

# PART 1 - SUMMARY AND EXPLANATION

## 1.0 THE COUNCIL'S CONSTITUTION

- 1.1 South Holland 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.
- 1.2 The Constitution is divided into 15 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols towards the end of the document.

## 2.0 What's In The Constitution?

- 2.1 Part 2 contains the Articles. Article 1 of the Constitution explains the purpose of the Constitution and commits the Council to exercise all its powers and duties in accordance with the law and this Constitution. Articles 2 – 15 explain the rights of citizens and how the key parts of the Council operate. These are:
- a) Members of the Council (Article 2);
  - b) Citizens and the Council (Article 3);
  - c) The Council Meeting (Article 4);
  - d) Chairing the Council (Article 5);
  - e) Overview and Scrutiny of decisions (Article 6);
  - f) The Cabinet (Article 7);
  - g) Regulatory Committees and other committees (Article 8);
  - h) The Standards Panel (Article 9);
  - i) Arrangements with Other Partners (Article 10);
  - j) Officers (Article 11);
  - k) Decision making (Article 12);
  - l) Finance, contracts and legal matters (Article 13);
  - m) Review and revision of the Constitution (Article 14);
  - n) Suspension, interpretation and publication of the Constitution (Article 15).
- 2.2 Part 3 describes how decisions are made. The Leader is responsible for making Executive Decisions, but in practice delegates responsibility for much of the decision-making to Cabinet, Committees of the Cabinet, Cabinet Members and officers. In turn

the Cabinet, Committees of the Cabinet and Cabinet Members may delegate responsibility further. The full Council is responsible for making Non-Executive Decisions, but again in practice delegates responsibility for much of the decision-making to Committees, Sub-Committees and officers. Part 3 explains which responsibilities are delegated to Cabinet, Committees of the Cabinet, Cabinet Members, Committees and Sub-Committees of the Council, and officers.

- 2.3 Part 4 contains (a) Standing Orders, which are the rules governing how the Executive, and the full Council and its Committees and Sub-Committees, works; general issues relating to Council business; how senior staff are appointed and dismissed; and how the Budget and Policy Framework are determined; (b) Financial Procedure Rules, which establish a framework for managing the Council's financial affairs including the procedures for awarding of contracts; (c) Access to Information Procedure Rules which set out the rights of members of the public to access agendas, reports, background papers and minutes, and to attend meetings; the rules for making Key Decisions and publishing details of Executive Decisions; and rights of access for members.
- 2.4 Part 5 contains (a) the Council's Code of Conduct for members, which details behaviours expected of members, and co-opted members, of the Council; and (b) a protocol on officer/member relations which encourages an atmosphere of mutual trust and respect between officers and members.
- 2.5 Part 6 contains the Council's approved scheme for payment of allowances to members. Part 7 contains details of the Council's current management structure.

### 3.0 **How the Council Operates**

- 3.1 The Council is composed of 37 Councillors elected every four years. Councillors are democratically accountable to the residents of their electoral area. 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.
- 3.2 The Council currently operates a Leader and Cabinet (Executive) structure. Some Councillors have specific responsibilities and decision-making for an area of the Council's activities (a portfolio).
- 3.3 All Councillors meet together 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 is also responsible for appointing the Leader who then appoints a Cabinet (together formally entitled "the Executive") and for appointing committees and sub-committees, some of which are responsible for overseeing and reviewing the decisions of the Cabinet, while others discharge regulatory responsibilities or other functions which by law may not be discharged by the Cabinet, for example planning and licensing.

### 4.0 **How Decisions are Made**

- 4.1 The Leader is responsible for the discharge of Executive Functions. The Leader may delegate such functions to the Council's Executive, (which will in practice be called "the Cabinet") and to others. The Cabinet is made up of the Leader and up to nine other Councillors. When major decisions are to be discussed or made, these are published in the Cabinet's Key Decision Plan in so far as they can be anticipated. Where delegated, these Key Decisions are made at meetings of the Cabinet, which will generally be open for the public to attend except where personal or confidential matters are being discussed, or by officers. 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. However, where the Executive or any officer has authority to vire funds between budgets this will be considered to be 'within Budget' and will not need to be referred to the Council.

## 5.0 **Overview and Scrutiny**

- 5.1 There are two Overview and Scrutiny Committees who support the work of the Cabinet and the Council as a whole.
- 5.2 They allow a wider involvement in Council business by involving non-councillors from the wider public sector, voluntary and community groups to help them in their work. They may make reports and recommendations to the Cabinet and the Council as a whole on its policies, Budget and service delivery.
- 5.3 The Performance Monitoring Panel can "Call-In" a decision of the Cabinet which has been made but not yet implemented. They may recommend that the Cabinet reconsider their decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions or the development of policy.

## 6.0 **The Council's Staff**

- 6.1 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 protocol (to be found in Part 5) governs the relationships between Officers and Councillors.

## 7.0 **Citizens' Rights**

- 7.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 and the Access to Information Procedure Rules. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.
- 7.2 Where members of the public use specific Council services they have additional rights. These are not covered in this Constitution.

## 8.0 **Merged Services Organisation**

- 8.1 Acting in partnership with East Lindsey District Council this Council has set up a separate company called Compass Point Business Services (East Coast) Ltd that is wholly owned by both Councils to deliver back office support services which initially comprise:
  - (a) Human Resources;
  - (b) Information and Communications Technology;
  - (c) Financial Services;
  - (d) Customer Services;
  - (e) Revenues; and
  - (f) Benefits.

- 8.2 The Merged Services organisation has a Board of Directors which comprises the Managing Director together with a Chief Officer and two Councillors from each Council. The two respective Councils are sole shareholders of the Company which is therefore legally defined as a Local Authority Company.
- 8.3 The Articles of Association for the Company provide the regulations covering the relationships between the Shareholders and the Directors of the Company. Together with the Shareholders Agreement they form the Constitution of the Company.