

PART 1

Summary and Explanation

1.1 THE COUNCIL'S CONSTITUTION

Cheltenham Borough Council has adopted a Constitution which sets out how the Council operates, how decisions are made and the procedures which are to be followed to ensure that all decisions are made efficiently, transparently and in a way which is accountable to local people. Some of these processes are required by the law, but many are a matter for the Council to choose.

The Constitution includes sixteen Articles which set out the basic rules governing the Authority's business and [Article 17](#) which contains definitions used throughout the Constitution. Words defined in [Article 17](#) or elsewhere are generally signified by the use of capital letters.

More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

1.2 HOW THE COUNCIL OPERATES

The Council is composed of forty Councillors, with two Councillors representing each of the twenty wards.

Councillors are democratically accountable to the residents of their ward but the overriding duty of Councillors is to the whole community although 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 trains 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 normally meet once every eight weeks and is required by regulations to approve or adopt certain major strategies and plans. Regular time will be set aside for public questions and there will be opportunities for the public to become involved in debate on issues of wider concern. At each meeting there will be an opportunity for Councillors to question the Leader and the Cabinet.

1.3 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 and between three and seven 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. 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 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.

1.4 OVERVIEW AND SCRUTINY

There is one Overview and Scrutiny Committee which supports the work of the Cabinet and the Council as a whole. Overview and Scrutiny 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. Overview and Scrutiny also monitor the decisions of the Cabinet and 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 proper procedure leading to the decision has been followed. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

1.5 AREA COMMITTEES

The Council may, if it wishes, establish area committees including the Borough and County Councillors for various contiguous wards. Resourcing difficulties led the Council in 2004 to decide not to appoint any area committees at present.

1.6 THE COUNCIL'S STAFF

The Council has officers working for it 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.

1.7 RIGHTS OF THE PUBLIC

Members of the public have a number of rights in their dealings with the Council. These are set out in detail in [Article 3](#). Some of these are legal rights, whilst others depend on the Council's own processes. The Council's Monitoring Officer - a statutory officer charged with ensuring that the Council acts lawfully - can advise on individual legal rights.

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

Members of the public have the right to:

- vote at local elections if they are registered as a borough elector
- contact their local Councillor 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 discussed
- petition to request a referendum on a mayoral form of Cabinet
- ask questions at Council and Committee meetings and, when invited, to assist investigations by the 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
- attend meetings of the Cabinet where Key Decisions are being discussed or decided
- see most reports and background papers and any record of decisions made by the Council and Cabinet
- complain to the Council using the Council's complaints procedures
- complain to the local Ombudsman if they think the Council has not followed its procedures properly, but generally only 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

The Council welcomes participation by the public in its work. For further information on your rights, please contact the Monitoring Officer at the Municipal Offices, Promenade, Cheltenham.