

# Constitution Contents

<b>Part I –</b>	<b>Summary and Explanation</b>	
	Introduction	1
	Summary and Explanation	2
<b>Part II –</b>	<b>Articles of the Constitution</b>	
	Article 1 - The Constitution	1
	Article 2 - Members of the Council	3
	Article 3 - The Public and the Council	6
	Article 4 - The Council	8
	Article 5 - Chairing the Council	11
	Article 6 - Leader of the Council	13
	Article 7 - Overview and Scrutiny	15
	Article 8 - Committees	18
	Article 9 - Licensing Committee	21
	Article 10 - Joint Arrangements	23
	Article 11 - Officers	25
	Article 12 - Decision Making	29
	Article 13 - Finance, Contracts and Legal Matters	31
	Article 14 - Review and Revision of the Constitution	32
	Article 15 - Suspension, Interpretation and Publication of the Constitution	33
	Schedule 1 - Description of Alternative Arrangements	34
<b>Part III –</b>	<b>Codes and Protocols</b>	
	Members’ Code of Conduct	1
	Guidance on Members’ Code of Conduct	19
	Member/Officer Relations Protocol	78
	Officer Code of Conduct	88
<b>Part IV –</b>	<b>Responsibility for Functions</b>	
	<b>Policy</b>	
	Council	1
	Policy Committees	3
	Thriving Council Committee	5
	Thriving Places & Thriving Peoples Committees	6
	<b>Regulatory</b>	
	Governance and Audit Committee	7
	Licensing Committee	10
	Regulatory Committee	11
	Planning Committee	12
	Regulatory Sub-Committee	13
	Licensing Sub-Committee	14
	<b>Other</b>	
	Overview and Scrutiny Committee	16
	Standards Committee	18
	Chief Officer Employment Committee	20
	Independent Disciplinary Panel	20
	Joint Staff Consultative Committee	21
	Remuneration Panel	22
	Appeals Board	23
	Joint Committee Arrangements	24

	<b>Officers</b>	
	Officers General	25
	Management Team General Delegations	27
	Head of Paid Service	31
	Chief Executive	33
	Chief Finance Officer/Section 151 Officer	34
	Monitoring Officer	37
	Assistant Director of People and Democratic	38
	Director of Change Management, ICT and Regulatory Services	39
	Director of Operational and Commercial Services	40
	Director of Planning, Regeneration and Communities	42
	Assistant Director of Homes and Communities	46
	Corporate Delegations	48
	Proper Officers	61
<b>Part V –</b>	<b>Rules of Procedure</b>	
	Council Procedure Rules	1
	Access to Information Procedure Rules	18
	Budgetary and Policy Framework Procedure Rules	23
	Overview and Scrutiny Procedure Rules	26
	Financial Procedure Rules	34
	Contract and Procurement Procedure Rules	120
	Officer Employment Procedure Rules	160
<b>Part VI –</b>	<b>Members’ Allowances Scheme</b>	
	Members’ Allowances Scheme	1
<b>Part VII -</b>	<b>Management Structure</b>	
	Management Structure	1
<b>Appendices</b>	<b>Role Descriptions</b>	
	Chairman	1
	Vice Chairman	4
	Leader of Council	5
	Deputy Leader of Council	8
	Leader of the Opposition	10
	Deputy Leader of the Opposition	12
	Chairman of Overview and Scrutiny	13
	Overview and Scrutiny Panel Lead Member	16
	Chairman of a Regulatory Committee	17
	Chairman of Governance and Audit Committee	19
	Community Ward Councillor	21
	Member Champion	23
	<b>Functions</b>	
	Of the Monitoring Officer	25
	Of the Head of Paid Service	29
	Of the S151 Officer	32
	Petitions Scheme	37
	Virtual First	42
	Template Terms of Reference	43

# Constitution of West Lindsey District Council

## Part I

# Introduction, Summary and Explanation



# Introduction, Summary and Explanation

## Contents

Introduction .....	1
Summary and Explanation .....	2

## Introduction

### By Paul Burkinshaw, Head of Paid Service, West Lindsey District Council

West Lindsey District Council exists to serve its citizens and make decisions on their behalf. The council's vision is that:

“West Lindsey is a great place to be where people, businesses and communities thrive and can reach their potential”.

The Council's values are:

1. To put the customer at the centre of everything we do
2. To act as one council
3. To be business smart, to act on evidence and take advantage of opportunities, thinking creatively and getting things done
4. To communicate effectively with all stakeholders
5. To have integrity in everything we do

The Council's Constitution sets out the arrangements for the governance of the district. It reflects both legislation and good practice and shows how the Council acts in an open, transparent and accountable way for the people of West Lindsey.

