

ANNUAL COUNCIL – 24 MAY 2022

PART I

10. MINOR AMENDMENT TO PART 2 OF THE COUNCIL CONSTITUTION – ARTICLE 14 – POINT 14:05 (CED)

1 Summary

1.1 This report is being brought to Annual Council to agree a minor amendment to Part 2 of the Council Constitution, Article 14, Point 14:05.

1.2 Article 14, Point 14:05 currently states the following:

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Solicitor to the Council. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Solicitor to the Council should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, Director of Finance, Director of Community and Environmental Services or the Solicitor to the Council.

During the Covid 19 pandemic any of the following officers are also authorised to attest the seal:

A Principal Solicitor, Principal Lawyer of the Council, Emergency Planning and Risk manager”

1.3 Council are asked to agree to removing the words “During the Covid 19 pandemic” with the wording of Point 14:05 to read:

“Any of the following officers are also authorised to attest the seal:

A Principal Solicitor, Principal Lawyer of the Council, Emergency Planning and Risk manager”

1.4 Council are asked to also agree to continue to allow the additional officers to attest the seal.

2 Details

2.1 The reason for the report coming to Annual Council is that with the Government now removing Covid-19 restrictions in England, from April 2022, the wording “during the Covid 19 Pandemic” is now no longer required and not relevant.

2.1.1 The Senior Leadership Team wishes to continue with the authorisation of other officers to attest the seal as it provides for more resilience in being able to get documents sealed promptly and within legal timeframes.

3 Options and Reasons for Recommendations

3.1 To agree the minor amendment to Article 14, Point 14.05 as detailed at Paragraph 1.3 and that the Council Constitution be updated accordingly.

3.2 To agree to continue to allow the additional officers to attest the seal.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are within the Council's agreed policy and budgets. The relevant policy is entitled the Council Constitution.

5 Financial, Legal, Equal Opportunities, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

5.1 None specific.

6 Legal Implications

6.1 Detailed in elsewhere in the report.

7 Equal Opportunities Implications

7.1 Not applicable

Has a relevance test been completed for Equality Impact?	No
Did the relevance test conclude a full impact assessment was required?	Not applicable

7.2 Impact Assessment

Not applicable.

8 Staffing Implications

9 If the recommendation is agreed it will allow the additional officers to continue to be able to attest the seal.

10 Risk and Health & Safety Implications

10.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

10.2 The subject of this report is covered by the Legal and Committee service plans. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
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Insufficient officers able to attest a seal to a document	The Council are not able to attest a seal to a document	To continue to allow the additional officers the responsibility to attest a seal to a document	Treat	4
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10.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
	Low	Low	Medium	High
	2	4	6	8
	Low	Low	Low	Low
	1	2	3	4
	Impact			
	Low	----->		Unacceptable

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

10.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

11 Recommendation

11.1 Council agree to removing the words “During the Covid 19 pandemic” with the wording of Point 14:05 to read:

“Any of the following officers are also authorised to attest the seal:

A Principal Solicitor, Principal Lawyer of the Council, Emergency Planning and Risk manager”

11.2 Subject to the minor amendment being agreed that the Council Constitution be updated accordingly.

11.3 Council agree to continue to allow the identified officers to attest the seal on Council documents.

Report prepared by: Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources: Council Constitution

Data checked by: Ciara Feeney, Solicitor to the Council

Data rating:

1	Poor	
2	Sufficient	
3	High	x

Background Papers

Council Constitution

APPENDICES / ATTACHMENTS

None