



GA.62 14/15

**Governance and Audit
Committee**

9 April 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 recommended to Council for approval 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, it be recommended to full Council to authorise 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 changed 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.

Financial: [FIN/8/16](#)

There are only very limited financial implications as a result of making amendments to the constitution. 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: None arising from this report but the Constitution sets out the manner in which staffing matters should be dealt with.

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](#)

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 my 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.

Ref	Section /Page Ref	Amendment required	Reason for Amendment
	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"> • Budgetary Framework • Financial Procedure Rules • Contract Procedure Rules 	To clarify procedures

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 recommended to Council for approval 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.

(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)