

Report to: Governance Committee

Date of meeting: 26 September 2024

By: Chief Executive

Title: Amendment to the Constitution

Purpose: To consider amendments to the Constitution.

RECOMMENDATION

The Governance Committee is recommended to recommend the County Council to:

(1) agree to amend the Constitution as set out in the report and appendices.

1. Supporting Information

1.1. As part of an ongoing internal review of East Sussex County Council's Constitution it is necessary to update references to legislation in the Constitution where the legislation has been amended or repealed.

1.2. The proposed changes to the Constitution are set out in red in Appendix 1.

2. Terms of Reference of the Health and Wellbeing Board

2.1. During 2024 a number of changes have been implemented in the governance arrangements of the East Sussex Health and Care Partnership. These changes were reported to the East Sussex Health and Wellbeing Board (HWB) at the meeting held on 16 July 2024.

2.2. One of the main changes was the merging of the Health and Social Care Executive Delivery Group with the Health and Care Partnership Board to form a single body called the East Sussex Health and Care Partnership Executive Board. Consequently, a minor amendment to paragraph 5 of the HWB terms of reference is needed to reflect this change in governance arrangements.

2.3. The proposed amendment is shown in red on a copy of the HWB terms of reference in Appendix 2.

3. Code of Practice for Good Governance for Local Authority Statutory Officers

3.1. SOLACE, CIPFA and Lawyers in Local Government have published a Code of Practice for Good Governance for Local Authority Statutory Officers. The Code provides advice and sets expectations for local government's statutory roles.

3.2. The Code sets out that the Head of Paid Service (the Chief Executive) or the authority should make arrangements for the deputisation of their role. The Code states that, in nominating a deputy, the statutory officer should ensure that those individuals will have sufficient skill, expertise and knowledge to perform their roles. The Chief Executive has nominated the Assistant Chief Executive as her Deputy and the Committee is therefore

recommended to recommend the Council to amend the Constitution to change references to the 'Assistant Chief Executive' to the 'Deputy Chief Executive'. There is no cost to this.

4. Conclusion and Reason for Recommendation

4.1. It is considered that the proposed amendments to the Constitution are necessary to ensure that the Council's Constitution reflects the changes to legislation, the Terms of Reference of the Health and Wellbeing Board and the arrangements in place regarding the Deputy Chief Executive.

4.2. The amendment to the Terms of Reference of the Health and Wellbeing Board is considered necessary in order to reflect the changes implemented by the East Sussex Health and Care Partnership, namely the newly formed East Sussex Health and Care Partnership Executive Board.

4.3. Therefore, the Governance Committee is recommended to recommend the County Council to agree to the amendments set out in the report and appendices.

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Local Members: All

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Background Documents: None