

CONSTITUTIONAL AMENDMENTS

Report By: Assistant Chief Executive, Legal and Democratic Services

Wards Affected

County-wide

Purpose

For Council to consider and approve the adoption of changes to the Council's constitution.

Recommendation

THAT: the Council:

- (a) Considers and adopts for inclusion in the Constitution a revised Part 6: The Executive which reflects the changes to the Cabinet portfolio Structure
- (b) Notes the need to amend the Constitution's Part 8: Standards Committee to reflect the Standards Committee's extended remit. A formal recommendation for adoption is included in the Standards Committee report at agenda item 12.
- (c) Considers and adopts for inclusion in the Constitution a new Part 12: Officers' Responsibilities (Scheme of Delegation).
- (d) Considers and adopts a new Appendix 12: Protocol for Member / Officer Relations.
- (e) Notes and adopts a new Appendix 14: Code of Conduct for Employees.
- (f) Considers and adopts for inclusion in the Constitution revisions to section 4.24 of the Constitution which refers to Questions and Petitions from Members of the Public as outlined in paragraphs 9-11 below.

Reasons

- 1 All Councils are required by law to prepare and keep up to date a Constitution that explains and regulates how the Council operates, how decisions are made and the procedures which are followed.
- 2 To ensure that the Constitution is kept up to date, is robust and meets legislative requirements, Council is requested to adopt changes outlined in the report.

Considerations

Part 6: The Executive

4. Following the changes to the Cabinet Portfolio Structure, the Council is requested to adopt the changes as outlined in Appendix 1 which would directly replace Part 6 of the current constitution.

Part 8: Standards Committee

5. Members will be aware that since May, the law now provides that the Standards Committee will take on the task of examining any complaint against a Herefordshire Councillor, or a Parish or Town Councillor in Herefordshire, and deciding whether it should be investigated. This is in addition to the Committee's present power to hear and determine cases. The Council will be requested to consider the amended Terms of Reference and Constitution of the Standards Committee and sub-committees which reflects the Standards Committee's extended role as outlined in item 12 of the agenda.

Part 12: Officers' Responsibilities (Scheme of Delegation)

6. The proposed amendments to Part 12 of the Constitution (attached as Appendix 2) reflect the changes to the senior management structure for the Council and its partner, the PCT and provides additional clarity on both the roles of Directors and Cabinet Members on decision-making. This document, has during its drafting stages, been considered by the Audit and Corporate Governance Committee and the Constitutional Review Working Group, and the Council is now formally invited to consider and adopt these revisions.

Appendix 12: Protocol for Member / Officer Relations

7. The Council is requested to consider and adopt a new version of Appendix 12 (Annex 1) of the Constitution which outlines the Protocols for Member / Officer Relations. This code is considered important in terms the behaviour and interaction between officers and members. This document has been considered by the Constitutional Review Working Group and the Standards Committee during the drafting stages, and is now subject to Council's comments and adoption (attached as Appendix 3).

Appendix 14: Code of Conduct for Employees

8. The Council is requested to consider and adopt a new version of Appendix 14 of the Constitution which outlines the Code of Conduct for Employees which sets out the standards expected of the officers who work for the Council. This document has been considered by the Constitutional Review Working Group and is brought forward for Council adoption by the Chief Executive as the Head of Paid Services (attached as Appendix 4).

Questions and Petitions from Members of the Public (Section 4.24 of the constitution)

9. At its Annual Meeting held on 16 May 2008, the Council expressed the need to review its processes and protocols. Whilst a wider revision of the Constitution is being progressed, Council is asked to consider a variation to current arrangements on questions from Members of the Public.

- Suggested wording for a new paragraph 4.24.3
10. *It is proposed that questions received by Members of the Public that have been received in accordance with 4.24.1[of the Constitution] will be dealt with by way of a written reply to the questioner and copies of the questions and answers be circulated at the Council meeting and made available to the press and public. The full written response will be included in the formal record of the meeting.*
- Suggested as additional wording to paragraph 4.24.6
11. *In the case of questions received from Members of the Public which in the opinion of the Assistant Chief Executive Legal and Democratic, amount to the same/similar topic, a composite answer may be provided as a formal response encompassing all matters highlighted by the individual submissions, with an individual letter of response sent to the questioner responding to their particular question. Both the composite answer and individual written response will be included in the formal record of the meeting.*

Legal Implications

The Constitution is a legal requirement and must be kept up to date reflecting legislative, portfolio and management changes.

Appendices

Appendix 1: Part 6: The Executive

Appendix 2: Part 12: Officers' Responsibilities (Scheme of Delegation)

Appendix 3: Appendix 12: Protocol for Member / Officer Relations

Appendix 4: Appendix 14: Code of Conduct for Employees

Background Papers

Reports as considered by the Constitutional Review Working Group, Audit and Corporate Governance Committee and the Standards Committee.