

REPORT TO COUNCIL

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

REPORT NO: LDS145

DATE: 2nd March 2014

TITLE:	Recommendations from the Constitution Committee - 9th February 2015	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Council Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Portfolio Holder for Governance and Communication	
CONTACT OFFICER:	Lucy Youles – Executive Manager, Corporate E-mail: l.youles@southkesteven.gov.uk 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 – 9.2.15 http://moderngov.southkesteven.gov.uk/mgConvert2PDF.aspx?ID=3164&T=10	

1. RECOMMENDATIONS

It is recommended that Council approve the recommendations made by the Constitution Committee at its meeting on the 9th February 2015 as detailed in the minutes of the meeting of the Constitution Committee, appended to this report at Appendix 1, as follows:

1.1 Amendment to the Constitution

The Constitution Committee recommends to Council that the Constitution is amended to include in the Scheme of Delegation for the Executive Manager, Environment the following:

The Mobile Homes Act 2013 and the Mobile Homes Act 1983 and Enterprise and Regulatory Reform Act 2013 are added to the list of statutes contained within the Constitution and that the Executive Manager Environment and Officers delegated in writing by them are authorised to act under these statutes and Regulation Orders made thereunder.

1.2 Amendment to the Arrangements for dealing with Standards Complaints

The Constitution Committee recommends to Council the following amendments to the Arrangements for dealing with Standards Complaints under the Localism Act 2011 (the Arrangements):

- That legal representation is permitted for Members who face an allegation of misconduct and are required to appear before the Review Board ;
- That such representation must be provided at the cost to the Member and not at a cost to the Council.

1.3 Constitution Review

The Constitution Committee recommends to Council:

- i) the approval of the draft Constitution document as appended to this report as Appendix 2 incorporating all previously agreed amendments together with the following amendment:

ii) Procedure for cancellation of meetings

Meetings of Committees and Policy Development Groups can only be cancelled if:

- the notice period for items to be put on the agenda has lapsed (12 clear working days before the date of the meeting); and
- the Chairman or Vice-Chairman in his/her absence has consulted with other members of the Committee/Policy Development Group and the majority have agreed to cancel the meeting.

2. PURPOSE OF THE REPORT

The purpose of this report is to detail the recommendations made by the Constitution Committee at its meeting on the 9th February 2015. The reports made to the Constitution Committee are included as a link to background papers and minutes of the Constitution Committee meeting of the 9th February are attached to this report as Appendix 1 for information.

3. DETAILS OF REPORT

- 3.1** At its meeting on the 9th February 2015, the Constitution Committee considered reports relating to:
- The delegation to officers in respect of the Mobile Homes Act 2013 and the Mobile Homes Act 1983 and Enterprise and Regulatory Reform Act 2013.
 - The Arrangements for dealing with Complaints made about Members (the Arrangements); and
 - The final revised Constitution.
- 3.2** The Delegation to officers in respect of the Mobile Homes Acts is required to allow officers to serve compliance notices for a potential breach of a licence condition, pursue conviction for non-compliance and authorise works in default. Delegated authority is also required to pursue lettings agents who do not become members of a redress scheme in accordance with the Enterprise and Regulatory Reform Act 2013.
- 3.3** At the last full meeting of Council, Members approved an amendment to the Constitution relating to the rights of Members. The draft Constitution shown at Appendix 2 includes the rights referred to at Article 2.3(b). All such rights are available to Members in accordance with the provisions currently existing in the Constitution. In addition, Members agreed to refer the right to legal representation for Members who face an allegation of misconduct and are required to attend an investigation hearing before the Review Board to the Constitution Committee for consideration. The Constitution Committee agreed to permit the right to legal representation but at no cost to the Council. This right will be included in the Arrangements which are available on the Council website but do not form part of the Council's Constitution.
- 3.4** Recommendations were also made from the Constitution Committee to approve an amendment to the draft Constitution which is attached at Appendix 2 relating to the Cancellation of meetings as shown at clause 1.3 (ii) above. This amendment was requested because the Constitution is silent on the cancellation of meetings. Members proposed and approved, as a recommendation to Council, the procedure at clause 1.3(ii) above.
- 3.5** It was further recommended that Members approve the draft Constitution attached at Appendix 2. The Council has approved various changes to the Constitution over the last year. These changes include the amalgamation and reformation of the Articles to include procedure rules and other relevant information included in the Constitution, amendment of the Budget and Policy Framework Procedure Rules and the format of the officer scheme of

delegations. All previously approved changes have now been incorporated into the reformatted draft Constitution for approval to be used as the Council's Constitution from the 1st May 2015.

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. APPENDICES:

Appendix 1

Minutes of the Constitution Committee held on the 9th February 2015

Appendix 2

Draft Constitution

