



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Governance and Audit Committee

13 February 2025

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

Amendments to the Council's Constitution

Report Author

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Purpose of Report

To provide the Governance and Audit Committee with the opportunity to review proposed changes to the Council's Constitution.

Recommendations

That the Governance and Audit Committee consider the proposed amendments to the Council's Constitution outlined in this report and formally recommend them to Full Council for approval.

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	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 or procurement implications arising from this report.

Completed by: Richard Wyles, Deputy Chief Executive and Section 151 Officer

Legal and Governance

1.2 There are no significant legal or governance implications arising from this report which are not already included within the body of the report.

Completed by: Graham Watts, Monitoring Officer

2. Background to the Report

2.1. The Governance and Audit Committee is requested to consider a number of amendments to the Constitution which aim to improve openness and transparency and the quality of decision-making associated with meetings of the Council.

3. Key Considerations

Removal of the Leader of the Council

3.1 Article 7.3 (Leader) of the Council's Constitution currently states that:

3.2 *"The Leader will be a Councillor elected to the position of Leader by Full Council and will hold the office for a four-year term, unless:*

- i) They resign from office*
- ii) They are no longer a Councillor*
- iii) Full Council passes a resolution to remove the Leader from office"*

3.3 It is proposed that paragraph iii) be amended to read:

"A Notice of Motion is submitted and Full Council passes a resolution to remove the Leader from office".

Amendments to motions

3.4 Paragraph 14 (Rules of Debate) of Council Procedure Rules outline the procedures that must be followed when debating motions at meetings of the Council.

3.5 Paragraphs 14.6 – 14.12 of Council Procedure Rules set out the procedures associated with amendments to motions.

3.6 Paragraph 14.6 of Council Procedure Rules state the following:

“An amendment to a motion must be relevant to the motion and will either be:

- (a) To refer the matter to an appropriate body or individual for consideration*
- (b) To leave out words*
- (c) To leave out words and insert or add others*
- (d) To insert or add words*

As long as the effect of (b) to (d) does not negate the motion.”

3.7 It is proposed that the word ‘original’ be added prior to the word ‘motion’ on two occasions so that paragraph 14.6 reads:

“An amendment to a motion must be relevant to the original motion and will either be:

- (a) To refer the matter to an appropriate body or individual for consideration***
- (b) To leave out words***
- (c) To leave out words and insert or add others***
- (d) To insert or add words***

As long as the effect of (b) to (d) does not negate the original motion.”

3.8 It is proposed that a new paragraph 14.7 be added to the Council Procedure Rules as follows:

“Notice of any significant amendment to any motion must be submitted in writing to Democratic Services by 5pm the day before the meeting and will be circulated to all Members of the Council. The Chairman, or Vice-Chairman in their absence, will determine what constitutes a significant amendment.”

3.9 Should the above amendment to the Constitution be agreed, a consequential amendment to paragraphs 13.6(h) and 14.20 of Council Procedure Rules will also be required. These both relate to the moving amendments to motions. It is

proposed that both paragraphs be amended to reflect that amendments to motions will be subject to the requirements of Council Procedure Rule 14.7.

4. Other Options Considered

- 4.1 To make no changes to the Council's Constitution
- 4.2 To suggest any further amendments to the Council's Constitution.

5. Reasons for the Recommendations

- 5.1 The proposed amendments to the Council's Constitution seek to improve the openness, transparency and efficiency of the Council's proceedings at its public meetings.