

COUNCIL
– 8 September 2026

**NOTICE OF AMENDMENTS TO THE CONSTITUTION BY THE
MONITORING OFFICER UNDER DELEGATED POWERS**

Report by the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. **Council is RECOMMENDED to**
 - a) Note the amendments undertaken by the Director of Law and Governance and Monitoring Officer, in accordance with Part 7.2 of the Constitution (Scheme of Delegation to Officers), paragraph 6.4 (v) as set out in Annex 1 to this report;
 - b) Request the Director of Law and Governance and Monitoring Officer to ensure the necessary changes are made; and
 - c) Note that a final edit of the Constitution covering layout and grammar will be undertaken prior to publication.

Executive Summary

2. The Director of Law & Governance and Monitoring Officer has made a number of amendments to the Constitution for clarification, to reflect legislation, and to give effect to decisions made by Council and decisions made by the Leader of the Council.
3. The changes in summary are:
 - To give effect to a Council decision to delegate authority to committees to fill any vacancy that arises where the relevant political group leader has not provided a nomination within three weeks of a request to do so.
 - To give effect to a decision by the Leader of the Council to appoint one or more Deputy Cabinet Members.
 - To clarify that members of the public may be excluded from 'part of' a meeting where exempt information is being discussed and not necessarily from the whole meeting.
 - To comply with the procedure outlined in legislation for situations where it is not possible to give the normal 28 days' notice of a report or annex being exempt, due to the urgency of the decision.

Background

4. The Director of Law & Governance and Monitoring Officer has delegated authority to undertake certain changes to the Constitution. This authority is set out in Part 7.2 of the Constitution (Scheme of Delegation to Officers).
5. Paragraph 6.4 (v) states the Director of Law & Governance and Monitoring Officer is authorised to:

“make any changes to the Constitution which are required:
a) to comply with the law; or
b) to give effect to decisions of the Council or (so far as within their powers) the Cabinet, scrutiny committees and ordinary committees; or
c) to correct errors and otherwise for accuracy or rectification.”

Amendment 1

6. The Local Government (Committees and Political Groups) Regulations 1990 state:

Notifications

14. For the purpose of enabling a political group to express its wishes in accordance with section 16 of the 1989 Act, the proper officer shall notify in writing the leader or, in his absence, the representative of a political group as soon as practicable after—

(a) the allocation by the authority or committee to that group of a seat on a body to which section 15 of the 1989 Act applies; or

(b) the vacation of a seat on such a body allocated by the authority or committee to that group.

Appointments where political group fails to express wishes

15. Where a political group has failed to express its wishes in relation to the appointment to such a seat as is mentioned in regulation 14 within the period of three weeks beginning with the date on which notice was given under that regulation, the authority or committee may make such appointment to that seat as they think fit.

7. At its meeting on 4 November 2025, Council made the following decision to:
“delegate to all council committees the authority to appoint to its vacant committee seats in accordance with legislation.”
8. Amendment 1 in Annex 1 has been made by the Monitoring Officer under the delegation in Part 7.2, paragraph 6.4(v) b) to give effect to this decision by Council.

Amendment 2

9. On 27 August 2026, the Leader of the Council made the following decision to:
 - a) *Agree the proposed model for introducing a Deputy Cabinet Member for Strategic Plan Delivery and any subsequent Deputy Cabinet Member roles.*
 - b) *Confirm that a Deputy Cabinet Member role is non-statutory, advisory and delivery-focused, with no delegated decision-making powers.*
 - c) *Agree the governance safeguards, role description, refreshed Enhanced Disclosure and Barring Service check requirement and communications approach set out in this report before implementation.*
10. Amendment 2 in Annex 1 has been made by the Monitoring Officer under the delegation in Part 7.2, paragraph 6.4(v) b) to give effect to this decision by the Leader of the Council.

Amendment 3

11. This is a minor amendment to clarify that members of the public may be excluded from 'part of' a meeting where exempt information is being discussed. Without this amendment, it could be argued that members of the public should be excluded from the whole meeting even if only one item involved exempt information.
12. Amendment 3 in Annex 1 has been made by the Monitoring Officer under the delegation in Part 7.2, paragraph 6.4(v) c) to correct errors and otherwise for accuracy or rectification.

Amendment 4

13. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Section 5 deals with *Procedures prior to private meetings*.
14. The Section requires that at least 28 clear days' notice must be given of the intention to hold a meeting in private. Paragraph 6 of the Section sets out procedures that must be followed "Where the date by which a meeting must be held makes compliance with this regulation impracticable".
15. Amendment 4 in Annex 1 has been made by the Monitoring Officer under the delegation in Part 7.2, paragraph 6.4(v) a) to comply with the law.

Corporate Policies and Priorities

16. The proposal to appoint Deputy Cabinet Members supports delivery of the council's Strategic Plan and agreed Cabinet priorities by providing additional political capacity to maintain momentum on agreed workstreams, support follow-up on actions and strengthen forward planning. The role is intended to support delivery within existing governance and decision-making arrangements,

not to create new executive powers or change the council's formal scheme of delegation.

Financial Implications

17. There are no direct financial implications arising from the recommendation. The proposed role would not attract an additional Special Responsibility Allowance. Any officer support would be managed within existing resources and through normal Cabinet support, governance and service arrangements.

Legal Implications

18. Any potential legal implications of the new proposals set out in this report have been explored in consultation with the Head of Legal as appropriate and are set out in the contents of this report.

Staff Implications

19. There are no direct staffing implications arising from the recommendations. Officer support for the role of Deputy Cabinet Member would be proportionate, clearly linked to agreed priorities and coordinated through the relevant senior officer or Cabinet support arrangements. Any additional support requirements would need to be managed within existing resources. The postholder would be required to complete a refreshed Disclosure and Barring Service check at an enhanced level before taking up the role.

Local Government Reorganisation Implications

20. The proposals do not directly affect Local Government Reorganisation arrangements. The Deputy Cabinet Member role may provide additional political capacity to support delivery and forward planning during a period of significant organisational change. Any Local Government Reorganisation-related work supported through the role would need to remain within agreed council governance, programme and decision-making arrangements.
21. The amendments reflect a drive to ensure that the Constitution is robust and up to date with legislation and reflects how the council operates, makes decisions and stays accountable to the public.

Risk Management

22. The key risks with the appointment of Deputy Cabinet Members relate to potential confusion about decision-making authority, constitutional ambiguity, perceived duplication with Cabinet Member or officer roles, and the need to ensure appropriate safeguards are in place before the role is implemented.

These risks will be mitigated through a clear written remit, public-facing information confirming that the role has no executive decision-making powers, officer guidance, reporting the appointment to Council for transparency and requiring the postholder to complete a refreshed Disclosure and Barring Service check at an enhanced level before taking up the role.

ANITA BRADLEY, Director of Law and Governance and Monitoring Officer

Annex: Annex 1 Changes to be made by the Monitoring Officer under delegated authority

Background papers: N/A

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August 2026