



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



## Council


26 January 2023

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

# Proposed amendments to the Constitution

## Report Author

James Welbourn (Democratic Services Manager)

 james.welbourn@southkesteven.gov.uk

## Purpose of Report

This report provides Full Council with an opportunity to consider recommendations from the Constitution Committee from their meetings held on 17 October and 5 December 2022.

## Recommendations

### That Full Council:

1. Approves the inclusion of the following wording as part of Paragraph 5 (Public Speaking) of the Planning Procedure Rules as set out in Part 4 (Rules of Procedure) of the Constitution:

*“The relevant Ward Councillor is defined as Councillors representing those wards in which a planning application falls or adjacent wards”*

2. Approves the inclusion of the following paragraph in the Planning Scheme of Delegation set out in Part 3 (Responsibility for Functions) of the Constitution:

**“(2) Any application at the discretion of the Chairman and Vice-Chairman of the Planning Committee in accordance with the Local Code of Good Practice.”**

- 3. Approves the inclusion of the Chairman and Vice-Chairman of the Companies Committee at paragraph 12.2 of the Council Procedure Rules at Part 4 of the Constitution to enable them to answer questions from Members at Full Council.**
- 4. Approves a provision for public speaking at Companies Committee and the necessary amendments to the Constitution at Part 2 (Articles 3 and 11).**

<b>Decision Information</b>	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	High performing Council
Which wards are impacted?	All or insert specific ward(s)

## **1. Implications**

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

1.1 There are no financial implications arising from this report.

Completed by: Alison Hall-Wright, Assistant Director of Finance

### ***Legal and Governance***

1.2 There are no specific legal and governance implications that have not already been referred to in the body of the report.

Completed by: Graham Watts, Assistant Director of Governance and Deputy Monitoring Officer

## 2. Background to the Report

- 2.1 At the Council's Annual Meeting on 26 May 2022, the Council adopted a new version of the Authority's Constitution following a comprehensive review of the document.
- 2.2 During debate on the new Constitution an amendment to the Planning Procedure Rules under Part 4 (Rules of Procedure) was proposed, as follows:

*Insert a new paragraph to define the relevant ward Councillor as 'those wards which fall inside or adjacent to the boundary of the planning application in question'*

- 2.3 This amendment was deferred for consideration at the next scheduled meeting of the Constitution Committee, which took place on 18 July 2022. A recommendation was submitted to Full Council to adopt the suggested amendment to the Planning Procedure Rules.
- 2.4 Full Council at its meeting on 25 July 2022 considered the recommendation of the Constitution Committee and requested that the Committee gave further consideration to the proposed wording in the context of the content of the Local Code of Practice for the Planning Committee, which had also been adopted as part of the new Constitution.
- 2.5 The Constitution Committee met on 17 October 2022 and re-considered the proposed amendment as requested. It was recommended to Full Council that the following wording be added as part of Paragraph 5 (Public Speaking) of the Planning Procedure Rules:

*"The relevant Ward Councillor is defined as Councillors representing those wards in which a planning application falls or adjacent wards".*

- 2.6 A further amendment to the Constitution was proposed at the meeting of the Constitution Committee in respect of the Scheme of Delegation, as set out in Part 3 (Responsibility for Functions) of the document. The Committee agreed that the following new paragraph be inserted in the Planning Scheme of Delegation at 1(a):

*"Any application at the discretion of the Chairman and Vice-Chairman of the Planning Committee in accordance with the Local Code of Good Practice."*

- 2.7 Taking this recommendation in the context of the whole Scheme of Delegation document, it is suggested that the additional paragraph be added as a new paragraph 2 as opposed to the recommended paragraph 1(a).
- 2.8 The above amendments were not considered at Full Council at its meeting on 24 November 2022 due to time constraints. There was a further meeting of Constitution Committee on 5 December 2022 where changes to the speaking rules at Companies Committee were proposed.

- 2.9 It was recommended to Full Council that the Chairman and Vice-Chairman of Companies Committee be added to the list of members contained in paragraph 12.2 of the Council Procedure Rules that can be questioned during Council Open Questions.
- 2.10 It was further recommended to Full Council that public speaking was allowed at Companies Committee in the same way that it is permitted at Overview and Scrutiny Committees. This would require an addition to Articles 3 and 11 of Part 2 of the Constitution.

### **3. Key Considerations**

- 3.1 Full Council is invited to consider the recommendations of the Constitution Committee.
- 3.2 An extract from the draft minutes of the meeting of the Constitution Committee held on 17 October 2022 is attached to this report at Appendix A.
- 3.3 The Local Code of Good Practice document is attached to the report at Appendix B, for information.
- 3.4 Appendix C sets out the Planning Scheme of Delegation, taking into account the recommended amendment and suggested alternation to paragraph numbering.

### **4 Other Options Considered**

- 4.1 Not to make any amendments to the Planning Procedure Rules, Public Speaking Rules, Open Questions from Councillors or the Planning Scheme of Delegation in the Council's Constitution.
- 4.2. To make other amendments to the Council's Constitution. It is usual practice for the Constitution Committee to consider amendments to the Council's Constitution prior to their debate at Full Council.

### **5 Appendices**

- 5.1 Appendix A – Draft minutes of the meeting of the Constitution Committee held on 17 October 2022.
- 5.2 Appendix B – Local Code of Good Practice.
- 5.3 Appendix C – Planning Scheme of Delegation.