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# INTRODUCTION

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## **Chapter 1 CITIZENS' RIGHTS AND OTHER BASIC RULES**

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### **1.1 Summary of citizens' rights**

Citizens have the right to:

- vote at local elections and get in touch with their local Councillors
- attend full Council, Cabinet and committee meetings, except when exempt or confidential items are discussed (see 13)
- ask questions at Cabinet (see 10.7), scrutiny bodies (see 11.17) and other committees (see 12.8)
- speak at Plans Committee meetings by following the rules set out in 12.12
- contribute to scrutiny committee inquiries (see 11.18)
- look at the Forward Plan which shows what important decisions will be taken and when (see 13) – this is available on the Council's website and at the main offices.
- look at agendas, reports, minutes and background papers (see 13) – agendas, reports and minutes are available on the Council's website and at the main offices
- look at the register of members' interests (see 20) – this is available on the Council's website and at the main offices
- request information under the General Data Protection Regulations (GDPR),<sup>1</sup> Freedom of Information Act, Environmental Information Regulations and Data Protection Act

- have petitions considered by officers, by full Council or to call officers to account, in each case depending upon the number of signatures the petition contains (see 15)
- sign a petition calling for a referendum on an elected mayor
- make a complaint to the Council
- complain to the relevant ombudsman if they have already complained to the Council
- complain to the Monitoring Officer that a Councillor has broken the members' code of conduct (see 18)
- inspect the Council's accounts at an advertised time and comment to the external auditor.

## **1.2 Councillors**

### **(a) Elections and terms of office**

There are 52 Councillors, who represent 24 wards.

Full elections are held every fourth year, with elections due in, 2027 and 2031 and so on.

Councillors serve for four years. They become Councillors on the fourth day after being elected. Their terms of office end four years later, on the fourth day after the elections.

### **(b) Role of Councillors**

Councillors:

- set the Council's overall policies
- provide political leadership
- represent people in their wards – this may involve balancing different interests
- deal with casework for people in their wards
- go to full Council and Committee meetings

- work to improve the good governance of the Council and Council services
- represent the Council on other bodies.

### **(c) Rights and duties of Councillors**

The Council will give Councillors the information and resources they need to do their jobs, as far as the law allows.

Councillors must obey the law and follow the members' code of conduct (see 20). They are guided by the protocol on member/officer relations (see 22), the protocol on presentations (see 25), and the members' planning code of good practice (see 24).

Councillors can exercise the following rights to speak at meetings for up to five minutes and may answer questions after that:

- one of the Councillors who called-in a decision may address the meeting of the Scrutiny Commission considering the call-in
- the Chair or Vice-chair of a scrutiny body may address the Cabinet or a committee in presenting that body's report
- the Chair or Vice-chair of the Audit Committee may address the Cabinet or a committee when referring matters of concern
- one of the Councillors, who submitted notice of a motion to full Council may address the body to which the motion is referred.

Councillors observing a Cabinet or scrutiny meeting are entitled to remain even though the public and the press have been excluded.

### **(d) Councillors' allowances**

Councillors can claim allowances (see 19).

## **1.3 Full Council**

### **(a) Role of full Council**

Full Council is attended by all Councillors. Some things can only be done by full Council. These include:

- agreeing the Council's overall budget and policies (which are known as the budget and policy framework)
- changing the Constitution
- appointing the Leader
- appointing committees of full Council
- confirming who will be Chief Executive, Chief Finance Officer and Monitoring Officer

Proposals that go against the budget or policy framework must normally be agreed by full Council. But there is a procedure for urgent decisions outside the budget and policy framework (see 14.4).

### **(b) Full Council Meetings**

There are three types of full Council meetings: annual meetings, ordinary meetings and special meetings. These follow the full Council procedures (see 9).

## **1.4 Leader and Cabinet**

### **(a) Members of the Cabinet**

The Cabinet is made up of the Leader, the Deputy Leader and between one and eight other Councillors. The Leader is appointed by full Council. The Leader appoints the Deputy Leader and Cabinet members. Members of the Cabinet cannot be the Mayor, the Deputy Mayor or a member of a scrutiny body.

### **(b) Cabinet meetings**

Cabinet meetings follow the Cabinet procedures (see 10).

### **(c) Executive decisions**

The Cabinet takes decisions collectively at Cabinet meetings. Some decisions are delegated to Cabinet members or officers (see 4.5 and 8.3).

Cabinet decisions must be consistent with the overall policies of full Council (policy framework). They must also be within the budget set by full Council.

### **(d) Key decisions**

Some decisions that the Cabinet takes are identified as being particularly important and are known as key decisions (see 13). When the Cabinet is going to take a key decision, it should be shown in the Forward Plan (see 13) to provide Councillors and the public with advance notice.

