



ADUR & WORTHING  
COUNCILS

Joint Governance Committee  
27 June 2017  
Agenda Item 14

Ward: [All]

## **Amendments to the Constitution**

### **Report by the Monitoring Officer**

#### **1.0 Summary**

- 1.1 This report seeks to update Members of the Joint Governance Committee with recent amendments made to the Councils' Constitutions by the Monitoring Officer.

#### **2.0 Background**

- 2.1 The Monitoring Officer has a duty to maintain an up-to-date version of the Constitution and to ensure that it is publicly available. The Monitoring Officer has the authority, as set out in Article 11 of the Constitution, to "make minor and consequential amendments to the Constitution at any time".

#### **3.0 Proposals**

##### **3.1 Part 2: Articles of the Constitution**

###### Article 6: The Scrutiny function

Consequential changes have been made to Article 6 relating to the scrutiny function of the Council, as a result of the Councils adopting revised Joint Overview and Scrutiny Procedure Rules in May 2017. The article now reflects:

- i) the fact that a co-opted Member may not sit on both the Executive and a Scrutiny Committee in respect of the same matter, and
- ii) the fact that the Councils co-opted Member in respect of Adur Consultative Forum (ACF) will be co-opted onto the Scrutiny Committee when it is considering Adur Housing Revenue Account, tenancies or leaseholds, leasehold service charges and any other matter directly affecting housing tenants or leaseholders.

###### Article 4: The Full Council

Article 4.3 has been amended to add to the terms of reference for Full Council to include the making of appointments of Independent Persons. Such appointments are dealt with by the Joint Governance Committee, and included in the terms of reference of that Committee, but whilst they are able to make recommendations of

the proposed appointments, such appointments must be made by a resolution of Full Council, in accordance with the provisions of section 28 Localism Act 2011.

#### Article 11: Officers

Article 11.01 has been amended to reflect the fact that the appointment of the Chief Finance Officer and the Monitoring Officer must be made by way of a resolution of Full Council to comply with the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. It has further been amended to reflect the fact that all staff other than the Chief Finance Officer and the Monitoring Officer are appointed by the Head of Paid Service (Chief Executive), or his nominated representative, to give effect to the decisions of both Councils in February 2017.

### **3.2 Adur District Council Overview & Scrutiny Procedure Rules Worthing Borough Council Overview & Scrutiny Procedure Rules**

Following both Councils' adoption of revised Joint Overview and Scrutiny Procedure Rules in April 2017, the Solicitor to the Council was delegated to draft and implement Overview and Scrutiny Procedure Rules for each Council to deal with the scrutiny of matters which are expressly reserved to the remit of each Council's Executive individually, rather than being incorporated into the arena of joint working. Such procedure rules have been drafted and became effective on 18th May 2017 and are included in Part 4 of each Council's Constitution.

### **3.3 Officer Employment Procedure Rules**

Each Council in February 2017 resolved to implement new procedures for the appointment and dismissal of Senior Officers and the Solicitor to the Council was delegated to draft and introduce corresponding procedure rules. The Officer Employment Procedure Rules, introduce the new arrangements, and came into effect on 18th May 2017 and are included in Part 4 of the Constitution.

## **4.0 Legal**

4.1 Article 11, paragraph 11.03, of the Councils' Constitutions sets out the Functions of the Monitoring Officer and states "The Monitoring Officer has the delegated authority to make minor and consequential amendments to the Constitution at any time".

## **5.0 Financial implications**

5.1 There are no financial implications arising from this report.

## **6.0 Recommendation**

6.1 Members of the Joint Governance Committee are asked to note the contents of this report.

**Local Government Act 1972  
Background Papers:**

Adur District Council Constitution  
Worthing Borough Council Constitution

**Contact Officer:**

Susan Sale  
Solicitor to the Councils and Monitoring Officer  
Town Hall  
01903 221119  
[susan.sale@adur-worthing.gov.uk](mailto:susan.sale@adur-worthing.gov.uk)

## **Schedule of Other Matters**

### **1.0 Council Priority**

1.1 Good governance and an up-to-date Constitution support the Council's priorities relating to partnership working.

### **2.0 Specific Action Plans**

2.1 Matter considered and no issues identified.

### **3.0 Sustainability Issues**

3.1 Matter considered and no issues identified.

### **4.0 Equality Issues**

4.1 Matter considered and no issues identified.

### **5.0 Community Safety Issues (Section 17)**

5.1 Matter considered and no issues identified.

### **6.0 Human Rights Issues**

6.1 Matter considered and no issues identified.

### **7.0 Reputation**

7.1 Good governance arrangements help to protect the reputation of the Councils.

### **8.0 Consultations**

8.1 Matter considered and no issues identified.

### **9.0 Risk Assessment**

9.1 The risk of not having an up-to-date Constitution is that procedures and practices may not be transparent, fair, and consistent and may increase the risk of legal challenge.

### **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified.

### **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

- 12.1 Constitutional arrangements enable and support the governance of partnership working.