

# **PART 1 - SUMMARY AND EXPLANATION**

## **The Council's Constitution**

Surrey Heath Borough Council has adopted a constitution which sets out how the Council operates. It describes how decisions are made and the procedures which are followed. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles which 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.

What's in the Constitution?

Article 1 of the Constitution sets out the Council's purpose in preparing the Constitution. Articles 2-16 explain the rights of the public and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- The Public and the Council (Article 3)
- The Full Council (Article 4)
- The Mayor (Article 5)
- Scrutiny Committees (Article 6)
- The Leader, the Deputy Leader and the Executive (Article 7)
- Regulatory and Other Committees (Article 8)
- The Audit & Standards Committee (Article 9)
- Area Committees and Forums (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)

## **How the Council operates**

The Council is composed of 35 councillors elected every four years. Councillors are democratically accountable to residents of their ward. Their overriding duty is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

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 elects the Leader for a four year term of office. The Leader appoints the Deputy Leader and up to 8 other councillors to form the Executive, known as Portfolio Holders. The Leader decides the areas of responsibility to be allocated to the Portfolio Holders. The Leader is held to account by the Council. Article 7 sets out the arrangements for the appointment of the Leader, the Deputy Leader and the Portfolio Holders.

The Council also appoints councillors to other committees.

The Council has agreed procedures to enable the public to take part in Council meetings by asking the Leader, Portfolio Holders and Chairman of Committees, questions and presenting petitions. The procedures are set out in the Public Speaking Rules at Part 4. The Leader of the Council may make an address on the annual state of the Borough at the meeting of the Council which sets the Council Tax.

### **How Decisions Are Made**

The Leader of the Council is responsible for most day-to-day decisions. These decisions can be delegated to the Executive, individual Portfolio Holders, or officers. When major decisions are to be discussed or made, these are published in the Schedule of Key Decisions in so far as they can be anticipated. This is explained further in the Access to Information Procedure Rules in Part 4.

The Executive meets in public except where personal or confidential matters are being discussed. Decisions have to be made in line with the Council's overall policies and budget. If a decision which is outside the budget or policy framework is required, this must be referred to the Council as a whole to decide.

### **Overview and Scrutiny**

There are 2 scrutiny committees, which support the work of the Leader/Executive and the Council as a whole. They allow residents to have a greater say in Council matters by holding inquiries in public into matters of local concern. These lead to reports and recommendations which advise the Leader/Executive and the Council as a whole on its policies, budget and service delivery. Scrutiny committees also monitor the decisions of the Leader and the Executive. They can call-in a decision which has been made by the Leader or the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the decision maker reconsider the decision. They may also be consulted by the Leader/Executive or the Council on forthcoming decisions and the development of policy.

### **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 code of practice governs the relationships between officers and members of the Council.

## **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. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services, they may have additional rights. These are not covered in this Constitution.

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 a copy of the Constitution on the Council's website or inspect a hard copy at the Council's offices;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- present petitions to Council and ask questions of councillors holding office at meetings of the Council and to make representations about planning applications to the Planning Applications Committee in certain circumstances;
- find out, from the Schedule of Key Decisions, what major decisions are to be discussed or decided by the Leader/Executive, the Council or officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council, the Leader/Executive, the Portfolio Holders and the Council's or Executive's committees;
- complain to the Council about any aspects of its services;
- complain to the 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; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. Citizens may obtain further information on their rights by contacting the Head of Legal & Democratic Services.