

<b>Local Members Interest</b>
N/A

## **Council Meeting – Thursday 20 May 2021**

### **Change to the Constitution Requiring Approval from County Council**

#### **Purpose**

For members of the County Council to adopt the changes in the Constitution as referenced below.

#### **Report of the County Solicitor**

#### **Background**

1. The Staffordshire County Council Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into Sections which explain how the Council makes its decisions by outlining how the different parts of the Council work and the basic rules governing the Council's business.
2. It is essential for good governance that local authorities regularly review their Constitution. Over the past several months, work has been ongoing in reviewing the Constitution, particularly Section 11 – Officers.
3. The Director for Corporate Services will have the authority to make minor and consequential amendments to the constitution to keep it up to date with legislative requirements and/or to keep the whole constitution in line with Council decisions made from time to time.
4. Material and significant changes to the Constitution are required to be approved by Full Council.
5. The changes that require approval are identified in the table below.

Ref.	Change
Section 6 - Cabinet Portfolios	'Cyber Security' has been included in the Cabinet portfolio for Finance and Resources.
Section 7 – Select Committees	Committees previously referred to as Select Committees are now titled Overview and Scrutiny Committees. This may be shortened to Scrutiny Committees.
Section 11 - Officers – Scheme of Delegation  Table 1 - Delegations to all Senior Leadership Team Members	<p>Revised to state:</p> <p>Following consultation with the County Solicitor, to instruct the County Solicitor to:</p> <ul style="list-style-type: none"> <li>• issue or instigate, prosecute, defend, withdraw, appeal or compromise any claims or legal proceedings (civil or criminal) connected with any function or service for which the Senior Leadership Team member is responsible</li> <li>• commence criminal proceedings for any breach of any law/by-law within the services and functions for which the Senior Leadership Team member is responsible</li> <li>• pursue the recovery of costs incurred by the County Council as part of any legal proceedings</li> </ul>
Section 11 - Officers – Scheme of Delegation  Table 3B - Delegations to the County Solicitor	Delegations to County Solicitor extracted from Director for Corporate Services Scheme of Delegation.
Section 11 - Officers – Scheme of Delegation  Table 4 - Former Director of Finance and Resources	Table 4 (delegations to former director of finance and resources) has been removed as it is no longer required.
Section 11 - Officers – Scheme of Delegation  Table 5 - Delegations to the Director for Economy, Infrastructure and Skills  8A	<p>NEW</p> <p>Following consultation with the Cabinet Member, to develop, implement and monitor a programme of on-street charges for parking schemes.</p>

Ref.	Change
<p>Section 11 - Officers – Scheme of Delegation</p> <p>Table 5 - Delegations to the Director for Economy, Infrastructure and Skills</p> <p>14A</p>	<p>NEW</p> <p>To enter into Engineering and Construction Contracts with various contractors to facilitate the delivery of proposed highway infrastructure works. This includes works that are funded by developers and are subject to a formal agreement under s278 of the Highways Act 1980; and separate Call-Off contracts with Amey LG for highway infrastructure works in accordance with the provisions of the Infrastructure+ Contract.</p>
<p>Section 11 - Officers – Scheme of Delegation</p> <p>Table 5 - Delegations to the Director for Economy, Infrastructure and Skills</p> <p>14B</p>	<p>NEW</p> <p>To designate a footpath as a cycle track under the Cycle Tracks Act 1984.</p>
<p>Section 11 - Officers – Scheme of Delegation</p> <p>Table 5 - Delegations to the Director for Economy, Infrastructure and Skills</p> <p>14C</p>	<p>NEW</p> <p>To take and implement any decisions necessary to fulfil the Council's responsibilities under the Mines and Quarries Act 1969 in respect of safe stability monitoring and enforcement of used and unused tips.</p>
<p>Section 11 - Officers – Scheme of Delegation</p> <p>Table 5 - Delegations to the Director for Economy, Infrastructure and Skills</p> <p>15A</p>	<p>NEW</p> <p>In accordance with the relevant parts of Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017 and Schedule 17 of the High Speed Rail (West Midlands - Crewe) Act 2021 (HS2) to determine the arrangements relating to the routes by which anything is to be transported to the site on a highway by a large goods vehicle (ref. Schedule 17, Part 1, Paragraph 6 (2) and Schedule 17, Paragraph 6 (1);</p> <p>[Note: see Planning section 26A below for matters related to Schedule 17 - paragraphs 4 and 7].</p>

