

CONSTITUTION OF THE COUNCIL

PART 1: SUMMARY AND EXPLANATION

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BASINGSTOKE AND DEANE BOROUGH COUNCIL

THE CONSTITUTION OF THE COUNCIL

PART 1

SUMMARY AND EXPLANATION

1. THE COUNCIL'S CONSTITUTION

Basingstoke and Deane 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 law, while others are a matter for the Council to choose.

The Constitution is divided into 14 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 towards the end of the document.

1.1 What's in the Constitution?

Article 1 of the Constitution explains the purpose of the Constitution and commits the Council to exercise all its powers and duties in accordance with the law and this Constitution. Articles 2 – 14 explain the rights of the public and how the key parts of the Council operate.

1.2 How the Council Operates

The Council is composed of 54 Councillors elected by thirds. Councillors are democratically accountable to the residents of their ward. The overriding duty of Councillors is to the whole community, but they have a specific duty to their wards and residents, including those who did not vote for them.

The Council currently operates a Leader and Cabinet system. Some Councillors have specific responsibilities for an area of the Council's activities (a portfolio).

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 is also responsible for appointing the Leader of the Council who then appoints a Cabinet. It is also responsible for appointing Committees and Sub-Committees, some of which are responsible for overseeing and reviewing the decisions of the Cabinet, while others discharge regulatory responsibilities or other functions which by law may not be discharged by the Cabinet, for example planning and licensing.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer advises Councillors. The arrangements for dealing with complaints about Councillors sets out how complaints against Councillors will be progressed and, where appropriate, whether a breach has occurred.

1.3 How Decisions are Made

The Leader, the Cabinet and the individual Cabinet Portfolio holders are responsible for the discharge of Executive Functions. The Leader may delegate such functions to the Cabinet Portfolio Holders and Officers.

The Cabinet is made up of the Leader and Deputy Leader and up to eight other Councillors.

When major decisions are to be discussed or made, these are published in the Councils Forward Plan in so far as they can be anticipated.

Where delegated, these key decisions are made at meetings of the Cabinet, which will generally be open for the public to attend except where exempt 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 Policy and Budgetary framework, this must be referred to the Council as a whole to decide.

1.4 Overview and Scrutiny

There are three Overview Committees and a single Scrutiny Committee which between them support the work of the Leader and Cabinet and the Council as a whole.

They are responsible for advice and policy development, and for the scrutiny of decisions on Executive Functions. These Committees allow a wider participation in Council business by involving people from the public sector, as well as voluntary and community groups to help them in their work. They may make reports and recommendations to the Cabinet and the Council as a whole on its policies, budget and service delivery.

The Scrutiny Committee also monitors the decisions of the Cabinet and other decision-makers as appropriate and can "call-in" a decision which has been made but not yet implemented. It may recommend that the decision-maker reconsiders its decision although there is no requirement on the decision maker to change the decision.

The Committees may also be consulted by the Leader and Cabinet or the Council on forthcoming decisions or the development of policy.

1.5 The Council's Staff

The Council has people working for it (called "Officers") who 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 Protocol on Councillor and Officer Relations (to be found in Part 5) governs the relationships between Officers and Councillors.

1.6 The Public's Rights

The public 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 Council welcomes participation by residents in its work. The public's rights of access to meetings and papers are summarised in Article 3 and set out in full in the Access to Information Procedure Rules in Part 4 of the Constitution.

For further information on rights as a member of the public, please contact Democratic Services. A statement of the rights of citizens to inspect agendas and reports and attend meetings is set out in the Access to Information Procedure Rules in Part 4.

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