

Part 1

SUMMARY AND EXPLANATION

1. This Constitution is laid out in parts. 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 set out the basic rules governing the Council's business, including the rights of citizens and how the key parts of the Council operate.
3. Part 3 describes the Council's decision making arrangements and which parts of the Council are responsible for carrying out its functions. that Part 3 essentially explains that the law provides that Council's functions fall into two categories – those matters that are the responsibility of the executive and those which the Full Council or its committees must carry out. The latter are known as Council functions and include agreeing major policies and the annual budget, and planning and licensing.

Some functions are local choice functions, and it is for the Council to decide whether these functions are dealt with as an executive or Council function. It then sets out the committees to which the Full Council has delegated powers.

The Leader of the Council is responsible for all executive functions, and this part also sets out the powers the Leader has decided to delegate to the Cabinet. All other powers are delegated to officers in accordance with the Scheme of Delegation to Officers which forms Part 3E. This includes non executive functions delegated by full Council and Executive functions delegated by the Leader. Joint committees with other authorities are also set out in this part of the Constitution.

4. Part 4 contains the procedural rules which govern meetings of the Council, the Executive (Cabinet), Overview and Scrutiny, Committees, the employment of staff and the awarding 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. The Council's Governance Standards and Audit Committee is responsible for hearing complaints against Members where there may have been a breach of the code of conduct and to decide, what action, if any to take, in consultation with the Independent Person. The staff code of conduct is intended to provide rules and guidelines on minimum standards of conduct that staff are

expected to observe in the employment of the Council so as to maintain and promote public confidence in the Council.

6. Part 6 sets out the Members' Allowance Scheme adopted by Full Council. Members 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 the Independent Remuneration Panel.
7. Part 7 sets out the Council's management structure. This part also describes the role of the Corporate Leadership Team (CLT) and the Leader's Strategy Group (LSG). These two entities are not part of the Constitution. The CLT 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 CLT 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 57 councillors, who are elected every four years. Each councillor is elected by the voters in one of the 20 wards that comprise the Borough. 17 wards each are represented by 3 councillors and the remaining 3 wards are each represented by 2 councillors.

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. The Council's Governance Standards and Audit Committee is there to promote high standards of conduct and probity by members and co-opted members. It may hold hearings into alleged misconduct. It decides what action to take following an investigation into an alleged breach of the Code of Conduct, having sought and taken into account the views of the independent person. It also assists councillors to observe the Code of Conduct, in particular by ensuring access to training.

9. How Decisions Are Made

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 Committee and other committees. It delegates some of its functions to committees such as planning and licensing committees. It confirms the appointment of the Chief Executive. At the Annual Meeting of the Council, the Council elects the Mayor and the Mayor appoints the Deputy Mayor.

The Leader of the Council is appointed for a four year term at the first annual meeting of the Council following the Borough-wide elections. All executive functions reside with the Leader of the Council and he/she appoints the Cabinet, agrees the scheme of delegation to the Cabinet, its sub-committees and Chief Officers. Executive functions are all functions which are not specifically reserved by law to the Council.

The Cabinet is appointed by the Leader who assigns to each Cabinet Member a specific portfolio. The Cabinet is responsible for those executive functions delegated to it by the Leader of the Council. 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 key decisions are to be discussed or made, these are published on the forward plan in so far as they can be anticipated. The public will be able to attend meetings of the Cabinet where these key decisions are being decided, except those parts of meetings where confidential or exempt information is 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 Committee and Overview and Scrutiny panels, which support the work of the Cabinet and the Council as a whole.

Scrutiny Panels may also undertake more in-depth reviews on a matter of importance to the public on services provided by the Authority or by other public bodies whose work impacts on residents.

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 Committee also monitors executive decisions once they are made. In certain circumstances, they can 'call-in' an executive key decision which has been made but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the decision is reconsidered by the decision maker.

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 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, except for agenda items where confidential or exempt information is being discussed;
- 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 Services.

14. 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.