

PART 2

ARTICLES OF THE CONSTITUTION

Article 1 – The Constitution

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with all relevant legislation and this Constitution.

1.2 The Constitution

This Constitution, and all of its codes and protocols, is the Constitution of South Kesteven District Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to ensure that:

- i) The Council can facilitate and provide community leadership, involving residents, businesses and other stakeholders in the democratic process
- ii) The Council supports and promotes the active involvement of residents in the process of its decision-making
- iii) Councillors are assisted in their representational roles as community leaders
- iv) Decisions are taken efficiently, effectively and transparently
- v) Those responsible for making decisions are clearly identifiable and accountable to residents and that they explain the reasons for their decisions
- vi) Council has an effective means of publicly holding decision makers to account
- vii) The Council's Cabinet and Overview and Scrutiny functions do not allow a decision-taker to scrutinise a decision which they have directly taken or which they are directly involved
- viii) The Council can improve the delivery of its services

1.4 Publication of the Constitution

The Monitoring Officer will ensure that:

- i) All Councillors have access to a copy of the Council's Constitution, in whichever format requested

- ii) Copies of the full document and a summary are available for public inspection and published on the Council's website, and can be purchased by members of the local press and public on payment of a reasonable fee

Article 2 – Members of the Council

2.1 Composition

The Council will comprise of 56 elected members, known as Councillors. South Kesteven is divided into 30 electoral wards with one or more Councillors representing each ward in accordance with a scheme drawn up by the Local Government Boundary Commission for England and approved by the Secretary of State.

2.2 Eligibility

Only registered electors of South Kesteven, or those living or working there or those who own property or rent property within the district will be eligible to stand as a Councillor.

2.3 Election and Terms of Office for Councillors

The regular election cycle of Councillors for South Kesteven District Council will be held on the first Thursday in May every four years. The term of office for Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

By-elections may be held within the regular four-year term, if necessary, should any vacancies arise. The term of office for a Councillor elected at a by-election will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.4 Key Roles and Functions of all Councillors

All Councillors will:

- i) Collectively be the ultimate policy makers for the Council and carry out a number of strategic and corporate management functions
- ii) Contribute to the good governance of the area and actively encourage community participation and public involvement in decision making
- iii) Effectively represent the interests of their ward and of individual residents
- iv) Balance different interests identified within their ward and represent the ward as a whole
- v) Be involved in decision making
- vi) Be available to represent the Council on other bodies

- vii) Maintain the highest standards of conduct and ethics
- viii) Be entitled to act in accordance with the procedures and protocols set out in this Constitution

2.5 Rights and Duties of Councillors

All Councillors will:

- i) Have such rights of access as the law allows to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions
- ii) Not make public information which is confidential or exempt without the consent of the Council or authorised officer or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it. For these purposes definitions of 'confidential' and 'exempt' are clarified in the Access to Information Procedure Rules in Part 4 of this Constitution

2.6 Conduct

Councillors will at all times observe the Members' Code of Conduct and the protocol on Member/Officer Relations as set out in Part 5 of this Constitution, together with all other relevant protocols and procedures within the document.

2.7 Training

Councillors will engage with the Council's Member Development Programme and attend any mandatory training or associated refresher training that may be required prior to acting as a Member on certain Committees.

Article 3 – Members of the Public and the Council

3.1 Rights of Members of the Public

The rights of members of the public are set out in this Article, with specific details of rights to information and participation at meetings set out in the Council's Access to Information Procedure Rules in Part 4 of this Constitution.

3.2 Voting and Petitions

Members of the public on the electoral register for the area of South Kesteven have the right to:

- i) Vote at local electoral events
- ii) Sign a petition to request a referendum of all electors for the Council to adopt a Constitution with a model of governance facilitated by an Elected Mayor

All members of the public, and other stakeholders, can present petitions to the Council which are relevant to any matter of which it has powers and duties affecting the area of South Kesteven.

