

Subject	Amendments to the Constitution – Trades Union Observers	Status	For Publication
Report to	Authority	Date	30 th September 2020
Report of	Fund Director Clerk Monitoring Officer		
Equality Impact Assessment	Not Required	Attached	No
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1 Purpose of the Report

- 1.1 To address a gap identified in the Authority’s constitution.
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2 Recommendations

- 2.1 Members are recommended to:
- a. **Approve the amendments to the Constitution set out in the body of this report.**
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3 Link to Corporate Objectives

- 3.1 This report links to the delivery of the following corporate objectives:
Effective and Transparent Governance

To uphold effective governance showing prudence and propriety at all times.

It is important that the Authority’s constitution fully reflect the reality of the governance arrangements in place.

4 Implications for the Corporate Risk Register

- 4.1 The actions outlined in this report address the risks identified in the Corporate Risk Register related to the Authority acting improperly.

5 Background and Options

- 5.1 A review of the Authority’s updated constitution (approved in June) and the previous versions of the document in light of the recommendations made by Hymans Robertson in relation to the Trades Union Observers and overlapping membership with the Local Pension Board has identified that the Constitution is entirely silent on the matter of the roles.

5.2 While the Authority possesses a general power of co-option which means that there are no issues about the current position in a purist sense it is appropriate to regularise the position and to include appropriate text within the constitution to codify the existence of the roles and the rights and obligations (for example in relation to confidentiality) that apply to them.

5.3 Giving effect to this will require changes to the constitution in a number of places as set out in Appendix A. The proposed amendments are framed to reflect the current arrangements which have no term limits (as for councillors), and with full access to participate in all aspects of meetings of the Authority and Audit Committee, but not in the Staffing Appointments and Appeals Committee given the nature of the items with which it generally deals. While it has not previously been explicit the three observers have been acting in line with the relevant

6 Implications

6.1 The proposals outlined in this report have the following implications:

Financial	None
Human Resources	None
ICT	None
Legal	These changes bring the Constitution in line with the reality of the arrangements which have operated for some years.
Procurement	None

George Graham

Sarah Norman

Gary Kirk

Director

Clerk

Monitoring Officer

Background Papers	
Document	Place of Inspection