

Appendix D – Table of changes to the Constitution in relation to proposed structure changes

Current wording	Change
<p>Part 1 – Summary and Explanation – Council Officers</p> <p>The most senior Officer is the Chief Executive. Other senior managers lead parts of the Council’s services. Some Officers have specific duties to ensure that the Council operates within the law and use resources wisely. These are the Council’s Statutory Officers: a Head of Paid Service responsible for the Council’s Officers (in North West Leicestershire this is the Chief Executive); a Section 151 Officer, responsible for the proper administration of the Council’s financial affairs (in North West Leicestershire this is the Head of Finance); and a Monitoring Officer, responsible for reporting upon illegality and maladministration (in North West Leicestershire this is the Head of Legal and Commercial Services). The Council’s Management Structure is set out in Part 2.</p>	<p>Needs to change to Strategic Director for Resources rather than Head of Finance. Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>
<p>Part 2 – Section G1 – Scheme of Delegation</p> <p>5. The way the Council structures its services and its officer arrangements changes from time to time to reflect changes in service delivery and best practice. The current arrangements include a Chief Executive/Head of Paid Service (as the most senior officer of the Council) supported by the other senior roles which are set out below and which together are referred to as the “Senior Officers”:</p> <p>5.1 Two Strategic Directors</p> <p>5.2 Head of Finance and Customer Services (Section 151 Officer)</p> <p>5.3 Head of Legal and Commercial Services (Monitoring Officer); and</p> <p>...</p> <p>10 For the purposes of officer delegated powers, both within this part and any other part of the Constitution, the term “Designated Officers” shall include the following officers:</p> <p>...</p>	<p>Needs to change to reflect that there will be three strategic directors and one of them will be the S151 Officer. Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>

<p>10.2 The two Strategic Directors</p> <p>10.3 Head of Finance and Customer Services (Section 151 Officer)</p> <p>10.4 Head of Legal and Commercial Services (Monitoring Officer); and</p>	
<p>Part 2 – Section G2 – Scheme of Delegation</p> <p>4.1 To recommend to the Head of Legal and Commercial Services, where it is necessary to give effect to a decision of the Council, the need to institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council’s legal position or interest.</p> <p>4.2 To recommend to the Head of Legal and Commercial Services, the negotiation and settling of claims and disputes without recourse to court proceedings including the use of alternative dispute resolution.</p> <p>4.3 Subject to the agreement of the Head of Legal and Commercial Services, to authorise Officers to appear on the Council’s behalf in proceedings before any Court or Tribunal.</p> <p>4.4 To prepare, issue and serve any statutory notice, demand, certificate, order, or requisition for information in respect of functions in their area, including the authentication of such documents save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Head of Legal and Commercial Services.</p> <p>...</p> <p>4.12 To accept, hold and administer any property on trust (in consultation with the Head of Legal and Commercial Services and S151 Officer).</p> <p>...</p> <p>8.2 Powers to take any action or sign any document under the Land Registration Rules, including the release of mortgages or charges; and</p>	<p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>

<p>powers to give any undertaking are reserved to the Head of Legal and Commercial Services.</p> <p>...</p> <p>12.2.2 complaints that have been brought against the Council under any of its internal complaints procedures in conjunction with the Head of Legal and Commercial Services.</p> <p>...</p> <p>13.2 The Common Seal will be affixed to those documents which in the opinion of the Head of Legal and Commercial Services should be sealed or where required by the Contract Procedure Rules in Part 3.</p> <p>13.3 The affixing of the Seal on documents shall be attested by the Head of Legal and Commercial Services or any Officer authorised by him/her.</p>	
<p>Section G3 – Scheme of Delegation</p> <p>2 Functions delegated to the S151 Officer (Head of Finance)</p> <p>...</p> <p>3 Functions delegated to the Monitoring Officer (Head of Legal and Commercial Services)</p>	<p>Needs to change to Strategic Director for Resources rather than Head of Finance.</p> <p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>

Part 2 – Section G3 – Scheme of Delegation

Table of designated Proper Officers

Statutory Requirement	Allocated to	Substitute	Change
<p>Local Government Act 1972 Section 151 Chief Finance Officer</p>	<p>Head of Finance (Section 151 Officer)</p>	<p>Deputy S151 Officer</p>	<p>Needs to change to Strategic Director for Resources rather than Head of Finance. Need to add Head of Finance as the Deputy S151 Officer</p>

S5 Local Government and Housing Act 1989	Designate one of their Officers as the Monitoring Officer	Head of Legal and Commercial Services	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
S36 Freedom of Information Act 2000	Qualified person in relation to s36 of the Act	Head of Legal and Commercial Services	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.

