

**THE COUNCIL'S CONSTITUTION
SCHEDULE OF AMENDMENTS
REQUIRING ASSEMBLY APPROVAL
8 December 2010**

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
<p>Article 2 – The Assembly</p> <p>Page B15</p> <p>11.1.12 agree the appointment of the Chief Executive, having considered recommendations from a Panel appointed by the Assembly;</p> <p>Page B21 Paragraph 18 Procedure for Petitions</p>	<p>Change footer to December 2010</p> <p>11.1.12 agree the appointments of the Chief Executive and Corporate Directors, having considered recommendations from a JNC Appointments Panel appointed by the Assembly;</p> <p>Delete entire paragraph 18 and replace with:</p> <p>18. Procedure for Petitions</p> <p>18.1 Petitions may be presented to the Assembly in accordance with the Council's Petition Scheme which can be found on the Council's website at:</p> <p>www (link to be inserted) NOTE amendments to be made to page numbering on subsequent Articles in Part B</p>	<p>Admin change</p> <p>For consistency</p> <p>For simplification and to improve public accessibility</p>	<p>John Dawe ext 2135</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
Article 5C – Petition Procedures	Delete entire Article	For simplification	John Dawe ext 2135	
Article 6A – The Development Control Board Page B 47	<p>Change footer to December 2010</p> <p>Change page number to commence at B39</p> <p>New paragraph 13</p> <p>13. Development Control Board Delegated Decisions Review Panel</p> <p>13.1 At its first meeting each municipal year, the Board appoints a panel which will on an annual basis select a random sample of up to 20 delegated decisions on a range of applications and examine and evaluate between 5 and 10 of them, to assess whether relevant planning policies and criteria were applied in each case. The panel consists of the Chair and Deputy Chair of the Board, together with two other Member of the Board. The panel’s quorum is three.</p> <p>13.2 The panel will report back its findings to the Board.</p>	<p>Admin Change</p> <p>A review of the DCB delegations to improve effectiveness of the Board and to realise efficiency savings</p>	<p>Jeremy Grint Ext 2443</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
<p>Part C The Scheme of Delegation</p> <p>Part A – The Assembly</p> <p>2.8 Appointing a Panel to deal with all pension related matters, consisting of the Cabinet Member for Finance, Revenues and Benefits plus four other councillors. In addition when required the Chief Executive will arrange for the appointment of an independent adviser to support the Panel.</p> <p>2.9 Appointing a Panel consisting of the Leader and Deputy Leader of the Council (as Chair and Deputy Chair respectively), the relevant Portfolio Holder(s), plus two other councillors to:</p> <p>(i) shortlist candidates for the position of Chief Executive (Head of Paid Service), the appointment of whom to be made by the Assembly;</p> <p>(ii) make decisions in respect of the appointment and/or assimilation of all JNC Officers;</p>	<p>Change footer to December 2010</p> <p>2.8 Appointing the following Panels:</p> <p>2.8.1 Pensions Panel - consisting of the Cabinet Member for Finance, Revenues and Benefits, who will act as Chair, plus four other councillors to deal with all pension related matters. In addition when required the Chief Executive will arrange for the appointment of an independent adviser to support the Panel;</p> <p>2.8.2 JNC Appointments Panel - consisting of the Leader and Deputy Leader of the Council (as Chair and Deputy Chair respectively), the relevant Portfolio Holder(s), plus at least two other councillors to (i) shortlist candidates for the position of Chief Executive (Head of Paid Service) and Corporate Directors, the appointments of whom to be made by the Assembly and (ii) make decisions in respect of acting/interim appointments to the positions of Chief Executive and</p>	<p>Admin Change</p> <p>For clarity</p> <p>To bring in line with existing arrangements for the appointment of the Chief Executive</p>	<p>John Dawe Ext 2135</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