3.3 Information

Members of the public have the right to:

- i) Attend meetings of the Council and its Committees, except where confidential or exempt information is likely to be disclosed that the meeting as a consequence is held in private
- ii) Attend meetings of Cabinet, except where confidential or exempt information is likely to be disclosed
- iii) Review the Cabinet Forward Plan and schedule of key decisions to be taken by Cabinet
- iv) Inspect reports and background papers and any records of decisions made by the Council, its Regulatory Committees or Cabinet
- v) Inspect the Council's accounts and make their views known to the external auditor

3.4 Participation

Members of the public have the right to:

- i) Participate in the public open forum at meetings of Full Council in accordance with the Council Procedure Rules set out in Part 4 of this Constitution
- ii) Participate at meetings of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee, the Licensing Committee and Planning Committee in accordance with their respective Procedure Rules as set out in Part 4 of this Constitution.
- iii) Participate at meetings of the Council's Overview and Scrutiny Committees in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

3.5 Complaints

Members of the public have the right to complain to:

- i) The Council itself through the customer feedback process
- ii) The relevant Ombudsman, after exhausting the Council's own customer feedback process
- iii) The Council's Monitoring Officer if the matter relates to a breach of the Councillors' Code of Conduct
- iv) The Council's auditors on the legality of the Council's finances
- v) The Information Commissioner in respect of suspected data breaches
- vi) The Police in respect of any acts of suspected corruption on the part of the person connected with the Council

3.6 Responsibilities of Members of the Public

Members of the public must not be violent, abusive or threatening towards Councillors, Officers or any other members of the public on Council land or premises and must not wilfully harm things owned by the Council, Councillors or Officers.

Article 4 – Full Council

4.1 Policy Framework

The Council's Policy Framework consists of the following plans and strategies which only Full Council can adopt:

- The Corporate Plan
- The Local Plan and Development Policy Documents
- The Sustainable Communities Strategy
- The Pay Policy Statement
- The Gambling Statement of Licensing Principles

4.2 Financial Framework

The Council's Financial Framework consists of the following plans and strategies which only Full Council can adopt:

- The Medium Term Financial Strategy
- The Treasury Management Strategy

The setting of the budget includes the allocation of financial resources to different services, projects and reserves, calculating the Council Tax base and setting the Council Tax.

4.3 Functions of the Council

In addition to the Council's Policy and Financial Frameworks, there are certain other functions which can only be exercised by the Council at a properly convened meeting of Full Council of which all Councillors have been summoned. These are set out in Part 3 of this Constitution.

4.4 Council Meetings

There are three types of Full Council meetings:

- i) The Annual Meeting
- ii) Ordinary Meetings
- iii) Extraordinary Meetings

Each of these meetings will be conducted in accordance with Council Procedure Rules and Access to Information Procedure Rules as set out in Part 4 of this Constitution.

Article 5 – The Chairman of the Council

5.1 Election of the Chairman and Vice-Chairman of the Council

The Chairman and Vice-Chairman of the Council will be elected by the Council at its Annual Meeting.

5.2 Role and function of the Chairman

The Chairman of the Council and, in his or her absence or when requested to act on their behalf, the Vice-Chairman will have the following roles and functions:

(a) Ceremonial Role

The Chairman of the Council has a role as a symbol of the Authority, a symbol of an open society and an expression of social cohesion. He or she will normally carry out the ceremonial duties of the Council, such as:

- i) Royal visits
- ii) Religious or cultural services
- iii) Remembrance Day
- iv) Reviews of Troops
- v) Civic banquets and functions
- vi) Visits of other civic heads
- vii) Civic funerals
- viii) Visits of consular officers or those of a similar nature
- ix) Civic visits abroad
- x) Other official engagements

The Chairman will have use of the Chairman's Room, a motor car and the services of a Civic Officer, all at his or her discretion within the prescribed budget, for the performance of those ceremonial duties.

The Chairman and their consort, if applicable, will have the right to wear the chain or badge of office when performing ceremonial duties and chairing meetings of Full Council.

Promotional roles may be shared between the Leader of the Council and the Chairman.

