

East Herts Council Report

Council

Date of meeting: Wednesday 15 May 2024

Report by: James Ellis – Head of Legal and Democratic Services

Report title: Minor Amendments to the Constitution

Ward(s) affected: All

Summary

In accordance with paragraph 2.6.5 of the Constitution any minor changes made to the Constitution by the Monitoring Officer must be notified to Members at the next meeting of the Full Council.

RECOMMENDATIONS FOR COUNCIL:

- a) That substitution of the word 'Chairman' with the neutral terminology of 'Chair' throughout the Constitution, other than for the ceremonial role of Chairman of the Council, be noted; and**
- b) To approve the minor changes to the Constitution in Appendix A.**

1.0 Proposal(s)

1.1 As above.

2.0 Background

2.1 Changes to the Constitution are dealt with under paragraph 2.6 of the Constitution.

2.2 Under paragraph 2.6.3(a) if in the reasonable opinion of the Monitoring Officer a change is required to be made to remove any inconsistency, ambiguity, typographical or other such error,

changes to staffing structures, job descriptions or changes in terminology then the Monitoring Officer may make such a change.

- 2.3 The change in terminology is as follows:
- 2.4 Replacing the word 'Chairman' with the neutral word 'Chair', other than for the ceremonial role of Chairman of the Council. This modernises the document and reflects the term already used by many Members when referring to the Chairman of a given committee. A comparison of other Hertfordshire local authorities found that the majority were now using the term 'Chair' as opposed to 'Chairman', as are the Fire and Police Service.
- 2.5 Sections 3 to 5 of the Local Government Act 1972 specifically refer to the statutory roles of Chairman and Vice-Chairman of a Principal Council. The terms Chairman and Vice Chairman will therefore be retained for these appointments in order to remain consistent with legislation.
- 2.6 Further, under paragraph 2.6.3(d) if in the reasonable opinion of the Monitoring Officer a change is requested only for the practical purpose, in order to ensure the proper administration of the Council, then the Monitoring Officer may make such a change.
- 2.7 Any change made under paragraph 2.6.3(d) shall come into force with immediate effect but shall be referred to Full Council as soon as is reasonably practicable and shall only continue to have effect thereafter if agreed by Full Council.
- 2.8 The changes made under paragraph 2.6.3(d) concerns the Human Resources Committee's Terms of Reference, specifically the deletion of sub-paragraphs (k) and (m) from paragraph 8.2.5.
- 2.9 Sub-paragraph (k) is not a function of the Human Resources Committee, and therefore should not be listed under the Human Resources Committee's Terms of Reference. The oversight,

implementation, and co-ordination of the Member Training Programme is included within the Terms of Reference for the Member Development Group. The Terms of Reference for the Member Development Group were agreed at its meeting on 23 November 2023.

2.10 Sub-paragraph (m) is also not a function of the Human Resources Committee and therefore should not be listed under the Human Resources Committee's Terms of Reference. It should be noted that these functions are duplicated within the Constitution from paragraph 11.10, with the disciplinary action for the dismissal of the Head of Paid Service to be taken in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2015, as at sub paragraph 11.14.1.

2.11 The re-lettering of those sub-paragraphs in 8.2.5 following the removal of (k) and (m) so as to remain sequential.

3.0 Reason(s)

3.1 To comply with the requirements of paragraph 2.6.5 which ensures that a minor change to terminology made under paragraph 2.6.5(a) is notified to all members at the next meeting of Full Council.

3.2 To agree that the changes to the Human Resources Committee's Terms of Reference, made under paragraph 2.6.5(d), continue to have effect going forward.

4.0 Options

4.1 Not to approve recommendation (b), this is not recommended. This would mean that a duplication of functions would remain, risking the clarity of decision-making and procedures throughout the year.

5.0 Risks

5.1 If the Constitution is not amended in line with recommendation (b) it would mean that a duplication of these functions would remain, risking the clarity of decision-making and procedures throughout the year.

6.0 Implications/Consultations

6.1 The report was emailed to the currently nominated Members of the Constitution Review Group, and the Chairman of the Human Resources Committee for their information on 16 April 2024.

6.2 The report was taken through Leadership Team on 7 May 2024.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

Yes/No

Human Rights

No

Legal

Yes, as indicated above.

Specific Wards

No

7.0 Background papers, appendices and relevant material

7.1 Appendix A – Minor Changes to the Constitution – showing tracked changes.

Contact Officer

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