

# ASSEMBLY

19 February 2014

<b>Title:</b> Constitution Review	
<b>Report of the Chief Executive</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> No
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<b>Accountable Divisional Director:</b> Fiona Taylor, Head of Legal and Democratic Services	
<b>Accountable Director:</b> Graham Farrant, Chief Executive	
<b>Summary</b>  As part of a comprehensive review of the Council's Constitution, the Employees' Code of Conduct and the Protocol for Councillor/Employee Relations, which are components of Part E of the Constitution, have been updated and are presented for the Assembly's approval.  This report also proposes the inclusion within the Chief Executive's Scheme of Delegation (Section P of Part C of the Constitution) of a new 'Emergency Action' provision which would allow the Chief Executive to maintain the normal business of the Council in extreme circumstances such as a civil emergency or during a void in political leadership.	
<b>Recommendation(s)</b>  The Assembly is recommended to:  (i) Adopt the Employees' Code of Conduct as set out at Appendix 1 to the report;  (ii) Adopt the Protocol for Councillor/Employee Relations as set out at Appendix 2 to the report; and  (iii) Approve the inclusion within the Chief Executive's Scheme of Delegation (Section P of Part C of the Constitution) of the following provision:  <ul style="list-style-type: none"><li>• "in exceptional circumstances, such as a civil emergency, during a void in political leadership or to maintain the efficient and effective governance of the Council, to take any decision on behalf of the Council (after consultation with the Leader where feasible)"</li></ul>	
<b>Reason(s)</b>  To ensure that the Council Constitution is reviewed and updated in line with the requirements of the Local Government Act 2000.	

## **1. Introduction and Background**

- 1.1 The Council Constitution was adopted by the Assembly in 2000 and although it has been continually maintained and updated since that time to reflect new legislation, changes to the Council's rules, procedural amendments etc., it has never undergone a full, cover-to-cover review.
- 1.2 With that in mind, a comprehensive review was initiated early last year with a view to bringing it more into line, particularly in terms of its structure and design, with the 'model' Constitution that is widely followed across local authorities. The comprehensive review also provides the opportunity to 'challenge' the Council's rules and protocols to ensure that they reflect modern ways of working.
- 1.3 It has been possible to present 'stand alone' elements of the new Constitution as they have been completed, such as the Contract and Financial Rules that were adopted by the Assembly at the last meeting. However, the intention is to present the new, complete document to the Assembly in June 2014 (the new Council).
- 1.4 The Constitutions of Thurrock Council and London Borough of Enfield have been used as the main comparative documents for the review exercise.

## **2. Proposal and Issues**

- 2.1 Two further documents are now in a position to be presented for adoption:
  - Employees' Code of Conduct (**Appendix 1**)
  - Protocol for Councillor/Employee Relations (**Appendix 2**)
- 2.2 The Employees' Code of Conduct was updated using Thurrock's version as the template as it had a better structure and was generally a more comprehensive document. Specific LBBB requirements were incorporated into the new document.
- 2.3 In contrast, LBBB's Protocol for Councillor/Employee Relations was considered to be the stronger document so was used as the template, with appropriate elements/ wording from Thurrock's version incorporated where appropriate.
- 2.4 A further issue came to light during the review work which has been brought forward to this meeting. Under Thurrock's Scheme of Delegation, the Chief Executive has an additional power which allows him "in cases of urgency or emergency, to take any decision on behalf of the Council (after consultation with the Leader)."
- 2.5 Thurrock officers have clarified that this provision is intended only for the most exceptional circumstances, such as a civil emergency, during a void in political leadership (typically following elections) or to implement arrangements which are required to maintain the efficient and effective governance of the Council.
- 2.6 There is already provision within the LBBB Constitution which enables the Chief Executive to deal with matters which cannot otherwise be presented for decision to the relevant committee (see the "Urgent Action" clause at paragraph 17, Article 1, Part B).

- 2.6 However, it is considered that the LBBD Constitution would benefit from an additional, similar provision within the Chief Executive's Scheme of Delegation and it is proposed that the following clause be added at Section P of Part C:

*"in exceptional circumstances, such as a civil emergency, during a void in political leadership or to maintain the efficient and effective governance of the Council, to take any decision on behalf of the Council (after consultation with the Leader where feasible)".*

### **3. Options Appraisal**

- 3.1 This is not relevant to this report.

### **4. Consultation**

- 4.1 The draft Code was considered by the Officer Policy Review Group before being presented to the Trade Unions for comment. Several amendments were made to the Code as a result of the Unions' feedback.
- 4.2 The proposals have also been endorsed by the Corporate Management Team and the Leader of the Council.

### **5. Financial Implications**

Implications completed by: Jonathan Bunt, Chief Finance Officer

- 5.1 There are no financial implications arising from the proposals in this report.

### **6. Legal Implications**

Implications completed by: Fiona Taylor, Head of Legal and Democratic Services

- 6.1 The Local Government Act 2000 requires Councils to produce, maintain and review the Constitution document which sets out the rules, codes, protocols and schemes by which the Council operates.

**Public Background Papers Used in the Preparation of the Report: None**

#### **List of appendices:**

- Appendix 1 - Revised Employees' Code of Conduct
- Appendix 2 - Revised Protocol for Councillor/Employee Relations