

**Amendments to Part B5 of the Council's Constitution –  
Responsibilities of Senior Officers**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Democracy & General Purposes Committee	21 November 2022
Council	7 December 2022

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Council
<b>Lead Director</b>	Angela Woodhouse, Director of Strategy, Insight & Governance
<b>Lead Officer and Report Author</b>	Angela Woodhouse, Director of Strategy, Insight & Governance Oliviya Parfitt, Democratic Services Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

This report outlines the proposed amendments to Part B5 of the Council's Constitution, which are required to reflect the change in Senior Management Structure as agreed by the de-commissioned Policy and Resources Committee, February 2022.

The report also provides an update on the use of the Monitoring Officer's delegation to make amendments to the Council's Constitution from 19<sup>th</sup> September to 11 November 2022.

**Purpose of Report**

Decision.

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**This report makes the following recommendations to the Committee:**

That

1. Full Council be recommended to approve the amendments to Part B5 of the Constitution, relating to the Responsibility of Senior Officers, attached at Appendix 1 to the report.
  2. The use of the Monitoring Officer's delegation to amend the Constitution attached at Appendix 2 to the report be noted.
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# Amendments to Part B5 of the Council's Constitution – Responsibilities of Senior Officers

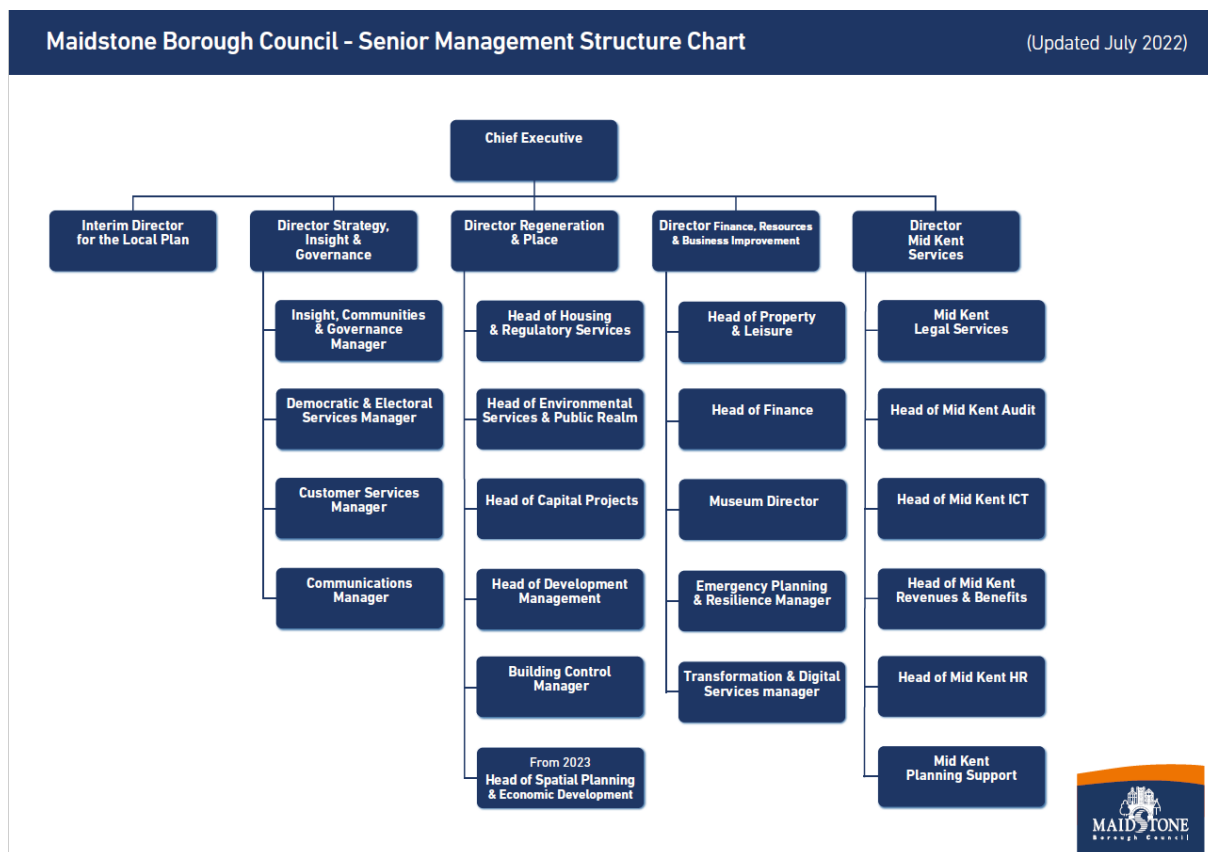
## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<p><b>Impact on Corporate Priorities</b></p>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, the Constitution provides a framework for both the Council and the Public to reference in ensuring that decisions are made appropriately, which will support the overall achievement of corporate priorities.</p>	<p>Director of Strategy, Insight &amp; Governance.</p>
<p><b>Cross Cutting Objectives</b></p>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>We do not expect the recommendations to materially affect the achievement of cross-cutting objectives. However, the Constitution provides a framework for both the Council and the Public to reference in ensuring that decisions are made appropriately, which will support the overall achievement of corporate priorities.</p>	<p>Director of Strategy, Insight &amp; Governance.</p>
<p><b>Risk Management</b></p>	<p>See Section 5 of the report.</p>	<p>Director of Strategy, Insight &amp; Governance.</p>

