

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

## **Council – Thursday 22 July 2021**

### **Changes to the Constitution including the review of changes as approved by Annual Council on 20 May 2021 as reviewed by the Audit and Standards Committee on 13 July 2021**

#### **Recommendations**

I recommend that members of the Council:

- a. Review changes to the Constitution detailed in table one within the report and which were approved at the Annual Council meeting in May 2021 and reviewed by the Audit and Standards Committee and confirm their satisfaction with the same; and
- b. Approve the further changes detailed in table two within the report.

#### **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. Over the past several months work has been ongoing in reviewing the Constitution including the Scheme of Delegation to Officers.
3. The Director for Corporate Services has the authority to make minor and consequential amendments to the Constitution, including the Scheme of delegation to Officers, 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. The full process for approving those involves an initial report to the Audit and Standards Committee where, under delegated powers from full Council, detailed discussions can take place prior to that Committee submitting a recommendation to Council that any proposed changes be approved.(any proposals that are not supported by the Audit and Standards Committee would be referred back to their author for reconsideration).

5. At the Annual Council meeting on 20 May 2021, I reported directly on a number of amendments to the Constitution required to reflect changes to decision making structures.
6. Included in my report were several changes to the Scheme of Delegation to Officers as had been requested by Senior Leadership Team members to reflect day to day operational requirements and the Council's involvement in wider projects (eg. HS2). In supporting the changes to the Constitution, the Leader of the Council indicated his wish for those changes to be reviewed by the Audit and Standards Committee in order to provide reassurance that they are required and in keeping with this Council's 'member-led' philosophy.
7. The changes were reviewed at the Audit and Standards Committee on the 13<sup>th</sup> July 2021. Members of the Committee had no issue with any of the changes presented to Council in May 2021.
8. Members should note that since the Council meeting, three decisions have been reviewed and deemed to be no longer required. For openness and transparency, these are identified in Table 1.
9. In addition, there are two further changes to the constitution for your consideration. These two proposed changes are included in Table 2. These have been reviewed and endorsed by the Audit and Standards Committee.

**Table 1 – Changes to the Constitution made in the Annual Council meeting May 2021 requiring review**

Ref.	Change	Reason for 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>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><b>This exists within the current scheme of sub-delegation (item 16), so a matter of tidying up.</b></p> <p>It was added after award of I+ contract around 2015/16 with the intention of facilitating Schedule 20 of the I+ Overarching Agreement.</p> <p><b>However, in practice the Council’s Financial Regulations control the awarding of contracts so this delegation isn’t needed and can be deleted.</b></p>
<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>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>This was a new delegation proposal to empower the responsible HS2 officers to access allocated funding for the HS2 Road safety Programme.</p> <p><b>However, as such improvement schemes would be approved by Cabinet through the annual Highways and Transport capital programme, this delegation is already provided by General Delegation A: <i>To take all steps to implement any decisions taken by the Council or under delegation to the Director of Economy, Infrastructure and Skills. (COUNCIL/ CABINET : ROLE B-D)</i>. Therefore, this new delegation proposal isn’t needed and can be deleted.</b></p>

**Table 2 – Additional proposed changes to the Constitution for recommendation to Council**

Ref.	Change	Reason for Change
<p>Section 11 – Officers – Scheme of Delegation</p> <p>Table 6 - Delegations to The Director for Families and Communities</p> <p>12</p>	<p>To be responsible for the functions conferred on or exercisable by the Local Authority in its capacity as a local education authority particularly:</p> <p>(1) its strategic duties under the Education and Inspections Act 2006 to promote:</p> <ul style="list-style-type: none"> <li>• Choice</li> <li>• Diversity</li> <li>• High standards</li> <li>• The fulfilment of every child’s educational potential</li> </ul> <p>(2) its responsibilities under the Education Act 1996 to:</p> <ul style="list-style-type: none"> <li>• Secure School Places</li> <li>• Secure excellence in education, promoting high standards and fulfilment of potential</li> </ul> <p>(3) its responsibilities under the Education Act 1996 or any subsequent legislation in relation to the provision of education for children and young people with Special Educational Needs</p>	<p>A need to tidy up and ensure full compliance with the relevant legislation</p>

**Table 2 – Additional proposed changes to the Constitution for recommendation to Council**

Ref.	Change	Reason for Change
	<p>(4) to institute proceedings in relation to failures to secure attendance of children at school, or failures to comply with School Attendance Orders (Sections 437 to 447 of the Education Act 1996, or any subsequent re-enactment thereof)</p> <p>(5) to issue Fixed Penalty Notices for non-school attendance under section 444A of the Education Act 1996, or any subsequent re-enactment thereof.</p>	
<p>Section 11 appendix 3 Remuneration for Chief Officers (Senior Leadership Team) Section 3.7</p>	<p>To include “resolve issues” and clarification of the inclusion of Directors within the Senior Leadership Team.</p>	<p>Clarification of the terms of reference of any Special Committee called to consider the remuneration of chief officers (defined as the head of paid service and directors). See below re 3.7.3</p>
<p>3.7.1</p>	<p>The addition of “in accordance with arrangements described in 3.3 above”</p>	<p>Clarification of the membership of and arrangements for the membership of any Special Committee</p>
<p>3.7.3</p>	<p>To read – The Special Committee will have the authority to:</p> <ul style="list-style-type: none"> <li>• Resolve issues relating to the remuneration and allowances during employment including the use of settlement agreements, as appropriate</li> <li>• Agree changes to the Senior Leadership Team remuneration</li> </ul>	<p>The Committee has the authority to review and change the remuneration for Senior Leadership Team, including the Head of Paid Service, as and when required. [Confirmed by Council in May 2021]</p> <p>However, it is essential that the Committee has clear authority to resolve complex wider remuneration issues as part of any review and also determine future remuneration strategy as and when the Council requires it.</p>

**Table 2 – Additional proposed changes to the Constitution for recommendation to Council**

<b>Ref.</b>	<b>Change</b>	<b>Reason for Change</b>
	strategy which may impact on remuneration for individual officers	For the avoidance of doubt, these additional arrangements only apply to Senior Leadership Team, which includes the head of paid service and directors, and do not apply to officers of the Wider Leadership Team.

## **Legal/Risk Implications**

10. 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**

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

## **Climate Change Implications**

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

## **List of Background Documents**

Section 11 of Constitution – Officers – Schemes of Delegation and Officer Employment Rules.

## **Contact Details**

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