

## Constitution Review

### Part 2 – Articles of the Constitution

Following approval to implement a new format for the Council's Constitution, Part 2 of the document is a new Articles of the Constitution section.

This document seeks to map out how areas of the original Constitution have transitioned to the new Articles and of the Constitution section, together with those areas that are recommended for deletion. It should be read in conjunction with the newly proposed Articles of the Constitution section, together with the working copy of the original Constitution which is colour coded as follows:

Green = transferred and embedded into the new Articles of the Constitution section

Red = recommended deletion

The below table sets out those pages of the original Constitution impacted in developing the new Articles of the Constitution section:

Pages	Section(s)	Explanation
8	Political Balance	Deletion of political balance - no requirement to include political balance within the Constitution, not included in the model Constitution and not good practice to do so. This information can be found on the Council's website together with wider Councillor information
9-11	Article 1	Included in new document
10	Article 1 - Changes to the Constitution (Executive arrangements)	Deleted - unnecessary duplication
11-14	Article 2	Included in new document
18-19	Article 3	Included in new document
20-21	Article 4	Included in new document
20	Article 4 – reference to Core Strategy	Deleted following Part 3 Responsibility for Functions review
21	Article 4 – reference to Local Choice Functions	Deleted following Part 3 Responsibility for Functions review
45	Article 5	Included in new document

46	Article 5 – reference to dispute resolution regarding Executive Procedure Rules	Deleted - unnecessary duplication
47, 49 and 51	Article 6	Included in new document
52	Article 6 – reference to role of Chairmanship	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees
53	Article 6 – reference to postponement of meetings	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees
64	Article 7	Included in new document
64	Article 7 – reference to Councillor Calls for Action	Deletion of section – this will be covered under Overview and Scrutiny Procedure Rules (Part 4)
65, 70 and 71	Article 8	Included in new document
65	Article 8 – names of Cabinet Portfolios and individual names of Councillors	Deletion – this will be covered under Executive Procedure Rules (Part 4) (Names of individual Councillors not to be stated)
70	Article 8 – reference to Deputy Leader	Deletion – unnecessary duplication
71	Article 8 – reference to other Cabinet Members	Deletion – unnecessary duplication and factually incorrect
78, 80, 84, 85,	Article 9	Included in new document
79 and 86	Article 9 – reference to postponement of meetings	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees
80 and 87	Article 9 - reference to role of Chairmanship	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees
83 and 89	Article 9 – reference to recorded votes	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees
90	Article 10	Included in new document
90	Article 10 – reference to postponement of meetings	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees

91, 92, 93, 94, 95, 98 and 99	Article 11	Included in new document
91	Article 11 – reference to specifics regarding meetings of the Committee	Deletion – unnecessary inclusions that add no value
91	Article 11 – reference to postponement of meetings	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees
92	Article 11 – reference to role of Chairmanship	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees
95	Article 11 – reference to specific experience and training requirements	Deletion of unnecessary detail relating to skills, experience and details of mandatory training – unnecessary as part of this aspect of the Constitution – reference to ‘mandatory training’ should be sufficient as it is with Licensing and Planning Committee
96	Article 11 – reference to recorded votes	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees
97	Article 12	Included in new document
97	Article 12 – reference to specifics regarding meetings of the Committee	Deletion – unnecessary inclusions that add no value
97	Article 12 – reference to postponement of meetings	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees
98	Article 12 – reference to role of Chairmanship	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees
100, 101 and 102	Article 13	Included in new document
100	Article 13 – reference to specifics regarding meetings of the Committee	Deletion – unnecessary inclusions that add no value
100	Article 13 – reference to postponement of meetings	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees

100	Article 13 – reference to role of Chairmanship	Deletion of section - this will be covered under Council Rules of Procedure (Part 4) which will apply to all Committees
103	Article 14 – Area Based Consultation Mechanisms	Deletion of Article – unnecessary process
104-105	Article 15	Included in new document
104	Article 15 – reference to joint arrangement delegations	Deletion of reference – unnecessary signposting
106-136	Article 16	Included in new document where appropriate and not already reflected in the new Part 3 Responsibility for Functions document
115, 116, 117, 118, 122, 124, 125, 130, 132 and 133	Article 16 - Officers	Deleted following Part 3 Responsibility for Functions review
151-152	Article 17	Included in new document
151	Article 17 – reference to Cabinet	Deletion of section – unnecessary duplication – will be included as part of Executive Procedure Rules (Part 4)
161	Finance and Contracts	Included in new document

