



Report to Council

Report of: Chief Executive

Date: 1 November 2017

Subject: Changes to the Constitution

Author of Report: Jason Dietsch – Democratic Services
0114 273 4117

Summary:

This report provides details of proposed changes to the Constitution.

Recommendations:

That the Council considers adopting the changes to the following Parts of the Constitution, as set out in the report and appendices:-

- (a) Part 2 - Article 6 (Overview and Scrutiny)
- (b) Part 2 - Article 16 (Suspension, Interpretation and Publication of the Constitution)
- (c) Part 3 - Responsibility for Functions
- (d) Part 4 - Financial Procedure Rules (Financial Regulations)
- (e) Part 5 - Members' Code of Conduct

Background Papers:

None

Category of Report: OPEN

Statutory and Council Policy Checklist

| |
|---|
| Financial implications |
| NO - Cleared by Pauline Wood |
| Legal implications |
| YES – Cleared by Gillian Duckworth |
| Equality of Opportunity implications |
| YES – Cleared by Adele Robinson |
| Tackling Health Inequalities implications |
| N/A |
| Human rights implications |
| N/A |
| Environmental and Sustainability implications |
| N/A |
| Economic impact |
| N/A |
| Community safety implications |
| N/A |
| Human resources implications |
| N/A |
| Property implications |
| N/A |
| Area(s) affected |
| None |
| Relevant Scrutiny Committee if decision called in |
| N/A |
| Is the item a matter which is reserved for approval by the City Council? |
| YES |
| Press release |
| NO |

1. Introduction

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

2. Background

2.1 To ensure that the Constitution is kept up to date, where changes are required these are submitted to Full Council for approval.

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.

3. Proposed Changes and Reasons

3.1 Part 4 - Financial Procedure Rules (Financial Regulations)

3.1.1 The Financial Procedure Rules (Financial Regulations) were last updated in October 2015 and are an important part of the Council's financial governance arrangements. They provide the rules for the Council to follow so as to protect public money and give clarity for both Members and Officers regarding responsibilities for financial management.

3.1.2 Following an annual review by Finance Officers, in consultation with the Cabinet Member for Finance, a number of changes are proposed to the Financial Regulations. These included a general review and update of job titles and links and amendments to the sections on Financial Planning, Income Management and Purchasing.

3.1.3 A summary of the proposed changes and a revised version of the Financial Regulations are attached at Appendices A and B to the report.

3.2 Part 5 - Members' Code of Conduct

3.2.1 The Members' Code of Conduct sets out the standards which are required of all members of the authority in carrying out their duties and in their relationships with the Council and its officers and applies to Elected Members and Co-opted Members.

3.2.2 The Code of Conduct was last changed in June 2013 when the seven principles of public life were amended. The Code was also reviewed in March 2015 as part of changes to the Procedure for Dealing with Standards Complaints and no changes were proposed at that time.

- 3.2.3 Following a review of the Code, the Audit and Standards Committee recommended to Council a number of minor changes relating to the Equalities section. Paragraph 4.1 has been updated to reflect changes in legislation that have been repealed and incorporated into the Equality Act 2010. Paragraph 4.3 has also been updated to reflect changes to the titles of Council Policy documents.
- 3.2.4 In addition, the Equality, Diversity and Inclusion Policy Statement 2017 has also been added to the list of policies in Appendix A of the Code and included as part of the New Member Induction Pack.
- 3.2.5 A revised version of the Code is attached at Appendix C to the report.
- 3.3 Part 2 - Article 6 (Overview and Scrutiny) and Part 3 - Responsibility for Functions
- 3.3.1 The terms of reference of the Safer and Stronger Communities Scrutiny and Policy Development Committee in Part 3 of the Constitution have been updated to reflect that the Committee is the Council's Crime and Disorder Committee and exercises the function under Section 19 of the Police and Justice Act 2006.
- 3.3.2 A change is also proposed to Article 6.03 paragraph (b) (iii) to reflect that under that Act an authority's Crime and Disorder Committee must make arrangements which enable a Member of the authority who is not a member of the Committee to refer local crime and disorder matters to the Committee.
- 3.3.3 The proposed changes are set out in Appendix D to the report.
- 3.4 Part 2 - Article 16 (Suspension, Interpretation and Publication of the Constitution)
- 3.4.1 Minor changes are proposed to Article 16.03 regarding publication of the Constitution to reflect current practice. In addition, a hard copy of the Constitution will continue to be made available to each Political Group and in the Members' Library. An amended version is attached at Appendix E to the report.
4. **Legal Implications**
- 4.1 Except where delegated by Council as indicated at paragraph 2.2, variations to the Constitution may only be made by Full Council.
5. **Financial Implications**
- 5.1 There are no financial implications.
6. **Equality of Opportunity Implications**
- 6.1 As a Public Authority, we have legal requirements under Section 149 of the Equality Act 2010. These are often collectively referred to as the 'general duties to promote equality'. To help us meet the general equality duties, we also have specific duties, as set out in the Equality Act 2010 (Specific Duties) Regulations 2011.

6.2 We have considered our obligations under this Duty in this report and the Members' Code of Conduct has been updated to reflect the changes in equality legislation and the Equality, Diversity and Inclusion Policy Statement 2017 has been added to the list of appendices to the Code.

7. **Recommendations**

7.1 That the Council considers adopting the changes to the following Parts of the Constitution, as set out in the report and appendices:-

- (b) Part 2 - Article 6 (Overview and Scrutiny)
- (a) Part 2 - Article 16 (Suspension, Interpretation and Publication of the Constitution)
- (c) Part 3 - Responsibility for Functions
- (d) Part 4 - Financial Procedure Rules (Financial Regulations)
- (e) Part 5 - Members' Code of Conduct

Chief Executive

This page is intentionally left blank