

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