

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

POLICY DEVELOPMENT GROUP – 1 JULY 2015

Title of report	UPDATE OF THE COUNCIL'S CONSTITUTION
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Purpose of report	To seek Scrutiny's comments on and recommendation to Council on proposed amendments arising from the Annual Review of the Constitution
Reason for Decision	To comply with the Constitutional update procedure agreed by Council
Council Priorities	It covers all the priorities
Implications:	
Financial/Staff	None.
Link to relevant CAT	Not applicable
Risk Management	A clear and up to date Constitution will minimise the risk of the Authority failing to comply with statutory requirements and assist in delivering its priorities and objectives.
Equalities Impact Assessment	Not applicable.
Human Rights	Not applicable.
Transformational Government	Clear and robust governance arrangements and procedures assist with the effective and efficient delivery of services and proper decision making.

Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Statutory Officers. Head of Legal and Support Services.
Background papers	Acquisitions Policy Cabinet 10 February 2015 Disposal Policy – Cabinet - 3 March 2015 Re-designation of Sheltered Schemes - Cabinet- 16 June 2015
Recommendations	THAT POLICY DEVELOPMENT GROUP NOTE AND COMMENT ON THE SUGGESTED AMENDMENTS TO THE CONSTITUTION AND RECOMMEND THEM TO COUNCIL FOR APPROVAL

1.0 BACKGROUND

1.1 Full Council regularly considers items relating to updates to the Constitution. The updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Authority to reflect best practice. Members may recall that, in response to comments and suggestions made by members at Council, it was agreed that:

- (i) the Constitution underwent one main annual review - around the time of Annual Council;
- (ii) any remaining changes or matters arising after this date would be dealt with by way of one mid year review;
- (iii) further reviews or changes would only be suggested outside this process if legislation or national guidance required it;
- (iv) there was some “scrutiny” of the main annual review report whilst in draft and prior to its publication;
- (v) there would be informal consultation / engagement with members on the mid year and other reviews.

2.0 ROLE OF SCRUTINY

2.1 Where amendments are identified and proposed Policy Development Group are asked to consider the draft Council report and comment on the suggested amendments.

3.0 PROCESS OF REVIEW

- 3.1 As indicated at 1.1 above updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Authority to reflect best practice.
- 3.2 Each year a survey of Officers is undertaken and they are invited to submit proposed amendments for consideration by the Monitoring Officer which arise from legislative changes, organisational changes or for reasons of business efficiency
- 3.3 In parallel with this process the Legal Services Team review any proposed legislation which is likely to require amendments to the constitution.

4.0 CHANGES TO THE CONSTITUTION – ANNUAL REVIEW 2015

- 4.1 There are a small number of requests to amend delegations to the Chief Executive and Directors to reflect Cabinet's decision to adopt an Acquisitions and Disposal Policy on 10 February and 3 March 2015
- 4.2 The suggested amendments are attached as track changed documents at Appendix 1 and 2.
- 4.3 In addition on 16 June 2015 Cabinet considered a report relating to the Re-designation of Supporting Housing Properties which recommends that future re-designations are delegated to the Director of Housing in consultation with the Portfolio Holder.
- 4.4 The suggested amendments are attached as track changed documents at Appendix 3.

5.0 FURTHER CHANGES TO THE CONSTITUTION

- 5.1 The current constitution was adopted following a review in 2005-2006 since when it has been amended as required in line with the process set out in paragraph 1 and existing delegated authority of the Monitoring Officer to reflect changes in legislation, the organisational structure and changes to delegated powers.
- 5.2 The Monitoring Officer is considering whether it would be opportune to undertake a full review of the constitution (structure and content) to ensure that it reflects best practice.
- 5.3 Should the Monitoring Officer decide that such an approach is appropriate a further report will be brought to Policy Development Group later in the year.