

REPORT OF THE LEADER OF THE COUNCIL**AMENDMENTS TO THE COUNCIL'S CONSTITUTION****Purpose of the Report**

1. To agree changes to the Constitution in respect of the Procedure Rules relating to Council meetings, approval for conferences and travel and other changes required by new legislation.

Information and Advice

2. It is proposed that the procedure rules for meetings of Full Council are amended to include provision for constituency speeches. This would allow Members an opportunity to speak for up to three minutes on any issue specifically relevant to their electoral division. The proposed changes are set out in **Appendix 1**. The minutes of the meeting will reflect the general nature of speeches.
3. New legislation has changed the statutory process that local authorities must adopt in respect of the dismissal of their head of paid service, chief finance officer and monitoring officer. The main change from the old provisions is the removal of the Designated Independent Persons investigation and report process which was binding on authorities.
4. Under the new procedure an independent panel must be convened and their advice, views or recommendations must be taken into account before a decision on dismissal is taken by the authority. Minimum membership of the independent panel is two, and members will be taken from authorities' pool of appointed 'Independent Persons'.
5. The Employment Procedure Rules need to be updated accordingly and the proposed changes are set out in **Appendix 2**. The County Council currently has two appointed 'Independent Persons' under the procedure for dealing with complaints relating to the Code of Conduct for Councillors. The new legislation is published and referenced in the Background Papers section of this report.
6. New legislation repeals the duty which requires local authorities to prepare sustainable community strategies. References will be removed from the Constitution accordingly. Again, the new legislation is published and referenced in the Background Papers section of this report.

Changes to approval for Members' attendance at conferences, seminars and training and officer travel outside the UK

7. Currently, all Member attendance at conferences, seminars and training events requires prior approval by the relevant committee. Where events are publicised at short notice (which is often the case) this has required the use of urgent decisions by the Chief Executive. It is felt that this is not cost effective where events are free of charge.
8. In light of this it is proposed that attendance at free of charge events within the UK (mainland) should not require prior approval. Travel and subsistence claims will be dealt with in accordance with the Council's Travel and Accommodation Policy.
9. If these proposals are agreed, the relevant terms of reference for the various committees will need to be amended, along with Schedule 2 of the Councillors Allowance Scheme, to reflect this new approval process.
10. The proposed amendments are set out in **Appendix 3** and **Appendix 4**.
11. One minor amendment to the list of approved duties is proposed in order to correct an omission and enable committee vice chairmen as well as chairmen to undertake visits and duties outside the County area. The proposed amendment is included in **Appendix 3**.

Other Options Considered

12. The Council could decide to make no amendments to the current procedure rules or conference arrangements.

Reason/s for Recommendation/s

13. To ensure more efficient governance arrangements and comply with new legislation.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) To agree the proposed changes to the Council's Constitution as set out in the report and
- 2) To amend the procedure rules for Full Council as set out in **Appendix 1**
- 3) To amend the Employment Procedure Rules as set out in **Appendix 2**
- 4) To amend Schedule 2 of the Councillor's Allowances Scheme (the Approved Duties (Travelling and Subsistence Allowances)) as set out in **Appendix 3**
- 5) To amend the Terms of Reference for relevant service committees as set out in **Appendix 4**.
- 6) For the Monitoring Officer to make any other consequential amendments to the Constitution arising from the above decision

Councillor Alan Rhodes
Leader of the Council

For any enquiries about this report please contact:

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Constitutional Comments (SMG 30/04/2015)

15. The proposals in this report fall within the remit of Full Council.

Financial Comments (SES 30/4/15)

16. The financial implications are set out in the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 are published
- The Deregulation Act 2015 is published

Electoral Division(s) and Member(s) Affected

- All