

# **PART 1**

## **INTRODUCTION**

# 1. The Council's Constitution

- 1.1 On 16 May 2017 Chiltern District Council agreed a revised Constitution setting out, amongst other things, how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to residents and tax payers. The Cabinet agreed the revised relating to its functions on 27 June 2017. The Constitution is divided into 15 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 that follow on from the Articles.

## 2. Summary of the Constitution

- 2.1 Article 1 provides that the primary purpose of the Constitution is to assist in the delivery of the Council's key aims and objectives. It recognises the Council's role as a Community Leader and its strategic responsibility for community planning and best value in service delivery.
- 2.2 The remaining Articles 2-15 explain the rights of residents and taxpayers and how the key parts of the Council operate. These are:
- Members of the Council (Article 2).
  - Members of the Public and the Council (Article 3).
  - Full Council Meetings (Article 4).
  - Chairmanship of Full Council. (Article 5).
  - The Cabinet (Article 6).
  - How decisions are scrutinised (Article 7).
  - Regulatory and other Committees (Article 8).
  - Audit and Standards Committee (Article 9).
  - Joint arrangements (Article 10).
  - Officers (Article 11).
  - Decision making (Article 12).
  - Finance, Contract and legal matters (Article 13).
  - Review and revision of the Constitution (Article 14).
  - Suspension, interpretation and publication of the Constitution (Article 15).

### **3. Council**

- 3.1 The Council is composed of 40 councillors elected every four years. Councillors are democratically accountable to the residents of their wards. 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.
- 3.2 The Council has adopted a Code of Conduct dealing with the conduct expected of councillors when undertaking their duties. The Audit and Standards Committee is responsible for promoting and maintaining high standards of conduct by councillors.
- 3.3 The Council's financial year runs from 1 April to 31 March in the following year but the municipal or Council year runs from May to April in each year beginning with the Annual Meeting of the Council. Business will include the election of a Chairman and Vice-Chairmen for the year and the making of appointments to the Cabinet and to the Overview, Audit and Standards, Regulatory and other Committees as well as the approval of a scheme of allowances for councillors. In addition to the Annual Meeting, the Council will meet not less than six times per year to approve the Council's policy framework and budget, set the Council Tax and consider matters reported or referred to it by the Cabinet or the Overview, Audit and Standards, Regulatory and other Committees. There will also be the opportunity for councillors to question members of the Cabinet about the detailed development and implementation of Council policies and the quality and efficiency of Council services for which they are responsible.
- 3.4 Meetings of the Council are open to the public, unless certain prescribed categories of confidential or sensitive information are under consideration.

### **4. The Cabinet**

- 4.1 The Cabinet is the part of the Council which takes the leading role in the development of the Council's plans, policies, strategies and budgets although all of these are subject to the approval of full Council. Following approval by full Council, the Cabinet will largely be responsible for policy implementation. The Cabinet is led by a Cabinet Leader appointed by Council for a term of four years. The Cabinet Leader then selects between two and nine other Councillors to serve on the Cabinet, one of whom is appointed as a Deputy. Following confirmation of appointment, the Cabinet Leader allocates to each of them a range of responsibilities and special interest areas - known as 'portfolios'. The Cabinet Leader also carries portfolio responsibilities.
- 4.2 The Cabinet largely exercises a system of collective decision making and generally meets in public to ensure that it is accountable to residents and taxpayers for its decisions. The only exception to this will be when certain prescribed categories of confidential or sensitive information are under consideration. In addition the Cabinet Leader will prepare and publish on a monthly basis, a notice containing information about key (major) decisions that are likely to be taken by the Cabinet (or officers acting under delegated powers) in the ensuing months. The Cabinet cannot make decisions which are contrary to the Council's

overall policies and budget, without the prior approval of Council, except in cases of urgency, and only then with the consent of the Chairman of the relevant Overview Committee.

- 4.3 In developing and implementing policies, the Cabinet will also be able to call on the experience of the wider membership of the Council by asking the relevant Overview Committee and Policy Advisory Groups for assistance. In such circumstances the Committee and Policy Advisory Groups are required to adjust their Work Programme to accommodate requests for assistance from the Cabinet.

## **5. Overview and Scrutiny**

- 5.1 The Council is required by law to establish at least one Overview and Scrutiny Committee. The Council has established two such Committees (in Chiltern simply called Overview Committees) to scrutinise and support the work of the Cabinet and the Council as a whole together with a separate Audit and Standards Committee. Broadly speaking the functional remit of each Committee corresponds to two or more Cabinet portfolios. Each Committee is led by a Chairman and Vice-Chairman who are appointed by the Council.
- 5.2 The Audit and Standards Committee carries out the strategic internal and external audit functions of the Council, as well as being responsible for maintaining and promoting high standards of conduct.
- 5.3 Each Committee will be responsible for the conduct of Reviews, for policy development and review and for holding the Cabinet to account in its specific areas of responsibility. The aim is to identify opportunities to improve the quality of decision taking and to enhance the accountability of the Cabinet to the Council and the public. Overview Committees will also be able to lead inquiries into local issues and make recommendations to the Cabinet and Council in relation to these. They may also be consulted by Council or the Cabinet in relation to policy development or forthcoming decisions and must be consulted by the Cabinet on the Budget and on the development or review of a number of key strategic policies such as the Sustainable Community Strategy and Development Plan.
- 5.4 Overview Committees are free to develop their own programme of work and have the power to require members of the Cabinet and senior Council Officers to appear before them to answer questions. To strengthen the independence of the scrutiny function, members of the Cabinet are prohibited from also serving as members of Overview Committees and any member of an Overview Committee can propose an issue or topic for consideration by the Committee.
- 5.5 The work of an Overview Committee will usually result in a report or recommendations either to the Cabinet or Council. In addition the Chairman or Vice-Chairman of each Committee has the power to "call in" Cabinet decisions that have been "made but not implemented". This might lead to the Cabinet being asked to reconsider a decision. Alternatively, in certain circumstances, a Committee may request the full Council itself to carry out its scrutiny function in relation to a particularly sensitive or important issue or topic. The Councillor Call for Action provisions are also now in force whereby individual Councillors can refer matters to the Overview and Scrutiny Committees for investigation.

