

August 2017

# **PART 1**

## **Summary and Explanation**

## **SUMMARY AND EXPLANATION**

### **1. The Council's Constitution**

The Stevenage Borough Council has a Constitution that 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.

The Constitution is divided into 14 articles that set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

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

Article 1 of the Constitution commits the Council to providing Community Leadership, supporting the involvement of citizens in decision-making and other essential elements.

Articles 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 (Article 4)
- The Mayor and Youth Mayor (Article 5)
- Scrutiny (Article 6)
- The Executive (Article 7)
- The Standards Committee, Regulatory and other Committees (Article 8)
- Joint Arrangements and Joint Committees (Article 9)
- Officers (Article 10)
- Decision making (Article 11)
- Finance, contracts and legal matters (Article 12)
- Monitoring and Revision of the Constitution (Article 13)
- Suspension, interpretation and publication of the Constitution (Article 14)

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

The Council is composed of 39 councillors elected every four years with one third elected three years in four. 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 Standards Committee 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.

Every four years the Council appoints the Leader, who then appoints a Deputy Leader and an Executive of between 2 and 9 councillors and allocates to them specific areas of responsibility (Portfolios). Non-Executive business is decided upon by Committees which are appointed by Council each year.

The Council meetings incorporate a number of special features:

- Leader of the Council's update
- Petitions and deputations from local people
- Questions from the Youth Council
- Questions from local people
- Councillors' questions to Executive Members or Chairs of Committees
- A main debate on a matter of local interest, with the opportunity for local people to participate

#### **4. How Decisions are Made**

The Leader and the Executive are the main decision making bodies of the Council. When major decisions are to be discussed or made, these are published in the Leader's forward plan in so far as they can be anticipated.

Decision-making meetings of the Executive will generally be open for the public to attend except where personal or confidential matters are being discussed (matters referred to as 'confidential information' or 'exempt information' under the Local Government Act 1972 and as defined in the Access to Information rules in Part 4 of this Constitution).

The Leader / Executive has to make decisions which are in line with the Council's overall policies and budget. If a decision is to be taken that is outside the budget or policy framework, then, unless the Council has given the Leader / Executive some discretion in this respect, the proposed decision must be referred to the Council as a whole to decide.

Executive decisions may also be made by its Committees in accordance with their terms of reference, individual Members through the Local Community Budgets, and individual members and officers where such decisions have been delegated to them.

## **5. Overview and Scrutiny**

There is an Overview and Scrutiny Committee and 2 Select Committees that support the work of the Leader / Executive and the Council as a whole. The Committees undertake scrutiny studies of aspects of the Council's services and contribute to the development of individual policies and strategies. This work may lead to reports and recommendations which advise the Leader / Executive and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors Executive decisions taken. They can call-in an Executive decision which has been made but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Leader / Executive reconsider the decision.

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

The Council has people working for it (called officers) to give professional advice, implement decisions, manage and action 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 code of practice governs the relationships between officers and members of the Council.

## **7. 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 process.

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.

The Council welcomes participation by its citizens in its work. The Access to Information Rules set out in Part 4 of this Constitution sets out the citizens' rights to access meetings and papers.