<p>(iii) make decisions in respect of the dismissal and consider disciplinary action and/or grievances in respect of all JNC Officers with the exception of the Chief Executive (Head of Paid Service), Monitoring Officer and Chief Financial Officer (Section 151 Officer), whose cases will additionally require the involvement of an independent person, and in the case of dismissal, be subject to recommendations to the Assembly.</p> <p>2.10 Additionally, with the inclusion of the Cabinet Member for Finance, Revenues and Benefits, considering and making final decisions in relation to salaries and conditions for JNC officers (including the Chief Executive) and the grading of any new JNC posts in line with Council policy.</p> <p>2.11 Appointing a Panel consisting of at least two Members of the Cabinet, plus two other councillors, subject to none having participated in any</p>	<p>Corporate Directors, as well as the appointment and/or assimilation of all other JNC Officers;</p> <p>2.8.3 JNC Disciplinary Panel - consisting of the Leader and Deputy Leader of the Council (as Chair and Deputy Chair respectively), the relevant Portfolio Holder(s), plus at least two other councillors to:</p> <p>(i) make decisions in respect of the dismissal and consider disciplinary action and/or grievances in respect of all JNC Officers with the exception of the Chief Executive (Head of Paid Service), Monitoring Officer and Chief Financial Officer (Section 151 Officer), whose cases will additionally require the involvement of an independent person, and</p> <p>(ii) in the case of dismissal, be subject to recommendations to the Assembly.</p> <p>2.8.4 JNC Salaries and Conditions Panel - consisting of the Leader and Deputy Leader of the Council (as Chair and Deputy Chair respectively),</p>	<p>Title changes for clarity</p>	<p>John Dawe Ext 2135</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
<p>previous Panel relating to the case in question, to:</p> <p>(i) consider appeals in respect of dismissal, redundancy, disciplinary action and grievances from JNC Officers; and</p> <p>(ii) consider, with the involvement of a separate independent person, appeals in respect of disciplinary action and grievances against the Chief Executive (Head of Paid Service), Monitoring Officer and Chief Financial Officer (Section 151 Officer).</p>	<p>the relevant Portfolio Holder(s), as well as the Cabinet Member for Finance, Revenues and Benefits, and at least two other councillors to consider and make final decisions in relation to salaries and conditions for JNC officers (including the Chief Executive) and the grading of any new JNC posts in line with Council policy.</p> <p>2.8.5 JNC Appeals Panel - consisting of at least two Members of the Cabinet, one of whom shall be appointed as Chair, plus two other councillors, subject to none having participated in any previously appointed Panel relating to the case in question, to:</p> <p>(i) consider appeals in respect of dismissal, redundancy, disciplinary action and grievances from JNC Officers; and</p> <p>(ii) consider, with the involvement of a separate independent person, appeals in respect of disciplinary action and grievances against the</p>	<p>Title changes for clarity</p>	<p>John Dawe Ext 2135</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
	<p>Chief Executive (Head of Paid Service), Monitoring Officer and Chief Financial Officer (Section 151 Officer).</p> <p>New paragraph 2.12</p> <p>2.12 Approving the Treasury Policy Statement, Annual Strategy Statement and the Annual Report as well as any related Treasury documents.</p> <p>Re-number subsequent paragraphs</p>	Legislative requirement	Alan Dawson Ext 2348	
<p>Section I – The Development Control Board Page C19</p> <p>1.1. Detailed applications for the erection of residential units, which in the opinion of the Divisional Director of Regeneration and Economic Development can be recommended for approval.</p> <p>1.2. Outline applications for the erection of residential development with a site area of more than 0.25 hectares, which in the opinion of the Divisional Director of Regeneration and Economic Development can be</p>	<p>1.1 Any application recommended for approval with five or more objections from local residents other than an application for prior approval which may be agreed by the Divisional Director of Regeneration in consultation with the Chair and Deputy Chair.</p> <p>1.2 Applications which are recommended for approval and are considered by the Divisional Director of Regeneration to be contrary to any material aspect of the Unitary Development Plan (UDP) or Local Development Framework (LDF) except applications for:</p>	A review of the DCB delegations to improve effectiveness of the Board and to realise efficiency savings	Jeremy Grint Ext 2443	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
