



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

# Council

25 July 2022

Report by Councillor Mark Whittington,  
Chairman of the Constitution Committee



## Amendments to the Council's Constitution

This report provides Full Council with an opportunity to consider recommended revisions to the Council's Constitution since the adoption of a new format and respective parts of the document at the Annual Meeting of Council held on 26 May 2022.

### Report Author

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

Approved by:	Karen Bradford (Chief Executive)	19 July 2022
Signed off by:	Councillor Mark Whittington (Chairman of the Constitution Committee)	20 July 2022

### Recommendation (s) to the decision maker (s)

That Full Council approves the following amendments to the Constitution:

1. The term 'Chairman' be amended to 'Person Presiding' in respect of the Council's Committees throughout the Constitution.
2. Paragraph 7 of the Council Procedure Rules be renamed 'Notice and Summons to Meetings and Cancellation, Postponement or Rescheduling of Meetings.'
3. Paragraph 7.4 and 7.5 of the Council Procedure Rules be amended to include the words 'cancel or reschedule' along with the existing word 'postpone'.
4. A new paragraph be added under section 6 of the Planning Procedure Rules as follows:

*"The relevant ward Councillor is defined as a Councillor representing those wards which fall inside or adjacent to the planning application".*

5. A new paragraph be added under Council Procedure Rules and Overview and Scrutiny Committee Procedure Rules relating to public speaking, as follows:

*“A public speaker who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to their original question. A supplementary question must arise directly out of the original question or the reply.”*

6. The addition of the words ‘Between meetings, changes to ...’ at the beginning of paragraph 4.5 of the Overview and Scrutiny Procedure Rules.

# 1 The Background to the Report

- 1.1 At its Annual Meeting on 26 May 2022, Full Council adopted the new Constitution following a comprehensive review.
- 1.2 During debate at the meeting on 26 May 2022, Councillors Richard Cleaver and Ashley Baxter circulated and proposed a number of amendments to the following Procedure Rules as set out in Part 4 of the new document:
  - Council Procedure Rules
  - Overview and Scrutiny Procedure Rules
  - Cabinet Procedure Rules
  - Planning Procedure Rules
  - Planning Scheme of Delegation
- 1.3 As part of the debate the Chairman of the Constitution Committee offered to give due consideration to these amendments at the next meeting of the Constitution Committee. Further to this, Councillors Cleaver and Baxter withdrew their respective amendments at the meeting of Full Council.
- 1.4 The amendments proposed, together with the approved versions of the Procedure Rules to which they relate, are appended to the report.
- 1.5 During a development session for Chairmen and Vice-Chairmen of Committees held on 9 June 2022, the terminology associated with the person presiding the meeting was highlighted in terms of how this was currently reflected in the Constitution and on agendas and minutes of meetings, and whether this was appropriate from a gender-neutral perspective. It was agreed that this issue would be referred to the Constitution Committee for consideration.
- 1.6 A recent variation of the date of an Overview and Scrutiny Committee highlighted that further clarity may be required regarding the wording associated with the Chairman's powers in relation to the rescheduling of a meeting. Suggested amendments to Paragraph 7 of the Council Procedure Rules are therefore set out below:
  - The title of paragraph 7 be renamed 'Notice and Summons to Meetings and Cancellation, Postponement or Rescheduling of Meetings'
  - The inclusion of the words 'cancel or reschedule' with the word 'postpone' in paragraph 7.4 of the Council Procedure Rules
  - The inclusion of the words 'cancelled or rescheduled' with the word 'postponed' in paragraph 7.5 of the Council Procedure Rules
- 1.7 The Constitution Committee at its meeting on 18 July 2022 considered any potential amendments to the Constitution arising from the matters contained within paragraphs 1.2 to 1.6 of this report. The recommendations contained within this report are those which the Committee agreed to formally submit to Full Council for adoption. The Committee agreed that the Constitution should remain in its current form in respect of the other amendments proposed, as set out in the appendices.
- 1.8 Whilst the Committee did not support all of the amendments submitted, it was acknowledged that some aspects of the newly adopted Constitution should be given time to be put into practice and subsequently reviewed. Chairmen and Vice-Chairmen of Committees met regularly on an informal basis to share good practice and help develop

consistency in respect of implementation of Rules of Procedure. It was suggested that some of the proposed amendments not recommended for adoption by the Constitution Committee should be referred to this group for further consideration, particularly those elements of the new Procedure Rules whereby the Leader or Chairmen of Committees now have the ability to use their discretion to allow non-Committee or non-Cabinet Members to speak, for example.

## **2 Available Options Considered**

- 2.1 To approve all of the recommended amendments to the Council's Constitution.
- 2.2 To approve some of the recommended amendments to the Council's Constitution.
- 2.3 To approve other amendments to the Council's Constitution.
- 2.4 To retain the Constitution in its existing format.

## **3 Financial Implications**

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

**Financial Implications reviewed by: Richard Wyles, Chief Finance Officer**

## **4 Legal and Governance Implications**

- 4.1 There are no detrimental legal or governance implications arising from the recommendations contained within this report.

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

## **5 Risk and Mitigation**

- 5.1 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.

## **6 Appendices**

- 6.1 Appendix A – Amendments proposed by Councillor Richard Cleaver
- 6.2 Appendix B – Amendments proposed by Councillor Ashley Baxter
- 6.3 Appendix C – Council Procedure Rules
- 6.4 Appendix D – Cabinet Procedure Rules
- 6.5 Appendix E – Overview and Scrutiny Committee Procedure Rules
- 6.6 Appendix F – Planning Procedure Rules
- 6.7 Appendix G – Planning Scheme of Delegation