

Summary and Explanation

The Council's Constitution

Exeter City Council has agreed a constitution which 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 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 and protocols at the end of the document.

Contents

Article 1 of the Constitution explains the Council's prime goal and the core values it strives to achieve and work within. 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 Council meeting (Article 4).
- Chairing the Council (Article 5).
- Scrutiny of decisions (Article 6).
- The Executive (Article 7)
- Regulatory and other Committees (Article 8)
- Audit and Governance Committee (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 is composed of 39 councillors who serve for four years. One-third of these Members' terms of office expire in each of three years out of four (in the fourth year county councillors are elected). 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 Council's Audit and Governance Committee monitors the code of conduct and is responsible for investigating complaints.

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 also appoints the Lord Mayor and Deputy Lord Mayor, appoints the Leader and members to the Executive and other committees.

How decisions are made

The Executive Committee

The Executive is the part of the Council which is responsible for most day-to-day decisions which are not delegated to officers. The Executive is made up of the Leader of the Council and up to nine other Members, he/she shall appoint. 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. In Exeter it has been decided that 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 Council as a whole to decide.

Scrutiny

There are two scrutiny committees which support the work of the Executive and the Council as a whole. They allow 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.

The Council's Staff

The Council's employees (called 'officers') give 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. A code of practice 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. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services, for example as a council tenant, 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;
- obtain a copy of the Constitution;
- 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 Lord Mayoral form of executive;
- ask questions at all meetings of the Council, Executive and at Scrutiny Committees, with the exception of Annual Council and special meetings subject to giving notice to the Council;
- speak at Planning Committee in support of or in opposition to a planning application, and Tree Preservation Order (TPO) subject to the agreed procedure;
- find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive unless they deal with confidential or private matters;

- use the Council's complaints procedure if unhappy about an aspect of the Council's service;
- 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.

The Council welcomes participation by its citizens in its work. Further information on the public's rights are available from the Council's Democratic Services Section at the Civic Centre, Exeter.