Ref.	Change
<p>Section 11 - Officers – Scheme of Delegation</p> <p>Table 5 - Delegations to the Director for Economy, Infrastructure and Skills</p> <p>15B</p>	<p>NEW</p> <p>To apply for the drawdown of Road Safety Funds from HS2 Ltd. as part of a Cabinet approved HS2 Road Safety Fund programme.</p>
<p>Section 11 – Officers – Scheme of Delegation</p> <p>Table 5 - Delegations to the Director for Economy, Infrastructure and Skills</p> <p>22A</p>	<p>NEW</p> <p>To authorise the serving of Minerals Planning Orders including Modification, Revocation, Discontinuance, Prohibition, Suspension and Supplementary Suspension Orders and refer to the Secretary of State as appropriate. Sub delegated only to the Assistant Director for Business and Enterprise.</p>
<p>Section 11 - Officers – Scheme of Delegation</p> <p>Table 5 - Delegations to the Director for Economy, Infrastructure and Skills</p> <p>25A</p>	<p>In accordance with the relevant parts of Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017 and Schedule 17 of the High Speed Rail (West Midlands - Crewe) Act 2021 (HS2) to determine:</p> <ul style="list-style-type: none"> <li>• the conditions related to the disposal of waste or spoil or the excavation of bulk material from borrow pits – specifically the arrangements relating to the ‘ancillary matters’ (ref, Schedule 17, Part 1, Paragraph 4 (4) and Schedule 17, Paragraph 4 (4));</li> <li>• the plans or specifications submitted by the nominated undertaker related to waste and spoil disposal and excavation of bulk material from borrow pits (ref. Schedule 17, Part 1, Paragraph 7 (2) and Schedule 17, Part 1, Paragraph 7 (2));</li> </ul> <p>subject to the Director’s discretion to consult with the Chairman or Vice-Chairman of the Planning Committee.</p> <p>[Note: see Highways section 16A above for matters related to Schedule 17 – paragraph 6]</p>

Ref.	Change
<p>Section 11 – Officers – Scheme of Delegation</p> <p>Table 6 - Delegations to The Director for Families and Communities</p>	<p>There are several changes made to the Delegations to Director for Families and Communities which have been approved by the Director for Corporate Services. These are minor and consequential amendments to the constitution to keep it up to date with legislative requirements.</p>
<p>Section 11 - Appendix 3 – Officer Employment Procedure rules</p> <p>3.7 Remuneration for Chief Officers</p>	<p>The County Council will convene a Special Committee<sup>1</sup> to review and change the remuneration, as defined in the Localism Act 2011, of Chief Officers, to include the Head of Paid Service.</p> <p>The Special Committee will be convened as and when the County Council requires it.</p> <p>The Special Committee will be known as the Remuneration Committee for the duration that it is convened. The Remuneration Committee will not be a Standing Committee.</p> <p>For the avoidance of doubt, these arrangements do not apply to officers of the Wider Leadership Team.</p>
<p>Section 11 - Officer – Scheme of Delegation</p>	<p>‘Cyber Security’ has been included in the Scheme of Delegation for Corporate Services and Sub Schemes of Delegation for Policy / Strategy and Infrastructure.</p>

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<sup>1</sup> **[\*NOTE – Custom and practice has been for decisions on Chief Officer Remuneration to be taken by a politically proportionate committee of members [Special Committee] often, but not always, at the point of officer recruitment. The Officer Employment Rules, as they are currently drafted, do not operate to reflect this practice. This proposal will correct this omission by including this procedure by giving the Special Committee (to be called the Remuneration Committee for this purpose) the power to review and adjust the remuneration of Chief Officers, including the Head of Paid Service, as and when required.]**

Ref.	Change
Section 13 - Appendix 1 Flexibility of Meetings	<p>The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 do not apply to meetings on or after 7 May 2021. Appendix 1 Coronavirus Temporary amendments to Section 13 (Access to Information) has been removed from the Constitution. Committee meetings with voting members of the Council will revert to taking place in a “physical” format. Any reference to temporary changes to meetings have been removed:</p> <ul style="list-style-type: none"> <li>1A Access to Information</li> <li>2A Remote Access to Meetings</li> <li>3A Members in Remote Attendance</li> <li>4A Remote Attendance by Members of the Public</li> <li>5A Remote Voting</li> <li>6A Members excluded from the meeting</li> </ul>

## **Legal/Risk Implications**

1. The changes proposed in this report shall ensure that Staffordshire County Council operates a system of good governance, accountability, and transparency as required by the Localism Act 2011, other legislation and more generally as required.

## **Resource and Value for Money Implications**

1. The proposals in the report do not generate any additional resource implications for the Authority

## **Climate Change Implications**

1. There are no climate change implications arising as a result of this report.

## **List of Background Documents/Appendices:**

1. Section 11 of Constitution – Officers – Scheme of Delegation

## **Contact Details**

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