

AGENDA



For a meeting of the
COUNCIL
to be held on
THURSDAY, 18 APRIL 2013
at
2.00 PM
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM
Beverly Agass, Chief Executive

Members of the Council are invited to attend the above meeting to consider the items of business listed below.

13. RECOMMENDATIONS FROM THE CONSTITUTION COMMITTEE

Report by the Chairman of the Constitution Committee.

(Enclosure)

REPORT TO COUNCIL

**REPORT OF: CHAIRMAN OF THE CONSTITUTION COMMITTEE –
COUNCILLOR RAY WOOTTEN**

REPORT NO: LDS094

DATE: 18th April 2013

TITLE:	Recommendations from the Constitution Committee - 15th April 2013	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	n/a	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Portfolio Holder for Governance and Communication	
CONTACT OFFICER:	Lucy Youles – Head of Legal and Democratic Services (Monitoring Officer) E-mail: l.youles@southkesteven.gov Telephone: 01476 406105	
INITIAL IMPACT ASSESSMENT:	Carried out and appended to the report: n/a	Full impact assessment Required: n/a
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	The Council's Constitution http://www.southkesteven.gov.uk/index.aspx?articleid=1974	

1. RECOMMENDATIONS

It is recommended that Council approve the recommendations made by the Constitution Committee at its meeting on the 15th April 2013 as follows:

- 1.1 At page 94 of the Constitution relating to delegations to the Strategic Director – Corporate focus add the authority to authorise use of powers contained in the Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013.

1.2 At page 252 of the Constitution relating to the Members' Code of Conduct - Principles of Conduct of Public Life be amended in accordance with Appendix A to report LDS092 including the following further amendment (as underlined)

- INTEGRITY: Holders of public office must avoid placing themselves under any obligation to outside individuals or organisations that might try in appropriately to influence them in their work. They should not act or take decisions in order to gain financial or material benefits for themselves, their family, their friends or other parties. They must declare and resolve and interests and relationships.
- LEADERSHIP: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge breaches of the Code by others where they see this occurring.

2. PURPOSE OF THE REPORT

The purpose of this report is to detail the recommendations made by the Constitution Committee at its meeting on the 15th April 2013 to Council for approval. The report made to the Constitution Committee and minutes of the Constitution Committee meeting of the 15th April are attached to this report at the Appendix for information.

3. DETAILS OF REPORT

- 3.1 The details of the recommendations and the reasons for the recommendations are given in the minutes of the Constitution Committee meeting attached to this report and the reports made to that meeting.
- 3.2 The Secretary of State has put in place regulations to give local authorities power to enable the prevention and detection of localised council tax support scheme fraud. The regulations provide for the appointment of an individual officer to authorise the exercise of those powers. The Strategic Director – Corporate Focus is proposed as the officer appointed to authorise use of those powers.
- 3.3 The Committee of Standards in Public Life has introduced changes to the definitions of the principles of conduct in public life. The Localism Act requires local authorities to adopt a code which is consistent with those principles. The Council adopted a code which set out the full definition of those principles. The proposal in the recommendation from the Committee is to adopt the new definitions with slight amendment as detailed in this report.
- 3.4 The Committee received an update on the review of the Constitution which is detailed in the report and minutes attached to this report.

4. OTHER OPTIONS CONSIDERED

No other options are proposed.

5. RESOURCE IMPLICATIONS

The proposals are made to ensure that the Constitution can be amended to incorporate current requirements.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
None identified	Not applicable

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

No assessment is required in respect of this report.

9. CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications arise as a result of this report

10. COMMENTS OF FINANCE SECTION

There are no financial implications resulting from this report.

11. COMMENTS OF LEGAL AND DEMOCARATIC SERVICES

The proposed amendments are required to ensure the content of the Constitution is relevant and up to date.

12. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS

None relevant

13. APPENDIX

Report to Constitution Committee – HOF233, LDS092 andLDS093 –
Minutes of Constitution Committee meeting –15th April 2013

REPORT TO CONSTITUTION COMMITTEE

REPORT OF: Head of Finance

REPORT NO: HOF233

DATE: 26 March 2013

TITLE:	Delegated powers for the prevention and detection of Council Tax Support Fraud	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Constitution change	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Portfolio Holder for Governance and Communication	
CONTACT OFFICER:	R Wyles (01476) 406210 r.wyles@southkesteven.gov.uk L Sirdifield (01476) 406524 lee.sirdifield@southkesteven.gcsx.gov.uk	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below Not required.	Full impact assessment Required: No
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 SI2013/501. http://www.legislation.gov.uk/ukxi/2013/501/contents/made	

1. RECOMMENDATION

- 1.1 Members are asked to insert the powers contained within Regulations 5(b) of The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013 into the role of Strategic Director – Corporate Focus.

2. PURPOSE OF THE REPORT

- 2.1 The report details new powers provided by The Secretary of State in connection with the prevention and detection of fraud for Localised Council Tax Support Schemes.

3. DETAILS OF REPORT

- 3.1 On 6 March 2013 the Secretary of State provided new regulations to enable the prevention and detection of Localised Council Tax Support Scheme fraud. These regulations provide for authorised officers to complete a number of activities to protect the public purse and ensure that only those entitled to claim help with their bills receive support.
- 3.2 The regulations provide for the authority's chief finance officer to authorise officers to prevent and detect fraud under The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013. The authorisation or withdrawal of an authorisation must be issued under the hand of the authority's chief financial officer.
- 3.3 The powers contained within The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013 mirror those already in existence in the Social Security Administration Act 1992. These powers are used to prevent and detect Housing Benefit and Council Tax Benefit fraud.
- 3.4 If approved, the Strategic Director – Corporate Focus will be able to appoint authorised officers who will be able to require others to provide information where they have reasonable grounds to suspect that an individual has information that would support an investigation. These powers are detailed in Regulation 4 of The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013.
- 3.5 The powers would also enable the appointment of authorised officers to require electronic information to be provided to the authority where it is felt that these records may contain information that is relevant to their investigation.
- 3.6 The regulations also provide for the appointment of officers under Regulation 10 to bring legal proceedings against those where it is believed an offence has been committed. These officers will be able to seek the prosecution of offenders or offer a penalty as an alternative to a prosecution as detailed in Regulation 11.

4. OTHER OPTIONS CONSIDERED

4.1 Not applicable

5. RESOURCE IMPLICATIONS

5.1 The insertion of these powers into the role of Strategic Director – Corporate Focus will enable exiting resources to be utilised to prevent and detect Council Tax Support fraud.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
Economic – protecting the public purse	The Council Tax Support Scheme has a limited amount of funding to provide support to those in need. A failure to put in place appropriate safeguards could result in abuse of the scheme and limited financial resources being unfairly allocated.
Reputational	Not introducing appropriate powers could result in the authority being seen as a soft touch in connection with the prevention and detection of fraud.
Political	A failure to introduce appropriate powers to detect and prevent Council Tax Support Fraud would leave the authority's scheme open to abuse.

7. ISSUES ARISING FROM IMPACT ANALYSIS

7.1 Not required

8. CRIME AND DISORDER IMPLICATIONS

8.1 The inclusion of these powers into the role of Strategic Director – Corporate Focus will enable the authority to take appropriate measures to prevent and detect fraudulent activity within the district.

9. COMMENTS OF FINANCIAL SERVICES

The insertion of the powers will enable the Council to successfully continue the work in respect of the detection and prevention of fraud with respect to the Council tax support scheme.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The Constitution Committee is required to consider any proposed changes to the Constitution.

The Council Tax Reduction Scheme (Detection of fraud and Enforcement) (England) Regulations 2013 provide for the Authority's chief finance officer to authorise officers to prevent and detect fraud. The powers contained within these regulations mirror those already in existence under the Social Security Administration Act 1992 for which the chief finance officer already has delegated powers.

11. COMMENTS OF OTHER RELEVANT SERVICES

12. APPENDICES:

Appendix 1: The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 - <http://www.legislation.gov.uk/uksi/2013/501/contents/made>

REPORT TO CONSTITUTION COMMITTEE

REPORT OF: HEAD OF LEGAL AND DEMOCRATIC SERVICES

REPORT NO: LDS092

DATE: 15TH APRIL 2013

TITLE:	AMENDMENTS TO THE CONSTITUTION – MEMBERS CODE OF CONDUCT PRINCIPLES OF CONDUCT IN PUBLIC LIFE	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Constitutional change	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Portfolio Holder for Engagement and Corporate Governance	
CONTACT OFFICER:	Lucy Youles Head of Legal and Democratic Services l.youles@southkesteven.gov.uk Tel:01476 406105	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: Not applicable
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	None	

1. RECOMMENDATIONS

It is recommended the Constitution Committee consider the changes to the definitions of the principles of conduct in public life detailed at Appendix A and recommend to Council the substitution of the new principles in place of the existing principles as set out in the Members' Code of Conduct attached to this report at Appendix B.

