

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

### **The Council's Constitution**

1. This 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 law, while others are a matter for the Council to choose.
2. The Constitution is divided into 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 later in the document.

### **How the Council operates**

3. The Council is composed of 47 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.
4. Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for matters relating to the Code of Conduct.
5. All Councillors meet together as the Council. Meetings of the Council are open to the public, except where exempt matters are discussed. The main role of Council meetings is to decide the Council's overall policies and set the budget each year. Further details are set out in Part 3 of the Constitution.

### **How Decisions Are Made**

6. The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader, who is nominated by the Majority Party and appointed by Council and other Councillors proposed by the Leader, and ratified by full Council. When key decisions are to be made, these are published in the Executive's Forward Plan insofar as they can be anticipated. Meetings of the Executive will generally be open for the public to attend except where exempt or confidential matters are being discussed. The Executive 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. There is a procedure for decisions to be made by individual Executive Members.

### **Overview and Scrutiny**

7. Overview and Scrutiny supports the work of the Executive and the Council as a whole. The Committees are able to hold reviews 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. Scrutiny Committees also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive, or an Executive Member, but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision or that the matter be referred to Council. They may also be consulted by the Executive or the Council on forthcoming decisions and have a key role to play in the development of policy.

### **Other Committees**

8. There are certain functions that the Executive cannot be responsible for and these are matters for the Council to agree. The Council has established Committees specifically for this purpose, such as the Planning Committee and Licensing Committee.

### **Local Engagement Forums**

9. The Council is piloting three Local Engagement Forums for one year, with effect from 1st January 2009, to give the public a greater say and involvement in matters that affect them. These cover the Isle of Sheppey, Faversham and Sittingbourne and include representation from the Swale Borough Councillors and Kent County Councillors for that area, together with representatives from the Kent Association of Local Councils and members of the Local Strategic Partnership.
10. There is also a Swale Rural Forum, which involves councillors and representatives from local interest groups who meet to discuss matters affecting the rural community, giving members of the public the opportunity to have their say.

### **The Council's Staff**

11. 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 relationships between Officers and Members of the Council.