

Minutes

Constitution Committee
Monday, 16 December 2019



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor David Bellamy
Councillor Mike Exton (Vice-Chairman)
Councillor Anna Kelly

Councillor Mark Whittington
Councillor Linda Wootten (Chairman)
Councillor Ray Wootten

Officers

Head of Governance (Jo Toomey)
Democratic Officer (Lucy Bonshor)

Other Members

Councillor Jacky Smith

13. Membership

The Committee were notified that Councillor Ray Wootten was substituting for Councillor Griffin.

14. Apologies

An apology for absence was received from Councillor Fellows.

15. Disclosure of interests

None disclosed.

16. Minutes of the meeting held on 9th September 2019

The minutes of the meeting held on 9 September 2019 were noted subject to the following amendment:

Page 5, third paragraph to read,

“A question was asked about how a Member not on Company’s Committee could ask a question about a company. It was stated that individual Councillors would not have the right to ask a question of a company’s board directly, however they could approach the relevant Cabinet Member or Strategic Director responsible for that specific company.”

17. Constitution Review Project Plan

Before the report was presented, the Chairman read out the recommendations as written within the report. One Member asked if, as with a previous review, external experts would be used. The approach to the review would be no different to previous reviews, however, there was a lot of expert knowledge inhouse, including the new Scrutiny Officer and access to external legal advice if necessary. For example if a radically different take on anything was proposed, then legal advice would be sought to make sure any proposal was robust.

The Head of Governance briefly outlined the current position. Members had agreed at a previous meeting to have 'chapters' with more structure to help Members navigate through the Constitution during a meeting. It was clear that any new document needed to be easy to use, with no ambiguity. An example was given in relation to the current Constitution and legislative definitions for Non-Key Decisions (NKD). The definition of two or more Wards was clear, however the second definition for significant income/expenditure and what was meant by significant was less clear as it could mean different things to different people.

The Scheme of Delegation was another area which currently contained out of date information following the changes that had taken place in respect of the Council's structure.

The Planning Code of Good Practice was a helpful document for Members but again following the Localism Act this had not been updated and was not currently included within the Constitution.

A question was asked in relation to the inclusion of the Local Plan within the Constitution. That document was a Policy Framework document and did not form part of the Constitution in a similar way to the Gambling Statement of Principles which had recently been before Council.

The content of the 'chapters' and timelines were shown as appendices to the report. It was proposed to establish a working group for the life of the project with regular meetings which would feedback to the formal Committee. The aim was to complete the review in six months with the final document being available in July 2020. Some of the work would be quick wins with other work being done concurrently. The Scheme of Delegation needed to address changes in legislation that had occurred together with more specific delegations to enable timely decisions to be made, such as taking remedial action to preserve heritage assets that had become unsafe.

Members were asked if they supported the proposed timeline and the approach outlined in the report. A question was asked about having a hard copy of the final document and whether the slides could be circulated to Members.

➤ **Action Note**

Slides shown at the Committee to be circulated to Committee Members.

One Member made reference to the Chairman's role at the main Council meeting and how difficult it was, and that the support of Officers for advice was essential. The

Chairman of the Council, who was in attendance, added that she felt certain parts of the Constitution were weak which made it difficult to run a smooth meeting. She felt “what if” scenarios would be helpful so that the Chairman could be better prepared.

One Member was concerned about the proposed timeline but it was noted that delays had been down to changes in the senior management structure. If Members felt that more time was needed the timeline could be flexible.

Further discussion on being the Council Chairman followed together with discussion around the lack of sanctions if Members broke the Code of Conduct. It was noted that work was being carried out nationally in relation to sanctions and the Members Code of Conduct. Any findings could be incorporated into the Constitution.

One Member stated that the Constitution was difficult to understand and perhaps some kind of flow diagrams would be beneficial. Although some training was given at the start of a term of office Members felt that more training would be helpful.

There was further discussion on the following topics:

- The Code of Conduct in relation to the use of social media and clarification as to where the boundaries of a Councillor’s role started and stopped.
- Using a model template for the Constitution
- Looking at other councils’ Constitutions for best practice and structure (audit family, authorities known for best practice, authorities where constitutions had recently been reviewed)
- Interpretation of language – need to be careful and as clear as possible, adding a glossary of terms and ensuring there were no conflicting references or acronyms

Members were happy with the proposed timeline as contained within the report and that a working group meeting would be held after the meeting. Regular updates on progress against the work plan would be submitted to the Constitution Committee.

Decision:

- 1. The Constitution Committee approves the framework for the Constitution Review as set out in the appendices to the report**
- 2. That a Working Group of the Constitution Committee Members, the Monitoring Officer and the Head of Governance is established.**
- 3. That the first meeting of the Working Group is held immediately after this meeting.**
- 4. That regular updates on progress against the work plan are received by the Constitution Committee**

18. Close of Meeting

The meeting closed at 11:24am.