(b) Chairing meetings of Full Council

- i) To uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary
- ii) To preside over meetings of Full Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community
- iii) To ensure that the Full Council meeting is a forum for the debate of matters of concern to the local community in accordance with Council Procedure Rules
- iv) To promote public involvement in the Council's activities
- v) To be the conscience of the Council

Article 6 – Overview and Scrutiny Committees

6.1 Appointment and Remit

At its Annual Meeting, Full Council will appoint Overview and Scrutiny Committees to review and scrutinise the discharge of the Council's executive functions and the effectiveness of the Council's policies. The Council's four current Overview and Scrutiny Committees are:

- Culture and Visitor Economy Overview and Scrutiny Committee
- Environment Overview and Scrutiny Committee
- Finance, Economic Development and Corporate Services Overview and Scrutiny Committee
- Rural and Communities Overview and Scrutiny Committee

6.2 Membership

Full Council will appoint Councillors to Overview and Scrutiny Committees, the number of which will be dependent upon the size of each individual Committee as set out in the Overview and Scrutiny Procedure Rules at Part 4 of this Constitution.

Overview and Scrutiny Committees will comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

Cabinet Members cannot be Members of an Overview and Scrutiny Committee.

6.3 Role and Function

Overview and Scrutiny Committees must conduct their proceedings in accordance with the principles of Council Procedure Rules and Access to Information Procedure Rules set out in Part 4 of this Constitution, other than those rules which only apply to meetings of Full Council.

In addition, Overview and Scrutiny Committees will carry out their duties in accordance with the Overview and Scrutiny Procedure Rules contained in Part 4 of this Constitution.

6.4 Annual Report

Overview and Scrutiny Committees must report annually to Full Council the work they have carried out over the previous municipal year.

6.5 Joint Working of Overview and Scrutiny Committees

The Chairman of the Finance, Economic Development and Corporate Services Overview and Scrutiny Committee will carry out the following:

- i) To chair a meeting for all Members of Overview and Scrutiny Committees to scrutinise the Council's proposed budget in accordance with the Budget Procedure Rules contained in Part 4 of this Constitution
- ii) To chair a meeting, when necessary, of the Chairmen of all Overview and Scrutiny Committees to determine which Overview and Scrutiny Committee, having regard to prescribed areas of interest and existing workloads, may most appropriately be tasked to undertake work on a proposed item for consideration.
- iii) To chair a meeting of the Chairmen of all Overview and Scrutiny Committees to determine the content of the Overview and Scrutiny annual report.

The Vice-Chairman of the Finance, Economic Development and Corporate Services Overview and Scrutiny Committee will support the Chairman in relation to the above meetings and chair the meetings in their absence. In the absence of the Vice-Chairman, a Vice-Chairman will be elected from those in attendance at the respective meeting, for that meeting only.

Article 7 – Cabinet

7.1 The Role of Cabinet

The Leader of the Council will appoint Councillors as Cabinet Members to form a Cabinet to carry out all of the Council's functions which are not the responsibility of any other part of the Authority, whether by law or under this Constitution.

The Cabinet is at the heart of the day-to-day decision-making process of the Council and has a key role in proposing the budget and policy framework to Full Council.

7.2 Form and Composition

The Cabinet will consist of the Leader together with at least two but not more than nine other Councillors.

7.3 Leader

The Leader will be a Councillor elected to the position of Leader by Full Council and will hold the office for a four-year term, unless:

- i) He or she resigns from the office
- ii) He or she is no longer a Councillor
- iii) Full Council passes a resolution to remove the Leader from office

The Leader of the Council will be responsible for:

- iv) Determining the size of Cabinet
- v) Appointing a Deputy Leader
- vi) Appointing, removing and replacing Members of Cabinet
- vii) Allocating decision-making powers to Cabinet and individual Members of Cabinet
- viii) Allocating portfolio areas of responsibility to Cabinet Members

7.4 Deputy Leader

- i) The Deputy Leader will exercise all the functions of the Leader of the Council in his or her absence.

- ii) If for any reason the Leader is unable to act, or the office of Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place, or arrange for a Cabinet Member to act in his or her place until a new Leader can be elected.

7.5 Other Cabinet Members

Other Cabinet Members, including the Deputy Leader, shall hold office until whichever of the following events occur first:

- i) They resign from office
- ii) They are no longer Councillors
- iii) They are removed from office by the Leader of the Council.