Part 2 – Section G3 – Scheme of Delegation

Table of Specified Officers

Section of the Local Government Act 1972 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer	Change
Section 83 (1) to (4) Witness and receipt of Declarations of Acceptance of Office	Chief Executive	Head of Legal and Commercial Services (Monitoring Officer)	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Section 84 Receipt of Declaration of Resignation of Office	Chief Executive	Head of Legal and Commercial Services (Monitoring Officer)	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.

<p>Section 86 Declare any vacancy in office</p>	<p>Chief Executive</p>	<p>Head of Legal and Commercial Services (Monitoring Officer)</p>	<p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>
<p>Section 88 (2) Convening of meeting of Council to fill casual vacancy in the office of Chair</p>	<p>Chief Executive</p>	<p>Head of Legal and Commercial Services (Monitoring Officer)</p>	<p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>
<p>Section 89 (1) (b) Receipt of notice of casual vacancy from two local government electors</p>	<p>Chief Executive</p>	<p>Head of Legal and Commercial Services (Monitoring Officer)</p>	<p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>
<p>Section 99 Signature of summons to council meetings</p>	<p>Chief Executive</p>	<p>Head of Legal and Commercial Services (Monitoring Officer)</p>	<p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>
<p>Section 100B Exclusion of reports, etc. from inspection</p>	<p>Head of Legal and Commercial Services (Monitoring Officer)</p>	<p>Legal Team Manager and Deputy Monitoring Officer</p>	<p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>

<p>Section 100C Written Summary where minutes would disclose exempt information</p>	<p>Head of Legal and Commercial Services (Monitoring Officer)</p>	<p>Legal Team Manager and Deputy Monitoring Officer</p>	<p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>
<p>Section 100D Compilation of list of background papers</p>	<p>Head of Legal and Commercial Services (Monitoring Officer)</p>	<p>Legal Team Manager and Deputy Monitoring Officer</p>	<p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>
<p>Section 100F Exclusion from production to Councillors of documents disclosing exempt information</p>	<p>Head of Legal and Commercial Services (Monitoring Officer)</p>	<p>Legal Team Manager and Deputy Monitoring Officer</p>	<p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>
<p>Section 115 (2) Receipt of money due from officers</p>	<p>Head of Finance (Section 151 Officer)</p>	<p>Deputy S151 Officer</p>	<p>Needs to change to Strategic Director for Resources rather than Head of Finance. Need to add Head of Finance as the Deputy S151 Officer</p>
<p>Section 146 (1) (a) and (b) Declarations and service with regard to securities</p>	<p>Head of Finance (Section 151 Officer)</p>	<p>Deputy S151 Officer</p>	<p>Needs to change to Strategic Director for Resources rather than Head of Finance. Need to add</p>

			Head of Finance as the Deputy S151 Officer
Section 191 Functions with respect to Ordnance Survey	Head of Legal and Commercial Services (Monitoring Officer)	Strategic Directors	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Section 223 Authorise Officers to appear in legal proceedings	Head of Legal and Commercial Services (Monitoring Officer)	Legal Team Manager and Deputy Monitoring Officer	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Section 225 (1) Receipt and retention of documents deposited with the Authority	Head of Legal and Commercial Services (Monitoring Officer)	Strategic Directors	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Section 228 (3) Making accounts open to inspection by any Councillor of the Authority	Head of Finance (Section 151 Officer)	Deputy S151 Officer	Needs to change to Strategic Director for Resources rather than Head of Finance. Need to add Head of Finance as the Deputy S151 Officer
Section 229 (5) Certification of Photographic copies of	Head of Legal and Commercial Services	Strategic Directors	Needs to change to Head of Legal and Support

