

SUMMARY AND EXPLANATION

The Council's Constitution

~~By law we South Kesteven District Council has agreed must have~~ a Constitution ~~which that~~ sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. ~~Some of these processes are required by the law, while others are a matter for the Council to choose.~~

The Constitution is divided into ~~18~~ articles that set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What is the Constitution?

Article 1 ~~sets out the purpose~~ of the Constitution ~~which is to enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations, support the involvement of citizens in local authority decision making, help councillors represent their constituents more effectively, ensure decisions are taken efficiently and effectively, create an effective means of holding decision-makers to account and provide a means for improving the delivery of services to the community so that the Council functions effectively, efficiently, transparently and accountably in partnership with, and to the benefit of, local communities, delivering high quality services and striving for continuous improvement. commits the Council to provide community leadership; involve members of the public in the democratic process; help Councillors in effective representation, take decisions efficiently and effectively, (providing reasons and permitting independent scrutiny) and hold decision makers to account publicly, and to improve the delivery of services.~~

Articles **2 - 18** explains the rights of members of the public and how the key parts of the Council operate. These are

- Members of the Council ~~(Article 2)~~
- ~~Members of the Public and the Council (Article 3)~~
- ~~Decision-making~~
- ~~The Council Meeting (Article 4)~~
- ~~Chairing the Council~~
- ~~The role of the Leader and Cabinet~~
- ~~Chairing the Council (Article 5)~~
- ~~Overview and Scrutiny Committees (Article 6)~~
- ~~Regulatory Arrangements Committees (Article 9)~~
- ~~The Constitution Committee (Article 10)~~
- ~~The Governance and Audit Committee (Article 11)~~
- ~~Companies Committee (Article 12)~~

Commented [JT1]: Incorporate previous Article 5

Commented [JT2]: Incorporate previous Article 7

- ~~Employment Committee (including the Chief Executive's Appeals Panel) (Article 13)~~
- ~~Review Board~~
- ~~Area based Consultation Mechanisms (Article 14)~~
- Joint Arrangements (Article 15)
- Officers (Article 16)
- ~~Decision Making (Article 17)~~
- Finance, Contracts and Legal Matters (Article 18)

How the Council Operates

The Council is composed of 56 Councillors elected every four years. Councillors are democratically accountable to residents of their Ward. ~~Currently South Kesteven District Council has 30 district Wards.~~ The overriding duty of Councillors is to the whole community of South Kesteven, but they have a special duty to all the residents in the Ward to which they were elected~~their constituents~~, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

All Councillors meet together ~~at as~~ the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council also decides other matters, which are set out in Part 3: Responsibility for Functions but in most cases the Cabinet makes day-to-day decisions. ~~The Council appoints a Leader who chairs the Cabinet. It also appoints representatives to outside bodies and members to sit on its overview and scrutiny, regulatory, governance and audit and constitution committees. It may receive reports from the Cabinet and any of its committees, and may invite public participation.~~

How Decisions are made

The Leader of the Council and the Cabinet Arrangements

~~The Cabinet is part of the Council which is responsible for most day-to-day decisions.~~ The Cabinet is made up of the Leader who is appointed by the Council and up to nine other Councillors appointed by the Leader. When ~~major Key~~ Decisions are to be discussed or made, these are published in ~~advance on~~ the Cabinet's Forward Plan in so far as they can be anticipated. - If these ~~major Key~~ Decisions are to be discussed with council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. Where the public are ~~are~~ to be excluded because confidential or exempt information would be disclosed to them, then 28 days before the meeting, notice of the intention to discuss that item in private must be published, setting out the reasons.

The Cabinet has to make decisions ~~which-that~~ are in line with the Council's overall policies and budget.

