

Cheltenham Borough Council
Council – 13th December 2010
Revisions to the Council's Constitution

Accountable member	Chairman of Staff & Support Services Committee, Councillor Jordan Cabinet Member, Councillor C Hay
Accountable officer	Borough Solicitor
Accountable scrutiny committee	E.B & I
Ward(s) affected	None specifically
Executive summary	On the 28 th October 2010 the Staff and Support Services Committee considered the Constitution Working Group's recommended changes to the Council's Constitution in response to the Action Plans approved by the Council in March 2010. The report of the Constitution Working Group is attached at Appendix A. Recommendations 1- 11 below comprise the recommendations of the Staff & Support Services Committee.
Recommendations	<p>That the Council</p> <ol style="list-style-type: none"> 1. Accepts the recommendation of the Constitution Working Group that the Staff and Support Services Committee should be discontinued. 2. Implements recommendation 1 above with effect from the decision of the Council on the 13th December 2010. 3. Approves the amendments to the Employee Scheme of Delegation and the membership and functions of the Constitution Working Group set out in Appendix 2. 4. Approves the setting up of an Appointments Committee with the membership and functions set out in Appendix 3. 5. Approves the revisions to the functions of the JNC Disciplinary Committee and the setting up of a JNC Appeals Committee as set out in Appendix 4. 6. Approves the revised Article 14 of Part 2 of the Council's Constitution as set out in Appendix 5. 7. Approves the revised Article 13 of Part 2 to the Council's Constitution as set out in Appendix 6 and revisions to Part 3H of the Constitution as set out in Appendix 7. 8. Approves the amendment to Rule 14 of the Council Procedure Rules (Voting on appointment of statutory officers) as set out in paragraph 5.2.2 of the report at Appendix A. 9. Approves the amendment to Rule 14 of the Council Procedure Rules and to the corresponding Rules in the Cabinet,

**Committee and Overview and Scrutiny Procedure Rules
(Recording of Number of Votes), as set out in paragraph 6.1.2 of
the report at Appendix A.**

**10. Approves the revised Protocol for Member/Officer Relations as
set out in Appendix 9**

**11. Authorises the Borough Solicitor to make any further minor
amendments to the Constitution which are consequential upon
the changes approved by the Council**

Financial implications	None directly arising from this report. However, indirectly, the proposed revisions to the processes and the scheme of delegation will strengthen decision making which should, in turn, ensure that decisions in respect of the use of public money are more robustly considered. Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123
Legal implications	Contained in report. Contact officer: Sara Freckleton, sara.freckleton@tewkesbury.gov.uk, 01684 272011
HR implications (including learning and organisational development)	As contained in the body of the report at Appendix A. Should the recommendations be agreed, there will be communication implications for relevant Officers and Members to ensure awareness of revisions to the protocols and procedures; there will be training and development implications for those elected Members appointed to the JNC Disciplinary Committee, JNC Appeals Committee and Appointments Committee. Contact officer: Amanda Attfield, amanda.attfield@cheltenham.gov.uk, 01242 264186
Key risks	The action recommended in this report will support the mitigation of risk CR1 on the corporate risk register in that it responds to those recommendations raised by KPMG in their public interest report and also to recommendations from the Review Working Group.

1. Background

- 1.1** On the 28th October 2010, the Staff & Support Services Committee considered the Report and Appendices of the Constitution Working Group (Councillors Godwin, Hay and Smith) which is attached at Appendix A. The report recommended a number of changes to the Council's Constitution in response to the the Action Plans approved by the Council to address recommendations from both the Report in the Public Interest (PIR) issued by KPMG and the report of the Review Working Group set up to consider various aspects of the Council's employment procedures.
- 1.2** The changes which are recommended include the discontinuation of the Staff & Support Services Committee with its functions being distributed between a newly constituted Appointments Committee, a Constitution Working Group and some slightly amended Chief Executive delegations. Other changes recommended are amendments to the functions of the JNC Disciplinary Committee and the establishment of a JNC Appeals Committee and amendments to the Officer delegations to ensure that the limit of their authority, particularly in financial terms, is clear.

- 1.3 Recommendation 10 refers to a revised and updated Protocol for Member / Officer Relations which has been considered and recommended both by the Standards Committee and by the Staff & Support Services Committee.

2. Staff & Support Services Committee Recommendation

- 2.1 The Staff & Support Services Committee accepted the recommendations of the Constitution Working Group with one minor exception which was that the Committee did not consider that there was a need, at the present time, to establish a Staffing Working Group which was referred to in paragraph 3.1.3 and Appendix 2C of the attached report. It was considered that, should there be a need identified in future for this Working Group, it could be set up at that time. Some slight amendments were made to the membership of the Appointments Committee and the JNC Disciplinary Committee which are shown in italics and bold in Appendices 3 and 4 respectively recommended.
- 2.2 With those exceptions, the Staff & Support Services Committee agreed with the report and findings of the Working Group which are accordingly reflected in recommendations 1-11 above.

3. Other consequential matters

3.1 Uncompleted business

The Staff & Support Services Committee has one outstanding item of business relating to the consideration of an application under the Local Government (Discretionary Payments) Regulations 1996 which it has not been possible to complete prior to the Council meeting in December. It is recommended that, in implementing recommendation 1 above, the Council recognises the need for the Staff & Support Services Committee to meet on one further occasion specifically to consider this outstanding matter. It is therefore suggested that the Committee be retained with the single function of "To advise the Council on any other staffing matter that it is within the remit of the Council to determine " only for one further meeting, with the remaining functions being allocated as set out in recommendations 2 & 3 above.

3.2 Updated Constitution

It is not proposed to provide all members with a full copy of the Constitution as there is a need to constantly update the document. However, the current up to date version is maintained on the Council's website and a printed copy is retained in the Members' room. When the comprehensive review of the Constitution is completed next year, a version control system will be put in place to ensure that only the most up to date version is relied upon.

3.3 Nominations to Appointments Committee

If the Council accepts recommendation 4 above and sets up an Appointments Committee, its membership, Chairman and Vice-Chairman will need to be appointed at the Council meeting.

4. Alternative options considered

- 4.1 Contained within the attached report and appendices.

5. Consultation and feedback

- 5.1 Consultation has taken place with all Council Members and the Senior Leadership Team.

6. Performance management –monitoring and review

- 6.1 The effectiveness of any changes to the Constitution which are made can be assessed as part of the comprehensive review.

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Appendices	A . Report to Staff & Support Services and Appendices (1 - 9)
Background information	<ol style="list-style-type: none"> 1. Report and Minutes of Council dated 22nd March 2010 2. Report and Minutes of Staff & Support Services Committee dated 29th July 2010 3. Report and Minutes of Standards Committee dated 9th July 2010 and 17th September 2010 4. Report and Minutes of the Council of 11th October 2010 5. Report and Minutes of the Staff & Support Services Committee of the 28th October 2010