

# Part 1

## Summary and Explanation

[The Council's Constitution](#)

[What's in the Constitution](#)

[How the Council operates](#)

[How decisions are made](#)

[Overview and Scrutiny](#)

[The Council's Staff](#)

[Citizen's Rights](#)

## **The Council's Constitution**

The Borough Council of Test Valley ("the 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 legislation, while others are a matter for the Council to choose.

### **What's in the Constitution?**

Part 2 of the Constitution contains 15 Articles which set out the basic rules governing the Council's business. Article 1 commits the Council to exercise its powers and duties in accordance with the law and the Constitution, as well as providing community leadership, the involvement of its citizens, transparent and accountable decision making, and the efficient delivery of its services to the community.

Articles 2 – 15 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 Full Council (Article 4)
- Chairing the Council (Article 5)
- The Cabinet (Article 6)
- Overview and Scrutiny Committee (Article 7)
- Regulatory and other Committees (Article 8)
- Area Committees and Forums (Article 9)
- Joint Arrangements (Article 10)
- Officers (Article 11)
- Decision Making (Article 12)
- Finance, Contracts and Legal Matters (Article 13)
- Review and revision of the Constitution (Article 14)
- Suspension, interpretation and publication of the Constitution (Article 15)

Part 3 outlines which meetings or officers are responsible for the Council's functions.

Parts 4 and 5 provide more detailed procedures and codes of practice.

Part 6 details the Members' Allowances Scheme.

Within this Constitution, references to the masculine includes the feminine and vice versa.

## **How the Council operates**

The Council operates a Leader and Executive model, which forms its Executive Arrangements. The Council is comprised of 43 Councillors, also referred to as Members, 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.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The General Purposes Committee oversees training and advises them on the Code of Conduct, as required by the Localism Act 2011.

All Councillors meet together as the full Council. Members of the public are normally welcome to attend meetings of the Council. Here Councillors decide the Council's overall policies and set the budget each year.

The Council will elect

- a Mayor and Deputy Mayor annually;
- the Leader of the Council (herein referred to as the Leader) at the beginning of each term;

and will appoint, usually at its Annual Meeting,

- the Overview and Scrutiny Committee;
- the Development Control Committees;
- the Licensing Committee;
- the General Purposes Committee; and
- such other Committees and adhoc panels as considered necessary.

The following parts of this Constitution constitute the Executive Arrangements:

1. Article 6 (The Cabinet) and the Cabinet Procedure Rules, Part 4;
2. Article 7 (Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules, Part 4;
3. Article 9 (Area Committees and Forums)
4. Article 10 (Joint arrangements)
5. Article 12 (Decision making) and the Access to Information Procedure Rules, Part 4;
6. Part 3 (Responsibility for Functions).

## **How decisions are made**

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader, together with between 2 and 9 other Councillors, who are all appointed by the Leader. When major decisions are to be discussed or made, these are published in the Cabinet's Work Programme in so far as they can be anticipated.

The Cabinet 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 full Council to decide. Meetings of the Council's Committees and the Cabinet are open to the public except where exempt or confidential matters are being discussed.

### **Overview and Scrutiny**

The Overview and Scrutiny Committee supports the work of the Cabinet and the Council as a whole. It allows citizens 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 Cabinet and the Council as a whole on its policies, budget, and service delivery.

The Overview and Scrutiny Committee also monitors the decisions of the Cabinet. In addition, subject to the call-in procedure, Councillors can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables the Overview and Scrutiny Committee to consider whether the decision is appropriate. It may recommend that the Cabinet reconsiders the decision. It may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

### **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 code of practice 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 local Citizens' Advice Bureau can advise on individuals' legal rights.

Citizens have the right to:

- (a) vote at local elections if they are registered;
- (b) contact their local Councillor about any matters of concern to them;
- (c) obtain a copy of the Constitution;
- (d) attend meetings of the Council, its Committees and the Cabinet except where exempt or confidential matters are being discussed, and to participate at such meetings so far as allowed by the Council's Public Participation Scheme in Part 4;
- (e) petition to request a referendum on a mayoral form of Cabinet;
- (f) find out what decisions are to be considered by the Cabinet, and when; and
- (g) complain to the Council about any matter relating to the Council's activities where they feel aggrieved.

The Council welcomes participation by its citizens in its work.