

# GOVERNANCE COMMITTEE

27 MARCH 2018

## REPORT OF THE MONITORING OFFICER

### ANNUAL REVIEW OF THE CONSTITUTION 2017 18

#### 1.0 PURPOSE OF REPORT

- 1.1 To consider an annual review of the Council's Constitution and any amendments for onward referral to the Council for approval as well as note changes to the Constitution approved by the Council since December 2016.
- 1.2 To provide an opportunity for comments on the proposed Calendar of Meetings for 2018 19 before it is finalised for presenting for approval at the Annual Meeting.

#### 2.0 RECOMMENDATIONS

- 2.1 To approve the proposed actions as set out at Appendix A including the documents listed below in the order that they appear and refer the same to the Council for adoption :-

**A1 Revised Substitute Policy**

**A2 Revised Code of Conduct for Members and Officers dealing with Planning matters**

- 2.2 To note that any changes to the Constitution may be subject to amendment following the review of Governance arrangements as explained in paragraph 3.2.
- 2.3 To note the items that have been approved for inclusion in the Constitution at Council Meetings since December 2016 and which are set out at Appendix B.
- 2.4 **Part 3 – Terms of Reference of Policy, Finance and Administration**  
To note that the Monitoring Officer has exercised his delegation to make a minor procedural and operational change to the Constitution in respect of an amendment to the existing Terms of Reference to the Policy, Finance & Administration Committee to remove the words in brackets being '(5 Members, politically balanced)' at item 14 to align with the previously approved wording at Full Council on 12 December 2017.
- 2.5 To comment on the Calendar of Meetings 2018 19 (Appendix C) before it is finalised for Members' consideration at the Annual Meeting of the Council.
- 2.6 To note that due to the Constitution being a living document there may be requirements for changes within the year. Therefore as well as the annual review, items will continue to be referred to the Committee as these arise.
- 2.7 To note that the Monitoring Officer has delegated authority to make amendments following legislative or other statutory changes and minor procedural and operational changes. Such changes will be reported to the Governance Committee and subsequently the Council, as soon as

**practicable thereafter.**

### **3.0 KEY ISSUES**

- 3.1 In line with good practice an annual review has been carried out to ensure that the Constitution is up to date and this report reflects that review for 2017/18. Proposed changes are set out in a table for the Committee's consideration at Appendix A. Where relevant the associated document's appendices attributable to the relevant item within Appendix A are also enclosed and are numbered accordingly.
- 3.2 There is a separate report to this Committee outlining the arrangements for a governance review. It is likely that as a result of this work there will be an impact on the Constitution and the Calendar of Meetings. Therefore it will be necessary to carry out an in-depth review of the affected parts of Constitution and any such proposals for change will be presented to this Committee and subsequently referred to Full Council for adoption.
- 3.3 The Committee is to refer its recommendations for amending the Constitution to the Full Council for approval and inclusion in the Constitution.
- 3.4 Whilst considering this review of the Constitution, the Committee is also requested to note the items previously adopted for inclusion in the Constitution at Council Meetings since December 2016 and these are set out at Appendix B. This document also includes an item to report and note where the Monitoring Officer has exercised his delegated authority since the last Committee meeting and this is also referenced at Recommendation 2.4 above.
- 3.5 As well as this annual review, it is current practice that as the Constitution is a living document any additions or changes are brought to the Committee's attention as soon as these come to light to enable the Council's work to move forward and the Constitution to be as up to date as possible. The Council's Management Team and T3 (Third Tier Officer Group) are involved in updating their respective areas of the Constitution.
- 3.6 Calendar of Meetings 2018 19  
The proposed Calendar of Meetings for 2018 19 is enclosed at Appendix C and there is an opportunity for the Committee to comment before it is finalised for presenting for approval at the Annual Meeting. The Annual Calendar of Meetings is designed each year to ensure the statutory requirements of the Council's decision-making are followed as well as allows for policy and regulatory decisions to be made which contribute to the running of the Council and meeting the public's expectations. At the request of the Town Area Committee, the main meetings of this Committee have been brought forward to be the first meeting in each cycle so that comments may be passed to other relevant policy Committees within the same cycle.
- 3.7 The meeting timetable has also been drafted to take account of bank holidays, school holidays, Full Council meetings of the Leicestershire County Council as well as various conferences. There are five cycles of Committees within the Calendar of Meetings and each one includes each of the policy and regulatory Committees and ends with a Full Council Meeting. In addition there are more Town Area Committees with five of these per year being allocated as Main Committees and the remainder for consultation. The Recruitment Committee is

not included as this is convened as required.

3.8 Apart from the Planning Committee meetings which start at 6 p.m. and the Annual Meeting which starts at 7, all other meetings start at 6.30 p.m. Meetings are scheduled to be held at Parkside apart from during the period leading up to an election when the Council Chamber is engaged for that purpose.

