



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Council

26 May 2022

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



Review of the Council's Constitution

This report provides Full Council with an opportunity to formally approve new Parts of the Constitution following a comprehensive review of the document.

Report Author

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

Reviewed by:	Graham Watts (Assistant Director of Governance and Deputy Monitoring Officer)	17 May 2022
Approved by:	Alan Robinson (Deputy Chief Executive and Monitoring Officer)	17 May 2022
Signed off by:	Councillor Linda Wootten (Cabinet Member for Corporate Governance and Licensing)	18 May 2022

Recommendation (s) to the decision maker (s)

1. That Full Council formally approves the following new Parts of the Constitution, as appended to the report:
 - Part 1 (Summary and Explanation), as set out in Appendix A
 - Part 2 (Articles of the Constitution), as set out in Appendix B
 - Part 4 (Rules of Procedure), as set out in Appendices C to K
 - Financial Regulations, as set out in Appendix L
 - Contract Procedure Rules, as set out in Appendix M

- 2. That Full Council approves the proposed changes to delegated authority in respect of planning matters, as set out in Appendix N and that these be reflected in Part 3 (Responsibility for Functions) of the Constitution.**
- 3. That Full Council approves the Local Code of Good Practice, as set out in Appendix O as part of the Planning Procedure Rules for inclusion at Part 4 of the Constitution.**
- 4. That Full Council approves that the Councillor Code of Conduct, Protocol for Relationships between Members and Officers and the Code of Conduct for Council Staff form the new Part 5 (Codes and Protocols) section of the Constitution.**
- 5. That Full Council approves that the Members' Allowances Scheme forms the new Part 6 (Members' Allowances Scheme) section of the Constitution.**
- 6. That Full Council approves that the Council's management structure, following the Chief Executive's review of her Corporate Management Team and Senior Leadership Team, forms the new Part 7 (Management Structure) section of the Constitution.**
- 7. That the Assistant Director of Governance be authorised to produce appropriate indexing, page numbering and formatting prior to publication of the new Constitution, in consultation with the Cabinet Member for Corporate Governance and Licensing.**

1 The Background to the Report

- 1.1 At its meeting on 30 September 2021, Full Council agreed to undertake a comprehensive 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 A fundamental principle of the review has been openness, transparency and engagement with Members in respect of any proposed additions, deletions or amendments to the current Constitution. A document mapping process has therefore been used throughout in order to demonstrate where changes have been made and the reason for the changes, which can be cross-referenced with the existing Constitution.
- 1.3 Each document under review, and their respective mapping and working documents, was shared with all Members of the Council as part of an invitation to attend workshops where any proposed changes could be discussed prior to submission to the Constitution Committee.
- 1.4 The Constitution Committee, having considered all documents associated with the Constitution review, has now formally recommended that they be approved by Full Council.

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

- 2.1 At the meeting of the Constitution Committee held on 7 March 2022, the mapping and working documents associated with the review of Parts 1 and 2 of the Constitution were presented for consideration, where a number of amendments or changes were suggested.
- 2.2 Three workshops were held on 23 March 2022 at 10am, 2pm and 6pm with 16 Members attending in total. Some further amendments and changes were proposed at the workshop sessions which have also been reflected in the latest version of the two documents. These were typographical, grammatical or formatting amendments which did not substantially change the content of the respective Parts.
- 2.3 At the meeting of the Constitution Committee held on 25 April 2022 it was agreed to defer consideration of these parts of the Constitution in order that they could be considered alongside Part 4 (Rules of Procedure).
- 2.4 A subsequent addition to the Part 2 (Articles of the Constitution) document was greater clarity regarding the roles and responsibilities of the Council's Overview and Scrutiny Committees. These have been listed under Article 6 (Overview and Scrutiny Committees).
- 2.5 Final versions of Part 1 (Summary and Explanation) and Part 2 (Articles of the Constitution), attached at **Appendices A and B**, respectively, were recommended for approval at the meeting of the Constitution Committee held on 16 May 2022.

