

# TONBRIDGE & MALLING BOROUGH COUNCIL

## COUNCIL

14 May 2013

### Report of the Director of Central Services and Monitoring Officer

#### Part 1- Public

#### For Decision

### 1 CHANGES TO THE CONSTITUTION

#### 1.1 Introduction

1.1.1 Members are asked to agree changes to the Constitution to give effect to a number of decisions of Council, and a recommendation of the Joint Employee Consultative Committee. The report also recommends that authority be delegated to the Monitoring Officer to make future changes to the Constitution where required to give effect to a decision of Council, Cabinet or a Committee.

#### 1.2 Management Structure

1.2.1 Members will be aware that John Batty, the Director of Health and Housing, will be retiring on 15 May 2013 after 23 years with the Borough Council. At the Council meeting on 22 October 2012 it was agreed that the post of Director would be retained, but re-designated as the Director of Street Scene and Leisure. This new Directorate will continue to be responsible for refuse collection/ recycling, street cleansing and animal welfare, together with those services that presently fall within the remit of the Chief Leisure Officer (this post will be deleted on 16 May 2013).

1.2.2 The remaining services within the Directorate of Health and Housing i.e. Environmental Health and Housing, are to be assimilated into Steve Humphrey's Directorate, with his designation accordingly amended to the Director of Planning, Housing and Environmental Health with effect from 16 May 2013.

1.2.3 Presently, a number of delegations in the Constitution rest with the Director of Health and Housing and the Chief Leisure Officer. It is therefore necessary to transfer some existing responsibilities/ delegations etc to the Director of Planning, Housing and Environmental Health and the Director of Street Scene and Leisure as they will now assume responsibility for the service areas covered by these delegations. I have attached at **Annex 1** to this report a schedule setting out the

proposed transfer of responsibilities. Where appropriate, I have updated and/ or clarified the delegations.

### **1.3 Joint Employee Consultative Committee (JECC)**

- 1.3.1 At the most recent meeting of the JECC, it was agreed that an amendment should be made to the Constitution for this Committee so that the Chairman and Vice-Chairman are appointed from amongst the serving Borough Council Members. This will rectify an anomaly in the existing Constitution of the JECC, which does not provide for a Member Vice-Chairman to act in cases where the Chairman is absent from the annual meeting.

### **1.4 Delegation to the Monitoring Officer to amend constitution**

- 1.4.1 Presently, changes to the Constitution may only be approved by full Council after consideration of the proposal by the Monitoring Officer (Article 15.02). Where decisions are taken by Cabinet or a Committee which create the need for consequential changes to the Constitution, such changes cannot therefore be made until the next meeting of full Council.
- 1.4.2 In order to avoid the need for a further report to Council to make changes to the Constitution, it is recommended that delegated authority be granted to the Monitoring Officer to make any necessary amendments to the Constitution to give effect to any decision of the Council, Cabinet or a Committee.

### **1.5 Equality Impact Assessment**

- 1.5.1 See 'Screening for equality impacts' table at end of report.

### **1.6 Recommendation**

- 1.6.1 Council is invited to

- (1) Authorise the Monitoring Officer to make the appropriate consequential amendments to the Council's Constitution to give effect to
  - (a) the re-designation of the post of Director of Health and Housing to the Director of Street Scene and Leisure;
  - (b) the transfer of all functions, duties, responsibilities and delegations/ appointments associated with the post of Chief Leisure Officer to the Director of Street Scene and Leisure;
  - (c) the re-designation of the post of Director of Planning, Transport and Leisure to the Director of Planning, Housing and Environmental Health;
  - (d) the transfer of all functions, duties, responsibilities and delegations/ appointments associated with the post of Director of Health and

Housing to the Director of Planning, Housing and Environmental Health and the Director of Street Scene and Leisure, as set out at Annex 1 to this report.

- (2) Authorise the Monitoring Officer to amend the Constitution for the Joint Employee Consultative Committee so that the Chairman and Vice Chairman are appointed from amongst the serving Borough Council members.
- (3) Grant delegated authority to the Monitoring Officer to make any necessary amendments to the Constitution to give effect to any decision of Council, Cabinet or a Committee.

Background papers:

contact: Adrian Stanfield

Nil

Adrian Stanfield

Director of Central Services and Monitoring Officer

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	n/a	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*