



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

Report to:	County Council
Date:	20 May 2022
Subject:	Review of the Constitution - Changes to Chief Officer Delegations

Summary:

To inform Council of the division of responsibilities between Chief Officers determined by the Head of Paid Service 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 other changes to the Constitution to amend the Scheme of Delegation to accommodate the role of the Executive Director – Resources in the administration of the Firefighter's Pension Scheme.

Recommendation(s):

That the Council:-

1. notes the division of responsibilities between Chief Officers described in the Report; and
2. approves the amendments to the Constitution set out in Appendices B and C to the report.

1. Background

- 1.1 **Appendix A** shows the Senior Management Structure which forms Part 7 of the Council's Constitution.
- 1.2 On the 31 March 2022, James Drury the Executive Director – Commercial retired and the Head of Paid Service has taken steps to reallocate responsibilities among the remaining Executive Directors to accommodate changes to the way in which the functions formerly the responsibility of the Executive Director – Commercial are performed.

1.3 The main changes can be briefly described as follows:

- Community Safety is transferred to the Executive Director – Adult Care and Community Wellbeing from the Executive Director – Resources. This recognises the strong interrelationships between community safety and community wellbeing. This is a permanent change.
- The areas of Corporate Property, IMT, Commercial and Transformation are transferred to the Executive Director – Resources. This brings the main corporate support services into one place enabling closer working and greater integration, enabling a consistent and joined up support offer to the wider organisation. This change is for an initial period of 6 months pending a decision about the future of the role of Executive Director – Commercial.

1.4 In addition the Head of Paid Service has nominated the Executive Director - Resources as Deputy Chief Executive to give a clear point of focus and leadership to the paid service in her absence and to facilitate the seamless delivery of the Council's services in such circumstances. No constitutional amendments flow from this change.

1.5 To reflect the changes in paragraph 1.3 it is necessary to revisit the distribution of officer delegations within Part 3 of the Constitution to ensure that the formal provisions of the Constitution remain aligned to the officer structure of the Council. Article 9 (Officers) has also been reviewed and amended to ensure that it accurately reflects the current Chief Officer arrangements.

1.6 **Appendix B** and **Appendix C** show the amendments necessary to bring the officer delegations and areas of responsibility as shown in the Constitution in line with the management structure 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.

1.7 Opportunity has also been taken to introduce an amendment to the Scheme of Delegation for the Executive Director – Resources to recognise the Council's role as Scheme Manager of the Firefighter's Pension Scheme.

1.8 No other changes to the Constitution are proposed at this time.

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.

The Equality Act duty has been taken into account but no equalities impacts have been identified arising from the proposals in this report.

Joint Strategic Needs Assessment (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 and Wellbeing Strategy (JHWS) in coming to a decision.

The JSNA and JHWS have been taken into account. The allocation of management responsibilities 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.

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 allocation of management responsibilities 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

It is necessary to make temporary and permanent changes to the constitution to ensure that its formal provisions remain aligned to the officer structure of the Council and that the document continues to be fit for purpose.

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 the 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.

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?

No

b) Has Executive Councillor Been Consulted?

No

c) Scrutiny Comments

The decision has not been considered by a Scrutiny Committee.

d) Risks and Impact Analysis

Detailed within the report.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Part 7 of the Council's Constitution: Existing Management Structure
Appendix B	Part 2 of the Council Constitution: Articles (with tracked changes for proposed amendments)
Appendix C	Part 3 of the Council's Constitution: Responsibility for Functions (with tracked changes for proposed amendments)

8. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Council's Constitution	www.lincolnshire.gov.uk

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