

Article 1 – The Constitution - Summary and Explanation

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The Council's Constitution

This is the Exeter City Council constitution which sets out how the Council operates, how decisions are made, the procedures to ensure decisions 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 sets out the mechanisms and processes that the Council operates to ensure that:

- councillors are able to play a significant role in the work of the City Council and represent their constituents;
- decisions are taken in as open and transparent way as possible;
- the view of residents and stakeholders are recognised as important influences on the way the Council operates and decisions are taken; and
- accountability is enhanced.

Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this constitution.

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How the Council operates

The Council is comprised of 39 Councillors (Members) who serve for four years. One-third of these Councillors' terms of office expire in each of three years out of four.

Councillors are democratically accountable to residents of their Ward. There are 13 wards in the Exeter area. Details of the political composition and Councillors can be found on the [City Council Website](#).

The overriding duty of Councillors is to the whole community, but they have a special duty to the constituents in their ward, including those who did not vote for them.

Councillors must adhere to the Members' Code of Conduct to ensure high standards in the way they undertake their duties. The Council's Audit and Governance Committee monitors the Members Code of Conduct and are responsible for investigating complaints. Any concerns about the conduct of a Member, residents can contact the City Council's Monitoring Officer.

Members must also register and declare certain interests, which can be viewed on the Councillor details, under Register of Interests on the Council's website.

Exeter City Council operates a Leader and Cabinet Governance model. The Cabinet is however referred to at the Council and throughout this constitution as the Executive. This governance model means that the Full Council will appoint a Leader of the Council, who will then appoint up to 9 other Councillors (Portfolio Holders) to the Executive, who are responsible for particular areas aligning with the Council's key priorities and Corporate Plan.

How decisions are made

Full Council

All Councillors meet together at the Full Council meeting which are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints also the Lord Mayor who presides over the Council meetings. Council also appoints Councillors to sit on the various committees through political balance. Should the Lord Mayor not be available, the Deputy Lord Mayor chair Full Council

The Lord Mayor

Exeter is very proud of its Mayoralty which dates back to the year 1200 and can claim to have the third oldest Mayoralty in the country. Exeter was awarded Lord Mayoralty in 2002 by Queen Elizabeth II

Each year, in May, a new Lord Mayor is elected, by fellow councillors, to serve for one year. The Lord Mayor's role is non-political. The Lord Mayor is supported during their year in office by a Deputy Lord Mayor.

The Lord Mayor presides over the Council's meetings, but the Lord Mayor also takes part in many civic ceremonies and functions such as Legal Sunday, Lammas Fair, University Graduations, Legal Sunday etc. On such occasions the Lord Mayor is in full regalia and accompanied by the Mace, Cap and Sword and an escort of Mace Bearers and processes with Honorary Aldermen, past Lord Mayors, Councillors and Freemen.

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Although they elect to support one charity during the year, the Lord Mayor plays an important part in the community life of Exeter and becomes Honorary president of a variety of charitable and other organisations. The Lord Mayor and Deputy Lord Mayor attend, on average, approximately 300-400 functions a year.

The Executive Committee

The Executive Committee is responsible for most day-to-day decisions which are not delegated to officers.

When major decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated. All meetings of the Executive will 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 Full Council as a recommendation.

Scrutiny

The work of Executive is supported by two scrutiny committees and allows citizens to have a greater say in Council matters by allowing members of the public to raise matters at meetings of these committees.

These can lead to reports and recommendations which advise the Executive and the Council on its policies, budget and service delivery issues. Scrutiny committees also monitor the decisions of the Executive. They can, in exceptional circumstances, 'call-in' a decision which has been made by the Executive but not yet implemented and ask that the Executive reconsider the decision. They will usually be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

Delegated Powers

To ensure that business is conducted efficiently and that services are provided to a high standard, the Council, has delegated some powers to Officers, which are outlined in Chapter 2.

Decisions taken by officers carry the same weight as any decision taken by the decision-making body and officers will consider all implications of the decision-making principles prior to taking delegated decisions and must ensure the decision making principles contained within the Access to Information Procedure Rules are adhered to.

The Council's Staff

Officers

The Council's employees (or 'Officers') provide advice, implement decisions, manage and provide the day-to-day delivery of services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. An Officer Code of Conduct governs the relationships between Officers and Members of the Council.

All Officers must comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations. To make certain decisions, Officers must consider finance and legal implications and they must comply with Finance, Contract and Legal Matters.

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The Chief Executive

The most senior Officer is the Chief Executive (Head of Paid Service), who reports to Council on how the Council's functions are co-ordinated, number and grade of Officers required for the discharge of the functions and organisation of Officers. The Chief Executive must ensure access to information in accordance with the Access to Information Procedure Rules.

The Head of Paid Service, is one of three Statutory Roles at the Council and the Chief Executive cannot take on the role of Monitoring Officer.

Monitoring Officer

The Monitoring Officer is the second of three Statutory Roles at the Council and is responsible for maintaining an up-to-date Constitution and will ensure that it is publicly available. The Monitoring Officer provides advice on the scope of powers and has authority to take decisions and in relation to maladministration, financial, impropriety, probity and Budget and Policy framework issues to all Councillors and officers in their respective roles.

The Monitoring Officer also administers the process for determining complaints against Councillors. The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

Chief Finance Office

The Chief Finance Officer is the third of the three Statutory Roles at the Council and is responsible for the financial affairs of the Authority and for publishing financial information to the public, media, and the community.

The Chief Finance Officer provides advice on scope of powers and has authority to take decisions and in relation to maladministration, financial, impropriety, probity and Budget and Policy Framework issues to all Members and officers in their respective roles.

Chief Officers

The Council's Strategic Management Board (SMB) comprises of the following Chief Officers:-

- Chief Executive (Head of Paid Service);
- Strategic Director for Corporate Resources (Chief Finance Officer);
- Strategic Director for People;
- Strategic Director for Place; and
- Strategic Director for Community Services.

The functions and responsibilities which the Council as given to the Chief Officers are listed in the Officer Scheme of Delegation.

Chief Officers are supported by their respective Heads of Service who function on an operational level.

Interpretation and Review of the Constitution

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Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.