



OFFICER REPORT TO COUNCIL

AMENDMENTS TO THE CONSTITUTION

KEY ISSUE/DECISION:

It is the Council's responsibility to approve changes to the Council's Constitution. This includes the Scheme of Delegation regarding non-executive functions, while amendments to executive functions are the responsibility of the Leader and are brought to County Council to note.

This report sets out proposed changes to the Constitution's executive and non-executive functions set out in the Scheme of Delegation and these are brought to Council for information and formal approval.

These changes are brought to Council in accordance with Articles 4.10, 5.02 and 11.02 of the Council's Constitution.

BACKGROUND:

1. The Leader is responsible for maintaining a list in Part 3 of the Constitution setting out who will exercise executive functions. Any changes to this list are required to be reported to the next appropriate meeting of the County Council. Such changes, which have already been agreed by the Leader, are set out in paragraphs 3 and 4 of this report.
2. In addition, changes to any non-executive functions require approval by Council. There are proposed changes to the Terms of Reference for the Appeals and Representation Panel as set out in paragraphs 5 and 6.

FUNCTIONS FOR REPORT TO COUNCIL

Transfer of Executive Functions – Home to School Transport Reviews

3. Following the Cabinet approving changes to the appeals process for Home to School Transport Reviews at its meeting on 26 April 2022, the Officer Scheme of Delegation has been updated to ensure that the Scheme of Delegation is correct and that the necessary delegations are in place to allow suitably trained/experienced officers to take decisions in consultation with suitably trained/experienced Members.

4. The Leader approved these changes on 22 June 2022 and an extract of the scheme of delegation showing the changes is set out in **Annex 1**. Council is asked to note the Leader's approved changes to the Officer Scheme of Delegation.

FUNCTIONS FOR COUNCIL TO APPROVE

Appeals and Representation Panel

5. As a result of the Cabinet decision, the Terms of Reference for the Appeals and Representation Panel need to be updated to reflect that this body will no longer have responsibility for Stage 2 review hearings.
6. The process for this will now sit with a panel of members and officers and as a result, the Council's Scheme of Delegation needs to be updated to reflect this change. Council is asked to note that the Terms of Reference for the Appeals and Representation Panel will need to be amended as follows:

6.4 APPEALS AND REPRESENTATIONS PANEL

6.5 Membership

The Appeals and Representations Panel shall comprise a sufficient number of named Members of the Council not being Members of the Cabinet to ensure that appeals listed in paragraphs (b), (c), (d) and (e) may be heard and determined by committees comprising no fewer than three nor more than five Members on a cross party basis and drawn from the membership of the Panel and appointed by the Chief Executive after consultation with the group leaders. Members will be able to express a preference for a particular service area and this will enable them to specialise within that area and provide some continuity. Appropriate training will be given that reflects the variety of different processes involved.

6.6 Terms of Reference

The Panel will oversee the arrangements in relation to rights of appeal against decisions taken by or on behalf of the Council including:

- (a) Determination of all appeals made against decisions of the Executive Director, Children, Families, Life-long Learning and Culture or representations arising from the implementation of the Council's approved policies in connection with:
 - (i) financial assistance to parents;
 - (ii) awards, grants and bursaries;
 - ~~(iii) the provision of school transport.~~

- (b) Representations arising from decisions made by the Executive Director, Children, Families, Life-long Learning and Culture in respect of private and voluntary residential care homes, children's homes and foster carers and prospective adopters.
- (c) Determination of any staff appeals requiring to be heard by Members.
- (d) Determination of appeals against decisions of the Chief Fire Officer following an initial hearing under the Fire Service (Discipline) Regulations 1985.
- (e) Determination of appeals against any decision or exercise of discretion under the Fire Fighters' Pension Scheme.

RECOMMENDATIONS:

- A. That the executive function changes to the Officer Scheme of Delegation in relation to home to school transport reviews approved by the Leader in June 2022 be noted (as set out in Annex 1).
- B. That the amendments to the Terms of Reference for the Appeals and Representation Panel be noted (as set out in paragraph 6).

Lead/Contact Officer:

Vicky Hibbert
Governance Lead Manager
Tel: 020 8541 9229

Annexes:

Annex 1 – approved Leader delegation report

Sources/background papers:

The Council's Constitution

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