

REPORT TO COUNCIL

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

REPORT NO: LDS134

DATE: 11th September 2014

TITLE:	Recommendations from the Constitution Committee - 8th September 2014	
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 ANALYSIS:	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 Constitution Committee Agenda – 8.9.14 http://moderngov.southkesteven.gov.uk/mgConvert2PDF.aspx?ID=3159&T=10	

1. RECOMMENDATIONS

It is recommended that Council approve the recommendations made by the Constitution Committee at its meeting on the 8th September 2014 as detailed in the minutes of the meeting of the Constitution Committee as follows:

Powers Delegated to officers

1.1 Amendment of the Constitution to delegate to the Executive Manager Environment (formerly Operations Director) and the Head of Housing and Neighbourhood the authority to use the powers set out in the Anti-social Behaviour, Crime and Policing Act 2014 (which comes into force on 20th October 2014), as follows:-

- *Constitution – Part 3 Operations Director – “Waste Services” -amend to Executive Manager Environment and at paragraph 1, after “.....in respect of the following statues” insert:-*

“including the provisions as provided and amended by the Anti-Social Behaviour, Crime and Policing Act 2014 “

- *Constitution – Part 3 – Operations Director “Waste Services” - amend to Executive Manager Environment and at the end of paragraphs 3,4 and 5 insert:-*

“as provided and amended by the Anti-Social Behaviour, Crime and Policing Act 2014 “

- *Constitution – Part 3 – Operations Director - amend to Executive Manager Environment and at “Community Safety” remove paragraph 1 and replace with:-*

“Authorised and to authorise Officers to exercise any of the powers in relation to anti social behaviour as set out in the Anti-Social Behaviour, Crime and Policing Act 2014 (and any amendments) and authorised to delegate power to officers and Lincolnshire Police (including Police Community Safety Officers) to issue Fixed Penalty Notices on behalf of the Council.”

- *Constitution – Part 3 “Head of Housing & Neighbourhood” at the end of paragraph 12 insert :-*

“including the provisions as provided and amended by the Anti-Social Behaviour, Crime and Policing Act 2014”

Council Procedure Rules

1.2 Members’ Conduct - Delete clause 21.7 at page 138 – Recording of meetings

Protocol Concerning the Recording of Public Meetings in the Council Chamber.

1.3 At page 305 delete the words – “it is intended that Council Procedure Rules will be amended to preclude any other form of audio recording of meetings when the official system is operative.”

1.4 At page 305 –paragraph 5 and 6– Ownership, add the words “made by the Council” after the word “recordings”

2. PURPOSE OF THE REPORT

The purpose of this report is to detail the recommendations made by the Constitution Committee to amend the Constitution at its meeting on the 8th September 2014 to Council for approval. The reports made to the Constitution Committee are included as a link to background papers and minutes of the Constitution Committee meeting of the 8th September are attached to this report as an Appendix for information.

3. DETAILS OF REPORT

- 3.1** The details of the recommendations and the reasons for the recommendation are given in the minutes of the Constitution Committee meeting attached to this report.
- 3.2** The recommendation at paragraph 1.1 above relate to delegations to officers in respect of new powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 which will come into force on 20th October 2014. The delegations to officers will enable officers to implement the new powers as soon as they are in force.
- 3.3** The recommendation at 1.2, 1.3 and 1.4 relate to amendments to the Constitution relating to the Openness of Local Government Bodies Regulations 2014 which came into force on the 6th August 2014. The Regulations allow anyone attending meetings of the District Council, including Members, to take photographs, film, audio-record and report on the meeting. This right includes tweeting, blogging or face booking. It does not permit oral reporting or commentary and it does not apply where the public has been lawfully excluded from the meeting. The Council Procedure Rules currently prevent Members from making their own recording of meetings. This rule is contrary to the Regulations and should be removed from the Constitution. The Protocol should relate to recordings made by the Council. The amendments recommended are required to make it clear that the Protocol does not apply to recordings made by others.

4. OTHER OPTIONS CONSIDERED

No other options are proposed.

5. RESOURCE IMPLICATIONS

There are no resource implications relating to the recommendation.

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 high risks were identified	

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 Council is able to carry out its functions and the content of the Constitution is relevant and up to date.

12. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS

None relevant

13. APPENDIX:

Minutes of the Constitution Committee held on the 8th September 2014