



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

27 NOVEMBER 2024

Report of the Director of Legal and Democratic Services and Monitoring Officer

Minor Changes to the Constitution: Terms of Reference for the Health and Wellbeing Board and Changes to the Responsibilities for the Council's SIRO and IT Strategy

1. Purpose

- 1.1 To ask the Council to note that the Director of Legal and Democratic Services has updated the Constitution to:
 - i. Include changes to the terms of reference for the Health and Wellbeing Board agreed by Cabinet; and
 - ii. Reflect changes to the responsibilities for the Council's Senior Information Risk Officer.

2. Information and Analysis

- 2.1 On 25th July 2024 Cabinet approved changes to the terms of reference for the Health and Wellbeing Board (HWB) to reflect the new areas of focus for the Joint Local Health and Wellbeing Strategy. The HWB is a joint executive committee and so consideration of the revision of the terms of reference and approval of revised terms of reference falls to Cabinet.
- 2.2 The Council's Senior Information Risk Officer (SIRO) role has historically sat with the Director of Finance & ICT. The Executive Director – Corporate Services and Transformation has determined that the Senior Information Risk Officer (SIRO) role should be moved on an

interim basis to the Director of Digital in order to ensure that the Council has a trained officer undertaking this role. The Director of Finance will act as the Deputy SIRO, and conduct SIRO training as soon as practicable in order to be in a position to fulfil the role in due course.

- 2.3 In addition, following the creation of the Director Digital role, the following delegation has been transferred to the Director Digital from the Director of Finance:

‘To be responsible, for the preparation, maintenance, monitoring, review and implementation of the County Council’s Information Technology Strategy, which embraces the County Council’s Information Security Policy’.

This delegation relates to the core business of the Director Digital and would provide a continuation and implementation of the County Council’s Information Technology Strategy as approved by Cabinet on 13 June 2024.

- 2.2 In accordance with paragraph 2 of Article 22 of the Constitution – Review and Revision of the Constitution, the Monitoring Officer is authorised to make changes to the Constitution which are required to be made so as to put into effect any decision of the Cabinet, Cabinet Member, Committee, sub-Committee or officer exercising delegated powers. Following consideration of a report the Monitoring Officer has approved the making of the following amendments to the Constitution:

- a. Inclusion of the new terms of reference for the Health and Wellbeing Board; and
- b. Reference that the Director Digital now holds the role of SIRO; and
- c. Update to Appendix 1 – Responsibility for Functions within the Constitution to confirm the responsibility of the Director Digital.

- 2.3 As required by Article 22, any such amendments must be reported retrospectively for noting to the Governance, Ethics and Standards Committee and to Full Council. The amendments were reported to the Governance, Ethics and Standards Committee at its last meeting on 10th October 2024.

3. Consultation

- 3.1 None required as this is an administrative decision to ensure that the Constitution remains up to date.

4. Alternative Options Considered

- 4.1 This is a report provided for information in order to fulfil the requirements of Article 22 to retrospectively report any amendments made to the Constitution by the Monitoring Officer and Director of Legal and Democratic Services.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 Report to Cabinet of 25th July 2024
<https://derbyshireintranet.moderngov.co.uk/documents/s26117/Revisions%20to%20Health%20and%20Wellbeing%20Board%20Terms%20of%20Reference%20and%20Membership.pdf>

7. Appendices

- 7.1 Appendix 1 – Implications

8. Recommendation(s)

That Council notes:

- a) The inclusion in the Constitution of the revised terms of reference for the Health and Wellbeing Board approved by Cabinet on 25 July 2024;
- b) That the Director Digital now holds the role SIRO;
- c) The update to Appendix 1 – Responsibility for Functions within the Constitution to confirm the responsibility of the Director Digital in relation to the Information Technology Strategy;
- d) That the required updates to the Constitution have been authorised and completed by the Monitoring Officer who has the delegated power to undertake those amendments; and
- e) That the changes to the Constitution were reported to the Governance, Ethics and Standards Committee on 10th October 2024.

9. Reasons for Recommendation(s)

- 9.1 The Council is required to be retrospectively notified of any amendments made to the Constitution by the Monitoring Officer and Director of Legal and Democratic Services in order to fulfil the requirements of Article 22.

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Implications

Financial

- 1.1 There are no significant implications for the Council as this does not involve any expenditure or budgetary changes.

Legal

- 2.1 As described within the report.

Human Resources

- 3.1 This is an administrative decision and as such, there are no Human Resources implications.

Information Technology

- 4.1 This is an administrative decision and as such, there are no Information Technology implications.

Equalities Impact

- 5.1 This is an administrative decision and as such, there are no Equalities implications.

Corporate objectives and priorities for change

- 6.1 This links to the Council Priority of High Performing Value for Money and Resident Focused Services. The changes proposed will enable efficient and up to date functioning of the Council as a corporate body.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None.