The below table sets out recommended additions not included in the current Constitution, or recommended amendments to sections set out in the current Constitution for inclusion in the new document. These are highlighted in yellow on the new Part 2 – Articles of the Constitution document:

**Recommended Additions:**

Relevant section	Addition	Reason
<b>ARTICLE 1</b>		
Paragraph 1.3 i)	Inclusion of the words 'businesses and stakeholders'	The addition makes the paragraph more inclusive and comprehensive
Paragraph 1.3 ii)	Inclusion of the words 'That the Council supports and promotes the active involvement of residents in the process of its decision-making'	Included within the model Constitution and reflects good practice
Paragraph 1.3 v)	Inclusion of the words 'That those responsible for making decisions are clearly identifiable and accountable to residents and that they explain the reasons for their decisions'	Included within the model Constitution and reflects good practice
Paragraph 1.3 vii)	Inclusion of the words 'That no Councillor is able to scrutinise a decision in which they are directly involved'	Included within the model Constitution and reflects good practice
<b>ARTICLE 2</b>		
Paragraph 2.3	Inclusion of the words 'by-elections may be held within the regular four-year term if necessary, should any vacancies arise. The term of office for a Councillor elected at a by-election will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election'	Reference to by-elections which may occur within the four-year term of office for scheduled elections makes this aspect clearer
Paragraph 2.7	Inclusion of a specific 'training' heading	Makes reference to training within the article clearer

<b>ARTICLE 3</b>		
Paragraph 3.2	Inclusion of the words 'all members of the public, and other stakeholders, can present petitions to the Council which are relevant to any matter of which it has powers and duties affecting the area of South Kesteven'	Reference to the ability to submit petitions is good practice
Paragraph 3.3	Inclusion of reference to Regulatory Committees	The addition makes the paragraph more comprehensive
Paragraph 3.5 iii) to vi)	Inclusion of more clarity in respect of rights of members of the public regarding complaints in respect of Councillor conduct, legality of the Council's finances, data breaches and corruption	These additions make the paragraph more comprehensive
<b>ARTICLE 4</b>		
Paragraph 4.2	Inclusion of a 'Financial Framework' heading, reference to the treasury management strategy and an explanation as to which elements make up the budget setting process	Included within the model Constitution and reflects good practice
<b>ARTICLE 6</b>		
Paragraph 6.1	Inclusion of 'Appointment and Remit' heading and supporting paragraph setting out basic role of Overview and Scrutiny Committees	The addition provides a useful introduction to the article
Paragraph 6.3	Inclusion of reference to Overview and Scrutiny Procedure Rules	Relevant signposting to Overview and Scrutiny Procedure Rules
Paragraph 6.4	Inclusion of 'Annual Report' heading and section	Relevant reference to the production of an annual report

<b>ARTICLE 7</b>		
Paragraph 7.6	Inclusion of Cabinet Portfolios heading and supporting paragraphs outlining Cabinet Member role	Relevant reference and explanation of Cabinet Member role
Paragraph 7.7	Inclusion of reference to Executive Procedure Rules	Relevant signposting to Executive Procedure Rules
<b>ARTICLE 8</b>		
Paragraph 8.4	Inclusion of reference to relevant Procedure Rules	Relevant signposting to Procedure Rules
Paragraph 8.5	Inclusion of title and supporting paragraph outlining role of Review Boards and Appeal Panels	Relevant inclusion as the Boards/Panels are part of the Council's regulatory committee framework
<b>ARTICLE 12</b>		
Paragraph 12.1 v)	Inclusion of reference to 'or any such equivalent posts'	Necessary addition for clarity
<b>ARTICLE 15</b>		
Paragraphs 15.2 i), ii), iv), v), vi), xiii)	Inclusion of additional principles of decision-making	Included within the model Constitution
Paragraphs 15.3	Inclusion of 'decisions by officers' heading and section	Included within the model Constitution
Paragraphs 15.4	Inclusion of 'decision-making affecting civil rights and organisations'	Included within the model Constitution
<b>ARTICLE 17 – introduction of new Article</b>		
Paragraph 17.2	Inclusion of new heading and supporting paragraph to outline the protocol for monitoring and review of Constitution by the Monitoring Officer	Necessary addition for clarity

