

Minutes

Constitution Committee
Monday, 7 March 2022



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Ashley Baxter
Councillor David Bellamy
Councillor Breda-Rae Griffin
Councillor Susan Sandall
Councillor Ray Wootten (Vice-Chairman)

Other Members present

Councillor Phil Dilks

Cabinet Members present

Councillor Kelham Cooke, Leader of the Council
Councillor Linda Wootten, Cabinet Member, Corporate Governance and Licensing

Officers

Alan Robinson (Deputy Chief Executive and Monitoring Officer)
Graham Watts (Head of Democratic Services and Deputy Monitoring Officer)
Lucy Bonshor (Democratic Officer)

34. Apologies for absence

An apology for absence was received from Councillor Fellows.

35. Disclosure of interests

None disclosed.

36. Minutes of the meeting held on 10 January 2022

The minutes of the meeting held on 10 January 2022 were proposed, seconded and **AGREED**.

A comment was made in relation to minute 30 to which the Deputy Chief Executive and Monitoring Officer replied that the Acceptance of Office made when a Member was elected would also extend to cover the new Model Code of Conduct adopted by Council in November 2021.

A further comment was made in relation to an action from the last meeting and the Member was referred to page 11 of the agenda pack.

37. Updates on Actions from the previous meeting

No comments were made.

38. Planning Services Review - Amendments to the Council's Constitution relating to planning decision making

A discrepancy had been raised between the information discussed at the Planning Committee workshops and the information contained within the report circulated with the agenda and therefore the Chairman proposed to defer the item to the next meeting of the Committee. The proposal was seconded and on being put to the vote it was **AGREED** to defer the item.

Concern was expressed by some Members about the short notice given to defer the item. Comments were also made about the lack of any minutes or notes taken at the informal Planning meetings at which the planning review documents were discussed. It was noted that the meetings had been streamed to the public but a decision had been made that no formal minutes would be taken due to the informal nature of the meeting. Any points made during the meetings were reflected within the report.

The Committee agreed to allow a Member, who was not on the Committee, to speak. He expressed his disappointment about the item being deferred as he had travelled from the south of the district to attend the meeting specifically for that item as he was also on the Planning Committee. The Member also asked where the informal planning meetings could be found on YouTube as he had failed to find them.

DECISION

That the item on the Planning Services Review – Amendments to the Council’s Constitution relating to planning decision making be deferred to the next meeting of the Constitution Committee.

39. Constitution Review

Members had been circulated with a revised Part 1 and Part 2 of the Constitution. Part 3 of the Constitution (Responsibility for Functions) had been approved at Council on 27 January 2022. The contents of both Part 1 and Part 2 were mainly administrative. The Head of Democratic Services and Deputy Monitoring

Officer stated that the documents had been before the political group leaders and also the Council's Corporate Management Team.

The mapping system used for Part 3 had been used for both Part 1 and Part 2 which detailed the areas that had been amended, removed or added and the reasoning behind this.

One of the key details that had been removed was the political balance information. This information changed on a regular basis and was not something that was generally featured within a constitution. Member's' attention was drawn to the table on page 45 of the agenda pack which showed those parts lifted from the current Constitution (green) and those that had been removed (red) and the reason why.

One Member asked what the yellow and blue colours represented and the Head of Democratic Services and Deputy Monitoring Officer replied that the blue highlighted areas that had been taken from the current Constitution and had been amended and the yellow highlighted areas that had been added.

A further comment was made in relation to how Members were appointed to committees and whether this had changed as the process followed in practice was not the same as currently represented in the Constitution. It was stated that the information in the draft before the Committee at this meeting had been lifted from the current Constitution, but this would be looked at to make sure the correct process was included in the revised Constitution.

Reference was made to the exclusion of cross references within the Constitution as these could be useful and also the removal of political balance. The proposed removal of the political balance table would be something that Members could take a vote on as some felt it was useful to be included in the document, whereas some Members agreed that it should not feature in the Constitution. Comments on the removal of the political balance table followed. It was noted that reference to political balance and an explanation of how it worked was more useful, than having a political balance table which could very quickly become out of date.

Discussion then followed on the overview and scrutiny function and who had responsibility to change the overview and scrutiny committees with reference being made to the changes presented at Council in 2017 without an accompanying report. The Deputy Chief Executive and Monitoring Officer stated that this should form part of the Terms of Reference of any overview and scrutiny committee. The type and number should be part of the Constitution and any constitutional change should be considered by the Constitution Committee, but the ultimate decision would be taken by Full Council.

Concern was expressed about how changes to the overview and scrutiny committees had been made in the past and the Leader of the Council stated that he could submit a report to Council on any changes to the overview and scrutiny

committees, but it would be for Council to vote on whether or not to accept the proposed changes.

Some of the Members present indicated that this had not been the practice previously when changes had been made in 2017.

The Head of Democratic Services and Deputy Monitoring Officer then presented Part 2 of the Constitution which dealt with the Articles.

