

# **FOLKESTONE AND HYTHE DISTRICT COUNCIL** **CONSTITUTION**

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

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

The District Council of Folkestone and Hythe has agreed this 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 citizens. 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, in the relevant parts of this Constitution.

## **2. WHAT IS IN THE CONSTITUTION?**

Article 1 of the Constitution commits the Council to provide clear, just, effective community leadership and to a decision-making process that is inclusive, transparent, lawful, fair and rational. Articles 2-15 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council – the councillors (Article 2)
- Citizens and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council. (Article 5)
- The Overview and Scrutiny Committee (Article 6)
- The Cabinet (Article 7)
- Regulatory and other committees (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)

### **3. HOW THE COUNCIL OPERATES**

- 3.1** The Council is composed of 30 councillors, elected every four years. Councillors are democratically accountable to residents of their ward. A register of the current councillors, and ward map, are shown in Appendix 1. 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** Councillors have to agree to follow codes of conduct, to ensure high standards in the way they undertake their duties. The Audit and Governance Committee trains and advises them on these codes of conduct.
- 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 responsible for electing the Leader of the Council and arranging for non-executive functions to be discharged. It also provides a forum for public participation and enables councillors to question the executive about its activities, and chairmen of committees about the decisions of those committees.

### **4. HOW DECISIONS ARE MADE**

The Cabinet (or executive) is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader, who is elected by the Council, and a Cabinet of councillors, whom he/she appoints. When major decisions (known as 'key decisions') are to be discussed or made, these are published in a notice, prior to the meeting. If these major decisions are to be discussed with Council officers, at a meeting of the Cabinet, this 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.

### **5. OVERVIEW AND SCRUTINY**

An overview and scrutiny committee supports the work of the Cabinet, and the Council, as a whole. The committee allows citizens to have a greater say in Council matters, by holding public inquiries into matters of local concern. These lead to reports and recommendations, which advise the executive, and the Council, as a whole, on its policies, budget and service delivery. The 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 the Cabinet to reconsider the decision. The committee may also be consulted by the Cabinet, or the Council, on forthcoming decisions and the development of policy.

## **6. 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. A protocol governs the relationships between officers and councillors.

## **7. 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. 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, for example, as a Council tenant, they have additional rights. These are not covered in this Constitution.

### **7.3 Citizens have the right to:**

- a) Vote at local elections, if they are registered;
- b) Contact their local councillor about any matters of concern to them;
- c) Obtain a copy of the Constitution;
- d) Attend meetings of the Council and its committees, except where, for example, personal or confidential matters are being discussed;
- e) Speak at a meeting of the Planning and Licensing Committee, when it is considering applications for planning permission, in accordance with the procedure set out in Part 5;
- f) Speak and ask questions when licensing and registration matters are being considered at a committee meeting, in accordance with the procedure set out in Part 5;
- g) Petition to request a referendum on a mayoral form of executive or a committee system;
- h) Petition to initiate a community governance review;
- i) Present petitions in accordance with the Petition Scheme in Part 4;
- j) Participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committee;
- k) Find out, from the notice of key decisions, what major decisions are to be discussed by the Cabinet, or decided by the executive, or officers, and when;

- l) Attend meetings of the Cabinet, except where, for example, personal or confidential matters are being discussed;
- m) See reports and background papers, and any record of decisions made by the Council / its committees and Cabinet;
- n) Complain to the Council about failures in service of any action, or lack of action, by the Council. Complaints should be made under the Council's Corporate Complaints Procedure;
- o) 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 complaints' process;
- p) 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
- q) Inspect the Council's accounts and make their views known to the external auditor;
- r) See material available to the public, under the Council's publication scheme, made under the Freedom of Information Act 2000;
- s) Be informed, in writing, whether the Council holds any information under the Freedom of Information Act 2000, the Data Protection Act 2018 or the Environmental Information Regulations 2004 and to have that information communicated to them, except where the information is the subject of an exemption under the legislation.

**7.4** The Council welcomes participation, by its citizens, in its work.

**7.5** A statement of the right of citizens to inspect agendas and reports, and attending meetings, is set out in Parts 4, 5, 6 and 7 of this constitution.