2. PURPOSE OF THE REPORT

The purpose of the report is to introduce the new principles of conduct in public life which were approved by the Government in January 2013 and to consider whether the new principles should be adopted by the Council to be included in the Members' Code of Conduct.

3. DETAILS OF REPORT

At its meeting on the 12th July 2012, the Council agreed to adopt the Members Code of Conduct set out at Appendix B. The requirement for a new members' code was included in the Localism Act 2011. Each Council was required to develop its own code provided the code was consistent with the principles of conduct in public life introduced by the Committee of Standards in Public Life. This was done in this Council's Code of Conduct by adopting a code which defined all the principles as established by the Committee of Standards in Public Life. The Committee of Standards in Public Life determined to change the definitions of each principle in January of this year. The new definitions are detailed at Appendix A by tracked changes showing the amendments to the existing principles. The proposal is that the new definitions as shown in Appendix A are recommended to Council for adoption.

4. OTHER OPTIONS CONSIDERED

4.1 As the requirement of the Localism Act is to adopt a code **consistent with** the principles of conduct in public life, the code, as currently drafted, remains compliant because the general terms of the principles are set out in the code. It would be an acceptable option to make no amendment to the code as currently drafted. This option may, in the long term, lead to confusion in respect of the meaning of the principles if two sets of different definitions exist.

4.2 Alternatively, if the definitions are to change from time to time, it may be appropriate to remove all definitions to the principles and include the one word description of each principle to demonstrate consistency with the principles as required.

5. RESOURCE IMPLICATIONS

There are no resource implications relating to the proposal

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
No significant risks	

7. ISSUES ARISING FROM IMPACT ANALYSIS

Equality impact analysis not required

8. CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications

9. COMMENTS OF FINANCIAL SERVICES

There are no financial implications relating to the amendments.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

Any change to the Members' Code of Conduct must be communicated to all town and parish councils who have adopted the South Kesteven District Council Members' Code of Conduct. Each council must then consider whether or not they intend to adopt any changes made by this Council.

11. COMMENTS OF OTHER RELEVANT SERVICES

None relevant

12. APPENDICES

Appendix A - The Principles of Public Life showing the principles as currently drafted and proposals for amendment in red,

Appendix B – The Members' Code of Conduct

APPENDIX A

Member Code of Conduct and the Principles of Conduct in Public Life

changes reflect revisions to the wording of the descriptions to the Principles of Conduct, made by the Committee on Standards in Public Life in January 2013.

SELFLESSNESS: The holders of public office should act solely in terms of the public interest. ~~They should no do so in order to gain financial or other material benefits for themselves, their family or their friends.~~

INTEGRITY: Holders of public office ~~should not place~~ must avoid placing themselves under any ~~financial or other~~ obligation to outside individuals or organisations that might ~~seek try~~ inappropriately to influence them in ~~the performance of their official duties, their work.~~ They should not act or take decisions in order to gain financial or there material benefits for themselves, their family of their friends. The must declare and resolve any interests and relationships

OBJECTIVITY: ~~In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits h~~ Holders of public office ~~should~~ must act and take decisions impartially, fairly and ~~make choices~~ on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to ~~the whatever~~ scrutiny necessary to ensure this is appropriate to their office.

OPENNESS: Holders of public ~~office~~ office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing ~~have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.~~

HONESTY: Holders of public office ~~have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests~~ should be truthful.

LEADERSHIP: Holders of public office should ~~promote and support~~ exhibit these principles ~~by leadership and example~~ in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



SOUTH KESTEVEN DISTRICT COUNCIL MEMBERS CODE OF CONDUCT 2012

South Kesteven District Council (the Authority) has adopted this Code setting out the expected behaviours required of its Members or co-opted Members, acknowledging that they each have a responsibility to represent the community and work constructively with staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act 2011 (the Act), when acting in this capacity all Members must be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations which might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example. In particular, members should always treat people with respect including those working for this Authority, other organisations and members of the public.

