



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION	15 JUNE 2017
COUNCIL	11 JULY 2017

WARDS AFFECTED: ALL WARDS

ANNUAL REVIEW OF THE CONSTITUTION

Report of the Monitoring Officer

1. PURPOSE OF REPORT

1.1 To seek approval of a revised constitution.

2. RECOMMENDATION

2.1 The revised constitution be adopted.

3. BACKGROUND TO THE REPORT

3.1 The council's constitution is reviewed annually. If any changes are required, they are presented to Council for approval.

3.2 It had been identified that the previous constitution was in need of revision due to duplication within the document, difficulty in finding information within it and the need for it to be more accessible to a wide variety of audiences.

3.3 With the support of a working group of five members appointed for the purpose, the constitution has been completely redrafted. The layout has been updated, parts that are not required to be kept within the constitution have been removed to be held as separate documents, and the content has been updated to reflect the corporate management restructure.

3.4 There are a relatively small number of substantive amendments to the content of the document, and these are listed in the appended schedule. The second appendix lists the recommended amendments to the financial procedure rules.

3.5 The scheme of delegation to officers has been redrafted. This has not resulted in any changes to the decisions delegated to officers (ie there are no changes to the decisions reserved for Council / Executive / council bodies), but duties and responsibilities of officers are grouped into broad themes and no longer contain lengthy lists of legislation. This is to avoid the risk of a piece of legislation being

omitted resulting in a delay to necessary action being taken. In most cases, powers that were previously delegated to one of the deputy chief executives are now recommended for delegation to a director.

- 3.6 The Executive functions have been re-arranged so they are grouped by function rather than by member. This is to enable the Leader to amend the portfolios without the need to amend the constitution (which is not a requirement of legislation nor is it required to form part of the constitution).
- 3.7 In accordance with internal audit recommendations, it is recommended that the Audit Committee has authority delegated by Council to approve the annual governance statement and statement of accounts. When the Audit Committee was set up, it was the intention to review after the first year with a view to delegating this power to the committee.
- 3.8 Some sections that formed part of the previous constitution but are not required by statute to be contained within the constitution have been removed. These include the articles in part 2 (these are now incorporated elsewhere which has removed some duplication which previously existed); the officer employment procedure rules; the complaints procedure; elected member role profiles and the petitions scheme. These documents will be held and published as standalone documents.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 This report is to be taken in open session.

5. FINANCIAL IMPLICATIONS (AW)

- 5.1 None.

6. LEGAL IMPLICATIONS (AR)

- 6.1 The Local Government Act 2000 requires the Council to have (and to maintain) a constitution. This statutory requirement is set out in Article 15.1 of the approved constitution.

Article 15.2 of the approved constitution also sets out that a two-thirds majority is required to make changes to the constitution.

7. CORPORATE PLAN IMPLICATIONS

- 7.1 The recommendations contained within this report support all corporate visions, aims and objectives in ensuring effective operation, decision making and compliance with legislation to enable provision of services across the borough.

8. CONSULTATION

- 8.1 A working group of five councillors has been involved throughout the drafting of the constitution. Those officers affected by any changes to the scheme of delegation have been consulted.
- 8.2 The revisions to the constitution were endorsed by the Scrutiny Commission on 15 June. An extract from the minutes of that meeting is attached.

9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to maintain an up to date constitution resulting in possible breaches of legislation	Undertake annual reviews and raise awareness of changes	Monitoring Officer
Lack of awareness of provisions of the constitution and decision making processes	Ensure members and officers are aware of the provisions and receive unified advice.	Monitoring Officer / Democratic Services Officer

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 The recommendations contained within this report will not affect any particular group or community. The maintenance of the constitution and provisions therein aim to support all who live, work, visit or are educated within the borough and to regulate decision making and ensure powers are in place to provide services appropriate for and accessible to all.

11. CORPORATE IMPLICATIONS

- 11.1 By submitting this report, the report author has taken the following into account:
- Community Safety implications
 - Environmental implications
 - ICT implications
 - Asset Management implications
 - Procurement implications
 - Human Resources implications
 - Planning implications
 - Data Protection implications
 - Voluntary Sector

Background papers: None

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