

**NORTH LINCOLNSHIRE COUNCIL**

**COUNCIL**

**CONSTITUTION AND GOVERNANCE ISSUES**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To propose changes to the Constitution in relation to the council's working arrangements for 2011/2012 and vary the composition of the council's Licensing and Audit Committees.

**2. BACKGROUND INFORMATION**

- 2.1 The Local Government Act 2000 requires the council to adopt a Constitution. The Constitution is a "living document" which requires frequent amendment to keep up with changes made by the council to its management structure and procedures.

**3. ISSUES FOR CONSIDERATION**

- 3.1 The Constitution has been amended on a number of occasions since it was first adopted.
- 3.2 Following the Annual Meeting of the Council held on 25 May 2011 and a further review of some working practices, it is proposed to make changes to some of the agreed cabinet member portfolios to further refine functions in the light of experience to date. The attached appendix details the proposed changes to the relevant cabinet member portfolios. The changes are highlighted in bold text.
- 3.3 At the Annual Meeting of the Council held on 25 May 2011, the council agreed the size and composition of various committees and panels in accordance with the rules on political balance on committees/panels set out in the Local Government and Housing Act 1989. Both the Licensing and Audit Committees were established with 17 members, each with 9 members of the Conservative Group and 8 members of the Labour Group. The Licensing Committee had, however, previously operated with 15 members. Following further consideration it is now proposed to vary the composition of the Licensing Committee and the Audit Committee to enable the former to return to operating with 15 members in line with the legislation and to increase the membership of the Audit Committee from 17 members to 19 members. This would have no impact on the overall proportions of members to committees/panels which would be in line with the political balance rules. The Licensing Committee would then comprise of 8 members of

the ruling group and 7 members of the opposition. The Audit Committee would comprise of 10 members of the ruling group and 9 members of the opposition.

#### **4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

4.1 There are no staffing, financial, property or IT implications associated with this report.

#### **5. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

5.1 Changes to the council's Constitution and governance arrangements must be approved by the council in accordance with the Local Government Act 2000.

#### **6. OUTCOMES OF CONSULTATION**

6.1 The proposed changes to the Constitution and governance arrangements are as a result of the changes referred to above.

#### **7. RECOMMENDATIONS**

7.1 To consider and approve the proposed changes to the council's Constitution and governance arrangements as detailed in the report and appendices.

**DIRECTOR CORPORATE AND COMMUNITY SERVICES**

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Date: 15 June 2011

**Background Papers used in the preparation of this report:** The council's Constitution.

CORPORATE AND  
COMMUNITY SERVICES

1. To consider and commission corporate personnel related and human resource management studies and initiatives.
2. To approve lists of selected contractors.
3. To make arrangements to secure the safety and preservation of the archives and records of the council.
4. To deal with all matters relating to Community Safety in North Lincolnshire.
5. The council's functions within the following broad areas -
  - (a) Library and Information Services
  - (b) Local Links
6. The provision of Library and Information Services within the responsibility of the Director of Corporate and Community Services -
  - (a) Static Libraries
  - (b) Mobile Libraries
  - (c) Local Links
7. To approve policies and plans in relation to all the functions set out in paragraphs 6 and 7 above.
8. Corporate Safety including personnel issues relating to council employees.
9. The council's functions within the following broad areas -
  - (a) Public Relations and Communications
  - (b) Democratic and Legal Services**
  - (c) Human Resources**
  - (d) Mayoral Services

	<ul style="list-style-type: none"><li>(e) Reprographics</li><li>(f) Community Cohesion and Diversity</li></ul> <p>10. To approve staffing matters relating to the service area.</p>
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ASSET AND ESTATE  
MANAGEMENT, SPORT,  
LEISURE AND CULTURE AND  
IT SERVICES

1. The council's functions generally in relation to leisure activities.
2. To consider any matters relating to heritage and arts, especially those relating to funding and to the detailed work of regional agencies.
3. The provision of leisure and amenity services within the responsibility of the Director of Infrastructure -
  - (a) Art Galleries
  - (b) Museums
  - (c) Theatres
  - (d) Concert Halls
  - (e) Exhibitions
  - (f) Art Centres
  - (g) Swimming Baths
  - (h) Sports Facilities
  - (i) Entertainments
  - (j) Normanby Hall Country Park
  - (k) Open Spaces
  - (l) Recreational Facilities, including allotments, amenity areas and heritage and countryside recreational facilities.
4. To make decisions in respect of all applications for financial assistance received which come within the province of Leisure Services.
5. The appointment of an awards panel to consider applications for awards of North Lincolnshire Colours and Long Service Certificates.