The Act further provides for registration and disclosure of interests and in South Kesteven District Council this will be done as follows:

Interests

1. Registration of interests

You must, within 28 days of:-

- (a) this Code being adopted by or applied to the Authority; and/or
- (b) your election or appointment to office; and
- (c) becoming aware of any new interest or change to any interest registered under this paragraph 1

notify the Monitoring Officer in writing of your **disclosable pecuniary interests** which are registerable under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests.

Any interests notified in writing to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the Authority's website.

2. Disclosure of Interests

If you have an interest described in paragraph 1 above and if you are aware or ought reasonably to be aware of the existence of an interest described at clause 2.1 below, and you attend a meeting of your authority at which the matter in which you have an interest is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.

2.1 Any interest in any business of your authority:

- where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a **relevant person** to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or
- it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest; and
- the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest

You may not participate in any discussion of the matter or any vote taken on the matter at the meeting.

2.2 In paragraph 2.1, **a relevant person is—**

a member of your family or any person with whom you have a close association, their employers or people they are in partnership with, companies of which they are directors or in which they hold a beneficial interest in any class of securities exceeding the nominal value of £25,000. Or one hundredth of the total issued share capital of that company.

3 Sensitive interests

- 3.1 Where you consider that disclosure or registration of the details of an interest could, for whatever reason, be sensitive and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the sensitive interest, but may state that you have an interest, the details of which are withheld.

4. Attendance at meetings

- 4.1 Council Procedure Rule requires you to leave the room where the meeting is held while any discussion or voting takes place where you have an interest described in paragraphs 1 or 2.1 above.
- 4.2 Where you have an interest in any business of the Authority described in paragraph 2.1 above, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 4.3 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest that relates to the functions of the Authority in respect of—
- (i) housing, where you are a tenant of the Authority, provided that those functions do not relate specifically to your tenancy;
 - (ii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iii) an allowance, payment or indemnity given to members;
 - (iv) any ceremonial honour given to members; and
 - (v) setting council tax or a precept under the Local Government Finance Act 1992.

5. Disclosure of Gifts and Hospitality

- 5.1 You must notify the Monitoring Officer in writing the name of any person or organization from whom you have received a gift or hospitality with an estimated value of at least £50 which you have received in your capacity as a member of the Council. The notification must include the date of receipt of the offer and details of whether or not the gift was accepted.

REPORT TO CONSTITUTION COMMITTEE

REPORT OF: HEAD OF LEGAL AND DEMOCRATIC SERVICES

REPORT NO: LDS093

DATE: 15TH APRIL 2013

TITLE:	REVIEW OF THE CONSTITUTION	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Constitutional change	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Portfolio Holder for Engagement and Corporate Governance	
CONTACT OFFICER:	Lucy Youles Head of Legal and Democratic Services l.youles@southkesteven.gov.uk Tel:01476 406105	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: Not applicable
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	The Constitution – http://www.southkesteven.gov.uk/index.aspx?articleid=1974	

1. RECOMMENDATIONS

It is recommended that Members note the proposals for changes to the Constitution following an external review.

2. PURPOSE OF THE REPORT

The purpose of the report is to outline the proposals for change to the Constitution following an external review of the contents of the document carried out by Legal Services Lincolnshire. This report to Members does make proposals for changes but does not set out the actual changes. Any subsequent changes will be considered throughout the year in stages to deliver a fully reviewed constitution by April 2014.

3. DETAILS OF REPORT

The specification for the review is attached as the Appendix to the report.

The proposals for change include:

- Update article 4 - policy framework documents
- Revision of the process for making changes to the constitution which are matters of record or fact.
- Create one section of the constitution relating to functions of officers and delegations to officers. Simplify the way in which the scheme of officer delegation is set out.
- Establish one part of the constitution to deal with rules and procedures. These are currently spread throughout the constitution. For example The Cabinet is introduced at article 8 and the cabinet procedure rules are contained in part 4.
- Revision of and simplification of the budget and policy framework procedure rules, executive procedure rules and policy development procedure rules.
- Clarification of rules on voting for appointments and rules of substitution.

