

## **Summary & Explanation**

### **THE COUNCIL'S CONSTITUTION**

The Scarborough Borough Council, ("the Council"), has adopted this 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 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. These are also part of the Constitution.

### **WHAT'S IN THE CONSTITUTION?**

Article 1 of the Constitution commits the Council to delivering efficient, transparent and accountable decision-making. 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)
- The Mayoralty (Article 5)
- Overview and Scrutiny of decisions (Article 6)
- The Cabinet (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 50 Councillors, (Members), elected every four years. Councillors are democratically accountable to 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 Standards Committee advises them on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council also appoints the Leader and Cabinet each year.

### **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 a Leader and 6 Councillors, all appointed by the Council. When major decisions are to be discussed or made, these are published in the Cabinet's Forward Plan in so far as they can be anticipated. The Cabinet meets in public except where personal or confidential matters are being discussed. 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 Council as a whole to decide.

## **OVERVIEW AND SCRUTINY**

There are 5 Overview and Scrutiny Committees, which support the work of the Cabinet and the Council as a whole. They make reports and recommendations to the Cabinet and the Council on its policies, programmes, budget and service delivery. Overview and Scrutiny Committees also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsiders the decision or they may refer the matter to full Council. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy. Overview and Scrutiny Committees also have an important role in overseeing the Best Value process.

## **AREA COMMITTEES**

In order to give local citizens a greater say in Council affairs, 4 Area Committees have been created. These cover the northern, central rural, central urban and southern areas and have an advisory as well as an executive role and a budget to support spending on local services. They involve all the Councillors for each particular area and are held in public. All members of the public living in the areas covered and all organisations and public bodies operating in the areas are entitled to attend, participate in the discussions, and in certain cases to join in voting.

## **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. Officers serve the whole of the Council and all parts of the Borough. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol 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.

Where members of the public use specific Council services, for example, as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections, if they are registered;
- contact their local Councillors about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its Committees and the Cabinet except where personal or confidential matters are being discussed;
- petition to request a referendum on a Mayoral form of executive;
- participate in the question time of the Cabinet and Committees and contribute to investigations by Overview and Scrutiny Committees;
- find out, from the Cabinet's Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or Officers, and when;
- see reports and background papers, and any record of decisions made by the Council, its Committees and the Cabinet;
- complain to the Council if they are not happy with the service they receive from any department;
- 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 Standards Board for England if they have evidence which they think shows that a Councillor has not followed the Member's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Customer Services Officer at the Town Hall, St Nicholas Street, Scarborough, YO11 2HG, telephone number 01723 232304.

**(Note:**

***Text in ordinary type forms part of the Constitution***

***Text in italics is explanatory and not part of the Constitution)***