

## 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 Council's Constitution sets out how the Council operates, how decisions are made and who makes them, the procedures to be followed, and the rules with which Councillors and officers are to abide.

### 1.3 Purpose of the Constitution

The purpose of this Constitution is to: ~~ensure~~

- ~~i) Enable the Council to provide community-clear leadership to the community in partnership with, involving citizens, businesses and other organisations, in the democratic process~~
- ~~ii) Support the involvement of citizens in local authority decision-making.~~
- ~~iii) Help councillors represent their constituents more effectively.~~
- ~~i) —~~
- ~~ii) Councillors are assisted in effective representation~~
- ~~iv) Ensure Decisions are taken efficiently and effectively, (providing reasons for those decisions, and permitting independent scrutiny) holding decision makers to account publicly~~
- ~~v) Create an effective means of holding decision-makers to account.~~
- ~~vi) Provide a means of improving the delivery of services to the community.~~
- ~~iii) —~~
- ~~iv) Improvement in the delivery of services~~

### ~~1.4 Interpretation 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.~~

### 1.54 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.

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

~~It is A key role for the Monitoring Officer's role is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations recommend any changes that may be necessary for ways in which it could be amended~~ in order to better achieve the purposes set out above. In undertaking this ~~task-duty~~ 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.
- iii) Record and analyse issues raised with him or her by Members, officers, the public and other relevant stakeholders.
- iv) Compare practices in this Authority with those in other comparable authorities, or national examples of best practice.

### **1.6 Changes to the Constitution**

#### **i) Approval**

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. ~~This shall exclude variations that are a matter of fact or record, or are administrative, which are delegated to the Monitoring Officer.~~

#### **ii) Change from a Leader and Cabinet to another form or executive arrangements or alternative arrangements**

~~This excludes changes which are statements of factual matters appertaining to the Council, such as its objectives and policy framework documents, some of these changes 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.~~  
The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

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

### **1.87 Suspension of the Constitution**

#### **(a) Limit to suspension**

The Articles of this Constitution may not be suspended. Any of the rules of procedure may be suspended by the full ~~The rules specified below may be suspended by the~~ Council to the extent permitted within those rules and the law.

**Commented [JT1]:** Move (b) to Council Procedure Rules

### **(b) Procedure to suspend**

~~— A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution as at Article 1.3.~~

### **(c) Rules capable of suspension**

~~— The following Rules may be suspended:~~

~~— All of the Council Rules of Procedure except Rule 4.13.5 and 4.16.2.~~

**Commented [JT2]:** Move previous 1.9 to Council Procedure Rules

## **1.9 Interpretation of Suspension**

~~— The ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution as at Article 1.3.~~

## **1.409 Publication of the Constitution**

- i) The Monitoring Officer will ~~provide~~ give a printed copy of this Constitution to each ~~Member of the authority Councillor~~ upon delivery ~~of their to him or her of that individual's~~ declaration of acceptance of office ~~on the Member first being when they are first~~ elected ~~to the Council. By default, the Constitution will be made available in electronic format, however hard copies will be supplied to Members on request.~~
- ii) The Monitoring Officer will ensure that the Constitution is ~~copies are~~ available for inspection at Council ~~O~~ffices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- iii) The Monitoring Officer will ensure that the summary of the Constitution is made widely available by ~~within the area, is published publishing it~~ on the Council's website and ~~is updated updating it~~ as necessary.

**Commented [SI3]:** We can commit to this once fully revised