

Key: **Yellow highlight** information from elsewhere within SK's Constitution  
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## **ARTICLE 1 - THE CONSTITUTION**

### **1.1 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### **1.2 The Constitution**

This Constitution, and all its codes and protocols, is the Constitution of the South Kesteven District Council and is called “the Constitution” for the purposes of this document. **The Constitution sets out how the Council operates, how decisions are made and who makes them, the procedures to be followed, and the rules to which Councillors and officers are to abide.**(18.4)

### **1.3 Purpose of the Constitution**

The purpose of this Constitution is to ensure:

- **the Council provides community leadership, involving citizens in the democratic process,**
- **Councillors are assisted in effective representation,**
- **Decisions are taken efficiently and effectively, (providing reasons and permitting independent scrutiny) holding decision makers to account publicly,**
- **Improvement in the delivery of services** (THIS IS FROM PAGE 31 IN THE LILAC SECTION).

### **1.4 Interpretation ~~and Review~~ of the Constitution**

This Constitution shall be interpreted in accordance with the laws of England and all words shall be given their natural meaning where appropriate.

#### **1.518.1 Duty to monitor and review the constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

#### **1.618.2 Protocol for monitoring and review of Constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out **above**. In undertaking this task the Monitoring Officer **will have regard to any legislative changes affecting the Constitution and may:-**

- (i) Observe meetings of different parts of the member and officer structure;
- (ii) Undertake an audit trail of a sample of decisions;

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- (iii) Record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
- (iv) Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

### **1.718.3 Changes to the Constitution**

- i) Parts of the Constitution are statements of factual matters relating to the Council such as member and officer details. Changes may occur from time to time by virtue of Council decisions or decisions made by the Leader and/or Cabinet Members. Such changes may be made to the Constitution by the Monitoring Officer without reference to the Constitution Committee or Council for decision.
- ii) All other changes to the Constitution must be approved by the full Council following consideration of reports presented to the Constitution Committee and recommendation by the Constitution Committee to full Council.

#### **18.1 ~~Duty to monitor and review the constitution~~**

~~The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.~~

#### **18.2 ~~Protocol for monitoring and review of constitution by Monitoring Officer~~**

~~A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:-~~

- ~~(i) Observe meetings of different parts of the member and officer structure;~~
- ~~(ii) Undertake an audit trail of a sample of decisions;~~
- ~~(iii) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and~~
- ~~(iv) compare practices in this authority with those in other comparable authorities, or national examples of best practice.~~

#### **18.3 Changes to the Constitution**

- (i) Constitutional changes may be prompted not only from internal reviews and evaluation of their governance, but also from changes in public opinion.
- ~~(ii) Changes to the Constitution will only be approved by the full Council after consideration of a report by the Monitoring Officer on the proposal by the Constitution Committee.~~

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(iii) The Council has adopted a protocol on changes to the Constitution which is set out below

#### 18.4 Protocol for Changes to the Council's Constitution

~~The Council's Constitution is a statutory document which sets out how the Council operates, how decisions are made and who makes them, the procedures to be followed, and the rules to which Councillors and officers are to abide.~~

~~Parts of the Constitution are merely statements of factual matters appertaining to the Council, such as its objectives and policy framework documents, some of these change from time to time by virtue of Council decisions, others, such as member and officer details occur without any decision of the Council being involved.~~

~~Other parts reflect the decisions of the Leader and Cabinet, e.g. as to its size and portfolios of responsibility. Such amendments will simply be made to record these.~~

~~Changes to the principles of the executive arrangements, and the various rules and codes would require adoption by or resolutions of the Council.~~

~~Article 18 of the Constitution provides for its amendment by Council to be the subject of consideration by the Constitution Committee. Such reports are likely to result from the reviews and evaluation detailed in Article 18.~~

~~Specifically, the provisions of the Constitution considered to be able to be the subject of Constitution~~

~~Committee recommendations to Council to effect any amendments are:~~

~~Part 2  
Articles 2,6,8,9, 11,13,14, 15,16,17, 18 and 19 (Article 10 deleted)~~

~~Part 4 (all)~~

~~Part 5 (all)~~