

West Suffolk Shadow Council

Summary and Explanation

Interpretation

Throughout this Constitution references to "Shadow Council" mean the Shadow Council which will become West Suffolk Council on 1 April 2019 and references to "Shadow Executive" mean the Shadow Executive established by the Shadow Council to perform executive arrangements.

Introduction

On 24 May 2018, the Secretary of State made regulations which will mean that on 1 April 2019, Forest Heath District Council and St Edmundsbury Councils will be abolished, and their powers, functions and responsibilities will be performed by West Suffolk Council. The regulations created a Shadow Council, which is responsible for preparing for the effective transition of functions to the new West Suffolk Council.

The Shadow Council is composed of 72 councillors appointed in accordance with Section 7 of The West Suffolk (Local Government Changes) Order 2018, hereinafter referred to as "The Implementation Order". Councillors are democratically accountable to residents of their electoral division. The 72 Councillors are those currently elected to Forest Heath District Council and St Edmundsbury Borough Council.

All Councillors meet together as the Shadow Council. Meetings of the Shadow Council are normally open to the public. Here Councillors will decide overall policies and set the budget for the West Suffolk Council. The Council will appoint members of the Shadow Executive, and from the members of the Shadow Executive, the Council will appoint a Leader. It may also appoint committees and delegate its functions to those committees.

Purpose of the Constitution

The Shadow Council has agreed a Constitution which sets out how it operates, how decisions are made and the procedures which are to be followed. The Constitution is made up of:

- Articles – which explain the different parts of the decision-making structure and how the Council will operate;
- Responsibility for Functions – which shows which councillors and officers are responsible for which decisions;
- Rules of Procedure – which set out the way meetings will be run and the procedure for various Council functions; and
- Codes and Protocols – including codes of conduct for councillors and council staff.

The Shadow Council has to exercise its duties and powers in accordance with the law and this Constitution. Set out below is a brief summary of how the Shadow Council works.

Shadow Executive (Cabinet)

The Shadow Executive is the part of the Shadow Council which is responsible for most day-to-day decisions. The Shadow Executive is made up of a Chairman, a Vice-Chairman (known as the Leader and Deputy Leader) and a Cabinet of Councillors. The Shadow Executive will publish a Decisions Plan which shows what decisions the Executive is going to take. The decisions have to be in line with the Implementation Order.

Shadow Council

Some decisions, such as the Council's overall budget and its policy framework, have to be taken by all the councillors meeting together as the Shadow Council.

Scrutiny

There is one Scrutiny Committee which will support and facilitate the work of the Shadow Council in discharging its duty to prepare for the assumption by the West Suffolk Council of full local authority functions and powers on 1 April 2019, as provided in the Implementation Order. Further details are set out in Article 7 and Part 4: Shadow Scrutiny Committee Procedure Rules.

Standards

There is a Joint Standards Committee for West Suffolk comprising members of Forest Heath and St Edmundsbury councils. It is responsible for upholding high ethical standards, including monitoring compliance with the Code of Conduct by all district, borough, town and parish councillors in the area. Further details can be found in Part 2: Article 9 and Part 3: Responsibility for Functions.

Staff

The Shadow Council will have a small number of members of staff, referred to as its officers, who are appointed to ensure that necessary legal duties of the Shadow Council are fulfilled and the Shadow Council has access to appropriate advice. These staff will be employees of the existing Forest Heath District Council and St Edmundsbury Borough Council and they can only make decisions that they are authorised by the law, or this constitution to make.

Duty to Co-operate

Forest Heath District Council and St Edmundsbury Council have worked in partnership to provide a more efficient service for the people of West

Suffolk. The Implementation Order creates a formal duty to co-operate to ensure the efficient, effective and timely transfer of functions, properties, rights and liabilities to West Suffolk. This constitution is based on this duty to co-operate, and confirms how the Councils will work together to ensure the transfer.

The public's rights

Residents of the Shadow Council's area have a number of rights in their dealings with the Council. Some are set out in law, others depend on the Shadow Council's own processes. Article 3 sets them out in more detail, but in brief they include:

- to contact any member of the Shadow Council about matters that concern them;
- access to Shadow Council documents such as this Constitution, policies, the Shadow Executive Decisions Plan, reports, minutes and records of decisions made (subject to limited exceptions for things that the law permits the Shadow Council to treat as confidential);
- the right to attend open meetings of the Shadow Council, Shadow Executive and to speak at those where the Shadow Council's procedures allow public participation; and
- making their views known to the Shadow Council, whether as a comment, complaint or compliment..

The Shadow Council welcomes participation by the public in its work and aims to make its processes as transparent as possible. For further information on your rights, please contact the Shadow Council's Interim Monitoring Officer on e-mail: democratic.services@westsuffolk.gov.uk or telephone: 01284 757162.