

**The Constitution
of the
Ashford Borough Council**



ASHFORD
BOROUGH COUNCIL

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Part 1

Summary and Explanation

Summary and Explanation

The Council's Constitution

The 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 these processes are required by law, while others were chosen by the Council.

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 at the end of the document.

What's in the Constitution?

Article 1 sets out the purpose of the 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 Full Council (Article 4)
- Chairing the Council (Article 5).
- Overview and Scrutiny Committee (Article 6).
- The Cabinet (Executive) (Article 7)
- Regulatory and other Committees (Article 8)
- The Standards Committee (Article 9)
- Area Committees and Forums (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).

How the Council Operates

The Council is composed of 47 Councillors elected every four years. 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 the residents of 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 trains and advises them on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. At these meetings Councillors decide the Council's overall policies and set the budget each year. The Council will:-

- Elect the Chairman of the Council and the Vice Chairman of the Council who will have the titles of (ceremonial) Mayor and Deputy Mayor respectively and these persons may not be Members of the Cabinet (Executive).
- Elect the Leader for a four year period following local elections. If during the term of office the Leader is unable to continue in that role, the Council will elect a replacement.
- The Leader will determine the size of the Cabinet (Executive) and appoint one of those Members as Deputy Leader.
- Elect the Chairmen of the Council's Overview and Scrutiny Committee, Regulatory Committees, Statutory Committees and Ordinary Committees of the Council.

All decisions at meetings of the Council unless otherwise provided for by statute, are determined by a simple majority.

How Decisions Are Made

The Cabinet (Executive) is the part of the Council which is responsible for most day-to-day decisions. The Cabinet (Executive) is made up of the Council Leader and a Cabinet all of whom are appointed by the Leader. When major decisions are to be discussed or made, these are published in the Cabinet's (Executive's) Schedule of Key Decisions in so far as they can be anticipated. All meetings of the Cabinet (Executive) shall be open to the public except where "exempt" or "confidential information" is being discussed. All other Members of the Council who are not Members of the Cabinet (Executive) are allowed to attend formal meetings of the Cabinet (Executive). The Cabinet (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 to decide.

The Overview and Scrutiny Committee

To achieve enhanced accountability and transparency of the decision making process, effective Overview and Scrutiny is essential. The Council has therefore constituted an Overview and Scrutiny Committee which monitors and may 'call-in' decisions of the Cabinet (Executive) which have been made but not yet implemented. This enables them to consider whether the decision is appropriate and may recommend that the Cabinet (Executive) reconsider the decision or ask the Council to consider it before referring it back to the Cabinet (Executive). In examining these decisions Overview and Scrutiny Committee can hold the Cabinet (Executive) to account or develop and review policy. In this regard they may invite people other than Councillors who are not on the Committee undertaking the review and Council Officers to give evidence. This 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 (Executive) and the Council as a whole on its policies, budget and service delivery.

The Overview and Scrutiny process is therefore about Councillors working together with local people, service partners and community groups to improve policies and services.

Task Groups

Task Groups can be set up by the Council, the Cabinet (Executive) and the Overview and Scrutiny Committee. Task Groups will be established for a specific purpose and then will be disbanded once the task has been completed.

Area Committees and Forums

In order to give local citizens within the Urban largely unparished area of the Borough a greater say in Council affairs, the Council will, where possible and appropriate, establish urban forums. These will be built on current community activity galvanising existing local enthusiasm and Leadership. The Forums will initially be consultative and assist in the development of the Community Strategy in so far as it relates to those separate areas. They will also make recommendations and comment on any other issues which affect them. The Council see the role of local Members as pivotal in leading upon the establishment of forums. Officers will lead, advise and support their efforts as appropriate. In time it is thought that some community forums might seek Parish Council status. This is seen as a natural and positive progression which the Council is prepared for.

The Council's Staff

The Council employs Officers to give advice, implement decisions and manage the day-to-day planning and service delivery of a wide range of functions. 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 Councillors.

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 included upon the current Electoral Register;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council, the Cabinet (Executive) and all other Committees except where, for example, exempt or confidential matters are being discussed;
- petition to request a referendum on a Mayoral form of Executive;
- participate in Council Meetings and in Cabinet (Executive) and all other Council Committee meetings by the presentation of petitions, the asking of questions and the making of general comments, provided such action is in accordance with the Scheme of Public Participation. A copy of the Scheme is set out in Appendix 2 to the Access to Information Procedure Rules as contained in Part 4 of this Constitution.
- contribute to investigations and the development of Council Services by the Overview and Scrutiny Committee;
- find out, from the Cabinet's (Executive's) Schedule of Key Decisions, what major 'key decisions' are to be discussed by the Cabinet (Executive) or decided by the Cabinet (Executive) or Officers, and when;
- see reports and background papers, and any record of decisions made by the Council, its Committees and the Cabinet (Executive) or its Committees unless it is considered that exempt or confidential information may be disclosed;
- complain to the Council about the provision of any of its services; a copy of the Council's Complaints Procedure can be obtained from the Reception Desk at the Civic Centre, or the Tenterden Gateway, or on the Council's website;

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Summary and Explanation

- complain to the Local Government Ombudsman, if they think the Council has not followed its procedures properly. They should only do this, however, after using the Council's own complaints procedure;
- 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. For further information on your rights as a citizen, see Article 3 of this Constitution. A copy of your rights to attend meetings of the Council, and its Committees, the Cabinet (Executive) and its Committees and to inspect and copy documents is contained in the Access to Information Procedure Rules and Appendix 1 in Part 4 of this Constitution.

