

**Open Report on behalf of Debbie Barnes OBE, Head of Paid Service**

Report to:	<b>County Council</b>
Date:	<b>17 May 2019</b>
Subject:	<b>Changes to the Constitution</b>

**Summary:**

To inform Council of the division of responsibilities between Chief Officers determined by the Head of Paid Service and the Corporate Leadership Team and seek approval to changes to the Council's Constitution to reflect the division of responsibilities and align formal officer delegations to them.

To seek approval to changes to the Constitution which would change the name and some of the arrangements relating to the Corporate Parenting Sub-Group, following the debate on the Corporate Parenting Strategy at the Council's meeting in September 2018.

To seek a minor change to the Constitution relating to approval of the Scheme of Members Allowances to reflect the legal position.

**Recommendation(s):**

That the Council:-

1. Notes the division of responsibilities between Chief Officers and the high level arrangements described in the Report and Appendices A, B and C;
2. Approves the amendments to the Constitution set out in Appendix D to the Report to reflect the said division of responsibilities and high level arrangements;
3. Approves the amendments to the Constitution set out in Appendix E relating to the Corporate Parenting Panel; and
4. Approves the amendment to the Constitution to delete sub-paragraph (j) from paragraph 2.1 of the Council Procedure Rules in Part 4 of the Constitution.

## **1. Background**

### **Chief Officer Responsibilities**

Appendix A shows the approved Senior Management Structure which is set out in Part 7 of the Council's Constitution.

Following a number of recruitments necessitated by a number of departures at Chief Officer level that approved structure has only been fully staffed below Head of Paid Service level since 8 April 2019 when the last of a number of new recruits took up post.

The structure at Appendix A now includes the names of all the officers reporting directly to the Head of Paid Service. The document at Appendix B shows the Council's Corporate Leadership Team. The structures at Appendix C show for the Head of Paid Service and each Executive Director area the division of responsibilities below the Director level.

The main features can be briefly described as follows:

- The creation of a small corporate centre to provide some capacity for the Head of Paid Service. This consists of the Community Engagement Team and the Communications Team (as these services are closely related to the Head of Paid Service duties) with the addition of a new post to take a Policy development role
- Community Safety is transferred to the Chief Fire Officer as the leadership team consider that there are considerable synergies between Community Safety and the Fire Service
- Human Resources is transferred to the Executive Director - Resources as this brings together our key resourcing functions in terms of money, people and governance activities
- A dedicated transformation team will be established, under the leadership of the Executive Director - Commercial building on the existing projects and programmes team. This will enable greater oversight of the Council's key projects. Performance capacity and IMT systems will be centralised as this will further enhance the organisation's ability to have increased corporate oversight.

With the exception of the centralising of systems and performance the above changes will take effect on 20 May 2019. The centralising of systems and performance will follow after appropriate consideration of the shape of those services and engagement with affected staff.

Now that a stable and fully staffed (although partly interim) senior management structure has been achieved it is necessary to revisit the distribution of officer delegations within Part 3 of the Constitution. During 2018 the Council went through a significant degree of change in its senior management and as a result the formal delegations have become misaligned with management responsibilities.

Appendix D shows the amendments necessary to bring the officer responsibilities and delegations in line with the management arrangements described above and approval is sought for these Constitutional amendments so the relevant senior managers are equipped with the necessary delegations to progress their areas of responsibility.

### **Corporate Parenting Sub-Group**

The Council approved the Corporate Parenting Strategy at its meeting in September 2018. During the debate members highlighted the need to maintain a high level of awareness and engagement for all members as corporate parents and it was suggested that the Corporate Parenting Sub-Group was renamed to 'Corporate Parenting Panel' to better reflect the status of Corporate Parenting within the authority.

The proposed changes to the Corporate Parenting arrangements are:

- 1) The Corporate Parenting Sub-Group will be renamed to Corporate Parenting Panel.
- 2) The Corporate Parenting Panel will meet in public up to six times a year, as required.
- 3) The Corporate Parenting Panel will report to the Full Council as required, (rather than the Children and Young People Scrutiny Committee) to increase awareness among all members of the work being undertaken in ensuring that the County Council undertakes its duty as Corporate Parent.

Approval is sought for the detailed amendments to the Constitution necessary to give effect to these changes as set out in Appendix E. These changes are intended to promote and maintain a high level of awareness and engagement for all members as corporate parents.

### **Business to be conducted at the Annual Meeting**

Paragraph 2.1 of the Council Procedure Rules in Part 4 of the Constitution sets out the business to be conducted at the Annual Meeting. This includes at sub-paragraph (j) agreeing a scheme of members allowances under the Local Authorities (Members Allowances) Regulations 2013. In fact the 2013 Regulations require such a scheme to be adopted prior to the 1 April of the year to which they relate. Accordingly this Council approves its scheme of members allowances at its February meeting each year.

Approval is therefore sought to delete sub-paragraph (j) from paragraph 2.1 of the Council Procedure Rules at Part 4 of the Constitution.

## 2. Legal Issues:

### Equality Act 2010

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

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

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

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

Compliance with the duties in section 149 may involve treating some persons more favourably than others

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

<p>The Equality Act duty has been taken into account but no equalities impacts have been identified arising of the proposals in this Report.</p>
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Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

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

The JSNA and JHWS have been taken into account. The management structure described is considered best designed to enable the Council to focus on and progress its strategic objectives including those relating to the health and wellbeing of the people of the area. The changes to the Corporate Parenting arrangements are intended to promote and maintain a high level of awareness and engagement for all members as corporate parents and therefore better outcomes for the young people for whom the Council is responsible.

Crime and Disorder

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

Crime and disorder issues have been taken into account. The management structure described is considered best designed to enable the Council to focus on and progress all its strategic objectives including those relating to crime and disorder.

**3. Conclusion**

Approval is sought for amendments to the Constitution including to align officer delegations to area responsibilities and around arrangements relating to the Corporate Parenting Sub-Group.

**4. Legal Comments:**

The number and grades of staff required by the Council for the discharge of its functions; the organisation of the Council's staff; and the appointment and proper management of the Council's staff are matters for the Head of Paid Service and the Report informs the Council of arrangements the Head of Paid Service has determined.

Amendments to the delegations and other constitutional provisions relating to Chief Officers are reserved to full Council.

The decision on recommendation 2 is therefore within the remit of the full Council.

The other recommendations are also within the remit of the full Council

## 5. Resource Comments:

All changes arising from the recommendations within this report will be met from existing budgets of the Council

## 6. Consultation

### a) Has Local Member Been Consulted?

n/a

### b) Has Executive Councillor Been Consulted?

n/a

### c) Scrutiny Comments

The decision has not been considered by a Scrutiny Committee

### d) Have Risks and Impact Analysis been carried out?

Yes

### e) Risks and Impact Analysis

See the body of the Report

## 7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Senior Management Structure
Appendix B	Corporate Leadership Team
Appendix C	Senior Management Arrangements
Appendix D	Amendments to the Constitution – Chief Officer Responsibilities and Officer Delegations
Appendix E	Amendments to the Constitution – Corporate Parenting Panel

## 8. Background Papers

Background Paper	Where it can be viewed
Council's Constitution	<a href="https://www.lincolnshire.gov.uk/local-democracy/council-business/the-constitution/27546.article">https://www.lincolnshire.gov.uk/local-democracy/council-business/the-constitution/27546.article</a>
Report to Council 14 September 2018 entitled Corporate Parenting Strategy	<a href="http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=120&amp;MId=5091&amp;Ver=4">http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=120&amp;MId=5091&amp;Ver=4</a>

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