

# South Lakeland District Council Council

Tuesday, 27 July 2021

## Update to the Constitution

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<b>Portfolio:</b>	Customer and Locality Services Portfolio Holder
<b>Report from:</b>	Monitoring Officer
<b>Report Author:</b>	Linda Fisher – Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
<b>Wards:</b>	(All Wards);
<b>Forward Plan:</b>	Not applicable

**Links to Council Plan Priorities:** The Constitution underpins the Council's decision making processes in achieving the aims and objectives of the following Council Plan Priorities:-

- Working across boundaries;
  - Delivering a balanced community;
  - A fairer South Lakeland; and
  - Addressing the climate emergency.
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### **1.0 Expected Outcome and Measures of Success**

- 1.1 That the amendments to the Constitution are agreed to alter the onward delegations to the Chief Executive and the Directors.

### **2.0 Recommendation**

#### **2.1 It is recommended that Council)**

**(1) Agrees the addition of the wording “including changes to job titles” to delegation E(2) 2.1 and to authorise the Monitoring Officer to make the necessary amendments to the constitution.**

### **3.0 Background and Proposals**

- 3.1 One of the duties of the Monitoring officer is to monitor and review, on an annual basis, the operation of the Constitution to ensure that its aims and principles are given full effect. Rather than carrying out an annual review it is considered more appropriate to treat the Constitution as a living document and we encourage in year amendments to the Constitution to ensure that it is kept up to date and meets the business needs of the Council.

- 3.2 The onward delegations under section E(2) (2.1) allows the Chief Executive and Directors to manage and deal with all people, welfare and training issues below Chief Officer Level including making changes within the establishment, within the directorate areas, provided that all decisions are within Council policies and approved budgets and within any general human resource management policies and procedures approved by the Chief Executive.

3.4 The Human Resources Committee is being consulted on adding wording to this section to include: **‘including changes to job titles’** and to authorises the Monitoring Officer to make these changes. This will provide flexibility as required to address any required changes.

3.5 If agreed, Section E(2) (2.1) will be updated to the following: ‘To manage and deal with all people , welfare , inclusivity and training issues below Chief Officer Level including making changes within the establishment, **including changes to job titles** , within the Directorate areas, provided that all decisions are within Council policies and approved budgets and within any general human resource management policies and procedures approved by the Chief Executive.’

**4.0 Consultation**

4.1 The Human Resources Committee and the Portfolio Holder.

**5.0 Alternative Options**

5.1 Members could choose not to approve the change as proposed, or to make amendments to the proposals. However it is considered that the proposed amendment are important as part of the good governance of the Council.

**6.0 Implications**

**Financial, Resources and Procurement**

6.1 N/A

**Human Resources**

6.2 N/A

**Legal**

6.3 Legal advice has been provided on the recommendations within the report and the Monitoring Officer will make the necessary amendments to the Constitution if agreed.

**Health and Sustainability Impact Assessment**

6.4 Have you completed a Health and Sustainability Impact Assessment? No

6.5 If you have not completed an Impact Assessment, please explain your reasons: This report does not have any registered significant environmental effects.

6.6 Summary of Health and Sustainability Impacts

		Positive	Neutral	Negative	Unknown
<b>Environment and Health</b>	Greenhouse gases emissions		X		
	Air Quality		X		
	Biodiversity		X		
	Impacts of Climate Change		X		
	Reduced or zero requirement for energy, building space, materials or travel		X		
	Active Travel		X		
<b>Economy and Culture</b>	Inclusive and sustainable development		X		

	Jobs and levels of pay		X		
	Healthier high streets		X		
	Culture, creativity and heritage		X		
<b>Housing and Communities</b>	Standard of housing		X		
	Access to housing		X		
	Crime		X		
	Social connectedness		X		

### Equality and Diversity

6.7 Have you completed an Equality Impact Analysis? No

6.8 If you have not completed an Impact Analysis, please explain your reasons: This report does not have any registered significant effects on equality or diversity.

6.9 Summary of Equality and Diversity impacts

<b>Please indicate: P = Positive impact; 0 = Neutral; N = Negative; Enter "X"</b>					
<b>Age</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Disability</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Gender reassignment (transgender)</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Marriage &amp; civil partnership</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Pregnancy &amp; maternity</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Race/ethnicity</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Religion or belief</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Sex/gender</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Sexual orientation</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Armed forces families</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Rurality</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>
<b>Socio-economic disadvantage</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>

<b>Risk Management</b>	<b>Consequence</b>	<b>Controls required</b>
*What is it?	*What will happen if steps not taken to control it?	*What needs to be done to limit the risk happening?

### Contact Officers

Linda Fisher – Legal, Governance and Democracy Lead Specialist (Monitoring Officer)

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### Background Documents Available

<b>Name of Background document</b>	<b>Where it is available</b>
None	

### Tracking Information

<b>Signed off by</b>	<b>Date sent</b>	<b>Date Signed off</b>
Legal Services	11/6/21	30/06/21
Section 151 Officer	11/6/21	30/06/21
Monitoring Officer	16/07/2021	16/07/2021
CMT	16/07/2021	16/07/2021

<b>Circulated to</b>	<b>Date sent</b>
Lead Specialist	N/A
Human Resources Lead Specialist	16/07/2021
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	16/07/2021
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	27/07/21