

# Meeting of the Constitution Committee

Monday, 5 December 2022,  
10.30 am



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

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## Committee Members present

Councillor David Bellamy  
Councillor Paul Fellows  
Councillor Susan Sandall  
Councillor Ashley Baxter

## Officers

Alan Robinson, Deputy Chief Executive and Monitoring Officer  
Graham Watts, Assistant Director of Governance and Deputy Monitoring Officer  
Lucy Bonshor, Democratic Officer

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## Election of Chairman

In accordance with the Constitution, as both the Chairman and Vice-Chairman of the Committee were not present, Members were asked to nominate a Chairman for the meeting. It was proposed, seconded and **AGREED** that Councillor Bellamy would be Chairman for this meeting only.

COUNCILLOR DAVID BELLAMY IN THE CHAIR

## 16. Membership and apologies for absence

Apologies for absence had been received from Councillors Breda Rae Griffin, Ian Stokes and Mark Whittington.

Councillor Ashley Baxter filled the AllianceSK Group's vacancy on the Committee.

A question was asked about why the Chairman and Vice-Chairman were not in attendance. It was confirmed that the Vice-Chairman was ill and it was understood that the Chairman had another engagement.

## 17. Disclosure of interests

None disclosed.

## 18. Minutes of the meeting held on 17 October 2022

The minutes of the meeting held on 17 October 2022 were proposed, seconded and **AGREED**.

## **19. Updates on Actions from the previous meeting**

The Committee were notified that a convenient date to discuss proposed amendments to the Companies Committee could not be agreed and therefore, the action concerning the Companies Committee had been included as an agenda item for this meeting. The second action concerning the setting of meetings for the ongoing review of the Constitution were on going.

A question was asked about when the review of scrutiny and the action plan, which had been discussed at a recent scrutiny workshop following the Scrutiny Review, would be considered by the Constitution Committee.

It was confirmed that the Scrutiny Action Plan would go to the Governance and Audit Committee with any specific actions requiring constitutional changes naturally coming before this Committee prior to consideration at Full Council.

A further question was asked about why the Constitution Committee did not have a work programme when all other committees, apart from the quasi-judicial committees had one.

The main item of business for the Committee had been the Constitution review which had now taken place, other issues and amendments were dealt with on an ad hoc basis.

It was noted if Members of the Committee had any potential issues or amendments for the Committee to discuss they could be added to a work programme. A future item for the Committee would be how the annual review of the Constitution should be undertaken.

## **20. Committee report template**

At a recent Overview and Scrutiny Committee, issues with the current report template had been raised. Questions were asked as to why it had not been before the Constitution Committee before it had been implemented. The Assistant Director of Governance and Deputy Monitoring Officer explained the rationale behind the implementation of the new template from 1 September 2022.

A key reason for the template change had been administrative. Officers had found the old template difficult to complete with technical fields and macros, also the report implications, such as finance and legal had previously been positioned at the end of the document which represented key aspects of the information presented in reports to Members.

The opportunity had been taken to re-design the template and to move the implications to the top of the document. The implications covered a wide variety of areas and it was for the report author to engage with the relevant officer for each area.

The sign-off of the report had also been highlighted and previously this had been in a prominent position on the front page of the report and undertaken by a senior

officer, director and cabinet member. It was stated that this was an internal administrative process and would not normally be included in a public report. Discussions had been held with the Cabinet Member for Corporate Governance and Licensing who agreed that this should not be included in the new template as it was an internal control process. Although the signoff process was not shown on the report, assurance was given to Members that the process was still followed by the Democratic Service Team, but information relating to specific sign-offs was removed before the report was published.

Discussion followed with the following points being made.

- Who asked for the report template to be reviewed and why?

The previous template had contained fields and macros which didn't work correctly and there were duplications within the report. In line with how the Constitution Review had been undertaken, the senior management team had asked for the template to be reviewed and this had been carried out in liaison with the Cabinet Member for Corporate Governance and Licensing.

- Some Members felt that the sign off information was useful and should not have been taken out of the public arena.

It was stated that there was no requirement to include the sign off information on the public report and the removal of the information did not affect the decision making of Members as all the necessary statutory information was contained within the report. Members had been circulated with a copy of the proposed new template at the beginning of August 2022 highlighting the key changes and when it was proposed to be used, from September 2022.

- A question was asked about if a Freedom of Information (FOI) request was submitted would the sign off information be available.

The information was removed by the Democracy Team before the report was published and was therefore not held on file and would not be available to be disclosed in a FOI. Assurance was given that the template had been circulated to all Members before it had gone into circulation and liaison had been undertaken with the Cabinet Member for Governance and Licensing. The sign off process was an internal administrative procedure and did not affect the decision making process.

