

Report to Cabinet
10 September 2014
Report of Executive head of strategy, people and neighbourhoods
Subject Changes to the constitution

Item

5

Purpose

To consider changes to the council's constitution following the implementation of a new senior management structure.

Recommendation

That council agree the revised scheme of delegation to officers, change in one of the statutory posts and other changes to the constitution to take effect immediately.

Corporate and service priorities

The report helps to meet the corporate priority "value for money services"

Financial implications

There are no direct financial implications

Ward/s All wards

Cabinet member Councillor Arthur – leader of the council

Contact officers

Russell O'Keefe, Executive head of strategy, people and neighbourhoods 01603 212908

Background documents

None

Report

1. The implementation of the council's new senior management structure has required the council's scheme of delegation to officers to be revised. The revised version can be found at appendix A.
2. There is also a change in one of the statutory posts and a number of other changes in the constitution in terms of responsibilities, which are set out in appendix B.

REVISED SCHEME OF DELEGATIONS TO OFFICERS

Scheme of delegations

1. The City Council of Norwich under Section 100 of the Local Government Act 1972 and the cabinet of the City Council of Norwich (“the cabinet”) under Section 15 of the Local Government Act 2000 have resolved to delegate to the chief executive and the corporate leadership team (CLT), including any persons appointed on an interim basis to such posts, the following functions:

To manage the services for which they are responsible. This includes –

- (i) the appointment and dismissal of staff within these services, with the exclusion of the Statutory Officers (as set out in Appendix 12, paragraph 8);
- (ii) the procurement of works, supplies and services within the financial and contract framework of the council’s constitution;
- (iii) all decisions and the implementation of all steps necessary for those functions within the framework of plans and budgets approved by the council or the cabinet as appropriate;
- (iv) the exercise of all other functions incidental, ancillary or conducive to the carrying out of the main service functions for which they are responsible;
- (v) the authorisation of named officers under any statutory or regulatory provision to enable those officers to exercise specific functions (by way of example only, to enter onto and inspect land, to acquire information or to conduct covert surveillance, to issue fixed penalty notices);
- (vi) the signing and service of any notices, counter notices, or the making of any formal notifications for the purposes of the functions for which they are responsible.

An officer shall not have the power to exercise any functions or take any decisions-

- (i) where the council, or the cabinet or any relevant committee or sub-committee of the council or the cabinet has resolved to suspend that delegated power;
- (ii) outside of or contrary to the council’s policy and budgetary framework;
- (iii) where the council’s Head of the Paid Service or Monitoring Officer has formally notified the officer concerned that the delegated function should not be exercised;
- (iv) where there is a conflict of interest or where any code of conduct for council employees in force from time to time prevents the exercise of such a function.

Notes

2. The above delegations apply not only to functions delegated directly by the council or by the cabinet but to functions delegated via committees, sub-committees or joint committees of the council or the cabinet and other local authorities or public bodies.
3. The scheme of delegations may be amended or varied in general or in particular in whole or in part by the delegating body.

Fields of responsibility for the corporate leadership team (CLT)

Chief executive	<ol style="list-style-type: none">(1) All functions exercisable at law as the Head of the Paid Service.(2) Any steps or action necessary to protect the council's interests from time to time.(3) All functions of the council to apply for and receive funding from the European Union (EU) and to apply that funding for the purposes for which it is intended.(4) All functions of the council relating to set up and management of partnership projects with external bodies and the role of the council as lead body on EU funded and similar projects.
Executive head of regeneration and development	<ol style="list-style-type: none">(1) All functions of the council as a local planning authority.(2) All functions of the council relating to conservation and quality of the built environment.(3) All functions of the council as a building control authority.(4) All economic development functions of the council.(5) All functions of the council connected with highways, transportation and traffic, as part of the highways agency agreement with Norfolk County Council.(6) All property functions of the council and the management of council occupied premises, including asset realisation.(7) All functions of the council relating to on and off street car parking.(8) All functions of the council relating to network management.(9) All functions of the council relating to assessing, planning for and delivering the development of new housing and the council's private sector housing

	responsibilities.
	(10) The council's functions related to river safety.
Executive head of strategy, people and neighbourhoods	<p>(1) All functions relating to policy, performance and improvement.</p> <p>(2) All functions relating to the appointment of staff and of human resources services, learning and union and employee relations.</p> <p>(3) All the council's functions as a local housing authority including tenancy management, tenancy support, rents and income collection, home ownership, housing options and overall responsibility for housing property.</p> <p>(4) Any functions concerned with the prevention of crime and antisocial behaviour, including community safety.</p> <p>(5) All functions related to community development, play, community liaison, community engagement and the council's neighbourhood agenda.</p> <p>(6) All functions relating to parks, open spaces and natural areas.</p> <p>(7) All functions related to the collection of household waste, recycling and composting.</p> <p>(8) All functions of the street scene related to highway cleansing, gully cleansing, grass cutting, shrub and flower bed maintenance, graffiti removal, the emptying of litter bins, fly-posting and highway weed spraying.</p> <p>(9) All functions with regard to tree and woodland management (except tree preservation orders).</p> <p>(11) All functions related to the removal of abandoned vehicles.</p> <p>(12) All functions relating to enforcement issues regarding fly-tipping, graffiti, fly-posting, dogs, pest control, trade and household waste abuse, filthy and verminous premises, powers under appropriate legislation and drainage issues.</p> <p>(13) All the functions of the council under any and all licensing and regulatory legislation.</p> <p>(14) All environmental protection (including food safety), emergency planning, disaster recovery and health and safety functions.</p> <p>(15) All functions of the council as a markets and fairs authority.</p> <p>(16) All functions of the council relating to CCTV provision and management.</p> <p>(17) All functions concerned with the safeguarding of children and adults.</p> <p>(18) All functions relating to financial inclusion and reducing inequalities.</p>