<p>recommended for approval.</p> <p>1.3. Detailed applications for the erection of non-residential development in excess of 500m² (gross).</p> <p>1.4. Outline applications for the erection of non-residential development involving the erection of buildings in excess of 500m² or having a site area of more than 1 hectare.</p> <p>1.5. Applications for the mining and working of minerals or the use of land for mineral working deposits.</p> <p>1.6. Applications which are considered by the Divisional Director of Regeneration and Economic Development to be contrary to any material aspect of the UDP.</p> <p>1.7. Applications submitted by or on behalf of a Councillor or by any employee (or their spouse/partner) of the Regeneration and Economic Development Division.</p>	<p>1.2.1 flats above shops in retail parades which do not provide amenity space to the standards set in Borough Wide Development Policy BP8;</p> <p>1.2.2 new houses with a garden of less than 12 metres depth where the new homes do not back on to other houses, adequate back to back distances are maintained, or where the rooms are arranged to ensure there are no overlooking issues;</p> <p>1.2.3 new homes with less than 1 for 1 car parking in a Controlled Parking Zone.</p> <p>1.3 Applications for the mining and working of minerals or the use of land for mineral working deposits.</p> <p>1.4 Applications which are recommended for refusal and are considered by the Divisional Director of Regeneration not to be contrary to any material aspect of the UDP or LDF.</p> <p>1.5 Applications submitted by or on behalf of a Councillor or by any</p>	<p>A review of the DCB delegations to improve effectiveness of the Board and to realise efficiency savings</p>	<p>Jeremy Grint Ext 2443</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
	<p>employee (or their spouse/partner) of the Regeneration Division.</p> <p>1.6 Applications which any Councillor requests in writing to the Divisional Director of Regeneration within 21 days from the date of validation of the application subject to agreement of the Chair.</p> <p>1.7 Subject to the agreement of the Chair, any other application or issue which, by reason of its scale, impact upon the environment or the level of public or likely Councillor interest should, in the opinion of the Divisional Director of Regeneration, be determined by the Development Control Board.</p> <p>Re-number existing paragraphs 1.10, 1.11, 1.12 and 1.13 as 1.8, 1.9, 1.10 and 1.11 respectively.</p> <p>Delete existing paragraph 1.14 Re-number existing paragraph 1.15 as 1.12</p> <p>Add new paragraph 1.13 1.13 Appointing a Panel of four Development Control Board Members, including the Chair and Deputy Chair, to select and review on an annual basis a random</p>	<p>A review of the DCB delegations to improve effectiveness of the Board and to realise efficiency savings</p>	<p>Jeremy Grint Ext 2443</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
	<p>sample of up to 20 delegated decisions on a range of applications and examine 5-10 of them to evaluate whether or not:</p> <ul style="list-style-type: none"> • delegation was appropriate; • the description was correct; • appropriate notifications were issued; • appropriate issues were identified; • the application met the appropriate deadline; and <p>to report back to the Development Control Board accordingly.</p>	<p>A review of the DCB delegations to improve effectiveness of the Board and to realise efficiency savings</p>	<p>Jeremy Grint Ext 2443</p>	
<p>Part D – Rules Financial Rules Appendix A, page D51</p> <p>(h) Delegations</p> <ul style="list-style-type: none"> • With the exception of those items which have to be reviewed annually by the Assembly in accordance with Section 45 of the Local Government and Housing Act 1989 (and any subsequent amendments) the Cabinet shall be the responsible committee for the consideration of Treasury Management matters. • The Cabinet shall consider The 	<p>Change Footer to December 2010</p> <p>(h) Delegations</p> <ul style="list-style-type: none"> • The Assembly shall be the responsible committee for the consideration of Treasury Management matters. • The Assembly shall consider The Treasury Policy Statement and any amendments to it as the need arises. • The Chief Financial Officer as Section 151 Officer or Nominated Deputy shall be 	<p>Admin Change</p> <p>Legislative requirement</p>	<p>Alan Dawson ext 2348</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
