

CONSTITUTION OF THE COUNCIL

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CONSTITUTION OF THE COUNCIL

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, others are a matter for the Council to choose.

Hyperlinks between different parts of the Constitution have been included wherever possible to make it easy to navigate around the information. Hyperlinks to other documents/sites have also been included where this will be helpful. All hyperlinks are coloured [red like this](#).

Chapter 1 - Summary and explanation

The Local Government Act 2000 requires a council to set out in a constitution how the council operates. The purpose of this Constitution is to provide an efficient and effective framework for:

- How the Council operates
- How its decisions are made and
- The procedures and rules which will be followed.

The Council

The Council is composed of 31 Councillors who are each elected to represent a particular Ward. There are 20 Wards in the Council's area. Details of the Wards and the Councillors elected to each Ward can be found [here](#).

The election of all Councillors is normally held every four years on the first Thursday in May. The term of office for Councillors starts on the fourth day after being elected and finishes on the fourth day after the date of the next regular election.

Councillors

Councillors 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 observe [a Code of Conduct](#) to ensure high standards in the way they undertake their duties. Councillors also have to register and declare certain interests which are available for public inspection in [a Register of Interests](#).

How the Council operates

All Councillors meet together as the Council. Formal meetings of the Council are open to the public except for certain exempt or confidential matters. Here Councillors decide overarching policies of the Council and set the budget each year.

The Council approves the creation of Committees and makes appointments to them based on nominations by political groups. The Council also appoints one Councillor to be its Leader.

Strategic decisions

The Council operates an Executive and Leader governance model by which all executive powers vest in the Leader. The Leader then makes arrangements for others to also to exercise executive powers.

The Executive is made up of the Leader and between 2 to 9 (inclusive) other Councillors appointed by the Leader. Political balance requirements do not apply to the Executive. Normally, when it is anticipated that executive Key Decisions are to be taken, the details will be published in [a Forward Plan](#).

The Executive usually takes the lead in deciding strategic matters. However there some decisions which are of particular importance or are required by law, which must be made the Full Council. Such decisions will often be considered by the Executive in advance who will then make recommendations for Full Council to consider.

Formal meetings of the Executive are open for the public to attend except where exempt, confidential or private matters are being discussed.

Overview and Scrutiny

The Council has one Overview and Scrutiny Committee that supports the Council. The Overview and Scrutiny Committee plays an important role in reviewing and scrutinising the Council's policies, budget and service delivery.

The Overview and Scrutiny Committee may also be consulted by Leader/Executive or the Council on upcoming decisions and the development of policy.

The Council operates a 'call-in' process in respect of executive decisions that means decisions that have been made, but not yet implemented can be called in for review by the Overview and Scrutiny Committee. The call in process enables the Overview and Scrutiny Committee to make recommendations to the Leader/Executive about decisions that have been called-in.

To reinforce the key role that the Overview and Scrutiny Committee plays in policy development and scrutiny, it meets two weeks after the Executive. The Overview and Scrutiny Committee has the power to appoint task and finish groups which carry out a specific piece of work and at its conclusion, the task and finish group reports back to the Committee.

Other arrangements

In addition to the Overview and Scrutiny Committee, the Council has a number of other Committees which make decisions and carry out other activities. These focus

on quasi-judicial matters for which the Council has responsibility, such as planning and licensing.

The Council has also entered into arrangements with other Councils to create joint/shared opportunities for the delivery of some of its functions and activities. Details of these arrangements are set out in the [Scheme of Delegation](#).

The Council will look to remove barriers between it, town/parish councils and local communities so that issues are addressed holistically and for there to be appropriate levels of engagement in decisions.

The Council's Staff

The Council has people working directly and indirectly 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 [Protocol on Councillor/Officer Relations](#) guides Councillors and Officers of the Council in their relations with one another to ensure the smooth running of the Council. Officers also have to comply with [the Code of Conduct for Officers](#).

Under the Council's [Senior Management Structure](#), the most senior Officer is the Chief Executive, who is also the Council's Head of Paid Service. Other senior managers lead different parts of the Council's services. Some Officers have specific duties to ensure that the Council operates within the law and uses resources wisely. These are the Monitoring Officer and the Section 151 Officer (Chief Finance Officer).

The functions and responsibilities which the Council has given to the senior Officers are listed in the [Scheme of Delegation](#).

Rights of members of the public

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.

Members of the public have the right to:

- vote at local elections if they are registered and eligible;
- [contact their local councillor](#) about any matters of concern to them;
- access a copy of the Constitution;
- [attend formal meetings](#) of the Council and its Committees, Panels and Sub-Committees except where exempt or, confidential matters are being discussed or the meeting is being held in private;

- find out from the Forward Plan what key decisions are to be discussed by the Executive or decided by the Leader, Executive or Officers, and when;
- ask questions, make statements, attend as a deputation and submit petitions at meetings of the Executive and the Full Council meetings;
- see publically accessible reports and background papers, and any record of decisions made by the Council, the Executive, Committees and Sub-Committees;
- complain to the Council about something the Council has done wrong, something that the Council should have done or if the Council has not treated an individual in a professional or civil manner;
- complain to the Local Government and Social Care 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; and
- inspect the Council's accounts during the public inspection period and make their views known to the external auditor.

Where members of the public use specific Council services they may have additional rights. These are not covered in this Constitution.

Review of the Constitution

The Constitution is to be kept under review by the Monitoring Officer. Unless any change to the Constitution is one that can be made by the Monitoring Officer under the Scheme of Delegation the Audit and Governance Committee will normally consider any proposed change before it is considered by Full Council.