



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Constitution Committee

7 March 2022

Report by Councillor Linda Wootten, Cabinet Member for Corporate Governance and Licensing



Review of the Council's Constitution

This report provides the Constitution Committee with an update on the review of the Council's Constitution and an opportunity to review new Parts of the document entitled 'Part 1 – Summary and Explanation' and 'Part 2 – Articles of the Constitution'.

Report Author

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

Reviewed by:	Lucy Bonshor (Democratic Services Officer)	24 February 2022
Approved by:	Karen Bradford (Chief Executive)	25 February 2022
Signed off by:	Councillor Linda Wootten (Cabinet Member for Corporate Governance and Licensing)	25 February 2022

Recommendation (s) to the decision maker (s)

That Constitution Committee:

- 1. Notes progress to date in respect of the comprehensive review of the Council's Constitution.**
- 2. Provides comments on the content of the new Part 1 and Part 2 documents.**
- 3. Agrees that an informal workshop be held for all Members.**

- 4. 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.**

1 The Background to the Report

- 1.1 At its meeting on 30 September 2021, Full Council agreed to undertake a review of the Constitution, based upon a new format consisting of the following parts:
- 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
- 1.2 The Council agreed that the Constitution would be reviewed in sections, commencing with Part 3 – Responsibility for Functions, which sets out the Council's scheme of delegation.
- 1.3 At its meeting on 27 January 2022, Full Council approved the new Part 3 – Responsibility Functions section of the Constitution and agreed that the following sections should be reviewed next:
- Part 1 – Summary and Explanation
 - Part 2 – Articles of the Constitution

2 Part 1 (Summary and Explanation) and Part 2 (Articles of the Constitution)

- 2.1 In keeping with the review of the Part 3 – Responsibility for Functions section of the Constitution, the first aspect of developing the new Part 1 and 2 documents has been the physical transfer of relevant information from various points in the current Constitution document.
- 2.2 The same mapping process used for the development of the Part 3 document has been used in producing these new Parts of the Constitution. This enables Members to clearly identify those parts of the existing Constitution that have been retained, those aspects recommended for removal and any recommended additions or amendments, as well as the reasons for any changes.
- 2.3 These documents are appended to the report, as follows:
- Part 1 (Summary and Explanation)
 - Part 1 (Summary and Explanation) Mapping Document
 - Part 2 (Articles of the Constitution)
 - Part 2 (Articles of the Constitution) Mapping Document
- 2.4 A 'working version' of the Constitution is also available for review. Due to its size this has not been included in the agenda pack, but can be viewed online via the following link:
- <http://moderngov.southkesteven.gov.uk/documents/b8181/Constitution%20Review%20-%20background%20paper%2007th-Mar-2022%2010.30%20Constitution%20Committee.pdf?T=9>

- 2.5 The documents are colour coded, with green signifying those elements of the existing Constitution that have been retained, red signifying those elements recommended for deletion, yellow signifying recommended additions and blue signifying recommended amendments.
- 2.6 In developing the revised Part 1 and Part 2 documents, the Council's Corporate Management Team and Senior Management Team have been consulted. A separate meeting with the Leader of the Council has also been held and meetings with other political group leaders are scheduled to be held prior to the date of the meeting of the Constitution Committee.
- 2.7 Subject to consideration of the documents by the Constitution Committee, it is recommended that informal workshop(s) are held for all Members of the Council. Given the administrative nature of the review in relation to these parts of the Constitution it is recommended that, should no significant comments be received, the documents be forwarded onto Full Council for approval.
- 2.8 In accordance with the timetable set out at the last meeting of Full Council on 27 January 2022, it was originally proposed that Parts 1 and 2 would be presented to the meeting of Council scheduled to be held on 3 March 2022. However, given the relatively short time period between the two meetings, the time taken to produce the new documents and associated mapping processes, the Vice-Chairman of the Constitution Committee, in the absence of a Chairman, agreed that it would be more suitable to refer these elements to the Council's Annual General Meeting on 26 May 2022. This would ensure that consultation could be properly undertaken, including sufficient consideration by the Constitution Committee, as opposed to these elements of the review being perceived as having been rushed through.

3 Financial Implications

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

Financial Implications reviewed by: Richard Wyles, Section 151 Officer

4 Legal and Governance Implications

- 4.1 There are no legal and governance implications arising from this report.

Legal Implications reviewed by: Graham Watts, Deputy Monitoring Officer

5 Equality and Safeguarding Implications

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

6 Risk and Mitigation

- 6.1 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.

7 Appendices

- 7.1 Appendix A – Part 1 (Summary and Explanation)
- 7.2 Appendix B – Part 1 (Summary and Explanation) Mapping Document
- 7.3 Appendix C – Part 2 (Articles of the Constitution)

7.4 Appendix D – Part 2 (Articles of the Constitution) Mapping Document