

# CONSTITUTION OF SPELTHORNE BOROUGH COUNCIL

## **PART 1 – Summary and explanation**

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

This introduction, together with all the documents that follow, make up the Constitution of Spelthorne Borough Council. The Constitution is the governance framework within which the Council operates. It is approved at a meeting of the Borough Council and kept under review. It sets out how decisions are made and the procedures which are followed. Some of these processes are required by the law, while others are a matter for the Council to choose. Nothing in this Constitution supersedes legislation.

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

The Constitution is divided into 15 articles (Part 2) which set out the basic rules governing the Council's business. These are followed by three sections:

Part 3 - Decision Making - this section includes details of the Council's decision-making mechanisms and a scheme of delegation setting out who is responsible for taking which decision;

Part 4 - Procedure Rules – this section details how decisions are to be taken;

Part 5 - Codes and Protocols – this section sets out the expected standards of behaviour for Officers (employees of the Council) and Elected Members (councillors) and the corporate Management of the Council.

Article 1 of the Constitution sets out the Council's key aims in preparing the Constitution. Articles 2-15 explain the rights of the public and how the key parts of the Council operate. These are:

- The Council and its Members (Article 2)
- The Public and the Council (Article 3)
- The Council (Article 4)
- The Mayor (Article 5)
- The Leader of the Council (Article 6)
- Strategic, Regulatory and Other Committees (Article 7 )
- The Standards Committee (Article 8)
- Joint Arrangements (Article 9)
- Officers (Article 10)
- Decision making (Article 11)
- Finance, contracts and legal matters (Article 12)
- Review and revision of the Constitution (Article 13 )

- Suspension, interpretation and publication of the Constitution (Article 14)

## **How the Council operates**

### **Councillors**

The Council is composed of 39 councillors elected every four years. Only registered electors of the borough or those living, working or owning property in the borough are eligible to seek election for the office of Councillor. Each councillor is elected for a particular ward. Details of the current wards and councillors are on the Council's website.

Councillors are democratically accountable to the residents of the Borough. They have no individual executive powers. Councillors influence and make decisions corporately through Council and committee meetings.

The overriding duty of councillors is to the whole Borough. Councillors must represent their constituents as a body and vote in the interests of the whole Borough. However, they have a special duty to their constituents, including those who did not vote for them.

Councillors must comply with a Code of Conduct (see Part 5) to ensure high standards in the way they undertake their duties. The Council has appointed a Standards Committee, which is responsible for encouraging, developing and maintaining high standards of conduct for all councillors. Article 8 provides more information about this Committee.

### **The Council**

All councillors meet together as the Council, which is the ultimate governing body of Spelthorne Borough Council

The Council is responsible for functions as provided by statute, but also has a general power of competence. The Council arranges for its functions to be carried out through its committee system and by delegated responsibilities to its senior employees. All committees, panels and working groups are subordinate to the Council and dependent on it for the delegation of powers and duties.

It is at Council meetings that councillors decide the Council's overall policies and set the budget each year. Meetings of the Council are normally open to the public, except when 'exempt' or 'confidential' matters are being discussed (see the Access to Information Procedure Rules in Part 4 for more information about this). The Council has agreed procedures to enable the public to take part in Council meetings by asking questions of councillors and presenting petitions. The procedures are set out in Standing Orders (See Part 4).

Each year usually in May, at the Annual Council meeting, Council appoints councillors and representatives to committees and other bodies.

Appointments to all committees comply with the requirements of political proportionality set out in the Local Government and Housing Act 1989.

Also at the Annual Council meeting, the Council appoints councillors to the roles of Mayor, Deputy Mayor, Leader and Deputy Leader.

### **The Mayor**

The Mayor is the first citizen of the Borough and acts as an ambassador on behalf of the Borough. As a symbol of the Council and its area, the Mayor gives encouragement and shows appreciation for the many groups and organisations who also serve the residents of the Borough. The Mayor will attend such civic and ceremonial functions as the Council, and they, determine appropriate both within and outside the Borough. The Mayor will act in a non-partisan manner and in the interests of the whole Council.

### **The Leader**

The Leader holds the most significant elected Member role within the Council. The Leader will be the political head of the Council and the focus for policy direction and community development. The Leader will also be the chief advocate and spokesperson for the whole of the Borough.

The Deputy Leader is able to exercise the functions of the Leader when they are unavailable.

The Leader will chair meetings of the Corporate Policy and Resources Committee.

### **How decisions are made**

The Council has set up procedures to ensure that its functions are carried out effectively and efficiently in accordance with the principles of good administration.

### **The Strategic Committees**

The Council will establish a number of Strategic Committees to be responsible for the Council's principal functions.

The terms of reference of the Committees are set out in Part 3 of this Constitution. Corporate Policy and Resources Committee is made up of the Leader, Deputy Leader, and 14 other councillors. The other committees are made up of a Chair, Vice-Chair and up to 14 other councillors. The committee membership is determined by the Council.

Committees meet at approximately 6-8 weekly intervals in public (except where personal, exempt or confidential matters are being discussed) to take policy and strategic decisions not reserved to Council or delegated to other committees or senior employees.

Appointments to the Committees will be made at the Annual Meeting each year.

### **The Regulatory and other Committees**

The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of any of the Strategic

Committees; for example: Planning Committee, Licensing Committee, Audit Committee and Standards Committee.

### **Joint Committees**

In conjunction with other authorities and public bodies the Council may establish and participate in Joint Committees. These joint arrangements are described in Article 10 of this Constitution.

### **Statutory Scrutiny functions**

Statutory requirements mean that the Council must make arrangements for scrutiny of certain matters, namely:

- matters relating to the health of the authority's population. Recommendations may be made to health bodies or other relevant authorities;
- the power to scrutinise the activities of those responsible for crime and disorder strategies.

In addition, the Council will also scrutinise the exercise by relevant authorities of flood risk management functions which may affect the local authority's area.

The Council's scrutiny functions will be undertaken by the appropriate Strategic Committee.

Responsibility for the statutory scrutiny functions relating to health will be undertaken by Surrey County Council.

### **The Council's Staff**

The Council employs people (called 'officers' or staff) 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 councillors. Officers will comply with the Staff Code of Conduct set out in Part 5 of this Constitution.

### **The Public's Rights**

The Public have a number of rights in their dealings with the Council. These are set out 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, they may have additional rights. These are not covered in this Constitution. The Council welcomes participation by the public in its work. For further information on your rights as a citizen, please contact the Group Head of Corporate Governance.

## **Definitions**

The headings in this Constitution are inserted for convenience only and shall not affect its construction.

A reference to a particular law is a reference to it as it is in force for the time being, taking account of any amendment, extension or re-enactment and includes any subordinate legislation for the time being in force made under it.

Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

Unless the context otherwise requires, words in the singular shall include the plural, and in the plural shall include the singular.