

# REPORT TO CONSTITUTION COMMITTEE

**REPORT OF:** HEAD OF LEGAL AND DEMOCRATIC SERVICES

**REPORT NO:** LDS093

**DATE:** 15<sup>TH</sup> APRIL 2013

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

## **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