Councillors appointed to Cabinet cannot be Members of any of the Council's Overview and Scrutiny Committees.

The Chairman of the Council or Vice-Chairman of the Council cannot be appointed onto Cabinet.

7.6 Cabinet Portfolios

Each Cabinet Member will have special responsibility for the exercise of a portfolio of Cabinet functions as agreed by the Leader of the Council.

The Leader will determine which Cabinet Member is to be responsible for each portfolio.

7.7 Proceedings of Cabinet

Cabinet must conduct their proceedings in accordance with the principles of Council Procedure Rules and Access to Information Procedure Rules set out in Part 4 of this Constitution, other than those rules which only apply to meetings of Full Council.

In addition, Cabinet will carry out its duties in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

Article 8 – Regulatory Committees

8.1 Regulatory and other Committees

The Council will appoint the following Committees to discharge the responsibilities set out in Part 3(a) of this Constitution:

- Alcohol, Entertainment and Late Night Refreshment Licensing Committee
- Licensing Committee
- Planning Committee

8.2 Membership of Regulatory Committees

Full Council will appoint Councillors to Regulatory Committees, the number of which will be dependent upon the size of each individual Committee as set out in their respective Procedure Rules at Part 4 of this Constitution.

Regulatory Committees will comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

8.3 Training

Councillors must attend mandatory training and annual refresher training in order to sit and act on the Alcohol, Entertainment and Late Night Refreshment Licensing Committee, the Licensing Committee and Planning Committee.

8.4 Proceedings of Regulatory and other Committees

Regulatory and other Committees must conduct their proceedings in accordance with the principles of Council Procedure Rules and Access to Information Procedure Rules set out in Part 4 of this Constitution, other than those rules which only apply to meetings of Full Council.

In addition, meetings of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee, the Licensing Committee and Planning Committee will follow their own prescribed procedures as set out in Part 4 of this Constitution.

8.5 Review Boards and Appeal Panels

The Council will appoint Review Boards and Appeal Panels to discharge the responsibilities set out in Part 3(a) of this Constitution.

Article 9 – The Constitution Committee

9.1 Role and Function

The Council will establish a Constitution Committee which will:

- i) Advise and propose to Full Council amendments to the Constitution relating to all matters other than conduct and probity issues
- ii) Receive and consider reports from the Monitoring Officer or Chief Executive in relation to proposed amendments to the Constitution
- iii) To receive and consider reports from Cabinet or any of the Council's Committees which propose amendments to the Constitution
- iv) To monitor and review the operation of the Constitution

9.2 Membership

Full Council will appoint no fewer than seven Councillors to the Constitution Committee.

The Constitution Committee will comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

9.3 Proceedings of the Constitution Committee

The Constitution Committee must conduct its proceedings in accordance with the principles of Council Procedure Rules and Access to Information Procedure Rules set out in Part 4 of this Constitution, other than those rules which only apply to meetings of Full Council.

Article 10 – Governance and Audit Committee

10.1 Role and Function

The Council will establish a Governance and Audit Committee which will undertake the following functions:

Audit Activity

- i) Approve the appointment of internal auditors
- ii) Approve the internal audit strategy and plan and monitor their performance
- iii) Review internal audit progress reports, outlining the main issues arising and paying particular attention to reports with limited assurance
- iv) Review the status of agreed internal audit recommendations to ensure implementation by the due date
- v) Receive the annual report and opinion of the Head of Internal Audit
- vi) Consider the appointment of external auditors
- vii) Consider and review the reports of external audit, including the audit plan, audit letter and certification of grants and returns
- viii) Review the effectiveness of the relationship between internal audit and external audit and that the value of the audit process is actively promoted in line with the Accounts and Audit Regulations
- ix) Meet in private with the internal and external auditors at least annually

Risk Management

- x) Approve the risk management strategy and framework
- xi) Review the corporate risk register and other key risks (including partnerships) and seek assurances that appropriate mitigating action has been taken where necessary
- xii) Approve the annual report on risk management activity and consider the effectiveness of the Council's overall arrangements for managing risk