2.6 The mapping and working documents associated with Parts 1 and 2 can be viewed via the following link:

2.7 <http://moderngov.southkesteven.gov.uk/documents/g4285/Public%20reports%20pack%2025th-Apr-2022%2010.30%20Constitution%20Committee.pdf?T=10>

3 Part 3 (Responsibility for Functions)

3.1 Full Council approved the new Part 3 (Responsibility for Functions) section of the Constitution at its meeting on 27 January 2022.

4 Part 4 (Rules of Procedure)

4.1 All Members of the Council were invited to attend three workshops held on 4 May 2022 at 10am, 2pm and 6pm, to consider the first suite of documents associated with the new Part 4 (Rules of Procedure) section of the Constitution. 18 Members attended these workshops which covered the following documents:

- Council Procedure Rules
- Access to Information Procedure Rules
- Budget and Policy Framework Procedure Rules

4.2 The sessions generated good discussion and challenge regarding the content of the three documents, with a number of suggested changes having been taken into account to provide greater clarity around the respective procedure rules as reflected in the appendices to this report.

4.3 Further workshops were held on 10 May 2022 at 10am, 2pm and 6pm for Members to consider the following remaining documents associated with the new Part 4 (Rules of Procedure) section of the Constitution:

- Cabinet Procedure Rules
- Overview and Scrutiny Procedure Rules
- Licensing Procedure Rules
- Officer Employment, Disciplinary and Dismissal Procedure Rules
- Temporary Appointments to Town or Parish Councils Procedure Rules

4.4 The Constitution Committee considered final versions of the above Procedure Rules, together with a Planning Procedure Rule document which complimented the outcome of the Planning Review, at its meeting on 16 May 2022. The Committee recommended the documents for approval, subject to an amendment to the Overview and Scrutiny Procedure Rules regarding the requirement for members of the public to register to speak one day prior to the date of the meeting, as opposed to three days as had originally been proposed. This amendment has been reflected in the relevant appendix, with final versions of these documents attached to the report at **Appendices C to K**.

4.5 The mapping and working documents associated with Part 4 can be viewed via the following link:

<http://moderngov.southkesteven.gov.uk/documents/b8244/Constitution%20Review%20Documents%2016th-May-2022%2014.00%20Constitution%20Committee.pdf?T=9>

- 4.6 The Officer Employment, Disciplinary and Dismissal Procedure Rules and Temporary Appointments to Town or Parish Councils Procedure Rules do not have any mapping documents associated with them as there are no significant changes to them proposed as part of the review.

5 Financial Regulations and Contract Procedure Rules

- 5.1 The Financial Regulations and Contract Procedure Rules were considered by the Governance and Audit Committee on 20 April 2022 as required by the Committee's terms of reference, prior to consideration by the Constitution Committee on 16 May 2022.
- 5.2 Both the Governance and Audit Committee and Constitution Committee recommended the Financial Regulations and Contract Procedure Rules for approval.
- 5.3 Final versions of these documents are attached to the report at **Appendices L and M**.
- 5.4 The mapping and working documents associated with the Financial Regulations and Contract Procedure Rules were slightly amended following the meeting of the Constitution Committee on 16 May 2022. These can be viewed via the following links:

[Financial Regulations Mapping Document.pdf \(southkesteven.gov.uk\)](https://www.southkesteven.gov.uk/documents/g4285/Financial%20Regulations%20Mapping%20Document.pdf)

[Contract Procedure Rules Mapping Document.pdf \(southkesteven.gov.uk\)](https://www.southkesteven.gov.uk/documents/g4285/Contract%20Procedure%20Rules%20Mapping%20Document.pdf)