Executive head of customers, communications and culture	<ul style="list-style-type: none"> (1) All the council's functions in the area of tourism, culture, events and recreation. (2) All the council's functions in the area of communications, publicity, information and public relations. (3) All functions connected with the civic and ceremonial functions of the city, the Lord Mayoralty and other offices of dignity. (4) The land charges function. (5) All functions of the council relating to customer contact and general administrative support within the council.
Chief finance officer	<ul style="list-style-type: none"> (1) All the functions of the council relating to local government finance and local taxation. (2) All functions relating to risk management.
Executive head of business relationship management and democracy	<ul style="list-style-type: none"> (1) All the functions relating to the making and renewing of insurance arrangements. (2) All functions relating to the administration and management of benefits. (3) All functions relating to the administration and management of revenues. (4) All the functions of the council in relation to member services and the democratic process of the council. (5) All functions of the council relating to information management including disclosure. (6) All functions of the council relating to twinning. (7) All functions of the council connected with public procurement and contract award, management and termination. (8) All functions relating to ICT and system improvement. (9) All functions relating to legal services. (10) All functions relating to business continuity.

Specific delegations

4. Over and above the delegations granted above, the following specific delegations shall have effect -

Head of Paid Service

- (1) To do or authorise to be done any act or thing necessary to effect any decision of the council, the cabinet or any committee, sub-committee or joint committee of the council or cabinet.
- (2) To do or authorise to be done any act in pursuance of the council's overall policies and programmes.
- (3) To appoint or designate any person to any office, position or role in relation to the council's functions.
- (4) To establish, maintain and amend as necessary organisational and staffing structures to deliver effectively the council's statutory responsibilities, policies and programmes and to take any steps necessary to implement and appoint to the posts within those structures.
- (5) To exercise overall supervision of the council's disciplinary procedure.

Monitoring Officer

- (1) To exercise all the statutory functions of the council's Monitoring Officer under the Local Government and Housing Act 1989.
- (2) To take any decisions and to exercise any functions in connection with part III of the Local Government Act 2000 and in accordance with any regulations and guidance made under that Act.
- (3) To appoint from time to time and in consultation with the chief executive independent members to the council's standards committee.

Chief Finance Officer

- (1) To take any steps necessary from time to time to protect the Council's financial interests.
- (2) To act in accordance with Section 151 of the Local Government Act 1972 in that 'every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs'.
- (3) To administer any charities for which the City Council or its officers are trustee(s).

Returning Officer

- (1) All the functions relating to elections and referendums.

Electoral Registration Officer

- (1) All the functions of the Council relating to electoral registration.

Proposed change in a statutory post and other changes to the constitution

Section 1 - Statutory post

- To appoint Anton Bull (executive head of business relationship management and democracy) as the electoral registration officer.

Section 2- Other specific changes to responsibilities within the constitution

- To maintain the constitution under the Local Government Act 2000 including responsibility for convening council and committee meetings and application of the procedures etc - now to be the responsibility of the executive head of business relationship management and democracy.
- To maintain the register of members' interests – now to be the responsibility of the executive head of business relationship management and democracy.
- To act as the proper officer for the preparation, publication and retention of records of decisions taken by or on behalf of the council and the cabinet - now to be the responsibility of the executive head of business relationship management and democracy.
- To act as proper officer for the Freedom of Information Act 2000 - now to be the overall responsibility of the executive head of business relationship management and democracy.
- To act as the proper officer for the public health responsibilities set out in appendix 9 of the constitution – now to be the overall responsibility of the executive head of strategy, people and neighbourhoods.

Integrated impact assessment



NORWICH
City Council

The IIA should assess **the impact of the recommendation** being made by the report

Detailed guidance to help with completing the assessment can be found [here](#). Delete this row after completion

Report author to complete

Committee:	Cabinet
Committee date:	10 September 2014
Head of service:	Russell O'Keefe
Report subject:	Changes to the constitution
Date assessed:	August 2014
Description:	To consider changes to the council's constitution following the implementation of a new senior management structure.

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other departments and services e.g. office facilities, customer contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Economic development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>S17 crime and disorder act 1998</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Human Rights Act 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Health and well being	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Impact			
Eliminating discrimination & harassment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Natural and built environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Energy and climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Risk management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Recommendations from impact assessment	
Positive	
Negative	
Neutral	
Issues	