

Arun District Council

REPORT TO:	Constitution Working Party – 21 October 2024
SUBJECT:	Updates to the Council’s Constitution
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law & Governance
LEAD MEMBER:	Cllr Gillian Yeates
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: It is the Monitoring Officer’s responsibility to maintain the Constitution and to report to members on proposed changes that support sound governance and working practices.	
DIRECTORATE POLICY CONTEXT: Responsibility for the Council’s three statutory officer functions (Head of Paid Service, Chief Finance Officer and Monitoring Officer) sit within the Chief Executive’s Office.	
FINANCIAL SUMMARY: There are no direct financial implications arising from the proposals in this report.	

1. PURPOSE OF REPORT

To seek recommendations to Full Council in respect of two proposed changes to the Council’s Constitution.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Constitution Working Party consider the proposed amendments to the Constitution and recommends their approval to Full Council.

3. EXECUTIVE SUMMARY

- 3.1 This report seeks the Constitution Working Party’s recommendation to Full Council of two amendments to the Constitution. Those being the removal from the Constitution of the Joint Staff Consultative Panel and the agreement of a permanent delegation to the Chief Finance Officer in relation to the West Sussex Business Rates Pool. These changes would address matters identified as necessary by the Head of Paid Service (the Chief Executive) and the Chief Finance Officer (the Group Head of Finance).

4. DETAIL

West Sussex Business Rates Pool

- 4.1 At its meeting on 26 October 2023, the Policy & Finance Committee received a Financial Prospects report from the Chief Finance Officer in which the Committee was asked to delegate authority to the Chief Finance Officer to decide future participation in the West Sussex Business Rates Pool.
- 4.2 Following an amendment to that recommendation, the Committee agreed the following delegation:
- “The Committee agrees to delegate authority to the Section 151 Officer and the Chief Executive Officers in consultation with the Chair of the Policy & Finance Committee to decide future participation in any West Sussex Business Rates Pool.” (Minute 326, Policy & Finance 26 October 2023)*
- 4.3 While the delegation provided by the Committee is intended to run permanently from year-to-year, the Chief Finance Officer and the Monitoring Officer consider that this delegation should be further formalised as part of the Chief Finance Officer delegations within the Officer Scheme of Delegation at Part 7, Section 2 (delegations to the Group Head of Finance) of the Constitution.
- 4.4 Inclusion within the Scheme of Delegation would ensure that in future years and as time passes, the delegation is clearly set out within the Scheme and would not necessitate referral back to the minutes of an historic meeting if or when personnel changes arise in the future.

The Joint Staff Consultative Panel

- 4.5 The Chief Executive has been reviewing the Constitution with the Monitoring Officer and Chief Finance Officer to ensure that the Council’s governance arrangements are as robust as possible, and to ensure that the Council is acting lawfully at all times.
- 4.6 As the Council’s Head of Paid Service, the Chief Executive is responsible for formally reporting to the authority on their preferred design for the delivery, co-ordination, and integration of the authority’s functions. In addition to the responsibilities entrusted to them by the elected members, the Head of Paid Service is statutorily responsible for the numbers, grades, roles, appointment, and discipline of all staff other than chief officers and deputy chief officers.
- 4.7 The Joint Consultative Panel is established within the Constitution (Part 3, Section 8.4) and has the following functions:
- “The Panel has been established to facilitate consultation between the council and its employees and to maintain and improve relations between both sides. It is not a decision-making body but may make recommendations, where appropriate, to the Corporate Support Committee or full council.”*

Those functions and the Panel existed prior to the change to the committee system of governance in 2021, and earlier had fallen under the remit of the previous Local Joint Staff Panel.

- 4.8 On reviewing the Constitution as set out at paragraph 4.5 above, the Chief Executive's view as Head of Paid Service is that the Panel conducts functions that are the responsibility of the Head of Paid Service and this blurs the line between what is the responsibility of the Chief Executive in that statutory role and the more limited functions of councillors in relation to employment matters.
- 4.9 Those duties extend to matters including the confirming of appointments of the Chief Executive, Directors, Chief Finance Officer and the Monitoring Officer; dismissal of those same officers; approving in the Annual Pay Policy Statement; and approving settlement agreement above £95,000. Those functions sit with the Full Council upon recommendations from other committees and senior officers.
- 4.10 Beyond those functions, employment matters are the remit of the Head of Paid Service as set out at paragraph 4.6. Nevertheless, should matters such as employment policies *require* member approval, these would and should be taken to the Corporate Support Committee, which has responsibility for exercising the Council's functions relating to Human Resources.
- 4.11 In place of the Joint Staff Consultative Panel, the Chief Executive would create a regular Union Consultation meeting between the staff union and the Chief Executive through which engagement with the union would take place.

5. CONSULTATION

The Council's union (Unison) representatives have been consulted and support this change.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 The Chief Executive and the Monitoring Officer have identified this as an area of the Council's governance arrangements which should be strengthened and that the panel is an historic element of the Council's governance arrangements that should be reviewed and removed in order to better reflect the respective responsibilities of members and officers.
- 6.2 With that being the case the Chief Executive is of the opinion that the Panel should be removed from the Council's Constitution.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1 None associated with this report.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1 None associated with this report.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1 As set within this report, the Head of Paid Service is responsible under statute (the Local Government and Housing Act 1989) in relation to those function identified at paragraph 4.6 of the report.

9.2 The Joint Staff Consultative Panel as constituted engages councillors in areas which are the responsibility of the Council's senior officer (the Head of Paid Service) and should be clarified through an amendment to the Constitution.

10. HUMAN RESOURCES IMPACT

10.1 There is no direct impact in relation to this function. Engagement with the staff union will continue through a Union Consultation meeting between the union and the Chief Executive. The union is supportive of this change.

11. HEALTH & SAFETY IMPACT

11.1 None associated with this report.

12. PROPERTY & ESTATES IMPACT

12.1 None associated with this report.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 None associated with this report.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 None associated with this report.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 None associated with this report.

16. HUMAN RIGHTS IMPACT

16.1 None associated with this report.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 None associated with this report.

CONTACT OFFICER:

Name: Dawn Hudd
Job Title: Chief Executive
Contact Number: 01903 737600

Name: Daniel Bainbridge
Job Title: Group Head of Law & Governance
Contact Number: 01903 737607

BACKGROUND DOCUMENTS:

None.