6 Planning Scheme of Delegation and Local Code of Good Practice

- 6.1 Proposed amendments to the scheme of delegation relating to the Council's planning function and the introduction of a Local Code of Good Practice, setting out the practices and procedures that Members and Officers should follow when determining planning applications, has been developed in response to the outcomes of the Planning Review undertaken in 2020.
- 6.2 Consideration of the Planning Review, and any constitutional amendments arising from it, was dealt with separately from the comprehensive review of the Constitution as a significant amount of work had already done in respect of the Planning Review prior to the commencement of the Constitution review.
- 6.3 However, the timeline associated with both reviews has meant that approval is sought from the same meeting of Full Council. It therefore seemed appropriate that the constitutional amendments proposed further to the Planning Review form part of this report.
- 6.4 A report setting out proposed changes to the Council's Constitution to clarify and streamline the planning process was considered at the meeting of the Constitution Committee held on 25 April 2022. A copy of the report, which sets out further details in respect of the background associated with the Planning Review, can be viewed via the following link:
- <http://moderngov.southkesteven.gov.uk/documents/g4285/Public%20reports%20pack%2025th-Apr-2022%2010.30%20Constitution%20Committee.pdf?T=10>
- 6.5 The Constitution Committee recommended the proposed changes to delegated authority in respect of planning matters, as set out in **Appendix N** to the report, for approval. The Committee also recommended the Local Code of Good Practice for approval, to form part of the Planning Procedure Rules in Part 4 of the Constitution, attached to this report at **Appendix O**.

7 Part 5 (Codes and Protocols)

7.1 It is recommended that the following documents form Part 5 (Codes and Protocols) of the new Constitution:

- Councillor Code of Conduct
- Protocol for Relationships Between Councillors and Officers
- Code of Conduct for Council Staff

7.2 The Councillor Code of Conduct, mirroring the Local Government Association model Councillor Code of Conduct, has recently been adopted by the Council.

7.3 The Protocol for Relationships Between Councillors and Officers is scheduled for the subject of a separate review later this year.

7.4 The Code of Conduct for Council Staff is already under regular review.

8 Part 6 (Members' Allowances Scheme)

8.1 The Council's Independent Remuneration Panel has recently concluded a review of the Members' Allowances Scheme, the findings of which will be reported to Full Council on 26 May 2022. It is recommended that the Members' Allowances Scheme as approved by Full Council on 26 May 2022 forms Part 6 of the new Constitution.

9 Part 7 (Management Structure)

9.1 The Chief Executive has recently concluded a corporate restructure of the Council's Corporate Management Team and Senior Leadership Team. It is recommended that the final management structure forms Part 7 of the new Constitution.

10 Financial Implications

10.1 There are no financial implications arising from this report which are not included in the body of the report or associated appendices.

Financial Implications reviewed by: Richard Wyles, Chief Finance Officer

11 Legal and Governance Implications

11.1 There are no legal or governance implications arising from this report which are not included in the body of the report or associated appendices.

Legal Implications reviewed by: Graham Watts, Assistant Director of Governance and Deputy Monitoring Officer

12 Equality and Safeguarding Implications

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

13 Risk and Mitigation

13.1 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.

14 Appendices

- 14.1 Appendix A – Part 1 (Summary and Explanation)
- 14.2 Appendix B – Part 2 (Articles of the Constitution)
- 14.3 Appendix C – Part 4 (Council Procedure Rules)
- 14.4 Appendix D – Part 4 (Access to Information Procedure Rules)
- 14.5 Appendix E – Part 4 (Budget and Policy Framework)
- 14.6 Appendix F – Part 4 (Cabinet Procedure Rules)
- 14.7 Appendix G – Part 4 (Overview and Scrutiny Procedure Rules)
- 14.8 Appendix H – Part 4 (Licensing Procedure Rules)
- 14.9 Appendix I – Part 4 (Planning Procedure Rules)
- 14.10 Appendix J – Part 4 (Officer Employment, Disciplinary and Dismissal Procedure Rules)
- 14.11 Appendix K – Part 4 Parish and Town Council Procedure Rules
- 14.12 Appendix L – Part 4 (Financial Regulations)
- 14.13 Appendix M – Part 4 (Contract Procedure Rules)
- 14.14 Appendix N – Planning Delegated Powers
- 14.15 Appendix O – Planning Local Code of Good Practice

15 Background Papers

- 15.1 Links to the majority of background papers associated with this report are contained within the body of the report.
- 15.2 Mapping and working documents referred to in the report should be read alongside the working version of the existing Constitution, which can be viewed via the following link:

<http://moderngov.southkesteven.gov.uk/documents/s34206/Constitutionhighlightedworkingcopy.pdf>