

COUNCIL

DATE	23 rd May 2024
REPORT OF	The Monitoring Officer
SUBJECT	Annual Review of the Constitution
STATUS	Open
FORWARD PLAN REF NO.	Not applicable

CONTRIBUTION TO OUR AIMS

Good governance arrangements contribute directly to the achievement of the Council's strategic aims.

EXECUTIVE SUMMARY

A report setting out amendments and modifications to the Council's constitutional and governance arrangements for the Municipal Year 2024/25.

RECOMMENDATIONS

1. That the Scheme of Delegation, as currently set out in the Constitution, be approved for the Municipal Year 2024/25 subject to any changes required by (i) operation of law or (ii) owing to the direct effect of Cabinet or Committee decisions, in which case authority is delegated to the Monitoring Officer to make such changes, in consultation with the Leader of the Council (in respect of executive arrangements) and the Chair of any relevant Committee or Panel (non-executive arrangements) as the case may be.
2. That the amended names and areas of focus of the five Scrutiny Panels, as set out in Appendix 1 of this report, be considered for approval.
3. That consideration be given to the appointment of Cabinet Working Parties (with membership as set out at paragraph 4.2 of this report) to carry out detailed reviews of (i) Selective Licensing and Houses of Multiple Occupation and (ii) Environmental Street Scene and Enforcement, and their findings be reported to Cabinet.
4. That the proposed amendment to Standing Orders, as set out in Section 5 of the report now submitted, be referred to the Standards and Adjudication Committee to consider any recommendations to be made back to Council.
5. That authority be delegated to the Monitoring Officer, in consultation with the Group Leaders, to make any amendments of a minor nature to the Constitution from time to time.
6. That the Constitution Working Group be re-established, with a membership of seven elected members to be appointed on a proportionate basis, to maintain regular oversight of the review and development of the Constitution, , with any recommendations to be reported back to full Council in due course.

REASONS FOR DECISION

To ensure that the Council's governance arrangements are fit for purpose.

1. BACKGROUND AND ISSUES

- 1.1 The annual review of the Constitution is intended to ensure that the Council's governance arrangements are fit for purpose and meet the needs of the prevailing political arrangements.

2. SCHEME OF DELEGATION

- 2.1 The scheme of delegation, in so far as it relates to the discharge of executive responsibilities, is approved by the Leader. Nonetheless, Council is asked to approve the scheme of delegation, in full and subject to the Monitoring Officer being given delegated authority to make such consequential in-year changes required by operation of law or to give effect to Cabinet and/or Committee decisions, in consultation with the Leader (executive arrangements) and the relevant Committee Chair (non-executive arrangements) as the case may be. The scheme of delegation was updated by the Monitoring Officer, in consultation with the Group Leaders, in January 2024 to reflect the recent changes in senior management arrangements.

3. SCRUTINY ARRANGEMENTS

- 3.1 It is proposed to retain five Scrutiny Panels with the following titles:
- Children and Lifelong Learning
 - Communities
 - Economy, Culture, Tourism and the Green Agenda
 - Health and Adult Social Care
 - Transport, Infrastructure and Strategic Housing
- 3.2 The Panels will continue to be overseen by an Executive and Scrutiny Liaison Board, responsible for providing the strategic direction and management of the scrutiny function.
- 3.3 The terms of reference of the five Panels have been amended accordingly to align the areas of focus to the relevant new panel. The amended Scrutiny areas of focus are attached at Appendix 1 to this report.

4. CABINET WORKING PARTIES

- 4.1 It is proposed that two Cabinet Working Parties be established as follows:
- i) Selective Licensing and Houses of Multiple Occupation Cabinet Working Party – to review the current position with Houses of Multiple Occupation and the potential introduction of Selective Licensing.

- ii) Environmental Street Scene and Enforcement Cabinet Working Party
– to review the quality of the environmental street scene in North East Lincolnshire and associated enforcement activity.

