

Committee: Full Council

Agenda Item

Date: 14 April 2015

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Title: Amendments to the Constitution

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Item for decision

Summary

The Council is asked to consider the following amendments to the Constitution.

i) To approve an amendment to the Employment Procedural Rules in line with the recently issued Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015/881.

ii) Consequential changes to reflect the reduction in the number of Councillors from 44 to 39 and other minor amendments to the Articles and Procedural Rules.

Recommendations

1. Members adopt the revised Officer Employment Procedure Rules with effect from 11 May 2015.
2. Under Procedure Rule 20.2, the constitutional changes in appendix 2 be proposed and seconded and then stand adjourned to the next ordinary meeting of the Council.

Financial Implications

3. None

Background Papers

4. none.

Impact

- 5.

Communication/Consultation	n/a
Community Safety	n/a
Equalities	n/a
Health and Safety	n/a
Human Rights/Legal Implications	As provided for in Article 16 changes to the Constitution can only be made by Full Council

Sustainability	n/a
Ward-specific impacts	n/a
Workforce/Workplace	n/a

Situation

Officer Procedure Rules

- 1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015/881 require an amendment to the Council's Officer Employment Procedure Rules which are to be found in Part 4 of the Members' Handbook. Under the Local Authorities (Standing Orders) (England) Regulations 2001 the head of paid service, the s.151 officer and the monitoring officer have statutory protection and no disciplinary action may be taken against them (apart from suspension on full pay) other than in accordance with a recommendation in a report made by a designated independent person.
- 2 That provision is being repealed with effect from 11 May 2015 and replaced with a requirement that any decision to dismiss one of those officers must be taken by Full Council. Before taking action the Council must appoint a committee to include at least 2 from the independent members of a Standards Committee. Before voting on disciplinary action the Council must take into account any advice, views or recommendations of the panel, the outcome of any disciplinary investigation and any representations received from the officer concerned.
- 3 Councils are required to adopt standing orders in the form contained in the Schedule to the 2015 Regulations no later than the first ordinary meeting of the Council after 11 May 2015. A copy of the Officer Employment Procedure Rules showing the amendments in tracked changes is appendix 1. Any deviation from these amendments would be unlawful.

Amendments to Articles and Procedural Rules

- 4 The amendments in appendix 2 set out changes to the text to reflect the reduction in the Council's membership from 44 to 39 councillors. It also updates clauses in the Access to Information Procedural rules to reflect current practice and legislative changes, and the future operation of the area forums.
- 5 These amendment will stand automatically adjourned to the next ordinary meeting of the council.

Risk Analysis

There are no risks associated with this report