

Report



Meeting: COUNTY COUNCIL

Date: 24 September 2009

Agenda Item Number: 11

REPORT OF THE MONITORING OFFICER

CHANGES TO THE CONSTITUTION

1. Purpose of the Report

- 1.1. To seek approval to amend the list of officers authorised to attest the affixing of the Common Seal of the Council on documents and to approve a process for dealing with urgent Administration Committee matters.

2. Background Information – the Common Seal of the Council

- 2.1. Article 14 of the Constitution sets out those officers who are authorised to sign and attest to the fixing of the Common Seal on legal documentation for the Council.
- 2.2. The current authorised signatories are the Chief Executive, Service Director Legal and Democratic Services, Assistant Head of Legal Services (Corporate Law), Assistant Head of Legal Services (Litigation) and Senior Solicitors.
- 2.3. It is necessary to re-designate appropriate authorised signatories due to the disestablishment of the posts of Assistant Head of Legal Services (Corporate Law) and Assistant Head of Legal Services (Litigation).
- 2.4. It is proposed that the Service Head Legal Services, four Principal Solicitor posts, and a Special Projects Advisor post, be authorised as Authorised Signatories for the purposes of signing and sealing documentation.

3. Background Information – Administration Committee and Urgency

- 3.1. Administration Committee meets on a 6-7 weekly cycle. It is therefore expected that there will be occasions when urgent approval will be required for certain matters within the Committee's remit. On 13th July 2009 the Council's Administration Committee agreed a procedure for approving specified matters which fall within the remit of the Committee on an urgent basis when required.
- 3.2. The Committee agreed that the appropriate process would require any urgent decision to be made by the Chief Executive, following the majority agreement of the Chair and Vice Chair of the Committee and the Deputy Leader of the Council, and reported back to the next available meeting.
- 3.3. Procedures for taking urgent decisions are set out in the County Council's Constitution. As any amendment to the Constitution must be approved by Full Council, it is for Full Council to consider whether the urgent approvals process for certain Administration Committee matters should be adopted.
- 3.4. Administration Committee agreed that the following matters may be dealt with through the urgent approvals process:
 - 3.4.1. Expenditure on:
 - 3.4.1.1. Member attendance at conference and seminars
 - 3.4.1.2. Accommodation and associated costs to be incurred and required by Members for the purposes of conducting County Council business or in connection with attendance at conferences, seminars or training courses
 - 3.4.1.3. Travel and associated costs to be incurred in connection with the matters at 3.4.1.1 and 3.4.1.2 or any other expenditure reasonably required in connection with those matters and/or for which approval is required in accordance with the Council's Travel and Accommodation Policy and Member Training Policy
 - 3.4.2. Officer travel outside the UK
 - 3.4.3. Hospitality to be offered by the County Council

4. Recommendations

It is recommended:

4.1. that the Service Head Legal Services, the Principal Solicitors, and the Special Projects Advisor be authorised to sign and attest the affixing of the Common Seal on County Council documentation.

4.2. That Article 14 of the Constitution be amended accordingly. That the posts of Assistant Head of Legal Services (Corporate Law), Assistant Head of Legal Services (Litigation), and Senior Solicitors be deleted from the authority to seal under Article 14.5. That Article 14.5 be amended to authorise the following posts:-

Chief Executive
Service Director Legal and Democratic Services
Service Head Legal Services
Principal Solicitors
Special Projects Advisor

to attest the affixing of the Common Seal and sign Council documentation as Authorised Signatories.

4.3. That an urgent approvals process for dealing with the matters set out in paragraph 3.4 of this report between meetings of the Administration Committee when required be approved. Any urgent decision to be made by the Chief Executive, following the majority agreement of the Chair and Vice Chair of the Committee and the Deputy Leader of the Council, and reported back to the next available meeting.

4.4. That Article 13 of the Constitution, the Council's delegation to Administration Committee and the Council's Travel and Accommodation Policy be amended accordingly.

Legal Services Comments (HD 21/08/2009)

The above decision falls to Council as it proposes amendments to the Constitution which is a decision reserved to Full Council under Article 4.3.1.

Background Papers Available for Inspection

Report to Administration Committee dated 13th July 2009, "Urgent Approvals Process"

Electoral Divisions Affected

All