

Open Report on behalf of Richard Wills, Monitoring Officer

Report to:	County Council
Date:	19 December 2014
Subject:	Review of the Council's Constitution

Summary:

This report updates councillors on the review of the Council's Constitution and seeks approval for the amendments recommended by the Overview and Scrutiny Management Committee.

Recommendation:

That Council agrees the recommended amendments to the Council's Constitution contained in Appendices A, B and C to this report.

1. Background

1.1 Since June 2013 a Working Group set up by the Overview and Scrutiny Management Committee has been reviewing the Council's Constitution.

1.2 As a result, the Overview and Scrutiny Management Committee has made a number of recommendations to amend Parts 2, 3 and some of Part 4 of the Constitution, which have been approved by Council.

1.3 In addition, Council has previously approved amendments to Parts 6 and 7 of the Constitution.

1.4 At a meeting of the Overview and Scrutiny Management Committee on 27 November 2014 a further report from the Constitution Review Working Group was considered.

1.5 The report proposed a number of amendments to Part 5 and the remainder of Part 4 of the Constitution.

1.6 The proposed changes included amendments to:

- Replacement members (4/5)
- Members' and Officers' Codes of Conduct (5/7 to 5/24)

- Petitions Scheme (5/57 to 5/66)

1.7 In addition, the Working Group highlighted further amendments to Part 2.

1.8 The Overview and Scrutiny Management Committee supported most of the changes, but opposed the proposed changes to the Council's Petitions Scheme in Part 5.

Working Group recommendations

1.9 The first of the additional amendments in Part 2 (see Appendix A) 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 been amended to accommodate the point.

1.10 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 Council's Policy Framework. 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.

Replacement Members

1.11 This amendment (see Appendix B) requires a valid nomination to be in the possession of the Chief Executive or an officer authorised to act on his behalf before the start of the meeting to which the nomination relates.

Members' Code of Conduct

1.12 This amendment (see Appendix C) widens the scope of the Code to include an element of interpersonal relationships under the heading "Respect". The Overview and Scrutiny Management Committee recommended that any alleged failure to comply should be dealt with under the Council's Local Arrangements.

Petitions Scheme

1.13 The Working Group had recommended:

- i) that petitioners be given a maximum of five minutes, rather than three minutes, to speak to Council in explanation of their petition.
- ii) that a minimum of 3,500 signatures be required for a petition to be presented to Council.
- iii) that the thresholds for calling a senior officer to give evidence at a scrutiny committee and a debate at Council be removed

1.14 The Overview and Scrutiny Management Committee voted instead to leave the Petitions Scheme as it was currently worded, save for the introduction of a

minimum 150-signature threshold for a petition to be presented to Council and increasing the speaking time when presenting from three minutes to five minutes.

1.15 The Committee also recommended that there be a general statement in the Constitution that added members are treated as councillors, except where the provisions specifically related to councillors. A new paragraph 3.07 has been added at the end of Article 3 in Part 2 of the Constitution to accommodate this point.

1.16 The recommended changes are appended to this report. The amendments are in colour, additions being underlined and deletions struck out.

2. Conclusion

Amendments to the Council's Constitution are the responsibility of Full Council. Councillors are therefore asked to consider the recommended amendments appended to this report.

3. Legal Comments:

Adopting and changing the Council's Constitution is a matter reserved for the full Council.

4. Resource Comments:

There are no financial implications arising from acceptance of the recommendations in this report.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The Overview and Scrutiny Management Committee considered a report from the Constitution Review Working Group at its meeting on 27 November 2014 and its deliberations are covered in this report.

d) Policy Proofing Actions Required

n/a

6. Appendices

These are listed below and attached at the back of the report
(Please note: due to the size of Appendix B & C they have only been circulated electronically and are available at www.lincolnshire.gov.uk/committeerecords)

Appendix A	Recommended changes to Part 2 of the Constitution.
Appendix B	Recommended changes to Part 4 of the Constitution.
Appendix C	Recommended changes to Part 5 of the Constitution.

7. 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.