

Constitution Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Monday, 19 July 2021 at 10.30 am
Council Chamber - South Kesteven House,
St. Peter's Hill, Grantham. NG31 6PZ

Committee Members: Councillor Mark Whittington (Chairman)
Councillor Mike Exton (Vice-Chairman)
Councillor Ashley Baxter, Councillor David Bellamy, Councillor Paul Fellows,
Councillor Breda-Rae Griffin and Councillor Susan Sandall

Agenda

- 1. Apologies for absence**
- 2. Disclosure of interests**
Members are asked to disclose any interests in matters for consideration at the meeting.
- 3. Minutes of the meeting held on 7 December 2020** (Pages 3 - 5)
- 4. Review of the Council's Constitution** (Pages 7 - 10)
This report sets out the proposed process to be followed for undertaking and implementing a comprehensive review of the Council's Constitution.
- 5. Any other business which the Chairman, by reasons of special circumstances, decides is urgent**

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Meeting of the Constitution Committee

Monday, 7 December 2020,
10.30 am



SOUTH
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Meeting held virtually, via Skype

Committee Members present

Councillor Linda Wootten (Chairman)
Councillor Mike Exton (Vice-Chairman)
Councillor Ashley Baxter
Councillor David Bellamy
Councillor Mike Exton (Vice-Chairman)
Councillor Paul Fellows
Councillor Mark Whittington

Other Members present

Councillor Bob Adams
Councillor Ray Wootten

Cabinet Members Present

Councillor Rosemary Trollope-Bellew (Cabinet Member for Culture and Visitor Economy)

Officers Present

Dan Snowdon (Interim Head of Governance)
Shelley Thirkell (Acting Principal Democratic Officer)

1. Register of attendance, membership and apologies for absence

Following a register of attendance, it was confirmed that all Members of the Committee were present.

2. Disclosure of interests

There were none.

3. Minutes of the meeting held on 7 September 2020

The minutes of the meeting held on 7 September 2020, were agreed as a correct record.

4. A Summary of the Complaints Received under the Members' Code of Conduct

The Interim Head of Governance presented to the Committee a report which summarised complaints received under the Members' Code of Conduct, from September 2019 to October 2020.

At a previous meeting Members requested that a report be compiled which provided high level statistics on the number of complaints received regarding Members' of South Kesteven District Council. Members have a duty under the Localism Act 2011 to promote and maintain high standards of conduct, a Members' Code of Conduct was in place which set out those standards.

A summary was provided of the number of complaints received, which included those which were currently being processed and those which had been closed. It was noted to Members that there were currently 7 being processed and 21, which had been closed. The Interim Head of Governance highlighted that this was indeed 21, rather than 23 which had been detailed in the report.

The process which complaints were processed which detailed to Members, explaining how the Monitoring Officer worked with the appointed Independent Person as part of complaint investigations.

Member considered the report and raised the following questions:

- Were the complaints from Members of the Council, or from members of the public.

The Interim Head of Governance advised that the complaints were a mixture of both and that a breakdown would be provided to the Committee.

- A Member asked for clarification if the figures were just for complaints received about District Councillors

It was confirmed that the report detailed only complaint figures regarding District Councillors.

Members expressed an overall concern about the number of complaints that had been received and requested that the themes of complaints be provided at a future meeting.

ACTIONS:

- a) That a breakdown of complaints from Members of the Council and members of the public be provided.**
- b) That details of the themes of complaints be provided to the Committee.**

5. Amendments to the Constitution - Constitution Review 2020

Members received a report on the work of the Constitution Review Working Group.

The Constitution Committee had agreed a project plan for the delivery of a comprehensive review of the Council's Constitution. A review of 'Article 4: The Council', was presented to Members at Appendix 1 to the report.

The following points were highlighted to Members:

- Language used had been reviewed to increase clarity
- Duplications had been removed
- Removal of the Council Procedure Rules from that Article, to be placed alongside other procedure rules
- Review Board will become an Article of its own right
- Appeal Panel will be removed to sit within the Article on the Employment Committee

Members raised the following points:

- Hyperlinks be used where there is reference to another section of the Constitution, for ease of reference
- The Constitution should contain a bibliography of terms
- When reviewing the Constitution, it would be helpful for Members to have an original 'clean' copy and a version with the amendments highlighted
- Significant changes should be highlighted
- A timeline should be developed to ensure the review remained on track
- All Member briefings on a finalised Articles would assist, prior to consideration as whole, before adoption at a meeting of full Council

Members did not feel that they were able to provide any recommendations Cabinet. They requested that the Interim Head of Governance consider a timeline for the review and explore the potential of Member briefings, upon the completion of individual articles.

ACTIONS:

- a) **That a timeline be established for the review**
- b) **That once complete, all Member briefings be used to demonstrate the changes, within individual Articles.**

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

There were none.

7. Close of meeting

The Chairman closed the meeting at 11:42.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Constitution Committee

19 July 2021

Report of: Councillor Linda Wootten

Cabinet Member for Corporate
Governance



Review of the Council's Constitution

This report sets out the proposed process to be followed for undertaking and implementing a comprehensive review of the Council's Constitution.

