

# REPORT TO COUNCIL

**REPORT OF: Chairman of the Constitution Committee: Councillor Ray Wootten**

**REPORT NO: LDS166**

**DATE: 21 January 2016**

<b>TITLE:</b>	<b>Recommendations from the Constitution Committee - 14<sup>th</sup> December 2015</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Council Decision	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Kelham Cooke – Portfolio Holder for Governance and Communication	
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<b>INITIAL IMPACT ANALYSIS:</b>	Carried out and appended to the report: n/a	Full impact assessment Required: n/a
<b>Equality and Diversity</b>		
<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 Council’s Constitution <a href="http://www.southkesteven.gov.uk/index.aspx?articleid=1974">http://www.southkesteven.gov.uk/index.aspx?articleid=1974</a> Constitution Committee Agenda – 14.12.15	

## 1. RECOMMENDATIONS

It is recommended that Council approve the recommendations made by the Constitution Committee at its meeting on the 14<sup>th</sup> December 2015 as detailed in the minutes of the meeting of the Constitution Committee, appended to this report at the Appendix, as follows:

- 1.1 That the delegation to the Executive Manager, Environment in Article 14 of the Constitution be amended to include the following in the table of functions for the Executive Manager, Environment shown in the appendix to Article 14:**

<p><b>The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 made under the Energy Act 2011</b></p>	<p><b>To carry out all enforcement functions, including the service of compliance and penalty notices</b></p>
<p><b>The Smoke and Carbon Monoxide Alarm (England) Regulations 2012 made under the Housing Act 2004</b></p>	<p><b>To carry out all enforcement functions, including the service of remedial and penalty charges notices.</b></p>

**1.2 That the Constitution is amended as follows:**

**1.2.1 Change all references made to Cabinet to read the Executive throughout the Constitution.**

**1.2.2 Change the portfolio names listed in Article 8, clause 8.2 as follows:**

- **Governance and Communications to “Governance”**
- **Grow the Economy to “Growth”**
- **Clean Green and Healthy to “Environment”**
- **Good Housing to “Housing”**
- **Arts and Leisure to “Culture”**
- **Strategic Resources to “Resources”**

**1.2.3 Amend Article 7 – Policy Development Groups (PDGs) as follows:**

- (i) **The Council will constitute three Policy Development Groups (PDGs) called Resources, Growth and Communities. It will appoint to them nine or such number of members as it considers appropriate from time to time. Such groups may appoint working groups of their membership for a fixed period, on the expiry of which they shall cease to exist.**
- (ii) **The PDGs will meet in public and private to make recommendations to the Executive on the development of policies.**

**1.2.4 Amend the remit of Resources PDG at clause 7.1.1 to read:**

**The remit of the Resources PDG will be to assist the Portfolio Holders in ensuring that the Council is able to maintain a sustainable financial position, maximise the resources available to it and to channel those resources effectively to deliver positive outcomes in the community**

**1.2.5 Change the name of Engagement PDG at clause 7.1.2 to Growth PDG and amend its remit to read:**

**The remit of the Growth PDG will be to assist the Portfolio Holders in shaping the plans that will guide the future growth and prosperity of the District by positively contributing to the development of the related strategies and initiatives which will deliver new homes, additional employment opportunities and the necessary supporting infrastructure**

**1.2.6 Amend the remit of the Communities PDG at clause 7.1.3 to read:**

**The Communities PDG will assist the Portfolio Holders to help local people and those moving into the District by formulating environment, health, safety and cultural initiatives that will ensure the overall wellbeing of our communities**

**1.2.7 Amend the process for liaison between the Executive and the PDGs Executive and Policy Development Liaison in clause 7.18 as follows:**

**Liaison between the Portfolio Holders and the Chairman and Vice Chairman of the three Policy Development Groups will take the form of a briefing held on a quarterly basis. The briefing will be chaired by the Leader. All members of the Executive and the Chairs and Vice Chairs will have voting rights.**

**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 14<sup>th</sup> December 2015. The reports made to the Constitution Committee are included as a link to background papers and the minutes of the Constitution Committee meeting of the 14<sup>th</sup> December are attached to this report as an Appendix for information.

**3. DETAILS OF REPORT**

- 3.1 At its meeting on the 14<sup>th</sup> December 2015 the Constitution Committee considered report ENV 633 detailing new regulations relating to the enforcement of energy efficiency and smoke alarms affecting private rented property. The Constitution Committee agreed to recommend to Council that the Constitution is amended to include the delegation to the Executive Manager, Environment the authority to carry out the enforcement set out in the legislation referred to in the recommendation 1.1 above.
- 3.2 Report LDS163 set out proposed changes to the Constitution relating to the executive function to emphasise the strategic function of the Cabinet, Cabinet members, the Policy Development Groups (PDGs) and the liaison between the Cabinet and the PDGs. The recommendations put forward in report LDS163 were approved for recommendation to Council except for the recommendation that the name "Portfolio Holder" be changed to "Executive Member". The amendment was proposed and was not seconded. No motion was made to amend the proposal.

**4. OTHER OPTIONS CONSIDERED**

Options relating to the changes proposed in Report LDS163 have been considered by the Cabinet and reported to each of the PDGs.

**5. RESOURCE IMPLICATIONS**

There are no resource implications relating to the recommendations.

**6. RISK AND MITIGATION**

Risk has been considered as part of this report and any specific high risks are included in the table below:

<b>Category Risk</b>	<b>Action / Controls</b>
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 changes proposed in respect of Report ENV633 are required to enable to efficient enforcement of the legislation referred to in this report. All the recommended changes to the Constitution are a matter for Council to determine.

**12. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS**

None relevant

**13. APPENDIX:**

**Appendix 1:** Minutes of the Constitution Committee held on the 14 December 2015