

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 any conflicts of 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.