Governance

- xiii) Approve the Annual Governance Statement and ensure that in-year assurance statements completed by officers properly reflect the risk and control environment and any actions required to improve it
- xiv) Approve the Code of Corporate Governance and action plan
- xv) Review the effectiveness of the governance arrangements underpinning the establishment and maintenance of key partnerships
- xvi) Consider the outcome of a self-assessment of the effectiveness of the Committee's work (at least bi-annually)
- xvii) Produce a Chairman's Annual Report on the activities of the Committee and present this to Full Council

Regulatory Framework

- xviii) Review the Council's internal control policies, such as Contract Procedure Rules, Financial Procedure Rules, and any significant amendments or revisions to them
- xix) Monitor, review and amend as appropriate the thresholds and limits contained in the Financial Procedure Rules Guidance Notes
- xx) Approve the Counter Fraud, Bribery and Corruption Framework, including the Whistleblowing Policy and Anti-Money Laundering Policy
- xxi) Monitor, review and amend as appropriate the Council's approved Treasury Management Strategy, paying particular attention to the inherent risks of the prevailing economic/financial climate
- xxii) Review the annual report on the effectiveness of the Council's Health and Safety arrangements
- xxiii) Receive an annual report on the Council's involvement in safeguarding vulnerable adults and children
- xxiv) Initiate inquiries on matters brought to the Committee's attention by the Chief Executive, Deputy Chief Executive, Assistant Director or any Council body

Accounts and Financial Reporting

- xxv) Approve the annual statement of accounts and receive the external auditor's Annual Governance Report on issues arising from the audit and the value for money opinion

- xxvi) Approve the Annual Revenue and Capital Outturn report, including the movement of reserves
- xxvii) Approve the Statement of Accounting Policies to be used in the production of the financial statements. In particular, to approve the underlying assumptions to be used to calculate International Accounting Standard (IAS) 19 pension figures in the statement of accounts
- xxviii) Review and draw the attention of the Council to issues arising out of the financial statements and financial reports in accordance with the Local Government Act 2003.

Ombudsman

- xxix) Consider the Monitoring Officer's annual report on the outcome of Ombudsman enquiries.
- xxx) Consider specific reports from the Ombudsman as required.

10.2 Membership

Full Council will appoint no fewer than seven Councillors to the Governance and Audit Committee.

The Governance and Audit Committee will comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

The Committee may appoint, as a Co-opted Member, an external appointee as a member of the Governance and Audit Committee with voting rights.

10.3 Training

Councillors must attend mandatory training and annual refresher training in order to sit and act on the Governance and Audit Committee.

10.4 Proceedings of the Governance and Audit Committee

The Governance and Audit Committee must conduct its proceedings in accordance with the principles of Council Procedure Rules and Access to Information Procedure Rules set out in Part 4 of this Constitution, other than those rules which only apply to meetings of Full Council.

Article 11 – Companies Committee

11.1 Role and Function

The Council will establish a Constitution Committee which, in relation to any stand-alone company, joint venture partnership or other such collaborative arrangement, whether wholly or jointly owned by the Council, will:

- i) Provide oversight of company of other venture business planning processes to ensure alignment with the Council's overarching strategy whilst recognising the operational independence of the company or venture
- ii) Provide a scrutiny function for investments, outcomes against funding, property disposals and other resourcing decisions made in relation to companies
- iii) Consider proposals on the creation of any new company or joint venture and make recommendations to Cabinet as to the need, desirability and business objectives of the new entity prior to its creation
- iv) Approve and monitor Strategic Business Plans of any new company or joint venture together with any substantive changes to those plans
- v) Have oversight on an annual basis of the Strategic Business Plans of existing companies and joint ventures and to consider any substantive changes to those plans
- vi) Receive reports and evaluate strategic performance, including financial performance against Strategic Business Plans
- vii) Make recommendations to Cabinet on appropriate skills and expertise at Board level, the strategic objectives and the strategic direction
- viii) Approves the appointment of company directors, subject to the Articles of Association of the company concerned

11.2 Membership

Full Council will appoint not less than eight Councillors to the Companies Committee.

