



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. Amendments to Executive functions are the responsibility of the Leader and are brought to Council to note.

This report sets out proposed changes to:

- Part 3 – Responsibility for Functions and Scheme of Delegation – Proper Officer Functions (Part 3, Section 3, Part 4).
- Part 6 – Codes and Protocols – Officer Code of Conduct (Part 6 (03)).

These changes are brought to Council for formal approval in accordance with Articles 4.09, 5.02 and 11.02 of the Council's Constitution.

A recent amendment to Executive functions in relation to the governance of the Basingstoke Canal is brought to Council for noting.

BACKGROUND:

FUNCTIONS FOR APPROVAL BY COUNCIL

Proper Officer Functions

1. At its meeting on 12 July 2022, Council agreed that the Scrutiny Business Manager be appointed as the Statutory Scrutiny Officer for Surrey County Council during the period of the Governance Lead Manager's maternity leave.
2. Following a Democratic Services Management Team restructure in October 2023, the Governance Lead Manager role was deleted and replaced with the Assistant Director – Governance and Democratic Services post. A new Scrutiny Business Manager was appointed in April 2024, and it is therefore proposed that the temporary arrangement set out in paragraph 1 be made permanent.
3. Council is therefore asked to amend Part 3, Section 3, Part 4 of the Constitution to reflect this change as follows:

LOCALISM ACT 2011

Section	Purpose of Appointment	Proper Officer
Sch.2, Pt1, Para.9FB	Designation as Scrutiny Officer	Governance Lead Manager <u>Scrutiny Business Manager</u>

Revised Officer Code of Conduct

4. At its meeting on 9 April 2024, the People, Performance & Development Committee (PPDC) received a report setting out proposed changes to the Council's Officer Code of Conduct, which was last updated in December 2022.
5. The Code of Conduct is published on Our Surrey (SCC Intranet) and also available on the [Surrey County Council website](#) as part of the constitution of the Council. The current published Code of Conduct is dated December 2022.
6. The Officer Code of Conduct is part of the Constitution of the Council. The Code forms part of the Codes and Protocols (Part 6) and includes links to the following related information:
 - Equalities information
 - Drug & Alcohol policy
 - Smokefree policy
 - Conflict of interest guidance
 - Gifts and hospitality policy and guidance
 - Information governance including Data Protection
 - Health & Safety
 - Information Technology and Digital (IT&D) policies
 - Whistleblowing
 - Financial governance
 - Procurement guidelines
 - Disciplinary Policy
 - Personal use of social media guidelines
7. The custodian of the policy is the Director of People and Change. All policies and inter-relationships are centrally reviewed by the HR Policy and Reward Board and Surrey County Council Trades Unions, whose

role it is to act as one body and represent the interests of its constituent bodies and their members in response to SCC proposals.

8. Following the update to the Officer Code of Conduct in December 2022, it was agreed that the Code would be reviewed annually with a view to align with other policy amendments and reflect current working practices.
9. The Officer Code of Conduct has been amended in consultation with Internal Audit and the Equality, Diversity and Inclusion (EDI) team. A full update including Health & Safety and IT&D colleagues was conducted in Winter 2022.
10. An amendment has been made to Paragraph 7.2 (Working with Colleagues), to make reference to the Ending Bullying and Harassment at Work Policy, which was approved by PPDC in March 2023, in order to set out the Council's approach to colleagues who demonstrate poor or threatening behaviour to colleagues.
11. An amendment has been made to Paragraph 7.7 (Equality, Diversity and Inclusion), expanding the wording by setting out the Council's responsibilities under the Equality Act 2010 and providing a link to the EDI page on the Council's public website.
12. PPDC further amended the Officer Code of Conduct by inserting a link to the Council's Domestic Abuse Policy and amending the word "employees" to "officers" throughout the document.
13. The revised Officer Code of Conduct was approved by People, Performance and Development Committee on 9 April 2024.
14. The Officer Code of Conduct forms part of the Constitution and therefore Council is asked to agree the revised document (Annex 1).

FUNCTIONS FOR REPORT TO COUNCIL

Basingstoke Canal Governance

15. The Leader was asked to approve changes to Basingstoke Canal governance and operational model. This included the removal of the BCA's Joint Management Committee (JMC) from the Council's Constitution.
16. The Leader approved these changes on 26 March 2024, and the decision notice is attached as Annex 2. The Council is asked to note for information the Leader's approved changes to Part 3, Section 2 of the Constitution (Responsibility for Functions and Scheme of Delegation) which took effect on 4 April 2024.

RECOMMENDATIONS:

- A. That the amendment to Part 3, Section 3, Part 4 of the Constitution as set out in paragraph 3 of this report be approved.
- B. That the revised Officer Code of Conduct (Part 6(03)) as set out in Annex 1 to this report be approved.
- C. That the changes to Part 3, Section 2 of the Constitution (Scheme of Delegation) made by the Leader on 26 March 2024 be noted.

Lead/Contact Officers:

Sarah Quinn
Regulatory Business Manager
sarah.quinn@surreycc.gov.uk

Annexes:

Annex 1 – Revised Officer Code of Conduct
Annex 2 – Leader’s Decision Notice – 26 March 2024

Sources/background papers:

Constitution of the Council
Report to Council, 12 July 2022
Report to Leader’s Decision Making Meeting, 26 March 2024
Report to PPDC, 9 April 2024
