

**COMMITTEE REPORT**

**COUNCIL MEETING**

**30 March 2016**

**REVIEW OF THE COUNCIL'S CONSTITUTION**

**Monitoring Officer**

**PURPOSE OF THE REPORT**

1. To approve the revised copy of the Council's Constitution, associated amendments to the Schedule of External Appointments, and the delegation set out below.

**BACKGROUND**

2. As Members will be aware, the Constitution is a constantly-evolving document, requiring regular updating to ensure it fulfils the Council's needs. This is particularly evident in light of the impending creation of the Tees Valley Combined Authority ("TVCA"), which comes into being on 1 April 2016.
3. The creation of TVCA has implications for the Council's constitution, in that the Council requires a designated representative (the Elected Mayor) and deputy (the Deputy Mayor); equally, the Council must ensure that, where powers have been transferred to TVCA, or can be jointly exercised by the Council and TVCA, the constitution reflects this.
4. To that end, a meeting of the Council's Constitution and Members' Development Committee was convened on 11 March 2016 to consider the principles of these amendments. Following a discussion, the Committee agreed to the proposed amendments relating to TVCA.
5. The Constitution and Members' Development Committee also noted amendments made under delegated powers, and suggested a further amendment to the provisions relating to receipt of petitions.

**General review and update**

6. The Constitution and Members' Development Committee also agreed to commence a further general review and update of the Constitution, to make it more customer –friendly, and more responsive to governance review drivers. A further report on this will be brought to Council in due course.

### **Alterations to the Council's Senior Management Structure.**

7. Members will be aware that the decision taken by Council on 16 March 2016 will ultimately lead to a need to amend elements of the Constitution relating to both senior management structure and job titles; similarly, members will recall the report of 6 January 2016, indicating that additional changes to the senior management will be required in due course.
8. With the above in mind, it is proposed to delegate authority to amend the Senior Management Structure and Job Titles to the Monitoring Officer. This will ensure that the Constitution can be kept up to date through management reviews without the repeated need for reports to Council.

### **Changes to Terms of Reference of Chief Officer Appointments Committee**

9. As a final issue, the Constitution and Members' Development Committee considered a proposal by the Monitoring Officer to amend the Terms of Reference of the Chief Officer Appointments Committee, to take account of possible future needs.
10. The proposals are to include the following additional Terms of Reference:
  - “3. To undertake disciplinary and/or dismissal procedures in relation to Chief Officers, other than the Head of Paid Service, Monitoring Officer, and Chief Finance Officer.
  4. To consider grievances, submitted by Chief Officers, at stage 2 of the Council's grievance policy in circumstances where, in the opinion of the Monitoring Officer, following consultation with the Head of Democratic Services and Head of Human Resources, it would be prejudicial to the fair consideration of the grievance for it to be considered by an Executive Director or the Chief Executive.”
11. These additions will allow the Council to deal with Chief Officer dismissals other than by way of a meeting of full Council, and will provide for exceptional circumstances associated with Chief Officer grievances.

### **FINANCIAL CONSIDERATIONS**

12. There are no financial implications arising from this report.

### **RECOMMENDATIONS**

13. It is recommended that:
  - a) the revised Constitution be approved;
  - b) authority be delegated to the Monitoring Officer to make such alterations to the Senior Management Structure and/or Job Titles, recorded in the Constitution, as may from time to time become necessary; and

- c) Council amends the Terms of Reference of the Chief Officer Appointments Committee.

## **BACKGROUND PAPERS**

14. The following background papers were used in the preparation of this report:
- The Council's Constitution; and
  - Report to Constitution and Members' Development Committee dated 11 March 2016.

## **AUTHOR**

Bryn Roberts  
Monitoring Officer