<b>Financial</b>	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Democratic Services Officer
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Director of Strategy, Insight & Governance.
<b>Legal</b>	<p>The Local Government Act 2000 requires each Local Authority to have a Constitution which should be kept up to date. Aside from the specific legislative requirements, the document should also include '<i>such other information as the authority considers appropriate</i>' (LGA 2000, Section 9P(1))</p> <p>By having been included within the Constitution previously, Part B5 of the falls within that category. As such the Council is required to ensure that the information is kept up to date. This will be achieved if Part B5 is recommended for approval, and then approved, by the full Council.</p>	Monitoring Officer
<b>Information Governance</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Democratic Services Officer
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Democratic Services Officer
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Democratic Services Officer
<b>Crime and Disorder</b>	No impact identified.	Director of Strategy, Insight & Governance.
<b>Procurement</b>	No impact identified.	Director of Strategy, Insight & Governance.
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and there are no implications on biodiversity and climate change.	Democratic Services Officer

## 2. INTRODUCTION AND BACKGROUND

2.1 At its meeting on the 9 February 2022, the now de-commissioned Policy and Resources Committee agreed to amend the Council's Senior Management Structure. The papers for that meeting can be accessed using the link in Section 9 of this report, with the new Senior Management Structure Chart included below.



2.2 The Council is now in the position where the deleted and additional roles have either been removed, appointed to or are likely to begin the recruitment process in the near future. This has required Part B5 of the Constitution to be updated to reflect:

- a) The deletion of previous roles where applicable;
- b) The new roles created and their areas of responsibilities; and
- c) The transfer of responsibilities between existing Senior Officers as applicable.

2.3 An updated Part B5 is attached at Appendix 1 to this report and has been annotated to reflect points a, b & c above. Having an up-to-date Constitution is important to ensure that the Council's Officers, Members, and the Public to be informed of the relevant responsibilities of the Council's Senior Officers.

2.4 Any consequential changes to the Proper Officer provisions arising out of the proposed changes to Part B5, if agreed, will be amended by the Monitoring Officer through use of their delegation.

- 2.5 As this report relates to the Constitution, the use of the Monitoring Officers' delegation since the last meeting of the Committee has been included within Appendix 2 for noting.
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### **3. AVAILABLE OPTIONS**

- 3.1 Option 1 – Recommend that full Council approve the updated Part B5. This will ensure that the responsibilities of Senior Officers are up to date, and provide a reference point for the Council, Members and the Public. **This is the recommended option.**
- 3.2 Option 2 – Amend the updated Part B5. **This is not recommended.** The updated Part B5 has been drafted in accordance with the relevant responsibilities of each Senior Officer and has been reviewed by the Council's Corporate Leadership Team to ensure its accuracy.
- 3.3 Option 3 – Do nothing. **This is not recommended.** This will prevent the Council from having an updated Constitution and could lead to unclear accountability and decision-making from Officers relating to their responsibilities.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1 as outlined in point 3.1 of the report.
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### **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. If the updated Part B5 is not recommended to full Council, this will affect the transparency of the decision-making process and areas of responsibility for the Council's Senior Officers.

### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 As mentioned above, the Corporate Leadership Team (which includes the Council's Monitoring Officer) have reviewed the updated Part B5 to ensure that the changes are accurate. These changes are also aligned with the decision made by the de-commissioned Policy and Resources Committee in February 2022.
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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 If the Committee recommends the amended Part B5 to Council, then this will be presented to the full Council at its 7 December 2022 Meeting. If approved, the Constitution will then be updated and re-published online.
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## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Amended Part B5 of the Council's Constitution – Responsibilities of Senior Officers
  - Appendix 2: Use of the Monitoring Officers' delegation.
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## **9. BACKGROUND PAPERS**

Agenda pack for the Policy and Resources Committee Meeting held on 9 February 2022:

[Your Councillors - Maidstone Borough Council](#)