The Articles should contain a brief summary of a particular function; what is Council, what is Cabinet, what is a regulatory committee, however the current Articles were amalgamated with the rules of procedure. The Part 2 document before Members had separated the procedure rules out from a summary of the article function which contained now contained a brief overview only. Part 4 of the Constitution would set out clearly the procedure rules for Council, Cabinet, regulatory committees, overview and scrutiny committees and the other committees. It would contain the terms of reference and protocols for how committees undertook their functions.

The mapping document showed the proposed key changes made to the Articles. One of the key changes was the removal of how meetings were postponed and how recorded votes were taken. These were issues that formed part of the rules of procedure and although they were shown as removed, they would be reflected within Part 4 which dealt with the rules of procedure. Another change that had been made was the removal of the prescriptive list of mandatory training to be undertaken for the Governance and Audit Committee. Neither the Planning Committee or the Licensing Committee had such a prescriptive list and mandatory training for these Committees were undertaken to cover all the necessary training Members required so the list for Governance and Audit had been removed.

The documents were before the Committee to seek their views and for any issues to be raised, before the documents were circulated to other Members. Further engagement through workshops with all Members of the Council would be held and if nothing significant was raised then it was proposed that the Committee, in principle recommended them for approval by Council. Anything important that was raised during the workshops would be brought back to Committee.

The Chairman placed on record his thanks to the Head of Democratic Services and Deputy Monitoring Officer for the work that had been done to date in relation to the Constitution review.

One Member had identified various grammatical issues and stated that he would take them up with the Officer outside the meeting before any workshops took place. He then highlighted various areas where changes had been made which he felt were either unnecessary, duplicated or the information was incorrect. Reference was made to the content of Article 6 and also that one article had

“disappeared”. The Head of Democratic Services and Deputy Monitoring Officer stated that Article 6 was an example of where the procedure rules had been amalgamated within the article. The article in question related to overview and scrutiny and should be a brief overview of the specific function. The rules of procedure for the overview and scrutiny committees would set out clearly how they worked and the terms of reference of each committee and this would be contained in Part 4 which had yet to be completed. It was emphasised that the information was not “lost”, it was being moved to another part of the document.

Reference was once again made to the inclusion of a paragraph on political balance within the article. It was noted that all committees needed to abide by political balance, however, a Council could agree not to apply political balance to a committee but it had to be agreed by 100% of the Council. Regulatory committees had to be politically balanced even though they had to be apolitical in their decision making. The Head of Democratic Services and Deputy Monitoring Officer read out the relevant section which concerned political balance, Section 15 of the Local Government Housing Act 1989. It was confirmed that the paragraph on political balance was repeated on all relevant committees and that two of the articles had been amalgamated for clarity (Articles 4 and 5), which changed the number of articles within the Constitution.

Members looked forward to having a clear and easy to navigate finished document.

The recommendations contained within the report were proposed, seconded and **AGREED**.

Recommendations

That the Constitution Committee noted the progress made to date in respect of the comprehensive review of the Council’s Constitution and provided comments on the content of the new Part 1 and Part 2.

- 1. The Constitution Committee agrees that an informal workshop be held for all Members and;**
- 2. Subject to there being no significant comments received as part of the Member workshop, in consultation with the Chairman of the Constitution Committee, that the new Part 1 and Part 2 documents be recommended to Full Council for approval.**

40. Format of Constitution

At the previous meeting of the Committee the format of the final Constitution had been asked to be included on the agenda. It was proposed that the Council moved away from having a hard copy Constitution for each Member. Hard copies would be available in the Members Room together with the Political Group

Leaders room with the most up to date copy being available electronically on the Council's website.

The format of the document was discussed and a loose leaf A4 document that could be easily amended was mentioned. One Member stressed the importance of having a version control on any amended pages so that it was clear which version was the most up to date and also the inclusion of an index for ease of reference.

Reference was made to the inability to search the current Constitution on the website due to how it was uploaded to the system.

Further discussion followed on the number of hard copies that should be available especially as the Council had declared a climate emergency. It was noted that a hard copy would be available to those Members who wished to have a hard copy and a few hard copies would be available at Council meetings for reference and others would be placed within the Members room and Opposition Group Leaders room but Members would be directed to the electronic version of the document.

A comment was made about the IT devices that Members had and it was stated that the device should fit the individual and Members should have a choice of what type of device worked best for them, whether that was a laptop or tablet.

41. Extra Meeting Dates

Members discussed the need to have extra meetings or workshops before the Full Council AGM in May. Some Members felt that any extra meetings or workshops should be held in public. It was proposed, seconded and **AGREED** that extra meetings and/or workshops are held before the May AGM.

DECISION

That extra meetings and/or workshops of the Constitution Committee are arranged before the Full Council AGM in May 2022.

A question was asked about when the scrutiny review findings and any changes to the Constitution following the review would come before the Constitution Committee. The Deputy Chief Executive and Monitoring Officer stated that work was on going. Some changes which weren't constitutional would go straight to Council. However, any constitutional changes would come before the Committee for them to make recommendations to Council.

42. Close of meeting

The meeting closed at 11:48am.

