

Part 1 – Summary and Explanation

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1. The Council's Constitution

The North Somerset Council has agreed this 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 of 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 code of practice are set out in the separate rules and protocols in Part 4.

Article 1 of the Constitution commits the Council to working with the community to provide services that benefit the community.

Article 2-14 explain 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 meeting (Article 4)

Chairing the Council (Article 5)

Policy and Scrutiny Panel Decisions (Article 6)

The Cabinet (Article 7)

Regulatory and other Committees (Article 8)

The Standards Sub-committee (Article 8)

Joint Arrangements (Article 9)

Officers (Article 10)

Decision making (Article 11)

Finance, contracts and legal matters (Article 12)

Review and revision of the Constitution (Article 13)

Suspension, interpretation and publication of the Constitution (Article 14)

2. How the Council operates

The Council is composed of 50 Councillors elected every four years. Councillors are democratically accountable to the residents of their ward. The overriding duty of the Councilors is to the whole community of North Somerset, but they have special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct (see Part 5) to ensure the high standards in the way they undertake their duties. The Standards Sub-committee (see Part C) is responsible for training and advising 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 each year. The Council appoints the Leader of the Council who is also the Chairperson of the Cabinet. The Leader of the Council appoints other Councillors to make up the Cabinet. The Council also appoints the Chairperson of each of the Policy and Scrutiny Committees that are appointed to hold the Cabinet to account. There is a public participation at Council meeting and question time where Members can ask questions of Member of the Cabinet. Public participation also operates at meetings of the Cabinet.

3. 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 of the Council, the Deputy Leader and up to eight other Councillors appointed by the Leader. When major decisions are to be made or discussed, these are published in the Cabinet's forward plan in so far as it 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.

4. Overview and Scrutiny (Policy and Scrutiny Committees)

Policy and Scrutiny Committees support the work of the Cabinet and the Council. They allow citizens to have a greater say in Council matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Policy and Scrutiny Committees also monitor the decisions of the Cabinet. They 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. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on the forthcoming decisions and the development of policy.

5. The Council's Staff

The Council has people working for it (called officers) to give advice, implement decisions and manage 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 governs the relationship between officers and Members of the Council.

6. 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. Local voluntary organisations can advise on an individual's legal rights

Where citizens use specific Council services, for example as parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in the Constitution.

7. Citizens have the right to:

- 7.1 Vote at local elections if they are registered
- 7.2 Contact their local Councillor about any matters of concern to them
- 7.3 Obtain a copy of the constitution
- 7.4 Attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed
- 7.5 Petition to request a referendum on a mayoral form of Cabinet
- 7.6 Participate in the Council's public participation time and contribute to investigations by the Policy and Scrutiny Committees when requested
- 7.7 Find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by Cabinet and officers and when
- 7.8 Attend meetings of the Cabinet where key decisions are being discussed or decided
- 7.9 See reports and background papers and any record of decisions made by the Council and the Cabinet
- 7.10 Complain to the Council about the standard of its services or about the actions of lack of action by the Council or its staff
- 7.11 Complain to the Ombudsman if they think the Council has not followed its procedures properly; however, they should only do so after using the Council's own complaints process.
- 7.12 Complain to the Standards Sub-committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct
- 7.13 Inspect the Council's accounts and make their views known to the external auditor

The Council welcomes participation by its citizens in its work. For further information, please telephone 01934 888888