

Part 1: Summary and Explanation

The City of Lincoln Council's Constitution

The City of Lincoln Council has a Constitution, which sets out how the Council operates, how decisions are made, and the procedures that are followed to ensure that the Council is 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.

This summary outlines the main features of the Constitution.

What's in the Constitution?

Part 2 of the Constitution is divided into 17 articles which set out the basic rules governing the Council's business. The Articles refer to more detailed procedures and codes of practice, which are set out in separate rules and protocols contained in other Parts of the Constitution.

Article 1 sets out the purpose of the Constitution, which is to ensure that the Council functions effectively, efficiently, transparently and accountably, in partnership with, and to the benefit of, the local community, delivering quality services and striving for continuous improvement.

Articles 2 to 17 explain the rights of citizens and how the key parts of the Council operate. The following list shows the subject matter of each of these Articles.

- Article 2 - Members of the Council
- Article 3 - Citizens and the Council
- Article 4 - The Full Council
- Article 5 - The Mayor and Deputy Mayor
- Article 6 - Scrutiny Committees
- Article 7 - The Executive
- Article 8 - Regulatory and other Committees/Panels
- Article 9 - Audit Committee
- Article 10 - The Ethics and Engagement Committee
- Article 11 - Area Committees/Forums
- Article 12 - Joint Arrangements
- Article 13 - Officers of the Council
- Article 14 - Decision making
- Article 15 - Finance, Contracts and Legal Matters
- Article 16 - Review and Revision of the Constitution
- Article 17 - Suspension, Interpretation and Publication of the Constitution

How the Council Operates

The Council is comprised of 33 Councillors with one-third elected three years in four. 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 have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Council has appointed an Ethics and Engagement Committee that ensures members receive training and advice 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 also appoints the Executive and a number of other committees including four Scrutiny committees.

The Executive

The Executive is the part of the Council, which is responsible for most day-to-day decisions. The Leader is appointed by the Council and it is his/her responsibility to appoint members to the Executive. The Constitution provides that the Leader can appoint up to 9 members to serve on the Executive. All executive arrangements rest with the Leader who has complete discretion to allocate decision making powers to the Executive as a body or to delegate decision making to Executive members or to officers.

When major decisions are to be discussed, or made, these are published in the Executive's Work Programme in so far as they can be anticipated. Meetings of the Executive will generally be open for the public to attend, except where certain confidential matters are being discussed. The Executive's decisions must be in line with the Council's overall policies and budget. If the Executive or a member of the Executive 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.

Scrutiny

There are four Scrutiny committees who scrutinise the work of the Executive and the Council as a whole and have a role in the development of policy. The four committees have been appointed as follows:

- Performance Scrutiny Committee
- Policy Scrutiny Committee
- Community Leadership Scrutiny Committee
- Select Scrutiny Committee

They can allow citizens representatives and other stakeholders to contribute to their work by involving them in reviews of the Council's policies and performance. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy. The Policy Scrutiny Committee also monitors the decisions of the Executive by considering the contents of the Executive Work Programme. The Community Leadership

Scrutiny Committee scrutinises plans, actions and decisions made by the council's partner organisations that are responsible for the services in the city. The Select Scrutiny Committee considers requests, to "call-in" a decision, which has been made by the Executive but not yet implemented. This enables the committee to consider whether the decision is appropriate, and can if necessary recommend that the Executive or Council reconsider the decision.

Planning and Licensing

Planning and Licensing decisions are not made by the Executive, but by specially appointed Committees of the Council.

The Council's Staff

The Council's staff (called Officers) give advice to members, implement decisions and manage the day-to-day delivery of the Council's services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources properly. A code of practice governs the relationship between Officers and Members of the Council.

Citizens' Rights

Citizens have rights in their dealings with the Council both under the Constitution and the general law.

Citizens have the right to:-

- vote at local elections providing their names are included on the electoral register;
- contact their local Councillor about any matters of concern to them;
- inspect and obtain a copy of the Constitution;
- attend meetings of the Council, its executive and its committees except where, for example, certain confidential matters are being discussed;
- ask questions at Council meetings;
- submit petitions to Council in accordance with the Council's Petition Scheme;
- make verbal representations at Planning Committee on planning applications;
- find out, from the Executive's Work Programme, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council about the standard of service provided by the Council;
- complain to the Ombudsman if they think the Council has not followed its procedures properly;
- complain to the Monitoring Officer if they have evidence which they think shows a Councillor has not followed the Council's Code of Conduct;

- make written representations in relation to a variety of licensing and planning applications
- complain about the standard of conduct of organisations/individuals for whom the Council has a regulatory enforcement role
- seek information which the Council must disclose under the Freedom of Information Act 2000.
- inspect the Council's accounts and make their views known to the external auditor; and
- make their views known to the Council on any matter.

Where members of the public use specific Council services, for example as Council tenants they have additional rights. These are not covered by the Constitution.

Access to Information

Except where confidential matters are to be discussed, citizens will be able to inspect agendas and reports five days before meetings of the Council, its Committees, and the Executive, and to attend those meetings if they wish. Full details of all meetings are available from Democratic Services, City of Lincoln Council, Beaumont Fee, Lincoln. Telephone 01522 873387. Democratic Services will also help you if you wish to inspect agendas and reports, or if you wish to inspect or obtain a copy of the Constitution.

Copies of all agendas, reports and minutes are also available on www.lincoln.gov.uk