

PART A

SUMMARY AND EXPLANATION

Summary and Explanation

The Council's Constitution

Section 37 of the Local Government Act 2000 requires Cotswold District Council to maintain a Constitution. This summary is intended to explain the purpose of the Constitution and help the reader find their way around it.

This Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, whilst others are a matter for the Council to choose.

The Constitution is divided into 15 Articles that set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules (Part D) and protocols (Part E) in this document.

What is in the Constitution?

Article 1 of the Constitution commits the Council to provide clear leadership to the community and to operate efficient, transparent and accountable decision making processes. Articles 2-15 of the Constitution explains 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 (Article 4)
- Chairing the Council (Article 5)
- The Cabinet (Article 6)
- The Audit and Scrutiny Committee (Article 7)
- The Planning Committee and the Licensing Committee (Article 8)

- Area Committees and Forums (Article 9)
- Joint Arrangements (Article 10)
- Officers (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 comprises 44 Councillors, elected every four years. The overriding duty and accountability of Councillors is to the whole community in the Cotswold District, but they have a special responsibility to their constituents in their Ward, 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 Monitoring Officer trains and advises them on the Code of Conduct and, where there may be a breach, will investigate and take the necessary action. The Monitoring Officer is supported by an Independent Person and, if necessary, the Audit and Scrutiny Committee on Code/standards matters.

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; settle the Council's main plans, like the Corporate Strategy and Corporate Plan; and approve the Council's contribution as a partner to the Sustainable Community Strategy.

How decisions are made

The majority of decisions are made by the Cabinet (sometimes known as the Executive). The Cabinet is made up of the Leader of the Council and 6 other individual Members of the Cabinet known, with the Leader, as Portfolio Holders. Portfolio Holders also have individual decision-making powers, within their respective portfolio areas.

A Cabinet's role is principally to formulate detailed policies and proposals for the delivery of services within the policy and budgetary framework that is set by full Council.

When key decisions are to be discussed or made, these are published in the Cabinet's Forward Plan, insofar as they can be anticipated. 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.

The various Committees also have decision-making powers, set by the Council; as do Officers, operating within approved Scheme of Delegation.

Meetings of the Council, Cabinet and Committees are, by law, publicised well in advance and are open to the public except where personal or confidential matters are being discussed.

The Audit and Scrutiny Committee

In view of the importance of a Cabinet's role and its very extensive powers, Parliament decided its work should be subject to careful monitoring by "Overview and Scrutiny Committees".

The Audit and Scrutiny Committee has this Cabinet monitoring role as well as supporting the work of the Cabinet, the Regulatory Committees and the Council as a whole. It allows citizens to have a greater say in Council matters by holding investigations/inquiries into matters of local concern. These can lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery.

The Audit and Scrutiny Committee also monitors the decisions of the Cabinet and the Portfolio Holders. It can “call-in” a decision that has been made but not yet implemented. This enables the Committee to consider whether the decision is appropriate. It may recommend that the Cabinet, a Portfolio Holder or Full Council should reconsider the decision. (It should be noted that Cabinet does not have to change its decision following the recommendation of the Audit and Scrutiny Committee).

The Committee can also assist the Cabinet, the Portfolio Holders and the Council in the development of policy of forthcoming decisions.

The Audit and Scrutiny Committee is also responsible for ensuring that the Council complies with its audit duties and responsibilities, in accordance with the Accounts and Audit Regulations. This role covers internal and external audit, risk management, matters relating to the Council's Statement of Accounts, and corporate governance. In addition the Audit and Scrutiny Committee is responsible for promoting and maintaining high standards of conduct and for determination of complaints regarding conduct of Members.

Senior Appraisal and Remuneration Panel

The Senior Appraisal and Remuneration Panel (comprising Group Leaders and four other Members selected by the Leader of the Council) is responsible for the salaries and contractual terms and conditions of the Chief Executive/Head of Paid Service and Strategic Directors;

retirement/redundancy issues relating to the Chief Executive; and any grievance and/or disciplinary matters in respect of the Chief Executive. A sub-group of the Panel will also conduct the Chief Executive's appraisal.

Area Committees or Forums

The Council does not currently have Area Committees or Forums but may choose to create these in the future, following public consultation on their number, composition, function and delegated financial authority.

The Council's Staff

The Council employs staff, by convention known as Local Government "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 protocol, set out in Part E of this Constitution, governs the relationships between Members of the Council and Officers, rooted in mutual respect and trust.

Citizens' Rights

Citizens have a number of rights in connection with their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, while others depend on the Council's own processes. The local Citizens Advice Bureau can advise on individuals' legal rights.

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 (accessible on the Council's website www.cotswold.gov.uk). A "hard copy" can be supplied but there will be a charge for this;
- attend meetings of the Council, the Cabinet and Committees except where, for example, personal or confidential matters are being discussed;
- inspect agendas and reports except where, for example, a report has been written about a confidential matter;
- petition to request a referendum on a Mayoral form of executive;
- participate in the Council's question time and ask questions at Cabinet and Committee Meetings - See Council Procedure Rule No.10;
- petition the Council on a particular matter - see Council Procedure Rule No.23;
- initiate a 'Councillor Call for Action' in respect of a matter relating to an individual Ward where you feel that the Council should take action;
- find out from the Cabinet Forward Plan (published monthly), what major decisions are to be discussed by the Cabinet or decided by the Cabinet or Officers and when;
- complain to the Council under its internal complaints process;
- complain to the Local Government 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 Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct for Members; and
- inspect the Council's accounts and make their views known to the external auditor.

A statement of the rights of citizens to inspect agendas and reports and attend meetings is set out in the Access to Information Rules contained within this Constitution (Part D3).

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact either:-

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