

Part 1 Summary and Explanation

1. The Council's Constitution

- 1.1. This document contains East Devon District Council's constitution. It sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that the Council is efficient, transparent and accountable to local people.
- 1.2. The Constitution is divided into 15 Articles. These 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.

2. What's in the constitution?

- 2.1. Article 1 of the Constitution commits the Council to its role as Community Leader, and its twofold strategic purpose to deliver outstanding service and plan for the future of the District.
- 2.2. The Council's Plan confirms that the Council's ambition is to keep East Devon an outstanding place. The four priorities which underpin this ambition are:
 - A Greener East Devon, which prioritises climate change and our natural environment
 - Better Homes and Communities for all with a priority on the importance of good quality, affordable housing suitable in size and location
 - A Resilient Economy bringing prosperity to the district notwithstanding the current challenging circumstances
 - Services that matter to all of us

Articles 2 – 15 explain the rights of citizens and how 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)

The Cabinet (Article 6)

Overview of decisions (Article 7)

Regulatory and other committees (Article 8)

The Standards 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)

3. How the Council operates

- 3.1. The Council is composed of 60 Councillors elected every four years. Details of the Councillors and of the electoral arrangements that applied with effect from May 2003 are set out at the end of Article 2.
- 3.2. Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Code of Conduct is set out in Part 5.1 of this document. The Council's Standards Committee trains and advises District and Parish Councillors on the code of conduct.
- 3.3. 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 elects the Leader of the Council. The Leader appoints the Deputy Leader and other members of the Cabinet. Council appoints the membership of other committees. The Council has ultimate responsibility for reviewing performance of the Cabinet and other committees and may question the decisions made by them.

4. How decisions are made

- 4.1. The Council is the primary body in respect of setting out overall policies (the policy framework) and budgeting and is responsible for ensuring performance review of the Cabinet and other Committees.
- 4.2. The Cabinet is the part of the Council that is responsible for operational decisions. Currently, the Cabinet is made up of the Leader of the Council and 9 other Councillors.
- 4.3. When major decisions are to be discussed or made, these are published in a Forward Plan (in so far as they can be anticipated). Meetings of the Cabinet are generally open to the public except where personal or confidential matters are being discussed.
- 4.4. 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 that is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

5. Overview and Scrutiny

- 5.1. The Council has three Overview and Scrutiny Committees (the Overview Committee, the Scrutiny Committee and the Housing Review Board). The Overview and Scrutiny Committees support the work of the Cabinet and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public inquiries 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. The Scrutiny Committee can call-in a decision which has been made by the Cabinet but not yet implemented. It enables them to consider whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision. It is also the Council's statutory Crime and Disorder Committee. The Overview and Scrutiny Committees may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

- 5.2. Although not strictly part of the Overview and Scrutiny Framework, all Councillors may participate in either the Leader of the Council's or a Portfolio Holder's 'Team', the purpose of which is to engage Members in the discussion and assessment of relevant matters before they are the subject of formal reports to the Cabinet.

6. Other committees

- 6.1. In addition to the Cabinet and the Overview and Scrutiny Committees the Council has appointed a range of other Committees to assist it in carrying out its work. Details of these Committees and Joint Bodies are set out in Part 3, Section 2 of the Constitution.

7. Outside bodies

- 7.1. At the 2012 Annual Council meeting, it was also agreed that formal appointment of councillor representatives to outside bodies will only now be made where the outside body meets one or more of the following criteria:
- a) The Council makes a financial contribution to the outside body;
 - b) There is a clear need for the business of the outside body to be reported back to Council;
 - c) The Council has a partnership relationship with the outside body.
- 7.2. Councillors appointed are required to engage with the relevant Portfolio Holder to ensure information is both fed back, and fed into, each outside body, panel and forum that meets the criteria (a-c) above.

8. The Council's Officers

- 8.1. The Council's officers give advice, implement decisions and manage 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 Protocol governs the relationship between officers and Members of the Council – see Part 5 of the Constitution.

9. Citizen's rights

- 9.1. 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.

9.2. Where members of the public use specific Council services, for example, those relating to planning applications or as a Council tenant, they have additional rights. These are not covered in this Constitution.

9.3. 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, the Cabinet and its committees except where, for example, personal or confidential matters are being discussed. The right to attend meetings of the Council, the committees and the Cabinet, to inspect their agendas, reports and minutes, and the timetable of their meetings for the current Council year are set out in Part 4.2 of the Constitution under the Access to Information Procedure Rules.
- Petition to request a referendum on a mayoral form of executive
- Contribute to investigations by the Overview and Scrutiny Committees
- Find out, from the Cabinet's Forward Plan or website, what major decisions (known as key decisions) are to be discussed/decided by the Cabinet or decided by the officers, and when;
- Attend meetings of the Cabinet where key decisions are being discussed or decided (subject to the proviso that the Cabinet can meet in private to discuss certain confidential/exempt matters)
- See reports and background papers (except where, for example, personal or confidential matters have been discussed), and any record of decisions made by the Council and Cabinet
- Complain to the Council about the standard of service, the actions or lack of action by staff
- Complain to the Local Government 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
- Inspect the Council's accounts and make their views known to the external auditor
- Exercise rights under the Freedom of Information legislation

9.4. The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact: Andrew Melhuish – Democratic Services Manager.