

# Part 1 - Summary and Explanation

## The Council's Constitution

The Constitution sets out how the City 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 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 (Part 4) and codes and protocols (Part 5) in this document.

## What's in the Constitution?

Article 1 of the Constitution commits the Council to provide clear leadership to the community and to operate efficient, transparent and accountable decision-making processes. Articles 2 to 15 of the Constitution 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 Committee (Article 6)
- The Leader and Cabinet (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)

## How the Council Operates

The Council comprises 39 elected Councillors. 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 Monitoring Officer trains and advises them on the Code of Conduct and where there may be a breach of the Code of Conduct, the Audit and Governance Committee and Monitoring Officer will investigate and take the necessary action.

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.

## How Decisions are Made

The Leader, the Cabinet and Individual Cabinet Members, (collectively known as 'The Executive') are responsible for most day-to-day decisions. The Cabinet is made up of the

Leader of the Council, and five Councillors. When major decisions are to be discussed or made, these are published in the Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive 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**

The Overview and Scrutiny Committee supports the work of the Executive and the Council as a whole. It allows citizens to have a greater say in Council matters by exploring 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 Overview and Scrutiny Committee also monitors the decisions of the Executive. It can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Executive reconsiders the decision although the Executive does not have to change the policy. It 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') 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 protocol on Member/Officer relations 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.

Citizens 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 (accessible on the Council's web-site [www.gloucester.gov.uk](http://www.gloucester.gov.uk));
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committees;
- make deputations and present petitions to the Council;
- find out, from the Forward Plan what major decisions are to be discussed by the Cabinet or decided by the Cabinet, Individual Cabinet Members or officers, and when;
- attend meetings of the Cabinet where decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council the Leader, the Cabinet or individual Cabinet Members;
- complain to the Council about the quality and standard of Council services;

- 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 Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor;
- petition for the formation or abolition of a Parish Council;
- petition for action

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Council's Policy and Governance Manager, whose contact details can be found in Part 8 of this Constitution.