

## **REPORT OF THE CONSTITUTION COMMITTEE**

### **A. REVIEW AND REVISION OF THE CONSTITUTION**

#### **Introduction**

1. This report concerns the results of the latest review of the Council's Constitution, taking into account changes in legislation and in the Council's structure and practices.

#### **Background**

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It requires that changes to the document should only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee or, in the case of the Financial Procedure Rules and Contract Procedure Rules, the recommendations of the Corporate Governance Committee.
3. In the case of everything except the Meeting Procedure Rules the final decision on changes can be made at a single meeting of the County Council. However, in the case of the Meeting Procedure Rules any motion to add, to vary or revoke Standing Orders must, having been proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
4. The Constitution has been reviewed on an annual basis every year since it came into effect in June 2001. This report sets out the results of the latest review. Proposed changes to the Contract Procedure Rules and Financial Procedure Rules arising from the review will be considered by the Corporate Governance Committee and reported to the County Council at its meeting in December.
5. The majority of the changes are corrections following changes in departmental staffing structures or have been proposed to provide greater clarity to an existing provision, rather than to change a provision. The Committee's attention is drawn to the following:-

#### **Officer Employment Procedure Rules**

6. These have been amended to reflect changes in legislation and guidance relating to the procedure for dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.

Members may recall that the new regulations removed the requirement to appoint a Designated Independent Person (DIP) and instead required the Council to set up a Panel which comprised no less than two independent persons to advise the Council on any proposal to dismiss such officers. Since then guidance has been received that the Panel established to consider dismissal of these officers should only comprise independent members. The need for the full County Council to approve the dismissal has also been made explicit.

#### Members' Allowances Scheme

7. The provision relating to Councillor's pensions has been amended to reflect that, since 31 March 2014 new councillors have not had access to the Local Government Pension Scheme and that, from May 2017, all pension arrangements will cease.

#### **Recommendations of the Constitution Committee**

11. The recommendations of the Constitution Committee are contained in the motion which appears below.

**(Motion to be moved:-**

**That the proposed changes to the Constitution, as set out in Appendix A to this report, be approved)**

16 September 2016

N R Rushton  
Chairman

#### **Background Papers**

Report to the meeting of the Constitution Committee on 16 September 2016 on Review and Revision of the Constitution.