

## Report for Resolution

<b>Report to</b>	Council 20 October 2009
<b>Report of</b>	Constitution Working Party and the Monitoring Officer
<b>Subject</b>	Changes to the Constitution

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Item

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### Purpose

To adopt changes to the Council's constitution as recommended by the Constitution Working Party at its meeting held on 14 September 2009 and 5 October 2009, and the Monitoring Officer.

### Recommendations

That Council:-

- (1) approves the revised wording in relation to the provision for reporting financial and non-financial interests above Head of Service level in Appendix 14, Code of Conduct for Local Government Employees;
- (2) confirms the increased membership of the Standards Committee and approves the amendment to Article 9 – Standards Committee;
- (3) approves the amendment to Appendix 6, rule 15.3, to allow any two members of the Council to instigate a call-in of a decision of the Executive, subject to at least two political groups being represented and the members instigating a call-in to attend the Scrutiny Committee in order for the matter to be considered by the Committee;
- (4) approves the amendment to Appendix 18 – Description of Joint Arrangements to include provision for the joint arrangements with Broadland District Council and South Norfolk Council for the CNC Building Control Consultancy Joint Committee;
- (5) authorises the Head of Legal, Regulatory and Democratic Services to amend the Council's constitution accordingly.

### Financial Consequences

There are no direct financial consequences arising from this report.

## **Strategic Priority and Outcome/Service Priorities**

The report helps to meet the strategic priority “Aiming for excellence – ensuring the Council is efficient in its use of resources, is effective in delivering its plans, is a good employer and communicates effectively with its customers, staff and partners”.

## **Contact Officers**

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## **Background Documents**

None

## Report

### **Code of Conduct for Local Government Employees (Appendix 14 of the Council's Constitution)**

1. The Executive considered the report of the Chief Executive on the 'Results of Investigation into Greyhound Opening' at its meeting on 7 January 2009. The report found that there were adequate safeguards in place and that the Council had procedures to make staff aware of the need to declare either a financial or non-financial interest that could be seen to conflict with the Council's interests or could cause conduct to be questioned. However one of the Monitoring Officer's recommendations was that paragraph 10.1 of the Code of Conduct for Local Government Employees be amended to include the Chief Executive Officer and Directors.
2. On 14 September 2009, the Constitution Working Party considered this recommendation and approved the revised wording in relation to the provision for reporting financial and non-financial interests above Head of Service level in Appendix 14. The proposal has also been endorsed by the Standards Committee at its meeting on 2 September 2009.
3. It is proposed therefore that reference will be made to the following table to clarify the reporting hierarchy as appropriate in Appendix 14:-

<b>Reporting hierarchy for financial and non-financial interests</b>	
<b>Officer:</b>	<b>Reports to:</b>
Chief Executive	Monitoring Officer
Corporate Director	Chief Executive
Assistant Director	Corporate Director
Head of Service	Corporate Director or Assistant Director as appropriate
All other employees	Head of Service

### **Standards Committee**

4. The membership of the Standards Committee was increased from 7 members to 8 in 2009/2010 to meet the requirements of the Standards Board guidance on the Local Assessment of Complaints relating to the Code of Conduct.
5. On 5 October 2009, the Constitution Working Party endorsed the Monitoring Officer's recommendation to Council to confirm that the membership of the Standards Committee comprises 8 members and that Article 9 – Standards Committee be amended accordingly.

## **Call-In Procedures**

6. Council approved the revision of call-in procedures for Executive decisions at its meeting on 18 March 2008. The effect of the change was to remove the restriction that meant only decisions made outside the budget and policy framework or decision making rules could be called –in. It was recommended that the revised call-in procedure be reviewed after one year.
7. At its meeting on 5 October 2009, the Constitution Working Party considered the call-in procedure and noted that no call-ins had been received since the implementation of these procedures. However the Constitution Working Party considered that 15.3 should be amended to remove the restriction for the instigation of a call-in by ‘at least one-third of the members of the Committee’ to allow for any two members of the Council, representing at least two political groups to call-in a decision, subject to the requirement that in order for the matter to be considered by the Scrutiny Committee the councillors must be prepared to attend Scrutiny Committee.

## **CNC Building Control Consultancy Joint Committee**

8. In May 2004, Broadland District Council, South Norfolk Council and Norwich City Council signed a legal agreement to form a Building Control Partnership known as CNC Building Control Consultancy (Joint Committee).
9. The Joint Committee comprises one Executive or Cabinet member from each of the participating councils.
10. The Monitoring Officer recommends that reference to this Joint Committee are included in Appendix 18 of the Council’s constitution as follows:-

### **d) CNC Building Control Consultancy Joint Committee**

#### **(i) Membership**

Broadland District Council, South Norfolk Council and Norwich City Council are each represented by one Executive or Cabinet member.

#### **(ii) Terms of Reference/Functions**

To discharge the Council’s building control and related functions as set out in the Joint Agreement for the Provision of Building Control Services.