

# Summary and Explanation

## 1. The Council's Constitution

- 1.1 The Somerset West and Taunton 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, while others are a matter for the Council to choose.
- 1.2 The Constitution is divided into a number of parts. The first parts are the Summary and a number of Articles, which set out the framework for the conduct of the Council's business. The later parts contain more detailed procedures and codes of practice.
- 1.3 The documents have been produced in a user-friendly manner to help people understand how Local Government works and seeks to involve public participation in its decision-making.

## 2. What's in the Constitution?

- 2.1 The next section sets out the Articles of the Constitution as follows:
  - The Council's commitment to carry out its responsibilities to give open and accountable leadership of the community (Article 1).
  - Members of the Council (Article 2).
  - Citizens and the Council (Article 3).
  - The Council meeting (Article 4).
  - Chairing the Council (Article 5).
  - Scrutiny (Article 6).
  - The Executive (Article 7).
  - Regulatory and other committees (Article 8).
  - The Audit, Governance and Standards Committee (Article 9).
  - Community Councils (area committees under s18 LGA 2000) and

Localities (Article 10).

- Joint Arrangements (Article 11).
- Officers (Article 12).
- Decision-making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

### **3. How the Council operates**

3.1 The Council is composed of 59 Councillors elected every four years. Councillors are democratically accountable to residents of their ward.

3.2 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.

3.3 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Audit Governance and Standards Committee guides and advises them on the code of conduct.

3.4 All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Members of the public can attend Council meetings and ask questions. At Council meetings Councillors decide the Council's overall policies and set the budget each year.

3.5 One of the 59 Councillors is elected by the Council to be the Leader of the Council. The Leader in turn appoints up to 9 other Councillors as his/her Executive, and allocates particular responsibilities to each Executive Councillor.

3.6 The Leader and Executive Councillors together form the Executive. It is their responsibility to work together to achieve the Council's policies. The

Council holds the Executive to account for the performance of their duties.

#### **4. How decisions are made**

- 4.1 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive comprises the Leader and between 2 and 9 Executive Councillors appointed by the Leader. When major decisions are to be discussed or made, these are published in the Forward Plan insofar as they can be anticipated. If these major decisions are to be discussed with Council Officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed.
- 4.2 The Executive 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.

#### **5. The Scrutiny Committee**

- 5.1 The Council must have one or more Scrutiny Committees (Scrutiny). Scrutiny supports the work of the Executive and the Council as a whole. It allows Councillors and citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Scrutiny Committee also monitors the decisions of the executive.
- 5.2 Decisions made by the Executive but not yet implemented can be 'called-in' for review by a Scrutiny Committee to consider whether the decision is appropriate. The Scrutiny Committee may recommend that the Executive reconsider the decision. Scrutiny may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

## **6. The Council's Staff**

6.1 The Council has people working for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of services. Some Officers have a specific legal duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between Officers and Councillors.

## **7. Citizens' Rights**

7.1 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.

7.2 Where members of the public use specific Council services, for example as a Council tenant or as an applicant for planning permission, they may have additional rights. These are not covered in this Constitution.

## **8. Citizens' Involvement**

8.1 Citizens have the right to:

- vote at local elections if they are registered and eligible;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- take part in public consultation on issues, for example on planning applications;
- petition to request a referendum on a mayoral form of executive;
- participate in the Public Participation arrangements at Council meetings;
- contribute to investigations by the Scrutiny Committee
- find out, from the Forward Plan, what major decisions are to be

discussed by the Executive or decided by the Executive or Officers, and when;

- attend meetings of the Executive where Key Decisions are being discussed or decided;
- see reports and background papers (that are not exempt or confidential), and any record of decisions made by the Council and Executive;
- complain to the Council about failings of the services provided by the Council or how Officers deliver such services;
- 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 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 auditors.

8.2 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen and for all the Council's activities, please contact Governance, Democracy and Executive Support or visit the Council's website.