Report Author

Graham Watts, Head of Democratic Services



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Corporate Priority:	Decision type:	Wards:
A High Performing Council	Governance	All Wards

Reviewed by:	Graham Watts, Deputy Monitoring Officer	5 July 2021
Approved by:	Alan Robinson, Deputy Chief Executive	9 July 2021
Signed off by:	Councillor Linda Wootten, Cabinet Member for Corporate Governance	9 July 2021

Recommendation (s) to the decision maker (s)

That the Constitution Committee:

- 1. Approves the proposed process to be followed for undertaking and implementing a comprehensive review of the Council's Constitution, commencing with a review of the Scheme of Delegation, decision-making and responsibility for functions.**
- 2. Approves the proposed engagement with senior officers and elected members as part of the review.**

1 The Background to the Report

- 1.1 The Local Government Act 2000 placed a duty upon Local Authorities operating executive arrangements to maintain a document and ensure that it is available for inspection by members of the public. This should set out how an Authority operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 A model Constitution was available for Councils to adopt or use as the basis for their own document which could be amended to reflect aspects or characteristics unique to a particular Local Authority.
- 1.3 Since the initial adoption of South Kesteven District Council's Constitution, a number of subsequent amendments have been made to the document. Unfortunately, over time, there are now a number of inconsistencies, contradictions and areas open for interpretation that need addressing to greatly improve the document and provide a better platform for decision-making and accountability.
- 1.4 An initial review of the Constitution has been undertaken recently, further to which a revised format has been proposed which reverts back to that recommended as part of the model Constitution. This provides a better structure for the document and reduces the number of articles and sections currently included in the Council's Constitution, splitting the document into the following sections:
 - 1) Summary and Explanation
 - 2) Articles of the Constitution
 - 3) Responsibility for Functions
 - 4) Rules of Procedure
 - 5) Codes and Protocols
 - 6) Members' Allowances Scheme
 - 7) Management Structure
- 1.5 The Constitution Committee is asked to agree, in principle, to this revised format as a basis for the comprehensive review of the Constitution.
- 1.6 One of the sections most open to interpretation is that of the Council's scheme of delegation, particularly in relation to its executive decision-making arrangements and which decisions can be taken by Cabinet, individual Cabinet Members or via delegated authority to officers.
- 1.7 It is therefore proposed that the section 'Responsibility for Functions' be the first area of the Constitution subject to comprehensive review.
- 1.8 The basis of reviewing this element of the Constitution will be to establish how the document is currently interpreted from the perspective of Cabinet, individual Cabinet Members, the Council's Corporate Management Team and wider Senior Management Team, together with all elected members of the Council. The review will consist of a range of informal meetings or workshops as part of developing a new 'Responsibility for Functions' section of the Constitution which will be clear, concise, transparent and easy to follow for anyone reading it. This will involve some informal engagement as follows:

- informal meetings with individual members of the Corporate Management Team and wider Senior Management Team
- an informal meeting or workshop with the full Corporate Management Team
- informal meetings with the Leader of the Council and individual Cabinet Members
- an informal meeting or workshop with the full Cabinet
- an informal meeting or workshop with Opposition Group Leaders
- an informal meeting or workshop with Overview and Scrutiny Committee Chairmen
- an informal workshop for all members
- any other informal meetings or workshops with other groups of elected members as may be necessary

1.9 These informal meetings or workshops will be an extremely important part of the review, ensuring that all members of the Council are able to contribute to the development of a new 'Responsibility for Functions' section of the Constitution, which will ultimately set out how the Council makes its decisions.

1.10 A draft of this new section will then be submitted to the Constitution Committee for formal consideration prior to submission to Full Council for adoption. It is envisaged that this piece of work, subject to approval, can commence immediately with a view to presenting the new 'Responsibility for Functions' section of the Council's Constitution in draft form by the end of the year.

1.11 Once this key aspect of the Constitution has been approved by Council the remainder of the document can subsequently be reviewed. In many cases this will be administrative in terms of realigning parts of the Constitution as they currently sit within the new sections of the Constitution. However, the same process of engagement with members will be followed to ensure that all of the Authority's elected members are able to provide an input into the development of a new and improved version of the Council's Constitution which is easy to understand and follow for anyone reading it.

2 Consultation and Feedback Received, Including Overview and Scrutiny

2.1 Through informal discussions with elected members and officers, there is a clear need to review the Council's Constitution as the current document is unclear, difficult to follow and interpret and includes a number of contradictions which need addressing.

3 Available Options Considered

3.1 Option 1 - To undertake a comprehensive review of the Constitution but undertake this in sections.

Option 2 - To undertake a comprehensive review of the Constitution in its entirety as a whole document.

Option 3 - To retain the current version of the Constitution.

4 Preferred Option

4.1 Option 1 - To undertake a comprehensive review of the Constitution but undertake this in sections, commencing with the 'Responsibility for Functions' section.

5 Reasons for the Recommendation (s)

- 5.1 The proposed format for the review ensures that necessary engagement with the Council's Corporate Management Team, wider Senior Management Team and elected members can take place in order that they can contribute to the meaningful development of a revised Constitution for the Authority.

6 Next Steps – Communication and Implementation of the Decision

- 6.1 The proposed next steps and engagement plan for the review of the Constitution are set out in the body of the report.

7 Financial Implications

- 7.1 There are no financial implications arising from this report.

Financial Implications reviewed by: Richard Wyles, Section 151 Officer

8 Legal and Governance Implications

- 8.1 Legal and governance implications are set out in the body of the report.

Legal Implications reviewed by: Shahin Ismail, Monitoring Officer

9 Equality and Safeguarding Implications

- 9.1 There are no equality or safeguarding implications arising from this report.

10 Risk and Mitigation

- 10.1 The Council's Constitution is the principal document setting out how the Authority operates, how decisions are made and the procedures which are followed. It is essential, therefore, that the document is easy to follow, understand and interpret which this review seeks to achieve.

11 Community Safety Implications

- 11.1 Not applicable.

12 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?

Not applicable.