



Report to Council

Report of: Chief Executive

Date: 4 September 2019

Subject: Changes to the Constitution

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Summary:

This report provides details of proposed changes to the Constitution, primarily to bring the Officer Code of Conduct up to date.

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 4 – Scrutiny Procedure Rules;
- (b) Part 5 - Officer Code of Conduct; and
- (c) Part 7 – Management Structure and Statutory/Proper Officers

Background Papers: NONE

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial and Commercial implications
NO - Cleared by Anna Sanderson
Legal implications
YES – Cleared by Gillian Duckworth
Equality of Opportunity implications
NO – Cleared by Laurie Brennan
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, primarily to bring the Officer Code of Conduct up to date.

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 – Scrutiny Procedure Rules; and Part 7 – Management Structure and Statutory/Proper Officers

- 3.1.1 An update is required to be made to these two elements of the Constitution to reflect the fact that the role of Lead Scrutiny Officer in the Council now lies with the Head of Policy and Partnerships.
- 3.1.2 The proposed change to both documents is attached as Appendix A.

3.2 Part 5 - Officers' Code Of Conduct (Section 16)

- 3.2.1 Amendments are proposed to be made to the Officer Code of Conduct in Part 5 (Codes and Protocols) of the Constitution, resulting from changes to the Childcare Disqualification Regulations.
- 3.2.2 The introduction of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018, removed the disqualification by association where childcare was provided in non-domestic settings. The proposed changes required to be made to Section 16 (Criminal Convictions/Barring) of the Officer Code of Conduct are shown in Appendix B to this report.
- 3.2.3 A report on the changes to the Regulations was submitted to the Audit and Standards Committee at its meeting held on 25th July 2019. The Committee endorsed the proposed changes to the Officer Code.

3.3 Part 5 - Officers' Code Of Conduct (General Update)

3.3.1 The Officers' Code of Conduct provides Council Officers with a set of minimum standards of behaviour to ensure that they perform their duties with integrity, honesty and impartiality. The Officers' Code of Conduct explains how officers should ensure that their conduct is always respectful to others, is never influenced by personal gain, and is always in line with the Council's policies and procedures, for example, health and safety policies, and ensuring that non-public information is always kept secure.

The Code has a total of 12 associated policies and procedures, which are included as appendices to the Code. The Director of Human Resources and Customer Services maintains and operates the Code, and a copy is included in the Council's Constitution.

3.3.2 Several of the associated policies and procedures, as contained in the Constitution, are out of date, and more recent versions are in operation. These are:-

- Appendix B (Policy Statement on Fraud and Corruption), which has been replaced by an Anti-Fraud and Corruption Policy Statement and Framework, including Anti-Bribery Policy and Procedures, dated May 2018, which were endorsed by the Audit and Standards Committee at its meeting held on 14th June 2018;
- Appendix D (Whistleblowing Policy), with the updated Policy, dated June 2018, having being endorsed by the Audit and Standards Committee at its meeting held on 12th April 2018;
- Appendix H (Social Networking Policy), where the current version was updated in July 2015 to incorporate several hyperlinks to Information Governance and Security Policies;
- Appendix K (Dignity and Respect at Work Policy), which has been supplemented by a Dignity and Respect at Work Procedure, dated November 2018, which had been approved in consultation with the trades unions in Autumn 2018.

It is proposed that the Constitution is updated to incorporate the Policies outlined above, which are already in operation. These updated policy documents will be published online, along with this agenda, and paper copies can be made available to Members on request.

3.2.3 In addition to the updates outlined in 3.2.3 above, Appendix G (Data Protection Policy) has recently been revised in accordance with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. This latest version, dated May 2019, has been approved in consultation with the trades unions.

3.2.4 In view of the inclusion, in Appendix B of the Officer Code of Conduct, of the Anti-Bribery Policy and Procedures, several minor changes are proposed to be made to the content of the Code itself in order to reference the Policy and Procedures.

3.2.5 The proposed changes to the Code (to reference the Anti-Bribery Policy and Procedures) are set out in Appendix C to this report, and the updated Data Protection Policy is Appendix D.

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.
- 4.2 Under section 9P of the Local Government Act 2000, the Council must prepare a constitution and keep it up to date. It must be available to the public and, under the Local Government Transparency Code 2015, be published on the Council's website. The proposed changes in this report will bring parts of the Constitution up to date to comply with the legislation.

5. Financial Implications

- 5.1 There are no financial implications.

6. Equality of Opportunity Implications

- 6.1 There are no equalities implications.

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:-
 - (a) Part 4 – Scrutiny Procedure Rules
 - (b) Part 5 - Officer Code of Conduct; and
 - (d) Part 7 – Management Structure and Statutory/Proper Officers

Chief Executive

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