

Open Report on behalf of Keith Ireland, Chief Executive

Report to:	County Council
Date:	14 September 2018
Subject:	Changes to the Constitution

Summary:

This Report sets out proposed changes to Part 7 of the Council's Constitution, which includes the senior management structure.

Recommendation(s):

That the Council:

- 1) Approves the new Part 7 of the Constitution set out in Appendix A to this report.
- 2) Authorises the Monitoring Officer to make consequential amendments to the Constitution to ensure it is consistent with the approved structure.

1. Background

- 1 Following his appointment in July 2018, the Chief Executive has carried out a review of the Council's senior management structure.
- 2 The review included discussions with senior officers, senior councillors and partner organisations.
- 3 As a result of the review the Chief Executive proposes to include a new post of Executive Director – Commercial on the Corporate Management Board (CMB). This will strengthen the corporate body and address the Council's desire to achieve a commercial approach to its affairs.
- 4 In addition there are proposals to amend the titles of existing Executive Director posts and organise the Council's work under the three themes of People, Place and Corporate.
- 5 The Chief Fire Officer will report direct to the Chief Executive.
- 6 The structure chart appended to this report reflects the amendments proposed.

Equality Act 2010

- 7 Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:
- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
 - * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation
- 8 Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:
- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
- 9 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities
- 10 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.
- 11 Compliance with the duties in section 149 may involve treating some persons more favourably than others
- 12 The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

There are no direct implications of the decision for the Equalities Act.
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Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS).

- 13 The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

There are no direct implications of the decision for the JSNA or JHWS.

Crime and Disorder

- 14 Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

There are no direct implications of the decision for the Crime and Disorder Act.

2. Conclusion

15. The Chief Executive proposes to organise the work of the Council under the three themes of People, Place and Corporate, to create a Corporate Plan and deliver the policy and business objectives of the Council.
16. Council is being asked to approve changes to the senior management structure to enable this to happen and for the recruitment to the new position of Executive Director - Commercial and other Executive Director and management vacancies to take place.

3. Legal Comments:

The Senior Management Structure forms part of the Constitution and approving changes to the Council's Constitution are reserved to the full Council.

4. Resource Comments:

The proposals within this report can be met from within existing budgets of the Council

5. Consultation

- a) **Has Local Member Been Consulted?**

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This decision has not been the subject of prior scrutiny however the Chairman of the Overview and Scrutiny Board has been informally consulted.

d) Have Risks and Impact Analysis been carried out?

Yes

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Proposed Part 7 of the Constitution

7. Background Papers

There were none used in the preparation of this report

This report was written by Keith Ireland, who can be contacted on 01522 552001 or keith.ireland@lincolnshire.gov.uk.