The specification was produced to incorporate general issues which have been raised from time to time about the use of the constitution and the difficulties it raises.

4. OTHER OPTIONS CONSIDERED

- 4.1** Options for revision will be considered at future meetings of the Constitution Committee

5. RESOURCE IMPLICATIONS

There are no known resource implications relating to the proposals.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
No significant risks	

7. ISSUES ARISING FROM IMPACT ANALYSIS

Equality impact analysis not required

8. CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications

9. COMMENTS OF FINANCIAL SERVICES

There are no financial implications relating to the amendments.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

Any changes to the Constitution must be in accordance with the Local Government Act 2000 (Constitutions) (England) Direction 2000 and any subsequent legislative amendments

11. COMMENTS OF OTHER RELEVANT SERVICES

None relevant

12. APPENDICES

Specification for Review of the Constitution

SPECIFICATION FOR A REVIEW OF THE SOUTH KESTEVEN DISTRICT COUNCIL CONSTITUTION

BACKGROUND

The District Council Constitution was introduced and approved by the Council (SKDC) in 2001 following the enactment of relevant provisions of the Local Government Act 2000 and the change of governance from a committee system to a leader and cabinet executive. SKDC now operates a strong leader executive as introduced by the Local Government and Public Involvement in Health Act 2007.

Throughout the period from 2001 to date the Constitution has been amended piecemeal. The last full review of the document in its entirety was carried out internally in 2007. A full review is now required to ensure the document is:

- up to date,
- accurate,
- fit for purpose,
- easy to understand,
- accessible,
- statutorily compliant and,
- provides for efficient decision making.

A review by an external organisation is required to ensure objectivity and apply experience and knowledge of local authority business using examples of proven best practice. The reviewer would carry out a review working with SKDC officers to highlight areas of potential change and report findings with details of potential change for SKDC officers to consider.

The current constitution format is appended to this specification. This has not significantly changed from the model constitution format introduced with the Local Government Act 2000. Most recent changes have included the new Members' code of practice, the process for dealing with complaints made about members and the Executive Functions Regulations

DETAIL

The current form of the constitution is made up from 7 colour coded parts for ease of reference. These are detailed at page 1 of the constitution.

- Ensure the references and indexing are accurate

Part 1 – Summary and Explanation

- Check cross references to article numbers and accuracy of content.

Part 2 – Articles

- Check accuracy and appropriateness of content.
- Check cross references to article numbers.
- Consider update of documents representing the policy framework of the Council at Article 4.1
- Consider and review the process of review and revision of the constitution at Article 18 including the cross reference to appropriate Article numbers.

Part 3 - Scheme of Delegation

- Consider format and content and make recommendations for improvements to assist future review and process for updating.
- Check accuracy of content.
- Consider best practice and make recommendations for changes to improve the decision making process. Consider definitions for key and non-key decisions.

Part 4 – Rules of Procedure

- Check contents and cross reference page numbers

- Consider contents and make recommendations for improvements to assist general understanding.
- Review Budget and Policy Framework Procedure Rules and suggest changes to assist understanding and application. In particular, put forward proposals for a clear process to deal with alternative budgets put forward during the budget setting process.
- Review Executive Procedure Rules and ensure fit for purpose. Consider the appropriateness of the process for representations from members of the public.
- Review the Policy Development Group Procedure Rules and develop a clear procedure for minority reports.
- Consider and propose alternative procedure rules suitable for other committees and policy development groups.
- Article 16.7 – consider and propose alternative methods of voting where more than 2 members are nominated for appointment.
- Clarification of the rules of substitution relating to Licensing Committees and understanding from current drafting of training requirements for members and substitutes of regulatory committees.
- Collate all the information relating to the Development control committee in one place in the constitution where it is clear for all how the committee will operate.

Part 5, 6, and 7 – Codes of Conduct, Members' Remuneration and Miscellaneous

- Consider the necessity for inclusion in the Constitution and/or how changes can be effected without the need to refer to the Constitution Committee for approval when they will be approved by Council in any event.