<p>Treasury Policy Statement and any amendments to it as the need arises.</p> <ul style="list-style-type: none"> The Chief Financial Officer as Section 151 Officer or Nominated Deputy shall be responsible for the operation of the Treasury Management function in accordance with the Treasury Policy Statement and the annual strategy statement as approved by the Cabinet. 	<p>responsible for the operation of the Treasury Management function in accordance with the Treasury Policy Statement and the annual strategy statement as approved by the Assembly.</p>	<p>Legislative requirement</p>	<p>Alan Dawson ext 2348</p>	
<p>Part E – Codes and Protocols</p> <p>Protocol re Member and Employee Relations</p> <p>Page E29 Contents Page</p> <p>16. Complaints and Criticism</p> <p>Page E47</p> <p>16. COMPLAINTS AND CRITICISM</p> <p>Sadly, but inevitably in such a large organisation, there will be occasions (hopefully rare) when a Member or employee may wish to make a complaint against the other, or</p>	<p>Change footer to December 2010</p> <p>1.6 Complaints, Allegations and Criticism</p> <p>16. COMPLAINTS, ALLEGATIONS AND CRITICISM</p> <p>Sadly, but inevitably in such a large organisation, there will be occasions (hopefully rare) when a Member or employee may wish to complain about the other, make allegations, and/or criticise actions. It is important that procedures are in place to deal</p>	<p>Admin change</p> <p>For clarity</p>	<p>Nina Clark ext 2114</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
<p>criticise actions. It is important that procedures are in place to deal with any such cases.</p> <p>16.1 Complaints by Members</p> <p>16.1.1 A complaint by a Member about an employee should be made to the Corporate Director of the service in question. If, however, a Member feels that the matter is one which could be determined by the Head of Service, the complaint may be referred directly to that person with a copy to the relevant Corporate Director.</p> <p>16.1.2 Complaints should be in writing, marked "private and confidential". A copy should always also be sent to the Chief Executive and the Head of Human Resources.</p>	<p>with any such cases and these are detailed below.</p> <p>Note: all references to “complaints” below include complaints, allegations and/or criticisms.</p> <p>16.1 Complaints by Members about employees</p> <p>16.1.1 All complaints must be in writing, marked "private and confidential" and sent to the individuals referred to in the following paragraphs, who will determine how best to deal with the matter. Where necessary, the recipient of the complaint will consult with other senior officers and/or Members as considered necessary, including the Section 151 Officer regarding any matters of financial control or fraud, and the Divisional Director of Human Resources and Organisational Development where procedural advice is necessary.</p> <p>16.1.2 A complaint by a Member about an employee should be made to the Corporate Director of the service in question. If, however, a Member feels that the matter is one which could be determined by the</p>	<p>For clarity</p>	<p>Nina Clark ext 2114</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
<p>16.1.3 A complaint by a Member against a Corporate Director should be made in writing marked "private and confidential" to the Chief Executive.</p> <p>16.1.4 A complaint by a Member against the Chief Executive should be made in writing marked "private and confidential" to the Leader of the Council.</p> <p>16.1.5 A complaint by a Member about a former employee should be made to the Corporate Director of the former employee's department (copy to the Chief Executive and the Head of Human Resources) who will decide on the best way of dealing with the matter depending on the circumstances. Where felt necessary this will be in consultation with the Chief Executive, Head of Human Resources, and/or the Divisional Director of Legal and Democratic Services (Monitoring Officer) as appropriate.</p>	<p>Divisional Director, the complaint may be referred directly to that person with a copy to the relevant Corporate Director.</p> <p>16.1.3 A complaint by a Member against a Corporate Director should be made in writing marked "private and confidential" to the Chief Executive.</p> <p>16.1.4 A complaint by a Member against the Chief Executive should be made in writing marked "private and confidential" to the Leader of the Council.</p> <p>New paragraphs 16.1.5, 16.1.6 and 16.1.7</p> <p>16.1.5 A complaint by a Member against an employee (at any level) and the Chief Executive should be made to the Leader of the Council.</p> <p>16.1.6 A complaint by a Member against an employee (at any level) and a Member of the Council should be made to the Monitoring Officer.</p> <p>16.1.7 A complaint by a Member about a former employee should be</p>	<p>For clarity</p> <p>For clarity</p>	<p>Nina Clark ext 2114</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
<p>16.1.6 Members have a right to know if action has been taken to correct a matter, but they must not either:</p> <p>(i) insist, or be seen to insist, that an employee is disciplined; or</p> <p>(ii) influence the level of any disciplinary action which might be taken against an employee.</p> <p>16.1.7 In all cases, Members and employees have an obligation to maintain confidentiality throughout.</p> <p>16.1.8 As soon as possible but within ten working days, the recipient of the complaint will acknowledge receipt and give an indication of what action they intend to take and approximately how long they need to investigate the matter.</p> <p>16.1.9 Members have a right to be told the outcome of any disciplinary case, but no entitlement to detailed information about the hearing or its conduct.</p> <p>16.1.10 In any instance, if a Member is not satisfied that action has been taken to set matters straight, they may refer the matter</p>	<p>made to the Corporate Director of the former employee's department.</p> <p>Renumber subsequent paragraphs</p> <p>16.1.10 As soon as possible but within ten working days, the recipient of the complaint will acknowledge receipt in writing and give an indication of what action they intend to take and/or what procedures they intend to follow, together with an estimation of any time lines.</p> <p>16.1.11 Members have a right to be told the outcome of any employee disciplinary case, but no entitlement to detailed information about the hearing or its conduct.</p> <p>16.1.12 If a Member is not satisfied that action has been taken to set an employee matter straight, they may</p>	<p>For clarity</p>	<p>Nina Clark ext 2114</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
<p>http://www.lbbd.gov.uk/9-council/complaints/complaints-cllrs.html</p> <p>This should be sent to the Monitoring Officer, who will refer the matter as appropriate to the Council's Standards Committee for consideration.</p> <p>16.2.3 Complaints should be in writing, marked "private and confidential".</p> <p>16.2.4 Wherever possible, the anonymity of the employee will be maintained. Should the Monitoring Officer decide that it is necessary for the employee's anonymity to be lifted, for example to assist in the ongoing investigation of the complaint, the employee's head of service will be informed in advance of that decision.</p> <p>16.2.5 The Monitoring Officer has overall responsibility for monitoring formal complaints received from employees about Members.</p> <p>16.3.1 A complaint by a Member about another Member should be</p>	<p>Officer will refer the matter, as appropriate, to the Council's Standards Committee.</p> <p>Delete paragraphs 16.2.3, 16.2.4 and 16.2.5</p> <p>16.3.1 A complaint by a Member about another Member should be made in writing marked "private and confidential" to the Monitoring Officer. If the complaint alleges a breach of the Members' Code of Conduct the complainant should use the form available on the website at the following link:</p> <p>http://www.lbbd.gov.uk/9-council/complaints/complaints-cllrs.html</p> <p>The Monitoring Officer will refer such complaints, as appropriate, to the Council's Standards Committee.</p> <p>Delete paragraph 16.3.3</p>	<p>For clarity</p>	<p>Nina Clark ext 2114</p>	

EXISTING	AMENDMENT	REASON	CONTACT OFFICER	
<p>made in writing to the Chief Executive who will determine how best to deal with it, in consultation with the Monitoring Officer as necessary.</p> <p>16.3.3 If the complaint alleges a breach of the Members' Code of Conduct it should be made in writing using the form available on the website at the following link:</p> <p>http://www.lbbd.gov.uk/9-council/complaints/complaints-cllrs.html</p> <p>and sent to the Monitoring Officer who will refer the matter as appropriate to the Council's Standards Committee for consideration.</p>				