



REPORT OF:	CHIEF EXECUTIVE
TO:	COUNCIL FORUM
ON:	20 th July 2023

GOVERNANCE UPDATE

1. PURPOSE OF THE REPORT

To request that Council approve the updated Council Constitution, to include the amendments outlined in this report.

To approve the appointment of the statutory Section 151 Chief Finance Officer and note the other senior management changes recommended by the Chief Officer Employment Committee.

2. RECOMMENDATIONS

That Council:

- 2.1 approve the updated Council Constitution as contained in the **Appendix**.
- 2.2 subject to 2.1 above, note that a pdf version of the updated constitution will be published on the Council website.
- 2.3 consider the recommendations of the Chief Officer Employment Committee as outlined in this report and:
 - (i) approve the appointment of Dean Langton as the Strategic Director, Finance & Resources and the statutory Section 151 Chief Finance Officer
 - (ii) note the other changes to Chief Officer roles and the senior management structure for the Council.

3. BACKGROUND

Since the last constitution update in July 2022, there have been some changes to the Council's governance arrangements and senior management structure, as outlined in this report. These changes, subject to Council's approval, will require amendments to be made to the Council's constitution. Other amendments have been made following a review by the Monitoring Officer and in consultation with other key officers.

The main amendments are:

- Portfolios for Executive Members (Part 3, section 15) to reflect minor changes in portfolio responsibilities as confirmed by the Leader.
- Scheme of Delegations (Part 3, section 16) to update and reflect changes to the Chief Officer structure as outlined in this report, and subject to Council approval.
- Proper Officer Provisions (Part 3, Section 17) to update and reflect changes to the Chief Officer structure. The changes include the power to the Chief Executive to declare the office of councillor vacant in prescribed cases [Council Forum report.Casual vacancy.Darwen South.October 2022.pdf \(blackburn.gov.uk\)](#), and in relation to RIPA (Regulation of Investigatory Powers Act).
- Council Staff Structure (Part 8) to reflect changes to the Chief Officer structure.
- Member Allowances Scheme (Part 6), following approval by Council Forum on 26 January 2023 of the Independent Remuneration Panel report: [MembersAllowancees Scheme 2022-23. IRP.pdf \(blackburn.gov.uk\)](#)
- Standing Overview and Scrutiny Committees (Part 3, Section 8), to reflect the review and consequent changes to the structure of overview and scrutiny committees, as approved by Council: [Scrutiny Review.pdf \(blackburn.gov.uk\)](#)
- Article 14 – Finance, Contracts and Legal Matters: to confirm the responsibility and arrangements for the commissioning of all external legal advice and support to Council.
- Health and Wellbeing Board (Part 3, Section 11), to review and update following the Health and Care Act 2022

Other minor amendments have been made to the Contract and Procurement Procedure Rules (Part 4, Section 8) and Licensing Committee (Part 3, Section 4).

The Chief Officer Employment Committee (COEC) have met to consider changes to the Council's chief officer senior management posts. Following the former Strategic Director, Resources leaving the Council in early January 2023, the role has been disestablished with the responsibilities allocated to other Chief Officer posts.

The revised Strategic Director, Finance & Resources role incorporates the former Director of Finance role, including the statutory section 151 Chief Finance Officer function, and has now been allocated the statutory Senior Information Risk Officer (SIRO) function. The Chief Officer Employment Committee met on 14 June 2023 and recommended the appointment of Dean Langton to the Strategic Director, Finance & Resources role and therefore the statutory s151 chief finance officer role for the Council.

The COEC agreed that responsibility for IT and Digital Transformation functions are added to the Assistant Director role in the Chief Executive's Department, along with the statutory scrutiny officer function and that the post is re-designated Director, Chief Executive's Department.

The COEC also approved the establishment of a new post in the Adults & Health Directorate of Assistant Director - Commissioning & Support Services with responsibility for commissioning across 'People' services, including Adult social care, Children's services and Public Health.

The COEC agreed that, to provide capacity and support to the Chief Executive and the Leadership, one of the Strategic Directors will also carry additional responsibilities to act as Deputy Chief Executive.

The Chief Officer and departmental structure chart will be updated to reflect the revised posts and associated responsibilities.

4. POLICY IMPLICATIONS

The Council's constitution is a public document which 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.

Constitutions provide the foundations for any local authority that aspires to be effective, progressive and successful.

Local authorities must have a robust management structure to manage and deliver its services, and undertake its statutory responsibilities effectively and efficiently.

5. FINANCIAL IMPLICATIONS

There are no additional financial implications as all Chief Officer posts are included within the Council's existing budget.

6. LEGAL IMPLICATIONS

The Local Government Act 2000 requires local authorities to prepare, keep up-to-date and publicise their constitution. The Monitoring Officer has authority to make amendments to the Constitution which are required to comply with the law or to reflect decisions of the Council, but all other changes to the constitution requires the approval of full Council.

It is the responsibility of the Chief Executive as the statutory Head of Paid Service, to ensure that all the authority's functions are properly co-ordinated as well as organising staff and appointing appropriate management.

It is a requirement under section 151 of the Local Government Act 1972 for the Council to make arrangements for the proper administration of its financial affairs, and appoint a Chief Finance Officer to have responsibility for those arrangements. In accordance with section 113 Local Government Finance Act 1988, the Chief Finance Officer must be professionally qualified and be a member of one of the prescribed accountancy bodies.

7. RESOURCE IMPLICATIONS

None. Chief Officers with delegated powers may sub-delegate some duties and responsibilities to managers in their respective teams.

8. EQUALITY IMPLICATIONS

None, but individual decisions under the powers in legislation and constitution will be subject to the Equality Act 2010 and an equality assessment, if necessary.

9. CONSULTATIONS

Most of the amendments reflect reports made to Council. The Monitoring Officer holds the version of the Constitution showing the tracked changes and is available for inspection by members and officers.

Background Papers: None

Contact Officers: Asad Laher, Deputy Director, Legal &
Governance (Monitoring Officer)

Date: 6 July 2023

Appendix – Council Constitution (20 July 2023)