

Part 1 - Summary and Explanation

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1.0 The Council's Constitution

The Thanet District Council first agreed a new constitution as required by the Local Government Act 2000 in 2002. The first comprehensive review of that document was undertaken in early 2004 as a result of which the Council agreed this revised Constitution on 6 May 2004. A number of changes were made as a result of decisions of Council in 2005 and 2006. It 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 Council will continue to monitor the operation of this revised Constitution and may from time to time make further changes.

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business and sets out who is responsible for the various functions of the Council. [See Parts 2 and 3.]

More detailed procedures, rules and codes are included in separate parts along with other information to help enable citizens and other stakeholders understand how the Council operates. [See Parts 4 to 7.]

2.0 What's in the Constitution?

Article 1 of the Constitution commits the Council to provide clear Leadership to the community and to continuously improve the delivery of services to the community. Articles 2 – 16 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 Council meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny of decisions (Article 6)
- The Executive ("The Cabinet") (Article 7)
- Regulatory and other Committees (Article 8)
- The Standards Committee (Article 9)
- Area Committees (Article 10)
- Joint arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)

- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

3.0 How the Council operates

The Council is composed of 56 Councillors 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 have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards 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. **At the Annual Meeting of the Council in the year of an ordinary election of Councillors, the Council will appoint one of the Councillors to the office of Leader of the Council for a term ending on the date of the Annual Meeting of Council in the next year of an ordinary election of Councillors (i.e. for four years). However, in each Council Year the Leader will appoint between two and nine other Councillors to form a Cabinet for the ensuing year and allocate a number of functional responsibilities (called a portfolio) to each of them. The Cabinet Leader will also appoint one of the Cabinet Member as Deputy Leader to act in his absence.** The Cabinet is responsible for an extensive range of functions in accordance with this Constitution and the policies and budget agreed by the Council. [See Articles 2 to 5.]

4.0 How Decisions are Made

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet can be made up of the Leader and up to nine other Councillors whom he/she appoints. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. 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 other 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. [See Article 7 and Part 3; see also the Budget and Policy Framework Procedure Rules and the Cabinet Procedure Rules in Part 4.]

5.0 Overview and Scrutiny

The Council must always appoint at least one Overview and Scrutiny Committee to support the work of the Cabinet and the Council as a whole. The Council has currently appointed one Overview and Scrutiny Committee called a "Panel" to undertake this role. Such Committees give the opportunity for citizens to have a greater say in Council matters by examining matters of local concern. These can lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Committees also monitor the decisions of the Cabinet and Cabinet Members.

Decisions, which have been made by the Cabinet but not yet implemented, can be “called-in” for review. This enables consideration of whether the decision is appropriate. Scrutiny may recommend that the Cabinet or Cabinet Member reconsiders the decision. Scrutiny may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy. [See Article 6 and the Overview and Scrutiny Procedure Rules in Part 4.]