

# **Part 1**

## **Summary and Explanation**

*[NB This Part is also available as a separate leaflet, for members of the public generally, as well as all major stakeholders, as required by the Local Government Act 2000]*

# Summary and Explanation

## **The Council's Constitution**

The London Borough of Richmond upon Thames has agreed a new 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 provide clear leadership to the community in partnership with residents, businesses and other organisations; support the active involvement of the public in the decision-making process; take decisions efficiently and effectively; identify clearly those responsible for decision making and hold them to public account; and improve the delivery of services to the community. Articles 2 –16 explain the rights of members of the public 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).
- 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/Forums (Article 10).
- Joint arrangements (Article 11).
- Officers/Staff (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 54 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 all their constituents.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct, and is responsible for promoting and maintaining high standards of conduct.

All Councillors meet together as the Council. Meetings of the Council are (normally) open to the public except, very rarely, if confidential or exempt information is being discussed. Here Councillors decide the Council's overall policies and set the budget each year. The Council also appoints the Leader and the Members of the Cabinet, sets up and makes appointments to Overview & Scrutiny and other Committees, and confirms the appointment of the Chief Executive (also referred to as the Head of Paid Service).

## **How Decisions are Made**

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader and a Cabinet of eight Councillors appointed by the Council. When significant decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated. When these significant decisions are to be discussed with Council officers at a meeting of the Executive, this will be open for the public to attend (except where personal or confidential matters are being discussed). The Executive is required by statute to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is contrary to the budget or policy framework, the decision must be referred to the Council as a whole to decide.

## **Overview and Scrutiny**

There are 5 Overview and Scrutiny Committees which complement and support the work of the Executive and the Council as a whole. They monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. Overview and Scrutiny Committees also allow residents and other stakeholders to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. The Committees may also be consulted by the 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' or staff) to give advice, implement decisions and manage the day-to-day delivery of its services. Some staff have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice (or "protocol") governs the relationships between Officers and Members of the Council.

## **Rights of Members of the Public**

Members of the public [a phrase which, throughout this document, refers not only to residents but also to businesses, other organisations and all the Council's partners/stakeholders] 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, for example as a parent of a school pupil, they have additional rights which are not covered in this Constitution.

Amongst other things, members of the public have the right to:

- vote at local elections if they are registered;
  - contact their local Councillor about any matters of concern to them;
  - obtain a copy of the Constitution;
  - attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
  - participate in the Council's question time, speak at Executive, Overview and Scrutiny and other Committee meetings and contribute to investigations by the Overview and Scrutiny Committees;
  - find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive 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 and Executive;
- see certain information about Council Members and Officers that the Council is required to publish (under the Local Government (Access to Information) Act 1985);
- complain to the Council about the way something has been done, or if the Council has failed to do something;
  - 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 processes;
  - complain to the Standards Board for England 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;
- and
- petition to request a referendum on a Mayoral form of Executive.

The Council welcomes participation by members of the public in its work. For further information on how you can contribute and participate, please contact the Head of Democratic Services.

# GLOSSARY OF TERMS

Articles	The basic rules governing the Council's business, which cannot be suspended.
Budget	All the financial resources allocated to different services and projects.
Cabinet	The 8 portfolio-holding Councillors who, together with the Leader, form the Executive.
Call-in	A mechanism which allows Overview & Scrutiny Committees to examine, and challenge, an Executive decision before it is implemented.
Chief Finance Officer	The officer responsible for the administration of the financial affairs of the Council; also known as the Director of Finance and Corporate Services.
Chief Officers	The most senior Council staff – see Article 12 and the Officer Employment Procedure Rules.
Confidential Information	Information either given to the Council by the Government on terms which forbid its public disclosure or which cannot be publicly disclosed by Court Order.
Constitution	A document setting out how the Council operates, how decisions are made and all the procedures that have to be followed.
Co-optee/Co-opted	A non-voting, non-Councillor appointed to serve on a Committee/Sub-Committee in an advisory capacity.
Ethical Standards Officer	An independent officer, appointed by the Standards Board, who investigates allegations that a Member has failed to comply with the Members' Code of Conduct, and associated matters.
Executive	The Leader and the Cabinet; responsible for carrying out almost all of the local authority's functions.
Exempt Information	Information falling into one of 7 categories As set out in Part 2 of Schedule 12A of The Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006: which usually cannot be publicly disclosed – see the Access to Information Procedure Rules.
Forward Plan	A schedule of all the Key Decisions the Executive expect to take over the next 4 months.
Head of Paid Service	The most senior officer, with overall responsibility for the management and operation of the Council; also known as the Chief Executive.
Heads of Service	The officers in charge of the following Departments: Adults; Arts; Building Surveyor; Commercial Environmental Health Cultural Services; Democratic Services; Development and Enforcement; Development and Street Scene; Housing; Human Resources; Information and Communication Technology; Legal Services; Licensing; Policy; Revenues, Benefits and E Government; Parks, Property and Procurement; Residential Services; Specialist Social Services; Sport and Fitness; Trading Standards and Chief Inspector of Weights and Measures and Traffic and Transport.

Joint Committee	A body appointed under Section 101 of the Local Government Act 1972 (e.g. Association of London Government (ALG); ALG Transport and Environment Committee).
Key Decision	A decision by the Executive which is likely either to incur significant expenditure/make significant savings or to have a significant impact on those living or working in 2 or more Wards (sometimes 1 Ward). [The criteria used to identify Key Decisions are set out in the Access to Information Procedure Rules.]
Monitoring Officer	The officer charged with ensuring that everything that the Council does is fair and lawful.
Overview & Scrutiny	Providing support and advice to the Executive by contributing to the review and development of policy; holding the Executive to account by questioning, challenging and monitoring their performance.
Policy Framework	The plans and strategies which have to be adopted by the full Council and in accordance with which the Executive have to operate – see Article 4.
Procedure Rules	Detailed rules which govern how the Council operates and how decisions are taken.
Protocols	Codes of Practice which set out how, for example, various elements of the Council are expected to interact with each other.
Quorum	The minimum number of people who have to be present before a meeting can take place.
Standards Board	A national body, appointed by the Secretary of State, responsible for promoting and maintaining high standards of conduct by Members; considers written allegations that a Member has failed to comply with the Members' Code of Conduct and, if appropriate, refers them to an Ethical Standards Officer for investigation.
Strategic Director	The 4 most senior officers, after the Chief Executive, each of whom is responsible for one of the key themes of the Council's operations: Director of Finance and Corporate Services, Director of Education, Children's and Cultural Services, Director of Adult and Community Services and Director of Environment.
Virement	Moving funds from one area of expenditure to another.