

FAREHAM

BOROUGH COUNCIL

Report to Audit and Governance Committee

Date **23 November 2015**

Report of: **Monitoring Officer**

Subject: **UPDATES TO THE CONSTITUTION**

SUMMARY

This report proposes changes to Part 4: Section 2 of the Constitution - Standing Orders for the Appointment, Dismissal and Discipline of Employees, and Part 5: Section 1 – Code of Conduct for Members following reviews undertaken by the Member Officer Working Group for Reviewing the Constitution.

RECOMMENDATION

That the Audit and Governance Committee considers the updated sections of the Constitution, as set out in the appendices and recommends any comments or further amendments for adoption by the Council for:

- (a) the Standing Orders for the Appointment, Dismissal and Discipline of Employees, as set out in Appendix A to the report; and

- (b) the Code of Conduct for Members, as set out in Appendix B to the report.

INTRODUCTION

1. At its meeting of 20 February 2015, the Council agreed to form a Member Officer Working group to undertake a review of the Constitution.
2. The Member Officer Working Group has met four times since April 2015 and is attended by Councillors Davies, Keeble, Knight and Price and by the Monitoring Officer and the Head of Democratic Services.
3. At its inaugural meeting, the Working Group agreed to commence the review of the Constitution by looking at Parts 4 – 8 first because these sections are made up of smaller individual documents and policies which can be reviewed by the Audit & Governance Committee making recommendations directly to Council. Amendments to Parts 1 – 3 of the Constitution must be referred to the Executive via the Scrutiny Board before they are considered by the Audit & Governance Committee.

BACKGROUND – STANDING ORDERS

4. The Member Officer Working Group has undertaken a review of the Council's Standing Orders for the Appointment, Dismissal and Discipline of Employees (Part 4: Section 2) and is now consulting the Audit and Governance Committee on the suggested updates before making final recommendations to the Council.
5. The current Standing Orders for the Appointment, Dismissal and Discipline of Employees were recently updated at the Annual Council meeting in May 2015. Those amendments were to satisfy newly introduced legislation specifically dealing with the appointment, dismissal or disciplinary of the three statutory officers (Head of Paid Service, Section 151 Officer and Monitoring Officer) and only applied to the appendices of the Standing Orders.

BACKGROUND – CODE OF CONDUCT

6. Following the meeting of the Hampshire and Isle of Wight Local Authorities (HLOWLA) held on 22 November 2013, the Executive Leader, in his role as Chairman of HLOWLA, wrote to all Leaders of Hampshire Authorities to confirm the group's support for a Pan-Hampshire Code of Conduct for Members. The Member Officer Working Group has therefore undertaken a review of the Council's Code of Conduct for Members and is now consulting the Audit and Governance Committee on the suggested updates before making final recommendations to the Council.

PROPOSED CHANGES

7. The review of the Standing Orders for the Appointment, Dismissal and Discipline of Employees provides an opportunity for the Standing Orders to be updated in full and a copy of the proposed updated document is attached at Appendix A.
8. The following key changes have been incorporated into the document:
 - (a) all descriptions of the personnel processes have been updated to reflect the organisation's current procedures;
 - (b) terminology amended to ensure consistency with the culture of the organisation;
 - (c) additional and amended wording is highlighted and underlined (for ease of reference);

- (d) deleted wording is shown with ~~strikethrough~~;
 - (e) spelling, typing and formatting errors have been corrected; and
 - (f) wording amended throughout to ensure the use of plain English.
9. The review of the Code of Conduct for Members provides an opportunity for the code to be aligned with the Hampshire code which was adopted by the County Council in July 2014. This will ensure that “double hatted” Members who are elected to Fareham Borough Council and Hampshire County Council will be able to follow a consistent code which is uniformly formatted and in the same order. The revised Code is shown at Appendix B to this report.
10. The Member Officer Working Group also supports the re-introduction of Register of Gifts and Hospitality for items with an estimated value of £50 or more. This is included in the Hampshire Code and is a matter of local choice as there is no longer a statutory requirement for a register of gifts and hospitality, since the Localism Act was introduced in 2011.

RISK ASSESSMENT

11. If the revised Standing Orders are not approved, the Constitution will remain out of date and will not accurately reflect current organisational procedures.

CONCLUSION

12. The proposed changes contained in the documents at Appendix A and Appendix B are put to the Audit and Governance Committee for comment before being recommended to the Council for approval.

Appendix A: Revised Standing Orders for the Appointment, Dismissal and Appointment of Employees.

Appendix B: Revised Code of Conduct for Members.

Background Papers:

Notes from Member Officer Working Group meetings.

Letter from Chairman of HIOWLA to Leaders of Hampshire Authorities.

Reference Papers:

Report to Council – Revised Standing Orders with respect to the Appointment, Dismissal and Discipline of Employees, 14 May 2015.

Report to Audit and Governance Committee – Review of the Constitution, 9 February 2015.

Enquiries:

For further information on this report please contact Leigh Usher. (Ext 4553)