes made under her delegated powers to the Constitution Committee for information.

### **4. Other Options Considered**

- 4.1. The changes to the constitution are necessary and therefore no other options have been considered.

## 5. Background

- 5.1. Paragraph 67 of the scheme of officer delegation within the constitution provides that the Monitoring Officer may, in consultation with the Chairman and Vice-Chairman of the Constitution Committee, make such changes to the Council's Constitution as he/she deems to be necessary and which are in the Council's interests and not major in nature, including, but not limited to, changes to provide appropriate clarity, correct drafting errors and inconsistencies, and reflect new officer structures and job titles, properly approved through Council processes.
- 5.2. The Committee will be aware of the recent changes to the Council's senior management structure. These have involved changes in some job titles, for instance the post of Chief Operating Officer has been replaced with a new post of Executive Director of Corporate Services and the post of Director of Legal Services has been replaced with the post of Director of Governance and Compliance. This has necessitated a review of the constitution to ensure that the job titles within the new senior management structure are reflected throughout the constitution as appropriate.
- 5.3. As part of this review, the opportunity has been taken to provide greater clarity and consistency around which officers are responsible for particular decision-making processes within the constitution. Throughout much of the constitution, reference is made to the Monitoring Officer, who is designated in the constitution as a 'Chief Officer'. A relatively few references are made to the (now defunct) Director of Legal Services. As it appears that the two terms have been used interchangeably, all references are now to the Monitoring Officer for clarity and consistency. This is also in keeping with the officer scheme of delegation which is high level and delegates all officer decision-making powers to the Council's Chief Officers (the Chief Executive, Executive Directors and Statutory Officers (Monitoring Officer and Section 151 Officer)).
- 5.4. The opportunity has also been taken to review the allocation of functions between the Executive Director of Corporate Services and the Section 151 Officer. Both officers are designated as Chief Officers within the constitution and the two roles have separate and distinct responsibilities. However, it appears that in places the two terms may have been used interchangeably. The Monitoring Officer has, in consultation with the Section 151 Officer, considered whether the correct job title has been applied in relation to particular functions and responsibilities, and where appropriate has made changes.
- 5.5. It is emphasised that these changes to the constitution are intended to bring it up to date, provide greater clarity and consistency on officer responsibilities, and correct any related drafting errors. The changes do not

increase officer delegated powers; they merely clarify where responsibility for existing powers lies. The changes made by the Monitoring Officer under her delegated powers are reported to the Committee for information. The updated constitution will be published shortly and all members will be notified.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

6.1.1. The Council must ensure that its constitution is legally compliant.

### **6.2. Finance Implications**

6.2.1. There are no financial implications.

### **6.3. Policy Implications**

6.3.1. There are no policy implications.

### **6.4. Equality Implications**

6.4.1. There are no equality implications.

### **6.5. Human Resources Implications**

6.5.1. There are no Human Resource implications.

### **6.6. Risk Management Implications**

6.6.1. There are no risks associated with this recommendation.

### **6.7. Rural Communities Implications**

6.7.1. There are no direct implications for rural communities.

### **6.8. Implications for Children & Young People/Cared for Children**

6.8.1. There are no direct implications for children and young people.

### **6.9. Public Health Implications**

6.9.1. There are no direct implications for public health.

### **6.10. Climate Change Implications**

6.10.1. There are no implications for climate change.

## **7. Ward Members Affected**

7.1. Not applicable to any particular ward or wards.

## **8. Consultation & Engagement**

- 8.1. The Monitoring Officer has consulted the Chairman and Vice-Chairman of the Constitution Committee as required under Paragraph 67 of the scheme of officer delegation.

## **9. Access to Information**

- 9.1. The constitution is a public document accessible on the Council's website.

## **10. Contact Information**

- 10.1. Any questions relating to this report should be directed to the following officer:

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