Documents	(Monitoring Officer)		Services rather than Head of Legal and Commercial Services.
Section 234 Authentication of Documents	Head of Legal and Commercial Services (Monitoring Officer)	Legal Team Manager and Deputy Monitoring Officer	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Section 236 (9) and (10) To send copies of byelaws to Parish Council	Head of Legal and Commercial Services (Monitoring Officer)	Legal Team Manager and Deputy Monitoring Officer	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Section 238 Certification of byelaws	Head of Legal and Commercial Services (Monitoring Officer)	Legal Team Manager and Deputy Monitoring Officer	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Section 248 Officer who will keep the Roll of Freeman	Head of Legal and Commercial Services (Monitoring Officer)	Strategic Directors	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Schedule 12, Para 4 (2) (b) Signature of summonses to Council Meetings	Chief Executive	Head of Legal and Commercial Services (Monitoring Officer)	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial

			Services.
Schedule 12, Para 4 (3) Receipt of notice regarding address to which summonses to meetings are to be sent	Head of Legal and Commercial Services (Monitoring Officer)	Legal Team Manager and Deputy Monitoring Officer	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Schedule 14, Para 25 (7) Certifying resolutions applying or dis-applying provisions of Public Health Acts 1875-1961	Head of Legal and Commercial Services (Monitoring Officer)	Strategic Directors	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Local Government Act 1974	Proper Officer	Alternative Proper Officer	Change
Section 30(5) To give notice that copies of an Ombudsman's report are available	Chief Executive	Head of Legal and Commercial Services (Monitoring Officer)	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Section of the Local Government (Access to Information) Act 1985 amending the Local Government Act 1972 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer	Change
Section 100B (2) Exclusion of whole or part of reports from public inspection	Head of Legal and Commercial Services (Monitoring Officer)	Legal Team Manager and Deputy Monitoring Officer	Needs to change to Head of Legal and Support Services rather than Head of

			Legal and Commercial Services.
Section 100B (5) Withholding of reports containing exempt information	Head of Legal and Commercial Services (Monitoring Officer)	Legal Team Manager and Deputy Monitoring Officer	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Section 100B (7) (c) Supply of papers to press	Head of Legal and Commercial Services (Monitoring Officer)	Strategic Directors	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Section 100C (2) Summaries of Minutes	Head of Legal and Commercial Services (Monitoring Officer)	Strategic Directors	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Section 100D Inspection of background papers	Head of Legal and Commercial Services (Monitoring Officer)	Strategic Directors	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Section 100F Councillors' right to papers	Head of Legal and Commercial Services (Monitoring Officer)	Strategic Directors	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.

Section of the Local Government Finance Act 1988 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer	Change
Section 114 Duty to report etc	Head of Finance (Section 151 Officer)	Deputy S151 Officer	Needs to change to Strategic Director for Resources rather than Head of Finance. Need to add Head of Finance as the Deputy S151 Officer
Section of the Freedom of Information Act 2000 and Proper Officer Functions	Proper Officer	Alternative Proper Officer	Change
Section 36 the "qualified person"	Head of Legal and Commercial Services (Monitoring Officer)	Legal Team Manager and Deputy Monitoring Officer	Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.
Miscellaneous: Statutory Provision and Proper Officer Functions	Proper Officer	Alternative Proper Officer	Change
Section 41 Local Government (Miscellaneous Provisions) Act 1976 Certifying true copies of minutes	Head of Legal and Commercial Services (Monitoring Officer)	Legal Team Manager and Deputy Monitoring Officer	Needs to change to Head of Legal and Support Services rather than Head of Legal and

			Commercial Services.
Proceeds of Crime Act 2002 Part 7 Nominated Officer to receive disclosures of suspected Money Laundering	Head of Finance (Section 151 Officer)	Deputy S151 Officer	Needs to change to Strategic Director for Resources rather than Head of Finance. Need to add Head of Finance as the Deputy S151 Officer

