

Agenda Item No: **Report No:**

Report Title: **Updates to Constitution**

Report To: **Council** **Date:** **4 December 2013**

Ward(s) Affected: **All**

Report By: **Corporate Head – Legal and Democratic Services**

Contact Officer(s)-

Name(s): Jackie Gavigan
Post Title(s): Head of Democratic Services
E-mail(s): jackie.gavigan@lewes.gov.uk
Tel No(s): 07766 248975

Purpose of Report:

To update the Constitution to reflect the amendments recommended by the Constitution Working Party in respect of Article 4 - The Full Council, Responsibility for Functions, Audit and Standards Committee Remit and Petitions.

Officers Recommendation(s):

- 1 That the changes to Article 4 – The Full Council, as set out in Appendix A to this Report, be approved;
 - 2 That the changes to the Responsibility for Functions, as set out in Appendix B, be approved;
 - 3 That the changes to the Remit of the Audit and Standards Committee, as set out in Appendix C, be approved;
 - 4 That the changes in relation to Petitions, as set out in Appendix D, be approved; and
 - 5 That the Corporate Head – Legal and Democratic Services updates the Constitution to reflect the changes set out in this Report.
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Reasons for Recommendations

- 1 To ensure that the Constitution is kept updated in light of the Council's arrangements and current legislation.

Information

Constitution Working Party

- 2** The Constitution Working Party met on 10 October 2013 to look at Article 4 - The Full Council, Responsibility for Functions, Audit and Standards Committee Remit and Petitions. The suggested revisions of the Working Party are attached in Appendices A - D for Council to approve.

Article 4 – The Full Council

- 3** To aid clarification on the role of full Council and its functions, a simple introduction has been added to the beginning of the Article on page B7.
- 4** The other additional text that has been added on pages B7 to B10 tidies up this section and ensures that details of all full Council functions are reflected in one place within the Article.

Part 3 – Responsibility for Functions

- 5** To make it clearer which decision making body has responsibility for which functions of the authority, the layout of pages C1 to C27 has been simplified and its contents condensed. This eliminates duplication of wording and streamlines this section of the Constitution.

Part 11 – Audit and Standards Committee Remit

- 6** The powers and duties of the Committee needed to be more clearly defined, particularly since the Audit Committee and Standards Committee have merged. As such, the Audit powers and duties, and the Standards powers and duties have been separated out within the Remit.
- 7** The Summary of Monitoring Officer's functions on pages W14 and W15 has been removed from the Remit as it sits more appropriately with the other Monitoring Officer's functions set out in Article 12 of the Constitution.
- 8** An additional Standards power has been added at paragraph 3.18 on page W14, that the Monitoring Officer shall produce an annual report on the establishment and maintenance of the register of interests of members and Co-opted members of the Council.

Parts 4 & 6 – Petitions Scheme

- 9** To ensure there is consistency across the Constitution in how the Council deals with petitions, the text previously in paragraph 12 on pages D9 to D10 has been inserted into the Council's Petitions Scheme at sections 6, 7 and 8 on pages R3 to R5.
- 10** The original Petitions Scheme adopted by the Council was based on the wording of the national model which was not always easy to read. The Scheme has been updated and streamlined to make it easier for members of the public to access our petitions information.

Financial Appraisal

- 11 There are no significant financial implications arising from these recommendations.

Sustainability Implications

- 12 I have completed the Sustainability Implications Questionnaire and there are no significant effects as a result of these recommendations.

Legal Implications

- 13 None arising from these recommendations.

Risk Management Implications

- 14 There are no risk management implications arising as a result of these recommendations. If the recommendations are not implemented, the main risk will be that the Constitution is not updated and does not reflect the Council's current arrangements and legislative requirements.

Equality Screening

- 15 I have completed the initial Equality Analysis screening exercise and no potential negative impacts were identified as a result of these recommendations. Therefore, a full Equality Analysis is not required.

Background Papers

- 16 None

Appendices

- 17 **Appendix A** - Article 4, Part 3, pages B7 to B10 – The Full Council
Appendix B - Part 3, pages C1 to C27 – Responsibility for Functions
Appendix C - Part 11, pages W11 to W15 – Remit of Audit and Standards Committee
Appendix D - Parts 4 & 6, page D9 to D10, and R1 to R6 – Receipt of Petitions and Petitions Scheme