

Open Report on behalf of Andy Gutherson, Executive Director - Place

Report to:	Councillor E J Poll, Executive Councillor: Commercial and Environmental Management
Date:	23 March 2020
Subject:	Changes to the Constitution for the Whisby Nature Park Steering Board
Decision Reference:	I019792
Key decision?	No

Summary:

Agreement is required as to the changes made to the Constitution of the Whisby Nature Park Steering Board, as approved at the Steering Board annual general meeting on 17 July 2019.

Recommendation(s):

That the Executive Councillor approves the Council giving its written agreement to the changes to the Constitution for the Whisby Nature Park Steering Board in accordance with paragraph 16 of the said Constitution

Alternatives Considered:

Not to agree to amend the Constitution

Reasons for Recommendation:

The Council's written agreement is required to the amendments proposed by the Steering Board itself. The amendments are considered to be necessary by the Steering Board following a review of the Constitution. The changes are considered to bring the Constitution up to date, better reflect the current position and will accordingly assist the Steering Board in its work.

1. Background

The Whisby Nature Park Steering Board was set up and constituted in 1999 and comprises North Kesteven District Council, Lincolnshire County Council, Lincolnshire Wildlife Trust and Thorpe on the Hill Parish Council with a total of thirteen members.

The steering Board acts as a strategic body on behalf of the partners to facilitate and manage the Whisby Nature Park Project, comprising Whisby Nature Reserve, The Natural World Centre, Education Centre, Wardens Office and Tunman Wood adhering to the agreed terms of reference.

The Constitution requires that a periodic review of its terms of reference be undertaken. The original 1999 Constitution was reviewed and updated in 2011 and it was agreed at the Steering Board meeting on 13th June 2018 that a further review was required.

2. Review Process

The Constitution may be amended or added to be resolution by two thirds majority at the Annual General Meeting of the Steering Board and as such a working party was put in place to work on the review. The working party included officers of North Kesteven District Council, Lincolnshire County Council and the Lincolnshire Wildlife Trust.

Meetings of the working party took place during July 2018 and a full review was undertaken. The working party concluded that the Constitution including Terms of Reference were largely still relevant.

Since the original adoption of the Constitution a number of developments have taken place which resulted in the proposal to make a number of amendments to the document as referenced in Appendix A showing the "tracked changes" made to the previous 2011 iteration of the document.

The updated Constitution was discussed at the Annual general meeting of the Steering Board on 17 July 2019. A vote was held and Members of the Steering Board agreed to adopt the amended Constitution.

The amended Constitution requires approval in writing by the relevant parties in order for it to take effect.

3. Further input from the County Council

Newly inserted paragraph 2.3 states:

The County Council shall assist the Steering Board to explore additional funding opportunities for the enhancement of the reserve and shall work with the Trust to further enhance the educational offer provided.

The purpose of this additional paragraph is to task the County Council with aiding the Steering Board with reviewing what external funding opportunities there may be to improve the environment quality of the reserve as well as assisting Lincolnshire Wildlife with regard to the educational offer.

This will be accomplished, as and when required, by additional officer time from the Natural Environment Team of Countryside Services. It is not expected that any further financial resource will be required.

4. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

An Equalities Impact Assessment has been undertaken and is attached as Appendix B. No positive or negative impacts are envisaged from the minor changes being made to the Constitution.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

The changes to the Constitution document are not believed to have an effect to the JSNA or JHWS.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

The changes will not have an effect with regards s17 of the Crime and Disorder Act 1998.

3. Conclusion

That the Constitution should be amended as evidenced in Appendix A.

4. Legal Comments:

The Council has the power to adopt the recommendation. The decision is consistent with the Policy Framework and within the remit of the Executive

5. Resource Comments:

Approval of the recommendation set out in this report has no direct financial or resourcing implications for the Council.

Any further obligation arising from the requirement for the Council to assist the Steering Board to explore additional funding opportunities for the enhancement of the reserve and work with Lincolnshire Wildlife Trust to further enhance the educational offer provided, will be subject to separate approval in the normal course of business.

6. Consultation

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This has not been considered by a scrutiny committee.

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

It is not considered that there are any risk or equalities impacts in the changes being made to the Constitution.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Tracked changes to the 2011 Iteration of the Constitution
Appendix B	Equalities Impact Assessment

8. Background Papers

No Background Papers within the meaning of section 100D of the Local Government Act 1972 have been used in the preparation of this Report.

This report was written by Chris Miller - Team Leader - Countryside Services, who can be contacted on 01522 782070 or chris.miller@lincolnshire.gov.uk .