

Part 1

Summary and Explanation

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The Council's Constitution

The Council's decision-making processes seek to ensure:

- accountability;
- transparency;
- effective decision-making;
- community leadership; and
- continuous improvement to services.

The Constitution is divided into **14 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. For instance, the Council's Standing Orders are included in Part 4 – Rules of Procedure.

What is in the Constitution?

Article 1 of the Constitution commits the Council to explain the rights of the public and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- The Public and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- The Executive (Article 6)
- Regulatory and other Committees (Article 7)
- The Standards Committee (Article 8)
- Joint arrangements (Article 9)
- Officers (Article 10)
- Decision making (Article 11)
- Finance, contracts and legal matters (Article 12)
- Review and revision of the Constitution (Article 13)
- Suspension, interpretation and publication of the Constitution (Article 14)

How the Council operates

The Council is composed of **18 Councillors** (referred to as "Members" in this Constitution) elected every four years. The overriding duty and accountability of Members is to the whole community in the Borough, but they have a special duty to the constituents in their Ward, including those who did not vote for them.

Members agree to follow a **Code of Conduct**¹ to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct. The Standards Committee is responsible for assessing and determining complaints that Members have breached the Code of Conduct or local protocol.

All Members meet together as the Council. Meetings of the Council are **open to the public**, although the public may be excluded when exempt or confidential information is to be discussed.² Here, Members decide the Council's overall policies and set the budget each year; agree the Council's main plans, like the Corporate Plan; and approve the Council's contribution as a partner to the Douglas Community Partnership.

Meetings of the full Council reflect the history and traditions of our Borough. The Mayor presides at meetings and acts as the interpreter of the rules of procedure. He/she has the power to control and to regulate the course of debate. In so doing the Mayor must act impartially. The Mayor has a vote and may have a second or casting vote where this is necessary.

The Council is responsible for electing the Leader. The Council is ultimately responsible for holding the Executive to account. The role of the Council is set out in Article 4.

How decisions are made

Most **day-to-day decisions** are made by one of several Committees or senior officers of the Council under delegated authority acting within **policy guidelines** approved by Members.

Committees undertake the development of those policy guidelines. These are the **Housing & Property Committee**, the **Regeneration and Community Committee**, **Environmental Services Committee** and **Executive Committee**. Their respective areas of responsibility are set out in Part 3 of the Constitution, "Delegation and Assignment of Responsibilities."

Meetings of the Council are, by law, publicised well in advance and open to the public, except where personal and confidential matters are being discussed.

The Council's Employees

The Council has employees, by convention known as "**Officers**", to give advice, implement decisions and manage the day-to-day delivery of the Council's Services. The Chief Officers Management Team made up of the Council's Chief Officers and led by the Chief Executive (who also carries out the functions of "Town Clerk" and "Head of Paid Service") ensures that the Council thinks strategically and acts corporately.

To help communication within the Council and between Officers and Members, there are regular meetings between the Chief Officers Management Team and the Council Leader; Committee Chairs and Chief Officers.

¹ The Members' Code of Conduct is set out in Part 5 of this Constitution

² These are defined in the Access to Information Procedure Rules set out in Part 4 of this Constitution.

Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.³

A protocol set out in Part 5 governs the relationships between Members and Officers. It is a relationship based upon mutual respect.

The Rights of the Public

The public have a number of rights in connection with 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.

Members of the public have the right (subject to the payment of the appropriate fee (where applicable) and or any statutory conditions being satisfied) to:

- vote at local elections, if they are registered;
- contact their local Member about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council except where, for example, personal or confidential matters are being discussed⁴;
- inspect agendas and reports except where, for example, a report has been written about a confidential matter⁵;
- complain to the Council under its internal complaints process;
- complain to the Standards Committee if they have evidence which they think shows that a Member has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

Rights of the public to inspect agendas and reports and attend meetings, is available at the Council's offices.

³ These are the Head of Paid Service, and the Director of Finance as the Responsible Financial Officer.

⁴ See the Access to Information Procedure Rules set out in Part 4 of this Constitution Procedure Rules set out in Part 4 of this Constitution.

⁵ See note 4