

# Summary and Background

## **The Council's Constitution - Local Government Act 2000 - SECTION 37 LGA 2000 (Constitutions) (England) Direction 2000**

Warwick District Council has agreed a constitution which 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 the law, while others are a matter for the Council to choose.

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.

### **What is in the Constitution?**

- Article 1 of the Constitution commits the Council to quality and equality in all the services it provides. Quality of life within the District will be the Council's key consideration.
- Articles 2 to 16 explain the rights of citizens and how the key parts of the Council operate. These are:
  - Members of the Council (Article 2)
  - Citizens and the Council (Article 3)
  - The Council meeting (Article 4)
  - Chairing the Council (Article 5)
  - Overview and Scrutiny of Committees (Article 6)
  - The Executive (Article 7)
  - Regulatory and other committees (Article 8)
  - The Standards Committee (Article 9)
  - Area Committees and Forums (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 46 councillors elected every four years. Councillors are democratically accountable to residents of their Wards. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors are also referred to as members because once elected they are members of the Council. Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards 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. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader and Deputy Leader, Members of the Executive and all Committees. The Council will receive the minutes of the Executive and of any Committees that make a recommendation to Council. On occasion it may scrutinise Executive decisions but only on referral to it of that task by an Overview and Scrutiny Committee.

The Council will receive petitions and any one person presenting such a petition may address the Council on the subject for three minutes.

The Council will have an explicit commitment to openness in all of their dealings, subject only to the need to preserve confidentiality in those specific circumstances where it be proper and appropriate to do so, and by their actions and communications deliver an account against that commitment

### **How Decisions are Made**

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader and up to nine other members (including the Deputy Leader). When major decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

### **Overview and Scrutiny**

There are two Overview and Scrutiny committees who support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny committees also monitor the decisions of the Executive. Councillors can 'call-in' a decision which has been made by the Executive but not yet implemented for consideration by an Overview and Scrutiny Committee (see page E13). This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

### **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, contained in Part of the Constitution) governs the relationships between officers and Councillors.

### **Citizen's 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 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 for that part of the meeting where exempt or confidential information is disclosed;
- petition to request a referendum on a mayoral form of Executive;
- present a petition to the Council, or its Committees, or the Executive and any one person presenting a petition to the Council may address the Council on the subject for three minutes
- find out, from the Leader Forward Plan, what and when matters are to be considered by the Executive ;
- attend meetings of the Executive where key decisions are being discussed or decided except for that part of the meeting when confidential or exempt information is to be disclosed;
- see reports and background papers (except where exempt or confidential information is disclosed) and any record of decisions made by the Council and its Committees and Executive;
- complain to the Council about the service delivered by the Council, the behaviour of an officer delivering a service or the correctness of a Council policy in accordance with the Council's complaints policy;
- complain to the Local Ombudsman if they think the Council has not followed its procedures properly. However, they can only do this after using the Council's own complaints process;
- complain to the Monitoring Officer of the Council if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.