

# Part 1

## Summary and Explanation

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## The Council's Constitution

The Constitution sets out how the Council operates, how decisions are made and the procedures that are in place to ensure decisions are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others have been chosen by the Council.

The Constitution comprises 17 Articles that set out the basic rules governing the Council's business, together with more detailed procedure rules, codes of practice and protocols.

## The Constitution

The Council exists to improve the quality of life of people who live and work in the Borough of Reigate and Banstead. Article 1 of the Constitution is intended to assist in the delivery of this objective by providing for clear leadership, enhanced local democracy, accountability and the effective and efficient provision of services.

Articles 2 – 17 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).
- Leader of the Council (Article 6).
- The Executive (Article 7).
- Overview and scrutiny arrangements (Article 8).
- Regulatory and other Committees (Article 9).
- The Standards Committee (Article 10).
- Area committees (Article 11).
- Joint arrangements (Article 12).
- Officers (Article 13).
- Decision making (Article 14).
- Finance, contracts and legal matters (Article 15).
- Review and revision of the Constitution (Article 16).
- Suspension, interpretation and publication of the Constitution (Article 17).

## **The Council**

The Council comprises 51 Councillors with one-third elected three years in four. Councillors are democratically accountable to the 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 Council has a Standards Committee to provide training and advice on the Code.

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:

- appoints the Leader.
- agrees the budget and sets the level of Council Tax for the area.
- approves the framework for the delegation of responsibilities of non-executive functions.
- determines the policy framework.
- deals with issues outside of the policy and budget framework.
- holds the Leader to account by considering matters referred to it by the Overview and Scrutiny Committee.

## **The Leader**

The Leader is responsible for most day-to-day decisions and is appointed by Council for a four year term of office or until his/her term of office as a Councillor expires.

When major decisions are to be discussed or made, these are published in the Leader's Forward Plan insofar as they can be anticipated. Decisions generally are made at meetings (with Council Officers present) and these are open to the public except where personal or confidential matters are being discussed.

The Leader has to make decisions in line with the Council's overall policies and budget. If he/she wishes to make a decision outside the budget or policy framework, this must be referred to the Council as a whole to decide.

The Leader can delegate decisions to the Executive, individual Members of the Executive, committees of the Executive, individual local Members or Officers.

## **The Executive**

The Executive is made up of the Leader, Deputy Leader and a Cabinet of between 1 and 8 other Councillors appointed by the Leader. Executive Members will normally be responsible for a portfolio of services/functions allocated to them by the Leader.

## **Overview and Scrutiny**

The Council has established one Overview and Scrutiny Committee which can appoint ad hoc Panels to support its role. The Committee and Panels assist the work of the Leader/Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations advising the Leader or Executive decision maker and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the decisions under the Executive arrangements. It can 'call-in' an Executive decision made but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Executive decision maker reconsider the decision. It may also be consulted on forthcoming decisions and the development of policy.

## **Other Committees**

The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of the Leader. These are the Planning, Licensing, Regulatory, Standards and Employment Committees.

## **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. Codes of Conduct govern the conduct of Officers and the relationship 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 Article 3. Some are legal rights, whilst others result from the Council's own procedures. The local Citizens' Advice Bureau can advise on individuals' legal rights.

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

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Democratic Services on (01737 276024) or e-mail [democratic.services@reigate-banstead.gov.uk](mailto:democratic.services@reigate-banstead.gov.uk).

A statement of the rights of citizens to inspect agenda and reports and attend meetings is available on the Council's web site or on request.