The rules, procedures and guidance in the Constitution have been chosen to give local citizens the confidence that decisions made in their name have been taken correctly. It does not mean that everyone will agree with every decision the Council makes. But it should mean that people know what decisions are made, that they can see that decisions have been made fairly, and that proper consultation takes place wherever possible.

This Constitution is used most often by Councillors and council staff. It gives guidance, about who has the right to take different decisions and about how decisions are made. So it is for:

- the public;
- the members of the council;
- the council's staff

The Constitution is essentially a reference document and is not designed to be read like a book. It is there for people to look up the rules and solve problems of procedure. To help readers find their way round there is a table of contents at the beginning and an index at the end. It is divided into seven parts. Part I summarises the document and explains how decisions are made. In Part II the articles explain the rights of citizens and how the key parts of the council operate. Part III contains a number of codes and protocols which deal with conduct and behaviour and the way in which Councillors and staff work together. Part IV makes it clear who is responsible for every decision made by the council while Part V sets out rules of procedure that ensure that all decisions are taken properly and lawfully. Part VI sets out the allowances received by Councillors in recognition of the responsibilities they undertake. Part VII shows the Council's management structure and senior officers.

## Summary and Explanation

### The Council's Constitution

West Lindsey 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 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 at the end of the document.

### Articles of the Constitution

The Constitution contains 15 Articles which set out the principles on which West Lindsey will operate. Article 1 commits the Council to act within the provisions of this Constitution. Articles 2-15 explain the rights of the public and how the key parts of the Council operate. These are:

- The Constitution (Article 1)
- Members of the Council (Article 2)
- The Public and the Council (Article 3)
- The Council (Article 4)
- Chairing the Council – roles and functions of the Chairman of the Council (Article 5)
- Leader of the Council (Article 6)
- Overview and Scrutiny (Article 7)
- Committees (Article 8)
- Licensing Committee (Article 9)
- Joint Arrangements (Article 10)
- Officers (Article 11)
- Decision Making (Article 12)
- Finance, Contracts and Legal Matters (Article 13)
- Review and Revision of the Constitution (Article 14)
- Suspension, Interpretation and Publication of the Constitution (Article 15)

