



## Report to Council

**Report of:** Chief Executive

**Date:** 2 April 2014

**Subject:** Changes to the Constitution

**Author of Report:** Dave Ross – Democratic Services  
0114 273 5033

### Summary:

This report provides details of:

- proposed changes to the Constitution and
- minor/consequential changes to the Constitution approved by the Director of Legal and Governance under delegated authority, in consultation with the Lord Mayor.

### Recommendations:

That the Council:-

- (a) considers adopting the changes to the following Parts of the Constitution, as set out in the report and appendices 1 to 4:-
  - (i) Part 4 – Council Procedure Rules and Budget and Policy Framework Procedure Rules
  - (ii) Part 5 – Officers’ Code of Conduct
  - (iii) Part 7 – Management Structure and Proper Officers
- (b) notes the minor/consequential changes to the Constitution made by the Director of Legal and Governance under delegated authority, in consultation with the Lord Mayor, outlined at section 4 of the report and appendices 5 and 6.

**Background Papers:** None

**Category of Report:** OPEN

## Statutory and Council Policy Checklist

<b>Financial implications</b>
NO
<b>Legal implications</b>
YES
<b>Equality of Opportunity implications</b>
NO
<b>Tackling Health Inequalities implications</b>
N/A
<b>Human rights implications</b>
N/A
<b>Environmental and Sustainability implications</b>
N/A
<b>Economic impact</b>
N/A
<b>Community safety implications</b>
N/A
<b>Human resources implications</b>
N/A
<b>Property implications</b>
N/A
<b>Area(s) affected</b>
None
<b>Relevant Cabinet Portfolio Leader</b>
Cllr Julie Dore
<b>Relevant Scrutiny Committee if decision called in</b>
Not applicable
<b>Is the item a matter which is reserved for approval by the City Council?</b>
Yes
<b>Press release</b>
NO

**1. Introduction**

1.1 This report provides details of proposed changes to the Constitution.

**2. Background**

2.1 To ensure that the Constitution is kept up to date, there is a regular review process and, where changes are required, these are submitted to Full Council for approval. Changes were last approved by Full Council on 5 February 2014.

2.2 In addition, the Director of Legal and Governance, in consultation with the Lord Mayor, has delegated authority to make any minor and consequential drafting changes to the Constitution and is required to report details of any such changes to Council. A number of changes were approved in March 2014 and further details are set out at section 4.

**3. Proposed Changes and Reasons**

3.1 Following the latest review, a number of changes are proposed to the Constitution and these have been discussed with the Corporate Members' Group. The Cabinet Member for Finance and Resources has also been briefed on the changes to the Officers' Code of Conduct.

**3.2 Part 4 - Council Procedure Rules and Budget Policy Framework Procedure Rules**

3.2.1 Council Procedure Rule 18.4 and the Budget and Policy Framework Procedure Rule 2 (e) have been amended to take account of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 that require the vote of each Member to be recorded at Budget Council meetings (on a vote on any decision related to the making of the calculation of the Council Tax). The changes are set out at Appendix 1.

**3.3 Part 5 - Officers' Code of Conduct**

3.3.1 The Officers' Code of Conduct has been revised and updated to reflect changes in Council policies and legal requirements. A summary of the proposed changes and a revised version of the Code of Conduct are attached at Appendices 2 and 3.

**3.4 Part 7 – Management Structure and Proper Officers**

3.4.1 Details of the Statutory Officer designations are set out in Article 12 but also need to be included in the Management Structure and Proper Officers in Part 7. The management structure has also been updated. The proposed changes are set out at Appendix 4.

#### **4. Minor/Consequential Changes Approved under Delegated Authority**

4.1 The Director of Legal and Governance approved under delegated authority, in consultation with the Lord Mayor, the following minor/consequential drafting changes to the Constitution on 19 March 2014.

4.1.1 Article 4 (Full Council) has been amended to indicate that approval of the Housing Revenue Account is a matter reserved to Full Council. This was to bring it in line with paragraph 2.2.1 of the Financial Procedure Rules. The change is shown at Appendix 5.

4.1.2 The Members' Allowances Scheme has been amended to take account of the decisions of the Budget Council Meeting on 7 March 2014. In addition, to reflect current practice, there were a small number of minor amendments relating to subsistence and the description for approved duty relating to attendance at civic functions. The changes are shown at Appendix 6.

#### **5. Legal Implications**

5.1 Except where delegated by Council (see paragraph 2.2 above), variations to the Constitution may only be made by Full Council.

#### **6. Financial Implications**

6.1 There are no direct financial implications arising from the report.

#### **7. Recommendations**

7.1 That the Council:-

- (a) considers adopting the changes to the following Parts of the Constitution, as set out in the report and appendices 1 to 4:-
  - (i) Part 4 – Council Procedure Rules and Budget and Policy Framework Procedure Rules
  - (ii) Part 5 – Officers' Code of Conduct
  - (iii) Part 7 – Management Structure and Proper Officers; and
- (b) notes the minor/consequential changes to the Constitution made by the Director of Legal and Governance under delegated authority, in consultation with the Lord Mayor, outlined at section 4 of the report and appendices 5 and 6.

**Chief Executive**