

SPECIFICATION FOR A REVIEW OF THE SOUTH KESTEVEN DISTRICT COUNCIL CONSTITUTION

BACKGROUND

The District Council Constitution was introduced and approved by the Council (SKDC) in 2001 following the enactment of relevant provisions of the Local Government Act 2000 and the change of governance from a committee system to a leader and cabinet executive. SKDC now operates a strong leader executive as introduced by the Local Government and Public Involvement in Health Act 2007.

Throughout the period from 2001 to date the Constitution has been amended piecemeal. The last full review of the document in its entirety was carried out internally in 2007. A full review is now required to ensure the document is:

- up to date,
- accurate,
- fit for purpose,
- easy to understand,
- accessible,
- statutorily compliant and,
- provides for efficient decision making.

A review by an external organisation is required to ensure objectivity and apply experience and knowledge of local authority business using examples of proven best practice. The reviewer would carry out a review working with SKDC officers to highlight areas of potential change and report findings with details of potential change for SKDC officers to consider.

The current constitution format is appended to this specification. This has not significantly changed from the model constitution format introduced with the Local Government Act 2000. Most recent changes have included the new Members' code of practice, the process for dealing with complaints made about members and the Executive Functions Regulations

DETAIL

The current form of the constitution is made up from 7 colour coded parts for ease of reference. These are detailed at page 1 of the constitution.

- Ensure the references and indexing are accurate

Part 1 – Summary and Explanation

- Check cross references to article numbers and accuracy of content.

Part 2 – Articles

- Check accuracy and appropriateness of content.
- Check cross references to article numbers.
- Consider update of documents representing the policy framework of the Council at Article 4.1
- Consider and review the process of review and revision of the constitution at Article 18 including the cross reference to appropriate Article numbers.

Part 3 - Scheme of Delegation

- Consider format and content and make recommendations for improvements to assist future review and process for updating.
- Check accuracy of content.
- Consider best practice and make recommendations for changes to improve the decision making process. Consider definitions for key and non-key decisions.

Part 4 – Rules of Procedure

- Check contents and cross reference page numbers

- Consider contents and make recommendations for improvements to assist general understanding.
- Review Budget and Policy Framework Procedure Rules and suggest changes to assist understanding and application. In particular, put forward proposals for a clear process to deal with alternative budgets put forward during the budget setting process.
- Review Executive Procedure Rules and ensure fit for purpose. Consider the appropriateness of the process for representations from members of the public.
- Review the Policy Development Group Procedure Rules and develop a clear procedure for minority reports.
- Consider and propose alternative procedure rules suitable for other committees and policy development groups.
- Article 16.7 – consider and propose alternative methods of voting where more than 2 members are nominated for appointment.
- Clarification of the rules of substitution relating to Licensing Committees and understanding from current drafting of training requirements for members and substitutes of regulatory committees.
- Collate all the information relating to the Development control committee in one place in the constitution where it is clear for all how the committee will operate.

Part 5, 6, and 7 – Codes of Conduct, Members’ Remuneration and Miscellaneous

- Consider the necessity for inclusion in the Constitution and/or how changes can be effected without the need to refer to the Constitution Committee for approval when they will be approved by Council in any event.