

# 1. Summary & Explanation to the Constitution

## 1.1 Purpose of the Constitution

Teignbridge District Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed. These rules ensure that the Council's operates in an efficient and transparent manner and that its councillors are accountable to local people. Some of these are required by law, while others are a matter for the Council to decide.

## 1.2 What's in the Constitution?

Section	Content
1	<b>Summary and Explanation</b> This is the current section which provides an introduction to the Constitution and includes information on the Council's composition and the rights of the public which the Council serves.
2	<b>Members of the Council</b> This section sets out the rights and duties of councillors who are elected to the Council.
3	<b>Decision Making Structure</b> This details the Council's decision making bodies, including terms of reference (which includes their membership and areas of work).
4	<b>Procedural Rules</b> This details the procedural rules that apply to full Council and Committee meetings when they convene to make decisions.
5	<b>Area Committee and Joint Arrangements</b> This details the powers of the Council to set up Area Committees and committees with members from other local government areas (known as Joint Arrangements).
6	<b>Officers and Scheme of Delegations</b> This details the decisions which the Council determines may be made by senior officers within the confines of its adopted policy and budget limits.
<b>Codes, Protocols and Miscellaneous Procedure Rules which apply to the Council</b>	
7	<b>Financial Procedures:</b> (a) Budget and Policy Framework Procedure Rules (b) Financial Instruments (c) Contract Procedure Rules

8	<p><b>Member Procedures</b></p> <ul style="list-style-type: none"> <li>(a) District Councillor Role Definition</li> <li>(b) Call in Procedure for Scrutiny Committees</li> <li>(c) Protocol for Shadow Portfolio Holders</li> <li>(d) Councillor Call for Action</li> <li>(e) Guidance for Planning</li> <li>(f) Allowances Scheme</li> </ul>
9	<p><b>Officer Procedures and Operation</b></p> <ul style="list-style-type: none"> <li>(a) Employment Procedure Rules</li> <li>(b) Management Structure</li> </ul>
10	<p><b>Conduct</b></p> <ul style="list-style-type: none"> <li>(a) Members Code of Conduct</li> <li>(b) Officer and Member Protocol</li> <li>(c) Officer Code of Conduct</li> <li>(d) Anti-Fraud, Theft and Corruption Strategy</li> <li>(e) Whistleblowing Policy</li> </ul>

### 1.3 Interpretation of the Constitution

#### 1.3.1 In applying this Constitution:

- (a) the document is gender neutral
- (b) references to working days shall be to days other than Saturdays, Sundays, bank holidays and 24 December to 2 January (inclusive) and clear working days shall be to full days between and not including the start and end date;
- (c) references to Councillors are to those elected members of the Council although the provisions will apply to co-opted members as appropriate;
- (d) consideration should be given to the purpose of the document which is to enable the Council to:
  - provide clear leadership to the community in planning and delivering services in partnership with citizens, businesses and other organisations;
  - support the active involvement of citizens in the process of local authority decision-making;
  - help Councillors effectively represent their constituents;
  - enable decisions to be taken efficiently and effectively;
  - create a powerful and effective means of holding decision-makers to public account;
  - ensure that no one will review or scrutinise a decision in which they were directly involved;
  - ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
  - provide a means of improving the delivery of services to the community.

#### 1.3.2 The ruling of the Chair of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be

challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution listed above.

- 1.3.3 Other than minor amendment, changes to the Constitution will only be approved by the full Council after consideration of the proposal by Head of Paid Service. With the exception of specific rules of procedure the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance. Individual rules of procedure may only be suspended provided this is to achieve an effect consistent with the purposes of the Constitution above. This might apply, for example, to rules of debate in Council where particular circumstances arise.

## **1.4 The Council and its Councillors**

- 1.4.1 The Council is composed of 47 councillors elected every four years. Councillors are sometime referred to as Members of the Council. The term of office of a Councillor starts on the fourth day after being elected and finishes on the fourth day after the date of the next election.
- 1.4.2 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.
- 1.4.3 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.
- 1.4.4 All Councillors meet together as the Council. The Council sets up smaller groups of councillors making up committees, which form part of the decision making structure of the Council. In addition the Council has an Executive, which is the main decision making committee of the Council. The chair of the Executive is the Leader of the Council. The Leader is appointed by the Council.
- 1.4.5 Meetings of the Council and its committees are normally open to the public. The Council is the paramount authority and sets the policy and the budgetary framework of the Council. This framework sets the limits of the Executive's powers.
- 1.4.6 The Council also provides an opportunity for citizens and Councillors to ask questions and raise issues of broad public interest. For a fuller description of the work of the Council, please see Section 3.

## **1.5 The Executive**

- 1.5.1 The Executive is responsible for day-to-day decisions and most policy decisions unless reserved to Council or otherwise excluded from their areas of responsibility by law. The Executive is made up of the Leader and a cabinet of up to nine councillors who the Leader appoints.

1.5.2 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. If these major decisions are to be discussed with Council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. If the Executive has to make decisions which are outside the budget or policy framework, they must be referred to the Council as a whole to decide. For further information on the Executive, please see Section 3.

## **1.6 Scrutiny Committees**

The Council has committees which assist with decision making, developing new policy and scrutinising decisions made by the Executive. Details of these committees are set out in Section 3.

## **1.7 Regulatory Committees**

Regulatory Committees normally deal with applying legislation and statutory regulations which have a degree of public or environmental protection. Details of these committees are set out in Section 3.

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

The Council has people working for it (called Officers). They provide 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 governs the relationships between Officers and Members of the Council.

## **1.9 Public Rights**

The public has a number of rights in their dealings with the Council. These are largely set down in law and in addition the Council has granted additional rights. They include:

- If included on the electoral roll for the area, to vote and sign a petition to request a referendum for an elected mayor form of Constitution;
- To attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- To find out from the Forward Plan what key decisions will be taken by the Executive and when and whether these will be taken in public or in private;
- To see reports and background papers, and any records of decisions made by the Council and the Executive;
- To inspect the Council's accounts and make their views known to the external auditor;
- To ask questions at meetings and address committees in accordance with the Council's procedural rules;
- To complain about the Council. The Council's service complaints procedure is available at:

<https://www.teignbridge.gov.uk/council-and-democracy/comments-and-complaints/complaints-overview/>. The complaints procedure about councillors should be directed to <https://www.teignbridge.gov.uk/council-and-democracy/district-councillors/conduct-of-local-councillors/>