

**Open Report on behalf of Richard Wills, Executive Director responsible for Democratic Services**

Report to:	<b>Overview and Scrutiny Management Committee</b>
Date:	<b>27 November 2014</b>
Subject:	<b>Review of the Council's Constitution</b>

**Summary:**

This report updates the Committee on the work of the Constitution Review Working Group.

**Actions Required:**

- 1) The Committee is invited to note the work of the Constitution Review Working Group and recommend to the Council any changes to Parts 4 and 5 of the Council's Constitution it would wish to see introduced.
- 2) The Committee is invited to consider further amendments to Part 2 as highlighted during the Constitution Review and determine whether it wishes to recommend these to Council.

**1. Background**

- 1.1 At a meeting of the Overview and Scrutiny Committee on 27 June 2013 it was agreed that a Working Group should be established to support the Monitoring Officer in a review of the Council's Constitution. The following councillors are members of that Group:

Councillor C J T H Brewis  
Councillor Mrs J Brockway  
Councillor A Jesson  
Councillor Mrs M J Overton MBE  
Councillor R B Parker  
Councillor T M Trollope-Bellew

- 1.2 Since that time the Committee has received proposals from the Working Group, to amend Parts 2, 3 and some of Part 4 of the Constitution.
- 1.3 These proposed amendments have subsequently been approved by Council. In addition, Council has approved amendments to Parts 6 and 7 of the Constitution.

- 1.4 The purpose of this report is for the Committee to consider the Working Group's proposals to amend Part 5 and the rest of Part 4 of the Constitution.
- 1.5 In addition, the Working Group has highlighted further amendments to Part 2, which require the Committee's attention.
- 1.6 It is proposed that changes agreed by the Committee will be recommended to Council for approval on December 19, 2014.

## **2. Changes proposed**

- 2.1 The changes proposed are clearly marked in colour in the appendices to this report. Additions are underlined and deletions are struck through.
- 2.2 The changes are self-explanatory, but include amendments to:
  - Replacement members (4/5)
  - Members' and Officers' Codes of Conduct (5/7 to 5/24)
  - Petitions Scheme (5/57 to 5/66)
- 2.3 The Committee's attention is drawn to the Members Code of Conduct at page 5/7 and in particular the words in square brackets in lines 3 and 4 of the second paragraph. These words would incorporate the Council's Values Statement (page 5/3) and Good Practice Guide to Meeting the Values of the Authority (pages 5/4 to 5/6) into the Members' Code of Conduct meaning that a breach of those values could be investigated by the Monitoring Officer and potentially amount to a breach of the Members' Code.
- 2.4 The Committee's attention is also drawn to the new wording in the Code under the Heading "RESPECT". The intention of both forms of wording is to widen the scope of the Code to include an element of interpersonal relationships. At present the Code is centred squarely on the Nolan principles which are strong on issues such as financial probity but do not easily engage with issues of how members behave towards each other, officers and third parties.
- 2.5 The words in square brackets referred to in paragraph 2.3, are in square brackets because their inclusion or exclusion was not finally resolved by the Working Group. The matter to be determined is whether the Committee consider that they are satisfied with the inclusion of the words under the heading "RESPECT" or whether they would also wish to include the words in square brackets that incorporate the Values.
- 2.6 The first of the additional amendments in Part 2 (see Appendix C) covers an issue that was raised in the context of the Protocol on Officer Member Relationships but which did not fit there because it is about member to member relationships and in particular neighbouring local members. It seems to fit best in Part 2 and therefore this section has also been amended to accommodate the point.

- 2.7 The second additional amendment in Part 2 has been raised by the Corporate Management Board and involves the deletion of the Organisational Strategy from the list of policies and strategies that form the Policy Framework.
- 2.8 It is felt that the intent within the Organisational Strategy is considered elsewhere and so the production of an Organisational Strategy is no longer required.
- 2.9 The Committee's attention is also drawn to the new wording in the Petitions Scheme at page 5/57. The effect of the proposed changes recommended by the Working Group would be to remove the signature thresholds for a debate at Council and calling a chief officer to give evidence at a scrutiny committee meeting. The Working Group also recommended that petitioners presenting their petition to Council be allowed to speak in explanation of their petition for five minutes, rather than three minutes. In addition the Working Group also recommended introducing a threshold of 3,500 signatures for petitions to be presented to Council.

### 3. Conclusion

The Committee is invited to consider and comment on this report and the proposed amendments, which appear as coloured tracked changes in the attached Appendices A, B and C.

### 4. Consultation

#### a) Policy Proofing Actions Required

n/a

### 5. Appendices

These are listed below and attached at the back of the report	
Appendix A	Part 4 of the Council's Constitution as amended by the Constitution Review Working Group.
Appendix B	Part 5 of the Council's Constitution as amended by the Constitution Review Working Group.
Appendix C	Further amendments to Part 2 recommended by the Constitution Review Working Group.

### 5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Nigel West, who can be contacted on 01522 552840 or [nigel.west@lincolnshire.gov.uk](mailto:nigel.west@lincolnshire.gov.uk).