

## **PART ONE**

# **SUMMARY AND EXPLANATION**

### **Introduction**

The area administered by Tewkesbury Borough Council is predominantly rural by nature. It covers 160 square miles of North Gloucestershire, straddling the M5 and contains a number of key industrial sites. It has a population of approximately 94,900 and 44,500 households. There are 51 Parishes within the Borough, of which 43 are Parish Councils and eight are Parish meetings.

Tewkesbury Borough Council has 38 Councillors and approximately 220 employees.

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

Tewkesbury Borough Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure:

- Accountability.
- Transparency.
- Effective decision-making.
- Community leadership.
- Continuous improvement to services.

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.

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

Article 1 of the Constitution commits the Council to providing clear leadership to the community, actively involving the public in decision-making and helping Councillors represent their Constituents effectively. Articles 2 to 15 explain the rights of the public and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- The Public and the Council (Article 3)
- The Council (Article 4)
- Chairing the Council - The Mayor (Article 5)
- The Overview and Scrutiny Committee (Article 6)
- Executive and other Committees (Article 7)
- Standards Committee (Article 8)
- Area Partnerships (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 38 Councillors elected every four years. The overriding duty and accountability of Councillors is to the whole community in the Borough, but they have a special duty to the constituents in their Ward, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct (set out in Part 5 of this Constitution) 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. The Council decides overall policies, sets the budget each year and agrees the Council's main plans, like the Council Plan and the Medium Term Financial Strategy. The Council appoints and determines the remit of Committees of the Council and approves the discharge of functions by Officers (delegation). It also deals with all functions which it is statutorily required to exercise.

Meetings of the Council are chaired by the Worshipful the Mayor who presides at meetings and acts as the interpreter of the Rules of Procedure. The Mayor has the power to control and to regulate the course of debate and, in so doing, must act impartially. The Mayor has a vote and may have a second or casting vote where this is necessary.

## **How decisions are made**

The overall policy framework and budget of the Council are agreed by the Council. Within that framework and budget, decision-making is delegated to the Executive Committee or to Officers of the Council in accordance with the Scheme of Delegation. In addition to making decisions within the policy framework and budget, the Executive Committee also makes recommendations to the Council on the policy framework and budget.

The Audit and Governance Committee provides assurance on the adequacy of the Council's governance, risk management and internal control environment.

Regulatory functions are dealt with by two Committees, the Planning Committee and the Licensing Committee, which exercise a number of functions, including making decisions on Planning applications, licensing and most other regulatory business.

The Standards Committee comprises seven Borough Councillors, two non-voting independent persons and a non-voting Parish representative.

There are also other ad-hoc Committees as set out in Part 3 of this Constitution.

Meetings of the Council and Committees are open to the public, although the public may be excluded when exempt or confidential information is to be discussed (as defined in the Access to Information Procedure Rules set out in Part 4 of this Constitution).

All Committees may consider the appropriateness of establishing "Task and Finish" Working Groups.

Sub-Committees may be called to exercise the licensing powers and duties of the Council. There are three types of Licensing Sub-Committee: one to determine applications under the Licensing Act 2003 and Gambling Act 2005; one to determine applications for licences and consents, and hold hearings for the suspension or revocation of licences and consents, in respect of Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators; and another to determine applications, variations and revocation of licences under the Scrap Metal Dealers Act 2013.

The Standards Committee can hold a Hearings Sub-Committee to hear cases of alleged breaches of the Code of Conduct of the Borough Council, and its Town/Parish Councils, following a report of the Investigating Officer.

Meetings take place on a quarterly basis to facilitate a line of communication and consultation between Members, Chief Officers Group and the recognised Trade Unions representing staff at the Council Offices. The agenda covers matters relating to workforce plans, staff health and wellbeing, changes to staff policies and examination successes. Matters of policy and conditions, where appropriate, are taken to the Executive Committee for approval after consultation/discussion through the quarterly meetings.

### **Overview and Scrutiny**

There is one Overview and Scrutiny Committee which supports the work of the Executive Committee and the Council as a whole. It reports, and is accountable, to the Council and allows the public to have a greater say in Council matters by holding public inquiries into matters of local interest. These can lead to reports and recommendations which advise the Executive Committee, and the Council as a whole, on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the decisions of the Executive Committee. It can “call in” a decision, which has been made by the Executive Committee but not yet implemented. This enables the Overview and Scrutiny Committee to consider whether the decision is appropriate. It may recommend that the Executive Committee or the Council reconsider the decision. It may also be consulted by the Executive Committee on forthcoming decisions and the development of policy.

### **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. There is a Scheme of Delegation whereby Officers are permitted to make decisions in accordance with previously determined policies. 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 of this Constitution, governs the relationship between Members of the Council and Officers.

### **The Rights of the Public**

The public have a number of rights in connection with their dealings with the Council. These are set out in more detail in Article 3 of this Constitution. Some of these are legal rights, whilst others depend on the Council's own procedures.

In addition to any specific rights as users of any of the Council's services, the public has 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;
- have access, in accordance with the Law, to information held by the Council;
- attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- inspect Agenda and reports except where, for example, a report has been written about a confidential matter;
- petition to request a referendum on a mayoral form of executive;
- participate in Council and other Committee Meetings in accordance with the Council's Scheme of Public Participation and the Scheme for Public Participation at Planning Committee meetings set out in Part 4 of this Constitution;
- complain to the Council under its internal complaints procedure;
- generate a petition under the Council's Petitions Scheme;
- complain to the Local Government and Social Care 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;
- inspect the Register of Members' Interests;
- 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 the public in its work. For further information on your rights as a member of the public please contact Democratic Services Email: [democraticservices@tewkesbury.gov.uk](mailto:democraticservices@tewkesbury.gov.uk)