



Rutland County Council

CONSTITUTION

Approved at Annual Council 9
May 2022

RUTLAND COUNTY COUNCIL DISTRICT COUNCIL CONSTITUTION

PART 1 – INTRODUCTION

THE COUNCIL'S CONSTITUTION

- 1) Rutland County Council District Council adopted its constitution with effect from September 2001. The Constitution 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.

This is a document to help residents, businesses, partners, stakeholders, councillors and officers understand how the Council works. We have included hyperlinks between different parts of the Constitution wherever possible to make it easy to navigate your way around the information. We have also included hyperlinks to other documents/sites where we think this will be helpful. All hyperlinks are coloured [blue](#) like this.

If you have any queries about anything in this Constitution, please contact the Democratic Services Team: democraticservices@rutland.gov.uk

What's in the Constitution?

- 2) Article 1 of the Constitution commits the Council to a series of principles for decision making on services and exercising community leadership.
- 3) Articles 2 – 15 explain the rights of citizens and how the key parts of the Council operate. These are:
 - Members of the Council (Article 2).
 - Citizens and the Council (Article 3).
 - The Full Council meeting (Article 4).
 - Charing Meetings of the Council. (Article 5)
 - Scrutiny Committees (Overview and scrutiny of decisions) (Article 6).
 - The Cabinet (Article 7)
 - Regulatory and other Committees in the Council (Article 8).
 - Area Committees and Forums (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).
 - Schedule 1 – Description of the Executive Function.

How the Council operates;

- 4) The Council is composed of [27 councillors](#) elected every four years. The next elections will be held in 2027, and every 4 years thereafter. 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.
- 5) Councillors are bound by a code of conduct to ensure high standards in the way they undertake their duties. The Conduct Committee arranges training and advises them on the code of conduct.
- 6) 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 appoints the Leader of the Council and the members of Council Committees. The Leader of the Council appoints the other members of the Cabinet. The Council also plays a role in holding to account the Cabinet, Council Committees and Scrutiny Committees.

CABINET

- 7) The Cabinet is the part of the Council which is responsible for most day-to-day decisions. There are some decisions which, by law, can only be made by the Council. These are set out in a schedule at Part 8 of this Constitution. The Cabinet is made up of a Leader appointed by the Council and up to nine councillors who are appointed by the Leader. When key decisions are to be discussed or made, these are published 28 days in advance in so far as they can be anticipated. If these key decisions are to be discussed with Council Officers at a meeting of the Cabinet, the meeting will generally be open for the public to attend except where personal, exempt 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.

OVERVIEW AND SCRUTINY

- 8) The Council must have at least one overview and scrutiny committee, to support the work of the Cabinet and the Council as a whole. The Strategic Overview and Scrutiny Committee allows Cabinet decisions to be examined and matters of local concern to be considered. These lead to reports and recommendations to advise the Cabinet, Partners and the Council as a whole on-policies, budget and service delivery. The Strategic Overview and Scrutiny Committee also monitors the decisions of the Cabinet. It can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Cabinet reconsiders the decision. It may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

COUNCIL EMPLOYEES

- 9) 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 code of practice governs the relationship between officers and members of the Council.

RIGHTS OF RESIDENTS AND MEMBERS OF THE PUBLIC

- 10) 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 an individual's legal rights.
- 11) Where members of the public use specific council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.
- 12) Members of the Public-have the right to:
 - vote at local elections if they are registered,
 - contact their local councillor and the Leader of the Council about any matters of concern to them,
 - view the Constitution,
 - attend meetings of the Council, its Committees and Scrutiny Committees except where exempt, for example, personal, or confidential matters are being discussed,
 - petition to request a referendum on a mayoral form of executive,
 - participate by submitting petitions, deputations and questions to Council, its Committees and Scrutiny Committees and may in some instances contribute to investigations by the Scrutiny Committees as co-opted members or witnesses,
 - find out, from the Cabinet's Forward Plan, what key decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when,
 - attend meetings of the Cabinet where decisions are being discussed or decided (in most cases),
 - see reports and background papers, and any record of decisions made by the Council and Cabinet,
 - complain to the Council about something the Council has done, failed to do, or has done in a way that is considered unsatisfactory. A copy of the Complaint Procedure can be found online,
 - complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own Complaint Procedure,
 - complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
 - inspect the Council's accounts and make their views known to the external auditor.
- 13) The Council welcomes participation by members of the public in its work. For further information, please contact the Democratic Services Manager who will be able to advise you on the procedures for submitting petitions, questions, and deputations to meetings of the Council, its Committees and Scrutiny Committees. Further information can also be [found on the Council's website](#).
- 14) Members of the Public-have the right to inspect agendas and reports and attend meetings of the Council, its Committees, Overview and Scrutiny Committees and the Cabinet unless a matter is being discussed for which it is necessary to exclude the public and press. Agenda and reports can be inspected in the Customer Services Centre at Catmose and from the council's website on the day of publication as required by the law and in some instances these documents may be made available at an earlier date. Copies of these documents will also be made available in all the Council's public libraries.