

# Part 1 – Summary and Explanation

## THE COUNCIL'S CONSTITUTION

Shropshire Council's Constitution 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 the processes are required by the 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 later on in the document. These rules and protocols may be reviewed and updated should it be necessary to do so.

## WHAT IS IN THE CONSTITUTION?

Article 1 of the Constitution commits the Council to exercising all its powers and duties in accordance with the law and this Constitution.

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 meeting of the full Council (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny Committees (Article 6).
- The Executive /(*Cabinet*) (Article 7)
- Regulatory and other Committees (Article 8)
- [Not in use] (Article 9)
- [Not in use] (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)

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## HOW THE COUNCIL OPERATES

The Council is composed of 74 Councillors elected every four years. Councillors are democratically accountable to residents of their electoral division. 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 are expected to follow a code of conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer has responsibility for training and advising them on the code of conduct.

All Councillors meet together as the Council. Meetings of the Council take place approximately four times per year in addition to the Annual General Meeting and are open to the public unless items to be discussed are of a confidential nature. Councillors decide the Council's overall policies and set the budget each year. The Council will appoint the Leader and hold the Cabinet to account. There will be an opportunity for members of the public to ask questions at Council meetings.

NB. Throughout this Constitution the terms "Leader and Cabinet" or "Cabinet " are used rather than "Executive".

## HOW DECISIONS ARE MADE

The Cabinet together with Officers is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader, who is elected by all Councillors and a Cabinet of up to 9 Councillors appointed by the Leader. When key decisions are to be discussed or made, these are published in the Forward Plan in so far as they can be anticipated. If these key decisions are to be discussed with Council officers at a meeting of the Cabinet, this will be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision outside the budget or policy framework, this must be referred to the Council as a whole to decide.

## OVERVIEW AND SCRUTINY

There are a number of Overview and Scrutiny Committees who support the work of the Cabinet and the Council as a whole. They allow Councillors outside the Cabinet and citizens to have a greater say in Council matters by looking 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 Committees also monitor the decisions of the Cabinet. Members can 'call in' a decision which has been made by the Cabinet (but not yet implemented). This enables the relevant Overview and Scrutiny Committee to consider whether the decision is appropriate and to recommend that the Cabinet reconsider the decision. Overview and Scrutiny Committees may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

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## COUNCIL 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. This is to be found in Part 5 of this Constitution.

## 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.

Where members of the public use specific Council services, for example as a parent of a school pupil, 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 Councillor about any matters of concern to them;
- view a copy of the Constitution on the Councils website;
- attend meetings of the Council, Cabinet and its Committees except where, for example, personal or confidential matters are being discussed;
- submit petitions generally to Councillors or officers on matters of local concern;
- request a local councillor to consider a “Community Call for Action”;
- participate in the Council’s question time and contribute to investigations by the Overview and Scrutiny Committees. An Overview and Scrutiny Committee may invite a member of the public to address it, discuss issues of concern and/or answer questions. Attendance is of course optional;
- find out, from the Cabinet’s Forward Plan, what key decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and comment accordingly;
- attend meetings of the Cabinet where key decisions are being discussed or decided
- see reports and background papers, and any record of decisions made by the Council and Cabinet, either on paper or electronically where reports and decision records are displayed on the Council’s website;

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- complain to the Council about any of the Council's services and any matter for which it has a statutory responsibility. The matter will be dealt with in accordance with the Council's complaints procedure;
- 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 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 its citizens in its work. For further information on your rights as a citizen, please contact the Customer Service Centre on telephone number 0345 678 9000. The rights of Citizens to inspect agendas, reports and attend meetings are set out in Part 4 of this Constitution.