

FAREHAM

BOROUGH COUNCIL

Report to Council

17 December 2015

Subject: UPDATES TO THE CONSTITUTION

Report of: Monitoring Officer

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 and the Audit and Governance Committee.

RECOMMENDATION

That the Council approves the updated sections of the Constitution 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 P J Davies, L Keeble, T G Knight and R H Price, JP and by the Monitoring Officer and 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 and Governance Committee.

BACKGROUND – STANDING ORDERS FOR THE APPOINTMENT, DISMISSAL AND DISCIPLINE OF EMPLOYEES

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 submitted a draft updated version to the Audit and Governance Committee at its meeting on 23 November 2105.
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 FOR MEMBERS

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 submitted a draft updated version to the Audit and Governance Committee at its meeting on 23 November 2015.

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 ~~striketthrough~~;
 - (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 draft revised Code is shown at Appendix B to this report.
10. The Member Officer Working Group and the Audit and Governance Committee also support 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.
11. In order to avoid inconsistencies in the interpretation of what should be declared as hospitality or a gift, Members are reminded that advice on registrations can be sought from the Monitoring Officer or the Head of Democratic Services. A clarification statement on the declaration of gifts and hospitality with an estimated value in excess of £50 will be issued to all Members.

RISK ASSESSMENT

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 If the revised Standing Orders are not approved, elements of the Constitution will remain out of date and will not accurately reflect current organisational procedures.

CONCLUSION

13. The proposed changes contained in the documents at Appendix A and Appendix B were presented to the 23 November 2015 meeting of the Audit and Governance Committee where the revised Standing Orders and Code of Conduct were agreed to be recommended to 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.

Minutes of Audit and Governance Committee – 23 November 2015.

Enquiries:

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