

**APPOINTMENT OF DIRECTOR OF ADULT SOCIAL SERVICES
AND COUNTY COUNCIL CONSTITUTION**

Report of the Chief Legal Officer

Author: Kathryn Pettitt, Chief Legal Officer (Tel: 01992 555527)

Executive Member: Robert Gordon, Leader of the Council

1. Purpose of report

- 1.1 To invite County Council to appoint the post of Director of Adult Care Services as the Council's Director of Adult Social Services pursuant to the Local Authority Social Services Act 1970.
- 1.2 To seek Council's approval to revisions to the County Council's Constitution set out in the Report
- 1.3 To inform County Council of changes made to the County Council's Constitution by me as Chief Legal Officer under my delegated power in Section 12 of the Constitution.

2. Summary and Background

Director of Adult Care Services

- 2.1 The Council is required pursuant to the Local Authority Social Services Act 1970 to appoint one of its officers as the Director of Adult Social Services. Currently the Director of Health & Community Services is appointed as the Council's Director of Adult Social Services.
- 2.2 At its meeting on 10 April 2017 Cabinet endorsed the change of name of Health & Community Services department to Adult Care Services and agreed to recommend to Council that Council:
 - a) *designates the post of Director of Adult Care Services as the Council's Director of Adult Social Services; and*
 - b) *authorises the Chief Legal Officer to make the appropriate changes to the Constitution to reflect (a) above and also such other changes to the Constitution as are required to give effect to the change of name of the department to Adult Care Services.*

- 2.3 In reviewing the Constitution prior to this meeting the Chief Legal Officer has identified the changes referred to in paragraph 2.2 b) and these changes are set out in Part 1 of Appendix 1 to the Report.

Section 4 to the Constitution (the policy framework)

- 2.4 Paragraph 4.1.1 of Section 4 the Council's Constitution sets out the Council's policy framework - being the plans and strategies which are approved or adopted by full Council. A review of paragraph 4.1.1 has revealed that the Youth Justice Plan should be included in the policy framework and so the Constitution should amended to include this document.
- 2.5 The following documents which are listed in paragraph 4.1.1 are not required by law to be approved by full Council and so their inclusion as part of the Council's policy framework is discretionary:

Sustainable Community Strategy
Corporate Plan
School Admission Arrangements

- 2.6 Council is invited to consider whether it wishes to amend the policy framework set out in paragraph 4.1.1 of Section 4 of the Constitution to remove the documents mentioned in paragraph 2.5. If Council did agree to remove the documents mentioned above from the policy framework then the School Admission Arrangements would be approved by Cabinet. The Corporate Plan would also fall to be approved by Cabinet. There is no longer a statutory requirement to produce a Sustainable Community Strategy although this document could still be produced and it would then fall to be considered by Cabinet.
- 2.6 Part 4 of Appendix 1 sets out the revised policy framework should Council decide to amend paragraph 4.1.1 of Section 4 as set out above.

Further changes to the Constitution

- 2.7 I have also identified further changes to the Constitution which she considers should be made to the Constitution and these are set out in Part 2 of Appendix 1 to the Report. These changes include:

2.7.1 amendment to Section 12 to allow the Chief Legal Officer to make minor amendments to the Constitution and changes to remove typographical errors, ambiguities and inconsistencies with the approval of Group Leaders. All members would be informed of such changes once they had been approved.

- 2.7.2 amendment to Section 13 so that if requested a printed copy of the Constitution will be given to Members on being elected to the Council

– NB the Constitution is available on the Council’s website and also through the Members Information System.

2.7.3 updating the wording in Section 9 (Officers) to reflect the principal areas of responsibility of Chief Officers and minor amendments to the wording of the section setting out the Statutory and other officers of the Council.

2.7.4 Paragraph 4.6 of Annex 3 to the Constitution (delegation to the Director of Community Protection) has also been amended to remove references to paragraphs in the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 which no longer apply.

2.8 There are no legal requirements that need to be met or consultation undertaken before the changes referred to in Parts 2 and 4 of Appendix 1 to the Report can be made.

Changes required to comply with the law

2.9 The increase in the number of electoral divisions following the Local Government Commission Boundary Review of Hertfordshire has necessitated a couple of changes to the Council’s Constitution with effect from 4 May.

2.10 As Chief Legal Officer under my delegated power in Section 12 of the Constitution to make changes to the Constitution in order to comply with the law I have made the changes referred to in paragraphs 2.3 and 2.9 above and these are set out in Part 3 of Appendix 1 to this report for information.

3. Recommendation

3.1 That Council:

(a) appoints the post of Director of Adult Care Services as the Council’s Director of Adult Social Services;

(b) agrees the changes to the Council’s Constitution as set out in Parts 1 and 2 of Appendix 1 and Appendix 2 to the Report;

(c) notes the changes made to the Council’s Constitution by the Chief Legal Officer as set out in Part 3 of Appendix 1 the Report;

if Council is minded to agree to the changes to the Council’s policy framework set out in paragraph 2.5

(d) agrees the changes to the Council’s constitution set out in Part 4 of Appendix 1 to the Report.

4. Financial Implications

4.1 None arising directly from this report.

Background Information

Local Authority Social Services Act 1970

<http://www.legislation.gov.uk/ukpga/1970/42/schedule/1>

Hertfordshire County Council Constitution

<https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/who-we-are-and-what-we-do.aspx>

Cabinet, April 2017

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/510/Committee/8/Default.aspx>