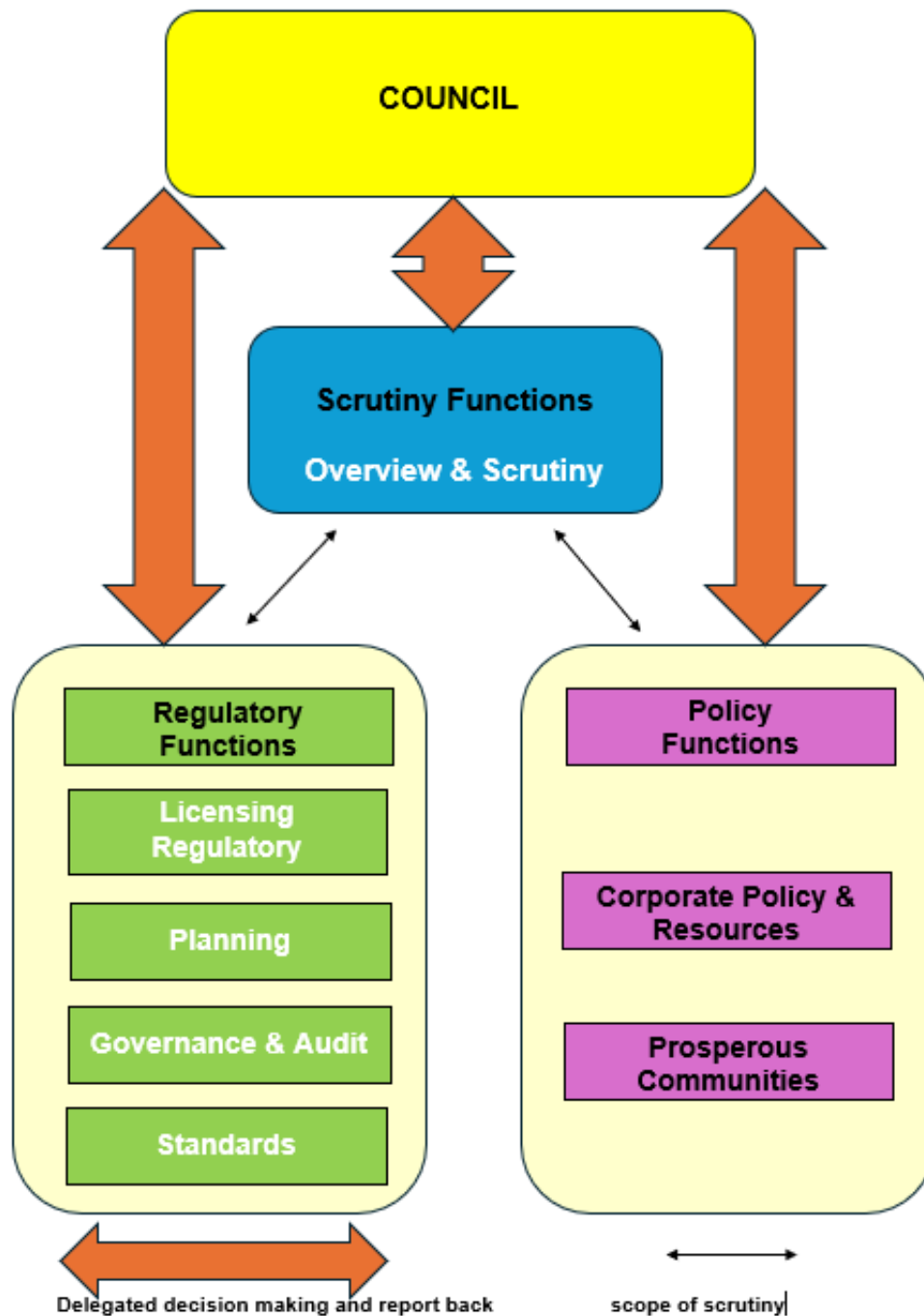
### Services

West Lindsey currently provides a range of services set out in the A-Z list, money for which comes from the following sources:

- income from fees and charges

- government specific grants
- specific reserves
- general balances
- non-domestic rates
- government general grant
- surplus on collection fund
- council tax
- commercial activity

**How Decisions are made**



Most day-to-day decisions are made by one of the Council's two policy committees. The Corporate Policy and Resources Committee is responsible for the effective use of all council resources whether land, finances, property or personnel. The Prosperous Communities Committee formulates policies which deal with economic development, housing, leisure and culture, environmental issues and community issues. The Planning, Governance and Audit, Standards, Licensing and Regulatory Committees carry out a number of regulatory functions.

### **How the Council Operates**

The Council consists of 36 Councillors (also called "Members"), elected every four years. Councillors are democratically accountable to residents of their ward. 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 must agree to comply with West Lindsey's Members' Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Sub-Committee (a Sub-Committee of the Governance and Audit Committee) trains and advises them on the Code of Conduct.

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 the main forum for debating the state of West Lindsey, approving the Council's annual budget and setting the policy framework within which the committees operate. The Council appoints a Leader to give clear leadership for the Council and the local community. It is also responsible for delegating functions to committees and has a role in holding those committees to account.

### **Overview and Scrutiny**

There is one committee called Overview and Scrutiny which manages this process. Operating in its own right and through the creation of time limited panels (as needed) to conduct effective scrutiny of decisions it supports the work of the policy committees and the Council as a whole. It allows the public to have a greater say in Council matters by holding public inquiries into matters of local concern. It can lead to reports and recommendations which advise the policy committees and the Council as a whole on its policies, budget and service delivery.

The Overview and Scrutiny Committee also monitors the decisions of the policy committees. It can "call-in" a decision which has been made by a policy committee but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the policy committee reconsider the decision. It may also be consulted by the policy committees on forthcoming decisions and the development of policy.

### **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. The Member Officer Protocol deals with the relationships between officers and Members of the Council.

### **Citizens' Rights**

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. 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:

- vote at local elections if they are eligible and registered
- contact their local Councillor about any matters of concern to them
- obtain a copy of the Constitution
- attend meetings of the Council and its committees except where, for example, personal or private matters are being discussed
- see unrestricted reports and associated background papers and any published record of decisions made by the Council and committees
- petition to request a referendum on a mayoral form of executive
- present petitions under the Council's petitions scheme
- make a statement or ask a question at council meetings
- participate in meetings and contribute to investigations by the Overview and Scrutiny Committee
- complain to the Council about council services, action or inaction which concern them, for the matter to be investigated under the Council's complaints processes
- complain to the Local Government Ombudsman at any time 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
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Members' Code of Conduct
- inspect the Council's accounts and make their views known to the external auditor
- rights conferred under the Localism Act 2011

The Council welcomes participation by the public in its work. For further information please contact the Democratic Services team, Guildhall, Marshall's Yard, Gainsborough, Lincolnshire, DN21 2NA. Telephone 01427 676594/5. Details of the Council Committees, Members and Services and guidance relating to the Freedom of Information Act 2000 can be found on the Council website at [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk)