

CHANGES TO THE COUNCIL'S CONSTITUTION: DIRECTOR OF ENVIRONMENT AND INFRASTRUCTURE

Report of the Chief Legal Officer

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1. Purpose of report

- 1.1 To inform Council of the creation of a new Chief Officer post of Director of Environment and Infrastructure and of the new senior officer management structure resulting from the creation of this post.
- 1.2 To request Council delegate appropriate non-executive functions to the Director of Environment and Infrastructure.
- 1.3 To seek Council's approval to revisions to the County Council's Constitution set out in the Report

2. Summary

- 2.1 At its meeting on 5 February 2018 Employment Committee considered a report from the Assistant Director of Human Resources which had been requested by the Leader of the Council. The report set out the context and rationale for the proposal to separate the roles and responsibilities of the Chief Executive and Director of Environment to create a new chief officer post to be known as the Director of Environment and Infrastructure. The Chief Executive as Head of Paid Service agreed to the creation of the new Chief Officer post and recommends that Council agrees to the inclusion of the revised senior officer management structure as set out in this Report.
- 2.2 Employment Committee agreed to the creation of the new Chief Officer post of Director of Environment and Infrastructure and recommended that Council agrees to changes to the Constitution as the result of the creation of this post. This report sets out the recommendations from Employment Committee and the resulting changes to the Constitution.
- 2.3 Section 7.4 of the Constitution provides that the Leader of the Council allocates responsibility for discharging executive functions and so he will allocate executive functions to the Director of Environment and Infrastructure.

3. Recommendations

3.1 That Council:

- (a) agrees to the inclusion in the Constitution a revised senior officer management structure as set out in Appendix 1B to the Report to include the post of Director of Environment and Infrastructure; the revised senior officer management structure to take effect from 1 April 2018;
- (b) delegates to the Director of Environment and Infrastructure the functions set out in Part 2 of Appendix 2 to the Report (the Chief Executive to retain such delegations until the Director of Environment and Infrastructure takes up post).
- (c) confirms that the post of Chief Executive remains designated as Head of Paid Service with the principal responsibilities set out in paragraph 4.3 of the report and retains the delegations set out in Part 1 of Appendix 2 to the Report.
- (d) authorises the Chief Legal Officer to make to make any amendments as may be necessary to the Constitution to give effect to the decisions at (a) to (c) above.

4. Background

4.1 At its meeting on 5 February 2018 Employment Committee considered a report from the Assistant Director of Human Resources which had been requested by the Leader of the Council relating to the creation of a new Chief Officer post of Director of Environment and Infrastructure and:

agreed that:

- (a) subject as mentioned in (b) below, with effect from 1 April 2018, the roles and responsibilities of the Chief Executive and Director of Environment be separated and a new Chief Officer post of Director of Environment and Infrastructure be created with the principal areas of responsibility set out in paragraph 4.4 of the report [to Employment Committee].*
- (b) pending appointment to the post of Director of Environment and Infrastructure, the Chief Executive undertakes the role of Director of Environment and Infrastructure.*

agreed to recommend to Council that Council:

- (a) agrees for inclusion in the Constitution a revised senior officer structure to include the post of Director of Environment and Infrastructure with the principal responsibilities as set out in paragraph 4.4 of the report [to Employment Committee] and the revised officer structure to take effect*

from 1 April 2018 (As shown in Appendix 2 to the report [to Employment Committee]).

(b) delegates to the Director of Environment and Infrastructure the functions currently set out in paragraph 4.4.5 of Annex 3 to the Constitution and currently delegated to the Chief Executive and Director of Environment (the Chief Executive to retain such delegations until the Director of Environment and Infrastructure takes up post).

(c) confirms that the post of Chief Executive is designated as Head of Paid Service with the principal responsibilities set out in paragraph 4.5 of the report [to Employment Committee] and retains the delegations in paragraphs 4.4.1 – 4.4.4 of Annex 3 to the Constitution.

(d) authorises the Chief Legal Officer to make any consequential amendments as may be necessary to the Constitution to give effect to the decisions at (a) to (c) above.

4.2 The responsibilities of the post of Director of Environment and Infrastructure as agreed by the Employment Committee are:

- to provide overall direction to his/her department;
- to lead Hertfordshire County Council's engagement and negotiations with Hertfordshire's 10 Local Planning Authorities on growth, development and associated infrastructure;
- to be at the forefront of strategic discussions influencing how growth can be accommodated;
- to be responsible for services in respect of planning, highways, rights of way, waste management, traffic regulation, traffic management, road safety, passenger transport and tourism;
- to be responsible for strategic planning and economic well-being;
- to secure infrastructure for County Council services; and
- to promote and deliver the County Council's housing strategies.

4.3 The post of Chief Executive remains the designated Head of Paid Service for the Council with the following principal areas of responsibility:

- Overall corporate management and operational responsibility, including overall management responsibility for all officers; and
- Lead policy adviser to the Council and the Executive.

4.4 At its meeting on 27 March 2012 the County Council approved the appointment of John Wood as Chief Executive and Head of Paid Service with effect from 1 June 2012. The proposal to separate the roles and responsibilities of the Chief Executive and Director of Environment to create a new chief officer post do not affect the designation of the Chief Executive as the Head of Paid Service. Once the Director of Environment and Infrastructure takes up post the Chief Executive will, however, cease his existing role in relation to Environment, other than as line manager to the Director of Environment and Infrastructure.

- 4.5 It is proposed that the post of Director of Environment and Infrastructure be created with effect from 1 April 2018. Pending appointment to this post the Chief Executive will retain his current Director of Environment responsibilities and delegations.
- 4.6 The new Chief Officer structure reflecting the proposals in the report to Employment Committee is shown in Appendix 1A and the revised Section 9 to the Constitution incorporating these changes is set out at Appendix 1B to this Report. The Chief Executive as Head of Paid Service recommends to full Council that the revised senior officer management structure is incorporated into the Constitution.
- 4.7 As a result of the changes to the senior officer management structure Council needs to consider revising its delegations to chief officers of non-executive functions to reflect these changes and the Leader of the Council will be revising the delegation of executive functions. The non-executive functions which relate to the responsibilities of the post of Director of Environment and Infrastructure are set out in Part 2 of Appendix 2 to this Report.

5. Financial Implications

- 5.1 None arising from this Report

6. Equalities implications

- 6.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 6.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 6.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 6.4 There are no equalities implications in relation to the decisions recommended in this report. Any equalities implications relating to the

implementation of the decisions of Employment Committee will be taken into account as part of the recruitment and selection process.

Background Information

Employment Committee, 5 February 2018 Report and Minutes -

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/677/Committee/9/Default.aspx>

**Strategic Management Board (SMB) April 2018
Statutory and Service responsibilities**

Appendix 1A

