

# LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>Council</b>	
<b>DATE OF DECISION</b>	<b>17 July 2024</b>	
<b>REPORT TITLE:</b>	<b>Proposed Changes to the Constitution Relating to the Staff Employment Procedure Rules</b>	
<b>CORPORATE DIRECTOR</b>	<b>Marie Snelling, Interim Assistant Chief Executive</b>	
<b>LEAD OFFICER:</b>	<b>Director of Legal Services and Monitoring Officer Stephen Lawrence-Orumwense</b>	
<b>LEAD MEMBER:</b>	<b>Councillor Sean Fitzsimons Chair, General Purposes Committee</b>	
<b>KEY DECISION?</b>	<b>NO</b>	
<b>CONTAINS EXEMPT INFORMATION?</b>	<b>NO</b>	
<b>WARDS AFFECTED:</b>	<b>All</b>	

## 1 SUMMARY OF REPORT

- 1.1** This report recommends important changes to be made to the Staff Employment Procedure Rules (Part 4J of the Council’s Constitution) as well as other related changes to the Constitution, embedding lessons learned from recent employment tribunal proceedings and practical application of the rules, ensuring clear governance in relation to senior staffing matters.

## 2 RECOMMENDATIONS

- 2.1** For the reasons set out in the reports and appendices, Full Council is recommended to:
- 2.1.1** approve the proposed changes to the Constitution contained in paragraph 4.5 of the report to General Purposes Committee (Appendix 1) and Appendix 1A; and
- 2.1.2** authorise the Monitoring Officer to update the Constitution.

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 To ensure efficient and effective governance and decision-making processes are in operation and that important lessons learned are embedded in the Council's Constitution and in practice.

### **4 BACKGROUND AND DETAILS**

- 4.1 The background and details are set out in Appendices 1 and 1A.

### **5 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 There are no alternatives to the proposals which are made to update the Constitution or correct drafting slips. The other proposed changes are intended to improve current decision-making arrangements. Members can, however, opt to retain the status quo or approve alternative arrangements.

### **6 CONSULTATION**

- 6.1 The draft changes have been discussed and approved by the Constitution Working Group (CWG).. The Corporate Management Team have also been consulted about the proposed changes. The proposed changes were approved and recommended to Full Council for adoption by the General Purposes Committee on 10 June 2024.

### **7 CONTRIBUTION TO COUNCIL PRIORITIES**

- 7.1 Outcome 1; Priority 4: Ensure good governance is embedded and adopt best practice.

### **8 IMPLICATIONS**

#### **8.1 FINANCIAL IMPLICATIONS**

- 8.1.1 There are no financial implications arising from this report.

Comments approved by Lesley Shields, Head of Finance for Assistant Chief Executive and Resources on behalf of the Director of Finance. 28/05/2024

## **8.2 LEGAL IMPLICATIONS**

- 8.2.1** The proposed changes to the Constitution comply with the relevant requirements of the Local Government and Housing Act 1989 and the Localism Act 2011. They also comply with the mandatory standing orders all Councils have to adopt under the Local Authorities (Standing Orders) Regulations 1993 and the Local Authorities (Standing Orders) (England) Regulations 2001.
- 8.2.2** Adopting changes to the Council's Constitution is a non-executive function reserved to Full Council after the General Purposes Committee has considered the proposed changes and made a recommendation.
- 8.2.3** According to s9P of the Local Government Act 2000 the Council must keep its Constitution up to date.

## **8.3 HUMAN RESOURCES IMPACT**

- 8.3.1** There are no additional human resources impacts beyond those described in the body of the report.
- 8.3.2** Comments approved by Gillian Bevan, Head of HR Resources and Assistant Chief Executives directorates on behalf of the Chief People Officer, Date: 09/05/2024

## **8.4 EQUALITIES IMPLICATIONS**

- 8.4.1** Under section 149 of the Equality Act 2010, the Council has a duty when exercising its functions to have "due regard" to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.4.2** "Due regard" is the regard that is appropriate in all the circumstances. The weight to be attached to each need is a matter for the Council. As long as the Council is properly aware of the effects and has taken them into account, the duty is discharged.
- 8.4.3** There are no equalities impacts directly arising from the proposed changes.

## **9 APPENDICES**

- Appendix 1 - Report, General Purposes Committee – Proposed Changes to the Staff Employment Procedure Rules
- Appendix 1A – Draft changes to Part 4J – Staff Employment Procedure Rules

## **10 BACKGROUND DOCUMENTS**

None