

# **SOUTH HOLLAND DISTRICT COUNCIL**

## **PART 1 - SUMMARY AND EXPLANATION**

### **1. THE COUNCIL'S CONSTITUTION**

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.

The Constitution is divided into 16 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.

#### **1.1 What's in the Constitution?**

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 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- 1.1.1 Members of the Council (Article 2);
- 1.1.2 Citizens and the Council (Article 3);
- 1.1.3 The Full Council (Article 4);
- 1.1.4 Chairing the Council (Article 5);
- 1.1.5 Overview and Scrutiny of decisions (Article 6);
- 1.1.6 The Cabinet (Article 7);
- 1.1.7 Regulatory and other committees (Article 8);
- 1.1.8 The Standards Panel (Article 9);
- 1.1.9 Merged Services (Article 10)
- 1.1.10 Arrangements with Other Partners (Article 11);
- 1.1.11 Officers (Article 12);
- 1.1.12 Decision making (Article 13);
- 1.1.13 Finance, contracts and legal matters (Article 14);
- 1.1.14 Review and revision of the Constitution (Article 15);
- 1.1.15 Suspension, interpretation and publication of the Constitution (Article 16).

## 1.2 **How the Council Operates RE-WORDED BUT CONTEXT REMAINS THE SAME**

The Council is composed of 37 Councillors elected every four years. Councillors are democratically accountable to the residents of their electoral division. 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.

The Council currently operates a Leader and Cabinet (Executive) structure. Some Councillors have specific responsibilities for an area of the Council's activities (a portfolio).

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 of the Council 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.

## 1.3 **How Decisions are Made RE-WORDED BUT CONTEXT REMAINS THE SAME**

The Executive Leader ("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. 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.

## 1.4 **Overview and Scrutiny RE-WORDED BUT CONTEXT REMAINS THE SAME**

There are two Overview and Scrutiny Panels who support the work of the Cabinet and the Council as a whole.

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.

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.

## 1.5 **Merged Services Organisation**

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:

- Human Resources
- Information and Communications Technology
- Financial Services
- Customer Services
- Revenues
- Benefits

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.

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.

## 1.6 **The Council's Staff - REMAINS THE SAME**

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 the Councillors.

## 1.7 **Citizens' Rights.**

Citizens 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. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- 1.7.1 vote at local elections if they are registered;
- 1.7.2 contact their local councillor about any matters of concern to them;
- 1.7.3 obtain a copy of the Constitution;

- 1.7.4 attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- 1.7.5 petition to request a referendum on a mayoral form of executive;
- 1.7.6 petition the Council, about a matter for which it has responsibility or which affects the Council's area;
- 1.7.7 ask questions at meetings of the Cabinet on matters relevant to the Cabinet's functions;
- 1.7.8 find out, from the Cabinet's Key Decision Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- 1.7.9 attend meetings of the Cabinet except where personal or confidential matters are being discussed;
- 1.7.10 see reports and background papers, and any record of decisions made by the Council and Cabinet;
- 1.7.11 complain to the Council about the way a service has been delivered or about anything the Council or the Cabinet have done or propose to do. A copy of the Council's Corporate Complaints Procedure can be obtained from the Monitoring Officer;
- 1.7.12 complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process; and
- 1.7.13 complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor or a parish councillor has not followed their Council's Code of Conduct; and
- 1.7.14 inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Monitoring Officer.

#### **REMOVALS:**

- **LIST OF COMMITTEES THAT COUNCIL APPOINT – this is included in Part 3 of the Constitution;**
- **SPALDING TOWN FORUM – the Working Group agreed to remove this part as it only gave a background as to how STF was formed.**