

DRAFT CONSTITUTION

Part 1 – Summary and explanation

Introduction

[Forest Heath introductory paragraph]:

Forest Heath District Council is the democratically-elected body that exercises various statutory powers and duties in the district. It is divided into 14 areas known as wards and there are 27 councillors (also known as members) who are elected by the residents of those wards who are on the electoral register to represent them on the Council. Elections take place every four years.

[St Edmundsbury introductory paragraph]

St Edmundsbury Borough Council is the democratically-elected body that exercises various statutory powers and duties in the borough. It is divided into 31 areas known as wards and there are 45 councillors (also known as members) who are elected by the residents of those wards who are on the electoral register to represent them on the Council. Elections take place every four years.

Purpose of the Constitution

The Constitution is a document that sets out the rules and guidance for how the Council makes decisions and carries out its business. It 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 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 Council works.

Cabinet

The Council's decision-making structure is based on the Leader and Cabinet model. The Cabinet (also known as the Executive) will make most of the decisions about how the Council carries out its

business. The Leader is elected every four years by a vote of all councillors and he or she appoints up to *six/nine* *[insert as appropriate]* other councillors, one of whom will also be the Deputy Leader, to sit on the Cabinet and be responsible for particular areas (known as portfolios) of the Council's work.

The Council publishes a Decisions Plan which shows what decisions the Cabinet is going to take that will affect local communities or involve expenditure or savings over a certain level. The Plan also shows what decisions are going to be taken in private and why. There is more detail of how the Cabinet works in *[insert relevant part of Constitution]*.

Full Council

Some decisions, such as the Council's overall budget and its main policies, have to be taken by all the councillors meeting together as the full Council. These meetings take place at least five times a year. More information about the full Council's powers and procedures can be found at *[insert relevant part of Constitution]*.

Regulatory committees

The law gives the Council power to grant consents, licences and so on for such matters as planning and licensing. These powers cannot be decided by the Cabinet and are exercised instead by committees of the Council. What these committees are and what they do is set out in *[insert relevant part of Constitution]*.

Scrutiny

The Council has two committees whose job is to oversee the work of the authority. Overview and Scrutiny Committee can 'call in' Cabinet decisions for examination and it will also help the Council develop its policies. It can set up smaller groups to work on reviews and projects.

The Performance and Audit Scrutiny Committee has responsibility for monitoring the Council's performance. It also audits and makes recommendations for how the Council should spend its budget.

Further details of the work of these committees can be found in *[insert relevant part of Constitution]*.

Standards

There is a Joint Standards Committee comprising members of Forest Heath and St Edmundsbury councils. It is responsible for upholding high ethical standards in West Suffolk, including monitoring compliance with the Code of Conduct by all district, borough, town and parish councillors in the area. Further details can be found at *[insert relevant part of Constitution]*.

Staff

The Council has people working for it, sometimes referred to as 'officers'. They perform a number of different roles, ranging from delivering the Council's services direct to the public, to giving professional advice, implementing decisions and managing the working of the Council. Some officers have specific duties to ensure that the Council acts within the law. Officers operate in a politically neutral way, which councillors must respect. A protocol governs the relationship between councillors and officers. Officers do not vote on decisions made by the Council, Cabinet or its committees.

Joint working

Forest Heath and St Edmundsbury work in partnership to provide a more efficient service for the people of West Suffolk. The Chief Executive, senior managers and most staff work across both authorities. Councillors also work together, for example by holding joint meetings of the Cabinet and scrutiny committees, where they are considering matters relevant to both council areas. The Constitution sets out procedures for these joint meetings.

The public's rights

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

- the right to elect the councillors who will represent them on the Council, and to contact any member of the Council about matters that concern them;
- access to Council documents such as this Constitution, policies, the Decisions Plan, reports, minutes and records of decisions made (subject to limited exceptions for things that the law permits the Council to treat as confidential);

- the right to attend open meetings of the Council, Cabinet and committees and to speak at those where the Council's procedures allow public participation; and
- making their views known to the Council, whether as a comment, complaint or compliment or in response to a consultation.

The 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 Council's Monitoring Officer. *[Link to be inserted in final version]*

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