

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	27 MARCH 2017
Heading:	ANNUAL CONSTITUTION REVIEW		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject To Call-In:	NO		

Purpose Of Report

To report proposed changes to the Constitution to the Standards and Personnel Appeal Committee for their consideration and comment prior to being reported to the AGM of the Council in May 2017.

Recommendation(s)

To consider the proposed changes to the Council's Constitution and make comments and recommendations to Council.

Reasons For Recommendation(s)

To ensure that the Council's Constitution remains up to date and fit for purpose it is reviewed annually.

The Committee's remit includes making recommendations to Council regarding amendments to the Constitution relating to matters of an ethical governance nature.

Alternative Options Considered (With Reasons Why Not Adopted)

Do not update the Constitution. However, this would not be best practice and would reduce the value of the document, both to the Council and the wider Community as an authoritative guide to how the Council works.

Detailed Information

Constitution Review 2017

It is good practice to review the Constitution regularly and it is my practice to carry out a review annually.

The proposed changes to the Constitution are outlined below:

Part of the Constitution	Proposed Amendments
Part 1 – Summary and Explanation	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily.
Part 2 – Articles of the Constitution	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily. Article 8 – Overview and Scrutiny Committee Amendment to be made to the remit of the Committee to incorporate Housing Scrutiny as previously agreed at Council in October 2016. Article 11 – Employees Will be amended to reflect new structures subject to approval.
Part 3 Functions and Delegations	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily. Council Functions Delegations will be amended to reflect new structure and job titles subject to approval. Training Pre-requisite Will be updated to make it clear what training is classed as mandatory. Executive Scheme of Delegation Delegations will be amended to reflect new structure and job titles. Committee Terms of Reference The remit of Overview and Scrutiny will be amended to incorporate Housing Scrutiny as previously agreed at Council in October 2016.

	<p>It is proposed to amend the Chief Officers Employment Committee remit to incorporate:</p> <ul style="list-style-type: none"> • panels (of 5 members) for recruitment (instead of the full committee); • detail the CEO appraisal process more clearly.
<p>Part 4 – Rules of Procedure</p>	<p>Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily.</p> <p>Council Procedure Rules</p> <ul style="list-style-type: none"> • <u>12 (Petitions)</u> – amended wording for clarifications purposes in line. • <u>13.6 (Notice of Questions) and 14.3 (Motions on Notice)</u> - to amend the existing word “vexatious, scurrilous or otherwise improper” with “defamatory, frivolous or offensive”. • <u>27.5 – 27.10 (Substitution of Members at Meetings)</u> – it is proposed to amend the rule relating to substitution to exclude the provision to make substitutions at the Planning Committee, the Licensing Committee (and its Sub-Committees) and Standards Committee Hearings. This has been proposed for the quasi-judicial committees to ensure members are adequately trained and experienced and maintain a level of consistency of attendance. <p>Overview and Scrutiny Procedure Rules and Pre-Call in Procedure & Overview and Scrutiny Protocols Minor amendments to take account of the introduction of Housing Scrutiny.</p> <p>Financial Regulations To be amended as approved at Council in February 2017. Further changes will be proposed to clarify rules, particularly in light of direct delivery of housing functions.</p> <p>Employment Procedure Rules It is proposed to amend the Chief Officers Employment Committee remit to incorporate:</p> <ul style="list-style-type: none"> • panels (of 5 members) for recruitment (instead of the full committee); • detail the CEO appraisal process more clearly. <p>Petition Scheme No substantive changes proposed, some amends to ensure links and references are up to date and to provide clarification about what the Council does when presented with a petition.</p>
<p>Part 5 – Members’ Code of Conduct</p>	<ul style="list-style-type: none"> • declaration of interests will be added relating to secret societies as approved at Standards and Personnel Appeals Committee in December 2016 • inclusion of a schedule detailing mandatory training requirements

	<ul style="list-style-type: none"> inclusion of a clear reference to the potential sanctions for breaches of the Code in accordance with a recent audit recommendation
Part 6 – Member/Officer Protocol	No changes proposed.
Part 7 – Allowances	<ul style="list-style-type: none"> Changes to figures to incorporate annual inflation Clarifications regarding childcare provisions
Part 8 – Management Structure	New structure to be inserted subject to approval and implementation.
Part 9 – Employees Code	Amendments relating to gifts and hospitality declarations and the requirements for declaring interests for clarity following a recent systems audit.
Part 10 – Planning Code	To be updated generally.

It is intended that the detailed amendments will be presented to the AGM on 25 May 2017 for approval. The comments and recommendations of the Standards and Personnel Appeals Committee will be reported to the Council.

Implications

Corporate Plan:

Consideration of this topic contributes towards our commitment to:

- Place and Communities
- Organisational Improvement

The Council will strive to ensure effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

Legal:

In accordance with Article 14 of the Constitution, the Monitoring officer is responsible for keeping the Constitution under review. Any changes to the Constitution must be approved by the Council.

Finance:

This report will be effective once the Constitution is approved:

Budget Area	Implication
General Fund – Revenue Budget	None

General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Human Resources / Equality and Diversity:

Changes to the numbers of members required for COEC will enable a more flexible and potentially responsive Committee to convene for recruitment purposes. All Panels should attempt to be representative of the local community and have each gender represented. All Panel members will be appropriately trained to ensure fairness and compliance with the Equality Act 2010.

The Employee Code of Conduct will be amended to reflect recommendations set out in a recent Audit report regarding declaration of interests and receipt or non-acceptance of gifts and hospitality.

Other Implications:

None

Reason(s) for Urgency (if applicable):

N/A

Background Papers

None

Report Author and Contact Officer

Ruth Dennis
Assistant Chief Executive (Governance) and Monitoring Officer
01623 457009
r.dennis@ashfield.gov.uk

