

**REPORT OF THE COUNCIL BUSINESS MANAGEMENT COMMITTEE**

**AMENDMENTS TO THE CONSTITUTION**

There are two proposed amendments to the Constitution:

1) To add a new standing order on the Chief Officer and Deputy Chief Officer Appointments, Dismissals and Service Conditions (also known as JNC Panel) terms of reference. The new standing order will ensure that the City Council is compliant with the *Local Authorities (Standing Orders) (England) Regulations 2001*, as amended in 2014.

The new standing order is set out in Appendix 1.

2) To amend the composition of the Standards Committee.

The amendments are set out in Appendix 2 (highlighted).

**MOTION**

That approval be given to the necessary changes to the City Council's Constitution as indicated in the appendices to the report and that the City Solicitor be authorised to implement the changes with immediate effect.

## **Appendix 1: Amendments to page 54**

Remove existing text under the following heading and replace with:

### *Terms and Conditions of Employment*

Holding management to account for implementing agreed terms and conditions of employment of staff.

Agreeing any changes to terms and conditions of employment (the Birmingham Contract).

Holding management to account for the effective consultation and negotiation with employees and representatives of regional and national bodies in connection with terms and conditions of employment.

The following Sub-Committees of the Council Business Management Committee are approved for the current Municipal Year:

- Miscellaneous Appeals Sub-Committee – to determine non-personnel appeals and reviews.
- Education Awards
- Election Matters Members Forum
- Lord Mayor's Advisory Group
- Chief Officer and Deputy Chief Officer Appointments, Dismissals and Service Conditions (Also known as JNC Panel)
- Personnel Appeals
- Local Authority School Governor Nomination Committee

### *Chief Officer and Deputy Chief Officer Appointments, Dismissals And Service Conditions Sub-Committee (JNC Panel)*

The Sub-Committee for Chief Officers (Officers reporting to the Chief Executive) and Deputy Chief Officers (Officers reporting to Chief Officers) shall comprise the Leaders of the three main political parties (or their nominees), and two other members subject to the proportionality rules. The functions of this sub-committee are as follows:

1. To consider and determine the form of the employment contracts and other Terms and Conditions (including related structural issues) for the Chief and Deputy Chief Officer Posts as defined in the Constitution of the City Council.
2. To be responsible for making appointments to all posts falling within 1 above and to recommend to the Council the appointment of the Chief Executive.
3. To deal with all termination and disciplinary arrangements relating to Chief Officer and Deputy Chief Officer posts (including early retirement and the award of added years)

The appointment, termination and disciplinary arrangements of Officers who are NOT Chief Officers or Deputy Chief Officers (other than assistants to political groups) is the responsibility of the Chief Executive as Head of the Paid Service or his/her nominee in line with the Council's normal recruitment, disciplinary and termination policies. Members are not permitted to be involved in these decisions, except insofar as there are arrangements for a members appeal committee for staff matters.

## Appendix 2: Amendments to page 56 and 57

Remove existing text under the following heading and replace with:

### 5.11 The Standards Committee

#### *Key Roles*

- advising the City Council on the adoption or revision of the Code of Conduct;
- monitoring the operation of the Code of Conduct;
- advising, training or arranging to train members and co-opted members on matters relating to the City Council's Code of Conduct.
- determining complaints brought by members of the public alleging a breach of the Code of Conduct by Councillors.
- determining the penalty to be imposed in the event of a breach of the Code being upheld.
- hearing appeals as may be necessary.
- granting any dispensations and dealing with any other powers granted to Standards Committees by legislation.
- to submit an Annual report on the work of the Standards Committee and, generally, promoting the standards of ethical conduct and behaviour expected of Councillors.

The Standards Committee shall also determine under Sections 1 and 2 of the Local Government and Housing Act 1989: -

- any application received from any officer of the Council for exemption from political restriction; and
- any application to consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.

#### *Composition*

- (i) **Membership.** The Standards Committee will be composed of 14 Members, as follows:
- 6 Councillors, other than those with Special Responsibility Allowances, which will be made up of 2 Councillors from each of the 3 largest political parties represented on the City Council ;
  - 6 Independent lay members
  - 1 Member of New Frankley in Birmingham Parish Council
  - 1 Member of Sutton Coldfield Parish Council
- (ii) **Independent Lay Members.** Independent Lay Members will be entitled to vote at meetings;
- (iii) **Parish Members.** The Parish Member(s) must be present when matters relating to the parish council or their Members are being considered;
- (iv) **Chairing the Committee.** An Independent Member should be appointed as the Chair and Deputy Chair of Standards Committee.

- (v) **Quorum.** 5 members, including at least one of the Independent Lay Member and the Parish Councillor if it relates to a Parish Council matter.
- (vi) Independent Person. There be at least 1 Independent who will have no voting rights although Standards Committee has the discretion to appoint an additional person if required.