



Report of: **Assistant Chief Executive (Governance and HR)**

Meeting of	Date	Ward(s)
Council	3 December 2015	All

Delete as appropriate	Exempt	Non-exempt
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## Subject: **Constitution Update**

### 1. **Synopsis**

- 1.1 This report proposes changes to the council's Constitution, in particular the Terms of Reference for Personnel Sub Committee and changing the deadline for Motions to Council.

### 2. **Recommendations**

- 2.1 To approve the amendments to the Constitution set out in the attached Appendix.
- 2.2 To authorise the Assistant Chief Executive (Governance and HR) to make any consequential amendments to the Constitution she considers necessary

### 3. **Background**

- 3.1. A number of new matters requiring changes to the Constitution have arisen and are addressed in this report.
- 3.2. Appendix 1 contains a copy of extracts from the Constitution on which proposed changes are marked, by crossing through in the case of deletions and by underlining in the case of additions.
- 3.3 The changes proposed will in particular:

- Reduce the notice required to submit Motions to Council to synchronise it with the shorter notice period now required for Council Questions.
- Expand membership of Personnel Sub Committee to allow greater flexibility in the selection of panel members.

#### 4. Implications

##### **Financial Implications**

There are no financial implications arising directly from this report.

##### **Legal Implications**

There are no legal implications arising from these proposals.

##### **Resident Impact Assessment**

There are no resident impacts arising from these proposals.

##### **Environmental Implications**

There are no environmental implications arising directly from this report.

#### 4 Conclusion and recommendations

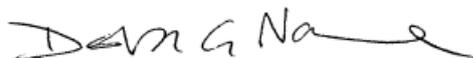
- 4.1 The proposed changes will reduce the notice required for Motions and synchronise the submission deadline with Questions for Council and increase flexibility in the selection of panel members for Personnel Sub Committee.

**Background papers:** None.

**Appendix 1:** Extracts from the Constitution

#### **Final Report Clearance**

Signed by



17 Nov 2015

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Assistant Chief Executive (Governance and HR)

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Date

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## Appendix 1

### Part 4 – Council Procedure Rules

#### 20. MOTIONS WITH NOTICE

##### 20.1 Notice

- (a) Except for motions which can be moved without notice under Rule 22, written notice of every motion, under the name of at least one member, must be delivered to the Proper Officer not later than ~~2pm~~~~10.00am~~ on the day which falls ~~seven~~~~ten~~ clear working days before the date of the meeting.
- (b) No member may place more than two motions on the agenda at the same meeting, but this does not apply to urgent motions or motions under (c) below.
- (c) In the case of reports from the Leader, the Executive, the Policy and Performance Scrutiny Committee and other committees or officers, a motion to adopt the recommendations in the report shall be deemed to have been delivered in accordance with 20.1(a).
- (d) No motions may be submitted under 20.1(a) for the Annual Meeting or the meeting at which the council's budget and Council Tax are set.

### Part 5 – Terms of Reference

#### PERSONNEL SUB-COMMITTEE

##### Composition

The Audit Committee will appoint members to the Personnel Sub-Committee following appointments made at the Annual Council Meeting. Members of the committee will include the Chair of Audit Committee, the Leader of the Council, the Executive Member with responsibility for Human Resources, and two ordinary member positions. All other Executive Members will be appointed to act as substitutes for the Committee, with the relevant Executive Member joining the Committee depending on the appointment being made. ~~may decide to appoint different members to the Personnel Sub-Committee in order to deal with appointments of different Corporate Director posts.~~

##### Quorum

The quorum shall be ~~two~~ three members.

##### Terms of Reference

1. The making of the Council's personnel policies and procedures and the setting of terms and conditions of employment.
2. Responsibility for and monitoring of, the Council's health and safety policies as employer, including reports on health and safety within Council departments.

3. To approve the early retirement of the Chief Executive and to agree the award of any discretionary payments in connection with such retirement or redundancy.
4. To approve any payment to an officer on termination of employment in respect of redundancy entitlement, any payment under the Local Government (Early Termination of Employment) Discretionary Compensation Regulations and notice pay in respect of termination in the interests of the efficient exercise of the Authority's functions, this exceeds £100,000 in total.
5. To be responsible for the recruitment and appointment of Corporate Directors and Service Directors in accordance with Part 4, Rule 101.
6. To agree the starting salary for any post where the overall remuneration package on new appointment (excluding pension contributions in accordance with the Local Government Pension Scheme regulations) is to exceed £100k.
7. To hear representations in respect of the termination of a Corporate Director's employment in accordance with the JNC terms and conditions of employment.
8. To appoint an independent person (within the meaning of the Local Authorities (Standing Orders) (England) Regulations 2001) to carry out the functions in Regulation 7 of those regulations.
9. To take decisions on disciplinary matters relating to the Chief Executive including termination of the Chief Executive's contract of employment following consideration of a report prepared by a designated person.
10. To receive submissions from trades unions' representatives on agenda items concerning staff terms and conditions.
11. To make recommendations to Council on the appointment of the Chief Executive.
12. To make recommendations to Council on the appointment of independent persons to serve on the Standards Committee and Audit Committee