

# **PART 1**

## **SUMMARY AND EXPLANATION**

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### **The Council's Constitution**

Mole Valley District 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 law, while others are a matter for the Council to choose.

The Constitution is divided into 17 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.

### **What is in the Constitution?**

Article 1 of the Constitution commits the Council to providing clear leadership to the community; actively involving residents in decision-making and helping councillors represent their constituents more effectively. Articles 2 to 17 explain the rights of residents and how the key parts of the Council operate.

These are:

- Members of the Council (Article 2)
- Residents and the Council (Article 3)
- The Council (Article 4)
- Chairing the Council (Article 5)
- Scrutiny Committee (Article 6)
- Audit Committee (Article 7)
- The Leader (Article 8)
- The Cabinet (Article 9)
- Regulatory Committees (Article 10)
- The Standards Committee (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)

### **How the Council operates**

The Council is composed of 41 councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty and accountability of councillors is to the whole community in the Mole Valley district, but they have a special duty to their constituents in their ward, 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 ensures Members receive training on the code of conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors set the budget each year, and appoint the Leader, Leader of the Opposition and Deputy Leader of the Opposition, the

Committees of the Council and determine any issues which it is statutorily required to.

### **How decisions are made**

The Leader of the Council is appointed by the Council for a four year term of office (or, until his/her term as a Councillor ends, whichever is earlier). Although the Leader is responsible for Cabinet decisions, in accordance with the Leader's Scheme of Delegation, most of these decisions are made by the Cabinet or senior officers of the Council under delegated authority from the Leader.

The Cabinet is made up of a Leader and a cabinet together, of not fewer than three and not more than ten Councillors (including the Leader) and in accordance with the Leader's Scheme of Delegation the Cabinet is responsible for all strategic policy decisions not reserved to the Council. The Development Control Committee deals with planning applications and the Licensing Committee deals with licences.

Meetings of the Council and its Cabinet and Committees are open to the public except where exempt or confidential matters are being discussed.

### **Scrutiny Committee**

There is one Scrutiny Committee which supports the work of the Council and advises on development of Council policy. The Scrutiny Committee also monitors the decisions of the Council, the Cabinet and its other committees. It can scrutinise or review ("call-in") a decision, which has been made but not yet implemented. This enables the Committee to consider whether the decision has been taken in accordance with the call-in criteria. It may recommend that the Cabinet or the Council should reconsider the decision. The Committee can also review the performance of partner public sector organisations.

### **Audit Committee**

The Audit Committee is responsible for scrutinising the Council's Audit functions, Internal Audit, Risk Management, Treasury Management, Counter-Fraud arrangements and for approving the draft and final statement of accounts.

### **The Council's Staff**

The Council employs staff, known as 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 protocol set out in Part 5 governs the relationships between members of the Council and Officers.

### **Residents' Rights**

Residents have a number of rights in connection with 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 Citizen's Advice Bureau can advise on individuals' legal rights. Where members of the public use specific Council services, they may have additional rights, such as where there is a Council policy. These are not covered in the Constitution.

Residents 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, the Cabinet and committees except where exempt or confidential matters are being discussed - (see Part 4(b) – Access to Information Procedure Rules);
- take photographs, film and audio-record the proceedings, and report on all meetings of the Council, the Cabinet and committees while the meeting is open to the public;
- inspect agendas and reports except where, for example, a report has been written about an exempt or confidential matter;
- petition to request a referendum on the Council's form of governance;
- address petitions to the Council, its Cabinet or Committees as appropriate, and submit questions to the Council or the Cabinet - See Standing Order Nos. 19 and 20 set out in Part 4 Rules of Procedure, Standing Orders that relate to Council and Committees;
- complain to the Council under its complaints procedure;
- complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. They should only do this after using the Council's own complaints procedure;
- complain to the Council's Monitoring Officer, who will deal with the complaint in accordance with the arrangements set out in Part 5 Codes and Protocols, Arrangements for Dealing with Standards Allegations, if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct;
- inspect the Council's accounts and make their views known to the external auditor; and
- make representations about why an Cabinet meeting or part of an Cabinet meeting should be open to the public when notice of an intention to meet in private is published.