

## Part 1

### **SUMMARY AND EXPLANATION**

1. This Constitution is laid out in parts. This Part 1 is a summary and explanation and is not a substantive part of the document.
2. Part 2 comprises the sixteen (16) Articles of the Constitution. The Articles form the building blocks and foundation of the Council's Constitution.
3. Part 3 describes the Council's executive arrangements. Since the Local Government Act 2000 came into force, every local authority is required to choose a model of governance from a choice of four prescribed by Parliament. Part 3 essentially explains that the Council's functions fall into two categories – those matters that are the responsibility of the Cabinet and those which are the responsibility of the Full Council. It then sets out the committees to which the Full Council has delegated powers, and also sets out the powers the Leader has decided the Cabinet should reserve for itself. All other powers are delegated to officers in accordance with the Scheme of Delegation to Officers which forms Part 7.
4. Part 4 contains the procedural rules or "Standing Orders" which govern meetings of the Council, the Cabinet and Committees, the employment of staff and the award of contracts. It also contains the Council's financial regulations.
5. Part 5 is the Council's ethical governance framework. It sets out various codes of practice and protocols governing councillors ("members") and officers, some statutory and some voluntary.
6. Part 6 sets out the Members' Allowance Scheme adopted by Full Council. Members are volunteers who stand for election. They are not employees, but office holders. In order to recognise the level of voluntary responsibility they assume and the time commitment they make, the law permits them to be paid allowances. In deciding the amount of the allowances, the Council must take into account the recommendations of an Independent Remuneration Panel.
7. Part 7 sets out how the Council is organised and also gives details of which powers are delegated by Council and the Leader to officers of the Council's Corporate Management Team. This part also describes the role of the Corporate Management Team (CMT) and the Leader's Strategy Group (LSG). These two entities are not part of the Constitution. The CMT is the Chief Executive's meeting with the Council's most senior officers. The LSG is a meeting chaired by the Leader of the Council and brings together members of the Cabinet and members of CMT for planning the work of the Council and monitoring progress, but not for taking decisions.

## **8. How the Council Operates**

The Council is composed of 60 councillors, who are elected every four years. Councillors, also known as members, are democratically accountable to residents of their ward. Their overriding duty 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 Full Council. Meetings of the Council are normally open to the public unless confidential or exempt information is being discussed. At these meetings, councillors decide the Council's overall policies and set the budget each year. The Council also elects the Leader, sets up and makes appointments to the Overview and Scrutiny Commission and other committees, and confirms the appointment of the Chief Executive and the Monitoring Officer.

## **9. How Decisions Are Made**

The Cabinet is the part of the Council that is responsible for most executive decisions. The Cabinet is made up of a maximum of 10 Councillors, including a Leader elected by the Council and a Deputy Leader appointed by the Leader. 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 formal meeting of the Cabinet, the public will be able to attend, except where personal or confidential matters are being discussed. The Cabinet is required to make decisions, which are in line with the Council's overall policies and budget. If it wishes to make a decision that is outside the budget or policy framework, the decision must be referred to the Council as a whole to decide.

## **10. Overview and Scrutiny**

The role of Overview and Scrutiny is to hold the Cabinet to account, to review and develop policy and to scrutinise the work and impact of external agencies on the local community.

This function is carried out by an Overview and Scrutiny Commission and Overview and Scrutiny panels, which support the work of the Cabinet and the Council as a whole.

They allow citizens to have a greater say in Council matters by holding public investigations into matters of local concern and making recommendations for improvement. This work advises the Cabinet and the Council as a whole on its policies, budget and service delivery. Indeed, the Cabinet or the Council may consult with them on forthcoming decisions and the development of policy.

The Overview and Scrutiny Commission also monitors executive decisions once they are made. In certain circumstances, they 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. They may recommend that the Cabinet reconsider the decision.

## **11. Community Forums**

In order to give local citizens a greater say in Council affairs, four Community Forums have been created. Community Forums are open meetings which bring together people working and living in an area to discuss issues affecting them. They are advisory and consultative in nature and do not have decision making powers.

## **12. 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. The Member/ Officer Protocol governs the relationships between officers and members of the Council. (Part 5)

## **13. Citizens' Rights**

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.

Where members of the public use specific Council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right 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 public question time and contribute to investigations by the various Overview and Scrutiny Panels;
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the executive or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where decisions are being discussed or decided;

- see reports and background papers, and any record of decisions made by the Council and Cabinet;
- file a complaint with the Council or the Ombudsman as appropriate; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Head of Democracy and Electoral Services.

#### **14. Strategy Board/ Leader's Policy Group/ Leader's Strategy Group**

It is recognised as good practice for senior councillors and officers to meet together on a regular basis to gain a shared understanding of key issues facing the Council and to ensure a corporate focus on key issues. This function is performed by the Leader's Strategy Group (LSG), more information about which is in Part 7.