

PART 1

SUMMARY AND EXPLANATION

THE COUNCIL'S CONSTITUTION

Bath and North East Somerset 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 the Council's business is efficient, transparent and accountable to local people. Some matters addressed in this Constitution are required by the law, while others are a matter for the Council to choose.

The first volume of the Constitution is divided into 16 "Articles" which set out the basic rules and framework governing the Council's business. Following these are procedural rules governing the operation of the Council's decision making business. Other volumes of this Constitution set out in more detail how the Council operates.

WHAT'S IN THE CONSTITUTION?

Article 1 of the Constitution commits the Council to promoting the social, economic and environmental well-being of the area and carrying out its powers and duties subject to the law and the views of local people. Articles 2 - 16 explain the rights of citizens and how the key parts of the Council operate. The articles are:

- The Constitution (Article 1).
- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Cabinet (Article 7).
- Regulatory and other committees (Article 8).
- The Standards Committee (Article 9).
- Area Working (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](#)).

The Constitution also deals with the following:

- Formal Joint Arrangements entered into by the Council
- Delegated powers and the responsibility for exercising the Council's functions
- Members' Local Code of Conduct
- Member/Officer Protocol
- Other Protocols for effective working
- Financial Management Arrangements
- Budget Management Scheme
- Codes of Practice on Financial Administration (including Officers Code of Conduct)
- Contract Standing Orders
- Management Structure
- Scheme of Members' Allowances

HOW THE COUNCIL OPERATES

The Council comprises 59 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.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Council has a Standards Committee responsible for promoting the highest standards of conduct within the Council and for investigating complaints of misconduct against members of the Council (as permitted by regulations). The Standards Committee has similar responsibilities in respect of Parish Councils.

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.

At its Annual Meeting, the Council will formally appoint a councillor to be the Leader of the Council.

HOW DECISIONS ARE MADE

Most day to day service decisions are taken by the staff of the Council and in particular by their managers. Elected Councillors sitting as the full Council will decide an overall framework of policies governing how services are to be provided.

The Leader of the Council approves the scheme of delegation of executive functions.

The Council's Cabinet of councillors collectively will make recommendations to the Council about the policy framework and will itself take decisions that ensure services are provided within that framework.

For most "key" decisions to be made by the Cabinet, by Cabinet Members or by Officers, the Council is required to publish in advance information about (a) the matter to be decided; (b) who will be making the decision and (c) the date or timescale for the decision and the place where the decision will be made.

The Cabinet can only make decisions which are in line with the Council's overall Policy and Budget Framework. If it wishes to make a decision which is contrary to the Policy and Budget Framework, this must be referred to the full Council to decide.

The Council will appoint committees with power to carry out its non-Executive and other functions (eg planning and licensing). Non-executive functions are those which the Cabinet does not have the power to carry out.

OVERVIEW AND SCRUTINY ARRANGEMENTS

The Council at its Annual Meeting will appoint at least one Overview and Scrutiny Panel (in this Authority, currently known as a Policy Development & Scrutiny Panel). Overview and Scrutiny Panels allow citizens to have a greater say in Council matters by holding public inquiries into some matters of local concern. These lead to reports and

recommendations to the Cabinet and to the Council as a whole on its policies, budget and service delivery. Overview and scrutiny Panels also monitor the decisions of the Cabinet and other executive persons/bodies.

THE COUNCIL'S STAFF

The Council has people working for it (called '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 governs the relationships between officers and members of the council. This protocol is included within the Constitution.

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, while others are given at the discretion of the Council, depending on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they may have additional rights. These are not covered in this Constitution. Details of such rights may be obtained from Council service points (including "Council Connect") or directly from the service concerned.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Democratic Services Team on 01225 394458 or e-mail to: democratic_services@bathnes.gov.uk.