The Companies Committee will comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

11.3 Proceedings of the Companies Committee

The Companies Committee must conduct its proceedings in accordance with the principles of Council Procedure Rules and Access to Information Procedure Rules set out in Part 4 of this Constitution, other than those rules which only apply to meetings of Full Council.

Article 12 – Employment Committee

- 12.1 The Council will establish an Employment Committee which, in accordance with Officer Employment Procedure Rules as set out in Part 4 of this Constitution and in consultation with the relevant Independent Person where appropriate, will:
- i) Oversee the recruitment and selection process of the Council's Head of Paid Service and determine terms and conditions of employment and make recommendations to Full Council in this respect
 - ii) Take decisions affecting the remuneration, terms and conditions of service of the Head of Paid Service
 - iii) Undertake performance appraisals of the Head of Paid Service and contribute to Directors' annual targets against which performance can be measured
 - iv) Oversee the recruitment and selection process of the Monitoring Officer and Section 151 Officer and make recommendations to Full Council in this respect
 - v) Appoint the Deputy Chief Executive, Directors and posts falling with the level of Assistant Director, or any such equivalent posts
 - vi) Consider allegations concerning the conduct or capability of Statutory Officers and other Chief Officers in order to establish whether or not they are sufficiently well-founded and serious in content to justify investigation
 - vii) Suspend a Statutory Officer or other Chief Officer under the terms of the JNC Conditions of Service for Chief Executives or the JNC Conditions of Service for Chief Officers
 - viii) Review the appointment of an external investigator to carry out an investigation on behalf of the Committee where necessary
 - ix) Receive and consider any report of an investigator and, if appropriate, hold a capability or disciplinary hearing and determine a course of action (up to and including dismissal) within the Council's power under law and within its procedures
 - x) Dismiss Chief Officers, the Monitoring Officer, the Section 151 Officer and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government and Housing Act 1989
 - xi) Settle all matters relating to the above appointments or dismissals

- xii) Oversee the recruitment and selection process of the relevant independent person in accordance with the Localism Act 2011 and make recommendations to Full Council in that respect
- xiii) To discharge the Council's functions under Section 112 of the Local Government Act 1972 which have not otherwise been delegated, including advising Full Council and Committees on:
 - The requirements for, and the availability of, human resources necessary for the fulfilment of the Council's policies
 - The promotion of good employee relations in the Council
 - Matters of general employment and personnel concern to the Council
 - The promotion of equal opportunities for all employees of the Council, and in the Council's recruitment and selection procedures, and to monitor the effectiveness of such measures
 - Matters affecting the efficient use of the Council's staff resources and to make recommendations to Cabinet
 - Review and recommend adoption of the People and Organisational Development Strategy and Annual Pay Policy prior to going to Council
- xiv) Keep under review local terms and conditions of employment for employees and make recommendations regarding the annual local pay award
- xv) Consider and recommend appropriate actions where necessary in response to proposals relating to changes within the structure of the organisation which involves substantial changes in responsibilities of Chief Officers
- xvi) Promote and pursue a policy of equal opportunities in employment and 'sign-off' key information before it is published
- xvii) Consider matters relating to superannuation, pensions and gratuities

12.2 Membership

- i) Full Council will appoint not less than seven Councillors to the Employment Committee.
- ii) The Employment Committee will comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.
- iii) Membership of the Committee will, as and when required, include the involvement of the relevant appointed Independent Person.

12.3 Proceedings of the Employment Committee

The Employment Committee must conduct its proceedings in accordance with the principles of Council Procedure Rules and Access to Information Procedure Rules set out in Part 4 of this Constitution, other than those rules which only apply to meetings of Full Council.

In addition, in relation to employment, the Committee must follow the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

Article 13 – Joint Arrangements

13.1 Joint Arrangements

The Council may establish joint arrangements with one or more Local Authority to exercise functions which are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of Joint Committees with these other Local Authorities.

13.2 Joint Arrangements – Cabinet

Cabinet may establish joint arrangements with one or more Local Authority to exercise executive functions. Such arrangements may involve the appointment of Joint Committees with these other Local Authorities. Only Members of Cabinet will normally be entitled to be appointed onto Joint Committees established by Cabinet, except in the following circumstances:

- The Joint Committee has functions for only part of the area of the Authority and that area is smaller than two-fifths of the authority by area of population. In such cases, Cabinet may appoint any Councillor to the Joint Committee who is a local ward Member which is wholly or partly contained within the area.