3.9 In addition to the Calendar of Meetings, Extraordinary Council and Ad hoc Committee meetings are convened for business that cannot wait until the next Committee cycle or where an item of business is of a high level of significance to need a meeting dedicated to that purpose.

#### **4.0 POLICY AND CORPORATE IMPLICATIONS**

4.1 Due to the Constitution being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore items will be referred to the Committee as required.

4.2 The regular reviews and updates to the Constitution and ensuring it is up to date on its decision-making processes supports the Council's priority for being an 'Agile Council'.

#### **5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 Any financial and resource implications will be met from existing resources.

#### **6.0 LEGAL IMPLICATIONS/POWERS**

6.1 Any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments following legislative or other statutory changes and minor procedural and operational changes. Such changes will be reported to the Governance Committee and subsequently the Council, as soon as practicable thereafter.

#### **7.0 COMMUNITY SAFETY**

7.1 There are no community safety implications relating to this report.

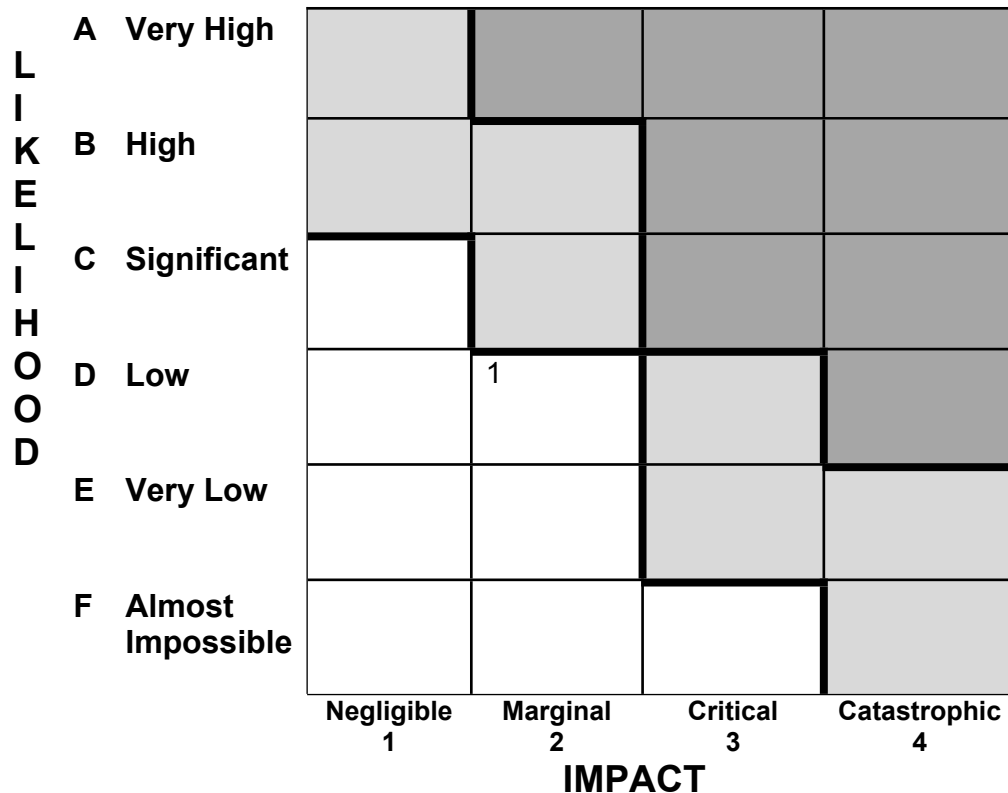
#### **8.0 EQUALITIES**

8.1 Equalities Screening Assessments have been drafted on the items within the report and most items presented relate to the legality of decision-making.

#### **9.0 RISKS**

9.1 The risks associated with report are considered to relate to following legal and constitutional procedures in decision-making.

9.2



<b>Risk No</b>	<b>Risk Description</b>
1	Decisions challenged due to appropriate processes not followed.

**10.0 CLIMATE CHANGE**

10.1 The Constitution is available on the Council’s website and electronically to Members and Officers to meet the Council’s corporate commitment to meet green targets.

**11.0 CONSULTATION**

11.1 As well as the internal consultation for this annual review with MT and T3, there is regular internal consultation with Management Team and T3 to ensure the Constitution reflects the Council’s current responsibilities and arrangements.

**12.0 WARDS AFFECTED**

12.1 All wards are indirectly affected by this report.

Contact Officer: Keith Aubrey / Sarah Evans  
Date: March 2018

Appendices :  
 Appendices : Appendix A List of new items for consideration  
 Appendix A1 Revised Substitute Policy  
 Appendix A2 Updated Code of Conduct for Members and Officers when dealing with planning matters  
 Appendix B List of Items previously approved at Full Council since Dec 2016  
 Appendix C Proposed Calendar of Meetings 2018 19

Background Papers: Constitution 2016 17 and 2017 18

Reference : X : Committees\Governance\2017 18\270318\Review of the Constitution 2017 18