

Part 1

Summary and Explanation

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The Council's Constitution

South Somerset District Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which 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 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 commits the Council to work with local people and other partners to create a thriving community by providing effective leadership and quality services. Articles 2 – 16 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 meeting (Article 4).
- Chairing the council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The executive (Article 7)
- Regulatory and other committees (Article 8).
- The standards committee (Article 9).
- Area committees (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 60 councillors elected every four years. 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 advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are open to the public. Here councillors decide the Council's overall policies and set the budget each year. The council selects a leader and appoints all Panels and committees, including area committees. It approves the work plan of committees and includes a standing item early in the agenda for public questions. Most decisions in your area are delegated to your area committees.

How Decisions are Made

The District Executive (also known as the Executive) is the part of the Council which is responsible for strategic decisions. The Executive is made up of a leader elected by the Council and a cabinet of 9 councillors who are appointed by the Leader. When major decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive 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.

In order to give local citizens a greater say in Council affairs, 4 area committees have been created. These are responsible for planning, local regeneration schemes and community development in their area. They involve all the district councillors for the geographical area and their meetings are held in public.

Overview and Scrutiny

There is one main Scrutiny Committee with 14 members, appointed in political balance. The Scrutiny Committee has 1 Chair and 2 Vice Chairs, one from each political group. The Scrutiny Committee undertakes the statutory Scrutiny functions such as Policy Development and Review, monitoring the performance of the authority and holding the Executive to account. All non-executive members support the committee and are invited to undertake reviews on a 'Task and Finish Project' basis as directed by the main Scrutiny Committee. The main Scrutiny Committee also has responsibility for managing the Call-in function. The Scrutiny Committee can 'Call-in' a decision that has been made by the Executive but not yet implemented. This enables members to consider whether the decision is appropriate. The Scrutiny Committee may recommend that the Executive reconsider the decision or can, if it wishes, ask Council to debate the issue.

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 protocol (set out in Part 5) 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 Citizens' Advice Bureau can advise on individual legal rights.

Citizens have the right to:

- attend meetings of the Council and its committees such as area committees, District Executive, except where, for example, personal or confidential matters are being discussed;
- speak at area committees, District Executive, Council and other committee meetings;

- see reports and background papers, and any record of decisions made by the Council and Executive;
- contact their local councillor or area committee chairman about any matters of concern to them;
- participate in the Council's question time and contribute to policy reviews;
- make representations to the Regulation Committee when it makes decisions as final arbiter of planning applications;
- find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive, and when;
- complain to the Council about any Council procedure or service which has resulted in feelings of dissatisfaction or injustice;
- 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;
- inspect the Council's accounts and make their views known to the external auditor;
- vote at local elections if they are registered;
- obtain a copy of the Constitution;
- petition to request a referendum on a mayoral form of executive;
- submit a petition under the Council's Petition Scheme (see Part 8)
- exercise rights under the Data Protection Act and Freedom of Information Act. This includes being able to view copies of any document set out in the Council's Publication Scheme.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Jill Byron, District Solicitor & Monitoring Officer, Brympton Way, Yeovil, Somerset BA20 2HT – Tel: 01935 462235.

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More information about the Council can also be viewed on www.southsomerset.gov.uk.