



**Annual Council**

**21 May 2015**

**Subject: Annual Review of the Constitution**

Report by:

Monitoring Officer

Contact Officer:

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Purpose / Summary:

The purpose of the report is to recommend to Council the proposed amendments to the Constitution, following consideration by the Governance and Audit Committee at its meeting on 9 April 2015.

**RECOMMENDATION(S):**

- (a) That Members note the outcome of the annual review.**
- (b) That the amendments detailed at Section 2 of the report and the Constitution as appended be approved by Council for immediate implementation.**
- (c) In light of the on-going structure review at a Strategic Lead level, the Monitoring Officer, in consultation with the Chairman of the Governance and Audit Committee and the Deputy Leader of the Council, be given delegated authority to make any required housekeeping amendments to relevant sections of the Constitution.**
- (d) That the Governance and Audit Committee be delegated to make any changes to the Financial and Contract Procedure Rules between Annual Councils.**

## IMPLICATIONS

**Legal:** The Council is required by law to prepare, and keep up to date, the Constitution. Legislative changes reflected in Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 with reference to the Localism Act 2011 have been applied to the revised constitution for approval in line with the stipulation for agreement at the first Council meeting following the 7<sup>th</sup> May 2015.

### **Financial: FIN/18/16 Costs to be met from existing budgets**

There are only very limited financial implications as a result of making amendments to the constitution, these costs can be met from existing budgets. These relate to the resources needed to make changes to electronic records and to the limited printing costs of producing amended pages for paper copies of the Constitution.

**Staffing:** The Constitution sets out the manner in which staffing matters should be dealt with. The changes made to the responsibilities of the Chief Officer Employment Committee and the introduction of an IDP will amend the way in which disciplinary and dismissal of Statutory Officers are managed.

**Equality and Diversity including Human Rights :** None arising from this report.

**Risk Assessment:** Failure to amend the constitution to reflect changes could lead to a risk of legal challenge and reputational risk for the Council.

**Climate Related Risks and Opportunities :** None arising from this report.

### **Title and Location of any Background Papers used in the preparation of this report:**

Accessed through WLDC website "[Meetings, agendas, minutes and reports](#)"

[Constitution of the Council | West Lindsey](#)

Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Localism Act 2011

### **Call in and Urgency:**

**Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?**

Yes

No

### **Key Decision:**

Yes

No

## **1 Introduction**

- 1.1 The Council is required by law to prepare and keep up to date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 Article 14 of the Constitution stipulates how such a review should be conducted namely:
  - a) by observing meetings of different parts of the Member and officer structure;
  - b) by undertaking an audit trail of a sample of decisions
  - c) by recording and analysing issues raised with Monitoring Officer by Members, officers, the public and other stakeholders; and
  - d) by comparing practices in this authority with those in comparable authorities, or national examples of best practice.
- 1.3 As a comprehensive review of the Constitution was undertaken in 2011 and in light of a number of mid-year changes having being made, a number of amendments are being proposed as detailed at Section 2 of the report.
- 1.4 Several minor changes have been made throughout the entire document, hence the inclusion of the revised document with those changes tracked, appended to the report.
- 1.5 Members will be aware that further future changes to the Strategic Lead structure are pending therefore further changes will be required to Part IV of the Constitution, hence recommendation 3 stated on the front page of this report.

## **2. Proposed Amendments**

- 2.1 In line with a duty to annually review the Constitution, and having undertaken the process set out above, the following additions/amendments are proposed to come into immediate effect.
- 2.2 The table below sets out the main proposed amendments for consideration along with the rationale for each.

<b>Ref</b>	<b>Section /Page Ref</b>	<b>Amendment required</b>	<b>Reason for Amendment</b>
	Various	To change the name of the Policy and Resources Committee to 'Corporate Policy and Resources Committee'	To more accurately reflect the remit of the Committee and to differentiate the policy making role from that of the Prosperous Communities Committee
	Part IV	Responsibility for Functions	To amend the scheme of delegations to apportion responsibility to Director level, with appropriate internal sub-delegations to simplify the Constitution document.
	Part V	Rewritten sections for: <ul style="list-style-type: none"> <li>• Budgetary Framework</li> <li>• Financial Procedure Rules</li> <li>• Contract Procedure Rules</li> </ul>	To clarify procedures
	Part IV and Part V	Introduction of an Independent Disciplinary Panel and amended responsibilities for Chief Officer Employment Committee.	In line with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 which came in to force on 11 May 2015 to create an independent panel to consider and report on disciplinary and dismissal matters for the Statutory Officers of the Council and make recommendations to Council for a final decision.
	Part IV	To give responsibility to Governance and Audit Committee to approve changes to Financial and Contract Procedure Rules between meetings of Annual Council.	To streamline the approval process in light of the fact that these two documents are primarily referred to within the remit of Governance and Audit Committee and therefore ownership of these documents would be appropriate.

### **3. Recommendations**

- (a) That Members note the outcome of the annual review.
- (b) That the amendments detailed at Section 2 of the report and the Constitution as appended be approved for immediate implementation.
- (c) In light of the on-going, structure review at a Strategic Lead level, the Monitoring Officer in consultation with the Chairman of the Governance and Audit Committee and the Deputy Leader of the Council be granted delegated authority to make any required housekeeping amendments to relevant sections of the Constitution.
- (d) That the Governance and Audit Committee be delegated to make any changes to the Financial and Contract Procedure Rules between Annual Councils.

(Note: for the avoidance of doubt amendments deemed housekeeping would be amending job titles and moving relevant officer delegations under the appropriate service area. Additions or deletions would not be deemed housekeeping and should it be deemed amendments of this nature were required these would be reported back to Council for consideration)