



Title:	Constitution of the Council (Part 1: Summary and Explanation)
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CONSTITUTION OF THE COUNCIL

PART 1 – SUMMARY AND EXPLANATION

1 THE COUNCIL'S CONSTITUTION

- 1.1 East Staffordshire Borough 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.
- 1.2 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.

2 WHAT'S IN THE CONSTITUTION?

- 2.1 Article 1 of the Constitution commits the Council to operate fairly, within the law, in consultation with the community and for the good of the community. Articles 2 – 15 explain the rights of citizens and how the key parts of the Council operate. These are:
 - 2.1.1 Councillors (Article 2).
 - 2.1.2 Citizens and the Council (Article 3).
 - 2.1.3 The Full Council (Article 4).
 - 2.1.4 Chairing the Council – The Mayor (Article 5).
 - 2.1.5 The Executive – Cabinet (Article 6).
 - 2.1.6 Regulatory and Other Committees (Article 7).
 - 2.1.7 Scrutiny Arrangements (Article 8).
 - 2.1.8 Joint arrangements (Article 9).

- 2.1.9 Officers (Article 10).
- 2.1.10 Decision making (Article 11).
- 2.1.11 Finance, contracts and legal matters (Article 12).
- 2.1.12 Honorary Aldermen (Article 13).
- 2.1.13 Review and revision of the Constitution (Article 14).
- 2.1.14 Suspension, interpretation and publication of the Constitution (Article 15).

3 HOW THE COUNCIL OPERATES

- 3.1 The Council is composed of 39 councillors elected every 4 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 citizens, including those who did not vote for them.
- 3.2 Councillors are bound by a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising them on the Code of Conduct.
- 3.3 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 annual budget. The Council will appoint a Leader of the Council every four years after ordinary elections to the Council. The Leader of the Council will, from time to time, appoint no less than 2 and no more than 10 other members as Deputy Leaders. These Deputy Leaders will be involved individually in making decisions with Chief Officers and will also form part of the Council's Cabinet with powers to advise the Council on policy and decide any other matters which are not the responsibility of the Council or delegated to the individual Deputy Leaders.

4 HOW DECISIONS ARE MADE

- 4.1 The Deputy Leaders are responsible for most day-to-day operational decisions. The Cabinet is made up of the Leader and Deputy Leaders. Cabinet is responsible for recommending policy and the annual budget. The Council publishes a Forward Plan

showing those important decisions that are likely to be taken in the coming months. Where 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 involved. The Cabinet, Deputy Leaders and officers have to make decisions that are in line with the Council's overall policies and budget. If they wish to make a decision that is outside certain limits on the budget or outside the policy framework, this must be referred to the whole Council.

- 4.2 There are certain things that, by law, cannot be decided by the Cabinet and these are dealt with by specific Committees (the Planning Committee, the Licensing Committee, etc.)
- 4.3 A Simple Guide to Decision-Making is set out in Part 4 of this Constitution.

5 SCRUTINY

- 5.1 The Council has 2 Scrutiny Committees (one of which also functions as the Council's Audit Committee) that monitor performance and scrutinise the Council's activities and those of the Council's key partners.
- 5.2 The Council also participates in a Joint Scrutiny Committee to oversee the work of the Greater Birmingham and Solihull LEP.

6 THE COUNCIL'S STAFF

- 6.1 The Council employs staff (officers) to give advice, implement decisions and manage the day-to-day delivery of its services. The power to make decisions in consultation with a Deputy Leader or under specific schemes of delegation is also given to some of those officers. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. Codes of practice govern the behaviour of officers and the relationships between officers and Councillors.

7 CITIZENS' RIGHTS

- 7.1 Citizens have a right to vote in local elections, if registered, to contact their local Councillors about any matter of concern and to make their views known to the Council.
- 7.2 They also have rights in their dealings with the Council and 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.
- 7.3 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Andrea Davies, Principal Democratic Services Officer telephone 01283 508309.