



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Constitution Committee

7 December 2020

Report of: Councillor Linda Wootten

Chairman of the Constitution
Committee

Constitution Review 2020

This report updates Members on the work of the Constitution Review Working Group and asks the Committee to make recommendations to the Council on revisions to:

Article 4: The Council

Report Author

Shahin Ismail, Director of Law and Governance



07880 188498



shahin.ismail@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Administrative	Administrative	All Wards

Reviewed by:	Ken Lyon, Assistant Chief Executive	25 November 2020
Approved by:	Karen Bradford, Chief Executive	30 November 2020
Signed off by:	Councillor Linda Wootten, Chairman of the Constitution Committee	27 November 2020

Recommendation (s) to the decision maker (s)

The Committee:

1. Considers and approves the revised Article 4 as appended to this report.
2. Refers the Article to Cabinet for consultation and comment.

1 The Background to the Report

Constitution Working Group and Project Plan – update on actions and revisions

1.1 On 16 December 2020 the Constitution Committee agreed a project plan for the delivery of a comprehensive review of the Council’s Constitution.

1.2 This report presents one important Article for consideration by the Committee.

Revised Article 4: The Council

1.3 Appendix 1 to this report sets out the proposed revisions of Article 4. The language has also been reviewed to increase clarity and precision and duplications have been deleted.

1.4 Council Procedure Rules will be removed from this article to sit alongside other procedure rules elsewhere in the Constitution. Budget and Policy Framework Procedure Rules will also be separated out from the main Council Article.

1.5 Review Board will be dealt with separately and going forward it will become an Article in its own right.

1.6 Appeal Panel will be removed to sit with the article on the Employment Committee.

2 Consultation and Feedback Received, Including Overview and Scrutiny

2.1 The review of the Constitution does not feed into the remit of any of the established overview and scrutiny committees and the Committee is asked to consult on its proposals with Cabinet.

3 Available Options Considered

3.1 The Council has committed to a Constitution review and to do nothing would not be an option. The Council will receive a series of reports over the coming months to overhaul the Constitution. Members can input to the detail, through the Constitution Committee.

4 Preferred Option

4.1 That the Committee agrees a set of recommendations for consideration by Council in order to progress the review of the Council’s Constitution.

5 Reasons for the Recommendation (s)

5.1 The Council’s Constitution is the focal point for its governance framework. A number of years have passed since a review of the document was last undertaken to ensure it was accurate and up to date.

5.2 It is good practice to review the Constitution to ensure it remains fit for purpose and has been recognised as a key piece of work to ensure strong, robust governance arrangements are in place.

5.3 In reviewing the Constitution, reference is being made to good practice examples of other councils and ensuring it is legally compliant as a framework within which the Council must operate.

6 Next Steps – Communication and Implementation of the Decision

6.1 Should the Committee be supportive of the proposed revised article, it will be referred onwards to the Council for approval.

7 Financial Implications

7.1 There are no financial implications arising as result of this report.

Financial Implications reviewed by: Richard Wyles, Director of Finance

8 Legal and Governance Implications

8.1 Legal and governance implications are captured in the body of this report.

Legal Implications reviewed by: Shahin Ismail, Monitoring Officer

9 Equality and Safeguarding Implications

9.1 There are no equality and safeguarding implications arising as a result of this report. The proposed revisions to the Constitution highlight the need to consider the equality and safeguarding implications of any decisions that are taken and taking action to mitigate against negative impacts where possible.

10 Risk and Mitigation

10.1 Risk has been considered in the preparation of this report. The Constitution is a key part of the Council's governance framework and if the document is not clear and robust it leaves the Council and its decisions open to challenge. The proposed revisions to the Constitution highlight the need to assess the risks of any decisions that are taken, mitigating those risks where possible, and managing them appropriately.

11 Community Safety Implications

11.1 There are no community safety implications arising as a result of this report. The proposed revisions to the Constitution highlight the need to assess the community safety implications of any decisions that are made.

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

12.1 Making copies of the Constitution available electronically as the primary method of publication has a positive carbon impact. The proposed revisions to the Constitution highlight the need to assess the carbon impact of any decisions that are made and identify possible ways to mitigate that impact.

13 Appendices

13.1 Appendix 1: Revised Article 4: The Council

Report Timeline:	Date of Publication on Forward Plan (if required)	Not applicable
	Previously Considered by: Constitution Committee	14 September 2020
	Final Decision date	7 December 2020