

# THE CONSTITUTION



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# **SUMMARY AND EXPLANATION OF THE CONSTITUTION**

**AUGUST 2005**



## **SUMMARY AND EXPLANATION OF THE COUNTY COUNCIL'S CONSTITUTION**

### **1. The Constitution**

- 1.1 Worcestershire County Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people. These processes are made up of those elements required by the law, together with matters which the Council has chosen to include.
- 1.2 The Constitution is divided into Articles which set out the basic parts of the Constitution. More detailed procedures and codes of practice are contained in the Appendices which follow the Articles.

### **2. What's in the Constitution?**

- 2.1 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.
- 2.2 Articles 2 to 16 explain how the key parts of the Council operate and the rights of citizens. They are:
  - Members of the County Council (Article 2).
  - Citizens and the County Council (Article 3).
  - The full Council (Article 4).
  - The Chairman of the County Council (Article 5).
  - The Cabinet (Article 6)
  - Decision making (Article 7).
  - Overview and scrutiny arrangements (Article 8).
  - Planning, Regulatory, Audit and Appellate functions (Article 9).
  - The Standards and Ethics Committee (Article 10).
  - Joint Arrangements (Article 11).
  - Area Arrangements (Article 12)
  - Officers (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 County Council operates**

- 3.1 The County Council is composed of 57 councillors elected every four years. Councillors are democratically accountable to the residents of their electoral division. Councillors are often referred to as “Members” of the Council. 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.
- 3.2 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards and Ethics Committee assists and advises them on the code of conduct.
- 3.3 All councillors meet together as the County Council. Meetings of the County Council are normally open to the public. Here councillors decide the County Council’s overall policy framework and set the budget each year.
- 3.4 The County Council is also responsible for electing its Chairman, the Leader of the Council and the other members of the Cabinet and for establishing certain other Committees and member bodies. Some of these are responsible for assisting in policy development and reviewing the decisions of the Cabinet, while others have statutory non-executive responsibilities to discharge. Other members of the Council are able to ask questions of key members of the Cabinet.
- 3.5 Members of the public may participate by presenting a petition, asking a question or making a comment. There is also provision for state of the county and key issue debates to be held, which may include the participation of external speakers, organisations and the public.

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

- 4.1 The Council must have an Executive and has chosen “the Leader and Cabinet” model. The Cabinet is the part of the County Council which carries responsibility for decisions in implementing the Council’s policies and budget and exercising what are called “executive functions”. The Cabinet comprises the Leader of the County Council and 6 other councillors.
- 4.2 When key decisions are to be discussed or made, these are published in the Cabinet’s Forward Plan, in so far as they can be anticipated. These key decisions will be made at meetings of the Cabinet, which are generally open for the public to attend, except where, for example, personal or confidential matters are being discussed.
- 4.3 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, unless the decision is urgent.

## **5. How decisions are scrutinised**

- 5.1 The Overview and Scrutiny Steering Committee has overall responsibility for managing and overseeing the Council's scrutiny arrangements. These include the Health Overview and Scrutiny Committee which has the power to scrutinise local NHS services.
- 5.2 The Overview and Scrutiny Steering Committee can establish specific scrutiny task groups to carry out specific tasks. This includes overview and scrutiny of proposals for policy development, a review of both planned and taken decisions and the carrying out of in depth scrutinies of issues of priority for the Council. The reports and recommendations arising from such scrutinies advise the Cabinet and the Council as a whole on its policies, budget and the way in which its services are being delivered.
- 5.3 In monitoring the decisions of the Cabinet, a specified number of members who are not on the Cabinet can 'call-in' a non-urgent decision which has been made by the Cabinet but not yet implemented. This delays implementation and enables the Overview and Scrutiny Steering Committee to make arrangements for considering whether the decision is appropriate. This may result in a recommendation that the Cabinet reconsider the decision or in some circumstances may result in a reference to the Council. The Overview and Scrutiny Steering Committee may also be consulted by the Cabinet or the Council on forthcoming decisions and on the development of policy.

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

- 6.1 The County Council has people working for it (called 'officers') to give advice, implement decisions taken by the councillors and manage and take operational day-to-day decisions in the delivery of the Council's services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

## **7. Citizens' Rights**

- 7.1 Citizens have a number of rights in their dealings with the Council. These are set out and referred to in Article 3. Some of these are legal rights, whilst others depend on the County Council's own processes.
- 7.2 Where members of the public use specific Council services, for example as a parent of a school pupil, they may have additional rights. These are not covered in this Constitution.
- 7.3 Citizens have the right to:
- vote at local elections if they are registered;
  - contact their local councillor about any matters of concern to them;
  - view the County Council's constitution or obtain a copy of it;

- petition the Council for a mayoral form of Executive and vote on any subsequent referendum;
- attend meetings of the County Council, the Cabinet and Committees of the Council except where, for example, personal or confidential matters are being discussed;
- participate at meetings of the Council, the Cabinet and Committees of the Council in accordance with the Constitution;
- find out, from the Cabinet's Forward Plan, what key decisions are to be discussed by the Cabinet or decided by the Cabinet, and when;
- see agendas, reports and background papers of matters discussed in public, and any record of decisions made by the Council, the Cabinet and Committees of the Council;
- complain to the County Council about the services which it provides, or actions or lack of action by the Council or its staff.
- complain to the Ombudsman if they think the County Council has not followed its procedures properly. However, they should only do this after using the Council's own corporate representations procedure;
- complain to the Standards Board for England if they have evidence which they think shows that a councillor has not followed the County Council's Code of Conduct for Members; and
- inspect the County Council's accounts and make their views known to the external auditor.

7.4 The County Council welcomes participation by its citizens in its work. For further information on your rights as a citizen under the Constitution, please contact the Director of Corporate Services.