Paragraph 17.2 v)	Inclusion of reference to liaison with the Constitution Committee	Reflects current practice
Paragraph 17.3	Legislative reference regarding any proposal to change the Council's governance and decision-making structure	Included within the model Constitution



The below table sets out proposed amendments to the existing Constitution which are set out in the new Part 2 – Articles of the Constitution. These are highlighted in blue within the new Part 2 document:

**Recommended Amendments:**

Relevant section	Amendment	Reason
<b>ARTICLE 1</b>		
Paragraph 1.3 iii)	Inclusion of term 'community leader'	Necessary addition for clarity
Paragraph 1.3 vi)	Rewording of sentence	Removing unnecessary wording which will be covered in Overview and Scrutiny and Executive Procedure Rules
Paragraph 1.4	Rewording of paragraphs regarding provision and publication of Constitution	Rather than committing to provide a hard copy to all Members of the Council, this revised wording provides some flexibility as to alternative formats
<b>ARTICLE 2</b>		
Paragraph 2.7	Rewording of reference to training	Revised wording makes necessary reference to the Member Development Programme and mandatory training required before acting on certain Committees
<b>ARTICLE 3</b>		
Paragraph 3.2	Rewording of section relating to right to vote and request a referendum regarding Elected Mayor	Reworded for clarity
<b>ARTICLE 4</b>		
Paragraph 4.3	Reworded to signpost to the Scheme of Delegation at Part 3 of the new Constitution	Necessary signposting to relevant area of the Constitution
Paragraph 4.4	Reworded to signpost to the relevant Procedure Rules	Necessary signposting to relevant Procedure Rules

<b>ARTICLE 5</b>		
Paragraph 5(b) iii)	Reworded to signpost to the relevant Procedure Rules	Necessary signposting to relevant Procedure Rules
<b>ARTICLE 6</b>		
Paragraph 6.1	Listing names of Overview and Scrutiny Committees	Provides more clarity
Paragraph 6.3	Reworded to signpost to the relevant Procedure Rules	Necessary signposting to relevant Procedure Rules
Paragraph 6.5	Inclusion of the Chairman and Vice-Chairman of the Finance, Economic Development and Corporate Services Overview and Scrutiny Chairman to fulfil these roles	Reflects historic practice
Paragraph 6.5 ii)	Rewording so that a Joint Meeting is held 'when necessary' as opposed to stipulating the body must meet at least once a year	Provides greater flexibility in terms of only having to meet when necessary rather than being obliged to meet even if there is no business
<b>ARTICLE 7</b>		
Paragraph 7.5	Amendment to reflect removal of Cabinet Member by the Leader rather than Full Council	Reflects legislation regarding ability of Leader to make appointments to and remove Members from Cabinet
Paragraph 7.7	Reworded to signpost to the relevant Procedure Rules	Necessary signposting to relevant Procedure Rules
<b>ARTICLE 8</b>		
Paragraph 8.4	Reworded to signpost to the relevant Procedure Rules	Necessary signposting to relevant Procedure Rules
<b>ARTICLE 9</b>		
Paragraph 9.3	Reworded to signpost to the relevant Procedure Rules	Necessary signposting to relevant Procedure Rules

<b>ARTICLE 10</b>		
Paragraph 10.3	Reworded to reflect requirement to attend mandatory training	Reflects requirement to attend mandatory training, as well as refresher training
Paragraph 10.4	Reworded to signpost to the relevant Procedure Rules	Necessary signposting to relevant Procedure Rules
<b>ARTICLE 11</b>		
Paragraph 11.3	Reworded to signpost to the relevant Procedure Rules	Necessary signposting to relevant Procedure Rules
<b>ARTICLE 12</b>		
Paragraph 12.2 ii)	Amendment to reflect that the political balance rules apply to this Committee	Removes contradiction and confirms that this Committee does comply with the political balance rules
Paragraph 12.3	Reworded to signpost to the relevant Procedure Rules	Necessary signposting to relevant Procedure Rules
<b>ARTICLE 13</b>		
Paragraph 13.4	Reworded to signpost to the relevant Procedure Rules	Necessary signposting to relevant Procedure Rules
<b>ARTICLE 17</b>		
Paragraph 17.3 ii)	Amended wording to include reference to legislation changes	Necessary to ensure the changes in legislation can be reflected immediately which the Council has no choice but to implement