

## **REPORT OF THE CHIEF EXECUTIVE AMENDMENTS TO THE CONSTITUTION**

### **Purpose of the Report**

1. To seek approval of changes to the Council's Constitution.

### **Information**

2. The Council's current Committee System was adopted by the Full Council on 25 May 2017, when the number of committees was reduced in order to improve efficiency and effectiveness. Some amendments to the Constitution are now proposed in order to implement committee recommendations, and to assist the smooth running of committee meetings.

### **Committee Terms of Reference**

3. An earlier item on County Council's agenda is to consider changes to the Code of Conduct for Councillors and Co-opted Members. At its meeting of 14 March 2018 Governance & Ethics Committee resolved that hearings under the Procedure for dealing with Conduct Allegations would be more effectively considered by an ad-hoc sub-committee with cross-party membership. Proposed terms of reference are attached at **Appendix – Amendment A**.
4. At its meeting of 7 March 2018 the Health and Wellbeing Board considered a report regarding its governance and management. Some minor amendments to the Board's terms of reference are proposed as a result and these are attached at **Appendix – Amendment B**.
5. The Health and Wellbeing Board also concluded that it would be able to discharge its duties more effectively if it could establish sub-groups. It is proposed to enable this by adding the standard provision that is included for other committees, to the Board's terms of reference. A minor amendment to the standard provision is proposed for clarity, and this is shown in tracked changes at **Appendix – Amendment C**. If approved, this amendment will be made throughout the Constitution where this standard provision is included.
6. In January 2017 County Council approved the establishment of the LGPS Central Joint Committee. The terms of reference for the Joint Committee were approved by LGPS Central Limited on 23 March 2018 and are available as a background paper. The Joint Committee will be included in the list of 'other bodies' in the Constitution. The proposed wording is attached at **Appendix – Amendment D**.

7. On the recommendation of external auditors, in order to improve efficiency it is proposed that Governance and Ethics Committee be delegated authority to approve the Council's Annual Governance Statement, and to keep the Council's Local Code on Corporate Governance under review. These two documents are inextricably linked, as the Annual Governance Statement sets out each year the extent to which the Local Code has been complied with. The proposed amendments are attached at **Appendix – Amendment E**.

### **Procedure Rules for Meetings**

8. As part of its review of the Code of Conduct Governance and Ethics Committee recommends that some changes are made to the procedure rules for Full Council and committee meetings, in relation to disorderly conduct at meetings. The proposed changes are shown as tracked changes in at **Appendix – Amendment F**.
9. It is considered that the procedure rules relating to motions, questions and constituency speeches would benefit from an update, to ensure they are practical and allow for electronic working. Also, for the efficient conduct of the annual budget meeting it is proposed that individual motions are not allowed at that meeting. The proposed changes are shown as tracked changes in at **Appendix – Amendment G**.
10. Currently, changes in membership for County Council and committee meetings must be notified no later than 4pm on the working day before the relevant meeting. This is not always practical and it is therefore proposed to change the deadline to 10am on the day of the relevant meeting. The proposed revision is shown as tracked changed at **Appendix – Amendment H**.

### **Other Amendments**

11. As part of its review of the Code of Conduct Governance and Ethics Committee recommends a minor amendment to the Travel and Accommodation Policy to clarify that where a fee or allowance is paid by an outside body to cover expenses, Councillor should not claim travel expenses from the County Council. See **Appendix – Amendment I**.
12. Authority for the commencement or defence of, or participation in legal proceedings is currently delegated to the Corporate Director Resources. With the deletion of that post, it is proposed to delegate authority to the Group Manager for the Legal Service with effect from 30 June 2018. Whilst a number of other changes will need to be made to the Constitution in light of the deletion of the Corporate Director post, these can be dealt with as consequential amendments following Council's approval of the re-structure on 22 March.

### **Other Options Considered**

13. With the exception of the LGPS Central Joint Committee and the authority for dealing with legal proceedings, the County Council may conclude that any of the proposed amendments are not necessary.

### **Reason/s for Recommendation/s**

14. To implement committee recommendations, and to assist the smooth running of committee meetings

## **Statutory and Policy Implications**

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment 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 approve the amendments to the Council's Constitution set out in the Appendix to the report.
- 2) To delegate authority for the commencement or defence of, or participation in legal proceedings to the Group Manager for the Legal Service with effect from 30 June 2018.
- 3) To delegate authority to the Council's Monitoring Officer to make any necessary consequential amendments to the Constitution.

**Anthony May**  
**Chief Executive**

### **For any enquiries about this report please contact:**

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### **Constitutional Comments (SMG 17/04/18)**

16. County Council has responsibility for changing the Council's Constitution. The proposals within this report fall within the remit of County Council.

### **Financial Comments (SES 18/04/18)**

17. There are no specific financial implications arising directly from this 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.

- LGPS Central Asset Pooling – Governance Arrangements – Full Council 12<sup>th</sup> January 2017 (published)
- LGPS Central Joint Committee Terms of Reference approved 23 March 2018
- [LGPS Central Joint Committee draft Terms of Reference report dated 23 March 2018](#) (published)
- Health and Wellbeing Board Governance and Management – Health and Wellbeing Board 7<sup>th</sup> March 2018 (published)
- Governance and Ethics Committee report dated 14 March 2018 (published)
- Governance and Ethics Committee report dated 8 November 2017 (published)
- Future Management of Corporate Services report dated 22 March 2018 (published)

### **Electoral Division(s) and Member(s) Affected**

- All