

**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 current working arrangements.
- 1.2 To consider a name change for Crowle Town Council in accordance with the council's community governance role.

**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.
- 2.2 The council has a community governance role as regards town and parish councils in its area.

**3. OPTIONS FOR CONSIDERATION**

- 3.1 The Constitution has been amended on a number of occasions since it was first adopted.
- 3.2 It is now necessary to consider changing the Constitution as regards delegated powers relating to the Service Director Adult Social Care and redefining the role of the Safer and Stronger Communities Scrutiny Panel.
- 3.3 It is also necessary to consider a request from Crowle Town Council in connection with the council's community governance role.

**Constitution**

- 3.4 As a result of changes brought about to the Adult Social Services complaints procedure by The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 the Chief Executive is designated as the 'responsible person' to ensure compliance with the procedure, ensure action is taken in the light of complaints and to sign the complaint response. The Regulations allow

the council to delegate these functions so as to authorise other officers to act on behalf of the 'responsible person'.

- 3.5 Accordingly it is proposed that these responsibilities be delegated to the Service Director Adult Social Care with authority for him to delegate further as appropriate.
- 3.6 This would reflect arrangements which have worked effectively. It would enable the service director to maintain direct oversight of issues and inform the Chief Executive of more significant matters whilst lower level concerns could be more readily addressed.
- 3.7 Under the Police and Justice Act 2006 local authorities now have the power to scrutinise the Crime and Reduction Partnership in their area (in North Lincolnshire this is the Safer Neighbourhoods Partnership) and make reports and recommendations. Procedures for carrying this out are currently being prepared and will be brought forward for approval. In the meantime every local authority has to have a Crime and Disorder Committee. If executive arrangements are in place it will be an Overview and Scrutiny Committee. Accordingly it is proposed that the Safer and Stronger Communities Scrutiny Panel fulfil that role.

### **Community Governance**

- 3.8 A request has been received from Crowle Town Council regarding a change of name.
- 3.9 At its meeting on 11 August 2009 a formal resolution was agreed by all councillors that the town council make an application to this council for a change in the name to Crowle and Ealand Town Council.
- 3.10 The council feels that it would be "putting a label on something that already exists and hopes that this change will bring both communities into a closer relationship."
- 3.11 Section 75 of the Local Government Act 1972 provides that the council of the district in which the parish is situated may change the name of the parish at the request of the parish council.
- 3.12 Under the relevant Regulations this is a function which cannot be exercised by the Executive.
- 3.13 Both ward members have been consulted and have raised no objections.
- 3.14 If the request is approved arrangements will need to be made to notify the Secretary of State, the Director General of Ordnance Survey and the Registrar General as well as publishing a notice of the change in the parish and elsewhere in such manner as considered appropriate.

#### **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 must be approved by the council in accordance with the Local Government Act 2000. To change the name of a Parish the requirements of the Local Government Act 1972 must be followed.

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

6.1 The proposed changes to the Constitution are as a result of the details referred to above. The Ward Members have been consulted about the change of name of Crowle Town Council and have raised no objections.

#### **7. RECOMMENDATIONS**

7.1 To agree delegation to the Service Director Adult Social Care as set out in the report and amend the Constitution accordingly.

7.2 To designate the Safer and Stronger Communities Scrutiny Panel as the council's 'Crime and Disorder Committee' and add that function to its role in the Constitution.

7.3 To approve the request for a name change from Crowle Town Council and carry out the requisite steps.

#### **SERVICE DIRECTOR LEGAL AND DEMOCRATIC**

Pittwood House  
Ashby Road  
SCUNTHORPE  
North Lincolnshire  
DN16 1AB  
Author: Mike Wood/Mel Holmes  
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**Background papers used in the preparation of this report** - The Council's Constitution.