

## **SUMMARY AND EXPLANATION**

### **Contents**

#### **THE COUNCIL'S CONSTITUTION**

#### **WHAT'S IN THE CONSTITUTION?**

#### **HOW THE COUNCIL OPERATES**

#### **HOW OTHER DECISIONS ARE MADE**

#### **OVERVIEW AND SCRUTINY**

#### **THE COUNCIL'S STAFF**

#### **CITIZENS' RIGHTS**

## The Council's Constitution

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The 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 law, while others are a matter for the Council to choose.

The Constitution is divided into 4 Parts. Part 1 sets out the 15 Articles which form the basic rules governing the Council's business. Part 2 describes the various responsibilities for different functions and how decisions can be made under delegated authority. Part 3 sets out in detail the Council's procedure rules. Part 4 outlines the Codes of Conduct for Councillors and Officers.

The Constitution also contains links to other associated documents which sit outside of the Constitution but support how the Council operates.

### 1.1 WHAT'S IN THE CONSTITUTION?

**Article 1:** of the Constitution commits the Council to provide a clear and accountable way of making decisions. Articles 2-15 explain the rights of citizens and how the key parts of the Council operate. These are:

**Article 2:** Members of the Council (Councillors)

**Article 3:** Citizens and the Council

**Article 4:** The Full Council

**Article 5:** Chairing the Council

**Article 6:** The Cabinet

**Article 7:** Overview and Scrutiny Committee and Joint Scrutiny Committee

**Article 8:** Regulatory and Other Committees

**Article 9:** The Babergh and Mid Suffolk Joint Standards Committee

**Article 10:** Joint Arrangements and Working Groups

**Article 11:** Officers

**Article 12:** Principals of Decision Making

**Article 13:** Finance, Contracts and Legal Matters

**Article 14:** Review and Revision of the Constitution

**Article 15:** Suspension of the Constitution, Interpretation and Publication

## HOW THE COUNCIL OPERATES

- 1.2 The Council is currently composed of 32 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.
- 1.3 Councillors have agreed to follow a [Code of Conduct](#) to ensure high standards in the way they undertake their duties.
- 1.4 From May 2017 the Council has adopted the 'Leader and Cabinet' model of governance and decision making.

### The Cabinet

The Cabinet makes most of the decisions about how the Council carries out its day-to-day business within the major policy framework and budget approved by the Council.

The Leader is elected every four years (or as the council shall decide within those 4 years) by a vote of all Councillors, once appointed the leader appoints between two and nine other Councillors, one of whom will also be the Deputy Leader, to sit on the Cabinet. These Cabinet members may be responsible for particular areas (known as portfolios) of the Council's work.

The Cabinet publishes a Forthcoming Decisions List that shows the 'key decisions' the Cabinet is going to take which will affect local communities or involve expenditure or savings over a certain level. The Forthcoming Decisions List also shows what decisions are intended to be taken in private and why. There is more detail of how the Cabinet works in Cabinet Procedure Rules in Part 2, Section 3 and the Access to Information Rules in Part 3.

The Cabinet may also delegate its functions to officers or to any sub-committees established by it.

Formal Meetings of the Cabinet are open to the public except when exempt or confidential information is being discussed.

### Full Council

All Councillors meet together as the Full Council to take certain types of decision. These mainly concern the overarching policies of the Council and its budget. Council will also meet to consider other regulatory functions (e.g. Planning and Licensing) that only the Council are legally permitted to deal with.

The Council will determine the remit of the Committees of the Council, appoint Councillors to those Committees; and approve any discharge of Council functions by its staff.

Meetings of the Council are normally open to the public and are subject to Procedure Rules set out in part 3 of the Constitution.

### **Joint Working between Babergh and Mid Suffolk**

Babergh District Council and Mid Suffolk District Council have decided that they will co-operate in order to provide services to their respective residents in the most cost effective way possible and have entered in to joint arrangements under the provisions of s101 of the Local Government Act 1972. The two Councils will work together side by side with fully integrated staff and some decisions are taken by joint committees in line with the procedures set out in this Constitution.

### **HOW OTHER DECISIONS ARE MADE**

Regulatory Committees exercise a number of functions including making decisions on planning applications, licensing and most other regulatory business on behalf of the Council. These types of decision cannot be taken by the Cabinet but they can be delegated to officers.

Other advisory boards, groups or panels may be established and are able to make recommendations to these Committees or to the Cabinet but they cannot make decisions.

### **OVERVIEW AND SCRUTINY**

The Overview and Scrutiny Committee supports the development of policies and monitors the decision making of the Cabinet. It can “call in” a decision which has been made but not yet implemented, enabling further consideration of whether the decision is appropriate and has been taken based on all the relevant information.

Scrutiny also enables citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These can lead to reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery.

Where any matter relates to both Babergh and Mid Suffolk, a Joint Scrutiny Committee may come together to consider the issues on behalf of both Councils.

### **THE COUNCIL'S STAFF**

The Council has people working for it (called “officers” or “staff”) either as direct employees of the Council or available to it under the joint arrangements between Babergh and Mid Suffolk District Councils, made under s101 and 113 of the Local Government act 1972. Officers are responsible for the discharge of the Council's functions, to give advice, implement decisions and manage the day-to-day delivery of its services.

All officers are politically neutral in their work and do not vote on decisions made by the Council, Cabinet or any committees. Certain officers may, however, take decisions in their own right under delegated powers given to them by the Council or the Cabinet. A code of practice governs the relationships between officers and Councillors.

## **CITIZENS' 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 Citizen's Advice Bureau can advise on an individual's 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 on the electoral roll.
- Have access to information in accordance with the law.
- Obtain a copy of the Constitution.
- Attend meetings of the Council, Cabinet and Committees except where confidential or exempt information is being considered.
- Have access to certain documents relating to matters on the Forthcoming Decisions List as well as reports and minutes of the Council, Cabinet or Committee meetings.
- Participate in questions by the public at Council meetings and contribute to investigations by the Overview and Scrutiny Committee.
- Complain to the Council in accordance with the [Complaints procedure](#).
- Complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after exhausting the Council's own complaint 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.
- Inspect the Council's accounts and make their views known to the external auditor.
- Citizens on the electoral roll for the area have the right to sign and submit petitions to the Council, in accordance with the Petition Scheme.