Current wording	Change
<p>Part 3 – Section F – Finance Procedure Rules 1.1.4 To avoid the need for regular amendment due to changes in post titles generic terms are included for Officers as follows:</p> <p>a) The term, “S151 Officer,” refers to the Section 151 Officer who is currently the Council’s Head of Finance.</p> <p>b) The term, “Chief Officers”, refers to the Council’s Chief Executive and Strategic Directors.</p> <p>c) The term, “Monitoring Officer”, refers to the Head of Legal and Commercial Services.</p>	<p>Needs to change to reflect that there will be three strategic directors and one of them will be the S151 Officer.</p> <p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>
<p>Part 3 – Section G (Contract Procedure Rules) 5.11. The authority to award a contract (i.e. decide that the contract should be given to a particular supplier) is separate from authority to sign the contract. Contracts under which the Council will be liable for sums up to £50,000 may be signed by any Officer (or awarded by issuing a purchase order) provided that the contract value does not exceed their financial authorisation. All contracts above £50,000 must be signed by the Head of Legal and Commercial Services or their appointed nominee.</p> <p>...</p> <p>13.1. Every procurement which exceeds £50,000 in value shall be a formal contract in writing and signed by the Head of Legal and Commercial Services or his/her nominee. The procuring Officer should seek the advice of Legal Services at the earliest opportunity in this regard.</p>	<p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>

<p>13.2. Such contract shall, unless the Head of Legal and Commercial Services deems it disproportionate: ...</p> <p>14.3. The Head of Legal and Commercial Services may agree the variation or novation of any contract originally awarded under delegated authority. The variation or novation of a contract originally awarded by the Cabinet shall only be agreed by the Cabinet, save to the extent that such variation is of a minor nature or accounted for in the contract.</p>	
<p>Part 4 – Section C – Protocol on Councillor / Officer Relations</p> <p>5.12 Councillors may be entitled under the Freedom of Information Act 2000 (“FOI”) to receive information which falls outside their common law rights based on the “need to know”. Strategic Directors will seek to enable the supply documents to Councillors without the need for a formal FOI request if it is apparent from the Councillor’s enquiry that any individual would be entitled to receive such documentation. The Council’s Head of Legal and Commercial Services will be able to advise on whether any request would fall within FOI.</p> <p>...</p> <p>6.8 If a Councillor requires any advice regarding confidential information he/she should consult the Head of Legal and Commercial Services.</p> <p>...</p> <p>12.1 If there are any issues of concern, which are not dealt with by this protocol, then the relevant Councillor or Officer may discuss the matter with the Chief Executive, Strategic Directors, Head of Legal and Commercial Services or the Head of Human Resources and Organisational Development, as appropriate, with a view to advice being provided.</p>	<p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>
<p>Part 5 – Councillors’ Allowances Scheme</p> <p>Section 1 - NWLDC Councillors’ Allowances Scheme</p> <p>5. Renunciation</p>	<p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>

<p>A Councillor may by notice in writing given to the Head of Legal and Commercial Services, elect to forego any part of his/her entitlement to an allowance under this scheme.</p> <p>....</p> <p>3. RENUNCIATION</p> <p>Any Councillor not wishing to claim the basic allowance or special responsibility allowance MUST NOTIFY THE HEAD OF LEGAL AND COMMERCIAL SERVICES IN WRITING.</p>	
<p>Part 6 – Glossary of Terms</p> <p>Designated Officers – For the purposes of Officer delegated powers within this Constitution, the term “Designated Officer” shall include the following Officers:</p> <ul style="list-style-type: none"> • Chief Executive • Strategic Directors • S151 Officer • Heads of Service <p>...</p> <p>Head of Legal and Commercial Services - See Monitoring Officer below.</p> <p>...</p> <p>Monitoring Officer - The Council Officer charged with ensuring that everything that the Council does is fair and lawful. The Monitoring Officer is currently the Head of Legal and Commercial Services.</p>	<p>Remove separate reference to S151 Officer as covered under reference to Strategic Directors.</p> <p>Needs to change to Head of Legal and Support Services rather than Head of Legal and Commercial Services.</p>