13.3 Arrangements to Promote Economic, Social or Environmental Wellbeing

The Council or Cabinet, in order to promote the economic, social or environmental wellbeing of South Kesteven may:

- i) Enter into arrangements or agreements with any person or body
- ii) Co-operate with, facilitate or co-ordinate the activities of any person or body
- iii) Exercise on behalf of that person or body any functions of that person or body

13.4 Proceedings of Joint Committees

Joint Committees must conduct their proceedings in accordance with the principles of Council Procedure Rules and Access to Information Procedure Rules set out in Part 4 of this Constitution, other than those rules which only apply to meetings of Full Council, unless they set their own Terms of Reference.

If a Joint Committee is established by Cabinet it must also conduct its proceedings in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution, unless they set their own terms of reference.

13.5 Delegation to and from other Local Authorities

The Council may delegate non-executive functions to another Local Authority or, in certain circumstances, the executive of another Local Authority.

Cabinet may delegate executive functions to another Local Authority of the executive of another local authority in certain circumstances.

The decision whether or not to accept such a delegation from another Local Authority shall be reserved to Full Council.

13.6 Contracting Out

The Council (for functions which are not executive functions) or Cabinet (for executive functions) may contract out to another body or organisation functions which may be exercised by an Officer, and which are subject to:

- i) An Order under Section 70 of the Deregulation and Contracting Out Act 1994
- ii) Contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making

Article 14 – Officers

14.1 Terminology

The term 'Officers' means all employees engaged by the Council to carry out its functions.

A 'Proper Officer' or 'Chief Officer' is an Officer who has responsibility for a particular statutory function or range of functions.

14.2 Appointment, Recruitment and Dismissal of Officers

The appointment, recruitment and dismissal of Officers will be undertaken in accordance with the Officer Employment Procedure Rules as set out in Part 4 of this Constitution.

14.4 Statutory Officers

Head of Paid Service

The Council is required to designate a Head of Paid Service, a Section 151 Officer and a Monitoring Officer.

The Head of Paid Service cannot be the Monitoring Officer but if they are a qualified accountant, they may also hold the position of Section 151 Officer.

The Monitoring Officer cannot hold the position of Head of Paid Service or Section 151 Officer.

14.3 Management Structure

The Council will employ such Officers as it considers necessary to carry out its functions.

The Council will employ Officers for the following posts who will be designated as Chief Officers:

- Chief Executive (Head of Paid Service – Statutory Officer)
- Deputy Chief Executive (Monitoring Officer – Statutory Officer)
- Director of Commercial and Operations
- Director of Growth and Culture
- Director of Housing and Property
- Assistant Chief Executive
- Assistant Director of Finance (Section 151 Officer – Statutory Officer)

To enable Chief Officers to carry out their functions, the Council will provide them with such Officers, accommodation and other resources they consider are necessary.

14.5 Deputies

Under the relevant provisions, Statutory Officers of the Council can nominate members of their staff to perform their duties when they are unable to act owing to absence or illness. This will be an Officer at the relevant managerial level in the organisation who has the requisite professional qualifications or experience according to the particular duties required to be performed.

Deputy Statutory Officers are:

- Deputy Section 151 Officer – Head of Finance
- Deputy Monitoring Officer – Head of Democratic Services

14.5 Decision-making – Officer Scheme of Delegation

The Council's scheme of delegation for its Officers is set out in Part 3(c) of this Constitution.

14.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations as set out in Part 5 of this Constitution, together with all other relevant protocols and procedures within the document.

Article 15 – Decision Making

15.1 Responsibility for Decision Making

The Council has established and will maintain a record of what part of the Council or individual has responsibility for particular decisions or decisions relating to specific areas or functions. This is set out in Part 3 of this Constitution.

