

## **SUMMARY AND EXPLANATION**

### **The Council's Constitution**

South Kesteven District Council has agreed a Constitution which 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 of the Constitution 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)
- The Council Meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny Committees (Article 6)
- Joint Working of Overview and Scrutiny (Article 7)
- The Cabinet (Article 8)
- Regulatory Arrangements (Article 9)
- The Constitution Committee (Article 10)
- The Governance and Audit Committee (Article 11)
- Companies Committee (Article 12)
- Employment Committee (Article 13)
- 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, but they have a special duty to 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 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 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**

### **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 decisions are to be discussed or made, these are published in advance on the Cabinet's Forward Plan. If these major 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. The Cabinet has to make decisions which are in line with the Council's overall policies and budget.

If it wishes to make a decision which is 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 Overview and Scrutiny Committees which monitor the decisions of the Cabinet 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 also carry out any external scrutiny and allows

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 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, for example as an applicant for a licence or as a Council tenant, they have additional rights. These 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
- Petition to request a referendum on a mayoral form of Cabinet
- Participate in any public 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; find out, from the schedule of decisions, what major decisions 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

- 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. 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 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 or e-mail: [frontdesk@southkesteven.gov.uk](mailto:frontdesk@southkesteven.gov.uk)

## POLITICAL BALANCE

The main committees are required by law to reflect the political balance of the Council. As at July 2019 seats on the Council were held as follows:

Conservatives	39
Independent	10
Labour	3
Liberal Democrat	2
Unaligned Independent	2
Total	56

### Schedule of the main Committees

Group	Planning Committee.	Licensing Committee	Governance and Audit Committee	Finance, Economic Development and Corporate Services Overview and Scrutiny Committee	Environment Overview and Scrutiny Committee	Culture and Visitor Economy Overview and Scrutiny Committee	Rural and Communities Overview and Scrutiny Committee	Constitution Committee	Companies Committee	Employment Committee
Conservative	9	8	5	6	5	5	5	5	5	5
Independent (including LD)	3	2	2	2	2	2	2	2	2	2
Labour	1	1	0	1	0	0	0	0	1	0
Unaligned Independent	0	0	0	0	0	0	0	0	0	0
Total	13	11	7	9	7	7	7	7	8	7