

REPORT TO:	Audit & Governance Committee
DATE:	22 November 2023
SUBJECT:	Constitution Working Party Report
PURPOSE:	To note the recent work undertaken by the Working Party and consider making a recommendation to Council to amend the Constitution.
KEY DECISION:	No
PORTFOLIO HOLDER:	N/A
REPORT OF:	John Medler, Assistant Director, Governance & Monitoring Officer
REPORT AUTHOR:	John Medler, Assistant Director, Governance & Monitoring Officer
WARD(S) AFFECTED:	None
EXEMPT REPORT?	No

SUMMARY

This report sets out recent work undertaken by the Constitution Working Party and recommends that the Audit and Governance Committee recommends to Council that the Constitution be amended to remove references to Area Forums.

RECOMMENDATIONS

1. That the Audit and Governance Committee notes the work of the Working Party.
2. That the Audit and Governance Committee recommends to Council that the Constitution be amended to remove references to Area Forums.

REASONS FOR RECOMMENDATIONS

The recommendations support the Audit and Governance Committee to undertake its Terms of Reference with regards to monitoring and reviewing the operation of the Council's Constitution to ensure that the aims and principles are given full effect, taking account of advice from the Monitoring Officer.

OTHER OPTIONS CONSIDERED

None

1. BACKGROUND AND REPORT

- 1.1 The Constitution Working Party works with the Monitoring Officer to assist him with reviewing and monitoring the Council's Constitution.
- 1.2 The Working Party meets as required to review the Council's Constitution to ensure it remains fit for purpose and reports any proposed changes to the Audit & Governance Committee (with a view to an appropriate report being made by the Audit & Governance Committee to the Council on any changes proposed).
- 1.3 The Audit and Governance Committee's Terms of Reference set out that the Constitution Working Party shall comprise of three elected members drawn from different political groups. The members of the Working Party are Cllr Grover, Cllr Jackson, and Cllr Makinson-Sanders.

2. REPORT

- 2.1 The Working Party recently considered the following aspects of the Constitution following requests for review:

Area Forums

- 2.2 A request was received to consider removal of references to Area Forums from the Constitution. The Working Party considered references to these Forums to be obsolete and noted that the Council had existing powers to convene informal meetings with Parish Clerks and Councillors as required. Furthermore it was noted that Ward Members attended Parish Council Meetings to provide updates and consider local matters.
- 2.3 The Constitution Working Party agreed to recommend that the Constitution be updated to remove references to Area Forums.

Comparison of Member/Officer Protocols and Key Decisions/Call In Procedures across the SELCP

- 2.4 The Working Party identified that there were not clear comparisons of the above protocols and procedures between the SELCP Councils, as the Councils' constitutions were written and formatted very differently. It was noted that previous Peer Reviews had recommended further constitutional alignment across the Partnership and that the Stakeholder Board had requested that further work be undertaken including a review of the above protocol and procedures.

Leader's Powers

2.5 A query had been received in relation to the Leader's powers within the Leader and Cabinet Executive model of governance as set out on Page 30, Section 8.8. within the Constitution (see detail below).

(a) The Leader of the Council may determine to exercise any of the executive functions of the Council personally, or may arrange for the exercise of any of the Council's executive functions by:- (i) the Executive (ii) by another member of the Executive (iii) by a committee of the Executive (iv) by an officer of the Council.

The Working Party did not consider this section of the Constitution required amendment as it reflected the legislation relating to the Leader and Cabinet Executive model of governance.

Chief Officer Employment Panels

2.6 The Monitoring Officer advised that the Constitution would be updated to reflect decisions previously undertaken by Council in relation to Chief Officer Employment Panels.

EXPECTED BENEFITS TO THE PARTNERSHIP

None

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

None

CORPORATE PRIORITIES

None

STAFFING

None

CONSTITUTIONAL AND LEGAL IMPLICATIONS

The above implications are set out in the report.

DATA PROTECTION

None

FINANCIAL

None

RISK MANAGEMENT

None

STAKEHOLDER / CONSULTATION / TIMESCALES

None

REPUTATION

None

CONTRACTS

None

CRIME AND DISORDER

None

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

None

HEALTH AND WELL BEING

None

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None

LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

None

ACRONYMS

SELCP – South and East Lincolnshire Councils Partnership

APPENDICES
None

BACKGROUND PAPERS
None

CHRONOLOGICAL HISTORY OF THIS REPORT
None

REPORT APPROVAL	
Report author:	John Medler, Assistant Director – Governance & Monitoring Officer
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Approved for publication:	Councillor Jackson, Audit and Governance Committee Chairman