

# Council

14 July 2022



<b>Title</b>	Minor amendments to the Constitution and the Pay Policy Statement
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Petra der Man, Interim Monitoring Officer
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	Not applicable
<b>Corporate Priority</b>	This item is not in the current list of Corporate Priorities but still requires a Committee decision.
<b>Recommendations</b>	<p><b>Council is asked to agree:</b></p> <ol style="list-style-type: none"><li>1. the proposed terms of reference for the Appointments and Appeals Committee (Appendix 1) and associated changes to the Constitution at Appendix 2;</li><li>2. the associated changes to the Pay Policy Statement, arising from the above (Appendix 3);</li><li>3. the removal of nomination arrangements for the Development sub-Committee and Administrative Committee (Appendix1);</li><li>4. the proposed changes to the Substitutions Scheme (Appendix 3); and</li><li>5. to request the Independent Remuneration Panel to review the provision of a special responsibility allowance for substitutes on Development sub-Committee when it undertakes its review of the Members' Allowance Scheme for 2022-23.</li></ol>
<b>Reason for Recommendation</b>	<p>The proposed amendments relating to senior staff appointments will bring terminology in the Constitution in line with the relevant statutory provisions and confirm what has been in operation at this Authority.</p> <p>The proposed amendments to the membership requirements of Committees will result in a simpler nomination process whilst maintaining political proportionality. It will also avoid the delay experienced this year in decision-making by the Development Sub-Committee.</p> <p>The proposed changes to the Substitution Scheme will bring arrangements for the Development sub-Committee in line with all the Council's Committees.</p>

## **1. Summary of the report**

- 1.1 This report seeks to make minor amendments to the Constitution in relation to:
- a) senior staff appointments;
  - b) membership requirements of the Development Sub-Committee and Administrative Committee; and
  - c) the Substitution Scheme at Part 4c of the Constitution

## **2. Key issues**

### *Senior staff appointments*

- 2.1 The Council has appointed members to the Appointments Committee and its terms of reference need to be set out in the Constitution.
- 2.2 At this Authority, councillors have always been involved in appointments to the role of Group Head (and previously Head of Service) as well as chief officers (being the Chief Executive and Deputy Chief Executives).
- 2.3 Chief Officer and Deputy Chief Officer are statutory positions which are defined in section 2 of the Local Government and Housing Act 1989 (the 1989 Act). The discharge of the functions of appointment and dismissal of officers are laid out in the Local Authorities (Standing Orders) (England) Regulations 2001, Schedule 1, sections 2 and 3.
- 2.4 According to the definition in the 1989 Act, the position of Group Head at this Authority constitutes a deputy chief officer.
- 2.5 The definitions of chief officers and deputy chief officers and the processes for these appointments are referred to in several Parts of the Constitution and additionally in the Pay Policy Statement. When referencing all these documents together there is an apparent lack of consistency in the terminology and processes used for these senior staff appointments which requires clarification.

### *Membership requirements for the Development sub-Committee and Administrative Committee*

- 2.6 Currently, both the Development sub-Committee and Administrative Committee require nominations for their members from other Service Committees. This has resulted in complications in both instances:
- (a) a delay to the Development sub-Committee's work as it cannot meet until the two nominating Service Committees have met and nominated members, followed by a Council meeting to appoint those members.
  - (b) the requirement for Administrative Committee to comprise 3 members from each of four of the Service Committees has resulted in very restrictive choices for political groups' membership of Administrative Committee and has proved impractical.

### *Substitution Scheme*

- 2.7 The current arrangements at Part 4c of the Constitution, do not permit substitute members on Development sub-Committee.

- 2.8 The Substitution Scheme was first introduced in 2021 with the change to the Committee System. Development sub-Committee was excluded from substitution arrangements as it was considered members of this sub-Committee needed to develop specialist knowledge and understanding about property matters.
- 2.9 The Committee System Working Group recommends the removal of this exception, to allow substitutes on Development sub-Committee.
- 2.10 As Development sub-Committee ordinarily meets at 11am on a Monday, the Committee System Working Group considered whether the current deadline for notification of a substitution of 5pm the day before a meeting, was still appropriate.

### **3. Options analysis and proposal**

#### *Senior staff appointments*

- 3.1 As the Constitution provides for an ad hoc Appeals Committee to deal with senior staff disciplinary matters, it is proposed to combine the functions for appointments and appeals into one Committee. The proposed terms of reference for this Committee are shown at **Appendix 1**.
- 3.2 For the sake of consistency and clarity around the processes for senior staff appointments, it is proposed to amend associated Parts of the Constitution as set out in **Appendix 2**.
- 3.3 The proposed revised Pay Policy Statement including associated changes is shown at **Appendix 3**.
- 3.4 These proposals will bring the terminology for senior staff appointments in line with the relevant statutory provisions and reflect what has been in operation at Spelthorne Borough Council.

#### *Membership requirements for the Development sub-Committee and Administrative Committee*

- 3.5 It is proposed to remove the nomination arrangements for Development sub-Committee and Administrative Committee in Part 3b, Terms of Reference of the Constitution (**Appendix 1**). The Development sub-Committee and Administrative Committee will then both be constituted in the same way as other committees to reflect political balance.
- 3.6 The Committee System Working Group has been consulted on this proposal and recommends the removal of nomination arrangements for Development sub-Committee and Administrative Committee.

#### *Substitution Scheme*

- 3.7 The proposed changes to the Substitution Scheme will bring the arrangements for the Development sub-Committee in line with all the Council's Committees. These are:
- (a) To remove the exception and permit the appointment of substitutes to the Development sub-Committee.
  - (b) To change the notification rule from "5pm on the day of the meeting" to "two hours before the meeting".
- 3.8 The proposed revised Substitution Scheme as recommended by the Committee System Working Group is shown at **Appendix 4**.

- 3.9 The members of the Development sub-Committee are entitled under the current Members' Allowance Scheme to an allowance of £2000 each.
- 3.10 The Committee System Working Group discussed the provision of a special responsibility allowance for substitute members on the sub-Committee. The Council cannot make any changes to its Members Allowances Scheme without first considering the advice of the Independent Remuneration Panel (IRP) on the issues involved.
- 3.11 The Committee System Working Group recommends that Council asks the Panel to review the provision of a special responsibility allowance for substitutes on Development sub-Committee when it undertakes its review of the Members' Allowance Scheme for 2022-23.
- 4. Financial implications**
- 4.1 There are no financial implications arising from minor changes to the Constitution and the Pay Policy Statement in relation to senior staff appointments.
- 4.2 There is the possibility of a financial implication arising from Council's decision on whether to permit substitutes on Development sub-Committee. This will be subject to a review and recommendation by the IRP on Members' Allowances and the Council's subsequent decision on that matter.
- 5. Other considerations**
- 5.1 There are none.
- 6. Equality and Diversity**
- 6.1 The proposed changes are to meet legislative and Constitutional requirements and have no impact on equality and diversity.
- 7. Sustainability/Climate Change Implications**
- 7.1 There is no impact on sustainability or climate change issues arising from this report.
- 8. Timetable for implementation**
- 8.1 Subject to Council agreement, the amendments proposed in this report will be implemented immediately.
- 9. Contact**
- 9.1 Gill Scott, Corporate Governance Support Officer, 01784 444243.

**Background papers: There are none.**

**Appendices:**

*(Tracked versions of the documents referred to in the Appendices are available for councillors in the Members Library)*

Appendix 1 – Part 3b Terms of Reference of Committees

Appendix 2 – Proposed changes to other Parts of the constitution

Appendix 3 – Pay Policy Statement

Appendix 4 – Substitution Scheme