



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Governance and Audit Committee

14 June 2023

Report by Councillor Philip Knowles,
Cabinet Member for Corporate
Governance and Licensing

Proposed amendments to the Council's Constitution

Report Author

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Purpose of Report

This report provides the Governance and Audit Committee with an opportunity to consider proposed amendments to the Council's Constitution and make any recommendations to Full Council for approval.

Recommendations

That the Governance and Audit Committee recommends the following Constitutional amendments to Full Council:

- 1. The inclusion of an additional paragraph to the Officer Scheme of Delegation under Paragraph 26(f) of Part 3(c) (Responsibility for Functions) in respect of lettings of land and property to read:**

“To arrange lettings (in excess of seven years) of land and property not immediately required for other purposes at rent/license fees fixed by the Section 151 Officer, providing that the total cost of the lease in its entirety does not exceed £100,000.”

2. The amendment of paragraph 14.14 of Contract Procedure Rules under Part 4 (Rules of Procedure) in respect of the common seal of the Council to reflect that this should only be used for those contracts where the total cost exceeds a value of £500,000.
3. The amendment of Council Procedure Rules and Overview and Scrutiny Committee Procedure Rules to reflect that members of the public be entitled to ask a supplementary question without notice when having registered to speak.
4. The amendment of Procedure Rules for all meetings of the Council to entitle any Member of the Council to speak at meetings without requiring the discretion of the person presiding the meeting.

Decision Information	
Does the report contain any exempt or confidential information not for publication?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: Richard Wyles, Chief Finance Officer and Section 151 Officer

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 Monitoring Officer

2. Background to the Report

- 2.1 The Governance and Audit Committee is required to consider any proposed amendments to the Council's Constitution before Full Council is able to approve them, unless there is alternative provision elsewhere in the Constitution.
- 2.2 A number of proposed amendments to the Constitution are included within this report for the Committee's consideration.

3. Key Considerations

Letting of land and property

- 3.1 Officers currently have delegated authority to arrange short-term lettings of land and property. This is set out in paragraph 26(f) of the scheme of delegation at Part 3(c) (Responsibility for Functions) of the Council's Constitution and states:

"To arrange short term (up to seven years) lettings of land and property not immediately required for other purposes at rent/license fees fixed by the Section 151 Officer"

- 3.2 There may be occasions whereby a lease arrangement requires a longer term than seven years but does not have a significant financial impact on the Council. Examples may include parcels of land under the Council's ownership that are of no direct use to the authority but can instead be leased to other organisations to utilise for the benefit of the community on a peppercorn rent basis. If this arrangement exceeds seven years then currently it would be necessary for the decision to be taken on the basis of a Non-Key Decision.

- 3.3 It is recommended that an additional paragraph be added to the scheme of delegation under paragraph 26(f) to read:

"To arrange lettings (in excess of seven years) of land and property not immediately required for other purposes at rent/license fees fixed by the Section 151 Officer, providing that the total cost of the lease in its entirety does not exceed £100,000."

- 3.4 This amount of £100,000 is consistent with the financial limits set out in the Council's Financial Procedure Rules.

Common seal of the Council

- 3.5 The Council's Contract Procedure Rules state that a contract must be sealed where its total value is over £50,000. This is set out in paragraph 14.14 (Sealing a Contract) of the Contract Procedure Rules in Part 4 (Rules of Procedure) of the Constitution.

- 3.6 The physical sealing of a contract means that utilisation of electronic software for facilitating the sign-off of contracts from all parties cannot be used should the contract exceed £50,000. In the context of thresholds included in the Council's Financial Procedure Rules, it is considered excessive that a contract with a lifetime value of £50,000 requires the common seal of the Council in order for it to be confirmed.
- 3.7 It is therefore deemed more appropriate to reserve the sealing of contracts to those more significant in terms of value. It is recommended that the common seal of the Council should only be used for those contracts where the total cost of the contract exceeds a value of £500,000.

Supplementary questions from members of the public at meetings of the Council

- 3.8 As part of the comprehensive review of the Council's Constitution, amendments were made to the Procedure Rules associated with meetings of Full Council and Overview and Scrutiny Committees which removed the right of members of the public who had registered to speak to ask a supplementary question without notice.
- 3.9 It is proposed that the right of members of the public to ask supplementary questions be reintroduced to Council Procedure Rules and Overview and Scrutiny Procedure Rules.

Contributions at meetings from Councillors in attendance

- 3.10 As part of the comprehensive review of the Council's Constitution, amendments were made to the Procedure Rules associated with meetings of Cabinet and all Committees whereby a Councillor observing a meeting as opposed to being a member of the body is only entitled to speak at the discretion of the person presiding the meeting.
- 3.11 It is proposed that all members of the Council in attendance at any meeting be entitled to speak and no longer require the discretion of the person presiding the meeting to contribute to proceedings.

4 Other Options Considered

- 4.1 Not to make any amendments to parts of the Constitution identified in this report.
- 4.2. To recommend any other amendments to the Council's Constitution.

5. Reasons for the Recommendations

- 5.1 The recommendations set out in this report seek to improve the effectiveness and efficiency of specific rules in the Council's Constitution.