



**Open Report on behalf of Will Bell, Chief Legal Officer and Monitoring Officer**

Report to:	<b>Audit Committee</b>
Date:	<b>25 March 2024</b>
Subject:	<b>Review of the Constitution</b>

**Summary:**

This report invites the Committee to consider several amendments to the Council’s Constitution following an internal review and to recommend that such amendments are approved by full Council.

**Recommendation(s):**

That the Committee considers the content of this report, endorses the proposals detailed and recommends that full Council approves the amendments to the Constitution as referred to in Appendix A and detailed in Appendices B to I of this report.

## 1. Background

- 1.1 The Constitution sets out how the Council operates and how it makes its decisions. Full Council approved its latest version of the Constitution at the Annual Council meeting in May 2023.
- 1.2 One of the functions of the Audit Committee is to maintain an overview of the Council's Constitution. To support this function, the Monitoring Officer has established an internal review process to undertake a systematic review of the Constitution. The initial findings of that review have identified the following amendments detailed in the table below together with the consultation process undertaken where those matters concern other committees or the Executive:

Area for Review	Lead Officer	Dates for Consideration
The Substitution Scheme	Nicola Calver, Member Services Manager Emily Wilcox, Democratic Services Officer	Audit Committee March 2024

The Council's Standards Arrangements	Will Bell, Monitoring Officer Nicola Calver, Member Services Manager	Consultation undertaken with both Independent Persons, March 2024.  Audit Committee March 2024
Health Scrutiny Committee Terms of Reference	Nicola Calver, Member Services Manager Simon Evans, Health Scrutiny Officer	Health Scrutiny Committee February 2024  Relevant Chair and Vice Chair March 2024  Audit Committee March 2024
The Petition Scheme	Nicola Calver, Member Services Manager Emily Wilcox, Democratic Services Officer	Audit Committee March 2024
Gifts and Hospitality Thresholds	Nicola Calver, Member Services Manager	Audit Committee March 2024
Budget and Policy Framework	Nigel West, Head of Democratic Services	Policy Department February 2024  Audit Committee March 2024
Corporate Parenting Panel Terms of Reference	Nicola Calver, Member Services Manager Andrew Morris, Head of Leaving Care and Supported Living	Relevant Chair December 2023  Relevant Portfolio Holder February 2024  Audit Committee March 2024
Key Decision Definition	Rachel Wilson, Democratic Services Officer	Audit Committee March 2024
Common Seal of the Council	Will Bell, Monitoring Officer	Audit Committee March 2024

- 1.3 As the internal review progresses, any areas identified by the Monitoring Officer requiring amendment to the Constitution will be reported to the Committee for consideration, as far as is practicable, before referral to full Council. Subject to limited exceptions, any changes to the Constitution must be approved by full Council.
- 1.4 Attached at Appendix A is a Schedule detailing the Areas for Review and Rationale for Change and the remaining Appendices B to I detail the amendments to the respective current constitutional provisions shown in bold.

## 2. Conclusion

- 2.1 This report details proposed amendments to the Council's Constitution identified following an internal review which are necessary to ensure that the Constitution keeps pace with organisational requirements, remains legislatively compliant and accords with best practice.

## 3. Risks and Impact Analysis

Failure to ensure the Constitution remains legislatively compliant can leave the Council open to legal challenge. It is therefore essential that the Constitution is regularly reviewed and given robust oversight.

The table referred to in paragraph 1.2 details the consultation process that has been undertaken in relation to those amendments that directly concern other committees or the executive. This includes, in relation to the proposed amendments to the Council's Standards Arrangements as detailed in Appendix C, consultation with both of the Council's appointed Independent Persons.

## 4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Areas for Review and Rationale for Change
Appendix B	The Substitution Scheme
Appendix C	The Council's Standards Arrangements
Appendix D	Health Scrutiny Committee Terms of Reference
Appendix E	The Petition Scheme
Appendix F	Budget and Policy Framework
Appendix G	Corporate Parenting Panel Terms of Reference
Appendix H	Key Decision definition
Appendix I	Common Seal of the Council

## 5. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	The Council's Constitution
Where the document can be viewed	<a href="https://lincolnshire.moderngov.co.uk/ieListMeetings.aspx?Cid=650&amp;Info=1">https://lincolnshire.moderngov.co.uk/ieListMeetings.aspx?Cid=650&amp;Info=1</a>

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