

# MINUTES

CONSTITUTION COMMITTEE  
MONDAY, 8 JULY 2013



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## COMMITTEE MEMBERS PRESENT

Councillor Ray Auger  
Councillor Vic Kerr

Councillor Alan Parkin (Vice-Chairman)  
Councillor Raymond Wooten (Chairman)

## OFFICERS

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

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## 25. DISCLOSURE OF INTERESTS

None disclosed.

## 26. MINUTES OF THE MEETING HELD ON 15TH APRIL 2013

The minutes of meeting were agreed as a correct record of the decisions and recommendations made subject to Councillor Adams Stokes apologies being noted as received after the meeting took place.

## 27. CORPORATE GOVERNANCE - INTERNAL AUDIT REPORT

### **Decision**

### ***To note the Internal Audit Report.***

Members had been circulated with a report that had been produced by the Council's internal auditors, RSM Tenon, on the Council's Constitution. The report made two recommendations. The first related to getting documentary evidence as to who owned copies of the Constitution and confirmation that amendments were being incorporated by Members and officers. The second related to notification of amendments required. The Head of Legal and Democratic Services stated that when amendments were made, Members were relied upon to insert those amendments accurately and that officers were required to collect the amendments and accurately update their copies of the Constitution. A process would be put in place to ascertain who held copies of the Constitution and therefore required updates when they were available. A

letter was circulated with each update informing Members of the pages to amend and any difficulties to contact the Section. An electronic copy of the Constitution was available on the Intranet and the Internet. It was suggested that perhaps Members could acknowledge receipt of their updates either by e-mail or by letter when they were circulated.

➤ **Action Note**

**When the next updates are circulated include a paragraph re acknowledgement of receipt.**

The Head of Legal and Democratic Services then referred to another audit that had been done in relation to Members Interests which had brought up references to the Standards Committee still contained within the Constitution. Although most of the changes had been made when the Standards regime had been changed, some had been missed which had been addressed.

## **28. CONSTITUTION REVIEW**

### **Proposed Timetable for Review**

#### **Decision:**

***To agree and note the timetable for the Review.***

The Head of Legal and Democratic Services referred to the last meeting of the Committee where an outline for proposals for change to the Constitution had been discussed. The report before Members proposed a timetable and the work planned at meetings over the next months.

- 8<sup>th</sup> July 2013 – Review of Article 4.1 and consideration of Article 18.
- 23<sup>rd</sup> September 2013 – Review of scheme of delegation to officers and creation of a section on officer information. Clarification on rules of voting for appointments and rules of substitution.
- 16<sup>th</sup> December 2013 – Review and simplification of executive and policy development procedure rules and creation of a section on Member information.
- 24<sup>th</sup> March 2014 – Review and simplification of budget and policy framework procedure rules.
- 17<sup>th</sup> April 2014 – Presentation to Council of revised Constitution

By way of example of the types of work to be reviewed, the Head of Legal and Democratic Services referred to the Scheme of Delegation and the delegation given to officers. It was right that delegations were well controlled however; they should not prevent officers from carrying out their work in a timely manner. She referred to planning enforcements as an example of how some delegations

affected how quickly things could be dealt with. Enforcements had to go before Development Control Committees to be agreed which could slow the process down due to when the committees were held. She also referred to the procedure rules. The rules of procedure at full Council did not always apply to other committees. The Constitution Committee should consider different rules for the other committees.

Members agreed with the proposed timetable and the work required. The Chairman asked about budget and it was confirmed that it was proposed that the work on the review would now be carried out within existing resources.

## **Constitution Review – Article 4 – Meaning of Policy Framework**

### **Decision:**

***The Constitution Committee recommends to Council the adoption of an updated Article 4.1 of the Constitution as follows:***

#### **4.1 Meanings**

##### ***Policy Framework\_***

**The policy framework means the plans and strategies required to be adopted by the Council:**

- ***The Corporate Plan***
- ***The Medium Term Financial Strategy***
- ***The Local Plan currently consisting of the Core Strategy and Development Plan Documents***
- ***The Sustainable Communities Strategy***
- ***The Pay Policy***
- ***The Gambling Statement of Licensing Principles***

Report LDS097 proposed a change to Article 4 of the Constitution updating the policy framework documents which must be adopted by full Council, The current list shown in the Constitution should be updated to include up to date references to relevant documents. The Head of Legal and Democratic Services went through the revised list of documents as detailed in the report. She had been advised that The Core Strategy and the Development Plan Documents were now referred to as the Local Plan. As the Council but for continuity felt that reference to these documents needed to be made. The Community Strategy had been replaced by the requirement for a Sustainable Community Strategy by virtue of an amendment to the Local Government Act 2000. This document was held by Lincolnshire County Council and the District Council had a chapter contained within the document. The Pay Policy was dealt with as part of the budget process and the Gambling Statement of Licensing Principles was brought before Council on a five year cycle. Members agreed that both the Core Strategy and the Development Plan

Documents should be referred to and it was proposed, seconded and agreed that the documents be listed as per the report subject to the reference to the Core Strategy and Development Plan Documents which should read:

- Local Plan which currently consists of the Core Strategy and Development Plan Documents.

### **Consideration of Article 18 – Review and Revision of the Constitution**

Members were asked to consider Article 18 and whether or not, as worded, it provided any assistance to the process of review.

It was agreed, by having a Constitution Committee, recommendations could be made to Council with issues being debated without taking up time at a Council meeting. The Committee was political balanced so each group was represented. The Governance and Audit Committee had previously been used for this purpose, however, it was felt that the time and the depth of knowledge required to debate audit issues, did not give sufficient time for proper debate on constitutional issues.

As part of the review of the Constitution, it was proposed that Members consider article 18 and how the process of amendment and review could be improved. Should all matters of change, including matters of fact or record go before the Committee for recommendation or could delegated authority be granted.

Members of the Committee were asked to consider the terms of Article 18 and for them to feedback and suggestions/changes they had with regard to this or any part of the Constitution by 1st September 2013.

### **29. CLOSE OF MEETING**

The meeting closed at 10.59am.