	<ol style="list-style-type: none"> <li>6. The council's functions generally in relation to archaeology within North Lincolnshire.</li> <li>7. The awarding of grant aid towards the provision of facilities for sporting, leisure, cultural and recreational purposes.</li> <li>8. The awarding of North Lincolnshire Colours and Long Service Awards to voluntary organisations and individuals representing North Lincolnshire.</li> <li>9. Grants in accordance with the Aid to Parishes and Aid to Communities schemes.</li> <li>10. To consider all matters relating to the promotion of tourism in North Lincolnshire always ensuring that a consistent corporate approach is taken and particularly taking into account the need to promote the economic development of the area.</li> <li>11. To deal with all matters relating to the council's markets function.</li> <li>12. <del>To oversee information technology within the council, to approve the council's information communications technology strategy and corporate information technology developments, and to determine technical standards and advise upon departmental technology developments.</del></li> <li>12. To purchase, sell, lease or deal with commercial land and property including rental review and related matters.</li> <li>13. To approve the acquisition of operational land and rights over, or under such land to meet the needs of the council, including the making of compulsory purchase orders under any statutory power available to the council and to approve the terms of such acquisition.</li> </ol>
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	<p>14. To oversee the use and management (including the right to terminate the use for any particular purpose) of all operational land and accommodation in the occupation of the council, including proposals for its development by any public or private developer.</p> <p>15. To approve the disposal of operational land surplus to the needs of the council and of rights over, on or under land and to approve the terms of any such disposal after reference by the appropriate Director.</p> <p>16. To approve the appropriation of land from one statutory purpose to another.</p> <p>17. To discharge the functions of the council in respect of:-</p> <p style="padding-left: 40px;">purchase notices, blight notices, claims for compensation under the Town and Country Planning Acts, claims relating to</p> <p style="padding-left: 40px;">land under the Land Compensation Acts, the exercise of the council's discretion under the Land Compensation Act 1973, disturbance payments under Acts other than the Land Compensation Act 1973, User Rights (under The Local Authorities (England) (Property etc) Order 1973).</p> <p>18. To approve the setting up of new small-holdings and to have general oversight of the management of these.</p> <p>19. To make arrangements for the interview and selection of tenants for smallholdings.</p> <p>20. To advise on the repair and maintenance of all council buildings (other than, where applicable, areas not covered in statute under the local management of schools) subject to consultation each year with the appropriate service areas.</p> <p>21. To advise on the general oversight of the architectural and buildings maintenance functions of the council.</p>
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	<p>22. Without prejudice to any contractual relationship entered into by the council, to authorise the occupation of any new building by all services -</p> <p>(a) after receiving and approving a report by the Director of Infrastructure that the building is complete and fit to be occupied, and</p> <p>(b) after visiting and inspecting the building and being satisfied as to its condition and completeness.</p> <p>23. To oversee the supervision of the letting and conduct of building contracts (including the appointment of consultants) within existing budgetary provision provided that appropriate progress reports are made to the relevant service area.</p> <p>24. To oversee the use and development of land and buildings specifically provided for community uses other than those falling within the terms of reference of any other service area.</p> <p>25. Site selection and design for country parks, picnic sites, open spaces and other countryside recreational facilities.</p> <p>26. To approve staffing matters relating to the service area.</p>
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**FINANCE, AND  
PROCUREMENT AND IT**

- 1. To oversee delivery of effective financial services within the council in accordance with professional requirements and best practice.**
- 2. To monitor service spending against approved budgets, ensuring that corrective action is taken where necessary including by other cabinet members.**
- 3. To approve virements in accordance with the financial regulations of the council.**
4. To oversee the council's arrangements relating to the administration of the council tax benefits and housing benefits schemes.
- 5. To oversee effective collection of council tax and the national non domestic rate.**
6. To deal with all applications relating to the granting of discretionary rate relief and the remission and reduction of rates in accordance with approved policy.
7. To write off debts in excess of £1500.
- 8. To approve the council's Commissioning and Procurement strategy, including ensuring that it is aligned with strategic objectives, monitoring its implementation and performance and promoting it to elected members.**
- 9. To approve the council's Performance and VFM strategy, ensuring that it is implemented effectively to deliver the council's strategic objectives at the least cost consistent with achieving service outcomes.**

	<p>10. To oversee information technology within the council, to approve the council's Information Communications Technology strategy and corporate information technology developments, and to determine technical standards and advise upon departmental technology developments.</p> <p>11. To approve staffing matters relating to the service area.</p>
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