- 4.2 It is proposed that the membership of each Working Party will be on the basis of two Conservative Group (Cabinet) members, one Labour Group member, one Liberal Democrat Group member and one Independent Group member.
- 4.3 It is a requirement, under paragraph 17A of the Council's Standing Orders, that each Cabinet Working Party shall be appointed by Council.

5. STANDING ORDERS

- 5.1 The following changes to the Council's Standing Orders have been proposed by the Labour Group:

5.1.1. Questions on the Minutes

To re-introduce questions to scrutiny panel chairs on minutes.

This would require an amendment to Standing Order 10B.

5.1.2 Questions on Notice

To increase the limit on questions on notice to portfolio holders from one per member at any one meeting (as at present), to two questions per member on different areas of their portfolio.

This would require an amendment to Standing Order 10.2.

5.1.3 The Leader's Statement

To allow the Leader of the Principal Opposition to have 5 minutes in response to the Leader's Statement.

This would require an amendment to Standing Order 2.2 (v).

- 5.2 As per the Council's Constitution, such change to the Council's Standing Orders would, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Standards and Adjudication Committee. Once considered, the Standards and Adjudication Committee shall make recommendations back to Full Council at the next convenient meeting.

6. AMENDMENTS OF A MINOR NATURE

From time to time, amendments to the Constitution of a minor nature are required. These can be to provide clarity over a particular matter without changing its meaning or intention as well as to confirm minor changes arising from decisions taken by individual panels/committees of the Council. Examples of matters dealt with under these delegated powers during the

previous year include the following:

- Update of senior officer titles and responsibilities
- Contract Procedure Rules – minor changes to thresholds
- Changes to the responsibilities of the Portfolio Holder for Finance, Resources and Assets to include anti-fraud
- Typographical amendments to paragraph numbering of ‘special urgency’ rules.

It is proposed that authority continue to be delegated to the Monitoring Officer, in consultation with the Leaders of the political groups, to make such changes.

7. MATTERS FOR FURTHER REVIEW

- 7.1 The Constitutional Working Group was established to ensure informed and Member-led ownership of any significant proposals for change in relation to the Council’s Constitution and civic, democratic and electoral services. The working group last met in 2019 and it is proposed that it be re-established to meet on a quarterly basis to maintain regular oversight of the review and development of the Constitution.. The original membership of the Constitution Working Group comprised of 5 Elected Members appointed on a proportionate basis. It is suggested that this be extended to 7 Elected Members to allow representation from all groups represented on the Council.
- 7.2 The Council’s Contract Procedure Rules are currently under review and a report on this will be submitted to a future meeting of Council should any constitutional changes be required.

8. RISKS AND OPPORTUNITIES

The annual review of the Constitution acts as a mechanism to test and refresh the Council’s governance arrangements.

9. OTHER OPTIONS CONSIDERED

The recommendations in this report are intended to reflect the need to modify the Council’s governance arrangements to support elected members in the discharge of their various roles and responsibilities and ensure that the Constitution is accessible to the public.

10. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

These matters are reported to the Council as required by the Constitution and to support the continued good governance of the Council.

11. FINANCIAL CONSIDERATIONS

There are no financial considerations to be taken into account as a result of the recommendations within this report.

12. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no direct implications for children and young people arising from the recommendations within this report.

13. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no climate change or environmental implications arising from the recommendations within this report.

14. CONSULTATION WITH SCRUTINY

Not applicable.

15. FINANCIAL IMPLICATIONS

As stated above, there are no financial implications arising directly from the recommendations in this report.

16. LEGAL IMPLICATIONS

As set out in the main body of the report.

17. HUMAN RESOURCES IMPLICATIONS

There are no direct human resources implications arising from the recommendations in this report.

18. WARD IMPLICATIONS

The Council's governance arrangements impact on all wards.

19. BACKGROUND PAPERS

The Council's Constitution.

20. CONTACT OFFICER(S)

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