If it wishes to make a decision which is that falls outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

The Council has five-four overview and scrutiny committees which are part of executive governance arrangements to ensure that members of an authority who are not part of the executive can hold the executive to account for the decisions and actions that affect their communities. Overview and scrutiny committees have statutory powers to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge
- Amplify the voices and concerns of the public
- Be led by independent people who take responsibility for their role
- Drive improvement in public services

~~which monitor the decisions of the Cabinet~~ Each committee has a specific remit, which is set out in Part 3: Responsibility for Functions. Key functions for scrutiny include: performance monitoring, identifying topics or concerns that require review, policy development, call in, councillor call for action and scrutiny of crime and disorder and exercise the call in function. ~~This enables the Committees to decide whether a decision is appropriate or should be referred back for further consideration.~~ The Committees can also carry out any external scrutiny and allow members of the public to have a greater say in Council matters by holding public inquiries into matters of local concern.

~~The Committees also support the development of policies that support the work of the Cabinet and the Council as a whole. The overview and scrutiny committees help develop draft policies and proposals, draft budgets and service delivery and contribute to the development of policy before a decision is made.~~

The Council's Staff

The Council has people working for it (~~called 'officers'~~) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationship between officers and members of the Council. See Part 2 5 of this Constitution.

Rights of members of the public

Members of the public have a number of rights in their dealings with the Council. ~~These are set out in more detail in Article 3.~~ Some of these are legal rights whilst others depend on the Council's own processes.

Where members of the public use specific council services they have specific legal additional rights, for example ~~as an applicant if they are applying for a licence or as they are a Council tenant, they have additional rights.~~ These service user additional legal rights are not covered by the Constitution.

For the purposes of this Constitution, members of the public have the right to (except at a point in a meeting where personal or confidential matters are being discussed):

- Vote at local elections if they are registered.
- Contact their local councillor about any matters of concern to them.
- Obtain a copy of the Constitution (on payment of a reasonable fee).
- ~~Attend meetings of the Council, and its committees and the Cabinet. (so long as neither personal nor confidential matters are being discussed)~~
- ~~Petition to request a referendum on a mayoral form of Cabinet.~~
- ~~Participate in meetings during sessions where for any public speaking is permitted by the Constitution. where appropriate/available open forum in accordance with clause 4.7 of Article 4 of this Constitution or public debate that the Council may hold and contribute to investigations by the Overview and Scrutiny Committees;~~
- ~~View find out, from the schedule of decisions, Cabinet's Forward Plan these, which sets out the what major decisions that will be taken by the Cabinet are to be discussed by the Cabinet or decided by the Cabinet or officers.~~
- ~~Attend open meetings of the Cabinet~~
- ~~See reports and background papers, and any record of decisions made by the Council and Cabinet and their committees on matters that so long as they do not contain confidential or exempt information.~~
- Complain to the Council if they believe that the Council has done something the wrong way, done something it should not have done or failed to do something it should have done.
- Complain to the Ombudsman if they think the Council has not followed its procedures properly. They may only refer their complaint to the Ombudsman once it has been through the Council's complaint process. However, they should only do this once they have raised the issue with the Council and given it a chance to respond

- Inspect the Council's accounts and related documents, then object to them to the external auditor if they believe that something is amiss. These documents are available to inspect during a period of 30 working days in June and July each year. make their views known to the external auditor

The Council welcomes participation by, and feedback from, members of the public in its work. For further information on your rights or to make a written complaint, compliment or comment, please contact:

Customer Services
Council Offices
St Peter's Hill
Grantham
Lincolnshire
NG31 6PZ
frontdesk@southkesteven.gov.uk

If there is information that you can't find on the Council's website, then you can make a request under the Freedom of Information Act 2000. This Act gives a general right of access to recorded information that is held by public authorities. If you would like to make a request under the Freedom of Information Act, you must submit your request in writing, to the postal address above or by completing the form on the Council's website: <https://www.southkesteven.gov.uk/?service=GENERALENQUIRY>

If the information you have asked for falls within an exemption, which means we cannot provide it, we will let you know why.