

**Report to:** Council

**Date of Meeting:** 21 October 2015

**Report Title:** Amendments to the Council's Constitution

**Report By:** Christine Barkshire-Jones  
Chief Legal officer and Monitoring Officer

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### **Purpose of Report**

The Council's Constitution is the basis for the Council's Corporate Governance. It is necessary to amend and improve the document on an ongoing basis.

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### **Recommendation(s)**

- 1. That Council approve the changes to the Council's Constitution as set out in Appendix 1.**
- 2. That Council approve the changes to Part 7 of the Council's Constitution as set out in Appendix 2.**
- 3. That Council approve the changes to Part 8 of the Council's Constitution as set out in Appendix 3.**
- 4. That Council approve the changes to Part 4 of the Constitution, Officer Employment Procedure Rules provision for the proposed procedures of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer in Appendix 4.**

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### **Reasons for Recommendations**

The Council's Constitution is the basis for the Council's Corporate Governance. It is necessary to amend and improve the documents on an ongoing basis.

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## Introduction

### 1. Background

1.1 The changes to the General Constitution have arisen from the Senior Management restructure and changes in legislation, a refresh of the Protocol for Relationships between Members and Officers and a change in legislation concerning the dismissal of statutory officers.

1.2 The general amendments to the Constitution are to be found at Appendix 1. Appendix 2 and Appendix 3 contain amendments to Part 7 Management Structure and Part 8 Standing Instructions to Authorised Officers. New areas of responsibility have been finalised. Areas of legislation have been checked and cross referenced with Schemes of Delegations to ensure Corporate probity.

1.3 Lastly changes on legislation have affected provisions on the dismissal of statutory officers, those being the Head of Paid Service, the Monitoring Officer and the Section 151 officer, This can be found at Appendix 4.

1.4 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have amended the statutory process to be followed by removing the requirement that a Designated Independent Person (DIP) be appointed to investigate and make a binding recommendation on disciplinary action against the Statutory Officers.

1.5 The regulations require the council to amend its Standing Orders to ensure that disciplinary action against any of the Statutory Officers cannot be taken until comments, views and recommendations are received from a panel consisting of at least two independent persons and including any representations from the officer concerned. The final decision must be made by full council. For the avoidance of doubt, the new process applies to dismissals for any reason other than redundancy, permanent ill-health or infirmity of the mind or body.

1.6 The arrangements in the new Regulations would be subject to any provisions contained in the officers contracts of employment, until such time as the contracts are amended.

### 2. Provisions contained in the new Regulations

2.1 In the case of a proposed disciplinary action against Statutory Officers, the Council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime introduced under the Localism Act 2011 to form a panel ("the Panel"). The Panel will include two or more independent persons who accept the invitation in the following priority order:

- (a) a relevant independent person who has been appointed by the council and who is a local government elector;
- (b) any other independent person who has been appointed by the council; and
- (c) an independent person who has been appointed by another council or councils

2.2 The authority must appoint the Panel at least 20 working days before the meeting of the council to consider whether or not to approve a proposal to dismiss the relevant officer.

2.3 The proposed procedure to manage a dismissal of a relevant officer is set out in Appendix 4 of the report and will amend the procedure currently set out in Part 4 of the Constitution, Officer Employment Procedure Rules.

2.4 It is suggested that the existing Employment Committee is the correct forum to consider any dismissal of this nature. The independent persons would be invited to attend if such a dismissal were to be considered.

### 3. Engagement with relevant officers

3.1 The Statutory Officers are aware of the new regulations and the recommendations set out in this paper.

### 4. Working Arrangements Group.

4.1 Working Arrangements Group met on the 28 September 2015 and approved the recommendations.

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## Wards Affected

None

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## Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	Yes
Local People's Views	No
Anti-Poverty	No

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## Additional Information

Appendix 1 - General Changes  
Appendix 2 - Part 7 of the Council's Constitution  
Appendix 3 - Part 8 of the Council's Constitution  
Appendix 4 - Officer Employment Rules

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## Officer to Contact

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