

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR, CORE SERVICES

TITLE: AMENDMENTS TO THE CONSTITUTION

REPORT TO:	Cabinet
Date of Meeting	10 July 2024
Cabinet Member Portfolio	Core Services
Key Decision	Yes
Public or Private	Public

Purpose of report

To clarify the delegation for Cabinet Spokespersons and update the terms of reference for the Audit and Governance Committee

Council Plan priority

Enabling Barnsley

Recommendations

That Cabinet recommends to Full Council the constitution be updated to:-

1. Amend the Section 3c, Part 2 of the constitution to clarify the Cabinet delegations to Cabinet Spokespersons as contained in Appendix B.
2. Amend Section 3a of the constitution to update the terms of reference for the Audit and Governance Committee as contained in Appendix C.
3. In accordance with Section 9FB of the Local Government Act 2000, the power to appoint the Statutory Scrutiny Officer be delegated to the Monitoring Officer to designate an officer from the Governance Service for this role.
4. That the Monitoring Officer be empowered to make minor amendments to the constitution.

1. INTRODUCTION

Audit and Governance Committee Terms of Reference

- 1.1 The Audit and Governance Committee has been reviewing its terms of reference and approved its revised terms in March 2024. In order to be formally adopted, the constitution has to be amended.

Statutory Scrutiny Officer

- 1.2 In accordance with Section 9FB of the Local Government Act 2000, the Council is required by law to appoint a Statutory Scrutiny Officer.
- 1.3 The role of the Statutory Scrutiny Officer is to:
 - promote the role of the authority's scrutiny committee;
 - provide support to the scrutiny committee and its members; and
 - provide support and guidance to members and officers relating to the functions of the scrutiny committee.
- 1.4 Since the departure of Shokat Lal, the Council's former Executive Director, Core Services and Statutory Scrutiny Officer, Wendy Popplewell, as the new Executive Director Core Services, has been informally undertaking the role of Statutory Scrutiny Officer. This report therefore seeks to delegate the power to appoint the Statutory Scrutiny Officer to the Monitoring Officer to designate an officer from the Governance Service for this role following the implementation of the transformation project for the Governance Service.

2. PROPOSAL

- 2.1 Amend the Section 3c, Part 2 of the constitution to clarify the Cabinet delegations to Cabinet Spokespersons as contained in Appendix B.
- 2.2 Amend Section 3a of the constitution to update the terms of reference for the Audit and Governance Committee as contained in Appendix C.
- 2.3 In accordance with Section 9FB of the Local Government Act 2000, the power to appoint the Statutory Scrutiny Officer be delegated to the Monitoring Officer to designate an officer from the Governance Service for this role.
- 2.4 That the following be added to the Constitution under Part 3 – Responsibility for Executive Functions:

“25. Monitoring Officer

The Monitoring Officer shall make urgent amendments to give effect to any decision of the Council or changes in the law, and minor amendments such as to correct errors or to ensure that the constitution is up-to-date. Any such changes will be published on the Council's website as and when applicable.”

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

There are no direct implications as a result of this report's recommendations.

3.2 Legal

- 3.2.1 The legal issues are set out in the requirements of the designations. Full Council has the responsibility of adopting and changing the constitution in

accordance with part 3a Overview and main provisions of the Constitution article 4.2.1.e and r.

3.2.2 S.9FB Local Government Act 2000, sets out the requirements by law of Scrutiny Officers and their designation.

3.3 Equality

Not Applicable

3.4 Sustainability

Not Applicable

3.5 Employee

Not Applicable

3.6 Communications

Not Applicable

4. CONSULTATION

None

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 None

6. REASONS FOR RECOMMENDATIONS

6.1 The council has a duty under Section 9P, Schedule 2 of the Localism Act 2011 to keep its constitution up to date, these changes are consistent with the discharge of this legal duty.

7. GLOSSARY

N/A

8. LIST OF APPENDICES

Appendix B: Cabinet spokesperson Delegations

Appendix C: Terms of reference for the Audit and Governance Committee

9. BACKGROUND PAPERS

None

10. REPORT SIGN OFF

Financial consultation & sign off	Colette Tyrell 27/06/2024
Legal consultation & sign off	Andrew Perriman 26/06/2024

Report Author: Peter Clark

Post: Interim Head of Governance, Elections and Registration

Date: 21 May 2024