15.2 Principles of Decision Making

All decisions of the Council, whoever takes them, will be made:

- i) In accordance with this Constitution
- ii) Within the Council's legal powers
- iii) With respect for human rights
- iv) Having regard to the Council's objectives and vision set out in its Corporate Plan, unless the decision seeks to amend them
- v) Having regard to all relevant considerations and only those considerations
- vi) Having concluded that the desired outcome merits the action or expenditure involved
- vii) With clearly defined aims and desired outcomes
- viii) With an explanation as to what options were considered
- ix) With clear reasons for the decision
- x) Proportionately
- xi) With due consultation and professional advice of Officers having been taking into account
- xii) In favour of openness and transparency
- xiii) Accountably

15.3 Decisions by Officers

Officers making decisions must follow the Officer Code of Conduct set out in Part 5 of this Constitution and act in accordance with the above principles, together with the Council's Financial Procedure Rules, Contract Procedure Rules and any other relevant protocols or procedures set out in this Constitution.

15.4 Decision-making Affecting Civil Rights and Obligations

Any person or body charged with determining the civil rights and obligations of any person on behalf of the Council will follow a proper procedure which accords with the requirements of natural justice and safeguards the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 16 – Finance, Contracts and Legal Matters

16.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations as set out in Part 4 of this Constitution.

16.2 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules as set out in Part 4 of this Constitution.

16.3 Legal Proceedings

Unless any enactment otherwise authorises or requires, the Chief Executive, the Monitoring Officer or any officer of the Council so authorised by them in writing may institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Executive considered that such action is necessary to protect the Council's interests.

16.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by either the Chief Executive, Deputy Chief Executive, Monitoring Officer, any relevant Director or any other person authorised by them in writing, unless any enactment otherwise authorises or requires, the Council has given requisite authority to some other person.

All contracts entered into on behalf of the Council in the course of the discharge of an executive function shall be made in writing. Contracts must either be signed by the relevant Cabinet Member or an Officer of the Authority or be made under the Common Seal of the Council attested by an authorised officer.

16.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Chief Executive. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed.

Article 17 – Review and Revision of the Constitution

17.1 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.

17.2 Protocol for Monitoring and Review of the Constitution by the Monitoring Officer

It will be the duty of the Monitoring Officer to make such recommendations for changes as may be necessary in order to better achieve the purposes of this Constitution set out in Article 1 of this Constitution. In undertaking this duty, the Monitoring Officer will have regard to any legislative changes affecting the Constitution and may:

- i) Observe meetings of different parts of the Councillor and Officer structure
- ii) Undertake an audit trail of a sample of decisions
- iii) Record and analyse issues raised with them by Councillors, Officers, the public and other relevant stakeholders
- iv) Compare practices in this Authority with those of other authorities or national examples of best practice
- v) Liaise with the Constitution Committee whenever necessary as part of the review process

17.3 Changes to the Constitution

- i) Changes to the Constitution will only be approved by Full Council after consideration of a report by the Monitoring Officer on the proposal by the Constitution Committee
- ii) This excludes changes which are statements of factual matters appertaining to the Council, such as its objectives and policy framework, or legislative changes which the Authority has no choice but to implement. In such instances, a decision of Full Council will not be required in order for the necessary changes to be made to the Constitution

17.3 Changes in the Arrangements for Discharging the Council's Functions

Any proposal to change the arrangements for discharging the Council's functions to any other form of executive arrangements or alternative arrangements as defined in the Local Government Act 2000, Local Government Involvement in Health Act 2007 and the Localism Act 2011 will be dealt with in consultation with local electors and other interest parties and in accordance with the procedures laid down in those Acts and all relevant subordinate legislation made and guidance issued under it.

Article 18 – Suspension and Interpretation of the Constitution

18.1 Suspension of the Constitution

Articles not to be suspended

The Articles of the Constitution cannot be suspended.

Rules capable of suspension

All rules of the Council contained within Part 4 of the Constitution may be suspended by Full Council to the extent permitted by law.

Procedure for suspension of rules

A motion to suspend any rules will not be moved without notice, unless at least on half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking into account the purposes of this Constitution set out in Article 1.

18.2 Interpretation

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

The ruling of the Chairman of the Council as to the interpretation, construction or application of this Constitution or as to the proceedings of Council are final and will not be challenged will be at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.