



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Council

Thursday, 23 May 2024

Report of 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 Full Council with an opportunity to consider proposed amendments to the Council's Constitution as recommended by the Governance and Audit Committee.

Recommendations

Full Council approves:

- 1. An amendment to the Council's Constitution, for clarity, to include provision for the removal of Directors of Council-owned Companies under the terms of reference of the Council's Governance and Audit Committee.**
- 2. That the following training and development sessions be mandatory for all Members of the Council:**
 - Councillor Code of Conduct**
 - Equality, Diversity and Inclusion**
 - PREVENT**
 - Safeguarding**

3. That failure to attend training and development sessions within six months of the Council's Annual Meeting, or six months since election to office, means that a Member is unable to act on any committees or bodies to which they have been appointed until they have attended all mandatory training and development sessions.
4. That the relevant Articles and Procedure Rules in Part 2 (Articles) and Part 4 (Rules of Procedure) of the Constitution in respect of its committees or other bodies be amended to reflect (1), (2) and (3) above.
5. That the following be included under the list of notices referred to in paragraph 24(e) (Planning and Planning Policy) in Part 3(c) of the Constitution (Responsibility for Functions – Delegated Powers to Officers) and the Planning Scheme of Delegation at Appendix 1 of the same part of the Constitution:
 - Urgent Works Notices (Listed Buildings)
 - Repairs Notices (Listed Buildings)
6. That the Planning Scheme of Delegation in Appendix 1 of Part 3 (Responsibility for Functions) be amended to reflect that the Assistant Director of Planning is authorised to issue those notices listed in the document, subject to consultation with the Council's Legal advisors.

Decision Information

Does the report contain any exempt or confidential information not for publication?

No

What are the relevant corporate priorities?

Connecting communities
Sustainable South Kesteven
Enabling economic opportunities
Housing
Effective council

Which wards are impacted?

(All Wards)

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, Deputy Chief Executive 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, (Governance and Public Protection) 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 which were recommended at meetings of the Governance and Audit Committee held on 24 January 2024 and 13 March 2024.

3. Key Considerations

Removal of Directors from Council-owned Companies

3.1 The Council's Constitution is silent on the removal of Directors to Council-owned companies, with provision for appointments being included within the terms of reference for the Governance and Audit Committee. There is currently no alternative provision in the Constitution to remove Directors. Given that the Governance and Audit Committee has the power to appoint Directors, it is reasonable to expect that the Governance and Audit Committee also has the power to remove Directors. The Governance and Audit Committee recommended to Full Council that this be rectified in the Council's Constitution.

Mandatory training for all Members

- 3.2 The Council is currently working towards accreditation for the East Midlands Councillor Development Charter and has a target to achieve this by December 2025.
- 3.3 Consideration has been given to the uptake of training sessions held for Members since the elections held in May 2023 and those sessions in particular where it was expected that all Members attend.
- 3.4 The Governance and Audit Committee, Licensing Committee, Planning Committee and Standards Committee require a Member to undertake mandatory training before they are able to act on the respective committees and this is prescribed in the Constitution.
- 3.5 The only other training prescribed in the Constitution is Councillor Code of Conduct training, with the requirement to attend training forming part of the Code itself. Failure to attend training could constitute a breach of the Code of Conduct.
- 3.6 It is considered that there are other training and development sessions which all Members should attend to assist them in their roles, protecting themselves as well as the authority in their day to day activities as well as in relation to the contributions and decisions they make at the Council's public meetings.
- 3.7 It is therefore recommended that all Members of the Council must attend the following training and development sessions within **six months** of the Council's Annual Meeting each year, or within six months of their election to the Council:
- Councillor Code of Conduct
 - Equality and Diversity
 - PREVENT
 - Safeguarding
- 3.8 It is further recommended that failure to attend the above training events within the six month period would mean that the respective Member(s) would not be able to act on any committees to which they have been appointed until all mandatory training was completed.
- 3.9 The Member Development Programme will include numerous opportunities for Members to engage with each session in the six month period after the Council's Annual Meeting each year, both during the day or in the evening in person or remotely.

Planning and Planning Policy – minor amendment

3.10 It has been noted that the following notices are not currently included within the officer scheme of delegation under paragraph 24(e) (Planning and Planning Policy) in Part 3(c) of the Constitution (Responsibility for Functions - Delegated Powers to Officers) or the planning scheme of delegation document at Appendix 1 of the same part:

- Urgent Works Notices (Listed Buildings)
- Repairs Notices (Listed Buildings)

3.11 It is therefore recommended that the Constitution be amended to add these to the list of notices included within paragraph 24(e) (Planning and Planning Policy) and Appendix 1 of Part 3 of the Constitution (Planning Scheme of Delegation)

3.12 Under the heading 'Planning service: enforcement in Appendix 1 of Part 3 (Planning Scheme of Delegation), it states that the Assistant Director of Planning is authorised to serve notices in consultation with the Assistant Director of Governance and Public Protection, which is contrary to paragraph 24(e) of the scheme of delegation which states that consultation should take place with Legal Services.

3.13 It is therefore recommended that the relevant wording for both aspects of the consultation regarding the issuing of notices should be consultation with the Council's legal advisors and that this replaces reference to the Assistant Director of Governance in the Planning Scheme of Delegation.

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 for consideration by the Governance and Audit Committee.

5. Reasons for the Recommendations

5.1 The addition of mandatory training for Members will ensure that the elected membership of the Council has received sufficient training on those matters considered to be significant, which will protect them and the wider authority when carrying out their roles.

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

6. Consultation

- 6.1 The proposals contained within the report have been considered by the Council's Governance and Audit Committee.