

Council

15 December 2016

Report of the Monitoring Officer

Scheme of Delegations

Summary

1. This report advises Members of changes to the Constitution consequent upon the recent Chief Officer restructuring and of a minor change to the Executive scheme of delegation approved by the Leader.

Background

2. The Council's Constitution allows the Monitoring Officer to make amendments in advance of Full Council approval in certain circumstances. This includes amendments to ensure that the Council's constitution reflects changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decision taken by the person(s) or body with authority to take such action. Such amendments must be reported subsequently to Full Council. The full Constitution is available online here:

<http://democracy.york.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12830&path=0&wb48617274=06D9ACDB>

Changes arising from restructuring

3. The recent restructuring of Council directorates has resulted in changes to job titles and some reallocation of responsibilities. Relatively few changes have been required as much of the Constitution is generic in its application to Officers. However, references within the Constitution have been amended as follows:

References to:	Changed to:
Director of Customer and Business Support Services	Corporate Director of Customer and Corporate Services

Director of City and Environmental Services	Corporate Director Economy and Place
Assistant Director of Governance and ICT	Assistant Director of Legal and Governance
Assistant Director (Planning and Sustainable Development)	Assistant Director(Planning and Public Protection)
Assistant Director Transformation and Change	Assistant Director Customer Services and Digital

4. In addition the opportunity has been taken to replace references to the Democratic Services Manager with the Head of Civic and Democratic Services to reflect a change in job title which occurred some time ago.
5. As part of the restructuring, responsibility for the Registration Service (which previously fell within the Neighbourhoods Services Directorate) has transferred to the Corporate and Customer Services directorate and now rests with the Assistant Director Customer Services and Digital. The Council is obliged to appoint a Proper Officer for Registration Services under schedule 29 paragraphs 41(3), (4) and (5) of the Registration Services Act 1953. As this is a Full Council appointment the Monitoring Officer does not consider that it falls within his powers to deal with this by way of a simple amendment to the Constitution but Members are invited to appoint the Assistant Director Customer Services and Digital to that position in place of the former Assistant Director (Communities and Neighbourhoods).

Change to scheme of delegations approved by the Leader

6. At its meeting on 21st July 2016 Full Council approved a revised scheme of delegations to Officers in respect of the functions for which it is responsible. Council was advised that the Leader had agreed to await the outcome of the debate at Council before finally approving a scheme in respect of executive functions. Following that meeting the Leader approved the scheme as presented to Council and this has been incorporated into the Constitution.
7. Subsequently a change was made to the legal requirements for designating neighbourhood areas under the Localism Act meaning that in some cases the Authority is statutorily obliged to designate areas. Officers had and continue to have limited powers to approve

the designation of neighbourhood areas but the wording of the delegation has been amended to read:

An Officer may only exercise powers in relation to the designation of a neighbourhood area under the Localism Act 2011 where the Council is statutorily obliged to designate the area specified in the application.

Council Plan

8. The Constitution is the Council's key governance document and therefore supports the delivery of all the Council's priorities.

Implications

9. Legal

The Council is legally obliged to prepare and keep its constitution up to date.

Risk Management

10. There are no specific risks arising from this report.

Recommendations

11. Members are asked to:

- a) Note and confirm the constitutional changes made by the Monitoring Officer under delegated powers following the recent restructuring.
- b) Agree the designation of the Assistant Director Customer Services and Digital as Proper Officer for registration functions
- c) Note the changes made to the Constitution to reflect the Leader's allocation of executive decision making responsibilities.

Reason: The Council is legally obliged to prepare and keep its constitution up to date.

Contact Details

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Officer responsible for
the report:**

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**Report
Approved**

Date

2nd December
2016

Specialist Implications Officers

Not applicable

Wards Affected:

All

For further information please contact the author of the report

Background Papers

None

Annexes

None