

# **PART 1**

## **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 legislation, while others are a matter for the Council to choose.

### **What is in the Constitution?**

The Constitution is divided into seven Parts 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.

Part 2 of the Constitution is divided into 17 Articles, which set out the basic rules governing the Council's business. The Articles refer to more detailed procedures and codes of practice, which are set out in separate rules and protocols contained with other Parts of the Constitution.

Article 1 sets out, in more detail, the purpose of this Constitution. This is ultimately to ensure that the Council provides community leadership, involves members of the public in the democratic process, helps Councillors provide effective representation, takes decisions efficiently and effectively, holds decision-makers to account and improves the delivery of services.

Articles 1 to 17 explain the rights of members of the public and how the key parts of the Council operate. These are set out below:

- Article 1 – The Constitution
- Article 2 – Members of the Council
- Article 3 – Members of the Public and the Council
- Article 4 – Full Council
- Article 5 – The Chairman of the Council
- Article 6 – Overview and Scrutiny Committees
- Article 7 – Cabinet
- Article 8 – Regulatory Committees
- Article 9 – Governance and Audit Committee
- Article 10 – Standards Committee
- Article 11 – Employment Committee
- Article 12 – Joint Arrangements
- Article 13 – Officers
- Article 14 – Decision Making
- Article 15 – Finance, Contracts and Legal Matters
- Article 16 – Review and Revision of the Constitution
- Article 17 – Suspension, Interpretation and Publication of the Constitution

## **How the Council Operates**

The Council is composed of 56 Members (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. This is included in Part 5 of the Constitution.

All Councillors meet together as Full Council. Meetings of Full Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. Full Council appoints a Leader who chairs meetings of Cabinet. Full Council also appoints Councillors to sit on Committees and Outside Bodies.

## **Cabinet**

Cabinet is part of the Council which is responsible for most day-to-day decisions. 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 Cabinet's Forward Plan. If these major decisions are to be discussed with Council Officers at a meeting of Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. 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 Full Council as a whole to decide.

## **Overview and Scrutiny**

The Council has five Overview and Scrutiny Committees which scrutinise and hold to account the work of Cabinet and Council as a whole. They also have a role in helping to develop policies, and challenge or contribute to matters such as service delivery and budget monitoring. The Council's Overview and Scrutiny Committees are:

- Culture and Leisure Overview and Scrutiny Committee
- Environment Overview and Scrutiny Committee
- Finance and Economic Overview and Scrutiny Committee
- Housing Overview and Scrutiny Committee
- Rural and Communities Overview and Scrutiny Committee

These Committees also carry out any external scrutiny and allow members of the public to have a greater say in Council matters. They can hold public inquiries into matters of local concern.

A function of the Overview and Scrutiny Committees is to monitor decisions made by Cabinet as a whole or individual Cabinet Members, and exercise the 'Call-In' function where necessary. This enables the Committees to consider whether a decision is appropriate and, if not, has the ability to refer it back to the decision-maker for further consideration.

## **Regulatory Committees**

Regulatory Committees take decisions which cannot legally be made by Cabinet or individual Cabinet Members and have to be made by specifically appointed Committees of the Council.

The Council's Regulatory Committees are:

- Alcohol, Entertainment and Late Night Refreshment Licensing Committee
- Licensing Committee (which deals with separate licensing matters such as taxi licensing)
- Planning Committee

## **The Council's Staff**

The Council has people working for it called Officers to give professional 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 Member/Officer Protocol governs the relationship between the Council's elected Members and Officers of the Council which is included in Part 5 of the Constitution.

## **Rights of Members of the Public**

Members of the public have a number of rights in their dealings with the Council both in accordance with this Constitution or as part of general legal rights and are entitled to do the following:

- Vote at local elections if they are registered
- Contact their local Councillor about any matters of concern to them
- Inspect and obtain a copy of the Constitution
- Attend meetings of the Council, its Cabinet and its Committees or other meetings held in the public domain, except where certain confidential or 'exempt' matters are being discussed
- Inspect the Cabinet Forward Plan, setting out upcoming Key Decisions and items scheduled to be held at private meetings of Cabinet
- Petition to request a referendum on a mayoral form of Cabinet
- Participate at meetings where there is provision for public speaking
- Make written representations in relation to licensing and planning applications

- Inspect reports and background papers, and any record of decisions made by the Council, Cabinet, Committee or any other meeting held in the public domain
- Submit complaints to the Council about standard of service provided by the Council
- Submit petitions to the Council in accordance with the Council's Petitions Scheme
- Submit complaints to the Ombudsman if they think the Council has not followed its procedures properly
- Submit complaints to the Monitoring Officer if they can evidence that a Councillor has breached the Council's Code of Conduct
- Inspect the Council's accounts and make their views known to the external auditor
- Seek information which the Council must disclose under the Freedom of Information Act 2000
- Make their views known to the Council on any matter

The Council welcomes participation and feedback from members of the public in its work. For further information on your rights or to make a written comment, compliment or complaint, please contact the Business Support Unit, Council Offices, The Picture House, St Catherine's Road, Grantham, Lincolnshire NG31 6TT or email: [businesssupport@southkesteven.gov.uk](mailto:businesssupport@southkesteven.gov.uk)