

COUNCIL'S CONSTITUTION – May 2015 SCHEDULE OF AMENDMENTS (implemented by MO)

AMENDMENT	REASON	ASSEMBLY APPROVAL REQUIRED?
<p>Part 2, Chapter 4 – The Assembly</p> <p>Amendment of the terms of reference of the JNC Disciplinary Panel as set out below, to reflect the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.</p> <p>JNC Disciplinary Panel - consisting of the Leader (who shall be Chair), the Deputy Leader(s) of the Council, the relevant Portfolio Holder(s) and two non-Cabinet councillors (selected by the Chief Executive, in consultation with the Leader, from a pool of four non-Cabinet councillors appointed by the Assembly), to:</p> <p>(a) make decisions in respect of the suspension of the Chief Executive in accordance with paragraph 5, Chapter 3, Part 4 of the Constitution for the purposes of investigating alleged misconduct;</p> <p>(b) make decisions in respect of disciplinary action, including dismissal, in respect of all JNC Officers with the exception of the Head of Paid Service, Monitoring Officer and Chief Finance Officer;</p> <p>(c) make decisions in respect of disciplinary action, excluding dismissal, in respect of the Head of Paid Service, Monitoring Officer and Chief Finance Officer; and</p> <p>(d) make recommendations to the Assembly in relation to the dismissal of the Head of Paid Service, Monitoring Officer and</p>	<p>To give effect to new legislative requirements.</p>	<p>No. Monitoring Officer implemented as 'change in the law' in accordance with paragraph 2.1(b) of Part 7 of the Constitution.</p>

<p>Chief Finance Officer, subject to the provision below.</p> <p>In respect of (d) above, the membership of the JNC Disciplinary Panel shall be extended to include at least two Independent Persons appointed by the Council under the Localism Act 2011, with priority to an Independent Person(s) appointed by the Council who is a local elector, followed by an Independent Person(s) appointed by the Council who is not a local elector and finally an Independent Person(s) appointed by another authority.</p>		
<p>Part 2, Chapter 8 – Scrutiny, the Select Committees and Call-in</p> <p>Inclusion of wording in paragraph 1.4 to reflect that “Lead Member appointments shall be for a two-year term”.</p>	<p>To clarify existing arrangements.</p>	<p>No. Monitoring Officer implemented as a ‘minor amendment’.</p>
<p>Part 2, Chapter 11 – Pensions Panel</p> <p>Inclusion of new paragraph 5 to reflect the creation of the new Pensions Board, as approved by the Assembly on 24 February 2015 (Minute 55).</p>	<p>To reflect the creation of the new Board with effect from 1 April 2015.</p>	<p>No. Monitoring Officer implemented ‘to give effect to any decisions of the Council’ in accordance with paragraph 2.1(a) of Part 7 of the Constitution.</p>
<p>Part 3, Chapter 2 – Officer Scheme of Delegation</p> <p>Replace “Section 35(1)” with “Section 35(3)” in respect of Returning Officer (Local Election) statutory function.</p>	<p>Correction of drafting error</p>	<p>No. Monitoring Officer implemented as a ‘minor amendment’.</p>

<p>Part 3, Chapter 2 – Officer Scheme of Delegation</p> <p>Inclusion of the Chief Executive’s statutory role as Acting Returning Officer (Parliamentary Election) under Section 28(1) of the Representation of the People Act 1983.</p>	<p>Omitted from new Constitution in error (previously in old Constitution under Chief Executive’s Responsibility for Functions, Part C, Section P)</p>	<p>No. Monitoring Officer implemented to correct error at drafting stage</p>
<p>Part 4, Chapter 3 – Employment Procedure Rules</p> <p>Revision of paragraph 2.1 and inclusion of new paragraphs 2.2 and 2.3 to reflect requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.</p> <p>2.1 Employment functions, including the appointment or discipline of the Chief Executive (Head of Paid Service), Monitoring Officer and Chief Finance Officer (as defined in the Local Government and Housing Act 1989), shall be discharged by the Assembly, or an appointed sub-committee, in accordance with the arrangements set out in Part 2, Chapter 4 of this Constitution.</p> <p>2.2 Employment functions, including the appointment, dismissal or discipline of all other JNC officers, except those specified in paragraph 2.1 above, shall be discharged by the Assembly, or an appointed sub-committee, in accordance with the arrangements set out in Part 2, Chapter 4 of this Constitution.</p> <p>2.3 The dismissal of the Chief Executive (Head of Paid Service), Monitoring Officer and Chief Finance Officer (as defined in the Local Government and Housing Act 1989), shall be discharged by the Assembly in accordance with the arrangements set out in Part 2, Chapter 4 of this Constitution</p>	<p>To give effect to new legislative requirements.</p>	<p>No. Monitoring Officer implemented as ‘change in the law’ in accordance with paragraph 2.1(b) of Part 7 of the Constitution.</p>

<p>Part 4, Chapter 3 – Employment Procedure Rules</p> <p>Revision of section 5 to reflect the role of JNC Disciplinary Panel in place of the Designated Independent Person, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.</p>	<p>To give effect to new legislative requirements.</p>	<p>No. Monitoring Officer implemented as 'change in the law' in accordance with paragraph 2.1(b) of Part 7 of the Constitution.</p>
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