- 5.6 The Services Overview Committee is designated as the relevant overview committee for crime and disorder scrutiny under the Police and Justice Act 2006 (as amended).
- 5.7 Overview Committee meetings will generally be held in public save where certain prescribed categories of confidential or sensitive information are being considered.

## **6. Regulatory and Other Committees**

- 6.1 The Council maintains a number of traditional Committees (as detailed in Part 3 Section G) including Planning, Licensing, Appeals and Complaints and Governance and Electoral Arrangements. For the most part these Committees take decisions in their own right although any recommendations will be reported to the subsequent Council meeting. The Licensing Committee has also established a standing Sub-Committee, the Licensing Sub-Committee to conduct public hearings in relation to alcohol, gambling and regulated entertainment and appeals in relation to hackney carriage and private hire, operator, driver and vehicle licensing.

## **7. Officers**

- 7.1 The Council employs a paid service (the 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. The Council's management structure is described in Part 7 of this Constitution together with a description of the officers' decision making powers. To ensure high standards of conduct all officers have a duty to comply with a Code of Conduct and with the Protocol on Member/Officer Relations, set out in Part 5 of this Constitution. In addition, some officers have a statutory duty to ensure that the Council acts within the law and uses its resources wisely.

## **8. Rights of Residents and Council Taxpayers**

- 8.1 Residents and taxpayers have a number of rights in their dealings with the Council. These are set out in Article 3 of Part 2. Some of these are legal rights, whilst others are granted by the Council in this Constitution.
- 8.2 They include the right to:
  - 8.2.1 vote at local elections, if registered to vote;
  - 8.2.2 to contact the Council about any matters of concern – including submitting a Petition in accordance with the adopted Petition Scheme in Part 9;
  - 8.2.3 to attend meetings of the Council, its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed and it is in the public interest that such information is considered in private;

- 8.2.4 to attend meetings of the Cabinet and any committees of the Cabinet except where confidential or exempt information is likely to be disclosed and it is in the public interest that such information is considered in private;
- 8.2.5 to inspect the 28 Day Notice of the Cabinet to ascertain when key decisions are likely to be made;
- 8.2.6 to have access to agendas and reports and inspect background papers and the record of decisions made by the Council, its Committees and Sub-Committees and the Cabinet except where this would result in the disclosure of exempt or confidential information which on public interest grounds is intended for consideration in private or has been considered in private;
- 8.2.7 to inspect and make copies (usually on payment of an appropriate charge) of the documents listed in Part 8 of this Constitution;
- 8.2.8 to inspect the Council's accounts at the designated time and make their views known to the external auditor;
- 8.2.9 to be consulted about the Council's statutory plans and strategies including the Sustainable Community Strategy, Development Plan and Crime and Disorder Reduction Strategy;
- 8.2.10 when invited to do so, to contribute to the work of an Overview Committee;
- 8.2.11 to participate in, or petition to request, a referendum on a change of governance arrangements;
- 8.2.12 to complain to the Council about any of its services in accordance with the adopted Complaints Procedure as set out on the Council's website at [www.chiltern.gov.uk](http://www.chiltern.gov.uk)
- 8.2.13 to complain to the Ombudsman if they think that the Council is responsible for maladministration but only after they have followed the Council's Complaints Procedure;
- 8.2.14 to complain to the Council's Monitoring Officer if they consider that a councillor of Chiltern District Council or any of its Parishes/Towns has not followed the adopted Code of Conduct or any other Code or Protocol from time to time adopted by their respective Councils which governs the conduct of elected or co-opted members of that Council;
- 8.2.15 to inspect this Constitution and obtain a copy on the payment of an appropriate charge; and
- 8.2.16 to request information in accordance with the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004.

## **9. Access to Information**

- 9.1 The rights of access to meetings by members of the public and the right to inspect reports, background papers and the record of the decisions made are set out in detail in Part 4 of this Constitution. In summary, the Council provides a comprehensive system of public access to all its meetings and the press and public will only be excluded if certain prescribed categories of confidential or sensitive information are under consideration and it is in the public interest that such information is considered in private. Members of the public will also not be entitled to inspect reports or background papers relating to such information.
- 9.2 In addition Part 8 contains a summary of Statutory Rights of Inspection of Documents, including a section on the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Chiltern District Council welcomes participation by the public in its work. For further information about the Council please contact:

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