

SOUTH BUCKS DISTRICT COUNCIL

CONSTITUTION OF THE COUNCIL

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PART 1 - SUMMARY AND EXPLANATION

The Council's Constitution

The South Bucks District Council has agreed a new 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 15 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's in the Constitution?

Article 1 of the Constitution commits the Council to delivering effective Community Leadership which is open to the public. The Constitution sets out the framework for achieving and delivering this commitment

Articles 2 - 15 explain the rights of our residents and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Residents and the Council (Article 3).
- The Full Council meeting (Article 4).
- Chairing the Council. (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Cabinet (Article 7).
- Regulatory and other committees in Councils operating executive arrangements (Article 8).
- The Standards Committee (Article 9).
- Officers (Article 10).
- Joint Arrangements (Article 11).
- Decision making (Article 12).
- Finance, contracts and legal matters (Article 13).
- Review and revision of the Constitution (Article 14).
- Suspension, interpretation and publication of the Constitution (Article 15).

How the Council Operates

The Council is composed of 40 councillors elected every four years. Councillors are democratically accountable to residents of their ward. 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 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 and Council Tax each year. The Council appoints the Chairman and Vice-Chairman together with the Leader and the members of Committees and Panels.

How decisions are made

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader and currently 5 Councillors appointed by him/her, one of whom will be the Deputy Leader. As from the Annual Meeting of the Council in May 2011 the Leader will be appointed for a term of four years ending on the day of the post election Annual Meeting in May 2015 unless any of the conditions set out in paragraph 7.3 of Article 7 are met.

Each Cabinet member has a range of responsibilities and special interest areas allocated to them known as Portfolios. When major decisions are to be discussed or made, these are published in the Cabinets' 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 Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet 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 is one Overview and Scrutiny Committee which supports the work of the Cabinet and the Council as a whole. It allows residents to have a greater say in Council matters by raising queries and reports into matters of local concern. It advises, reports and make recommendations to the Cabinet and the Council as a whole on its policies, budget and service delivery. This Committee also monitors the decisions of the Cabinet. It can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision. It may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Council's Staff

The Council employs 'officers' to give advice, implement decisions and manage the day-to-day delivery of its services. The Council's management structure is set out in Part 7. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. All officers have a duty to comply with a Code of Conduct and a Code of Practice governs the relationships between officers and members of the Council both of which are set out in Part 5 of this Constitution.

Residents' Rights

Residents 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.

Their rights include the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- inspect this Constitution and obtain a copy on payment of an appropriate charge;
- attend meetings of the Council, Cabinet and its various committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- find out, from the Cabinet's Forward Plan, what major decisions are to be discussed and when;
- see reports and background papers and any record of decisions made by the Council, its Committees and the Cabinet;
- complain to the Council about any of its services in accordance with the adopted Complaints Procedure;
- complain to the 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;
- complain to the Standards for England if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct;
- inspect the Council's accounts and make their views known to the external auditor; and
- submit a Petition - see Petition Scheme set out in Part 5.

The rights of access to meetings by members of the public and the right to inspect reports, background papers and the record of decisions made is set out in detail in Part 4 of this Constitution.

