

Regulatory and Audit Committee

Title:	Constitution Updates
Date:	16 June 2015
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Local members affected:	All

For press enquiries concerning this report, please contact the media office on 01296 382444

Summary

This paper sets out an overview of updates proposed to the Council's Constitution.

It is good practice to regularly review the Constitution to ensure it is updated in line with new legal requirements and best practice. The Regulatory & Audit Committee is responsible for making any recommendations on substantive changes to the Constitution to the County Council for its agreement. The Monitoring Officer is able to make minor changes to the Constitution under delegated powers to meet legal requirements and report those changes to the Regulatory & Audit Committee and Leader of the Council.

Recommendation

1. That the Committee *note* the minor changes approved by the Monitoring Officer made under delegated powers from Council. These changes are those which are shown as underlined tracked changes (with no highlighted text in bold) in Appendix 1.
2. That the Committee *agree* to recommend to County Council for approval the proposed tracked changes which are highlighted in yellow in Appendix 1.



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Key Changes

Appendix 1 sets out a copy of the Constitution with all tracked changes shown. Those changes highlighted in yellow are those proposed to go forward to County Council on 16 July and those not highlighted are minor editing changes approved by the Monitoring Officer.

A number of the changes are proposed to reflect recent changes to legislation – most significantly:

- **The Localism Act 2011** – amendments to the Council's Code of Conduct, procedures for handling complaints against Members, amendments to the terms of reference for Regulatory and Audit Committee and incorporation of the definition of disclosable pecuniary interest were approved by the County Council on 19 July 2012. These amendments were not however incorporated into the Constitution at the time. These amendments are intended to resolve that issue.
- **The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015** – Councils are required to amend the disciplinary process for the Head of Paid Service, the S151 officer and the Monitoring Officer. The Regulations remove the requirement to appoint a designated independent person to investigate and make a binding recommendation. In its place, Councils are required to form a Panel, with two or more independent persons, to undertake an investigation and make recommendations to full Council.

The amendments also incorporate the Scheme of Delegation to officers. This scheme sets out those circumstances under which Council functions and executive functions may be delegated by officers, and the requirements placed on those officers.

The table below sets out the details of the page references for changes proposed for Regulatory & Audit Committee approval:

Constitution Page No. Reference	Description of Change
11	Legal change update – Member Interests wording
15	Legal change update – Role of Council
22	Legal change update – Decision-making
27	Legal change update – Statutory Officers Dismissal
29	Legal change update – Role change between MO and CEO
32	Legal change update – Wording clarification
35 & 36	Legal change update – Decision-making
37	Legal change update –Openness Regulations
38	Wording clarification to match that in Contract Standing Orders
45	Legal change update – Statutory Officers Dismissal
47 & 49	Legal change update – Code of Conduct
67	Wording Clarification on role of Leader – executive appointments
74	Legal change update – Decision-making
74-88	Clarification – Incorporation of Scheme of Delegations into Constitution
105	Legal change update – Regulations 2012
109,114, 209	Legal change update - Statutory Officers Dismissal
225-229	Clarification – removal of outdated form to replace with new single form for Members to register Interests & gifts
230	Inclusion of process for handling standards allegations. In line with policy agreed by Council in July 2012
242 & 245	Legal change updates – Localism Act 2011

Resource implications

There are no resource implications.

Legal implications

Legal advice on the changes proposed has been taken from the Head of Legal Services, Hugh Peart, and Bevan Brittan.

Other implications/issues

None.

Feedback from consultation, Local Area Forums and Local Member views (if relevant)

N/A

Background Papers

The Council's Current Constitution can be viewed here:

<http://www.buckscc.gov.uk/about-your-council/council-structure/constitution/>