

PART 1

Summary and Explanation

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The Council's Constitution

Babergh District Council has 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 law, while others are a matter for the Council to choose.

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 at the end of the document.

Glossary

The following words will have the following meaning within this document:-

“Councillor”: means an elected Councillor of Babergh District Council and the word 'Councillor' and the word 'Member' mean the same thing unless stated otherwise.

“Independent Member”: means a person who has been co-opted onto the Standards Committee of the Council and who is not a District Councillor.

“Parish Member”: means an elected Councillor of a Parish Council who has been appointed to the Standards Committee of Babergh District Council.

“Co-optee”: means a person who is not a Councillor and has been appointed to a Task Group, Panel or Committee.

What's in the Constitution?

Article 1 of the Constitution commits the Council to provide a clear and accountable way of making decisions. 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)
- Overview and Scrutiny Committees (Article 6).
- Strategy and Regulatory Committees (Article 7).
- The Standards Committee (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).

How the Council operates

The Council is composed of 43 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 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 is responsible for ensuring Councillors are trained and 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 will appoint and determine the remit of the Committees of the Council and approve the discharge of functions by officers. It will also deal with all functions which it is statutorily required to exercise.

How decisions are made

The overall policy framework and budget of the Council are agreed by full Council. Within that framework decision making will be delegated to the Strategy Committee or to officers. Regulatory Committees exercise a number of functions, including making decisions on planning applications, licensing and most other regulatory business.

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

Overview and Scrutiny

There are two Overview and Scrutiny Committees which support the work of the Strategy Committee and the Council as a whole. They allow citizens to have a greater say in Council matters by holding investigations in public into matters of local concern. These can lead to reports and recommendations which advise the Strategy Committee on policies, budget and service delivery. Overview and Scrutiny Committees also monitor the decisions of the Strategy Committee. They can 'call-in' a decision which has been made but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Strategy Committee or full Council reconsider the decision. They may also be consulted by Strategy Committee 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.

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 on the electoral roll:
(Citizens have the right to vote so long as they are registered as electors on the Electoral Roll. Registration is achieved by completing a Householders' Form every autumn so that it includes the names of all eligible people living at the address at that time, whilst people who move home at other times during the year can apply to register individually by submitting a Voter Registration Form and, providing everything is in order, their details will appear in the monthly update of the Register).
- Have access to information in accordance with the law;
- obtain a copy of the Constitution;
- attend meetings of the Council and its Committees except where confidential or exempt information is being considered.