

# CONSTITUTION OF SPELTHORNE BOROUGH COUNCIL

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

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

The Constitution is the framework within which the Council operates. It is agreed 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.

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

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

Article 1 of the Constitution sets out the Council's key aims in preparing the Constitution. Articles 2-16 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)
- Leader of the Council (Article 6)
- The Cabinet (Article 7)
- Overview and Scrutiny (Article 8)
- Regulatory and Other Committees (Article 9)
- The Members' Code of Conduct Committee (Article 10)
- Joint Arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

### **How the Council operates**

The Council is composed of 39 councillors elected every four years. 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 agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Members' Code of Conduct Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. It is at Council meetings that councillors decide the Council's overall policies and set the budget each year. The Council appoints a councillor as its Leader for a four year term. The Leader appoints a Deputy Leader and a Cabinet. The Council appoints other committees to deal with issues which the Cabinet cannot undertake. The Council has agreed procedures to enable the public to take part in Council meetings by asking questions of councillors, presenting petitions and also commenting on matters being discussed by the Council before it makes decisions. The procedures are set out in Standing Orders (See Part 4).

## **How decisions are made**

### **The Leader**

The Leader is legally responsible for most day-to-day decisions and is appointed by Council for a four year term of office or until his/her term of office as a Councillor expires.

The Leader can delegate decisions to the Cabinet, individual Cabinet Members or members of staff.

When major decisions are to be discussed or made, these are published in the Cabinet Forward Plan insofar as they can be anticipated. Decisions generally are made at meetings (with Council staff present) and these are open to the public except where personal or confidential matters are being discussed.

The Leader has to make decisions in line with the Council's overall policies and budget. If he/she wishes to make a decision outside the budget or policy framework, this must be referred to the Council as a whole to decide.

### **The Cabinet**

The Cabinet is made up of the Leader, Deputy Leader and between one and eight other elected councillors appointed by the Leader. Cabinet Members will normally be responsible for a portfolio of services or functions allocated to them by the Leader.

### **Overview and Scrutiny**

There is an Overview and Scrutiny Committee which supports the work of the Leader, Cabinet and the Council as a whole. It allows members of the public to have a greater say in Council matters by considering matters of local concern. It can make reports and recommendations which advise the Leader, Cabinet and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the

decisions of the Leader and Cabinet. It can 'call-in' a decision which has been made by the Leader or Cabinet but not yet implemented. This enables the Committee to consider whether the decision is appropriate. It may recommend that the decision is reconsidered by the decision maker. It may also be consulted on forthcoming decisions and the development of policy.

### **Other Committees**

The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of the Leader; for example: Planning Committee, Licensing Committee and Members' Code of Conduct Committee.

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

The Council employs people (sometimes 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. A code of practice governs the relationships between staff (officers) and members of the Council (councillors).

### **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 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.