



## **Record of Delegated Decision**

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**Report of:** The Director of Legal and Governance

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**Date:** 14 December 2020

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**Subject:** Minor Changes to the Constitution

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**Author of Report:** Jason Dietsch – Democratic Services

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**Summary:**

The report provides details of proposed minor changes to the Constitution.

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**Recorded Decision**

I have after consultation with the Lord Mayor, authorised the changes to the following parts of the Constitution, as set out in the report and appendices, which will come into immediate effect and will be reported back to Full Council at the next appropriate opportunity:-

- Part 4 – Financial Procedure Rules (Financial Regulations)

Gillian Duckworth  
Director of Legal and Governance

Signed.....

Date.....

Signed..... Date.....  
Lord Mayor

## 1. **Introduction**

1.1 This report provides details of proposed minor changes to the Council's Constitution. The Director of Legal and Governance, in consultation with the Lord Mayor, has delegated authority to make any minor and consequential drafting changes to the Constitution.

## 2. **Proposed Changes and Reasons**

### 2.1 Part 4 – Financial Procedure Rules (Financial Regulations)

2.1.1 Minor changes are proposed to the Financial Procedure Rules in order that the Director of Finance & Commercial Services (in addition to the Head of Strategic Finance) may carry out s.151 functions on behalf of the Executive Director, Resources. The changes required are to the table of contents and at paragraphs 2.2.7 and 2.2.8 of the Financial Procedure Rules in Part 4 of the Constitution.

2.1.2 The Executive Director of Resources is the responsible officer (Chief Financial Officer) for the purposes of s151 of the Local Government Act 1972 and s114/114A of the Local Government Finance Act 1988. The Executive Director of Resources therefore has a statutory responsibility to ensure that the Council makes arrangements for the proper administration of the Council's financial affairs.

2.1.3 The Executive Director of Resources, as a member of the Council's Executive Management Team will ensure that the s151 role is discharged at this strategic level.

2.1.4 The proposed change is to permit that, on a day-to-day basis, all s151 responsibilities may be discharged by the Director of Finance & Commercial Services in addition to the Head of Strategic Finance, who will act on behalf of the Executive Director of Resources in ensuring proper discharge of these statutory responsibilities. This was omitted from the Financial Procedure Rules when they approved in 2018 because the then Director of Finance & Commercial Services was not a qualified accountant and so did not meet the professional qualification requirement for the role of s151 officer, as set out in section 113 of the Local Government Finance Act 1988. The current Director does meet that requirement.

2.1.5 As set out in the Financial Procedure Rules, the Director of Finance & Commercial Services and the Head of Strategic Finance will each be:

- Authorised to sign any and all grant claims, statutory returns or other documents that require the authority of the s151 officer on behalf of the Council.
- Responsible for recommending amendments to these Regulations to the Council where she/ he considers these to be in line with any changes to recommended best practice or essential service requirements or as otherwise appropriate. Minor and consequential amendments may be made by the Director of Legal and Governance in consultation with the Lord Mayor.
- Responsible for fully documenting financial standards, policies, procedures, forms, etc., which support these Financial Regulations and by setting out in more detail the Council's procedures for carrying out finance work.
- Responsible for ensuring that appropriate training is made available to support these procedures. Executive Directors are responsible for ensuring that these training opportunities are taken up by their staff.

2.1.6 Further changes will be made to update the Financial Regulations and these will be submitted to full Council for consideration in February 2021. The minor changes in this report will be incorporated into that larger piece of work.

3. **Decision**

3.1 To approve changes to the following parts of the Constitution, as set out in the report and appendices, which will come into immediate effect and will be reported back to Full Council at the next appropriate opportunity:-

- Part 4 – Financial Procedure Rules (Financial Regulations) (table of contents and at paragraphs 2.2.7 and 2.2.8 of the Financial Procedure Rules.)

**Gillian Duckworth**  
**Director of Legal and Governance**

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