Discussion then followed on whose name the reports were in. Reference was made to overview and scrutiny committee reports in Cabinet Members names, a recent report that had been submitted to the Companies Committee which had been in the company's name and a LeisureSK Ltd report which had been in the name of a director of the company who had resigned. The Assistant Director of Governance and Deputy Monitoring explained about the journey of a report and the reasons why it was in a Cabinet Member's name. Reports could be submitted in an officer's name and an example of the political balance report which went to Council was given as it was in the Chief Executive's name as the proper officer. There was also the opportunity for chairmen of overview and scrutiny committees to take reports to Cabinet which would be in their name. Following the scrutiny review that

had taken place further consideration was to be taken in respect of the name that reports were submitted in.

A proposal was made to put the sign off information back into the report template as it had been previously. Further discussion on including the sign off information followed with the proposal being seconded. One Member asked if it was urgent that a decision was made at the meeting,

The Monitoring Officer stated that the proposed template had been circulated to Members in August. The new template had been in use for at least two months and liaison with the Cabinet Member had been undertaken prior to its implementation. Complaints about the template had only recently been made and it was reiterated that report sign-offs were an internal process. He also made the point that inclusion of sign-off details removed accountability and responsibility of the report writer for the content of the report.

As both the Chairman and Vice-Chairman were absent, together with the Cabinet Member for Governance and Licencing, the original proposal was withdrawn and it was proposed, seconded and **AGREED** to defer any decision on the report template to the next meeting of the Committee when more Members of the Committee and the Cabinet Member for Governance and Licensing could be present.

### **Decision**

**To defer any decision in respect of the report template to the next meeting of the Constitution Committee.**

## **21. Companies Committee**

The item had been added to the agenda following the last meeting of the Committee.

At a recent Council meeting a Member wanted to ask the Chairman of the Companies Committee a question during Open Questions by Councillors, and although the Chairman of the Companies Committee was prepared to answer the question, the Constitution did not allow for this. A proposal was therefore made to allow questions to be put to the Chairman of the Companies Committee during Open Questions by Councillors at Council.

A further proposal was made to allow members of the public to ask questions at Companies Committee which was allowed with other Committee's such as Overview and Scrutiny Committees.

Each proposal was taken separately.

The Chairman asked if, like with other Committees, Members could speak at a meeting of the Companies Committee at the discretion of the Chairman. This was confirmed by the Assistant Director of Governance and Deputy Monitoring Officer with reference to the appropriate Article within the Constitution, Article 11, paragraphs 11.4.

Clarity was sought around asking questions of the Chairmen at the Companies Committee and it was noted that following the elections next year, changes may be made to the Companies Committee and there may be less wholly owned Council companies.

Further reference was made to who could answer questions during Open Questions by Councillors at Council and Members were referred to Paragraph 12.2 of the Council Procedure Rules which listed who could answer questions and Paragraph 12.3 which listed those Committee where questions could not be asked of the Chairman or Vice-Chairman.

It was stated that the Chairmen of the wholly owned Council Companies could be held to account by the Companies Committee who acted in a shareholder role. The Constitution Committee could propose that the Chairman (and Vice-Chairman) of the Companies Committee be added to the list of Members who could be questioned during Open Questions by Councillors.

The proposal to add the Companies Committee to the list of those committee Chairmen and Vice-Chairmen who could answer questions during Open Questions by Councillors was seconded and on being put to the vote **AGREED**.

### **Decision**

**That the Constitution Committee recommends to Council that the Companies Committee Chairman and Vice-Chairman be added to the list contained in paragraph 12.2 of the Council Procedure Rules.**

The second proposal concerned allowing members of the public to speak at meetings of the Companies Committee in the same way that members of the public could speak at Overview and Scrutiny Committees. The proposal was seconded.

Members of the public were allowed to attend any public meeting of the Council, unless they had been excluded under Schedule 12A of the Local Government Act 1972.

A question was asked if there was a reason why speaking at the Companies Committee by members of the public was not included in the Constitution. Reference was made to the quasi-judicial Committees and their speaking arrangements but it was confirmed that there was no reason that the Companies Committee should be excluded.

It was proposed, seconded and **AGREED** to allow speaking by members of the public at Companies Committees in the same way that the public can speak at Overview and Scrutiny Committees.

### **Decision**

**That the Constitution Committee recommends to Council that public speaking is allowed at the Companies Committee in the same way that the public can speak at Overview and Scrutiny Committees.**

**22. Any other business which the Chairman, by reasons of special circumstances, decides is urgent**

Comments were made about the number of Members that were present at the Committee and the fact that the Chairman, Vice-Chairman and Cabinet Member were absent.

**23. Close of meeting**

The meeting closed at 11:36am.