### **(e) Role of the Leader**

The Leader is responsible for:

- appointing and removing the Deputy Leader
- appointing members to and removing members from the Cabinet
- allocating executive responsibilities
- chairing Cabinet meetings.

## **1.5 Other committees that take decisions**

Other committees that take decisions include the Plans Committee, Appeals and Reviews committee, Member Conduct Committee, Personnel Committee, Licensing Committee, and Audit Committee. Section 5 describes their roles.

## **1.6 Scrutiny**

### **(a) Scrutiny bodies**

The Council has two permanent scrutiny bodies, which are politically balanced committees. The Scrutiny Commission may establish task and finish panels to carry out particular scrutiny reviews.

### **(b) Role of scrutiny committees**

Scrutiny committees scrutinise the Council's decisions and work. For more details, see Section 6.

### **(c) Procedure at scrutiny committees**

The scrutiny committees follow the scrutiny committee procedures in Section 11.

## **1.7 Mayor and Deputy Mayor**

### **(a) Election of Mayor and Deputy Mayor**

The Mayor and Deputy Mayor are elected by full Council each year. The Deputy Mayor may undertake the functions of the Mayor in the absence of or at the request of the Mayor.

### **(b) Ceremonial role**

The Mayor is the first citizen of the Borough and represents the Council at such civic and ceremonial events as the Council and he/she determines appropriate. The Mayor will also sign ceremonial documents and promote public involvement in the Council's activities.

### **(c) Chairing full Council**

The Mayor chairs full Council. In chairing full Council, the Mayor will:

- promote the purpose of the Constitution (see 2.3)
- interpret the Constitution (see 2.2)
- get the business done efficiently but pay attention to the rights of all Councillors and the interests of local people
- make full Council a place for discussing the concerns of local people and holding the Leader and Cabinet to account
- be the conscience of Council.



## **1.8 Council employees**

Council employees, including those engaged on a temporary basis, are called officers. Officers give advice, implement the Council's decisions and run the Council's services. Some officers have a special duty to make sure the Council follows the law or uses its resources widely (see 7.4 and 7.6).

When employing and dismissing officers, the Council follows the employment rules (see 17).

## **Chapter 2 . ABOUT THE CONSTITUTION**

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### **2.1 Status of this Constitution**

The Council will follow this Constitution unless it conflicts with the law.

### **2.2 Interpreting the Constitution**

When the Constitution and the law allow the Council to do more than one thing, the Council will do what is closest to the purpose of the Constitution (see 2.3).

At full Council, the Mayor's interpretation of the Constitution will be final. When interpreting the Constitution, the Mayor will consider the purpose of the Constitution (see 2.3) and the advice of the Monitoring Officer and the Chief Executive.

If the Constitution has no procedures for a meeting, or if there is a gap in the procedures for a meeting, the chair of the meeting will decide what to do. This must be consistent with the purpose of the Constitution (see 2.3)

### **2.3 Purpose of the Constitution**

The Constitution exists so that the Council can take its decisions and do its work effectively. It will help the Council to:

- provide clear leadership for the Borough
- assist citizens to exercise their rights (see 1.1)
- assist Councillors to exercise their rights and perform their roles (see 1.2)
- take decisions transparently and objectively following appropriate consultation and professional advice
- act openly and in public except when there are strong reasons not to (see 13)

- hold decision takers to account and make sure no one reviews their own decisions
- demonstrate the highest standards of conduct by Councillors and officers
- respect human rights
- act proportionately (the law defines this as doing no more than is necessary in a democratic society to achieve a legitimate aim).

## **2.4 Monitoring and reviewing the Constitution**

The Monitoring Officer will monitor and review the Constitution and may recommend changes.

## **2.5 Changing the Constitution**

The Monitoring Officer can change the Constitution if it is to put right clerical mistakes or to make it follow the law. The Monitoring Officer can also change Section 4 (who carries out executive responsibilities) and Section 8.3 (delegation of Executive functions to officers) to reflect the wishes of the Leader.

Any other changes must be agreed by full Council after considering a report from the Monitoring Officer.

## **2.6 Changing governance arrangements**

The Council may, by resolution, change the form of its executive arrangements or change to a different permitted model of governance. The Council may choose to hold a referendum in that event.

## **2.7 Suspending the Constitution**

The Constitution can only be suspended where it says so (but see 9.18).

## **2.8 Publishing the Constitution**

The Monitoring Officer will keep an up to date version of the Constitution and publish it on the Council's website. The Monitoring Officer will make copies available for inspection at the Council offices.