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 15 APRIL 2013



COMMITTEE MEMBERS PRESENT

Councillor Susan Sandall
Councillor Rob Shorrocks
Councillor Raymond Wootten (Chairman)

OFFICERS

Head of Legal and Democratic Services/Monitoring Officer (Lucy Youles)
Democratic Officer (Lucy Bonshor)

18. APOLOGIES

An apology for absence was received from Councillor Ray Auger and Councillor Adam Stokes.

19. DISCLOSURE OF INTERESTS

None disclosed.

20. MINUTES OF THE MEETING HELD ON 6 DECEMBER 2012

The minutes of the meeting held on 6th December 2012 were agreed as a correct record of the decisions taken.

21. AMENDMENTS TO THE CONSTITUTION: DELEGATED POWERS FOR THE PREVENTION AND DETECTION OF COUNCIL TAX SUPPORT FRAUD

Recommendation:

The Constitution Committee recommends to Council that the Scheme of Delegation for the role of Strategic Director – Corporate Focus/Section 151 Officer be amended to include the Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013.

The Committee had before them report HOF233. Following the decision made by Council in December 2012 to adopt a Local Council Tax Support Scheme

and new regulations made by the Secretary of State on 6th March 2013 in connection with the prevention and detection of fraud for Localised Council Tax Support Schemes, the scheme of delegation needed to be amended to include the new regulations and the powers they contained.

Members agreed with the proposed amendments to the Strategic Director – Corporate Focus/Section 151 Officer and it was moved, seconded and agreed.

It was suggested that perhaps amendments that were required due to changes in legislation did not need to come before the Constitution Committee, but could be changed automatically. The Head of Legal and Democratic Services replied that this would be something that would be looked into during the Constitution Review.

22. AMENDMENTS TO THE CONSTITUTION: MEMBERS CODE OF CONDUCT PRINCIPLES OF CONDUCT IN PUBLIC LIFE

Recommendation:

The Constitution Committee recommended to Council that the Members Code of Conduct – Principles of Conduct in Public Life be amended as attached at Appendix A to report LDS092 subject to the following also being included (underlined):

INTEGRITY: Holders of public office must avoid placing themselves under any obligation to outside individuals or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or material benefits for themselves, their family, their friends or other parties. They must declare and resolve and interests and relationships.

LEADERSHIP: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge breaches of the Code by others where they see this occurring.

Members had before them report LDS092 which introduced new definitions for the principles of conduct in public life which were approved by Government in January 2013. The Council at its meeting on 12th July agreed to adopt the Members Code of Conduct which included the defined principles as established by the Committee of Standards in Public Life. The new definitions were attached at Appendix A to the report.

A discussion followed with Members putting forward various additions to the definitions including the words respect, professionalism, manners and good conduct. It was however agreed that the additions could be looked at as subjective and various examples were given. It was very easy to confuse

standards of behaviour with ensuring lawful practice and challenges to breaches of the code. After further discussion and proposed additions to two of the principles, it was proposed, seconded and agreed that Appendix A be adopted subject to additions being included to the Integrity and Leadership principles.

23. CONSTITUTION REVIEW - UPDATE

Members noted the proposals for changes to the Constitution following an external review which had been undertaken by a solicitor from Lincolnshire Shared Legal Services at Lincolnshire County Council who had been involved with reviews at authorities within the shared service. A specification for the review was attached to report LDS093 but included the following proposals for change

- Update article 4 - policy framework documents
- Revision of the process for making changes to the constitution which are matters of record or fact.
- Create one section of the constitution relating to functions of officers and delegations to officers. Simplify the way in which the scheme of officer delegation is set out.
- Establish one part of the constitution to deal with rules and procedures. These are currently spread throughout the constitution. For example The Cabinet is introduced at article 8 and the cabinet procedure rules are contained in part 4.
- Revision of and simplification of the budget and policy framework procedure rules, executive procedure rules and policy development procedure rules.
- Clarification of rules on voting for appointments and rules of substitution.

The content of the Constitution was to a large extent governed by law and direction from central government.

A Member asked for a timescale for delivery for the changes. A long stop of April 2014 was confirmed. The project methodology was being used and further milestones coming from the review would be established. These would be reported to the Constitution Committee. It was confirmed that the review was largely a matter of formatting and structure which would give clarity and pinpoint further areas for development.

24. CLOSE OF MEETING

The meeting closed at 11.12am.