

# Part 1 - Summary and Explanation

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

The Council has agreed a new 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 local people. Some of these processes are required by the law, while others are a matter for the Council to choose and codes of practice are provided in separate rules and protocols in other parts of this Constitution.

## **2.0 What's in the Constitution?**

Article 1 of the Constitution commits the Council to exercise all its powers and duties in accordance with the law. Articles 2 – 16 explain the rights of residents and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Residents and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and scrutiny of decisions (Article 6)
- 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.

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). The Leader will also appoint a Deputy Leader for the same term of office to act in their absence. However, in each Council Year the Leader will appoint between one and eight other Councillors to combine with the Leader and Deputy Leader to form a Cabinet. The Leader will then allocate a number of functional responsibilities (called a portfolio) to each of them. 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 that are made by members. 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, the meeting will generally be open for the public to attend except where matters that fall into the statutory exemptions apply in which case there will be a private session. The exemptions apply broadly to personal or commercially confidential matters. 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.

### **5.0 Overview and Scrutiny**

There is a single overview and scrutiny panel which supports the work of the Cabinet and the Council as a whole. It allows residents 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 Cabinet and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Panel monitors the decisions of the Cabinet and of individual Cabinet members. It can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them 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.

## **6.0 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 code of practice governs the relationships between officers and members of the Council.

## **7.0 Residents' Rights**

Members of the public have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific council services, they may have additional rights. These are not covered in this Constitution.

Residents have the rights to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in the Council's question time and contribute to investigations by the overview and scrutiny committees as set out in [Overview and Scrutiny Procedure Rules];
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Cabinet;
- complain to the Council using the Council's complaints process;
- 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;
- complain to the Council 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.

The Democratic Services Team will also supply information about the rights of residents to inspect agendas and reports and attend meetings.